Email
Correspondence
Dec 27, 2015

Dear Editor:

Here are some questions for the PAPD re the December 25th fatal shooting of a yet unnamed, 31 year-old mentally ill man.

(1) When will the PAPD release the names of the officers involved in this fatal shooting, pursuant to the California Public Records Act and California case law?

(2) Did dash cams capture the incident? And will the police release the footage to the public, or hide behind an exception to the CPRA to prevent public disclosure?

(3) Will this incident lead the PAPD to implement police worn body-cameras, along with a departmental policy requiring public disclosure of the footage obtained?

(4) Will the DAs investigation be truly thorough and independent, or simply a rubber stamp of the PAPD's findings?

(5) Given that the mental health facility where the shooting occurred, was 3 blocks from the police station, did the PAPD respond with members of their crisis intervention and mental health unit?

(6) Since all members of the PAPD are armed with tasers, and tasers are purportedly safe to use in just this type of deadly force situation, why weren’t they used before the police discharged their guns?

(7) Did the police make any effort to retreat to a safe location before discharging their guns?

Sincerely,

Sent from my iPhone
Aram James: Questions for Palo Alto Police Regarding the Christmas Day Officer Involved Shooting Death

Aram James • Silicon Valley De-Bug • December 28, 2015

On December 25th, 2015, Palo Alto Police shot and killed a 31-yr-old man near or on the premises of a mental health hospital. The department has not shared critical information regarding the incident, but Palo Alto resident and civil rights advocate Aram James has submitted a series of questions to the department – several requiring an answer within an allotted time due to requirements of a California Public Records Act request. Here are those questions.

(1) When will the PAPD release the names of the officers involved in this fatal shooting, pursuant to the California Public Records Act and California case law?

(2) Did dash cams capture the incident? And will the police release the footage to the public, or hide behind an exception to the CPRA to prevent public disclosure?

(3) Will this incident lead the PAPD to implement police worn body-cameras, along with a departmental policy requiring public disclosure of the footage obtained?

(4) Will the DA's investigation be truly thorough and independent, or simply a rubber stamp of the PAPD's findings?

(5) Given that the mental health facility where the shooting occurred, was 3 blocks from the police station, did the PAPD respond with members of their crisis intervention and mental health unit?

(6) Since all members of the PAPD are armed with lasers, and lasers are purportedly safe to use in just this type of deadly force situation, why weren't they used before the police discharged their guns?

(7) Did the police make any effort to retreat to a safe location before discharging their guns?
Aram James: Questions for Palo Alto Police Regarding the Christmas Day Officer Involved Shooting Death | Silicon Valley De-Bug

About Aram James
Aram James is a former public defender and is a co-founder of the Albert Cobarrubias Justice Project.

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By Patrice Ventresca • December 28, 2015, 7:52 p.m.

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admin

US Mail
Correspondence
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,

Carl Ngo
Office Specialist III
Clerk of the Board
70. W Hedding St 10th Floor
San Jose, CA 95110
"COVER SUMMARY LETTER"

MY NAME IS [REDACTED] and I'm currently incarcerated in SANTA CLARA DEPARTMENT OF CORRECTIONS. MY CRIMINAL HISTORY - GRAND THEFT, POSSESSION OF FIREARM, FELONY EVADING, TAKING VEHICLE WITHOUT OWNER CONSENT AND FORGERY. I WAS SENTENCED 5 YEARS WITH HALF. MY RELEASE DATE IS MAY 26, 2016 AND I WILL HAVE NO TAIL. PLEASE NOTE THAT DURING MY 15 YEARS OF INCARCERATION, I HAVE NOT RECEIVED ANY RULE INFRACTION OR DISCIPLINE UNTIL MY STAY AT SANTA CLARA COUNTY. I've been to D.V.I, Folsom C.C.F, CORCORAN, PELICAN BAY AND SAN QUENTIN STATE PRISON, ALONG WITH BUTTE, SAN JOAQUIN, STANISLAUS, ALAMEDA AND SAN FRANCISCO COUNTY JAIL.

Pursuant to policy and procedure - Santa Clara Valley Medical Adult Custody Health Services - Inmate Access to Health Care States:

"If you have a chronic medical problem and/or are taking medication at the time of booking, you will automatically be made a doctor's appointment."

No appointment was made, even after the fact that I filed medical white cards, grievance, and letter of intent to sue. In December 2013, I was assigned to work in Elmwood Kitchen and Laundry, after signing a medical clearance form stating that I have a lower back injury. It was ignored and on 1-5-14 I re-injured my lowerback. I was seen by medical on 1-6-14. Released my medical records to Internal Affairs, Linda Kowalls on 1-8-14. Medical complaints I filed with I.A and did not see a doctor until 1-29-14.

In January 2014, I was infracted for helping an inmate who had asked me because he could not speak English. Correctional Officer Zamora instructed us to come back after 6AM count. We came back to the officer station, and 96 Cruz told me to go back to my housing unit. Then he threw me into a 2x4 cell with another inmate, and the cell had feces and urine. I was in the cell for 4 hours. The infraction was for unauthorized attendance, yet 96 Zamora did authorize me to come back after count. Possession of contraband, I had gloves and cleaning supplies which was given to me by 96 Saunders because one inmate had Staph in barracks 5. The same time that H1N1 outbreak in Elmwood. If I would not have told the inmate to seek medical attention, he would have died in two days. A doctor from Valley Medical was called in to treat the inmate staph infection.

[Medical can verify - December/January 2013/2014. Staph was located on the back of inmate head]

Signature: Mark
I was released on 2-5-14, and applied to Social Security Benefits. Doctors appointment was scheduled yet I was re-arrested on 4-29-14 for forgery. Again I informed L.A. Eddard Jackson that I suffer from back pain from the fall I sustained working in Elmwood Laundry on 1-5-14. Workmans Comp. claim was filed, also a 42 U.S.C & 1983 Civil Rights Complaint was filed.

U.S.D.C [Redacted] - Medical Indifference Claim, 6-4-14. As I was an R.C.P member, I was infraction for calling Internal Affairs regarding medical complaint and medical records release to Linda Koellen. Sergeant Gillette told me to no longer call I.A and I explained to him that I'm engaged in civil litigation & I released my protected Health Care records to I.A and have not received any correspondence regarding medical Complainet.

I disregarded his order and called Internal Affairs which I was infraction. Found guilty, placed on Disciplinary Isolation from Lieutenant Taylor. During my isolation, I was not afforded the 3 1/2 hours of out-of-cell time mandated by California code of regulations Title 15, and the Inmate Orientation and Rulebook, Page 29, 35 and 90. I filed a Writ of Habeas Corpus and a Federal Civil Rights complaint, Case # [Redacted] and U.S.D.C [Redacted] on 7-7-14, my life was threatened while on Court transportation bus. L.T Davis and Borgzinner got onto the bus right outside the Sally Port and said we will beat your ass, Bitch, we are old school say something now punks. I reported this to mental health on 8-19-14, I suffer from PTSD-anxiety and on anti-anxiety and pain medications.
MY 3rd INFRACTION WAS ON 9-16-14, while standing in
Pill Call Line, an Inspection Team, escorted by Lt. Taylor and
Yo Grimm. I asked what department they were from and
said the Health Department. Yo Grimm got in my face and
was yelling at me. Then I was then transferred to the Main Jail
South, J-16 west, known as the Snake pits. On 9-29-15, I received
5 days loss of good-time credit by Lt. Borgzinner. After the
filing of a Grievance for his misconduct on 7-7-14, I appealed to
Captain Hoyt and Chief of Correction John Hirokawa, yet was denied.

While housed in J-16 west, the Conditions are over-crowded, cold
Showers and mold. I filed a Writ of Habeas Residency, regarding conditions of
of confinement. I signed up for substance abuse classes in J-8
North and was moved in December 2014. On 12-30-14, I filed a Grievance
and sent the actual Grievance form via Legal Mail. The Grievance
[redacted] which was in regards to trustee positions in J-8 where only
Hispanic when Yo Alvarez worked. The Grievance response was to not
send "Grievance Forms" via Legal Mail. The reason why I sent it by
That method, see Santa Clara D.O.C. Policy and Procedures - Section 14.05-3
III(B) which states that:

If the Grievance pertains to a particular employee,
The inmate may submit the grievance to another employee.
However, I was instructed not to send "Grievance Forms" via "Legal Mail"
On 1-9-15, Writ of Habeas was denied for failure to exhaust
administrative remedies. I was also granted Civil Pro Per privileges.
Judge Julia Alloggiamento directed me to write an appeal letter
To the Division Commander in order to exhaust my administrative
requirement in order to re-submit the denied Grievance.
ON 1-18-15, I SENT AN "APPEAL LETTER" TO DIVISION COMMANDER HOYT, VIA "PRO-PEN, INDISSENT, LEGAL MAIL". THE LETTER WAS FOR COURT PROCEEDINGS, AND ON 1-27-15, DEPUTY CRAWFORD ISSUED ME A MAJOR RULE INFRACTION FOR SENDING AN "APPEAL LETTER" FOR ADMINISTRATIVE EXHAUSTION REQUIREMENTS. LIEUTENANT BORZINNER FOUND ME GUILTY FOR DISOBEDIENCY OF A DIRECT ORDER FROM STAFF AND PRESENTING FALSE INFORMATION OR LYING. I WAS GIVEN 10 DAYS DISCIPLINARY ISOLATION.

I APPEALED TO DIVISION COMMANDER HOYT VIA "APPEAL LETTER". I WAS DENIED AND ISSUED ANOTHER INFRACTION FROM DEPUTY HEGAN. ONCE AGAIN, I WAS PUNISHED FOR SEEKING ADMINISTRATIVE REDRESS FOR JUDICIAL REVIEW. MY APPEAL TO CAPTAIN HOYT AND CHIEF OF CORRECTIONS WAS IGNORED AND DENIED.

I FILED A 42 U.S.C & 1983 CIVIL RIGHTS COMPLAINT FOR VIOLATING MY 1ST AMENDMENT RIGHT TO PETITION GOVERNMENT FOR REDRESS OF ENMENCE, RETALIATION, AND ACCESS TO THE COURTS. PLEASE NOTE THAT LT. MEYERS FINDS ME NOT GUILTY FOR SENDING AN "APPEAL LETTER" VIA "PRO-PEN, CONFIDENTIAL, INDISSENT, LEGAL MAIL" AND DIVISION COMMANDER HOYT CONCURRED. ALL OF MY COMMUNICATION TO DIVISION COMMANDER HOYT IS FOR COURT REVIEW AND I HAVE NOT RECEIVED ANOTHER INFRACTION FOR SENDING "APPEAL LETTERS," PURSUANT TO SANTA CLARA D.O.C. POLICY AND PROCEDURE SECTION 1.57; 14.01; 14.03; 14.05; 14.09; 17.13 AND SANTA CLARA D.O.C. INMATE ORIENTATION AND RULEBOOK, INMATE SEEKING ADMINISTRATIVE OR JUDICIAL REVIEW WILL NOT BE RETALIATED AGAINST FOR MAKING COMPLAINTS ABOUT CONDITIONS OF CONFINEMENT OR TREATMENT FROM STAFF.

I'VE CONTINUED TO EXERCISE MY RIGHTS ONLY TO BE MET WITH RESISTANCE, RETALIATORY RESPONDED, DISCRIMINATION BASED ON RACE, THREATEN...
with physical harm, placed in punitive housing, denied residential
placement in c.a.s.o - custody alternative supervision unit for
my civil litigation activities, lied to by staff, and failure of
superiors to investigate my grievances and complaints. This has
lead to my increased mental health p.t.s.d - anxiety attacks which
I suffer two/three times a week. % madriz is discriminate
and does not follow sanitation procedures. He only used hispanic
trustees which I filed a grievance regarding these issues. He
fails to supply the units in 3rd east with brooms, mops, and
cleaning supplies on a daily basis, pursuant to policy and pro-
cedure. Puts away extra food and is hostile towards me for
bringing these issues to his attention.

on 9-23-15 and 10-12-15, my life was threatened with physical
harm from % staden, lozada and pinon. Grievance was filed yet
was denied as unfounded. I have witnesses, all documents to
support these claims I've mentioned in this summary brief.
I'm seeking an investigation and legal help. I've exhausted all
administrative remedies. File claims against the county filed
units and civil rights complaints. I'm seeking monetary damag:
mental health help and advocacy, medical relief for back pain,
disability assistance, housing and vocational training in order
to become a productive member of society, a parent to my
children and a husband to my wife.

The foregoing is true and correct to the best of my
knowledge, signed under penalty of perjury on this day of
TRANSPARENCY AND OPEN GOVERNMENT

SANTA CLARA COUNTY SHERIFF DEPARTMENT IS COMMITTED TO CREATING AN UNPRECEDENTED LEVEL OF OPENNESS IN GOVERNMENT. THEY WILL WORK TOGETHER TO ENSURE THE PUBLIC TRUST AND ESTABLISH A SYSTEM OF TRANSPARENCY, PUBLIC PARTICIPATION, AND COLLABORATION. OPENNESS WILL STRENGTHEN OUR DEMOCRACY AND PROMOTE EFFICIENCY AND EFFECTIVENESS IN GOVERNMENT.

TRANSPARENCY PROMOTES ACCOUNTABILITY AND PROVIDES INFORMATION FOR CITIZENS ABOUT WHAT THEIR GOVERNMENT IS DOING. INFORMATION MAINTAINED BY THIS ADMINISTRATION IS AN ASSET. THIS ADMINISTRATION WONT TAKE APPROPRIATE ACTION CONSISTENT WITH LAW AND POLICY. TO DISCLOSE INFORMATION RAPIDLY IN FORMS THAT THE PUBLIC CAN READILY FIND AND USE. THE SHERIFF AND DEPARTMENT OF CORRECTIONS SHOULD HARNES S NEW TECHNOLOGIES TO PUT INFORMATION ABOUT OPERATIONS AND DECISIONS ONLINE AND READILY AVAILABLE TO THE PUBLIC. THE DEPARTMENTS SHOULD ALSO SOLICIT PUBLIC FEEDBACK TO IDENTIFY INFORMATION OF GREATEST USE TO THE PUBLIC.

PUBLIC ENGAGEMENT ENHANCES THE GOVERNMENT'S EFFECTIVENESS AND IMPROVES THE QUALITY OF ITS DECISIONS. KNOWLEDGE IS WIDELY DISPERSED IN SOCIETY, AND PUBLIC OFFICIALS BENEFIT FROM HAVING ACCESS TO THAT DISPERSED KNOWLEDGE. THE DEPARTMENT SHOULD ALSO SOLICIT PUBLIC INPUT ON HOW WE CAN INCREASE AND IMPROVE OPPORTUNITIES FOR PUBLIC PARTICIPATION IN GOVERNMENT.
Collaboration actively engages Americans in the work of their government. Departments should use innovative tools, methods, and systems to cooperate among themselves, across all levels of government, and with non-profit organizations, business, and individuals in the private sector. The Department should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation.

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote: “Sunlight is said to be the best of disinfectants.” In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensure an open government. At the heart of that commitment is the idea that accountability is in the interest of the government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Non-disclosure should never be based on an effort to protect the personal interests of government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, the Department should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

CC. President Barack Obama
Memorandum Jan. 21, 2009
74 FR 4683 & 4685
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