Please accept the following questions for this Saturday’s study session relating to the complaint process within the jail for the inmate population. Thanks, Alison Brunner

Questions from Commissioner Alison Brunner
For Jail Complaint Process Study Session

1. Describe all processes/systems that inmates and civilians may use to file complaints/grievances about: Particular correctional officers or other jail staff; Use of excessive force; Physical jail conditions (including punitive conditions such as excessive lockdown, or poor conditions, such as unavailability of water in cell sink); Classification/Housing assignment; Health/mental health services (including lack of access to such services, INCLUDING
   a. How inmates file complaints, including how format complaints may be filed (paper, telephone, etc.), how inmates access those formats, etc.
   b. How inmates are informed of/educated of/and given access to the various complaint methods
   c. For paper grievance forms, how are grievances handled once completed by the inmate? (e.g. are they submitted to correctional officers who are then responsible for transmitting them to another jail staff?)
   d. Who is responsible for ensuring that grievances are properly vetted, investigated, and resolved?
   e. Is there a process by which patterns of similar complaints or complaints against the same person are tracked?

2. How does Internal Affairs receive complaints from inmates and non-inmate civilians?

3. Are complaints filed through the grievance system (e.g. complaints about abuse/ excessive force) ever referred to Internal Affairs for investigation? Describe the process for referral.

4. Describe how the grievance process is made accessible to:
   a. People who speak languages other than English (are grievance forms available in languages other than English? Are responses to grievances translated?)
   b. People who cannot utilize written grievance materials due to literacy level or disability?

5. What policies are in place for protecting the grievance process from bias, including:
   a. Bias on the basis of race, ethnicity, gender, sexual orientation, disability, etc.
   b. Credibility biases against inmates and in favor of corrections staff? (e.g. ensuring that a correctional officer’s account of events is not automatically favored over that of an inmate)
   c. Credibility biases against inmates with mental health disabilities (e.g. ensuring that an inmate’s complaint is not disregarded out of hand because the inmate was experiencing mental health symptoms during a grieved incident or because the inmate filed a grievance that may seem confusing due to mental health symptoms)

6. What policies exist to prevent retaliation against inmates who file grievances?

7. How are complaints around retaliation for grieving handled?
8. What percentage of inmate grievances are credited as true? On what percentage of inmate grievances does the jail take action to address the grieved concern?

9. Is there any quality assurance review/oversight of the grievance system?

10. Aside from the chain of command, are there any other jail staff assigned to review complaints for issues of compliance with state/federal law?

11. Aside from the chain of command, is there any process for tracking grievances/complaints to identify aspects of custody operations which may need improvement or reform?

12. Does the jail report on filed grievances to any state/federal regulatory/oversight agencies? If so, please explain reporting requirements and process.

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152 North Third Street, 3rd Floor
San Jose, California 95112
www.lawfoundation.org
I am making an official demand for all pertinent information relating to Ms O'Neil and the coercion/treatment of courthouse prisoners.

Failure to meet this demand for disclosure will be met with serious legal consequences.

London, England

Sent from my Samsung device
Email
Correspondence
Independent investigations of police lethal force by Walter Katz, San Jose's new IPA


Shared via the Google app

Sent from my iPhone
Here are few acts committed by local government that draw more controversy than a police department’s use of lethal force. Broad cross-sections of the public have lost trust in local law enforcement agencies due to their perception of biased investigations of such deadly-force incidents. This loss of trust can threatens the legitimacy of local law enforcement institutions. Systemic reforms are necessary to regain trust. Generally, the courts are not a vehicle to bring about such reforms absent the active involvement of the Department of Justice. In the current system of shooting investigations, the involved officer’s own agency investigates the fatal use of force before turning the case over to the local prosecutor for review. Is there a more effective way to scrutinize the actions of officers in the United States while still protecting their due process rights? In fact, there are models in other countries which are designed to produce bias-free investigations that enhance public trust in, and the legitimacy of, the government. The various states should look to these other systems and create independent agencies to investigate
and also, where necessary, to prosecute police-related deaths.

An often-told maxim is that a state is characterized by a “monopoly of the legitimate use of physical force.”


That may or may not be true, but the “legitimacy of the use of force is central to the modern concept of governance.”


The traditional point of view of the state’s ability to use force is that without such a monopoly, its capacity to enforce the rule of law and protect its citizens is constrained.


This perspective is reflected in traditional crime control policies that use deterrent threat and increasing severity of sanctions to gain compliance from potential lawbreakers.


One result of such a traditional crime control model, not just in this country but around the world, is that immigrant communities and ethnic minorities become disproportionate targets.


The New York Police Department uses an assertive policing model (which is well known as “broken windows”) that targets low-level quality of life transgressions with the goal of deterring more serious crimes.
Critics of the strategy argue it unfairly singles out minorities. 7

New York City’s Civilian Complaint Review Board (CCRB) found that while African Americans made up 23% of the city’s population, they represented 55% of reported victims of alleged misconduct from 2008 to 2013. 8

Hispanics were 29% of the population and 26% of complainants, while whites were 34% of the population but were only 9% of alleged victims of police misconduct. 9

In 2013, 53% of all complaints were for some form of alleged physical force misconduct. 10

Periodically, the distrust that this perceived targeting engenders boils over. Public dissatisfaction with the current relationship between the police and ethnic minority communities was clearly put on display in 2014 in response to several high-profile killings by police of young African Americans in the United States: most prominently the chokehold death of Eric Garner in New York and the fatal shooting of Michael Brown in Ferguson, Missouri.

The Brown and Garner cases embodied not only general distrust between police and minority communities, but also the loss of the public’s trust in the investigations and reviews of police-involved deaths. 11
When grand juries declined to file criminal charges in both cases, many members of the public did not trust the outcomes, which they saw as tainted by collusion between the police and local prosecutors.  

Opinion polls taken after the deaths of Brown and Garner demonstrate that significant cross-sections of the public do not believe that investigations of police-involved deaths are fair and impartial. In one survey, 76% of African Americans had little confidence in investigations such as the one into Brown’s death.

In another poll, this one by YouGov, less than half — only 42% — of whites “trust[ed] the justice system to properly investigate” police-involved deaths, while a mere 19% of African Americans had such trust in the existing system.

Whether civilians trust the institutions of justice is central to the concept of procedural justice. That is, where the public trusts the process of the justice system, it will confer legitimacy on those institutions.
A significant body of research demonstrates “public perceptions of the fairness of the justice system in the United States are more significant in shaping its legitimacy than perceptions that it is effective.”

Where the public has trust, it will sanction law enforcement with legitimacy; and when it does so, it is signaling that the public’s moral values of right and wrong are aligned with those of its police agencies. Conversely, legitimacy crumbles when civilians are treated unfairly and the public is left with the conclusion that police agencies are not accountable.

The lack of trust is not universal and disagreements over law enforcement too often devolve into vituperative attacks over the character of the police as well as protectors. Such arguments, in turn, “induce disputes” over the appropriate design for accountability mechanisms.

For the most part, the process of investigating police-caused fatalities is opaque to the public. Each lethal use of force by an officer is a homicide and investigators and prosecutors must ask whether it was also a crime. Typically police-involved deaths are subject to a two-track investigation. The first investigation is to determine whether the officer committed a crime. In most large agencies, that investigation is conducted internally by detectives from a homicide squad or by a force investigation team.
This team is primarily responsible for gathering evidence, locating witnesses and conducting interviews — including that of the involved officer, who has the right to invoke his or her right to remain silent. Other agencies — especially smaller ones — will often have a larger neighboring department or a state police agency conduct the criminal investigation.  


Once the investigation is completed, it is forwarded to the local prosecutor who, depending on the jurisdiction, either convenes a grand jury or decides whether to directly file charges against the officer. 

21. Id.

The second investigation is to determine whether the officer violated department policies or tactics. Here, the officer can be compelled to provide a statement; however, such statements cannot be used against him or her in a criminal proceeding.


The focus of this Commentary is on the first-described criminal investigation.

This system of internalized criminal investigations has been criticized for years for its inherent bias. Merrick Bobb, the Executive Director of the Police Assessment Resource Center and one of the most well-known and highly respected advocates for effective police oversight, has argued that bias in shooting investigations appears in many forms. Some investigations are “half-hearted, wherein not all relevant witnesses are interviewed or even attempted to be located, particularly those witnesses who might give testimony unfavorable to the officer.”

23. Merrick Bobb, Civilian Oversight of the Police in the United States, 22 St. Louis U. Pub. L.
Bobb notes that interviewers of involved officers slant investigations by using “softball, open-ended questions” that allow for narrative responses, fail to challenge factual assertions by the officer, and ask leading questions at opportune moments that likely “signal to the officer what he is supposed to say in order to get off the hook.” 24

In other words, in the current investigative system, the involved officer is “not investigated as someone who may have reason to fabricate evidence and lie.” 25

24. Id.


When the investigator and the subject of the investigation are connected to the same organization, there is a natural impulse to interpret evidence in a way that supports the conclusion the interpreter would prefer. 26


This bias is not unique to law enforcement; it is also visible in other fields where a close relationship exists and strong bonds are formed, such as financial auditing. 27

27. Don A. Moore et al., Conflict of Interest and the Intrusion of Bias, 5 JUDGMENT & DECISION MAKING 37, 46 (2010).

Thus where there is a strong affinity with the subject of investigation, “it may be impossible for professionals to fulfill roles that demand objectivity while simultaneously fulfilling roles that demand partisanship.” 28

28. Id. at 47.

Nor are local prosecutors immune from bias. In his critique of the Los Angeles
criminal justice system following the Rampart scandal (which included an officer-involved shooting that paralyzed an unarmed man with no prior criminal record who was then initially sentenced to prison for twenty-three years after officers planted a gun on him), Dean Erwin Chemerinsky identified a culture within the district attorney's office that discouraged asking too many questions about potential misconduct and exhibited a pro-police bias.  

29. Chemerinsky, supra note 25, at 315.

This reflected an “institutional ethic of combat” where gaining convictions was prized over all other qualities.


Chemerinsky noted that even where prosecutors were suspicious of misconduct, they were reluctant to confront officers, since the police were “handing them all the evidence needed to get a guilty plea or conviction.”

31. Id. at 315.

Since most prosecutions rely on maintaining the credibility of the police, when the on-duty actions of officers are under investigation, “prosecutors face ‘an impossible conflict of interest between their desire to maintain working relationships and their duty to investigate and prosecute police brutality.’”


As a result, Professor John Jacobi argues, prosecutions for on-duty conduct are a rarity: “civilian distrust can be traced” to the perception of “a cycle of impunity, by which the reluctance of local government to prosecute bad cops empowers future misconduct and drives communities to regard the police as adversaries instead of protectors.”

33. Id. at 789.
The courts present one possible solution to the problem of biased investigations and rare prosecutions. Limited resources, as well as judicial precedent, however, have made courts an unreliable solution. Federal law prohibits state or local law enforcement officials from “engag[ing] in a pattern or practice of conduct” that deprives persons of rights “protected by the Constitution or laws of the United States.”


The passage of what is commonly known as the “Law Enforcement Misconduct Statute” was partly in reaction to findings by the Christopher Commission in Los Angeles that the LAPD had exercised “lax supervision” and conducted “inadequate investigation[s]” of potential misconduct.


The Department of Justice (DOJ) is empowered to seek injunctive relief to end the misconduct and force reforms of “policies and procedures that resulted in or allowed the misconduct.”


Yet there are approximately 18,000 local agencies in the United States.

38. Bureau of Justice Statistics, U.S. Dep’t of Justice, NCJ No. 233982, Census of State
and, until the summer of 2014, no one outside of eastern Missouri had likely ever heard of Ferguson. The DOJ, however, initiates only about three pattern-and-practice investigations a year.  


When a police department has not caught the attention of the DOJ, which often adopts a “worst-first” strategy that prioritizes large agencies, the remedies are sparse.  


Litigants have not been successful in bringing claims pursuant to 42 U.S.C. § 1983 that allege police agencies are inadequately investigating shootings. Municipal liability attaches only when the municipality has an official policy or custom that causes an unconstitutional deprivation of the plaintiff’s rights.  


The linkage between inadequate investigations and a policy or custom has proven difficult to establish. In Lee v. City of Richmond,  


the U.S. District Court for the Eastern District of Virginia ruled that an inadequate investigation claim requires the same showing as a “failure to train” allegation.  

43. Id. at *23–24.

That is, the inadequacy must have been plainly obvious to city policymakers who were, nevertheless, “deliberately indifferent to the need.”  

44.
The U.S. Court of Appeals for the Seventh Circuit reached a similar conclusion, holding that a plaintiff could not rely on an Illinois grand jury finding that not one of the 783 excessive force complaints made against a sheriff’s department over a five-year period resulted in an indictment to support a claim that the sheriff did not in practice enforce policies against excessive use of force. 45

Private plaintiffs seeking injunctive relief are also unlikely to have success. The Supreme Court has shown great reluctance to using private party injunctive relief to change the investigative practices of police departments. 46

In *City of Los Angeles v. Lyons*, 47

the Supreme Court foreclosed the plaintiff from seeking injunctive relief against the LAPD for the use of chokeholds unless he could demonstrate it was likely that its officers would use a chokehold on him again in the future. 48

In a hypothetical suit to enjoin an agency from conducting inadequate police shooting investigations, it would be extremely difficult for a plaintiff to show that he or she would be impacted by inadequate shooting investigations again in the future. Without access to monetary or injunctive relief, impacted communities will need to wait until the Department of Justice, the “sole authority to initiate structural police reform,” launches a pattern-and-practice investigation. 49

Although the courts may not offer a solution to the problem of police and prosecutorial bias in investigating police-involved deaths, state legislatures may. To pre-
vent further erosion of public trust, state legislatures should move the investigation and prosecution of police-involved deaths to independent agencies. A number of countries have built alternative structures to investigate police-caused deaths. These alternative models, adopted in the United Kingdom, Norway, and Canada, are completely independent from the involved agency and, in some cases, even from the local prosecutor.

The Police Ombudsman of Northern Ireland (PONI) was established by the Police (Northern Ireland) Act 1998 and opened its doors in 2000.

Complaints against the Police Service of Northern Ireland, including allegations of criminal misconduct, are investigated by PONI.

Complaints against the Police Service of Northern Ireland, including allegations of criminal misconduct, are investigated by PONI.

By law, PONI “must [also] investigate all cases of death or serious injury.”

After concluding its investigation, PONI then makes recommendations to the Director of Public Prosecutions who has the discretion whether to file charges.

The Norwegian Parliament created the Norwegian Bureau for the Investigation of Police Affairs in 2004.
The Norwegian government is explicit that, “without adequate control of the police’s use of [its] power, the right to use force could become a threat to legal protection and democracy.”

The Norwegian Bureau is independent of the national police force and is administratively attached to the Ministry of Justice.

It investigates all allegations of criminal misconduct by officers and all instances where someone dies as a result of the police or prosecuting agency’s exercise of their authority and has its own cadre of prosecutors.

The Norwegian Bureau exists to safeguard three objectives: “the right for involved persons to be heard,” the maintenance of “public confidence in procedures,” and the protection of “fundamental rights for citizens and police officers involved.”

Surveys conducted in Europe suggest that residents of countries with independent investigation structures have a higher opinion of their criminal justice systems than similar American surveys have shown. While a direct correlation between the public’s view of the criminal justice system and independent investigations of police use of force is difficult to measure, researchers surveyed attitudes about justice.
systems through the European Social Survey in 2010. The survey asked forty-five questions in twenty-eight countries to measure trust in the police and the courts. 60


The survey designers recognized that “[i]f securing normative compliance with the law is to be a key aim of criminal justice policy, then public trust in the system is required. It is equally important that citizens accept the legal institutions as having a legitimate right to exercise authority.” 61

61. Id.

Unfortunately, there is no similar data from prior to the formation of investigation bodies either in the United Kingdom or in Norway against which to compare the 2010 survey, and the ESS asked no questions directly about lethal force investigations. Nevertheless, the results show that even respondents who identified as belonging to groups that experience discrimination in their respective countries had greater confidence in the police than the amount of confidence that ethnic minorities in the United States have in their police. When surveyors asked those in the United Kingdom who were in groups that had experienced discrimination “how often the police make fair, impartial decisions,” 69.9% responded “often” or “very often,” versus 83.4% of those who had not suffered discrimination. 62


Surveyors also asked whether “[p]olice have the same sense of right or wrong as [the respondent].” United Kingdom residents who were in groups that experienced discrimination were less likely to have a positive response, with just over half (53.3%) agreeing or strongly agreeing with the sentiment versus 70.7% of non-discrimination suffering groups. 63

63.
In Norway there were similar gaps between members of the relatively small group that suffered discrimination and those who were not in such groups; 64

64. Of the subset of groups in Norway that had experienced discrimination, 75.6% believed the police often made fair and impartial decisions. In contrast, 84.0% of those who did not identify as belonging to a discriminated-against group agreed with the sentiment that police made fair and impartial decisions. Id. When asked if police have the same sense of right or wrong, 59.3% of members of groups that had suffered discrimination agreed or strongly agreed with the statement, compared to 73.5% of the rest of those surveyed. Id.

though Norwegians overall expressed greater trust in the police and courts than residents of the United Kingdom. 65

65. See id. (finding that 81.8% of U.K. respondents and 83.6% of Norwegian respondents believed that “police make fair, impartial decisions” “often” or “very often” and that 66.6% of U.K. respondents and 78.5% of Norwegian respondents believed that “courts make fair, impartial decisions based on the evidence available to them” more often than not).

Several Canadian provinces have developed independent agencies to investigate potential criminal conduct by police officers. Ontario’s Special Investigations Unit (SIU) was formed in 1990 and was the first such agency in Canada. 66

66. See MacAlister, supra note 51, at 44. Other Canadian provinces that have since adopted independent investigative bodies include Alberta, Manitoba, Nova Scotia, and Saskatchewan. Id. at 46.

It is a civilian law enforcement agency with jurisdiction to investigate criminal allegations against police officers and incidents resulting in death or serious bodily injury involving the province’s fifty-seven police services. 67


It has a staff of eighty-five and its own forensic investigators, vehicles, and laboratory. 68

68. Organizational Chart, Ont. Special Investigations Unit, http://www.siu.on.ca
The impetus for the formation of SIU was the conclusion reached by the province’s general public that “internal investigations lacked the necessary objectivity required of policing.”  

69. Ont. Special Investigations Unit, supra note 67; see also Police Services Act, R.S.O. 1990, c. P.15, § 113 (Can.).

Recommendations to charge officers are made to the Crown Prosecution Service. In 1999, following repeated challenges by police services and officers reluctant to cooperate with SIU, the Police Services Act was updated with regulations that require the cooperation of officers.  

70. Police Services Act, R.S.O. 1990, c. P.15, § 113 (Can.).

was updated with regulations that require the cooperation of officers.  

71. See Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit, O. Reg. 267/10, § 11(3) (Can.).

The Act also requires that police chiefs secure officer-involved crime scenes and immediately notify SIU of incidents that fall within the SIU’s mandate as lead investigator.  

72. See id. §§ 3–4.

As a result of SIU investigations, charges were laid against fourteen officers in Ontario in 2014 for alleged criminal conduct; four of the incidents were for assaults causing bodily harm or assault with a weapon.  


Independent investigative bodies must exhibit a number of common characteristics to be effective. First and foremost is the ability to investigate potential criminal wrongdoing by officers and to make recommendations for prosecutions that are then evaluated by special prosecutors.  

74.
The independent investigative agency should be open and transparent, independent of any other law enforcement agency, but with unrestricted access to officers and agency records.

It must be given a sufficient budget, the power to issue subpoenas, search warrants and a well-defined jurisdiction and mandate.

Investigators should be granted all the powers of peace officers.

These characteristics should represent the baseline requirements for independent investigative and prosecuting agencies. Remaining details should be left to state legislatures, especially in light of size differences among states and relative capacity of states’ attorneys general to administer such offices. The examples of Northern Ireland, Norway, and Canada should serve as guides for state legislatures in constructing such agencies even though the United States Constitution, unlike the European Convention on Human Rights — of which both the United Kingdom and Norway are signatories — does not impose a duty on states to adequately investigate police-related deaths. Both the United Kingdom and Norway are subject to Article 2 of the Convention, which limits the state’s taking of life through “the use of force which is no more than absolutely necessary.”

In fulfilling the requirements of Article 2, signatory states are inferred to have a duty to ensure “adequate effective investigation of deaths.”

74. MacAlister, supra note 51, at 72.

75. Id. at 72–73, 76.

76. Id. at 74–76.

77. Id. at 75.


Even without such a mandate, states should pursue new ways to independently investigate and prosecute deadly uses of force. 80

80. See Simmons, supra note 5, at 404–08.

States’ adoption of independent agencies that investigate and prosecute police misconduct would clearly improve upon our current system. First, having independent agencies investigate incidents of possible police misconduct would enhance the truth-seeking process. Independent agency investigators would more likely be free of the institutional allegiances and biases that currently color investigations because they would not feel an impulse to protect fellow members of their own organization. Second, these independent agencies would serve an important expressive function that would likely bolster public trust in our institutions of justice. If the public knows that police-involved deaths are investigated and prosecuted by agencies without close ties to police departments, it will likely have more confidence in the results of those proceedings.

Police departments and local prosecutors will likely strongly object to losing control of these sensitive investigations. It should be apparent to legislatures and other stakeholders, though, that the benefits of thorough and unbiased investigations easily outweigh such notions of territorialism. The result will be greater trust in the process and increased legitimacy of the criminal justice system in the eyes of the public.

* Deputy Inspector General, Los Angeles County Office of Inspector General. The views expressed here are my own. Thanks to Stacey Nelson and Prof. Seth Stoughton for comments.

**Tags:** Harvard Law Review Forum, Institutional Design, Local Government

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Albert Cobarrubias Justice Project

Creators of “participatory defense” – a community organizing model for people facing charges, their families, and communities to impact the outcome of cases and transform the landscape of power in the court system.

Officers Who Killed Eric Garner and Mike Brown Walk — Will Cops Ever Be Held to Account in the Courts?

DECEMBER 8, 2014 / ACJPDEBUG

Still images of video of Eric Garner being choked to death by NYPD.
With the no indictment decision of officer Darren Wilson for the killing of Mike Brown, and the the same outcome on the officers who killed Eric Garner, the country is left to wonder: Is it even possible for police to be held accountable in the courts? Retired public defender, and ACJP co-founder, Aram James explores the history and potential possibilities of addressing the questions. In the piece, James cites Supreme Court case law advancing the notion that court proceedings for officers should be public and transparent.

No Indictment, no justice, in the cold blooded killing of unarmed African-American youth Michael Brown by white police officer Darren Wilson. Shortly after, the same no indictment in the New York killing of unarmed African-American father Eric Garner — a death shown around the world on video.

Can we achieve systemic justice in officer involved shootings, and other forms of police murder? Is it possible in this country, given our two tier justice system, one designed for the police and another designed for the rest of us? What are the necessary steps we must take to restore trust in our criminal justice system, when the police seem, rarely, if ever, to be held fully accountable, when they shoot and kill, strangle and tase and brutally beat to death, unarmed people of color, and the poor?

How is it that in 2014, a decision whether to prosecute such a shocking crime, one carried out in broad day light, before numerous witnesses, can be relegated to a secret, behind closed doors, grand jury process? This secrecy is particularly ironic for an incident that has played out so publicly in our media, both here at home and worldwide. Doubly ironic, when mostly peaceful demonstrators, demanding an open flow of information regarding the case, have instead, been met with a martial-law war-zone-like response, from both the police and local government in Ferguson. As more than one commentator has said about closed proceedings: “Democracy itself dies behind closed doors.”

The importance of open proceedings, our supreme court speaks

Our U.S. Supreme Court in Richmond Newspapers INC. v. Virginia (1980) eloquently expressed the importance of open criminal proceedings, and the risks inherent to the public trust, and public safety itself, when such proceedings, instead of being held in the open, are closed off to the public view, and the necessary scrutiny of watchdogs from the community, and the press:

“The historical evidence of the evolution of the criminal trial in Anglo-American justice demonstrates conclusively that at the time this Nation’s organic laws were adopted, criminal trials both here and in England had long been presumptively open, thus giving assurance that the proceedings were conducted fairly to all
concerned and discouraging perjury, the misconduct of the participants, or decisions based on secret bias or partiality. In addition, the significant community therapeutic value of public trials was recognized: when a shocking crime occurs, a community reaction of outrage and public protest often follows, and thereafter the open processes of justice serve an important prophylactic purpose, providing an outlet for community concern, hostility and emotion. To work effectively, it is important that society’s criminal process ‘satisfy the appearance of justice,’ which can best be provided by allowing people to observe such process. From this unbroken, uncontradicted history, supported by reasons as valid today as in centuries past, it must be concluded that a presumption of openness inheres in the very nature of a criminal trial under this Nation’s system of justice.”

Our own Supreme Court’s logic dictates, in fact compels, the conclusion that secret grand juries should be abolished and that public proceeding (preliminary examinations) be the rule in probable cause hearings, in all serious cases, where the determination is made, whether there is sufficient evidence to believe a crime has been committed, and that a particular person has committed such a serious crime, justifying a subsequent jury trial on the charges. This standard of probable cause, in an open setting, should apply to all persons charged with serious crimes, but certainly those involving the police, and others public officials, who hold the public trust. Public officials should be held to a higher level of public scrutiny and accountability, not a lower standard.

If you or I (as ordinary citizens) are charged with a shocking crime, say shooting down an unarmed human being, apparently without provocation, it is extremely unlikely that our potential prosecution will be decided in a secret closed door proceeding (by a criminal grand jury). What is likely is that our guilt or innocence will be played out in a public setting, for all the world to view.

First, we can assume, except in the rare circumstance of a clear case of say self-defense, determined by a prosecutor, early in the process, that we will be arrested, and shortly thereafter brought to an open court proceeding, to enter a plea to the charges. Subsequently, all proceedings in our case, preliminary examination, jury trial, sentencing, etc., will be open to public and press scrutiny. The opposite of the secrecy and government oppression, that most often characterize grand jury proceedings.

To mitigate mistrust of our government, and the police state mentality often associated with our police, and our entire criminal justice system, particularly when they interact with people of color and the poor, we must do away with secret proceedings (grand juries). Secret proceedings that allow the police, in officer involved
shootings, to shield their actions from public accountably. No openness means, more often than not, no justice. We the people, can no longer allow secret proceedings to stand.

As we have seen in Ferguson, one person, the elected prosecutor, in this case, Robert McCulloch, makes the call as to whether to use a secret grand jury, instead of insisting on an open proceeding, such as an open preliminary examination. Such calls (the exercise of prosecutorial discretion) are made by the elected prosecutor in each county.

If we the people are ever to change the two tier system of justice, we must take the time to know our local elected prosecutors, and how they think on the critical criminal justice issues of the day. We must actively participate in their election. If an individual elected prosecutor insists on treating police with prosecutorial kid gloves, we need to vote that prosecutor out of office.

Finally, every district attorney’s office in this country needs to establish a specialized police crimes unit. Such a unit would consist of a district attorney, an investigator, a former criminal defense attorney, and a retired police officer. All members of this unit would be highly trained in best police practices.

The elected district attorney would delegate to this unit the responsibility for prosecuting serious police crimes, with the same prosecutorial skill, equal protection of the law and professionalism as any other serious criminal activity.

In the end, absent our willingness to engage in “participatory justice” where the community is an equal partner with the local prosecutor, the local defense bar, and the local police, we will continue to hear the cries of injustice go unanswered in officer involved shootings, and other acts of police brutality.

Uncategorized

One thought on “Officers Who Killed Eric Garner and Mike Brown Walk — Will Cops Ever Be Held to Account in the Courts?”

1. allchuckallthetime
   December 8, 2014 at 2:54 AM
Dear Aram James–

You want to know when it will be safe to trust the cops? You want to know what the next steps are?

Not till the killers give up their guns.

It’s worse than all the hand wringing and outrage. We’ve complacently blinded ourselves into thinking: “Gee this is bad. We have to do something.”

No! White People. Get a clue. This already done been beyond bad for centuries now. It IS BETTER for black folk now than in slavery times. But it’s nowhere near justice or the law or the Constitution. It IS time to wake up and smell the slaughter.

It just continues and continues and now in Cleveland another young, innocent, child (12 year old) of color with a toy gun was too-quickly and thoughtlessly killed and what do you think the chances are this grand jury is going to find plenty of “reason” not to indict the white cop with the hair-trigger finger? Like with Mike Brown. And Eric Garner. There’s ALWAYS a reason not to punish the killer cop.

It’s time to admit Cops ARE Rogue. They don’t sometimes GO rogue. They are cowboys with a license to kill and hi tech equipment and training to do it with. Many also are full of coffee, anger, personal problems, and yes– some brimming with racial hatred.

It doesn’t just “happen.” Cops DO murder every week. In all parts of the country. In New York it is not uncommon for cops to kill a kid of color with multiple gunshots in the back and then claim “self defense.”

We must all go to demos and publicly display our hands up, speak clearly and loudly when we say “I can’t breathe” and not stop until the cops hand in their guns and try policing without guns like the REAL tough guys in the U.K. do.

Cops have to give up their guns from NOW until they demonstrate that they are responsible gun carriers. Unfortunately now there is WAY too much evidence to the contrary. It’s all over the airwaves and in the press every day. WAY beyond the FBI crime statistics. Black people know. Whites can remain ignorant but black people know.

This is not an idea or a request. This is an absolute and immediate need. The killing will not stop until the killers give up their killing sticks.
Send this message to every police chief, legislator, and elected official you can think of. Don’t stop until there has been one month without a child of color killed by a white cop.

Or you can do nothing and cast your personal vote for more of the same killing that we have been enduring for FAR TOO LONG!!

REPLY
US Mail
Correspondence
Good afternoon,

Please see the attached Correspondence received by our office regarding the Blue Ribbon Commission.

Thank you,

Jessica Schmidt
Office Specialist III- Confidential Clerk
Clerk of the Board
70. W Hedding St 10th Floor
San Jose, CA 95110
October 27, 2015

885 N. San Pedro St.
San Jose, CA 95110

RE: Claimant: [Redacted]
Date of Loss: 9-23-2015
Our Claim No.: [Redacted]
Board of Supervisors’ No.: [Redacted]

Dear Ms. [Redacted]:

Our office investigates incidents and claims alleged against the County of Santa Clara.

On October 16, 2015 you filed documents with the Clerk of the Board of Supervisors, who sent them to our office for review and action. We acknowledge receipt of your documents and have setup a file for follow-up activity.

The adjuster handling this file is Ted Althausen. You may reach him at the above address and at his direct telephone number (408) 441-4345. Once our review process is complete, you may expect a formal written response to your claim submission.

Very truly yours,

ESA Liability/Property Claims Department

TA: m

CLAIM AGAINST THE COUNTY OF SANTA CLARA

Please submit the completed form to the Clerk of the Board of Supervisors, 70 W. Hedding St., East Wing, 10th Floor, San Jose, CA 95110

Please attach additional pages as needed.

FOR CLERK'S USE ONLY

1. Claimant's full name: [Redacted]

2. Claimant's telephone number: 

3. Claimant's mailing address: 150 WEST HEDDING ST, SAN JOSE, CA

4. Mailing address to which notices are to be sent, if different from 3:

5. Date of the incident or loss: 9.23.15 & 9.12.15

6. Location of the incident or loss: SANTA CLARA D.O.C. MAIN JAIL

7. Describe how the incident or loss happened and the reason why you believe the County of Santa Clara is liable for your damages: BURNING STICKS, FEAR OF PHYSICAL HARM, THEN AFTER THE FILING OF A GRIEVANCE IT'S STATED THAT MY PAPERWORK WENT 60 SH**T TO HIM. GRIEVANCE FILED ON 10-13-15

8. Describe the injury, damage, or loss: HARASSMENT & THREAT OF PHYSICAL HARM, ANY VIOLATION, VIOLATION OF POLICY AND PROCEDURE, SECTION 14.03.029(K)(II) P.C.

9. If a public employee is involved in the injury, damage, or loss, provide name if known: [Redacted]

10. Name of witness, if any: 

11. If the claim is for less than $10,000, state the total amount of the claim: $50,000.00

List the items totaling the amount of the claim:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

12. If the claim is for more than $10,000, is the amount over $25,000? Yes [X] No

Signature of Claimant or Representative

Date

Any person who, with the intent to defraud, presents any false or fraudulent claim may be punished either by imprisonment or fine, or both. See section 72 of the Penal Code.
GOVERNMENT TORT CLAIM FORM

CLAIM AGAINST ____________________________ (NAME OF PUBLIC ENTITY).

1. CLAIMANT'S NAME: ____________________________

2. CLAIMANT'S MAILING ADDRESS: 150 WEST HEJDING ST

ADDRESS

SAN JOSE CA 95110-1718

(CITY) (STATE) (ZIP CODE)

3. AMOUNT OF CLAIM: $ __________.00

IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS ($10,000), THE AMOUNT
OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE
TYPE OF CIVIL CASE:

☐ LIMITED CIVIL CASE ($25,000 OR LESS)

☒ NON-LIMITED CIVIL CASE (OVER $25,000)

4. ITEMIZATION OF CLAIM: (How was the amount claimed above computed; list items totaling
amount set forth above, including damages for pain and suffering, if applicable). IF YOU HAVE
SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.),
PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Violation of Santa Clara C.O.C. Policy &amp; Procedure 14.01-03(G)(11)</td>
<td></td>
</tr>
<tr>
<td>☐ 1st Amendment Retaliation</td>
<td></td>
</tr>
<tr>
<td>☑ Penal Code 147</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>☑ Civil Code 3258, 3275</td>
<td></td>
</tr>
</tbody>
</table>

(CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE
TO BE SENT IF DIFFERENT FROM
LINES 1 AND 2:

150 WEST HEJDING ST

SAN JOSE CA 95110-1718

(STREET OR P.O. BOX NUMBER)

(CITY) (STATE) (ZIP CODE)
6. DATE & TIME OF ACCIDENT OR LOSS: 9-23-15 & 10-12-15

7. LOCATION OF ACCIDENT OR LOSS (INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER):
Santa Clara O.D.C. Main Jail - 150 West Hedding St.
San Jose, CA 95110 1718

8. HOW DID THE ALLEGED ACCIDENT OR LOSS OCCUR? STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE PUBLIC ENTITY:

Threatened me with physical harm. They stated that they will beat my ass on 10-12-15 after filing a notice of defense 10-23-14. They stated that the force was more than a hit. This is a violation of (CONTINUE ON SEPARATE SHEET, IF NECESSARY) Amendment

9. DESCRIBE INJURY / DAMAGE / LOSS:

Harassment, Threat of Harm, Abundant

(CONTINUE ON SEPARATE SHEET, IF NECESSARY)

10. NAME OF PUBLIC EMPLOYEE (S) CAUSING INJURY / DAMAGE / LOSS, IF KNOWN:

( )

11. SIGNATURE OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:

X

DATED: 10-15-15

12. DAYTIME TELEPHONE NUMBERS (PLEASE INCLUDE AREA CODE)

CLAIMANT

ATTORNEY/REPRESENTATIVE

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR TO ANY COUNTY, CITY, OR DISTRICT BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING, IS GUILTY OF EITHER A MISDEMEANOR OR FELONY AND MAY BE SUBJECT TO IMPRISONMENT AND/OR A FINE."
PROOF OF SERVICE OF SUMMONS

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
   a. ☑ summons
   b. ☑ complaint
   c. ☐ Alternative Dispute Resolution (ADR) package
   d. ☑ Civil Case Cover Sheet (served in complex cases only)
   e. ☐ cross-complaint
   f. ☐ other (specify documents): 

3. a. Party served (specify name of party as shown on documents served):

   b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served:

5. I served the party (check proper box)
   a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
   b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):

   (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

   (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

   (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

   (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.

   (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.
by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): 11-2Y-15
(2) from (city): San Jose, CA 9511O-1716
(3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

The "Notice to the Person Served" (on the summons) was completed as follows:

as an individual defendant.

as the person sued under the fictitious name of (specify):

as occupant.

On behalf of (specify):

under the following Code of Civil Procedure section:

416.10 (corporation)
416.20 (defunct corporation)
416.30 (joint stock company/association)
416.40 (association or partnership)
416.50 (public entity)
415.95 (business organization, form unknown)
416.60 (minor)
416.70 (ward or conservatee)
416.90 (authorized person)
415.46 (occupant)
other:

Person who served papers

a. Name:

b. Address:

c. Telephone number:

d. The fee for service was: $

e. I am:

not a registered California process server.

exempt from registration under Business and Professions Code section 22350(b).

a registered California process server:

(i) owner

(ii) employee

(iii) independent contractor.

Registration No.:

County:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-2Y-15

PROOF OF SERVICE OF SUMMONS
**CIVIL CASE COVER SHEET**

**Complex Case Designation**
- [ ] Counter
- [ ] Joiner

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

**CASE NUMBER:**

**JUDGE:**

**DEPT:**

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1. Check one box below for the case type that best describes this case:

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Tort</td>
<td>[ ]</td>
</tr>
<tr>
<td>Uninsured motorist (45)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort</td>
<td>[ ]</td>
</tr>
<tr>
<td>Asbestos (04)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Product liability (24)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Medical malpractice (45)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other PIP/DWD (23)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract</td>
<td>[ ]</td>
</tr>
<tr>
<td>Breach of contract/warranty (05)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Rule 3.740 collections (09)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other collections (06)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Insurance coverage (18)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other contract (37)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Property</td>
<td>[ ]</td>
</tr>
<tr>
<td>Eminent domain/inverse condemnation (14)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Wrongful eviction (33)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other real property (26)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful Detainer</td>
<td>[ ]</td>
</tr>
<tr>
<td>Commercial (31)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Residential (52)</td>
<td>[ ]</td>
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<tr>
<td>Drugs (38)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial Review</td>
<td>[ ]</td>
</tr>
<tr>
<td>Asset forfeiture (05)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Petition re: arbitration award (11)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Writ of mandate (02)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other judicial review (39)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisionally Complex Civil Litigation</td>
<td>[ ]</td>
</tr>
<tr>
<td>Antitrust/Trade regulation (03)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Construction defect (10)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Mass tort (40)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Securities litigation (28)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Environmental/Toxic tort (30)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Insurance coverage claims arising from the above listed provisionally complex case types (41)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcement of Judgment</td>
<td>[ ]</td>
</tr>
<tr>
<td>Enforcement of judgment (20)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Miscellaneous Civil Complaint</td>
<td>[ ]</td>
</tr>
<tr>
<td>RICO (27)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other complaint (not specified above) (42)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Civil Petition</td>
<td>[ ]</td>
</tr>
<tr>
<td>Partnership and corporate governance (21)</td>
<td>[ ]</td>
</tr>
<tr>
<td>Other petition (not specified above) (43)</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

2. This case [ ] is [ ] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): [ ] monetary
   [ ] nonmonetary; declaratory or injunctive relief
   [ ] punitive

4. Number of causes of action (specify): [ ]

5. This case [ ] is [ ] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

**Date:** 11/24/15

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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Form Adopted for Mandatory Use
Judicial Council of California
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET
Cal. Rules of Court, rules 2.50, 3.220, 3.400-3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10
www.acosbinfo.ca.gov
INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the rules for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

### CASE TYPES AND EXAMPLES

<table>
<thead>
<tr>
<th>Auto Tort</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto (22)</td>
<td>Breach of Contract/Warranty (06)</td>
</tr>
<tr>
<td>Damage/Wrongful Death</td>
<td>Breach of Rental/Lease</td>
</tr>
<tr>
<td>Uninsured Motorist (40)</td>
<td>Contract (not unlawful detainer or wrongful eviction)</td>
</tr>
<tr>
<td>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</td>
<td>Contract/Warranty Breach—Seller</td>
</tr>
<tr>
<td>Other PI/PD/WD (Property Damage/Wrongful Death)</td>
<td>Plaintiff (not fraud or negligence)</td>
</tr>
<tr>
<td>Tort</td>
<td>Negligent Breach of Contract/Warranty</td>
</tr>
<tr>
<td>Asbestos (04)</td>
<td>Other Breach of Contract/Warranty</td>
</tr>
<tr>
<td>Asbestos Property Damage</td>
<td>Collections (e.g., money owed, open book accounts) (05)</td>
</tr>
<tr>
<td>Asbestos Personal Injury</td>
<td>Collection Case—Seller Plaintiff</td>
</tr>
<tr>
<td>Wrongful Death</td>
<td>Other Promissory Note/Collections Case</td>
</tr>
<tr>
<td>Product Liability (not asbestos or toxic/environmental) (24)</td>
<td>Insurance Coverage (not provisionally complex) (16)</td>
</tr>
<tr>
<td>Medical Malpractice (45)</td>
<td>Auto Subrogation</td>
</tr>
<tr>
<td>Medical Malpractice—Physicians &amp; Surgeons</td>
<td>Other Coverage</td>
</tr>
<tr>
<td>Other Professional Health Care Malpractice</td>
<td>Other Contract (37)</td>
</tr>
<tr>
<td>Other PI/PD/WD (23)</td>
<td>Contractual Fraud</td>
</tr>
<tr>
<td>Premises Liability (e.g., slip and fall)</td>
<td>Other Contract Dispute</td>
</tr>
<tr>
<td>Intentional Bodily Injury/PDWD (e.g., assault, vandalism)</td>
<td>Real Property</td>
</tr>
<tr>
<td>Intentional Infection of Emotional Distress</td>
<td>Eminent Domain/Inverse Condemnation (14)</td>
</tr>
<tr>
<td>Negligent Infection of Emotional Distress</td>
<td>Wrongful Evasion (50)</td>
</tr>
<tr>
<td>Other PI/PD/WD</td>
<td>Other Real Property (e.g., quiet title) (25)</td>
</tr>
<tr>
<td>Non-PI/PD/WD (Other Tort)</td>
<td>Writ of Possession of Real Property</td>
</tr>
<tr>
<td>Business Tort/Unfair Business Practice (07)</td>
<td>Mortgage Foreclosure</td>
</tr>
<tr>
<td>Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)</td>
<td>Quiet Title</td>
</tr>
<tr>
<td>Defamation (e.g., slander, libel) (13)</td>
<td>Other Real Property (not eminent domain, landlord/tenant, or foreclosure)</td>
</tr>
<tr>
<td>Fraud (16)</td>
<td>Unlawful Detainer</td>
</tr>
<tr>
<td>Intellectual Property (19)</td>
<td>Commercial (31)</td>
</tr>
<tr>
<td>Professional Negligence (25)</td>
<td>Residential (32)</td>
</tr>
<tr>
<td>Legal Malpractice</td>
<td>Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</td>
</tr>
<tr>
<td>Other Professional Malpractice (not medical or legal)</td>
<td>Judicial Review</td>
</tr>
<tr>
<td>Other Non-PI/PD/WD Tort (35)</td>
<td>Asset Forfeiture (05)</td>
</tr>
<tr>
<td>Employment</td>
<td>Petition Re: Arbitration Award (11)</td>
</tr>
<tr>
<td>Wrongful Termination (39)</td>
<td>Writ of Mandate (62)</td>
</tr>
<tr>
<td>Other Employment (18)</td>
<td>With—Administrative Mandamus</td>
</tr>
<tr>
<td></td>
<td>Writ—Mandamus on Limited Court Case</td>
</tr>
<tr>
<td></td>
<td>Case Matter</td>
</tr>
<tr>
<td></td>
<td>Writ—Other Limited Court Case</td>
</tr>
<tr>
<td></td>
<td>Review</td>
</tr>
<tr>
<td></td>
<td>Other Judicial Review (39)</td>
</tr>
<tr>
<td></td>
<td>Review of Health Officer Order</td>
</tr>
<tr>
<td></td>
<td>Notice of Appeal—Labor, Commissioner Appeal</td>
</tr>
</tbody>
</table>

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400—3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
- Abstention of Judgment (Out of County)
- Confession of Judgment (non-domestic relations)
- Sister State Judgment
- Administrative Agency Award (not unpaid taxes)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint (not specified above) (42)
- Declaratory Relief Only
- Injunctive Relief Only (non-harassment)
- Mechanic's Lien
- Other Commercial Complaint
- Case (non-tort/non-complex)
- Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition
PLD-PI-001

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

PLAINTIFF: [Redacted]

DEFENDANT: COUNTY OF SANTA CLARA-CORRECTIONAL OFFICIALS

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

[Redacted]

1. Plaintiff (name or names): [Redacted] alleges causes of action against defendant (name or names): COUNTY OF SANTA CLARA-CORRECTIONAL OFFICIALS

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult
   a. [ ] unless plaintiff (name):
      (1) [ ] a corporation qualified to do business in California
      (2) [ ] an unincorporated entity (describe):
      (3) [ ] a public entity (describe):
      (4) [ ] a minor (an adult
         (a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) [ ] other (specify):
      (5) [ ] other (specify):
   b. [ ] unless plaintiff (name):
      (1) [ ] a corporation qualified to do business in California
      (2) [ ] an unincorporated entity (describe):
      (3) [ ] a public entity (describe):
      (4) [ ] a minor (an adult
         (a) [ ] for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) [ ] other (specify):
      (5) [ ] other (specify):

[ ] Information about additional plaintiffs who are not competent adults is shown in Attachment 3.
4. ☐ Plaintiff (name): __________ is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person.
   a. ☐ except defendant (name):
      (1) ☐ a business organization, form unknown
      (2) ☐ a corporation
      (3) ☐ an unincorporated entity (describe):

   c. ☐ except defendant (name):
      (1) ☐ a business organization, form unknown
      (2) ☐ a corporation
      (3) ☐ an unincorporated entity (describe):

   (4) ☐ a public entity (describe): County of Santa Clara (4) ☐ a public entity (describe):

   (5) ☐ other (specify):

   (5) ☐ other (specify):

b. ☐ except defendant (name):

d. ☐ except defendant (name):

   (4) ☐ a public entity (describe):

   (5) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.
   a. ☐ Doe defendants (specify Doe numbers): __________________________________ were the agents or employees of other
      named defendants and acted within the scope of that agency or employment.

   b. ☐ Doe defendants (specify Doe numbers): __________________________________ are persons whose capacities are unknown to
      plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because
   a. ☐ at least one defendant now resides in its jurisdictional area.
   b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
   c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.
   d. ☐ other (specify):

9. ☒ Plaintiff is required to comply with a claims statute, and
   a. ☐ has complied with applicable claims statutes, or
   b. ☐ is excused from complying because (specify):

COMPLAINT—Personal Injury, Property
Damage, Wrongful Death
FW-001 Request to Waive Court Fees

CONFIDENTIAL

If you are getting public benefits, are a low-income person, or do not have enough income to pay for household’s basic needs and your court fees, you may use this form to ask the court to waive all or part of your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for $10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

1 Your information (person asking the court to waive the fees):
Name: 
Street or mailing address: 130 West Holly Dr
City: San Dimas State: CA Zip: 91773
Phone number: 

2 Your Job, if you have one (job title): N/A
Name of employer: N/A
Employer’s address: N/A

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes [x] No [ ]
b. (If you, your lawyer must sign here) Lawyer’s signature:

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court’s fees or costs are you asking to be waived?
   [ ] Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).
   [ ] Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).

5 Why are you asking the court to waive your court fees?
   a. [x] I receive (check all that apply): [ ] Medi-Cal [ ] Food Stamps [ ] SSI [ ] SSP [ ] County Relief/General Assistance [ ] IIFSS (In-Home Supportive Services) [ ] CalWORKS or Tribal TANF (Tribal Temporary Assistance for Needy Families) [ ] CAPI (Cash Assistance Program for Aged, Blind and Disabled)
b. [ ] My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Family Income</th>
<th>Family Size</th>
<th>Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,216.83</td>
<td>3</td>
<td>$2,961.45</td>
</tr>
<tr>
<td>2</td>
<td>$1,636.55</td>
<td>4</td>
<td>$2,484.38</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>$2,967.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$3,330.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>$3,330.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$3,330.21</td>
</tr>
</tbody>
</table>

   If more than 6 people at home, add $422.92 for each extra person.

c. [ ] I do not have enough income to pay for my household’s basic needs _and_ the court fees. I ask the court to (check one): [x] waive all court fees [ ] waive some of the court fees [ ] let me make payments over time (Explain):

(If you check 5c, you must fill out page 2.)

6 [x] Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here.)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: 11/24/15

Print your name here

[Signature]

Judicial Council of California, www.jc.ca.gov
Revised February 20, 2014, Mandatory Fees
Government Code, § 80830 Cal. Rules of Court, rules 3.61, 8.25, and 9.819
If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7: Check here if your income changes a lot from month to month. Fill out below based on your average income for the past 12 months.

8 Your Monthly Income

a. Gross monthly income (before deductions): $ 

List each payroll deduction and amount below:
(1) 
(2) 
(3) 
(4) 

b. Total deductions (add 8a (1)-(4) above): $ 

c. Total monthly take-home pay (8a minus 8b): $ 

d. List the source and amount of any other income you get each month, including: spousal child support; retirement; social security; disability; unemployment; military basic allowance for quarters (BAPQ); veterans payments; dividends; interest; trust income; annuities; net business or rental income; reimbursement for job-related expenses; gambling or lottery winnings; etc.
(1) 
(2) 
(3) 
(4) 

e. Your total monthly Income is (8c plus 8d): $ 

9 Household Income

a. List all other persons living in your home and their income; include only your spouse and all individuals who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name Age Relationship Gross Monthly Income
(1) 
(2) 
(3) 
(4) 

b. Total monthly income of persons above: $ 

Total monthly income and household income (8e plus 9b): $ 

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach form MC-025. Or attach a sheet of paper, and write Financial Information and your name and case number at the top. Check here if you attach another page. 

Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash $ 

c. Cars, boats, and other vehicles

Make / Year Fair Market Value How Much You Still Owe
(1) 
(2) 
(3) 

d. Real estate

Address Fair Market Value How Much You Still Owe
(1) 
(2) 
(3) 

e. Other personal property (jewelry, furniture, furs, stock, bonds, etc.):

Describe Fair Market Value How Much You Still Owe
(1) 
(2) 
(3) 

11 Your Monthly Expenses

(Do not include payroll deductions you already listed in 8b.)

a. Rent or house payment & maintenance $ 

b. Food and household supplies $ 

c. Utilities and telephone $ 

d. Clothing $ 

e. Laundry and cleaning $ 

f. Medical and dental expenses $ 

g. Insurance (life, health, accident, etc.) $ 

h. School, child care $ 

i. Child, spousal support (another marriage) $ 

j. Transportation, gas, auto repair and insurance $ 

k. Installment payments (list each below):

Paid to:
(1) 
(2) 
(3) 

l. Wages/earnings withheld by court order $ 

m. Any other monthly expenses (list each below):

Paid to:
(1) 
(2) 
(3) 

Total monthly expenses (add 11a-11m above): $ 

Request to Waive Court Fees FW-001, Page 2 of 2
Request to Waive Additional Court Fees (Superior Court)

This form asks the court to waive additional court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a Request to Waive Court Fees (Superior Court), form FW-001, along with this form.

1. Your Information (person asking the court to waive the fees):
   - Name: 
   - Street or mailing address: 150 WORST HOLDING ST
   - City: CA
   - State: CA
   - Zip: 95680-1718
   - Phone number: 

2. Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):
   - Name: 

   a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): [ ] Yes [ ] No

   b. (If yes, your lawyer must sign here):
      - Lawyer's signature: 

      If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3. Date your last court fee waiver order, if any, was granted: 9-2-15

4. Has your financial situation improved since your last Request to Waive Court Fees? [ ] No [ ] Yes (If yes, you must fill out a new Request to Waive Court Fees, form FW-001, and attach it to this form.)

5. What other fees do you want your court fee waiver order to cover? (Check all that apply):
   a. [ ] Jury fees and expenses
   b. [ ] Court-appointed interpreter fees for a witness
   c. [ ] Fees for a peace officer to testify in court
   d. [ ] Reporter's daily fees (beyond 60-days after grant of a fee waiver, at court-approved daily rate)
   e. [ ] Fees for court-appointed experts
   f. [ ] Other (specify): 

6. Why do you need these other services? (Explain): INCARCERATED

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for $10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 11-24-15

Print your name here: 

Sign here: 

FW-002, Page 1 of 1

American LegalNet, Inc.
www.FormsVault.com
Order on Court Fee Waiver (Superior Court)

1. Person who asked the court to waive court fees:
   Name: [Redacted]
   Street or mailing address: 150 WEST HOLLAND ST
   City: San Jose
   State: CA
   Zip: 95110

2. Lawyer, if person in (1) has one (name, address, phone number, e-mail, and State Bar number):
   [Redacted]

3. A request to waive court fees was filed on (date): 11-24-15
   ☐ The court made a previous fee waiver order in this case on (date): 9-2-15

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for $10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4. After reviewing your (check one): ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following orders:
   a. ☐ The court grants your request, as follows:
      (1) ☐ Fee Waiver. The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rule 3.55.) You do not have to pay the court fees for the following:
         • Filing papers in Superior Court
         • Making copies and certifying copies
         • Sheriff’s fee to give notice
         • Reporter’s daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
         • Preparing and certifying the clerk’s transcript on appeal
         • Court fees for phone hearings
         • Giving notice and certificates
         • Sending papers to another court department
         • Court-appointed interpreter in small claims court
         (2) ☐ Additional Fee Waiver. The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.
         • Jury fees and expenses
         • Fees for court-appointed experts
         • Reporter’s daily fees (beyond the 60-day period following the fee waiver order)
         • Other (specify):
         • Fees for a peace officer to testify in court
         • Court-appointed interpreter fees for a witness
      (3) ☐ Fee Waiver for Appeal. The court grants your request and waives the fees and costs checked below, for your appeal. (Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.81E.) You do not have to pay for the checked items.
         • Preparing and certifying clerk’s transcript for appeal
         • Other (specify):
b. ☐ The court denies your request, as follows:

   Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

   (1) ☐ The court denies your request because it is incomplete. You have 10 days after the clerk gives notice of this order (see date below) to:
   - Pay your fees and costs, or
   - File a new revised request that includes the items listed below (specify incomplete items):

   (2) ☐ The court denies your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (specify reasons):

   The court has enclosed a blank Request for Hearing About Court Fee Waiver Order (Superior Court), form FW-006. You have 10 days after the clerk gives notice of this order (see date below) to:
   - Pay your fees and costs, or
   - Ask for a hearing in order to show the court more information. (Use form FW-006 to request hearing.)

c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (specify questions regarding eligibility):

   □ Bring the following proof to support your request if reasonably available:

   Hearing Date
   Date: Time:
   Dept.: Rm.

   Name and address of court if different from page 1:

   Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

   Date: ______________________

   Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy

   Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk’s office for Request for Accommodation, Form MC-410. (Civil Code, § 54.8.)

   Clerk’s Certificate of Service
   I certify that I am not involved in this case and (check one): ☐ A certificate of mailing is attached.
   ☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ② , at the court, on the date below.
   ☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ② , from (city); California on the date below.

   Date: ______________________

   Clerk, by ______________________, Deputy

   This is a Court Order.

   Order on Court Fee Waiver (Superior Court)
On 9-23-15, Correctional Officer [redacted] made threats of physical harm during breakfast with statements such as "you got C-Team fucked up - will beat your ass" for no apparent reason. I filed a Grievance Tracking # 102234 which was denied. Then on 10-12-15, [redacted] stated to me that "my paperwork won't do shit to him," referencing my Grievance I filed. I filed another Grievance regarding that incident for person officials may not retaliate against or harass me for exercising right of access to courts or for complaining to supervisor about guards misconduct (see Woods vs Smith, 60 F3d 1161 (1995)).

The right of access to the Courts is an aspect of the First Amendment right to petition Government for redress of grievances. [redacted] prison statement had a chilling effect on my right to petition which is impermissible, and that the filing of Grievances is protected Conduct under the Constitution.

I seek monetary damages and [redacted] actions. The foregoing is true and correct, signed under penalty of Perjury on this Day of 10-14-15.

Sincerely,

[Redacted]

Dated: 10-14-15

San Jose, CA 95110-1718
TO: Division Commander Hoyt  
From: [Redacted]  
DATE: 10-23-15  
RE: Appeal of Grievance # 102387

On 10-12-15, while walking to dining hall, 96 [Redacted] stated to me “your paperwork isn’t going to do shit to me,” referencing Grievance Tracking # 102234. As of all of my Grievances, the response from staff are lies all the way to the facility commander. There was witnesses to the events that I’ve reported. Scott [Redacted] and 96 Murillo of D-Team was standing next to 96 [Redacted] when he made that statement.

I’m requesting a copy of the investigation report (2015-5401) as I’m the Attorney of Record for Court proceedings. The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on this day of 10-22-15.

Sincerely,

[Redacted]
Santa Clara Doc-Main Jail  
150 West Hamilton St  
San Jose, CA 95110-1718  
10-22-15
October 20, 2015

[Redacted]
CEN# [Redacted] / PFN [Redacted]
Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear [Redacted]:

I received your letters dated October 1 and October 14, 2015, which is appealing the response to Grievance #102234.

Grievance #102234 states that you believe several deputies threatened you with physical harm. Please be assured that I take all claims of this nature very seriously. After a thorough investigation, including interviewing witnesses, it has been determined that there is no evidence for these claims. Therefore, the answer to Grievance #102234 still stands.

Sincerely,

[Redacted]
Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
DETAILS OF GRIEVANCE: PRINT! BE SPECIFIC: ON 9/23-15 AT BREAKFAST, C-TEAM
of officers stowed around cage threatened me and several other inmates with
physical harm. One officer stated "you guys don't know us." Other officers said "you
have C-Team fucked up, we will beat your ass." I was in line causing no trouble, my life was threatened.

WHAT SOLUTION ARE YOU RECOMMENDING?: DISCIPLINARY ACTIONS

Your Signature: [REDACTED]
Date: 9/23/15 Time: 10 AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
Day: [REDACTED] Date: 9/23/15 Time: 10:30 Officer: [REDACTED] Team: A

RESPONDING OFFICER'S STATEMENT (Please print): FORWARD TO C-TEAM FOR RESPONSE.
THE ABOVE Mentioned Accident Intimidating Accusations Did Not Occur.

[ ] Resolved [ ] Refer to Level II

Officer's Name: [REDACTED]
Team: C Date: 9/28/15

COMPLAINT BUT WAS UNABLE WHO THE DEPUTY WAS TALKING TO. HE SAID HE HADN'T DONE ANYTHING
WRONG. I SPOKE TO DEPUTY LOZADA. LOZADA SAID HE TOLD AN UNKNOWN INMATE
NOT TO REMOVE THE PLASTIC TRAY FROM THE CHOW HALL. LIKE EVERYONE ELSE. HE SAID
WE NO AND ANY OTHER DEPUTIES MADE THE THREATENING COMMENTS.

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [REDACTED]
Team: C Date: 9/29/15

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [REDACTED]
Date: 9/29/15 Time: [REDACTED]

SUPPORT SERVICE RESPONSE: Unit Assigned: [REDACTED] Date Assigned: 9/28/15
Date Due: 10/20/15

Response by: [REDACTED] Title: [REDACTED] Date: [REDACTED] Time: [REDACTED]

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [REDACTED]
Date: 9/29/15 Time: [REDACTED]

RESPONSE RETURNED TO INMATE: Date: 9/29/15 Time: [REDACTED] By: [REDACTED] 9/29/15
Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)

6885 REV 7/98
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!!: ON 10-13-15 DURING MEALRESS, 96 [redacted] STATED THAT MY "PAPERWORK ISN'T GOING TO DO SHIT FOR ME" IN REFERENCE TO GRIEVANCE TRACKING # 102234. PURSUANT TO POLICY AND PROCEDURE SECTION 14.03.03.(g)(i) IT HAS VIOLATED MY RIGHT TO BE FREE AND PROTECTED FROM HASSLEMENT FROM STAFF. THIS IS ALSO RETALIATORY IN NATURE FOR EXERCISING MY RIGHT TO PETITION GOVERNMENT FOR REDRESS OF GRIEVANCE, AND A THREAT TO MY SAFETY.

WHAT SOLUTION ARE YOU RECOMMENDING?: DISCIPLINARY ACTION, MONETARY DAMAGES

Your Signature: [redacted] Date: 10/13/15 Time: 8 AM PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
Day: W 10/13/15 Time: 11:20 Officer: ZARO HITA Team: A

RESPONDING OFFICER'S STATEMENT (Please print): FWL OFFICE [redacted] 10/13/15

[ ] Resolved [ ] Refer to Level II

Officer's Name: [redacted] Team: [ ] Date: [ ]

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [redacted] Team: [ ] Date: [ ]

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [redacted] Date: [ ] Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: [redacted] Date Assigned: [ ]

Date Due: [ ]

Response by: [redacted] Title: [redacted] Date: [ ] Time:

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [redacted] Date: [ ] Time:

RESPONSE RETURNED TO INMATE: Date: [ ] Time: [ ] By:

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
November 12, 2015

Santa Clara County Department of Correction - Main Jail
150 West Hedding Street
San Jose, California 95110-1718

Re: Date of Loss: September 23, 2015 & October 12, 2015
   ESA Claim No.: TBD
   Board of Supervisors No.: [Redacted]

Dear [Redacted]

NOTICE OF REJECTION OF CLAIM

Notice is hereby given that the claim you presented on October 19, 2015, was rejected on November 12, 2015.

By this letter, the County of Santa Clara does not waive its right to assert that claimants have failed to comply with the claim presentation and statute of limitation requirements contained in the California Government Code and the California Code of Civil Procedure.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (See Government Code section 945.6). The six-month time limit referred to in this notice applies only to claims or causes of action that are governed by the Government Claims Act. Additionally, the Government Claims Act contains certain exceptions.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to California Code of Civil Procedure sections 128.7 and 1038, the County will seek to recover all costs of defense in the event an action is filed in
this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

ORRY P. KORB
County Counsel

MELISSA R. KINNYALOCTS
Deputy County Counsel

MRK:tl

c: Al Rubens, ESA Claims Manager
I, Tam Lobach, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County’s business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the NOTICE OF REJECTION OF CLAIM by placing said copy in an envelope addressed to:

Santa Clara County Department of Correction - Main Jail
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on November 12, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on November 12, 2015, at San Jose, California.

Tam Lobach
INMATE GRIEVANCE FORM

INMATE'S NAME: [REDACTED]  BOOKING NUMBER: [REDACTED]  HOUSING UNIT: 17

DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: LT [REDACTED] AND LT [REDACTED]

The incident took place on the night of the 28th of May. It began with
the inmate demanding to speak with the lieutenant in charge and then
turned into a heated argument involving the use of profanities and
expletives.

I heard the argument from my cell, and I can confirm that the
inmate was indeed yelling at the lieutenant and using inappropriate
language.

WHAT SOLUTION ARE YOU RECOMMENDING?:

Your Signature: [REDACTED]  Date: 6/17/17  Time: 10 AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on: Day: []  Date: []/[]/2017  Time: [REDACTED]  Officer: [REDACTED]  Team: F

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved  [ ] Refer to Level II

OFFICER'S NAME: [REDACTED]  TEAM: [REDACTED]  DATE: [REDACTED]

SUPERVISOR'S ACTION:

[ ] Resolved  [ ] Refer to Level III

SUPERVISOR'S NAME: [REDACTED]  TEAM: [REDACTED]  DATE: [REDACTED]

SHIFT LIEUTENANT REVIEW: [ ] Concur  [ ] Reversed

SIGNATURE: [REDACTED]  DATE: [REDACTED]  TIME: [REDACTED]


You are correct that we entered the Transportation bus and addressed you and two other inmates. However, aside
from that fact, your account of the situation is false. The three of you were yelling profanities through the bus
windows at numerous passersby, which consisted of adults and young children. Upon witnessing these shameful
behaviors, we entered the bus, quoted the foul and inappropriate language we heard you speak, and admonished
the three of you to cease immediately.

RESPONSE BY: [REDACTED]  TITLE: [REDACTED]  DATE: [REDACTED]  TIME: [REDACTED]

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur  [ ] Reversed

If it were not so important to dress-down your behavior immediately, we would have recorded your custody info
and followed-up with infractions regarding the numerous rule violations we witnessed.

SIGNATURE: [REDACTED]  DATE: [REDACTED]  TIME: [REDACTED]

RESPONSE RETURNED TO INMATE: DATE: [REDACTED]  TIME: [REDACTED]  SIGNATURE: [REDACTED]  RIBBON: Pink-Inmate (Initial Receipt)
MR.
Santa Clara D.O.C.- Main Jail
150 West Hedding St
San Jose, CA 95110-1718

Santa Clara Bd. of Supervisors
ATTN: Dave Cortese - Blue Ribbon Commission
70 West Hedding St, East Wing, 10th Floor
San Jose, CA 95110
October 27, 2015

PEN: [redacted]
885 N. San Pedro St.
San Jose, CA 95110

RE: Claimant:
Date of Loss: 9-23-2015
Our Claim No.: [redacted]
Board of Supervisors’ No.: [redacted]

Dear [redacted]

Our office investigates incidents and claims alleged against the County of Santa Clara.

On October 16, 2015 you filed documents with the Clerk of the Board of Supervisors, who sent them to our office for review and action. We acknowledge receipt of your documents and have setup a file for follow-up activity.

The adjuster handling this file is: Ted Althausen. You may reach him at the above address and at his direct telephone number (408) 441-4345. Once our review process is complete, you may expect a formal written response to your claim submission.

Very truly yours,

ESA Liability/Property Claims Department

TA: m

S\Rachel-Ted\2015\ML19 Glover, Roderick (DOC-MJ) 10-27-2015.doc
**CLAIM AGAINST THE COUNTY OF SANTA CLARA**

Please submit the completed form to the Clerk of the Board of Supervisors, 70 W. Hedding St., East Wing, 10th Floor, San Jose, CA 95110

Please attach additional pages as needed.

FOR CLERK'S USE ONLY

1. Claimant's full name: ___________________________  □ Minor

2. Claimant's telephone number: ___________________________

3. Claimant's mailing address: 150 West Hedding St., San Jose, CA

4. Mailing address to which notices are to be sent, if different from 3: __________________________________________

5. Date of the incident or loss: 9-23-15 ≠ 10-12-15

6. Location of the incident or loss: Santa Clara D.O.C. Main Jail

7. Describe how the incident or loss happened and the reason why you believe the County of Santa Clara is liable for your damages: **DURING SNOOZE, one person punched me with physical harm. Then after the filing of a grievance, my paperwork went to trash.**

   **GRIEVANCE FILED ON 10-13-15**

8. Describe the injury, damage, or loss: **HARASSMENT & THREAT OF PHYSICAL HARM, anxiety attack, violation of policy and procedure 4/30/15**

9. If a public employee is involved in the injury, damage, or loss, provide name if known:  

10. Name of witness, if any: ___________________________

11. If the claim is for less than $10,000, state the total amount of the claim: 50,000.00

List the items totaling the amount of the claim:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
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<tr>
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</table>

12. If the claim is for more than $10,000, is the amount over $25,000? Yes ☒ No  

   Signatures of Claimant or Representative ___________________________ Date 10-15-15

Any person who, with the intent to defraud, presents any false or fraudulent claim may be punished either by imprisonment or fine, or both. See section 72 of the Penal Code.
GOVERNMENT TORT CLAIM FORM

(PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED)


1. CLAIMANT'S NAME: [redacted]

2. CLAIMANT'S MAILING ADDRESS: 150 West Hedding St
   (ADDRESS)  
   San Jose, CA 95110-1718
   (CITY) (STATE) (ZIP CODE)

3. AMOUNT OF CLAIM: $50,000.00

IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS ($10,000), THE AMOUNT
OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE
TYPE OF CIVIL CASE:

☐ LIMITED CIVIL CASE ($25,000 OR LESS)
☒ NON-LIMITED CIVIL CASE (OVER $25,000)

4. ITEMIZATION OF CLAIM: (How was the amount claimed above computed; list items totaling
   amount set forth above, including damages for pain and suffering, if applicable). IF YOU HAVE
   SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.),
   PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

   ITEM                  DOLLAR AMOUNT
   
   ☑ Violation of Santa Clara 0.0.6 Policy & Procedures 14 0.7-39X11     
   ☑ 1st Amendment Retaliation
   ☑ Penal Code 147     $50,000.00
   ☑ Civil Code 3.2281  $200

   (CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE
   TO BE SENT IF DIFFERENT FROM
   LINES 1 AND 2:

   [redacted]

   150 West Hedding St
   (STREET OR P.O. BOX NUMBER)
   San Jose, CA 95110-1718
   (CITY) (STATE) (ZIP CODE)

7. LOCATION OF ACCIDENT OR LOSS (INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER):
Santa Clara D.O.C. MAIN JAIL - 150 West Hedding St
San Jose, C.A. 95110 - 1718

8. HOW DID THE ALLEGED ACCIDENT OR LOSS OCCUR? STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE PUBLIC ENTITY:

During Breakfast, % Threw food at me and physical harm. They stated that % will let % ASS
On 10-12-15 after filing a grievance %05234, % stated
That my foreword went on for 6-10 hrs. This is a violation of
Santa Clara D.O.C. C.C.O.C. 14.03.03(9)(i) and retaliation of 1st
(Continue on separate sheet, if necessary)

9. DESCRIBE INJURY / DAMAGE / LOSS: Harassment, Threat of Harm, Physical injury, physical attack

(Continue on separate sheet, if necessary)

10. NAME OF PUBLIC EMPLOYEE (S) CAUSING INJURY / DAMAGE / LOSS, IF
KNOWN: % %

11. SIGNATURE OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:

X

DATED: 10-15-15

12. DAYTIME TELEPHONE NUMBERS (PLEASE INCLUDE AREA CODE)

CLAIMANT

ATTORNEY/REPRESENTATIVE

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR TO ANY COUNTY, CITY, OR DISTRICT BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING," IS GUILTY OF EITHER A MISDEMEANOR OR FELONY AND MAY BE SUBJECT TO IMPRISONMENT AND/OR A FINE.
PROOF OF SERVICE OF SUMMONS

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
   a. □ summons
   b. □ complaint
   c. □ Alternative Dispute Resolution (ADR) package
   d. □ Civil Case Cover Sheet (served in complex cases only)
   e. □ cross-complaint
   f. □ other (specify documents): Government, annual letter, county claim rejection notice.

3. a. Party served (specify name of party as shown on documents served):

   b. □ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served:

5. I served the party (check proper box):
   a. □ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
   b. □ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):

   (1) □ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

   (2) □ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

   (3) □ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

   (4) □ thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or □ a declaration of mailing is attached.

   (5) □ I attach a declaration of diligence stating actions taken first to attempt personal service.
5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid,
   (1) on (date): 11-24-15
   (2) from (city): San Jose, CA 95110-1718
   (3) with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
   (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

   d. by other means (specify means of service and authorizing code section):

   Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
   a. as an individual defendant.
   b. as the person sued under the fictitious name of (specify):
   c. as occupant.
   d. On behalf of (specify):
      under the following Code of Civil Procedure section:
      □ 416.10 (corporation) □ 415.95 (business organization, form unknown)
      □ 416.20 (defunct corporation) □ 416.60 (minor)
      □ 416.30 (joint stock company/association) □ 416.70 (ward or conservatee)
      □ 416.40 (association or partnership) □ 416.90 (authorized person)
      □ 416.60 (public entity) □ 416.46 (occupant)
      □ other:

7. Person who served papers
   a. Name:
   b. Address:
   c. Telephone number:
   d. The fee for service was: $
   e. I am:
      (1) not a registered California process server.
      (2) exempt from registration under Business and Professions Code section 22350(b).
      (3) a registered California process server:
         (i) owner (ii) employee (iii) independent contractor.
         (ii) Registration No.:
         (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-24-15

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL) (SIGNATURE)
PLD-PI-001

SUPEI RO COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
STREET ADDRESS: 191 NORTH FIRST ST
MAILING ADDRESS:
CITY AND ZIP CODE: SAN JOSE, CA 95113
BRANCH NAME: CIVIL DIVISION

PLAINTIFF: [Name or Names]
DEFENDANT: COUNTY OF SANTA CLARA - CORRECTIONAL OFFICERS

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):
☐ MOTOR VEHICLE ☐ OTHER (specify):
☐ Property Damage ☐ Wrongful Death
☐ Personal Injury ☐ Other Damages (specify):

Jurisdiction (check all that apply):
☐ ACTION IS A LIMITED CIVIL CASE
Amount demanded ☐ does not exceed $10,000
☐ exceeds $10,000, but does not exceed $25,000
☐ ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)
☐ ACTION IS RECLASSIFIED by this amended complaint
☐ from limited to unlimited
☐ from unlimited to limited

1. Plaintiff (name or names): [Name or Names]
   alleges causes of action against defendant (name or names): COUNTY OF SANTA CLARA - CORRECTIONAL OFFICERS

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult
   a. ☐ except plaintiff (name):
      (1) ☐ a corporation qualified to do business in California
      (2) ☐ an unincorporated entity (describe):
      (3) ☐ a public entity (describe):
      (4) ☐ a minor ☐ an adult
         (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) ☐ other (specify):
      (5) ☐ other (specify):
   b. ☐ except plaintiff (name):
      (1) ☐ a corporation qualified to do business in California
      (2) ☐ an unincorporated entity (describe):
      (3) ☐ a public entity (describe):
      (4) ☐ a minor ☐ an adult
         (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
         (b) ☐ other (specify):
      (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.
4. □ Plaintiff (name): [Redacted]
   Is doing business under the fictitious name (specify):
   and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person.
   a. □ except defendant (name):
      (1) □ a business organization, form unknown
      (2) □ a corporation
      (3) □ an unincorporated entity (describe):
      (4) □ a public entity (describe): COUNTY OF SANTA CLARA
      (5) □ other (specify):

   b. □ except defendant (name):
      (1) □ a business organization, form unknown
      (2) □ a corporation
      (3) □ an unincorporated entity (describe):
      (4) □ a public entity (describe):
      (5) □ other (specify):

   c. □ except defendant (name):
      (1) □ a business organization, form unknown
      (2) □ a corporation
      (3) □ an unincorporated entity (describe):
      (4) □ a public entity (describe):
      (5) □ other (specify):

   d. □ except defendant (name):
      (1) □ a business organization, form unknown
      (2) □ a corporation
      (3) □ an unincorporated entity (describe):
      (4) □ a public entity (describe):
      (5) □ other (specify):

   □ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.
   a. □ Doe defendants (specify Doe numbers): ____________________________________ were the agents or employees of other
      named defendants and acted within the scope of that agency or employment.
   b. □ Doe defendants (specify Doe numbers): ____________________________________ are persons whose capacities are unknown to
      plaintiff.

7. □ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because
   a. □ at least one defendant now resides in its jurisdictional area.
   b. □ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
   c. □ injury to person or damage to personal property occurred in its jurisdictional area.
   d. □ other (specify):

9. □ Plaintiff is required to comply with a claims statute, and
   a. □ has complied with applicable claims statute, or
   b. □ is excused from complying because (specify):
FW-002  Request to Waive Additional Court Fees (Superior Court)

This form asks the court to waive additional court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a Request to Waive Court Fees (Superior Court), form FW-001, along with this form.

1 Your Information (person asking the court to waive the fees):
   Name: [Redacted]
   Street or mailing address: 150 W 16th St
   City: [Redacted] State: CA Zip: [Redacted]
   Phone number: [Redacted]

2 Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):
   [Redacted]

   a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): ☐ Yes ☐ No
   b. (If yes, your lawyer must sign here):
      Lawyer's signature: [Redacted]
      If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Date your last court fee waiver order, if any, was granted: 9-2-15

4 Has your financial situation improved since your last Request to Waive Court Fees? ☐ No ☐ Yes (If yes, you must fill out a new Request to Waive Court Fees, form FW-001, and attach it to this form.)

5 What other fees do you want your court fee waiver order to cover? (Check all that apply):
   a. ☐ Jury fees and expenses
   b. ☐ Court-appointed interpreter fees for a witness
   c. ☐ Fees for a peace officer to testify in court
   d. ☐ Reporter’s daily fees (greater than 60-days after grant of a fee waiver, at court-approved daily rate)
   e. ☐ Fees for court-appointed experts
   f. ☐ Other (specify): [Blank]

6 Why do you need these other services? (Explain): Incarcerated

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for $10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 11-24-15

Print your name here [Redacted] Sign here [Redacted]
1. Person who asked the court to waive court fees:
   Name: [Redacted], SANTA CLARA COUNTY D.O.
   Street or mailing address: 150 West Hedding St.
   City: San Jose          State: CA          Zip: 95110-1718

2. Lawyer, if person in 1 has one (name, address, phone number, e-mail, and State Bar number):

3. A request to waive court fees was filed on [date]:
   ☐  Th  on 8/31/15
☐  3rd party ver order in this case

4. After reviewing your (check one): ☒ Request to Waive Court Fees  ☐ Request to Waive Additional Court Fees
   the court makes the following orders:
   ☐ The court grants your request, as follows:
   (1) ☒ Fee Waiver. The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rule 3.55.) You do not have to pay the court fees for the following:
      • Filing papers in Superior Court
      • Making copies and certifying copies
      • Sheriff's fee to give notice
      • Reporter's daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
      • Preparing and certifying the clerk's transcript on appeal
      • Court fees for phone hearings
   (2) ☐ Additional Fee Waiver. The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.
      ☐ Jury fees and expenses
      ☐ Fees for court-appointed experts
      ☐ Reporter's daily fees (beyond the 60-day period following the fee waiver order)
      ☐ Other (specify):
      ☐ Fees for a peace officer to testify in court
      ☐ Court-appointed interpreter fees for a witness
   (3) ☐ Fee Waiver for Appeal. The court grants your request and waives the fees and costs checked below, for your appeal. (Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.) You do not have to pay for the checked items.
      ☐ Preparing and certifying clerk's transcript for appeal
      ☐ Other (specify):
ON 9-23-15, Correctional Officer [REDACTED] made threats of physical harm during breakfast with statements such as "you got C-Team fucked up - will beat your ass" for no apparent reason. I filed a grievance tracking # 102234 which was denied. Then on 10-12-15, [REDACTED] stated to me that "my paperwork won't do shit to him," referencing my grievance I filed. I filed another grievance regarding that incident for person officials may not retaliate against or harass me for exercising right of access to courts or for complaining to supervisor about guards misconduct. (See Woods vs Smith, 60 F3d 1161 (1995)).

The right of access to the courts is an aspect of the First Amendment right to petition government for redress of grievances. The prison statement had a chilling effect on my right to petition which is impermissible, and that the filing of grievances is protected conduct under the Constitution.

I seek monetary damages and disciplinary actions. The foregoing is true and correct, signed under penalty of perjury on this day of 10-14-15.

Sincerely,

[REDACTED]

Santa Clara D.A.C. Main Jail
150 West Hedding St.
San Jose, CA 95112-1112

10-14-15
TO: DIVISION COMMANDER HOLT
FROM: [Redacted]
DATE: 10-23-15
RE: Appeal of Grievance #102387

On 10-12-15, while walking to Dining Hall, [Redacted] stated to me, "your paperwork isn't going to do shit to me," referencing Grievance Tracking #102334. As of all of my Grievances, the Responded from Staff are lies all the way to the Facility Commander. There were witnesses to the events that I've reported. [Redacted] and [Redacted] were standing next to [Redacted] when he made that statement.

I'm requesting a copy of the Investigation Report (IR-2015-5401) as I'm the Attorney of Record for Court proceedings. The foregoing is true and correct to the best of my knowledge. Signed under penalty of perjury on this day of 10-22-15.

Sincerely,

[Redacted]

[Redacted]

10-22-15
October 20, 2015

[Censored]

Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear [Censored],

I received your letters dated October 1 and October 14, 2015, which is appealing the response to Grievance #102234.

Grievance #102234 states that you believe several deputies threatened you with physical harm. Please be assured that I take all claims of this nature very seriously. After a thorough investigation, including interviewing witnesses, it has been determined that there is no evidence for these claims. Therefore, the answer to Grievance #102234 still stands.

Sincerely,

[Signature]
Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

INMATE'S NAME: [REDACTED]
BOOKING NUMBER: [REDACTED]
HOUSING UNIT: 345 EAST

DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: On 10-13-15 during breakfast, I stated that my "paperwork isn’t going to do shit to help," in reference to Grievance Tracking # 102234. Pursuant to policy and procedure section 14.03-03(9)(ii), he has violated my right to be free and protected from harassment from staff. This is also retaliatory in nature for exercising my right to petition Government for redress of grievances, and a threat to my safety.

WHAT SOLUTION ARE YOU RECOMMENDING? DISCIPLINARY ACTION, MONETARY DAMAGES

Your Signature: [REDACTED] Date: 10/13/15 Time: 8:00 PM

********************
(Do NOT write below this line. Use additional sheets if necessary)

Responding Officer's Statement (Please print): [REDACTED]

I have never made contact with inmate [REDACTED] or spoke to him. As far as I know, he has never committed any violations. I believe he may be confused or upset about the situation.

Officer's Name: [REDACTED] Team: C Date: 10/13/15

Supervisor's Action: The original grievance was investigated (#2015-5401) and was unfounded. Deputy [REDACTED] and deputies working 3rd West on 10-13-15 said the above comments are untrue. You were unable to provide me with any deputy or inmate witnesses to support your claim. With the information provided, I find this grievance unfounded.

Supervisor's Name: [REDACTED] Date: 10/13/15

Shift Lieutenant Review: [ ] Concur [ ] Reversed

Signature: [REDACTED] Date: 10/13/15 Time: 9:40 AM

Support Service Response: Unit Assigned: [REDACTED] Date Assigned: 10/14/15

Date Due: 10/26/15

Response by: [REDACTED] Title: [REDACTED] Date: [REDACTED] Time: [REDACTED]

Facility Commander/Designer Review: [ ] Concur [ ] Reversed

Signature: [REDACTED] Date: 10/24/15 Time: 9:40 AM

Response Returned to Inmate: Date: 10/24/15 Time: 9:40 AM By: [REDACTED] Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: On 9-23-15 at 4:00 PM, C-Team officers stationed around my cell threatened me and several others with physical harm. One officer stated "you guys don't know us." Other officers stated "you have C-Team folded up, we will beat your ass." I was in-lax causing no trouble, my life was preserved.

WHAT SOLUTION ARE YOU RECOMMENDING?: DISCIPLINARY ACTIONS

Your Signature: [redacted] Date: 9/23/15 Time: 10 AM PM

[DO NOT WRITE BELOW THIS LINE. USE ADDITIONAL SHEETS IF NEEDED]

Received from Inmate on:
Day: [redacted] Date: 9/23/15 Time: 10 AM Officer: SIEKEL 10732 Team: A

RESPONDING OFFICER'S STATEMENT (Please print): FORWARD TO C-TEAM FOR RESPONSE

[Signature]

And Resolved [ ] Refer to Level II

Officer's Name: LEONIO 417/3 Team: C Date: 9/28/15

SUPERVISOR'S ACTION: On 9-24-15 I interviewed inmate [redacted]. He stated the above. He was unaware who the deputy was talking to. He said he hadn't done anything wrong. He spoke to Deputy Lozaar. Lozaar said he told an unknown inmate not to remove the plastic tray from the cell. He made us threatenong comments.

[Signature]

And Resolved [ ] Refer to Level III

Supervisor's Name: HERNANDOZ 1064 Team: C Date: 9/29/15

SHIFT LIEUTENANT REVIEW: [Y] Concur [ ] Reversed

SIGNATURE: [Signature] Date: 9/29/15 Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: [MP](W) SGT Date Assigned: 9/28/15

Date Due: 10/12/15

Response by: Title: Date: Time:

FACILITY COMMANDER/DESIGNEE REVIEW: [Y] Concur [ ] Reversed

SIGNATURE: [Signature] Date: 9/29/15 Time:

RESPONSE RETURNED TO INMATE: Date: 9/29/15 Time: 2PM By: [Signature] Date: 9/30/15
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!:

On 10-13-15, during lunch break, 96 stated that my paperwork isn’t going to do shit to him. In reference to grievance tracking #102234. Pursuant to policy and procedures section 14.03-03(6)(n)

We has violated my right to be free and protected from harassment from staff. This is also retaliatory in nature for exercising my right to petition government for redress of grievances, and a threat to my safety.

WHAT SOLUTION ARE YOU RECOMMENDING?: DISCIPLINARY ACTION. MONETARY DAMAGES

Your Signature: [Redacted] Date: 10/13/15 Time: 8AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
Day: Tuesday Date: 10/13/15 Time: 11:20 Officer: ZAPOLTA Team: A

RESPONDING OFFICER’S STATEMENT (Please print): [Redacted]

[ ] Resolved [ ] Refer to Level II

Officer’s Name: [Redacted] Team: [Redacted] Date: / / 

SUPERVISOR’S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor’s Name: [Redacted] Team: [Redacted] Date: / / 

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: / / Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: Date Assigned: / / Date Due: / / 

Response by: Title: Date: / / Time:

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: / / Time:

RESPONSE RETURNED TO INMATE: Date: / / Time: By:

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
November 12, 2015

Santa Clara County Department of Correction - Main Jail
150 West Hedding Street
San Jose, California 95110-1718

Re: Date of Loss: September 23, 2015 & October 12, 2015
ESA Claim No.: TBD
Board of Supervisors No.: [Redacted]

Dear [Redacted]

NOTICE OF REJECTION OF CLAIM

Notice is hereby given that the claim you presented on October 19, 2015, was rejected on November 12, 2015.

By this letter, the County of Santa Clara does not waive its right to assert that claimants have failed to comply with the claim presentation and statute of limitation requirements contained in the California Government Code and the California Code of Civil Procedure.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (See Government Code section 945.6). The six-month time limit referred to in this notice applies only to claims or causes of action that are governed by the Government Claims Act. Additionally, the Government Claims Act contains certain exceptions.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to California Code of Civil Procedure sections 128.7 and 1038, the County will seek to recover all costs of defense in the event an action is filed in
this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

ORRY P. KORB
County Counsel

MELISSA R. KINNYALOCTS
Deputy County Counsel

c: Al Rubens, ESA Claims Manager
I, Tam Lobach, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding Street, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the NOTICE OF REJECTION OF CLAIM by placing said copy in an envelope addressed to:

Santa Clara County Department of Correction - Main Jail
150 West Hedding Street
San Jose, California 95110-1718

which envelope was then sealed, with postage fully prepaid thereon, on November 12, 2015, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this declaration was executed on November 12, 2015, at San Jose, California.

[Signature]

Tam Lobach
SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

INMATE'S NAME: [Redacted]
BOOKING NUMBER: [Redacted]
HOUSING UNIT: 7 1/7

DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: LT [Redacted] AND LT [Redacted]

Transportation bus outside only part of the time in route and began to use profane, derogatory, insulting and threatening language. Hand...:

WHAT SOLUTION ARE YOU RECOMMENDING?:

Your Signature: [Redacted]
Date: 1/10/20  Time: 7:00 AM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on: Day: [Redacted] Date: 1/10/20  Time: 7:00 AM Officer: [Redacted] Team: [Redacted]

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II

Officer's Name: [Redacted]
Team: [Redacted] Date: [Redacted]

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

Supervisor's Name: [Redacted]
Team: [Redacted] Date: [Redacted]

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [Redacted]
Date: [Redacted] Time: [Redacted]

SUPPORT SERVICE RESPONSE: Unit Assigned: [Redacted]
Date Assigned: [Redacted]
Date Due: [Redacted]

You are correct that we entered the Transportation bus and addressed you and two other inmates. However, aside from that fact, your account of the situation is false. The three of you were yelling profanities through the bus windows at numerous passersby, which consisted of adults and young children. Upon witnessing these shameful behaviors, we entered the bus, quoted the foul and inappropriate language we heard you speak, and admonished the three of you to cease immediately.

Response by: [Redacted]
Title: [Redacted]
Date: 1/10/20  Time: [Redacted]

FACILITY COMMANDER/DISGNEE REVIEW: [ ] Concur [ ] Reversed
If it were not so important to dress-down your behavior immediately, we would have recorded your custody into and followed-up with infractions regarding the numerous rule violations we witnessed.

SIGNATURE: [Redacted]
Date: [Redacted] Time: [Redacted]

RESPONSE RETURNED TO INMATE: Date: [Redacted] Time: By: [Redacted]
MR.
SANTA CLARA O.C. MAIN JAIL
150 WEST HEDDING ST
SAC JOE, CA 95110-1718

County Jail
Generated Mail

Santa Clara Bd. of Supervisors
ATTN: Cindy Chavez - Blue Ribbon Commission
70 WEST HEDDING ST, EAST WING, 10th FLOOR
SAC JOE, CA 95110
Good Afternoon,

- The Clerk of the Board’s Office received the attached correspondence. This document is being forwarded to you for appropriate action. The original document will be on file in the Clerk of the Board’s Records Unit for a maximum of 2 years from the date received.

Thank you,
Jessica Schmidt
Office Specialist III- Confidential Clerk
Clerk of the Board
70. W Hedding St 10th Floor
San Jose, CA 95110
ON 9-23-15, Correctional officer [redacted] made threats of physical harm during breakfast with statements such as "you got C-Team fucked up, will beat your ass" for no apparent reason. I filed a Grievance Tracking #102234 which was denied. Then on 10-12-15, [redacted] stated to me that "my paperwork went to shit & him," referencing my Grievance I filed. I filed another Grievance regarding that incident for prison officials may not retaliate against or harass me for exercising right of access to Courts or for complaining to supervisor about guards misconduct. (see Woods vs Smith, 60 F3d 1161 (1995).

The right of access to the Courts is an aspect of the First Amendment right to petition government for redress of grievances. [redacted] prison statement had a chilling effect on my right to petition which is Impermissible, and that the filing of Grievances is protected conduct under the Constitution.

I seek monetary damages and litigant's costs. The foregoing is true and correct signed under penalty of perjury on this day of 10-14-15.

Sincerely,

[redacted]

Santa Clara D.O.C. Main Jail
150 West Hedding St.
San Jose, CA 95112

10-14-15
To: Division Commander Hunt
From:
Date: 10-23-15
RE: Appeal of Grievance # 102387

On 10-12-15, while walking to dining hall, 96 [redacted] stated to me, "your paperwork isn't going to do shit to me," referencing Grievance Tracking # 102234. As of all of my grievances, the responses from staff are lies all the way to the facility commander. There was witnessed to the events that I've reported. Scott Cupp PIN ECH267 and 96 Morillo of O-Team was standing next to 96 Pinon when he made that statement.

I'm requesting a copy of the investigation report (# 2015-5401) as I'm the attorney of record for Court proceedings. The foregoing is true and correct to the best of my knowledge, signed under penalty of perjury on this day of 10-22-15.

Sincerely,

[Signature]

Santa Clara DSC-Man T-01
150 West Healing Ct.
San Jose, CA 95110-1718

10-22-15
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: ON 10/13/15, DURING MEAL, IN RESPONSE TO
STATEMENT FROM M.D. MANAGERS, THE INMATE MANIFESTED WRITTEN PROTEST TO THE INMATES.
HE BEGAN TO WRITE A COMPLAINT LETTER TO THE SUPERVISOR'S OFFICE.

WHAT SOLUTION ARE YOU RECOMMENDING?: ADDITIONAL ACTION. MONETARY DAMAGES

Your Signature: [redacted] Date: 10/13/15 Time: 8 AM

RESPONDING OFFICER'S STATEMENT (Please print): [redacted]

[ ] Resolved [ ] Refer to Level II

[ ] Resolved [ ] Refer to Level III

SIGNATURE: Date: / / Time:

FACILITY COMMANDER/DESIGNEE REVIEW: [ ] Concur [ ] Reversed
DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC: ON 10-13-15 during breakfast, #6 stated that my "paperwork isn't going to do shit to me," in reference to grievance tracking #102234. Pursuant to policy and procedure section 14.03-03(4)(4), he has violated my right to be free and protected from harassment from staff. This is also retaliatory in nature for exercising my right to petition government for redress of grievances and a threat to my safety.

WHAT SOLUTION ARE YOU RECOMMENDING? Disciplinary Action, Manager

Your Signature: [redacted] Date: 10/13/15 Time: 8AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
Day: TUESDAY Date: 10/13/15 Time: 1620 Officer: ZAPATA Team: A

RESPONDING OFFICER'S STATEMENT (Please print): I HAVE NEVER MADE CONTACT WITH INMATE [redacted]. I HEARD SPEAK TO ME NASTIY. THE ABOVE ACCUSATION NEVER OCCURRED. INMATE HAS NOT BEEN ACKNOWLEDGED IN REPAIRS FROM 3RD W/F OR WALK THROUGH THE INMATE'S TIME. I PICK UP THEIR BREAKFAST AND WALK BACK TO THEIR ASSIGNMENT ANSWERS TO MY KNOWLEDGE NO INMATE HAS EVER COMPLAINED ABOUT THIS BEHAVIOR.

Resolv [ ] Refer to Level II Chow Hall

Officer's Name: [redacted] Team: C Date: 10/12/15

SUPERVISOR’S ACTION: THIS ORIGINAL GRIEVANCE WAS INVESTIGATED (#2015-5401) AND WAS UNFOUNDED. DEPUTY [redacted] AND DEPUTIES WORKING 3RD W/F ON 10-13-15 SAID THE ABOVE CONTENTS ARE UNTRUE. YOU WERE ABLE TO PROVIDE ME WITH ANY DEPUTY OR INMATE WITNESSES TO SUPPORT YOUR CLAIM. WITH THE INFORMATION PROVIDED, I FIND THIS GRIEVANCE UNFOUNDED.

Resolv [ ] Refer to Level III

Supervisor's Name: [redacted] Date: 10/12/15

SHIFT LIEUTENANT REVIEW: [x] Concur [ ] Reversed

SIGNATURE: [redacted] Date: 10/13/15 Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: C-Film Shift Date Assigned: 10/14/15

Date Due: 10/28/15

Response by: [redacted] Title: Date: [ ] Time:

FACILITY COMMANDER/DESIGNED REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: [redacted] Date: 10/21/15 Time:

RESPONSE RETURNED TO INMATE: Date: 10/21/15 Time: [x] By: [redacted]
October 20, 2015

Main Jail Complex
150 West Hedding Street
San Jose, CA 95110

Dear [Name]

I received your letters dated October 1 and October 14, 2015, which is appealing the response to Grievance #102234.

Grievance #102234 states that you believe several deputies threatened you with physical harm. Please be assured that I take all claims of this nature very seriously. After a thorough investigation, including interviewing witnesses, it has been determined that there is no evidence for these claims. Therefore, the answer to Grievance #102234 still stands.

Sincerely,

[Signature]

Captain Hoyt
Main Jail Division Commander

BH:evv

cc: Legal Resource Coordinator
INMATE GRIEVANCE FORM

DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC:

WHAT SOLUTION ARE YOU RECOMMENDING?

Your Signature: Date: / / / Time: AM/PM

Received from Inmate on:

RESPONDING OFFICER'S STATEMENT (Please print):

[ ] Resolved [ ] Refer to Level II

OFFICER'S NAME: Team: Date: / / /

SUPERVISOR'S ACTION:

[ ] Resolved [ ] Refer to Level III

SUPERVISOR'S NAME: Team: Date: / / /

SHIFT LIEUTENANT REVIEW: [ ] Concur [ ] Reversed

SIGNATURE: Date: / / Time:

SUPPORT SERVICE RESPONSE: Unit Assigned: Date Assigned: / / /

Date Due: / / / You are correct that we entered the Transportation bus and addressed you and two other inmates. However, aside from that fact, your account of the situation is false. The three of you were yelling profanities through the bus windows at numerous passersby, which consisted of adults and young children. Upon witnessing these shameful behaviors, we entered the bus, quoted the foul and inappropriate language we heard you speak, and admonished the three of you to cease immediately. Response by: Title: Date: / / Time: 

FACILITY COMMANDER/DISGENEE REVIEW: [ ] Concur [ ] Reversed

If it were not so important to dress-down your behavior immediately, we would have recorded your custody into and followed-up with infractions regarding the numerous rule violations we witnessed.

SIGNATURE: Date: / / Time:

RESPONSE RETURNED TO INMATE: Date: / / Time: By:

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)
CLAIM AGAINST THE COUNTY OF SANTA CLARA

Please submit the completed form to the Clerk of the Board of Supervisors, 70 W. Hedding St., East Wing, 10th Floor, San Jose, CA 95110

Please attach additional pages as needed.

FOR CLERK'S USE ONLY

1. Claimant's full name: ___________________________  □ Minor

2. Claimant's telephone number: ___________________________

3. Claimant's mailing address: 150 WEST HEDDING ST, SAN JOSE, CA

4. Mailing address to which notices are to be sent, if different from 3:

5. Date of the incident or loss: 9-23-15 & 10-12-15

6. Location of the incident or loss: SANTA CLARA D.O.C. MAIN TAIL

7. Describe how the incident or loss happened and the reason why you believe the County of Santa Clara is liable for your damages: BURNING BREAKFAST, $______

8. Describe the injury, damage, or loss: HARASSMENT & THREAT OF PHYSICAL HARM

9. If a public employee is involved in the injury, damage, or loss, provide name if known: □

10. Name of witness, if any: ___________________________

11. If the claim is for less than $10,000, state the total amount of the claim: $50,000.00

List the items totaling the amount of the claim:

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<th>Item</th>
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</table>

12. If the claim is for more than $10,000, is the amount over $25,000? Yes □ No □

Signature of Claimant or Representative: ___________________________ Date: 10-15-15

Any person who, with the intent to defraud, presents any false or fraudulent claim may be punished either by imprisonment or fine, or both. See section 72 of the Penal Code.
GOVERNMENT TORT CLAIM FORM

(PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED)

CLAIM AGAINST _____________________________ (NAME OF PUBLIC ENTITY).

1. CLAIMANT'S NAME: ________________________________

2. CLAIMANT'S MAILING ADDRESS: 150 WEST HEDDING ST
   (ADDRESS)
   San Jose, CA 95110-1718
   (CITY) (STATE) (ZIP CODE)

3. AMOUNT OF CLAIM: $50,000.00

   IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS ($10,000), THE AMOUNT
   OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE
   TYPE OF CIVIL CASE:
   ☐ LIMITED CIVIL CASE ($25,000 OR LESS)
   ☑ NON-LIMITED CIVIL CASE (OVER $25,000)

4. ITEMIZATION OF CLAIM: (How was the amount claimed above computed; list items totaling
   amount set forth above, including damages for pain and suffering, if applicable). IF YOU HAVE
   SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.),
   PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

   ITEM                                      DOLLAR AMOUNT
   1. Violation of Santa Clara O.C.C. Policy §11.13.03(9)(f)(l)  
   2. 1st Amendment Rehabilitation
   3. Penal Code §147
      $50,000.00
   4. Civil Code §3287, 2203

   (CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE
   TO BE SENT IF DIFFERENT FROM
   LINES 1 AND 2:

   ______________________________
   (NAME)

   150 WEST HEDDING ST
   (STREET OR P.O. BOX NUMBER)

   San Jose, CA 95110-1718
   (CITY) (STATE) (ZIP CODE)
6. DATE & TIME OF ACCIDENT OR LOSS: 9-23-15 & 10-12-15

7. LOCATION OF ACCIDENT OR LOSS (INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER):
Saint Clara O.S.C. MAIN Jail - 150 West Hedding ST
San Jose, CA 95110 - 1718

8. HOW DID THE ALLEGED ACCIDENT OR LOSS OCCUR? STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE PUBLIC ENTITY:

(Threatened me with physical harm. They stated that they will tear my ass.
On 10-12-15 after I was a suspect. On 10-30-14, SS stated
that "my fabric will be 18". This is a violation of
Saint Clara O.S.C. No. 21598-A. On 03-03-14, SS and [redacted] of 1st
(continue on separate sheet, if necessary)
Amendment

9. DESCRIBE INJURY / DAMAGE / LOSS: [Redacted]

(continue on separate sheet, if necessary)

10. NAME OF PUBLIC EMPLOYEE (S) CAUSING INJURY / DAMAGE / LOSS, IF
KNOWN:

[Redacted]

11. SIGNATURE OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:

[Redacted]

DATED: 11-15-15

12. DAYTIME TELEPHONE NUMBERS (PLEASE INCLUDE AREA CODE)
CLAIMANT

ATTORNEY/REPRESENTATIVE

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR TO ANY COUNTY, CITY, OR DISTRICT BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING," IS GUILTY OF EITHER A MISDEMEANOR OR FELONY AND MAY BE SUBJECT TO IMPRISONMENT AND/OR A FINE.