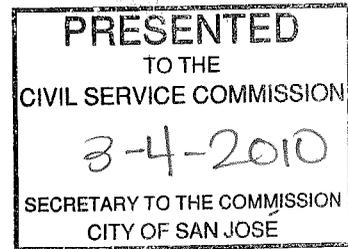




CITY OF SAN JOSE, CALIFORNIA

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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Jon Fitch, Vice Chair
Dave Busse
Peter Soulé
Emily Côté

CIVIL SERVICE COMMISSION Minutes of the Commission January 7, 2010

The Civil Service Commission of the City of San José convened on January 7, 2010, in Room W242, San José City Hall, at 6:41 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Côté

ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Lieutenant Larry Esquivel and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed. The appellant waived his right to a closed session.

Presiding Officer Côté read a letter into the record as follows: "In the Pre-hearing telephone conference in this matter, objections were made to the provision of certain documents to the Commissioners in advance of live testimony on the issues. In order to ensure the protection of the due process rights of the Appellant, when reading the investigative reports included in this packet, please be mindful that questions or statements made by an investigator during questioning which imply that third parties (who may not be testifying as witnesses) made various statements are not evidence".

Opening statements were made by Mr. Hopper and Mr. Brown.

Testimony was heard from Andrew Creelman.

At 8:03 p.m., the Commission recessed and reconvened at 8:17 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Testimony was heard from Heidi Creelman and Jenny M. Creelman.

At 9:11 p.m., the Commission adjourned to January 11, 2010 at 6:30 p.m. to continue to hear the appeal of discipline of Michael Rose, Police Officer (0927).



EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



 Nora Pimentel, CMC, Deputy Secretary

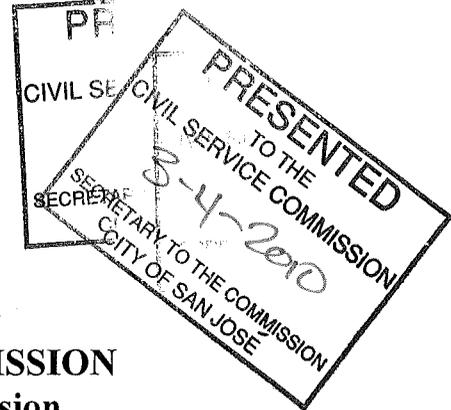


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Emily Côté



CIVIL SERVICE COMMISSION Minutes of the Commission January 11, 2010

The Civil Service Commission of the City of San José convened on January 11, 2010, in Room W242, San José City Hall, at 6:33 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Côté
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Sergeant Kevin Sebree and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Mr. Hopper read Stipulation No. #1 regarding evidence and testimony into the record.

Testimony was heard from San José Police Sergeant Kevin Sebree.

At 7:56 p.m., the Commission recessed and reconvened at 8:31 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Mr. Hopper objected to documents indicating 'ride-along' approvals provided by Mr. Brown were not made a part of the pre-hearing disclosures, were not disclosed in accordance with the Commission's procedures and moved to have them excluded.

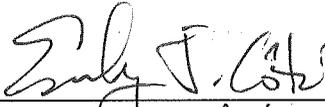
Mr. Brown claimed that the City has had knowledge of them and they should be allowed into evidence. Discussion ensued.

Cote granted the City's motion, but allowed the documents to be used for purposes of impeachment. Mr. Brown entered the documents into evidence for purposes of impeachment and described the San José Police Department Ride-Along documents for the record.

Continued testimony was heard from San José Police Sergeant Kevin Sebree.

Testimony was heard from Sergeant Jarrod Nunez.

At 10:00 p.m., the Commission adjourned to January 14, 2010 at 6:30 p.m. to continue to hear the appeal of discipline of Michael Rose, Police Officer (0927).



EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



Ruth Krantz, Deputy Secretary

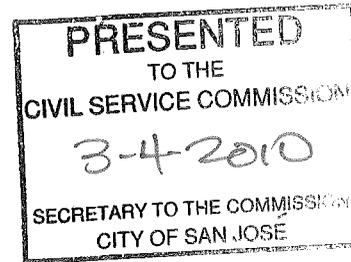


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Peter Soulé
Emily Côté



CIVIL SERVICE COMMISSION Minutes of the Commission January 14, 2010

The Civil Service Commission of the City of San José convened on January 14, 2010, in Room W242, San José City Hall, at 6:37 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Côté
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Sergeant Kevin Sebree and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Mr. Brown stated for the record that the Commission Clerk was provided with his disclosure of witnesses and exhibits as well as his objections to the City's disclosure of witnesses and exhibits. Mr Brown stated that Stipulation No. #3, character letters for the appellant, was distributed to the Commission.

Mr. Hopper stated that Stipulation No. #2, professional background of San José Police Chief Rob Davis, was distributed to the Commission.

Testimony was heard from San José Police Chief Rob Davis.

At 7:51 p.m., the Commission recessed and reconvened at 8:10 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

City's Exhibits No. #1 through #10 were entered into evidence. Mr. Brown's objection to Exhibit No. #3 was noted for the record.

City's Exhibits No. #7 and City's Exhibits No. #9 through No. #11 were entered into evidence.

Testimony was heard from Paige Plumeau, Allen Schultz, Jeffrey Trumbull, James Clayton, Robert Serpico, Vanessa Zeiler, and Brianna Dubois.

Testimony was heard from Andrew Creelman.

At 9:29 p.m., the Commission adjourned to January 26, 2010 at 6:30 p.m. to continue to hear the appeal of discipline of Michael Rose, Police Officer (0927).



EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



Michelle Radcliffe, CMC, Deputy Secretary

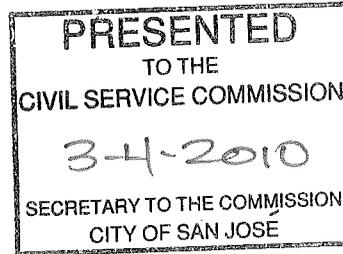


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Emily Côté



CIVIL SERVICE COMMISSION Minutes of the Commission January 26, 2010

The Civil Service Commission of the City of San José convened on January 14, 2010, in Room W242, San José City Hall, at 6:34 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Côté
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Lieutenant Larry Esquivel and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Testimony was heard from Donald Moore, David Patrick Langley, San Jose Police Sergeant Kimberly Hudson, San Jose Police Officer Kevin Clark and Appellant Michael Rose.

At 8:32 p.m., the Commission recessed, at 8:52 p.m. Presiding Officer Emily Cote, Brian Hopper and Craig Brown reconvened in an camera session. At 8:58 p.m., the Commissioners reconvened in open session with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

Continued testimony was heard from Appellant Michael Rose.

At 10:04 p.m., the Commission adjourned to January 28, 2010 at 6:00 p.m. to continue to hear the appeal of discipline of Michael Rose, Police Officer (0927).

EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY

Nora Pimentel

for _____
Nora Pimentel, CMC, Deputy Secretary

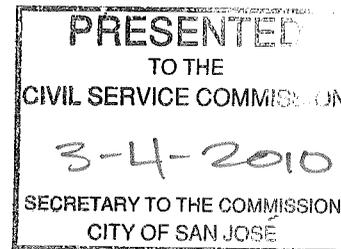


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CIVIL SERVICE COMMISSION

Bill Brill, Chair
Jon Fitch, Vice Chair
Dave Busse
Peter Soulé
Emily Côté



CIVIL SERVICE COMMISSION Minutes of the Commission January 28, 2010

The Civil Service Commission of the City of San José convened on January 28, 2010, in Room W242, San José City Hall, at 6:34 p.m.

PRESENT: Commissioner Brill, Busse, Fitch, Soulé and Côté
ABSENT: None

Presiding Officer Côté stated this meeting had been called to order to hear the appeal of dismissal of Michael Rose, Police Officer. It was determined that the appellant, the appellant's representative, Craig Brown, Senior Deputy City Attorney Brian Hopper, representing the respondent, City of San José, Lieutenant Larry Esquivel and Gina Donnelly, representing the Office of Employee Relations, were present and all parties were ready to proceed.

Continued testimony was heard from Appellant Michael Rose.

Appellant's Exhibits No. #1 through #6 were entered into evidence.

At 7:24 p.m., the Commission recessed and reconvened at 7:37 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

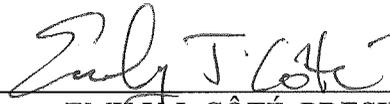
Rebuttal testimony was heard from San Jose Police Officer Rodney LaVelle Daniel.

Closing arguments were made by Mr. Hopper and Mr. Brown.

Upon notice of submission, the Commission entered into Closed Session at 8:35 p.m. to deliberate. The Commission reconvened at 9:06 p.m. with Commissioners Brill, Busse, Fitch, Soulé, and Côté present.

The Commission voted unanimously on all charges. Charges # 1, 4, 5 were upheld. Charge # 2 is not sustained. Charge 3 overall is upheld but not with regard to S1137 non-emergency loading and unloading of firearms. Charge #6 is upheld as to exceeding the maximum number of ride-along but not as to failure to obtain written approval in advance. Charge #7 is upheld specifically with regard to allowing assisting in the pat down. As to the discipline to terminate, that decision was upheld.

The Commission adjourned at 9:08 p.m. to February 4, 2010, at 4:00 p.m.



EMILY J. CÔTÉ, PRESIDING OFFICER

ATTEST:

CIVIL SERVICE COMMISSION
LEE PRICE, MMC, SECRETARY



for Nora Pimentel, CMC, Deputy Secretary