

Joni Brown

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From: Monica Gomez  
Sent: Friday, December 3, 2021 1:36 PM  
To: Jason Ta; Mark Love  
Cc: Shawny Williams; Bobby Knight; Joni Brown  
Subject: Fw: Request for Skelly Hearing & Discovery  
Attachments: 211203 Request for Skelly Hearing & Discovery.pdf

Please see attached request for Skelly hearing.

[REDACTED]

Thank you,

**Monica Gomez**


Executive Secretary to the Chief of Police  
City of Vallejo | Vallejo Police Department  
111 Amador Street, Vallejo, CA 94590  
(707) 648-4540 | [monica.gomez@cityofvallejo.net](mailto:monica.gomez@cityofvallejo.net)

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From: Jessica Delgado [REDACTED]@mastagni.com>  
Sent: Friday, December 3, 2021 11:16 AM  
To: Monica Gomez <Monica.Gomez@cityofvallejo.net>  
Cc: Joshua A. Olander [REDACTED]@mastagni.com>; Renee L. Ramirez [REDACTED]@mastagni.com>  
Subject: Request for Skelly Hearing & Discovery

Good Afternoon,  
Please see the attached correspondence from attorney Joshua Olander.  
Thank you,

**Jessica Delgado | Paralegal**

 **MASTAGNI HOLSTEDT, A.P.C.**  
**Labor and Employment Department**  
**1912 I Street, Sacramento, CA 95811**  
*Main: (916) 446-4692 | Fax: (916) 447-4614*  
*Direct: (916) 318-4645*

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December 3, 2021

***Via Electronic Mail ONLY***

Monica Gomez  
Vallejo Police Department  
Email: [Monica.Gomez@cityofvallejo.net](mailto:Monica.Gomez@cityofvallejo.net)

Re: [REDACTED]  
**Request for *Skelly* Hearing & Discovery**  
**Our File No. LDF/20-1413**

Dear Ms. Gomez:

I will be representing [REDACTED] during his pre-disciplinary (*Skelly*) hearing and any post-disciplinary proceedings regarding the Notice of Intent to Discipline served on my client December 1, 2021. Please accept this correspondence as a formal written request for a pre-disciplinary *Skelly* hearing and the investigation materials upon which it is based.

Prior to any disciplinary proceeding, my client is entitled to any relevant information related to the proposed discipline. Relevant information includes evidence that has any tendency within reason to prove or disprove any disputed fact that is of consequence to the determination of the action or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (See Evidence Code §§ 210, 780, 1202.)

Penal Code section 135.5<sup>1</sup> has expanded the nature of information that must be provided to a public safety officer during any disciplinary proceeding. **It is unlawful to conceal any relevant evidence during the disciplinary process.** Concealment would include knowingly not providing any relevant evidence.

Some information that may not have been relevant to the Department in making the decision to discipline my client, a public safety officer, is relevant to disproving the allegations or mitigating the facts or the level of proposed discipline. Therefore, I have provided a list of information I consider relevant to defending my client from the allegations in the notice of

<sup>1</sup>Penal Code section 135.5 states "Any person who knowingly alters, tampers with, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor."

proposed discipline. Please keep in mind the information I am requesting is in addition to that information that must be provided pursuant to the case of *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194.

While I am in possession of the materials the Department has provided to [REDACTED] I provide this formal request to ensure the Department has in fact provided all of the materials to which [REDACTED] is legally entitled. In light of the aforementioned authorities, I hereby request the following information be provided in advance of the *Skelly* hearing and as soon as possible:

1. A complete copy of [REDACTED] personnel files, including but not limited to his Department file, Divisional file, and Human Resources file.
2. A current copy of all policies and procedures alleged to have been violated by my client.
3. All written reports prepared as a result of the allegations against my client.
4. All investigator notes.
5. All written or recorded statements of any potential witness.
6. All statements or utterances by my client, oral or written, however, recorded or preserved, whether or not signed or acknowledged by my client.
7. All information that could lead to or tends to mitigate the conclusions as set forth in the notice of proposed disciplinary action. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
8. The names and contact information for any witnesses who may have knowledge of the events that caused the discipline to be proposed.
9. All exculpatory or mitigating evidence in the possession of your agency.
10. All information relevant to the credibility of any witness.
11. All potential rebuttal evidence in the possession of your agency.
12. All relevant evidence known or in the possession of your agency.
13. All recommendations from supervisory or management staff that differ or contradict the current conclusions or recommendation of discipline.
14. A copy of any Department or City *Skelly* Hearing manual governing the *Skelly* process and evaluation guidelines for Department employees.

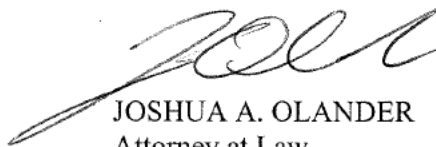
Joshua Olander to Monica Gomez  
Re: Skelly Request  
December 3, 2021  
Page 3

Please treat this request as a continuing request until this matter has been settled or adjudicated. Please notify me when any additional materials are ready and I will make the necessary arrangements to have them picked up. Electronic copies are acceptable.

Thank you for your courtesy and cooperation with the aforementioned requests. If you have any questions, please contact me directly at (916) 599-1701.

Sincerely,

**MASTAGNI HOLSTEDT, A.P.C.**



JOSHUA A. OLANDER  
Attorney at Law

JO/jd

cc: [REDACTED]