

Does “Diversity” matter in the Fire Service – Great Mall Victim Dies

Please allow me to share one situation where diversity did matter.

- **Russell G. Hayden**
 - Appointed first Black Public Information Officer – San Jose Fire Department
- **Recap of two key events**
 - Firing of black Fire Chief
 - Great Mall homicide caused by a White SJFD Captain
- **Let’s review the latter**
 - San Jose Fire Department off duty Captain shoots a black man at the Great Mall in Milpitas, CA
 - SJFD’s PIO is immediately assigned and dispatched to San Jose Medical Center hospital where the victim was taken
 - A short time later the SJFD Fire Chief assigns the PIO to be the liaison between the victim’s family and SJFD
 - The shooting victim is pronounced dead about 18 hours later
 - From the point of the incident through and post the conviction the PIO was the liaison to the family as well as having to attend all court hearings as well as meeting with the labor union, senior staff, Santa Clara County Black Firefighters Association and other community organizations not to mention the media

In brief having to juggle the interaction of all these groups would be a daunting task for any person – however, having a black PIO presented the following pros and cons.

Let’s review the pros and cons keeping in mind that having a person from a diverse background made this situation better than if not.

- **Pros**
 - Having a black PIO and the family being Black made them feel more at ease in the relationship (the SJFD had to obtain their permission for the PIO to be assigned as the liaison)

- As the founder of the Santa Clara County Black Firefighters Association – it made communication with their organization a more positive issue
- As a member of the fire department local labor union attending all meetings regarding this issue was not an issue as it would have been had I not been a member of the local
- Being assigned as the PIO and already reporting directly to the fire chief – there was already a bond in terms of our working relationship and thus it also gave the other members of senior staff a sense of confidence
- Lastly, in communications with outside organizations such as the NAACP and other local organizations I was able to bridge the communication and trust gap
- **Cons**
 - The SCCBFA often wanted me to provide additional key information which could not be given out – thus at times there would be a rift due to this issue
 - The mostly White supporters often had a mis-trust of me since I was a member of the SCCBFA
 - I myself had to fully engage in my role as liaison to the family and being the PIO

At the end of the day, these are my conclusions:

- Having a person from a diverse background proved to be more helpful than not as it related to the family
- Having a person from a diverse background proved to be more helpful than not as it related to the SCCBFA
- Having a person that was a member of the local proved to be more helpful than not as it related to my membership in the local
- All and all I feel that I was able to bring a sense of compassion as well as other traits to an already tense situation.

Please keep in mind that diversity goes a long way in any organization.

We never know when or how or to what degree having diverse views of looking at a given situation will come into play.

The following is a brief recap of the actual situation:

Victim Dies -- Homicide Charges for Firefighter / Racial overtones in shooting at Great Mall in Milpitas

Maria Alicia Gaura, Chronicle South Bay Bureau Published 4:00 am PDT, Saturday, October 26, 1996:

In a case with racial overtones, charges against an off-duty San Jose firefighter who shot a man outside a Milpitas shopping mall Thursday were upgraded from assault to homicide yesterday after the victim died.

Anthony Lamont Gilbert, 30, of Oakland, was pronounced dead at 5:55 a.m., about 18 hours after he was rushed to San Jose Medical Center with a gunshot wound to the head, according to Milpitas police.

San Jose Fire Department Captain Robert C. Gremminger, 54, is being held in Santa Clara County Jail on suspicion of homicide and possession of a concealed and loaded firearm. A resident of Ben Lomond in Santa Cruz County, Gremminger is a 27-year fire department veteran.

The shooting has angered some Bay Area African American groups, who suspect the incident was spurred by racially motivated vigilantism. Gilbert was African American, and Gremminger, who is white, was recently at the center of a reverse-discrimination lawsuit alleging that African American firefighters in San Jose conspired to cheat on a promotions exam.

However, Judy Gremminger, the suspect's wife of 26 years, said yesterday that her husband drew his gun only because he thought a mall security guard was in danger.

"It's so hard to not say anything when they're slaughtering him in the press," she said, noting that her husband's attorney had advised against making public statements. "He's not a racist -- he's a great guy who just basically felt that the guy was in danger, and he wanted to help him.

"He was trying to do his duty as he saw it, he was trying to help, and it got him in the middle of this terrible predicament," she said. "And now it could bring his whole family down."

The shooting took place as a security guard at the Great Mall of the Bay Area questioned Gilbert and two friends about a suspected shoplifting incident. Gilbert's friends agreed to go back into

the mall and discuss the incident, police said, but Gilbert allegedly attempted to drive away in a black Pontiac Bonneville -- first backing into the security guard's car and then broad-siding another shopper's van before the shooting occurred.

In the midst of the confusion, the security guard told police he heard a loud "pop," and turned to see Gremminger pointing a .38 caliber handgun at the Bonneville's windshield. Gilbert was slumped behind the steering wheel with a visible head wound.

Gremminger, who was at the mall returning a gift, was about 20 feet from the car when he fired a single shot, police said. Police quickly responded to the scene, and Gremminger quietly surrendered, according to John Petersen, vice president and general manager of the mall.

"He (Gremminger) was apparently a totally unrelated third party to what was taking place at the time," Petersen said. "Our officer was just having a discussion with the suspects; it was totally unexpected."

Gremminger was one of 23 plaintiffs in a lawsuit against the San Jose Fire Department. Gremminger claimed that a black firefighter revealed the contents of an up-coming promotions test to him, leading to accusations that minority firefighters were conspiring to cheat on the test. The case was deemed meritless and thrown out in January.

Kevin Taylor, president of the Santa Clara County Black Firefighters Association, told reporters Thursday that Gremminger appeared to have problems with Black people.

Walter Wilson, first vice president of the San Jose branch of the NAACP, said Thursday that his organization will begin its own investigation of the shooting. Neither man could be reached for comment yesterday.

Milpitas Police Department spokeswoman Corporal Sandy Holliday said investigators are trying to determine whether Gremminger was in the path of the Bonneville when he fired, and whether or not a shoplifting incident had taken place.

Initial reports indicated that the security guard was investigating a theft from the mall's Old Navy Clothing store, but a spokeswoman for the Gap, which owns Old Navy, said yesterday that "We don't know what, if anything, was lifted."

"If we strongly suspected that anything was stolen, we would have filed a report," said spokeswoman Beverly Butler. "But we didn't."

Charges have not been filed against Gilbert's two companions, police said.

<https://www.sfgate.com/news/article/Victim-Dies-Homicide-Charges-For-Firefighter-2961312.php>

November 4, 1996

Gremminger, 54, is being held without bail for the Oct. 24 slaying of Anthony Lamont Gilbert of Fremont at the Great Mall of America in Milpitas. ... She also said that if Gilbert's slaying had involved a "black ...

Captain doesn't remember firing gun

November 27, 1996

Gremminger, a white fire captain who unsuccessfully sued the San Jose Fire Department for reverse discrimination last year, is charged in the Oct. 24 shooting death of 30-year-old Anthony Lamont Gilbert, who was ...

February 8, 1997

Gremminger, of Ben Lomond in Santa Cruz County, is charged with fatally shooting Anthony Lamont Gilbert outside the Great Mall of the Bay Area in Milpitas on October 24. Gilbert, of Oakland, was fleeing a ...

March 27, 1997

Judge LaDoris Cordell yesterday said she will decide sometime next month on the charges by attorneys for Robert Gremminger, who is accused with fatally shooting Anthony Lamont Gilbert, suspected of shoplifting, outside a Milpitas shopping mall.

September 17, 1997

Gremminger shot and killed Anthony Lamont Gilbert in October during a confrontation outside the Great Mall in Milpitas. ... Protesters yesterday said Gremminger, who is white, should face the stiffer, ...

October 11, 1997

Robert Gremminger, 55, faces second-degree murder charges in the shooting of Anthony Lamont Gilbert at a Milpitas shopping mall in October 1996. ... Gremminger's lawyer says he fired at Gilbert's moving car to ...

May 13, 1998

Gremminger was convicted in November and sentenced to eight years in prison for the 1996 parking lot shooting of Oakland barber Anthony Lamont Gilbert, who was fleeing from the scene of a suspected shoplifting. ...