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101 SECTION B

## Case shows cop shop's conflicts

The case of Glenn Harper, a retired African-American police lieutenant who has sued the city of San Jose for racial discrimination, has summoned a parade of luminaries this week to the courtroom of U.S. District Judge Edward Davila.

Among the witnesses were City Manager Deb Figone, ex-police Chief Rob Davis and ex-Police Association President Bobby Lopez. Each of them had a comment — Figone had a cameo — in a controversy that has refused to disappear.

A lithe, athletic man with a direct manner that superiors say can sometimes rub people the wrong way, Harper insists he was passed over for promotion to lieutenant at least four times in favor of less qualified applicants. In testimony, he presented himself as a victim of retaliation by his bosses.

In the process, he's laid bare the workings of the cop shop and — no surprise — it's like other workplaces. It has jealousies, rivalries, conflicts and enduring jockeying over the adult world's report card, the performance review.

A jury of six women and two men is expected to get the case late Thursday. I won't try to guess where they'll come down. But here's my take: I think some of the testimony, particularly that from a female cop, has hurt Harper's case badly.

Ironically, Harper was promoted to lieutenant, which involves a pay increase, in 2009. Nonetheless, he contends he lost wages and suffered emotional distress in the seven years he languished as a sergeant. Before he retired, Harper had served more than 25 years as a cop.

### Summer of '07

A lot of testimony has centered on events in July 2007, when Harper was a sergeant in the vice unit and supervised Officer Catherine Unger, who previously had done a stint as the department's telegenic public information officer.

The two clashed. Eventually, Harper was transferred to patrol while the internal affairs unit conducted a probe into allegations that he committed sexual discrimination. That complaint was judged "unfounded."

Meanwhile, then-Lieutenant (and now Deputy Chief) David Hober gave Harper a lousy performance review. Harper's attorney, Patrick Manshardt, has pursued a line of inquiry suggesting that Harper suffered retaliation for raising questions about "too close" a relationship between Hober and Unger.

Unger and Hober have denied there was anything physical between them. And Unger came off as solidly credible in recounting her problems with Harper, saying he once referred to her as a "dumb blonde." (In not the only irony of this case, Unger's hair is now dark.)

### Humiliation

Under questioning by senior deputy city attorney Chris Nielsen, Unger said Harper had singled her out for humiliating remarks more than 20 times. "There were times he apologized and cried," she said. "It happened so often that his crying didn't mean anything."

Harper can argue that the police have very few African-Americans in the command structure. And a retired lieutenant, Gene Phillips, testified he gave Harper a much more favorable job review in 2008.

But when you bring a lawsuit in federal court, when you want the public's money, your own house better be impeccable. That's not the case with Glenn Harper, even if it's impossible to completely subtract the overlay of race in this case.

He's the plaintiff. But in some ways, he's also the defendant.

Contact Scott Herhold at [sherhold@mercurynews.com](mailto:sherhold@mercurynews.com) or 408-275-0917.

## OAKLAND LOOKS TO SAN JOSE FOR CHIEF

# A historic appointment

## First African-American woman selected to lead major fire department

By John Woolfolk and Matt Artz  
Staff writers

The highest-ranking woman in San Jose's fire department Wednesday was named the new fire chief in Oakland, where she was hailed as the nation's first African-American woman to lead a major fire department.

Oakland Mayor Jean Quan said that Assistant San Jose Fire Chief Teresa Deloach Reed will be the first woman to head the Oakland Fire Department in its 142-year history.

"This appointment is an honor for me," said Reed, who has lived in Oakland for 22 years. "This is not just any fire department; this is my fire department. This is the department that I call home."

When Reed, 53, takes over the 590-member department in March, Oakland will join a growing list of Bay Area cities, including San Francisco and Berkeley, to have female fire chiefs. Oakland officials did not say Wednesday what Reed's salary would be.

The announcement came the day after Reed's retirement from San Jose, where she has worked almost 25 years, became official. San Jose

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Oakland Mayor Jean Quan, left, congratulates the city's new fire chief, Teresa Deloach Reed, after a news conference Wednesday at City Hall. Reed is the first woman to head the Oakland department in its 142-year history.

ANDA CHU/STAFF

## DIGITAL LEARNING DAY

# Youths take studies up to the next level



GARY REYES/STAFF

## Students turn their lessons on ancient Rome into video game

Sixth-graders Anthony Rocha, left, and Keith Walker work on a video game Wednesday at Herman Intermediate School in San Jose. Their game was based on their studies on ancient Rome. The school participated in the first national Digital Learning Day sponsored by the Alliance for Excellent Education, Globaloria and the Silicon Valley Education Foundation.

## DEALING WITH PROTESTERS

# Forum examines use of force by UC police

By Matt Krupnick

[mkrupnick@bayareanews.com](mailto:mkrupnick@bayareanews.com)

BERKELEY — Anger, emotion and skepticism marked a UC Berkeley forum Tuesday on last year's use of force by university police against protesters.

The sparsely attended event, organized by the office of the president of the University of California, was meant to help a

UC panel with recommendations on how university police officers respond to protests. The task force was put together after November demonstrations at the Berkeley and Davis campuses led to violence.

Several attendees at Tuesday's event questioned why a university should have a police department at all. Although at least one police

officer attended the forum, he left after students pointed him out to the crowd, which filled only a small fraction of the 730 seats in the Pauley Ballroom.

Police violence has sullied UC Berkeley's reputation, said Deborah Blocker, a professor in the French department.

"It's not a progressive place anymore if it beats students," said

Blocker, who suggested faculty members should have veto power over administrators' police-related decisions.

The university panel was represented by the 10-campus system's top lawyer, Charles Robinson, and UC Berkeley law Dean Christopher Edley. The mostly civil discussion

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## ONLINE EXTRAS » EXPANDED FEATURES ON THE WEB

### Grammys cuts 'roots' music

Join five-time Grammy nominee John Santos and critic Jim Harrington at noon for a live chat. [www.insidebayarea.com/live-chats](http://www.insidebayarea.com/live-chats)



### About 'Body Awareness'

Join theater critic Karen D'Souza as she tweets at 7:45 p.m. [www.twitter.com/KarenDSouza4](https://twitter.com/KarenDSouza4)

### Remembering legendary host

See a slideshow about "Soul Train" host Don Cornelius. [www.contracostatimes.com/extra](http://www.contracostatimes.com/extra)

### They're paid how much?

Find the pay rates for the state's nonprofit hospital executives. [www.mercurynews.com/non-profits](http://www.mercurynews.com/non-profits)