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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 JOHN ARMSTRONG, et al.,

21 Plaintiffs,

22 v.

23 GAVIN NEWSOM, et al.,

24 Defendants.

Case No. C94 2307 CW

**[REDACTED] DECLARATION OF
MICHAEL FREEDMAN IN SUPPORT
OF MOTION TO STOP DEFENDANTS
FROM ASSAULTING, ABUSING AND
RETLIATING AGAINST PEOPLE
WITH DISABILITIES AND EXHIBITS
1-80**

Judge: Hon. Claudia Wilken
Date: July 21, 2020
Time: 2:30 p.m.
Crtrm.: TBD

25
26
27 **REDACTED**

28 Case No. C94 2307 CW

1 I, Michael Freedman, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am Senior
3 Counsel in the law firm of Rosen Bien Galvan & Grunfeld LLP, counsel of record for
4 Plaintiffs. I have personal knowledge of the facts set forth herein, and if called as a
5 witness, I could competently so testify. I make this declaration in support of Plaintiffs’
6 Motion to Stop Defendants From Assaulting, Abusing and Retaliating Against People
7 With Disabilities (“Motion”).

8 2. On February 28, 2020, I previously submitted a declaration, incorporated
9 herein by reference, in support of Plaintiffs’ Motion to Stop Defendants From Assaulting,
10 Abusing and Retaliating Against People With Disabilities at R.J. Donovan Correctional
11 Facility (“RJD Motion”). *See* Dkts. 2922-2 to 2922-5 (“Freedman RJD Decl.”). I attached
12 as exhibits to the Freedman RJD Declaration, *inter alia*, fifty-four declarations from people
13 with disabilities regarding staff misconduct they experienced or witnessed at R.J. Donovan
14 Correctional Facility (“RJD”).

15 3. Attached to this declaration are fifty-eight additional declarations from
16 incarcerated people regarding staff misconduct they have experienced or witnessed at
17 California Department of Corrections and Rehabilitation (“CDCR”) prisons. Nineteen of
18 these additional declarations describe further misconduct and retaliation at RJD, nearly all
19 of which occurred after Plaintiffs filed the RJD Motion. Twenty-nine declarations
20 describe misconduct at California State Prison – Los Angeles County (“LAC”). Four
21 declarations describe misconduct at California Correctional Institution (“CCI”). Three
22 declarations describe misconduct at Kern Valley State Prison (“KVSP”). Two declarations
23 describe misconduct at California State Prison – Corcoran (“COR”). One declaration
24 describes misconduct at California Substance Abuse Treatment Facility (“SATF”). All of
25 these new declarations were obtained following the filing of the RJD Motion.

26 4. On March 17, 2020, counsel for CDCR notified Plaintiffs’ counsel in an
27 email, a true and correct copy of which is attached hereto as **Exhibit 1**, that the Secretary
28 of CDCR had suspended Plaintiffs’ counsel’s visits to CDCR institutions in response to the

1 COVID-19 pandemic. On March 24, 2020, Governor Newsom issued Executive Order
2 N-36-20, a true and correct copy of which is attached hereto as **Exhibit 2**, suspending all
3 visitation into CDCR institutions. Because of these policies and the ongoing COVID-19
4 pandemic, Plaintiffs' counsel was unable to meet with the declarants in person for the
5 declarants to sign their declarations. Instead, Plaintiffs' counsel spoke with each declarant
6 by telephone.

7 5. Furthermore, incarcerated people who have complained of misconduct have
8 experienced pervasive retaliation, as reflected in many of the fifty-four declarations filed
9 with the RJD Motion and in many of the declarations attached as exhibits to this
10 declaration. Accordingly, Plaintiffs' counsel was not willing to endanger the welfare of
11 the declarants by sending declarations into the prisons for the declarants to sign and then
12 return by mail. Given what Plaintiffs' counsel has learned in the course of this
13 investigation, trusting officers not to read legal mail from our office was too risky.
14 Instead, Plaintiffs' counsel read the contents of each person's declaration, verbatim, to the
15 declarant by telephone during a confidential telephone call. Each declarant then orally
16 confirmed that the contents of the declaration were true and correct. Each declarant also
17 orally granted Plaintiffs' counsel permission to affix his or her signature to the declaration
18 and to file the declaration in this matter.

19 6. Plaintiffs' counsel has previously provided copies of the fifty-eight new
20 declarations to Defendants, as well as the *Coleman* Special Master, through a secure file
21 sharing website. Plaintiffs' counsel shared four declarations on April 23, 2020; nine
22 declarations on May 7, 2020; nine declarations on May 14, 2020; five declarations on
23 May 15, 2020; seven declarations on May 19, 2020; nine declarations on May 21, 2020;
24 seven declarations on May 22, 2020; three declarations on May 21, 2020; five declarations
25 on May 29, 2020; and one declaration on June 1, 2020.

26 7. To date, a total of 100 people with disabilities have submitted 112
27 declarations in support of the Motion.

28

1 **I. THE DEATH OF DECLARANT** [REDACTED] [REDACTED]

2 8. As discussed in the RJD Motion, [REDACTED] one of the people who
3 submitted a declaration in support of the RJD Motion, died on February 19, 2020 from
4 injuries sustained in a fight with his cell mate. See RJD Mot., Dkt. 2922, at 13, 33;
5 Freedman RJD Decl., ¶¶ 72-74 & Exs. 22, 22a, 22b. Since the filing of the RJD Motion,
6 Plaintiffs have gathered additional evidence that shows that staff’s failure to take seriously
7 Mr. [REDACTED] safety concerns contributed to his death.

8 9. Attached hereto as **Exhibit 3** is a true and correct copy of a declaration from
9 *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DPM, EOP, 47 years old)
10 signed on March 27, 2020

11 10. Attached hereto as **Exhibit 4** is a true and correct copy of a declaration from
12 *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPO, EOP, 69 years old)
13 signed on March 27, 2020.

14 11. Attached hereto as **Exhibit 5** is a true and correct copy of a supplemental
15 declaration from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED]
16 DNH, EOP, 47 years old) signed on March 27, 2020.

17 12. According to Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] in the days prior to the
18 fight, Mr. [REDACTED] and his cell mate, Mr. [REDACTED] repeatedly requested to no longer be
19 housed together because they were not getting along. Ex. 3, ¶¶ 5-6; Ex. 4, ¶¶ 10-11; Ex. 5,
20 ¶¶ 5-8. Officers [REDACTED] and [REDACTED] denied their requests, telling the cell mates that they
21 needed to “fuck or fight,” i.e., get along or fight to prove they were incompatible. Ex. 3,
22 ¶¶ 5-6; Ex. 4, ¶¶ 10-11; Ex. 5, ¶¶ 6-8. When Mr. [REDACTED] and Mr. [REDACTED] did fight in
23 their cell on February 4, 2020, Officer [REDACTED] and the other officer on duty that day failed
24 to respond for 15-30 minutes. Ex. 3, ¶¶ 7-11; Ex. 4, ¶ 12; Ex. 5, ¶¶ 9-11. Fifteen days
25 later, Mr. [REDACTED] died in a hospital from his serious injuries. Ex. 4, ¶¶ 14-15;
26 Freedman RJD Decl., Exs. 22a, 22b.

27 13. Attached hereto as **Exhibit 6** is a true and correct excerpted copy of the
28 autopsy report for Mr. [REDACTED] Mr. [REDACTED] died from an acute pulmonary

1 thromboemboli due to “recent blunt force trauma and related inactivity.” *Id.* at 3. The
 2 autopsy report of the Medical Examiner of the County of San Diego deemed
 3 Mr. ██████ death a homicide. *Id.*

4 14. In the declaration Mr. ██████ submitted in support of the RJD Motion, he
 5 stated that he “lived in fear that any day [his] cell door would be popped open by staff and
 6 incarcerated people would be let in to attack him” in retaliation for a lawsuit he had filed
 7 against staff. *See* Freedman RJD Decl., Ex. 22, ¶¶ 15-16. Mr. ██████ was also “very
 8 fearful of Officer ██████ because he believed that Officer ██████ was responsible for the
 9 deaths of multiple incarcerated people at RJD. *Id.* ¶ 11. Mr. ██████ also reported that
 10 Officer ██████ habitually threatened incarcerated people in Mr. ██████ housing unit.
 11 *Id.*

12 15. Attached hereto as **Exhibit 7**¹ are true and correct copy of excerpts of
 13 documents related to an incident in 2016 for which the then-warden at RJD found Officer
 14 ██████ violated policy and for which the warden imposed adverse action. On July 5,
 15 2016, Officer ██████ “hog-tied” *Coleman* class member ██████ by connecting
 16 Mr. ██████ hand and ankle cuffs with a third set of restraints. *Id.* at EX07_02-03. Officer
 17 ██████ then placed Mr. ██████ face down in a Stokes Litter. *Id.* at EX07_03. A few
 18 minutes later, staff discovered that Mr. ██████ was unconscious and that his hands were
 19 purple. *Id.* After being rushed to an outside hospital, Mr. ██████ died. *Id.* Officer ██████
 20 failed to report that he used force against Mr. ██████ and that he applied a hog-tie to
 21 Mr. ██████ before placing him face-down on the litter. *Id.* at EX07_04.

22 16. After reviewing the Office of Internal Affairs investigation into Mr. ██████
 23 death, Warden Paramo found that Officer ██████ had used and failed to report
 24 unreasonable force against Mr. ██████ when he used and failed to report his use of a third
 25 restraint to hog-tie Mr. ██████ *Id.* at EX07_07. Pursuant to CDCR’s Department
 26 Operation Manual (“DOM”), the base penalty for his failure to report his own

27 _____
 28 ¹ Where necessary, we have Bates-stamped documents to assist the Court.

1 unreasonable use of force was dismissal, the highest possible penalty (Level 9). *See id.* at
2 EX07_09; Decl. of Gay Crosthwait Grunfeld in Supp. of RJD Mot., Dkt. 2922-1, Ex. LL,
3 at 246, 252. Notwithstanding the fact that Officer [REDACTED] conduct caused the death of
4 Mr. [REDACTED] Warden Paramo elected to mitigate Officer [REDACTED] discipline and issue him a
5 Level 6 penalty: a 10% salary reduction for 18 months. Ex. 7, at EX07_09.

6 17. Attached hereto as **Exhibit 8** is a true and correct copy of a webpage for
7 Transparent California, a website that provides information regarding pay for employees of
8 the State of California. The website, which is available at
9 [https://transparentcalifornia.com/salaries/search/?q=CORRECTIONAL%20OFFICER&y=](https://transparentcalifornia.com/salaries/search/?q=CORRECTIONAL%20OFFICER&y=2018)
10 [2018](https://transparentcalifornia.com/salaries/search/?q=CORRECTIONAL%20OFFICER&y=2018), and which I last visited on May 31, 2020, shows that Officer [REDACTED] base salary in
11 2018 was \$82,867.04. According to this information, the penalty imposed on Officer
12 [REDACTED] resulted in a reduction in salary of approximately \$12,500 over 18 months.

13 **II. ADDITIONAL DECLARATIONS REGARDING ASSAULTS, ABUSE AND**
14 **RETALIATION AT RJD**

15 18. The declarations attached hereto as Exhibits 9 to 24 describe misconduct the
16 declarants experienced or witnessed at RJD. Nearly all of the misconduct described in
17 these declarations occurred after the filing of the RJD Motion on February 28, 2020.

18 19. Attached hereto as **Exhibit 9** is a true and correct copy of a second
19 supplemental declaration from [REDACTED] [REDACTED] ([REDACTED] DNH, EOP, 47 years old)
20 signed on May 21, 2020. As discussed above, Mr. [REDACTED] is also submitting a declaration
21 regarding Mr. [REDACTED] death. *See* Ex. 5. Mr. [REDACTED] previously submitted a
22 declaration in support of the RJD Motion. *See* Freedman RJD Decl., Ex. 9.

23 20. Attached hereto as **Exhibit 10** is a true and correct copy of a declaration
24 from *Armstrong* class member [REDACTED] ([REDACTED] DPM, 59 years old) signed on
25 May 20, 2020.

26 21. Attached hereto as **Exhibit 11** is a true and correct copy of a declaration
27 from *Armstrong* class member [REDACTED] ([REDACTED] DPM, 50 years old) signed on
28 May 20, 2020.

1 22. Attached hereto as **Exhibit 12** is a true and correct copy of a supplemental
2 declaration from *Coleman* class member [REDACTED] ([REDACTED] CCCMS, 52 years
3 old) signed on May 19, 2020. Mr. [REDACTED] previously submitted a declaration in support
4 of the RJD Motion. See Freedman RJD Decl., Ex. 19.

5 23. Attached hereto as **Exhibit 13** is a true and correct copy of a declaration
6 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DPM, CCCMS,
7 57 years old) signed on May 19, 2020.

8 24. Attached hereto as **Exhibit 14** is a true and correct copy of a supplemental
9 declaration from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPM,
10 EOP, 69 years old) signed on May 20, 2020. Mr. [REDACTED] previously submitted a
11 declaration in support of the RJD Motion. See Freedman RJD Decl., Ex. 24.

12 25. Attached hereto as **Exhibit 15** is a true and correct copy of a declaration
13 from *Armstrong*, *Coleman*, and *Clark* class member [REDACTED] [REDACTED] ([REDACTED] DNH,
14 EOP, DD1, 47 years old) signed on May 19, 2020.

15 26. Attached hereto as **Exhibit 16** is a true and correct copy of a supplemental
16 declaration from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPO,
17 EOP, 59 years old) signed on May 13, 2020. Mr. [REDACTED] previously submitted a declaration
18 in support of the RJD Motion. See Freedman RJD Decl., Ex. 33.

19 27. Attached hereto as **Exhibit 17** is a true and correct copy of a supplemental
20 declaration from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 32 years old) signed
21 on May 13, 2020. Mr. [REDACTED] previously submitted a declaration in support of the RJD
22 Motion. See Freedman RJD Decl., Ex. 32.

23 28. Attached hereto as **Exhibit 18** is a true and correct copy of a supplemental
24 declaration from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED]
25 DNM, CCCMS, 46 years old) signed on May 19, 2020. Mr. [REDACTED] previously
26 submitted a declaration in support of the RJD Motion. See Freedman RJD Decl., Ex. 37.

27 29. Attached hereto as **Exhibit 19** is a true and correct copy of a supplemental
28 declaration from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED]

1 DNH, DNM, EOP, 51 years old) signed on May 13, 2020. Mr. [REDACTED] previously
2 submitted a declaration in support of the RJD Motion. *See* Freedman RJD Decl., Ex. 38.
3 Mr. [REDACTED] declaration also describes staff misconduct against people with disabilities
4 at LAC. Ex. 19, ¶ 12-16.

5 30. Attached hereto as **Exhibit 20** is a true and correct copy of a declaration
6 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DLT, EOP, 62
7 years old) signed on May 26, 2020.

8 31. Attached hereto as **Exhibit 21** is a true and correct copy of a supplemental
9 declaration from *Armstrong* class member [REDACTED] ([REDACTED] DPM, DNH, 57 years
10 old) signed on May 29, 2020. Mr. [REDACTED] previously submitted a declaration in support of
11 Plaintiffs' Motion. *See* Freedman RJD Decl., Ex. 45.

12 32. Attached hereto as **Exhibit 22** is a true and correct copy of a supplemental
13 declaration from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED]
14 DPW, CCCMS, 58 years old) signed on May 22, 2020. Mr. [REDACTED] previously
15 submitted a declaration in support of Plaintiffs' Motion. *See* Freedman RJD Decl., Ex. 48.

16 33. Attached hereto as **Exhibit 23** is a true and correct copy of a declaration
17 from *Armstrong*, *Coleman*, and *Clark* class member [REDACTED] ([REDACTED] DLT, EOP,
18 DD1, 43 years old) signed on May 19, 2020.

19 34. Attached hereto as **Exhibit 24** is a true and correct copy of a supplemental
20 declaration from *Armstrong* class member [REDACTED] [REDACTED] ([REDACTED] DPW, 76 years old)
21 signed on May 11, 2020. Mr. [REDACTED] previously submitted a declaration in support of
22 Plaintiffs' Motion. *See* Freedman RJD Decl., Ex. 53.

23 **III. DECLARATIONS REGARDING MISCONDUCT AT LAC**

24 35. The declarations attached hereto as Exhibits 25 to 53 describe misconduct
25 the declarants experienced or witnessed at LAC.

26 36. Attached hereto as **Exhibit 25** is a true and correct copy of a declaration
27 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 27 years old) signed on
28 May 8, 2020.

1 37. Attached hereto as **Exhibit 26** is a true and correct copy of a declaration
2 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DLT, EOP, 38
3 years old) signed on May 19, 2020.

4 38. Attached hereto as **Exhibit 27** is a true and correct copy of a declaration
5 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPW, CCCMS, 58
6 years old) signed on May 19, 2020.

7 39. Attached hereto as **Exhibit 28** is a true and correct copy of a declaration
8 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility
9 disability², CCCMS, 55 years old) signed on May 28, 2020.

10 40. Attached hereto as **Exhibit 29** is a true and correct copy of a declaration
11 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 47 years old) signed on
12 May 14, 2020.

13 41. Attached hereto as **Exhibit 30** is a true and correct copy of a declaration
14 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DLT, EOP, 58 years
15 old) signed on April 22, 2020.

16 42. Attached hereto as **Exhibit 31** is a true and correct copy of a declaration
17 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPM, EOP, 53
18 years old) signed on May 15, 2020.

19 43. Attached hereto as **Exhibit 32** is a true and correct copy of a declaration
20 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DNH, CCCMS, 59
21 years old) signed on April 24, 2020.

22 44. Attached hereto as **Exhibit 33** is a true and correct copy of a declaration
23 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 58 years old) signed on
24 April 22, 2020.

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² While Mr. [REDACTED] is not currently designated with a disability code, his declaration describes that he has a mobility disability. He was also designated DPM during the events described in his declaration.

1 45. Attached hereto as **Exhibit 34** is a true and correct copy of a declaration
2 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DNH, CCCMS, 41
3 years old) signed on April 21, 2020.

4 46. Attached hereto as **Exhibit 35** is a true and correct copy of a declaration
5 from *Armstrong* and *Coleman* class member [REDACTED] ([REDACTED] DPW, CCCMS, 48
6 years old) signed on April 22, 2020.

7 47. Attached hereto as **Exhibit 36** is a true and correct copy of a declaration
8 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 54 years old) signed on May 7,
9 2020.

10 48. Attached hereto as **Exhibit 37** is a true and correct copy of a declaration
11 from *Coleman* class member [REDACTED] ([REDACTED] EOP, 48 years old) signed on
12 May 20, 2020.

13 49. Attached hereto as **Exhibit 38** is a true and correct copy of a declaration
14 from *Coleman* class member [REDACTED] ([REDACTED] EOP, 42 years old) signed on
15 May 1, 2020.

16 50. Attached hereto as **Exhibit 39** is a true and correct copy of a declaration
17 from *Coleman* class member [REDACTED] ([REDACTED] EOP, 41 years old) signed on
18 April 20, 2020.

19 51. Attached hereto as **Exhibit 40** is a true and correct copy of a declaration
20 from *Coleman* class member [REDACTED] ([REDACTED] EOP, 41 years old) signed on
21 April 20, 2020.

22 52. Attached hereto as **Exhibit 41** is a true and correct copy of a declaration
23 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility disability³,
24 CCCMS, 52 years old) signed on May 14, 2020.

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27 ³ While Mr. [REDACTED] is not currently designated with a disability code, his declaration
28 describes that he has a mobility disability.

1 53. Attached hereto as **Exhibit 42** is a true and correct copy of a declaration
2 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 41 years old) signed on
3 April 20, 2020.

4 54. Attached hereto as **Exhibit 43** is a true and correct copy of a declaration
5 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 36 years old) signed on
6 April 21, 2020.

7 55. Attached hereto as **Exhibit 44** is a true and correct copy of a declaration
8 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPO, 34 years
9 old) signed on April 23, 2020.

10 56. Attached hereto as **Exhibit 45** is a true and correct copy of a declaration
11 from *Coleman* class member [REDACTED] ([REDACTED] EOP, 38 years old) signed on
12 April 23, 2020.

13 57. Attached hereto as **Exhibit 46** is a true and correct copy of a declaration
14 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 42 years old) signed on
15 May 18, 2020.

16 58. Attached hereto as **Exhibit 47** is a true and correct copy of a declaration
17 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 45 years old) signed
18 on May 20, 2020.

19 59. Attached hereto as **Exhibit 48** is a true and correct copy of a declaration
20 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DPW, EOP,
21 54 years old) signed on May 11, 2020.

22 60. Attached hereto as **Exhibit 49** is a true and correct copy of a declaration
23 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DLT, EOP, 39
24 years old) signed on April 27, 2020.

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1 61. Attached hereto as **Exhibit 50** is a true and correct copy of a declaration
2 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility
3 disability⁴, CCCMS, 60 years old) signed on April 20, 2020.

4 62. Attached hereto as **Exhibit 51** is a true and correct copy of a declaration
5 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DNH, CCCMS, 52
6 years old) signed on April 21, 2020.

7 63. Attached hereto as **Exhibit 52** is a true and correct copy of a declaration
8 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 35 years old) signed on
9 April 24, 2020.

10 64. Attached hereto as **Exhibit 53** is a true and correct copy of a declaration
11 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility disability⁵,
12 EOP, 29 years old) signed on April 30, 2020.

13 **IV. DECLARATIONS REGARDING MISCONDUCT AT CCI**

14 65. The declarations attached as Exhibits 54 to 57 describe misconduct the
15 declarants experienced or witnessed at CCI.

16 66. Attached hereto as **Exhibit 54** is a true and correct copy of a declaration
17 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility disability⁶,
18 CCCMS, 39 years old) signed on May 22, 2020.

19 67. Attached hereto as **Exhibit 55** is a true and correct copy of a declaration
20 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 32 years old) signed on
21 May 18, 2020.

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24 _____
25 ⁴ While Mr. [REDACTED] is not currently designated with a disability code, his declaration
26 describes that he has a mobility disability.

27 ⁵ While Mr. [REDACTED] is not currently designated with a disability code, his declaration describes
28 that he has a mobility disability.

⁶ While Mr. [REDACTED] is not currently designated with a disability code, his declaration
describes that he has a mobility disability.

1 68. Attached hereto as **Exhibit 56** is a true and correct copy of a declaration
2 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 29 years old) signed
3 on May 21, 2020.

4 69. Attached hereto as **Exhibit 57** is a true and correct copy of a declaration
5 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] mobility
6 disability⁷, CCCMS, 59 years old) signed on May 21, 2020.

7 **V. DECLARATIONS REGARDING MISCONDUCT AT COR**

8 70. The declarations attached as Exhibits 58 to 59 describe misconduct the
9 declarants experienced or witnessed at COR.

10 71. Attached hereto as **Exhibit 58** is a true and correct copy of a declaration
11 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 42 years old) signed on
12 May 18, 2020.

13 72. Attached hereto as **Exhibit 59** is a true and correct copy of a declaration
14 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] CCCMS, 25 years old) signed
15 on May 15, 2020.

16 **VI. DECLARATIONS REGARDING MISCONDUCT AT KVSP**

17 73. The declarations attached as Exhibits 60 to 62 describe misconduct the
18 declarants experienced or witnessed at KVSP.

19 74. Attached hereto as **Exhibit 60** is a true and correct copy of a declaration
20 from *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] EOP, 34 years old) signed on May 29,
21 2020.

22 75. Attached hereto as **Exhibit 61** is a true and correct copy of a declaration
23 from *Armstrong* and *Coleman* class member [REDACTED] [REDACTED] ([REDACTED] DLT, EOP, 43
24 years old) signed on May 15, 2020.

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27 ⁷ While Mr. [REDACTED] is not currently designated with a disability code, his declaration
28 describes that he has a mobility disability.

1 76. Attached hereto as **Exhibit 62** is a true and correct copy of a supplemental
2 declaration from [REDACTED] ([REDACTED] DLT, EOP, 38 years old) signed on
3 May 29, 2020. Mr. [REDACTED] declaration regarding staff misconduct at LAC is also
4 attached hereto. *See Ex. 26.*

5 **VII. DECLARATIONS REGARDING MISCONDUCT AT SATF**

6 77. Attached hereto as **Exhibit 63** is a true and correct copy of a declaration
7 from *Coleman* class member [REDACTED] ([REDACTED] DLT, EOP, 34 years old) signed on
8 May 19, 2020 regarding staff misconduct at SATF.

9 **VIII. A FORMER STAFF MEMBER AT RJD HAS SUBMITTED A**
10 **DECLARATION DESCRIBING RETALIATION AGAINST STAFF FOR**
REPORTING MISCONDUCT AT RJD

11 78. Attached hereto as **Exhibit 64** is a true and correct copy of a declaration
12 from former RJD social worker Melissa Turner signed on April 20, 2020. According to
13 Ms. Turner’s declaration, custody staff referred to her as a “rat,” harassed her in retaliation
14 for complaints she made about custody staff impeding incarcerated people’s access to
15 mental health care, and commonly watched fights unfold between incarcerated people
16 without intervening. *Id.*, ¶¶ 4-15. Plaintiffs shared Ms. Turner’s declaration with
17 Defendants on April 23, 2020 through a secure file sharing website.

18 **IX. CORRESPONDENCE RELATED TO DEFENDANTS’ PRODUCTION OF**
19 **DOCUMENTS IN RESPONSE TO PLAINTIFFS’ NOVEMBER 21, 2020**
DISCOVERY REQUESTS

20 79. Attached hereto as **Exhibit 65** is a true and correct copy of a March 19, 2020
21 letter from Gay Crosthwait Grunfeld to Damon McClain, Defendants’ counsel, regarding
22 “Gaps in the Current Production of Documents.”

23 80. Attached hereto as **Exhibit 66** is a true and correct copy of a March 30, 2020
24 letter from Penny Godbold to Sean Lodholz, Defendants’ counsel, regarding “Request for
25 Production of Documents.”

26 81. Attached hereto as **Exhibit 67** is a true and correct copy of an April 2, 2020
27 letter from Penny Godbold to Sean Lodholz regarding “Update on the Status of Production
28 of Documents.”

1 82. Attached hereto as **Exhibit 68** is a true and correct copy of an April 8, 2020
2 letter from Penny Godbold to Sean Lodholz regarding “Follow-up to April 2, 2020 Letter
3 Regarding Defendants’ Production of Documents.”

4 83. Attached hereto as **Exhibit 69** is a true and correct copy of an April 9, 2020
5 letter from Sean Lodholz to Penny Godbold.

6 84. Attached hereto as **Exhibit 70** is a true and correct copy of an April 20, 2020
7 letter from Sean Lodholz to me.

8 85. Attached hereto as **Exhibit 71** is a true and correct copy of an April 27, 2020
9 letter from me to Sean Lodholz regarding “Response to April 20, 2020 Letter Regarding
10 Defendants’ Production of Documents.”

11 86. Attached hereto as **Exhibit 72** is a true and correct copy of a May 4, 2020
12 letter from Sean Lodholz to me.

13 87. Attached hereto as **Exhibit 73** is a true and correct copy of a May 6, 2020
14 letter from me to Sean Lodholz regarding “Response to May 4, 2020 Letter Regarding
15 Defendants’ Production of Documents.”

16 88. Attached hereto as **Exhibit 74** is a true and correct copy of a May 22, 2020
17 letter from me to Sean Lodholz regarding “Production of Electronically Stored
18 Information.”

19 **X. DAI NON-COMPLIANCE LOGS**

20 89. Attached hereto as **Exhibit 75** are true and correct copies of DAI Employee
21 Non-Compliance Logs (“Accountability Logs”) for January and February 2020 for RJD.

22 90. Attached hereto as **Exhibit 76** are true and correct copies of DAI Employee
23 Non-Compliance Logs (“Accountability Logs”) for July 2019 through February 2020 for
24 LAC.

25 **XI. OFFICE OF INTERNAL AFFAIRS INVESTIGATIONS INTO**
26 **ALLEGATIONS OF STAFF MISCONDUCT INVOLVING ARMSTRONG**
27 **CLASS MEMBERS RESULTING IN TERMINATION**

28 91. In Defendants’ May 27, 2020 letter, they identified four cases where the
Hiring Authority sustained findings of misconduct involving *Armstrong* class members for

1 which eight custody staff were terminated: S-RJD-026-19-A, S-RJD-086-19-A, S-RJD-
2 144-18-A, and S-RJD-358-17-A. *See* Decl. of Gay Crosthwait Grunfeld in Supp. of Mot.,
3 Ex. G, at 2. In all four cases, either there was video evidence of the officers engaging in
4 misconduct or a staff member reported the officers misconduct.

5 92. Plaintiffs' expert reviewed two of these cases: S-RJD-086-19-A and S-RJD-
6 145-18-A. *See* Decl. of Jeffrey Schwartz in Supp. of Mot. ("Schwartz Decl."), filed
7 herewith under seal, ¶¶ 205-224. In his report, Mr. Schwartz found that the primary
8 evidence relied upon to sustain the allegations of misconduct and terminate the three
9 subject-officers in S-RJD-086-19-A was fixed-camera surveillance footage. *Id.*, ¶¶ 212-
10 224. The surveillance footage in case S-RJD-086-19-A is attached as Exhibits 89 and 90
11 to the Freedman RJD declaration. Mr. Schwartz also found that, with respect to case S-
12 RJD-144-18-A, the primary evidence relied upon to sustain a finding of misconduct and
13 support dismissal for one of the subjects officers was the report of another officer. *Id.*, ¶¶
14 205-211.

15 93. Mr. Schwartz did not review the two other cases cited by Defendants in their
16 May 27, 2020 letter. However, documents produced by Defendants regarding those
17 incidents indicate that in both cases, either video surveillance footage or staff reports of
18 misconduct were the primary evidence supporting a finding of misconduct and imposition
19 of termination as discipline. Attached hereto as **Exhibit 77** is a true and correct copy of an
20 Office of Internal Affairs ("OIA") investigation report for case S-RJD-026-19-A, which
21 resulted in the termination of subjects Officer [REDACTED], Officer [REDACTED], and Officer [REDACTED] for
22 victimizing *Armstrong* class member [REDACTED]. In this case, the primary
23 evidence that resulted in sustained findings of misconduct against the three officers was
24 fixed-camera surveillance footage. *See* Ex. 77, at 4-6. After reviewing the investigation
25 report, the Hiring Authority submitted Form 402s and Form 403s, true and correct copies
26 of which are attached hereto as **Exhibit 78**, sustaining the key allegations in the case and
27 electing to terminate Officers [REDACTED], [REDACTED], and [REDACTED]. *See* Ex. 78.

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1 94. Attached hereto as **Exhibit 79** is a true and correct copy of an OIA
2 investigation report for case S-RJD-358-17-A, which resulted in the termination of subject
3 Lieutenant [REDACTED] for victimizing *Armstrong* class member [REDACTED]. In
4 this case, the primary evidence that resulted in sustained findings of misconduct against
5 Lieutenant [REDACTED] was reports submitted by other officers. *See Ex. 79*, at 9-10, 19-22,
6 27-29, 31, 36-40, 45-47. After reviewing the investigation, the Hiring Authority submitted
7 a Form 402 and a Form 403, true and correct copies of which are attached hereto as
8 **Exhibit 80**, sustaining ten of the twelve allegations against Lieutenant [REDACTED] and
9 electing to terminate Lieutenant [REDACTED].

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I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct, and that this declaration is executed at San Francisco,
California this 2nd day of June, 2020.

/s/ Michael Freedman

Michael Freedman

[3549928.4]

EXHIBIT 1

From: [Davis, Tamiya@CDCR](mailto:Davis.Tamiya@CDCR)
To: [Ed Swanson](mailto:Ed.Swanson@prisonlaw.com); rlomio@prisonlaw.com; mmendelson@prisonlaw.com; [Juliette Mueller](mailto:Juliette.Mueller@prisonlaw.com); stevah@prisonlaw.com; arm-plo@prisonlaw.com; [Gay C. Grunfeld](mailto:Gay.C.Grunfeld@prisonlaw.com); pgodbold@rbgg.com; nolan@rbgg.com; [Nathalie Welch](mailto:Nathalie.Welch@prisonlaw.com); [Armstrong Team - RBG only](mailto:Armstrong.Team@prisonlaw.com); Patrick@prisonlaw.com; [Ben Bien-Kahn](mailto:Ben.Bien-Kahn@prisonlaw.com); [Michael Freedman](mailto:Michael.Freedman@prisonlaw.com); [Jenny Yelin](mailto:Jenny.Yelin@prisonlaw.com); [CDCR OLA Armstrong CAT Mailbox](mailto:CDCR.OLA.Armstrong.CAT.Mailbox@prisonlaw.com)
Cc: [Russa Boyd](mailto:Russa.Boyd@prisonlaw.com); [Powell, Alexander@CDCR](mailto:Powell.Alexander@CDCR); [Meyer, Nicholas@CDCR](mailto:Meyer.Nicholas@CDCR); [Ferguson, Patricia@CDCR](mailto:Ferguson.Patricia@CDCR); [Neill, Jennifer@CDCR](mailto:Neill.Jennifer@CDCR); [Renteria, Simone@CDCR](mailto:Renteria.Simone@CDCR); [Annakarina De La Torre-Fennell](mailto:Annakarina.De.La.Torre-Fennell@prisonlaw.com); [Joanna Hood](mailto:Joanna.Hood@prisonlaw.com); [Sean Lodholz](mailto:Sean.Lodholz@prisonlaw.com); [Damon McClain](mailto:Damon.McClain@prisonlaw.com); [Fouch, Adam@CDCR](mailto:Fouch.Adam@CDCR); [Miranda, Teauna@CDCR](mailto:Miranda.Teauna@CDCR); [Bravo, Landon@CDCR](mailto:Bravo.Landon@CDCR); [Hoogland, Laurie@CDCR](mailto:Hoogland.Laurie@CDCR); [Beland, Bruce@CDCR](mailto:Beland.Bruce@CDCR); [Gaultney, Robert@CDCR](mailto:Gaultney.Robert@CDCR); [Dovey, John@CDCR](mailto:Dovey.John@CDCR); [Meier, Donald@CDCR](mailto:Meier.Donald@CDCR); [Flores, Cindy@CDCR](mailto:Flores.Cindy@CDCR); [CCHCS Accountability Log@CDCR](mailto:CCHCS.Accountability.Log@CDCR); [CCHCS Accountability Log@CDCR](mailto:CCHCS.Accountability.Log@CDCR); [Flores, Cindy@CDCR](mailto:Flores.Cindy@CDCR); [Williams, Joseph@CDCR](mailto:Williams.Joseph@CDCR); [Allen, Kelly@CDCR](mailto:Allen.Kelly@CDCR); [Jefferson, Cathy@CDCR](mailto:Jefferson.Cathy@CDCR); [Vincent Cullen](mailto:Vincent.Cullen@CDCR); [Edwards, Joseph.K@CDCR](mailto:Edwards.Joseph.K@CDCR); [Robinson, Lynda@CDCR](mailto:Robinson.Lynda@CDCR); [Pires, Barbara@CDCR](mailto:Pires.Barbara@CDCR); [Vo, Ngoc@CDCR](mailto:Vo.Ngoc@CDCR); [Solis, Miguel@CDCR](mailto:Solis.Miguel@CDCR); [Dobrynina, Olga@CDCR](mailto:Dobrynina.Olga@CDCR); [Stevens, Dawn@CDCR](mailto:Stevens.Dawn@CDCR); [Tonis, Alexandria@CDCR](mailto:Tonis.Alexandrea@CDCR); [Armedo, Gently@CDCR](mailto:Armedo.Gently@CDCR); [Welch, Lois@CDCR](mailto:Welch.Lois@CDCR); [Faris, Steven@CDCR](mailto:Faris.Steven@CDCR); [Underwood, Alma@CDCR](mailto:Underwood.Alma@CDCR); [Velasquez, Rachelle@CDCR](mailto:Velasquez.Rachelle@CDCR); [Tisdale, Amenthia@CDCR](mailto:Tisdale.Amenthia@CDCR); [Wahl, Robert@CDCR](mailto:Wahl.Robert@CDCR); [Carbone, John@CDCR](mailto:Carbone.John@CDCR); [Phuong, Asvi@CDCR](mailto:Phuong.Asvi@CDCR)
Subject: Coronavirus - Site Visits and Audit Activities
Date: Tuesday, March 17, 2020 2:36:49 PM
Importance: High

SENT ON BEHALF OF JENNIFER NEILL, GENERAL COUNSEL

Mr. Swanson, and counsel in *Armstrong*:

In light of continuing concerns regarding coronavirus and for the protection of the CDCR population, the Secretary has instructed me to advise that he is suspending *Armstrong* site visits and onsite audit activities until the end of April, at which time he will reassess the situation and determine if the suspension may be lifted at that time. The purpose of this suspension is to reduce the risk of introduction of coronavirus to the institutions, to reduce the movement of coronavirus within each institution, and to allow CDCR to focus their attention on the needs of the inmate population and staff. The situation may result in delays in responding to advocacy and other correspondence and he also asks for continued patience from the Prison Law Office and Rosen, Bien, Galvan and Grunfeld as CDCR responds to this pandemic. The Secretary greatly appreciates everyone's cooperation, so that we may mitigate, if not eliminate, the public health risks to our population and the community.

Thank you very much.

JENNIFER NEILL
General Counsel

Tamiya Davis
Attorney III, Class Action Team
Office of Legal Affairs
California Department of Corrections and Rehabilitation
Phone: 916.341.6960
Cell: 916.247.5094

EXHIBIT 2

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-36-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19; and

WHEREAS despite sustained efforts, COVID-19 continues to spread and is impacting nearly all sectors of California; and

WHEREAS, state and local correctional and public safety leaders are building on their longstanding partnership, to protect public health and safety in the context of the COVID-19 crisis; and

WHEREAS the California Department of Corrections and Rehabilitation (CDCR) has infectious disease management plans in place to address communicable disease outbreaks such as influenza, measles, mumps, norovirus, and varicella, and CDCR has taken a series of additional proactive steps to reduce the risk of introducing and spreading COVID-19 in CDCR facilities, including:

- educating staff, inmates, and visitors regarding ways they can protect themselves and those around them from COVID-19;
- screening staff before they enter work locations;
- increasing cleaning and sanitation of CDCR facilities and providing staff and inmates with access to additional soap and sanitizing products;
- quarantining inmates arriving from county jails;
- restricting visitors and volunteers, and offering free methods for inmates to communicate with family members, friends, and attorneys;
- limiting inmate transfers including suspending out-of-state parole or inmate transfers to California for 30 days; and
- suspending scheduled in-person parole visits, except when statutorily required, for critical needs, or in emergencies; and
- eliminating parole revocations in many cases; and

WHEREAS the Governor's Office of Emergency Services has operated and continues to operate a multi-agency correctional task force to identify additional steps necessary, as this emergency develops, for action to protect health and safety; and

WHEREAS many inmates who are confined in state prison are entitled to timely parole hearings under the California Constitution, the Penal Code, and a federal three-judge court order; and

WHEREAS COVID-19 and the response thereto have impaired the Board of Parole Hearings' ability to meet the usual statutory and regulatory requirements to timely conduct parole hearings in person; and

WHEREAS inmates, inmates' counsel, victims and their representatives, and representatives of the people have the right to be heard at parole hearings, but such hearings must be secure and safe for all participants; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8627, 8567, and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. To protect the health, safety, and welfare of inmates in the custody of CDCR and staff who work in the facilities, I direct the Secretary of CDCR to use his emergency authority under California Penal Code section 2900(b) to suspend intake into state facilities for 30 days by directing that all persons convicted of felonies shall be received, detained, or housed in the jail or other facility currently detaining or housing them for that period. Consistent with California Penal Code section 2900(b), the time during which such person is housed in the jail or other facility shall be computed as part of the term of judgment. I further order the Secretary to suspend intake into Division of Juvenile Justice (DJJ) facilities for 30 days. To the extent that any statutory or other provisions require DJJ to accept new juveniles into its facilities, such provisions are waived or suspended. The Secretary may grant one or more 30-day extensions of the suspension of intake or commitment if suspension continues to be necessary to protect the health, safety, and welfare of inmates and juveniles in CDCR's custody and staff who work in the facilities.
2. The Board of Parole Hearings is directed to develop a process for conducting parole hearings by videoconference and shall confer with stakeholders in developing this process. The Board of Parole Hearings shall endeavor to make parole hearings conducted via videoconference accessible to all participants specified in the Penal Code and the California Code of Regulations. This process shall be operational no later than April 13, 2020.
3. To protect the health and welfare of inmates, hearing board officers, inmates' counsel, victims and their representatives, and representatives of the people, the Board of Parole Hearings is directed to cease conducting in-person parole hearings for 60 days and shall postpone any scheduled parole hearings until April 13, 2020, or an earlier date at which it is able to accommodate conducting parole hearings by video conference. The Secretary may grant one or more 30-day extensions of the prohibition on in-person parole hearings if it continues to be necessary to protect the health, safety, and welfare of inmates in CDCR's custody, staff who work in the facilities, hearing officers, victims and their representatives, and representatives of the people.

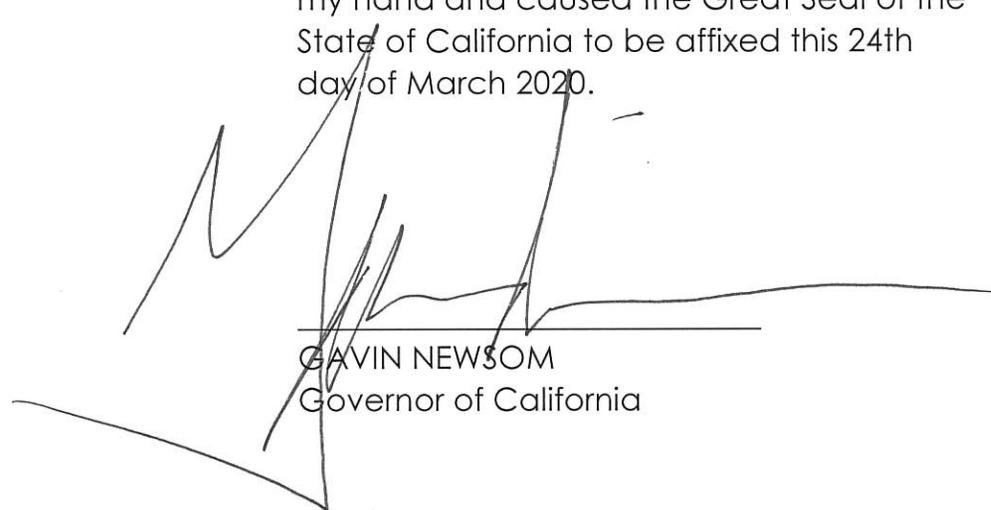
4. For the next 60 days, and for the term of any extensions, inmates scheduled for a parole hearing can elect to continue with their timely parole hearing by videoconference, to accept a postponement of their parole hearing, or to waive their hearing.
 - a. Any parole hearing postponed under this provision shall be rescheduled for the earliest practicable date.
 - b. All rights for all participants delineated by state law will be applied to hearings postponed and rescheduled.
 - c. To the extent that an inmate is required to show good cause to waive or postpone his or her hearing under California Code of Regulations, title 15, section 2253, subdivisions (b)(3) and (d)(2), such requirements are suspended for the next 60 days, and for the term of any extensions.
5. For the next 60 days, and for the term of any extensions, to the extent that any law or regulation gives any person the right to be present at a parole hearing, that right is satisfied by the opportunity to appear by videoconference. Specifically:
 - a. For inmates who choose to go forward with their parole hearing by videoconference during the next 60 days, and during the term of any extensions, the inmate's right to be present and to meet with a Board of Parole Hearing's panel under Penal Code sections 3041, subdivision (a)(2), 3041.5, subdivision (a)(2), and California Code of Regulations, title 15, section 2247, is satisfied by appearance through videoconference.
 - b. For inmates who choose to go forward with their parole hearing by videoconference during the next 60 days, and during the term of any extensions, Penal Code section 3041.7 and California Code of Regulations, title 15, section 2256, which provide that an inmate has the right to be represented by an attorney at parole hearings, will be satisfied by the attorney appearing by videoconference and by providing for privileged teleconferencing between the inmate and attorney immediately before and during the hearing. Such inmates will also be provided reasonable time and opportunity for privileged communications by telephone with their retained or appointed counsel prior to the hearing at no charge to either party.
 - c. For hearings conducted by videoconference during the next 60 days, and during the term of any extensions, the right of victims, victims' next of kin, members of the victims' family and victims' representatives to be present at a parole hearing will be satisfied by the opportunity to appear by videoconference, teleconference, or by written or electronically recorded statement, consistent with California Constitution, Article I, section 28, subdivision (b)(7), Penal Code section 3043, subdivision (b)(1) and California Code of Regulations, title 15, section 2029, and as provided in Penal Code sections 3043.2 and 3043.25.

- d. For hearings conducted by videoconference during the next 60 days, and during the term of any extensions, Penal Code section 3041.7 providing that the prosecuting attorney may represent the interests of the people at the hearing will be satisfied by the opportunity to appear by videoconference, teleconference, or a written statement.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT 3

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DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) on Facility A in Building 1. I am 47 years old.

3. I am an *Armstrong* class member. I am designated as DPM, which means that I have a mobility disability and cannot walk up stairs. Some of my mobility problems are due to my diabetes, which has caused persistent problems with diabetic neuropathy and other issues in my legs. I currently use a walker to get around.

4. I am a *Coleman* class member at the Enhanced Outpatient (“EOP”) level of care. I suffer from major depressive disorder, for which I take Paxil, an anti-depressant. I have struggled with major depression for years.

5. On February 1, 2020, during evening dayroom, I was sitting at one of the tables on the dayroom floor, playing cards with other incarcerated people. From where I was sitting, I could clearly hear conversations at the podium in the center of the unit where the floor officers often stand. I saw Mr. [REDACTED] approach Officer [REDACTED] and another officer near the podium. I do not know the name of the other officer, but he was a tall Latino man. I heard Mr. [REDACTED] tell Officer [REDACTED] that he was not getting along with his cellmate. At the time, Mr. [REDACTED] cellmate was Mr. [REDACTED]. I knew that Mr. [REDACTED] was celled with Mr. [REDACTED] because I lived in the unit and had observed them both entering and exiting their cell. I also saw Mr. [REDACTED] initially be placed into Mr. [REDACTED] cell when he was moved into the A1 Unit in late 2019. I heard Mr. [REDACTED] ask the officer at the podium if he could move to the A2 Unit. The tall Latino officer replied that there were no open cells in the A2 Unit so they could not move him. Mr. [REDACTED] responded that he was not going to go back to his cell, because he was not getting along with his cellmate. The tall Latino officer responded, “If you really want to move,

1 you know what you gotta do.” I took this to mean that the officer was telling Mr. [REDACTED]
2 that he needed to fight Mr. [REDACTED] in order to move to a new cell because it is
3 commonly known that you will get moved if you and your cellie have a physical fight.

4 6. On multiple occasions when I have heard incarcerated people ask officers for
5 cell moves, I have heard the officers respond that the person requesting a cell move and his
6 cellmate need to “fuck or fight.” My understanding of what the officers mean by “fuck or
7 fight” is that the cellmates must either get along (“fuck”) or fight each other (in which case
8 one of them will be moved to another cell). Based on officers’ frequent remarks like this,
9 my understanding is that incarcerated people in my unit cannot get a cell change unless
10 they fight their cellmate.

11 7. Three days after I heard Mr. [REDACTED] ask for a cell change, on February 4,
12 2020 at approximately 2:30 pm, I was sitting at a table on the unit floor during dayroom,
13 playing cards with other incarcerated people. We were playing cards in the back right
14 corner of the unit. The cell that housed Mr. [REDACTED] and Mr. [REDACTED] A1-[REDACTED] was near
15 this corner of the unit. From where I was sitting, cell A1-[REDACTED] was directly to my left.

16 8. As I was playing cards, Mr. [REDACTED] began calling out from his cell “Man
17 Down! Man Down!” No one responded. The two officers at the podium, Officer [REDACTED]
18 and another officer, looked over to Mr. [REDACTED] cell but did not respond. Mr. [REDACTED]
19 kept calling “Man Down!” and banging on his cell door. Eventually, another incarcerated
20 person walked over, looked into the cell, and said that the “older guy” in the cell was
21 injured.

22 9. Because the officers did not respond, Mr. [REDACTED] stopped yelling. After
23 another five minutes passed, he began yelling again. He was banging on his door, yelling
24 “Man down! [REDACTED] Man down! [REDACTED] Finally, approximately twenty minutes after
25 Mr. [REDACTED] had first yelled “Man Down!,” Officer [REDACTED] walked over to cell [REDACTED] and
26 looked into the cell. After Officer [REDACTED] looked into the cell, he said “Damn. He’s fucked
27 him up.”

1 10. Next, I saw Officer [REDACTED] walk to the podium. He got on the phone and
2 called for medical staff. He then walked back over to the cell-front with nursing staff and
3 the other officer on duty. When he got back to the cell-front, he hit his alarm. Numerous
4 medical and custody staff then responded, running into the unit and to cell [REDACTED]. They then
5 opened the cell door. As the cell door opened, I could see that Mr. [REDACTED] had [REDACTED] to
6 the floor in a prone position. I watched as the officers placed Mr. [REDACTED] in handcuffs and
7 brought him out of the unit.

8 11. Nursing staff and officers then entered Mr. [REDACTED] cell. From where I
9 was, I could not see what happened inside the cell, because officers were blocking my
10 view. About ten minutes later, officers carried Mr. [REDACTED] out of the unit on a gurney.
11 Mr. [REDACTED] had a bandage around his head and had been placed in a neck brace.

12 12. Later that evening, I was let out of my cell at approximately 5:00 pm for my
13 diabetic shot. I went to a small room on the A-Section of the unit to get my shot. As
14 nursing staff gave me my shot, Officer [REDACTED] stood outside the door. He was talking to a
15 few other officers in the unit. I heard him saying “Karma is a bitch, that’s what happens
16 when you play with fire.” Another officer responded that Mr. [REDACTED] “got what he had
17 coming.”

18 13. Over the next few weeks, I heard multiple officers say repeatedly that
19 Mr. [REDACTED] deserved to die and that they had no remorse about his death. I overheard
20 multiple officers saying, again and again, comments like “He liked to tell on cops,” “He
21 was a fag,” “Fuck him,” “He got what he had coming”, and other similar remarks. In
22 particular I overheard Officer [REDACTED] say this to other people on the dayroom floor
23 multiple times over the following days.

24 14. A few weeks after the incident, I heard Officer [REDACTED] tell another
25 incarcerated individual, “He’s dead now, fuck him, I don’t give a shit about his stuff.” I
26 then watched as Officer [REDACTED] opened Mr. [REDACTED] cell and let the incarcerated man
27 take some of Mr. [REDACTED] property, including his TV and his mattress.

1 15. From my observation, many people – both incarcerated individuals and
2 officers – did not like Mr. [REDACTED] I think part of the reason they did not like him was
3 because he was gay and because he filed complaints against staff. Many staff members
4 talked openly about how they disliked him. I think it is horrible how staff ignored Mr. [REDACTED]
5 [REDACTED] request for a cell change and encouraged Mr. [REDACTED] to attack Mr. [REDACTED] I
6 also think it is horrible that staff took so long to respond once Mr. [REDACTED] started saying
7 “Man down.”

8 16. This incident makes me afraid about what could happen to me if I had
9 problems with a cellmate or needed help from staff at RJD. I know now that officers will
10 definitely not help me if I have problems of my own at RJD. Often, I miss the distribution
11 of my medications for diabetes, because staff do not open my door to let me out. When
12 this happens – even though it is very important that I take my diabetic medications – I
13 don’t try to get staff’s attention to ask them to open my door. I just miss my dosage. I do
14 this because I am worried about what could happen to me if I ask staff to help me with
15 even a small thing like opening my door. Although this puts my health at risk, I am too
16 worried about retaliation by officers to push back against them when they don’t give me
17 what I need and am supposed to get.

18 I declare under penalty of perjury under the laws of the United States of America
19 that the foregoing is true and correct, and that this declaration is executed at San Diego,
20 California this 27th day of March, 2020.

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/s/ [REDACTED]

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1 On March 27, 2020, due to the closure of RJD in light of the COVID-19 pandemic
2 and ongoing concerns that officers might retaliate against witnesses in support of
3 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED]
4 [REDACTED] by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration
5 were true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature
6 to the declaration and to file the declaration in this matter.

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DATED: April 6, 2020


Dylan Verner-Crist

EXHIBIT 4

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DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in Building 1 on Facility A. I am 69 years old.

3. I am an *Armstrong* class member. I am designated as DPO, which means I have a mobility disability. I have low bunk and low tier accommodations and I use a wheelchair.

4. I am a *Coleman* class member. I am at the EOP level of care. I am diagnosed with major depressive disorder, which I have struggled with for years. The staff misconduct and abuse I have experienced and witnessed at RJD have worsened my depression.

5. I was friends with [REDACTED] [REDACTED] Mr. [REDACTED] died at Tri-Valley Medical Center on February 19, 2020. I know this because I was in the hospital room with him when he died. As I explain in more detail below, it is my understanding that Mr. [REDACTED] died of injuries caused during an assault by his cellmate in early-February 2020.

6. I knew [REDACTED] for many years. We often talked about our shared goal of getting out of prison this year, because we were both scheduled to go in front of the Board of Parole Hearings (“BPH”) this summer. We also spoke frequently about problems with staff misconduct at RJD.

7. In December 2019, [REDACTED] told me that he had filed some appeals and a lawsuit against officers in Building 1 on Facility A at RJD, where we were both housed at the time. He told me that he was trying get transferred out of Building 1 because Officer

1 [REDACTED] Lieutenant [REDACTED] and Officer [REDACTED] were trying to arrange an assault on him
2 by other incarcerated people.

3 8. On January 26, 2020, I was transferred to the Chula Vista Hospital to receive
4 surgery for a stomach ulcer. I stayed in the Chula Vista Hospital for almost three weeks.
5 On February 15, 2020 I was transferred to Tri-Valley Medical Center (“TVMC”). A day
6 or two after I was moved into the hospital, [REDACTED] was moved into my hospital room. I
7 woke up from a nap and he was in the bed next to me. He later told me that he had been in
8 another room in the hospital before he was moved into my room.

9 9. I could barely recognize him, because I could only see the left side of his
10 face and it was covered with scrapes and bruises. His eye was also swollen and bloodshot.
11 I said “Damn, [REDACTED] is that you man?” He said “Yes, is that you, [REDACTED]?” I told him yes,
12 and asked him what had happened to him. He told me that he had been attacked by his
13 cellmate in Building 1 and that his injuries were caused by that attack.

14 10. The next day, [REDACTED] told me more about what had happened. He said that
15 he and his cellmate were not getting along because they had differences they couldn’t work
16 out. He also said that he had been repeatedly asking officers in Building 1 to move him to
17 another cell. In particular, he told me that he had asked a floor officer in Building 1,
18 Officer [REDACTED] for a cell move every day for multiple days before his cellmate attacked
19 him. He said that Officer [REDACTED] only responded each time “fuck or fight,” meaning that
20 he had to either learn to get along with his cellmate (“fuck”) or attack his cellmate to get a
21 cell move (“fight”). He said other officers had also told him that if he wanted to get
22 moved to another cell he’d have to fight his cellmate.

23 11. [REDACTED] told me that after his cellmate had been moved into his cell, Officer
24 [REDACTED] told him that he would only leave his cell if he was dead. [REDACTED] also told me
25 that, in the days before he was attacked by his cellmate, he had tried to talk to the Sergeant
26 in Building 1 about getting a cell move.

1 12. [REDACTED] then told me about the assault. He told me that he was lying in bed
2 resting when his cellmate suddenly attacked him, knocking him to the ground and hitting
3 him in the head.

4 13. Over the next few days, [REDACTED] told me repeatedly that he felt awful and
5 that he didn't think he would make it. He told me repeatedly that he wanted me to contact
6 his family because he did not want officers to get away with what they had done.

7 14. [REDACTED] and I spent several days together in the same room in the hospital.
8 On his last night, [REDACTED] and I ate lunch or dinner. During the meal, which may have
9 been either lunch or dinner, he told me again, "Please contact my people, man, or
10 somebody to let them know what these officers tried to do to me so that others know what
11 they might do to you and other inmates." That was the last thing he said to me.

12 15. Later that night, [REDACTED] got worse. I was in the room when medical staff
13 tried to save him, but they couldn't. He died.

14 16. After [REDACTED] died, I thought about killing myself so that the officers at RJD
15 couldn't hurt me the same way they had hurt [REDACTED] I'm really struggling with my
16 memories of the staff trying to revive [REDACTED] I keep seeing it. He was so full of life and
17 then the next thing I know he was gone. I don't understand it at all. I can't figure it out.

18 17. I was discharged from the hospital a few days later. A day or two after I got
19 back to RJD, I was in my unit when Officer [REDACTED] came up to me. He asked me, "You
20 were the last one who was with him. What did he say?" I told Officer [REDACTED] that [REDACTED]
21 had not told me anything. Officer [REDACTED] told me that he did not believe me and asked me
22 again what [REDACTED] had told me. I told him again that [REDACTED] had not told me anything.
23 Officer [REDACTED] told me he would talk to me later about [REDACTED] death and would see if I
24 said anything different then.

25 18. Over the next few days, other officers started making jokes about [REDACTED]
26 death in front of me. One of the floor officers in Building 1, Officer [REDACTED] has repeatedly
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1 told me “You were the last one who saw him. You probably killed him.” These sorts of
2 cruel remarks only make it more difficult for me to deal with [REDACTED] death.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this declaration is executed at San Diego,
5 California this 27th day of March, 2020.

6
7 /s/ [REDACTED]
[REDACTED]

8
9 On March 27, 2020, due to the closure of RJD in light of the COVID-19 pandemic
10 and ongoing concerns that officers might retaliate against witnesses in support of
11 Plaintiffs’ Motion, I read the contents of this declaration, verbatim, to [REDACTED]
12 [REDACTED] by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration
13 were true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature to
14 the declaration and to file the declaration in this matter.

15 DATED: April 6, 2020

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18 Dylan Verner-Crist
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EXHIBIT 5

1 if he attacks his cellmate (“fight”). I hear Officer [REDACTED] tell incarcerated people this a
2 few times every week.

3 8. Later that same morning, [REDACTED] told me he was feeling depressed. He told
4 me he was trying to move cells but that the officers were refusing to help him. He told me
5 that he was having problems with his cellmate and needed to move cells because of those
6 problems.

7 9. A few days later, on February 4, 2020, I was out for dayroom in the early
8 afternoon. I was sitting at a table in the dayroom with a group of other people. From
9 where I was seated, I had a direct view of [REDACTED] cell, A1-[REDACTED]. I heard someone yelling
10 from [REDACTED] cell “Man down! Man down!” I realized that it was [REDACTED] cellmate,
11 Mr. [REDACTED]. He was banging on the cell door and yelling “Man down!” repeatedly.

12 10. Eventually, the officers responded to [REDACTED] cell. It took approximately
13 twenty minutes from when Mr. [REDACTED] started yelling to when the officers walked over to
14 [REDACTED] cell-front. One of the officers working that day, Officer [REDACTED] eventually went
15 over to his cell-front and looked in. A number of other officers joined Officer [REDACTED] at the
16 cell-front. The officers took Mr. [REDACTED] out of the cell, brought him to the ground,
17 handcuffed him, and then brought him out of the unit.

18 11. Nursing staff then arrived. Shortly after their arrival, nursing staff and
19 multiple officers entered the cell. From where I was, I could not tell what the staff were
20 doing inside the cell. It looked, however, like the staff brought [REDACTED] to the ground and
21 flipped him over roughly. There were also multiple staff members at the door, so my view
22 of the cell-front was partially blocked by this point. Approximately ten minutes later,
23 nursing staff carried [REDACTED] out of the cell and then out of the unit on a gurney. He was
24 laying on his back on the gurney and looked unconscious.

25 12. A few weeks later, I heard from other incarcerated people that [REDACTED] had
26 passed away. Hearing this terrified me. It is really sad for me to see someone lose their
27 life like [REDACTED] did, especially because I know that he also spoke out about the staff abuse
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1 and beatings at RJD. I am very scared that officers will ignore my requests for help, just as
2 they ignored [REDACTED]'s requests. I know that I must speak out, though, because conditions
3 at RJD are so dangerous that staying silent will not keep me safe. The officers at RJD
4 need to be held accountable as soon as possible.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct, and that this declaration is executed at San Diego,
7 California this 27th day of March, 2020.

8

9

/s/ [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

10

11

12 On March 27, 2020, due to the closure of RJD in light of the COVID-19 pandemic
13 and ongoing concerns that officers might retaliate against witnesses in support of
14 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED]
15 [REDACTED] by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration
16 were true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature
17 to the declaration and to file the declaration in this matter.

18 DATED: April 6, 2020

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Dylan Verner-Crist

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EXHIBIT 6



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER
(858) 694-2895

STEVEN C. CAMPMAN, M.D.
CHIEF DEPUTY MEDICAL EXAMINER
(858) 694-2895

MEDICAL EXAMINER'S DEPARTMENT
5570 OVERLAND AVE, STE 101, SAN DIEGO, CA 92123-1215
<http://www.sdcounty.ca.gov/me/>

AUTOPSY REPORT

Name:	████████████████████	ME#:	2020-0475
Place of death:	Tri-City Medical Center Oceanside, CA 92056	Age:	████████
Date of death:	February 19, 2020; 0106 Hours	Sex:	Male
Date of autopsy:	February 19, 2020; 0935 Hours		

CAUSE OF DEATH: ACUTE PULMONARY THROMBOEMBOLI

Due To: DEEP VENOUS THROMBOSIS OF THE LOWER LEFT LEG

Due To: RECENT BLUNT FORCE TRAUMA AND RELATED INACTIVITY

MANNER OF DEATH: HOMICIDE

AUTOPSY SUMMARY:

- I. Acute pulmonary thromboemboli due to deep venous thrombosis of the lower left leg due to recent blunt force trauma and related inactivity:
 - A. Bilateral acute pulmonary thromboemboli within the right and left main pulmonary arteries.
 - B. Deep venous thrombosis of the lower left leg.
 - C. A 1-1/2 x 1/16 inch previously sutured laceration is on the left eyebrow at autopsy.
 - D. Per Forensic Neuropathology Report [see 2020-0475(N)]:
 1. Organizing subdural hemorrhages.
 2. Focal subarachnoid hemorrhage.
 - E. Per investigation and medical record review, the decedent was assaulted by another person(s) on February 8, 2020 while incarcerated at Richard J. Donovan Correctional Facility. The decedent was transported to the hospital where imaging studies and physical exam findings revealed traumatic subdural hematomas without mass effect, bilateral orbital wall fractures (left

AUTOPSY REPORT

-2-

[REDACTED] [REDACTED] 2020-0475

greater than right), minimally displaced left zygomatic arch fracture, and comminuted nasal bone fracture with septal fracture resulting in nasal obstruction. Other injuries included left eyebrow laceration and corneal abrasion. The decedent underwent successful open reduction internal fixation (ORIF) of the left orbital floor fracture on February 13th, 2020. The decedent's condition continued to improve post operatively until the early hours of February 19, 2020 when he complained of sudden shortness of breath to nursing staff; while being examined, he became apneic and pulseless and after cardiopulmonary resuscitative efforts, the decedent expired.

OPINION: According to the investigative information, available medical records, and Richard J. Donovan Correctional Facility staff, this [REDACTED]-year-old man was an inmate at Richard J. Donovan Correctional Facility. On February 8, 2020, he was assaulted by another person(s) and transported to UCSD Medical Center. He was diagnosed with traumatic injuries and transferred to Tri-City Medical Center for continued care. Imaging studies and physical exam findings revealed traumatic subdural hematomas without mass effect, bilateral orbital wall fractures (left greater than right), minimally displaced left zygomatic arch fracture, and comminuted nasal bone fracture with septal fracture resulting in nasal obstruction. Other injuries included left eyebrow laceration and corneal abrasion. The decedent underwent successful open reduction internal fixation (ORIF) of the left orbital floor fracture on February 13th, 2020. The decedent's condition continued to improve post operatively until the early hours of February 19, 2020 when he complained of sudden shortness of breath to nursing staff; while being examined, he became apneic and pulseless and after cardiopulmonary resuscitative efforts, the decedent expired. Past medical history significant for hypertension [REDACTED]

The autopsy findings included a previously sutured laceration of the left eyebrow, acute bilateral pulmonary thromboemboli within the right and left pulmonary arteries, and deep venous thrombosis within the deep veins of the lower left leg. Forensic neuropathological examination [see 2020-0475(N)] documented organizing subdural hemorrhages and focal subarachnoid hemorrhage.

AUTOPSY REPORT

-3-

██████████ ██████████ 2020-0475

Based on autopsy findings and circumstances surrounding the death as currently understood, the cause of death is listed as acute pulmonary thromboemboli due to deep venous thrombosis of the lower left leg due to recent blunt force trauma and related inactivity.

Acquired risk factors for the development of venous thrombosis include older age (> 65 years), obesity, recent trauma and surgery, and inactivity (e.g. venous stasis associated with bed rest) as well as inherited risk factors. Thus, since the recent blunt force trauma, surgery, and inactivity occurred as a direct result of a recent assault by another person(s), the manner of death is best classified as homicide.

ERIC HIRSCH, M.D.
Forensic Pathology Fellow

Date signed:

SUPERVISING PATHOLOGIST:

JAGBIR KHANGURA, M.D.
Deputy Medical Examiner

Date signed:

EXHIBIT 7

DIVISION OF ADULT INSTITUTIONS
RICHARD J. DONOVAN CORRECTIONAL FACILITY
480 Alta Road
San Diego, CA 92179
(619) 661-6500



NOTICE OF ADVERSE ACTION

██████████ ██████████

Correctional Officer
RICHARD J. DONOVAN CORRECTIONAL FACILITY
480 Alta Road
San Diego, CA 92179

Please note that the subject is a Correctional Peace Officer and his/her home address must be kept confidential. (Penal Code Section 146e(a).)

You are hereby notified that, pursuant to Government Code Section 19574, adverse action is being taken against you as follows:

I

STATEMENT OF THE NATURE OF THE ADVERSE ACTION

Upon the effective date of this Notice, your salary is hereby reduced ten percent (10%) for a period of eighteen (18) qualifying pay periods in your position as Correctional Officer with the California Department of Corrections and Rehabilitation ("CDCR" or "Department") at the Richard J. Donovan Correctional Facility ("RJDCF").

II

EFFECTIVE DATE OF THIS ADVERSE ACTION

This salary reduction shall be effective at the close of business on **April 1, 2018** and shall apply for a total of eighteen (18) qualifying pay periods.

III

STATEMENT OF CAUSES

This adverse action is being taken against you for the causes set forth in the following subsections of Government Code Section 19572:

- (d) Inexcusable neglect of duty;
- (o) Willful disobedience;
- (t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the appointing authority or the person's employment.

██████████ Correctional Officer
Notice of Adverse Action
Page 11 of 17

V

STATEMENT OF FACTS

A.

BACKGROUND

1. The Secretary of the California Department of Corrections and Rehabilitation ("Department, CDCR or Institution") is your appointing power. On or about May 21, 2007, you were hired by CDCR. At all times mentioned herein, you have been a civil service employee of the State of California holding and occupying the position of Correctional Officer ("C.O.").
2. As an employee of CDCR, you are required to adhere to the Department Operations Manual, as well as California Code of Regulations, Title 15. You are fully aware of your responsibilities to obey all laws, follow the policies and procedures of RJD, and follow the rules and regulations of the Department. You are also aware of your responsibility to act courteously, professionally and ethically in the execution of your duties at RJD and in your dealings with the public, inmates, and fellow employees. As a sworn peace officer, you are held to a higher standard of conduct, both on and off duty.
3. In addition to academy training, you have received other training, including In-Service Training ("IST") and/or On-the-Job Training ("OJT") in order for you to more effectively meet the Department's expectations of a Correctional Officer. Your training record is attached and incorporated in to this document in its entirety.

B.

ALLEGATIONS

1. On or about July 5, 2016, you used unreasonable force on Inmate ██████████
2. On or about July 5, 2016, you failed to report the use of a third restraint to "hog-tie" Inmate ██████████

C.

OPERATIVE FACTS

1. On July 5, 2016, about 0600 hours, you began your shift and started security checks in your regularly assigned area, Building ██████████. You met with Inmate ██████████ who advised he was suicidal. You were familiar with ██████████ and never had problems with him before. ██████████ confirmed he was serious about wanting to harm himself. You handcuffed and removed ██████████ without incident and secured him in a safe area, the upper C side Shower, to monitor him. A log was initiated and you checked him every 15 minutes until ██████████ could be transported for a mental health evaluation.

██████████ Correctional Officer
Notice of Adverse Action
Page 12 of 17

2. At about 0800 hours, you were asked by Correctional Sergeant ("Sgt.") S. ██████████ to help escort Inmate ██████████ for a mental health medical evaluation. You handcuffed ██████████ and had ██████████ back out of the shower. When you put your hand on ██████████ shoulder to guide him out of the shower, ██████████ attacked you by head butting and kicking at you. This caused you to slip and other officer's arrived to help. ██████████ resisted while about a dozen or so officers responded to help. You and other officers were able to get ██████████ out of the shower onto the second tier landing. C.O. ██████████ placed leg restraints on ██████████ ankles. ██████████ continued to kick and thrash about.
3. ██████████ began to spit. C.O. ██████████ placed a spit mask on ██████████ while on the tier floor. ██████████ continued attacking officers by bucking and kicking nor would he walk on his own. Even though the "stokes litter" had straps, he was placed face down on the litter to transport ██████████ to a safer location and ultimately to the medical area.
4. ██████████ continued to thrash and kick. You applied a third set of restraints to the chain area of both the handcuffs and ankle restraints. At no time did you or anyone else use the straps attached to the litter to secure ██████████ to the "stokes litter" nor did you or anyone else roll ██████████ off of his stomach onto his side while ██████████ was in restraints.
5. ██████████ was rushed out of the area to a waiting Emergency Transport Vehicle ("ETV"). However, the ETV was at the location for another higher priority medical call and refused to transport ██████████ was removed from the ETV. Sgt. ██████████ noticed ██████████ hands were purple. At ██████████ request, you removed the spit mask and found ██████████ was unconscious, removed the handcuffs and turned ██████████ on his back. Once on his back, you secured ██████████ hands to the front. Life saving measures began. At about 0920 hours, ██████████ was evacuated to Sharp Healthcare Emergency—Chula Vista ("Sharp"). At 0930 hours, Sharp medical staff took over medical care of ██████████ At about 1330 hours, ██████████ died.
6. On July 5, 2016, you completed and documented the Inmate ██████████ incident on Form CDCR 837-C. However, you failed to report that you hog-tied ██████████ with a third set of restraints and did not document that you had to use force to do so.
7. San Diego County Sheriff's Department ("SDSD") responded and immediately initiated a criminal investigation surrounding the death of Inmate ██████████
8. On July 5, 2016, you were interviewed by SDSD about the circumstances surrounding Inmate ██████████ death. You failed to tell SDSD that you hog-tied ██████████ with a third set of restraints, e.g. "hog-tie" and you did not tell SDSD what force you used to place ██████████ into the third set of restraints.
9. On July 11, 2016, Lt. ██████████ drafted a form CDCR 837-C2 in that you were asked to clarify parts of your July 5, 2016 report. Specifically, ██████████ asked

██████████ Correctional Officer
Notice of Adverse Action
Page 13 of 17

- "Did you observe who applied restraints, if yes identify the individuals and type they applied?"
 - "Did you observe the inmate while in restraints, if yes identify each restraint and the manner it was applied?"
 - "Approximately how long did it take to get the inmate outside once he was placed on the stokes litter?"
10. On July 11, 2016, you completed Form 837-C1 and answered the questions ██████████'s asked. In your 837-C, you admitted you used force to apply a third set of restraints on Inmate ██████████ before you and staff carried ██████████ on his stomach from the upper tier to the ETV. In this report, you obtained a second set of handcuffs and hooked one side of the second restraint to the chain of the cuffs binding ██████████ wrists and the other side of the second restraint restraints to the ankle restraints. By doing this you, bound ██████████ feet to his wrists behind his back to minimize his movement so you and staff could carry ██████████ out of the building.
11. On May 15, 2017, you were interviewed at RJD by Office of Internal Affairs Special Agent ██████████ ("S.A. ██████████"). You were represented by CCPOA Attorney ██████████ and were read your CDCR 989-C. During the interview, you admitted you did not report you used a third set of restraints or that you used force to apply the third set of restraints in your July 5th report. You further admitted that after placing ██████████ in restraints, you left him restrained on his stomach and did not move him off of his stomach until he was found unresponsive.
12. Your actions, as set forth in this Notice demonstrate, without limitation, inexcusable neglect of duty, willful disobedience and other failure of good behavior. Your conduct demonstrates a willful and a grossly negligent failure to follow known and accepted rules and regulations that not only endangered Inmate ██████████ but jeopardizes the integrity of the institution, and causes embarrassment to yourself and CDCR as your employer.

V

NOTICE AND PROGRESSIVE DISCIPLINE

1. None.

VI

APPEAL RIGHTS

1. Right to Respond to Appointing Power.

Pursuant to State Personnel Board Rule 52.6 (*Skelly* Rule), you are entitled to at least five (5) working days within which to respond to this proposed notice. You may respond orally or in writing prior to March 2, 2018. If you wish to respond you may do so to:

██████████ Correctional Officer
Notice of Adverse Action
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Susan Garcia, Employee Relation's Officer
Richard J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179
(619) 671-7572

You are entitled to a reasonable amount of State time to prepare your response to the charges. You are not entitled to a formal hearing with examination of witnesses at this stage of the proceedings. However, another may represent you in presenting your response. The appointing power may sustain, amend, modify, or revoke the proposed adverse action in whole or in part.

2. Right to Appeal to the State Personnel Board.

Regardless of whether you respond to these charges to the appointing power, you are advised that you have the right to file a written answer to this proposed notice with the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, not later than thirty (30) calendar days after the effective date of this proposed action. An answer shall be deemed to be a request for hearing or investigation as provided in Section 19575 of the Government Code. If you answer as provided, the Board or its authorized representative shall, within a reasonable time, hold a hearing and shall notify the parties of the time and place thereof. If you fail to answer within the time specified, the adverse action taken by the appointing power shall become final.

You are responsible for notifying the State Personnel Board and your appointing power of any changes in your address that occur after the effective date of this adverse action.

3. Right to Inspect Documents.

Copies of any documents or other materials giving rise to this proposed adverse action are attached. This documentation is not being provided to the State Personnel Board in advance of any appeal hearing that may be scheduled.

Dated: 2/23/2018



DANIEL PARAMO
Warden
Richard J. Donovan Correctional Facility

Enclosures: List of Supporting Materials

HIRING AUTHORITY REVIEW OF INVESTIGATION

EMPLOYEE [REDACTED]	CLASSIFICATION CORRECTIONAL OFFICER
CASE NUMBER S-RJD-261-16-A	STATUTE OF LIMITATIONS EXPIRATION DATE 3/1/2018

The Hiring Authority shall review the final investigative report and complete the following including specific details regarding an insufficient investigation and/or if further investigation is requested. The completed and signed original form shall be forwarded to the ERO/Disciplinary Officer. The ERO/Disciplinary Officer shall coordinate with the Office of Internal Affairs, Central Intake Unit, for any requests for further investigation. The ERO/Disciplinary Officer shall forward a copy to the Vertical advocate for designated cases. The Vertical Advocate shall ensure the SAIG is provided a copy of the completed and signed form, for all cases monitored by the Bureau of Independent Review.

<input type="checkbox"/> Investigation is insufficient (Please provide comments below)	<input type="checkbox"/> Further investigation requested (Please provide comments below)
--	--

<input checked="" type="checkbox"/> Investigation is sufficient	<input type="checkbox"/> Corrective action ordered <input checked="" type="checkbox"/> Disciplinary action ordered
--	---

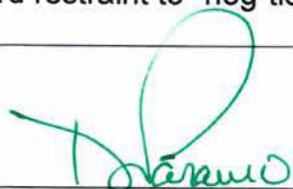
Indicate findings for each allegation:

Allegation 1: <u>SUSTAINED</u>	Allegation 3: _____
Allegation 2: <u>SUSTAINED</u>	Allegation 4: _____
	Allegation 5: _____

Comments:

ALLEGATION 1:
 It is alleged that on or about July 5, 2016, Correctional Officer [REDACTED] [REDACTED] used unreasonable force on inmate [REDACTED] [REDACTED] [REDACTED]

ALLEGATION 2:
 It is alleged that on or about July 5, 2016, Correctional Officer [REDACTED] [REDACTED] failed to report the use of a third restraint to "hog-tie" Inmate [REDACTED] [REDACTED]



 DANIEL PARAMO, Warden

 DATE 2/23/2018

-- CONFIDENTIAL WORK PRODUCT --

JUSTIFICATION OF PENALTY

EMPLOYEE: [REDACTED]	CLASSIFICATION: CORRECTIONAL OFFICER
CASE NUMBER: S-RJD-261-16-A	STATUTE OF LIMITATIONS EXPIRATION DATE: 3/1/2018

The Hiring Authority shall refer to all investigation documentation and the Employee Disciplinary Matrix when determining the level of discipline to impose. The Hiring Authority shall immediately forward the completed and signed original version of this form to the ERO/Disciplinary Officer. The ERO/Disciplinary Officer shall forward a copy to the Vertical Advocate for designated cases. The Vertical Advocate shall ensure that SAIG is provided a copy of the completed and signed form for all cases monitored by the Bureau of Independent Review.

Adverse Action to be imposed:

Yes (Select penalty level and detail the reasoning below) **No** (Provide reasons below)

LEGEND FOR PENALTY		
1 Official Reprimand	4 Salary Reduction 10% for 3-12 months <i>or</i> Suspension w/o pay for 6-24 work days	7 Suspension w/o pay for 49-60 work days
2 Suspension w/o pay for 1-2 work days	5 Salary Reduction 5% for 13-36 months <i>or</i> Suspension w/o pay for 13-36 work days	8 Demotion to a lower class
3 Salary Reduction 5% for 3-12 months <i>or</i> Suspension w/o pay for 3/12 work days	6 Salary Reduction 10% for 13-24 months <i>or</i> Suspension w/o pay for 26-48 work days	9 Dismissal
Work Week Group E and SE employees shall not receive a suspension of less than five (5) work days, unless the union contract provides otherwise.		

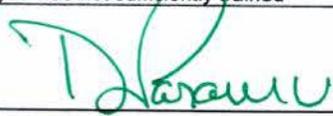
PENALTY LEVEL (check one): 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/>	SPECIFIC PENALTY TO BE IMPOSED: <p style="text-align: center;">SALARY REDUCTION 10% FOR 18 MONTHS</p>
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Indicate each Matrix category and describe all aggravating and mitigating factors considered in determining the penalty. If no aggravating or mitigating factors are considered, please explain:

MATRIX:
 D-26: Failure to observe and perform within the scope of training. (Penalty Level 1 2 3 4 5 6)
 J-2: Significant unreasonable use of force likely to cause injury. (Penalty Level 4 5 6)
 J-5: Employee's failure to report his/her own unreasonable use of force. (Penalty Level 4 5 6 7 8 9)

AGGRAVATORS:
 The employee had a primary or leadership role in the misconduct
 Based on the length of service, experience, policy directives, inherent nature of the act, the employee knew or should have known that his/her actions were inappropriate
 Serious consequences occurred or may have occurred from the misconduct
 The misconduct resulted in serious injury

MITIGATORS:
 The misconduct was not premeditated
 The employee accepts responsibility for his/her actions
 The employee reported the harm caused and/or independently initiated steps to mitigate the harm in a timely manner
 The employee was forthright and truthful during the investigation
 The employee was not sufficiently trained



 DANIEL PARAMO, Warden

3/6/2018

 DATE

-- CONFIDENTIAL WORK PRODUCT --

EXHIBIT 8

TRANSPARENT CALIFORNIA

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[REDACTED]

CORRECTIONAL OFFICER (2018)

Regular pay: \$82,867.04

Overtime pay: \$2,076.13

Other pay: \$4,876.00

Total pay: \$89,819.17

Benefits: \$43,538.23

Total pay & benefits: \$133,357.40

Share:



EXHIBIT 9

1 **SECOND SUPPLEMENTAL DECLARATION OF** [REDACTED]

2 I, [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”)
6 number is [REDACTED] I am currently housed at Richard J. Donovan Correctional Facility
7 (“RJD”) on Facility A, Building 1, Cell [REDACTED] I am 47 years old.

8 3. I have previously submitted two declarations about my experiences with staff
9 misconduct at RJD, which I signed on January 29, 2020 and March 27, 2020. I submit this
10 third declaration about staff misconduct that I have recently experienced at RJD.

11 4. My second declaration was about the death of my friend, [REDACTED]
12 and the interactions I observed between him and Officer [REDACTED] in the days before
13 [REDACTED] death. Officer [REDACTED] was one of the two regular Second Watch housing
14 officers posted to Building A1 at that time. The other was Officer [REDACTED] Officer [REDACTED]
15 and Officer [REDACTED] worked together nearly every shift. Based on my observations, they
16 appeared to get along well. I often saw them joking with each other and chatting while
17 they were on duty.

18 5. One day, about a month after [REDACTED] death, Officer [REDACTED] did not show
19 up to Building A1 for his shift. I have not seen him since. Several days after Officer
20 [REDACTED] last shift at my building, I was out on the yard, and Sergeant [REDACTED] and
21 Lieutenant [REDACTED] told me that the Warden, the Chief Deputy Warden, and Associate
22 Warden (“AW”) Benyard wanted to see me, and asked me to wait on the bench outside the
23 program office. The Chief Deputy Warden sat on the bench next to me, and asked me
24 about what had happened the day before, when I had not been properly secured in a
25 transport van while returning from the hospital after a seizure. AW Benyard then asked
26 me about how things were going for me in my building, and I responded that things were
27 pretty much the same, but that Officer [REDACTED] had not been giving me any problems
28 recently. AW Benyard asked if Officer [REDACTED] was here today, and I told him that he was

1 not. He then asked whether Officer [REDACTED] was here yesterday, and I told him no. AW
2 Benyard responded to me, “Officer [REDACTED] won’t be here tomorrow, or the next day, or the
3 next.” Based on these comments, I believed that Officer [REDACTED] had been fired.

4 6. After that conversation, however, I have heard Officer [REDACTED] say within
5 earshot of my cell many times that Officer [REDACTED] is “in the mailroom.” In the following
6 weeks, other incarcerated people in Building A1 told me that Officer [REDACTED] had made
7 comments to them indicating that she believed that incarcerated people going back and
8 forth to the Board of Parole Hearings (“BPH”) room were speaking with lawyers or
9 investigators about [REDACTED] death, and that Officer [REDACTED] had been moved to the
10 mailroom because of those calls. A few weeks after the last time I saw Officer [REDACTED] I
11 learned from Mr. [REDACTED] CDCR No. [REDACTED] that Officer [REDACTED] blamed me for Officer
12 [REDACTED] being moved to the mailroom. That day, I asked Mr. [REDACTED] as he walked passed my
13 cell if he could ask the male officer working with Officer [REDACTED] that shift if I could take a
14 shower. (I had never seen this officer before and do not know his name.) Mr. [REDACTED] told me
15 that he passed on my request to shower to the male officer, but before he could respond to
16 Mr. [REDACTED] Officer [REDACTED] told him, “[REDACTED] don’t got shit coming, he got my partner in the
17 mailroom.”

18 7. On April 8, 2020, at around 10:00 a.m., I had a seizure in my cell and
19 blacked out. At the time, I was housed in Cell [REDACTED] in Building A1. The last thing I
20 remember before the seizure is thinking that I had to use the bathroom. I woke up on the
21 floor outside my cell, surrounded by custody officers, medical staff, and the porters who
22 work in my housing unit. When I regained consciousness, I realized that I had urinated in
23 my pants, and I also felt sharp pain in my ankles and wrists. I was disoriented, so I could
24 not identify everyone who was standing around me. I do remember seeing Officer [REDACTED]
25 and Officer [REDACTED] who works as the Second Watch housing officer one day a week.

26 8. Shortly after I regained consciousness, some of the medical staff lifted me
27 onto a gurney and I was taken to the Triage and Treatment Area (“TTA”). At the TTA, I
28 was given medical tests and examined by a Registered Nurse (“RN”). The RN told me

1 that I was found on the floor of my cell by the housing officers with my whole body
2 shaking, and that the officers called a medical code. The RN wanted to discharge me back
3 to my housing unit right away. I told her I was in a lot of pain in my wrists and ankles,
4 that it was too painful to walk back, and asked to be examined by a doctor. I was then put
5 into a holding cage in the TTA building to wait for the doctor.

6 9. There was another incarcerated person with me in the holding cage in the
7 TTA, who is housed with me in Building A1. I cannot identify this person because he
8 asked me not to disclose his name, as he is frightened about retaliation from the officers at
9 RJD if he comes forward about staff misconduct. This person told me that he saw what
10 happened after the housing officers found me on the floor of my cell while I was having a
11 seizure. He also told me that a number of other incarcerated people in nearby cells saw
12 what happened. He told me that he saw Officer [REDACTED] and Officer [REDACTED] enter my cell,
13 and that Officer [REDACTED] stepped on my hands, and Officer [REDACTED] stomped on both of my
14 ankles. He told me that Officer [REDACTED] then lifted me by the ankles and Officer [REDACTED]
15 grabbed me by the arms, and together they dragged me out of my cell, without securing my
16 head. He told me that my head hit the ground several times as the officers dragged me
17 onto the dayroom floor. Because I lost consciousness during the seizure, I do not know
18 what happened to me, but what this person told me he saw would explain why I was in so
19 much pain in my ankles and wrists.

20 10. After waiting in the holding cage for about thirty minutes, I was brought into
21 the exam room to be evaluated by the doctor. The doctor cleared me to return to my
22 housing unit. I told the doctor that I wanted to make an excessive force complaint.
23 Captain [REDACTED] the medical captain, then came to the TTA to talk with me. I told
24 him what the incarcerated person had told me in the holding cage: that Officer [REDACTED] and
25 Officer [REDACTED] had stomped on my wrists and ankles while I was having a seizure, and that
26 a number of incarcerated people in the housing unit had seen what happened. I also told
27 Captain [REDACTED] that I wanted to do a video interview on the excessive force
28 complaint, and he told me that he would do so. In the early afternoon, before the end of

1 Second Watch, I was escorted back to Building A1. Officer [REDACTED] and Officer [REDACTED]
2 were still on duty.

3 11. Shortly after I returned to Building A1, as I was about to go back into my
4 cell, Officer [REDACTED] came up to me and made reference to me going back and forth to the
5 BPH room to talk about the prisoner who was killed in the building. I cannot remember
6 her exact words, but the gist of what she said was that the officers are aware of everyone
7 who goes out to the BPH room to talk about staff, including Officer [REDACTED]. I understood
8 Officer [REDACTED] to be saying that she believed I had been talking with lawyers or
9 investigators in the BPH room, and that she thought Officer [REDACTED] had been sent to the
10 mailroom because of what I had said. I was frightened that she had gone out of her way to
11 say this to me so soon after I returned from the TTA. Based on the timing, I understood
12 Officer [REDACTED] to be warning me that the force she used on me during my seizure that
13 morning was retaliation for me speaking about Officer [REDACTED] in the past, and that she
14 would find out if I talked to lawyers or investigators about custody staff in the future.

15 12. The next day, on April 9, 2020, I filed a 602 about the excessive use of force
16 by Officer [REDACTED] and Officer [REDACTED] while I was having a seizure. On the top of the 602, I
17 wrote that it was a “staff complaint” about “retaliation.” The same day, I filed a separate
18 staff misconduct complaint on a Citizen’s Complaint/Rights and Responsibilities form, in
19 which I described what Officer [REDACTED] said to me after I returned from the TTA. I have not
20 received a log number, let alone a response, to this second staff misconduct complaint. On
21 May 8, 2020, I gave a Form 22 to Counselor [REDACTED] who was posted to my housing unit
22 at the time, asking for a copy of the Citizens Complaint that I filed on April 9, 2020.
23 Counselor [REDACTED] told me that he would try to get me a copy as soon as possible, but he
24 called me back into his office about two hours later and told me that he could not. He
25 refused to tell me why.

26 13. On April 15, 2020, at around noon, I was called off the yard and told to
27 report to the PSU building, which is a mental health building on Facility A. Lieutenant
28 [REDACTED] was waiting for me in the building. He told me that he would be conducting a Use

1 of Force video interview with me regarding the 602 that I filed on April 9, 2020, Log No.
2 RJD-A-20-02271. There was also a Sergeant present whose name I cannot recall, who told
3 me that he would be my staff assistant for the interview. I was worried that my 602 was
4 being investigated by local RJD staff, rather than by Internal Affairs or investigators from
5 another prison.

6 14. Lieutenant [REDACTED] told me that they were going to first call Plaintiffs'
7 counsel for the *Armstrong* case to have a confidential legal call with me, and that my
8 lawyer might then remain on the call during the video interview. After telephoning
9 Plaintiffs' counsel, Lieutenant [REDACTED] and the Sergeant left the room. While we were
10 speaking, my lawyer briefly put me on hold. Right after the phone was put on hold, I
11 heard the phone ring outside the room, and Lieutenant [REDACTED] answer. Lieutenant [REDACTED]
12 then came into the room and told me that the Watch Commander had radioed that I was no
13 longer talking with my lawyer. I do not understand how the Watch Commander knew that
14 I was not speaking with my lawyer so quickly. After the call was reconnected and I
15 finished speaking with my lawyer, Lieutenant [REDACTED] and the Sergeant returned for the
16 video interview. I told them that on the advice of my lawyer, I would not participate in an
17 interview with local RJD investigators. Lieutenant [REDACTED] ended the video interview and I
18 was escorted back to my housing unit.

19 15. As soon as I returned to Building A1, Officer [REDACTED] confronted me in the
20 dayroom. She told me, "The Watch Commander told me every fucking thing you said,
21 you need to find something else to do besides make complaints." I was frightened by
22 Officer [REDACTED] threat. Her claim that the Watch Commander had listened to my
23 confidential call with my lawyer made me even more afraid.

24 16. Approximately a week later, I gave Officer [REDACTED] a Form 22 regarding my
25 concerns that the showers and phones were not being disinfected between uses, increasing
26 the risk that we would be infected by the new coronavirus, COVID-19. Officer [REDACTED]
27 gave me back the 22 form and told me that she was following procedure. She then asked
28

1 me, “Can’t you find something else to do besides writing 22 forms or talking to Internal
2 Affairs?”

3 17. On May 13, 2020, I was on the yard at around 10:00 a.m. when the Building
4 A1 tower officer, Officer [REDACTED] called for me to return to the housing unit. Officer [REDACTED]
5 broadcast over the PA, loud enough for all the incarcerated people and custody staff on the
6 yard to hear: “[REDACTED] Internal Affairs is here to see you in One Building.” I was scared
7 that Officer [REDACTED] publicly broadcast this information, as it can be very dangerous for
8 custody staff and other incarcerated people to know that someone is speaking with the
9 Office of Internal Affairs. Everyone suspects that if an incarcerated person is speaking
10 with Internal Affairs, he is either reporting misconduct by staff or by incarcerated people.
11 People who report misconduct by staff or incarcerated people are often viewed as snitches.
12 At RJD, custody staff and other incarcerated people will often target people who they
13 believe are snitching.

14 18. When I entered the housing unit, I saw that Officer [REDACTED] and Officer [REDACTED]
15 were standing by the podium. A female Lieutenant who I did not recognize was standing
16 outside the door to the Building A1 office used by the housing officers, and she motioned
17 for me to enter. There was a male Lieutenant who looked familiar to me already in the
18 office. They introduced themselves as Lieutenant [REDACTED] and Lieutenant [REDACTED]
19 [REDACTED] of the Appeal Inquiry Management System (“AIMS”) Unit, which they said is
20 part of the Office of Internal Affairs. Lieutenant [REDACTED] told me that they were going to
21 interview me about the 602 that I filed on April 9, 2020, reporting that Officer [REDACTED] and
22 Officer [REDACTED] had used excessive force against me during my seizure. I was surprised and
23 concerned that Internal Affairs investigators were going to interview me in my housing
24 unit with the officers who were the subject of my 602 right outside, rather than in a more
25 confidential location like the BPH room. Since I have never been interviewed by Internal
26 Affairs before, however, I assumed that they knew what they were doing.

27 19. Lieutenant [REDACTED] explained that Plaintiffs’ counsel was going to be on the
28 telephone to observe and to represent me during the AIMS interview. They then called my

1 lawyer and, after we were connected, Lieutenant [REDACTED] and Lieutenant [REDACTED] began
2 interviewing me. The interview lasted about half an hour. Lieutenant [REDACTED] asked most
3 of the questions. She asked about the timeline of what happened on April 8, 2020, and
4 asked me to identify the incarcerated person who told me in the TTA cage what he had
5 seen, as well as any other witnesses. I explained that I could not give them any names of
6 witnesses without their permission, because people are terrified about going on the record
7 about staff misconduct, emphasizing, “This is people’s lives that we are talking about.”
8 Lieutenant [REDACTED] stressed that they would do everything in their power to ensure that
9 the interview and any witness statements were kept strictly confidential. He asked that I
10 talk to the incarcerated witnesses to ask if any of them are willing to go on the record. I
11 told him that I would ask in the next few days, but I also reiterated that “people are
12 terrified about this prison,” and warned them that an officer had known everything that
13 was said in my confidential legal call with my lawyer on April 15, 2020. The AIMS
14 investigators did not ask any follow-up questions about this.

15 20. After the interview ended, as the AIMS investigators were getting ready to
16 leave the office, Lieutenant [REDACTED] told me that I needed some witnesses who were
17 willing to come forward, and that they would come back to RJD once they were told that I
18 had witnesses who would talk to them. He said I could contact them with the names of
19 witnesses through my lawyer. I asked if there was any way for me to contact them directly
20 and confidentiality, if I were retaliated against by RJD staff again. Lieutenant [REDACTED] told
21 me that if I had anything else to tell them, I should fill out a Form 22 and write “AIMS” on
22 the top, so that the Form 22 would be routed to them. I asked if they had a business card,
23 or if there was an address that I could use to write to them, but Lieutenant [REDACTED] told me
24 that the only way to reach them directly was with a Form 22.

25 21. I was shocked that the AIMS investigators suggested that I report retaliation
26 or other staff misconduct to them by submitting a Form 22, and that they would not
27 provide me any way to reach them confidentially. The only way to submit a Form 22 is to
28 hand it to one of the officers in the building, or to other RJD staff. Given all the staff

1 misconduct that I have experienced and witnessed at RJD, I know that handing a Form 22
2 with “AIMS” written across to the top to custody staff would be dangerous. Anyone who
3 did so would be at risk of being assaulted or facing other retaliation. Based on my
4 experiences at RJD, I also do not believe it is realistic to expect that a Form 22 addressed
5 to Internal Affairs investigators would actually be forwarded to them by RJD staff. Given
6 the way that custody officers and RJD investigators have protected each other from
7 consequences for staff misconduct over the years, my expectation is that if I handed a
8 Form 22 marked “AIMS” to custody staff, it would be thrown away.

9 22. I had been hopeful about Internal Affairs investigating staff misconduct at
10 RJD, but the way that the AIMS inquiry proceeded on May 13, 2020—broadcasting that I
11 was meeting with Internal Affairs to the entire yard, conducting the interview in my
12 housing unit with the officers under investigation waiting right outside, and telling me to
13 report retaliation to them by handing a 22 form to RJD staff—made me doubt that the
14 AIMS investigators were willing or able to protect me and other incarcerated people from
15 retaliation and protect our confidentiality. I also know that there is a slot in the ceiling of
16 the office in Building A1 that is controlled by the Tower Officer, that can be opened to
17 hear what is said in the office. While I could not tell if Officer [REDACTED] had opened the slot
18 during the AIMS interview, incarcerated people in my building later told me that they saw
19 him speaking with Officer [REDACTED] and Officer [REDACTED] after my interview with the AIMS
20 investigators finished, so I am afraid that he may have told them everything that was said.

21 23. My fears were realized later that day. At around noon, the Building A1
22 tower officer, Officer [REDACTED] popped open my cell door and allowed four incarcerated
23 people to enter my cell. I only know one of their names, but I am afraid for my safety if I
24 were to identify him. This person (“Prisoner A”) was the only one who spoke. The other
25 three are all housed on the second tier of my building, and are large and muscular men.
26 They stood silently behind Prisoner A, staring at me while he spoke. Prisoner A told me,
27 “[REDACTED] don’t want no problems with you, we work with her, so we need you to not make
28 any more complaints about her.” Prisoner A also told me that I needed to let the

1 complaints I had already filed against her go, which I understood to mean that I should
2 stop pursuing my 602. After delivering this message, the incarcerated people left my cell
3 and Officer [REDACTED] closed my cell door.

4 24. Officer [REDACTED] is continuing to target me in retaliation for speaking out about
5 staff misconduct. Two days ago, on May 19, 2020, our building was notified of a change
6 in our program—showers and telephone calls were now limited to every other day, rather
7 than every day. Later that morning, I was confronted again by the same four incarcerated
8 people who had entered my cell on May 13, 2020. Prisoner A told me that Officer [REDACTED]
9 and Officer [REDACTED] had called him and several other incarcerated people over to them and
10 told them that these program changes were because of complaints that I made. Prisoner A
11 told me that people were angry and that it was my fault that they could only shower and
12 make phone calls every other day, and again demanded that I stop causing trouble and
13 making complaints. I told them that I did not know what they were talking about and that,
14 so far as I knew, the program change had nothing to do with me. It is frightening that
15 Officer [REDACTED] and Officer [REDACTED] would mislead incarcerated people by blaming me for an
16 unpopular program change, putting a target on my back.

17 25. This morning, Officer [REDACTED] told me that I had to move from Cell [REDACTED] to
18 Cell [REDACTED] which is the same cell where my friend [REDACTED] was attacked earlier
19 this year, leading to his death. I told Officer [REDACTED] that I did not want to move and asked
20 her why I had to move to this cell. Officer [REDACTED] replied, “You can talk to [REDACTED]
21 about it.” She then forced me to move my belongings into [REDACTED] cell.

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1 26. I am terrified that officers are still acting with impunity even after I and other
2 incarcerated people have spoken out about the staff abuse at RJD. I am scared and
3 disappointed that even after Internal Affairs finally began investigating staff misconduct
4 by RJD officers, they were unable to keep their investigation confidential, putting my
5 safety at risk. I am also worried about asking other incarcerated people to come forward as
6 witnesses for me, knowing that they will not be protected from retaliation.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct, and that this declaration is executed at San Diego,
9 California this 21nd day of May, 2020.

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/s/ [REDACTED]

[REDACTED]

On May 21, 2020, due to the closure of RJD in light of the COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED] by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration were true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature to the declaration and to file the declaration in this matter.

DATED: May 21, 2020



Benjamin Bien-Kahn

EXHIBIT 10

1 about the coronavirus. The news reports and CDCR emphasized that there was no cure or
2 treatment for the virus. The news reports and CDCR also indicated that one of the primary
3 ways to prevent the spread of the infection was to engage in “social distancing” by staying
4 six feet apart from other people.

5 8. I was and still am concerned about staff at RJD engaging in social
6 distancing. Since very few incarcerated people go out into the community for any reason,
7 the chance of an incarcerated person bringing the virus into RJD is, I believe, very small.
8 In contrast, the staff at RJD go into and come out of the community every day and could
9 therefore bring the virus into RJD easily.

10 9. At 1:30 p.m. on March 18, 2020, I was in Building 20 on Facility D, the
11 housing unit in which I lived at the time. I walked up to the lectern in the dayroom to
12 speak with Officers [REDACTED] and [REDACTED] who were working as the floor officers that day. I
13 expressed to the officers my concern that a different officer was not engaging in social
14 distancing. On multiple occasions, I had observed this officer hug many officers at the end
15 of her shift. Officer [REDACTED] told me to stop talking about this other officer and to go lock
16 up in my cell. I complied with his order and went back to my cell, cell [REDACTED]

17 10. About two minutes later, staff opened the door to my cell. I stood up in the
18 middle of the cell, holding onto my walker, and faced the doorway. Officer [REDACTED] was
19 standing just outside of the cell. Officer [REDACTED] walked about a foot into the cell.
20 Officer [REDACTED] said “You better stop talking about [the other officer] or I’m gonna fuck
21 you up.” I said “No, you won’t.” Officer [REDACTED] then said “You think I won’t?” He then
22 stepped toward me, put both of his hands on my walker, and shoved the walker into my
23 body aggressively. Since I was holding onto the walker, I fell backward. When I fell, I
24 scraped my left arm badly on the shelving in my cell. The right side of my rib cage also
25 hit my bed frame hard, causing me significant bruising. In addition, the walker landed on
26 top of me. After I fell, Officer [REDACTED] walked out of my cell and back to the lectern.
27 Officer [REDACTED] quickly walked out of the building entirely. Staff closed the door to my cell.

28

1 11. I asked to get out of my cell to report what Officer [REDACTED] had just done to
2 me, but staff did not open my cell door until it was time for dinner. While I was stuck in
3 my cell, I wrote down a summary of the incident.

4 12. After eating dinner in the dining hall, I went over to the program office on
5 Facility D and reported the incident to a supervisory officer. I cannot remember if it was a
6 sergeant or a lieutenant. The supervisory officer listened while I told him how Officer
7 [REDACTED] had attacked me. The supervisory officer then handcuffed me, escorted me to the
8 gym, put me in a holding cell, told me to strip naked, searched me, and then searched my
9 walker. A few minutes later, a nurse came by to evaluate me. I also told her that Officer
10 [REDACTED] had attacked me. After talking with the nurse, I was left naked and cold in the
11 holding cell for approximately 15-20 minutes. Then, I was given my clothes back and
12 escorted to administrative segregation.

13 13. I spent the next 36-48 hours in administrative segregation. I was told that I
14 was placed in administrative segregation while RJD investigated my allegations against
15 Officer [REDACTED]. This explanation made no sense to me. I did not understand why I
16 should be punished by being placed in administrative segregation because I reported that
17 Officer [REDACTED] had attacked me. If Officer [REDACTED] is so dangerous that the only way to
18 keep me safe from him is to place me in administrative segregation, then Officer [REDACTED]
19 should not be working for CDCR.

20 14. While I was in administrative segregation, I was interviewed by a
21 supervisory officer about what Officer [REDACTED] had done to me. I told him everything
22 about what happened. The supervisory officer asked me if I had any enemy concerns. I
23 told him that I was scared of Officer [REDACTED]. Ultimately, I was released from
24 administrative segregation to Facility A instead of Facility D. I requested to be placed on
25 Facility A so that I would not be housed on the same facility as Officer [REDACTED].

26 15. The staff who packed up my property when I was placed in administrative
27 segregation only packed up about half of my property. As a result, when I arrived at my
28 cell on Facility A, a significant amount of my property was missing, including two bibles,

1 a number of other books, and approximately 50 indigent envelopes. I still have not gotten
2 this property back.

3 16. On or around May 7, 2020, a lieutenant from Sacramento came and
4 interviewed me about the incident. The interview took about two hours. The lieutenant
5 made copies of the summary I had written of the incident.

6 17. I also told medical staff on a number of occasions about what happened,
7 including at a medical appointment on April 25, 2020.

8 18. I believe that Officer [REDACTED] attacked me because he knew that, because of
9 my disabilities, I would not retaliate. I've seen the way that Officer [REDACTED] operates and I
10 know that he would not have done the same thing if I were a bigger, stronger person. I
11 therefore believe that Officer [REDACTED] assaulted me because of my disabilities.

12
13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct, and that this declaration is executed at San Diego,
15 California this 20th day of May, 2020.

16

17

/s/ [REDACTED]

18

19

20 On May 20, 2020, due to the closure of R.J. Donovan Correctional Facility because
21 of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
22 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
23 to [REDACTED], by telephone. Mr. [REDACTED] orally confirmed that the contents of the
24 declaration were true and correct. Mr. [REDACTED] also orally granted me permission to affix
25 his signature to the declaration and to file the declaration in this matter.

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27 DATED: May 20, 2020

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Michael Freedman

EXHIBIT 11

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DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED] I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in Building 3 on Facility A. I am 50 years old.

3. I have been housed at RJD off-and-on since December 2017. From February 2018 through January 2019, I was housed at the California Substance Abuse Treatment Facility (“SATF”) and Mule Creek State Prison (“MCSP”) because I had to attend court in Central California. Once the proceedings had ended, I was returned to RJD in January 2019, and I have been housed at RJD since then.

4. During my time at RJD, I have been housed on Facility C in Building 13 throughout 2018, and most recently, I have been housed on Facility A in Building 3 and Building 5.

5. I am an *Armstrong* class member. I am designated as DPM. I use a walker to get around. As accommodations for my disability, I am housed on the lower tier in a lower bunk. I also have accommodation orders from medical staff that I must only be cuffed in the front of my body because I need to hold onto my walker for stability. I also suffer from a neurogenic bladder disorder. I have to catheterize four times per day to manage my disability-related bladder issues.

6. I have a number of serious medical conditions. I suffer from degenerative disk disease, GERD, hypertension, hyperlipidemia, high cholesterol, and various heart conditions. I experience heart palpitations regularly, and take Amlodipine to manage my chest pain and cardiac issues. I also take medication that helps me regulate my blood pressure and my cholesterol. I am classified as high risk medical. I am on chronic care, meaning that my medical conditions are supposed to be closely monitored by staff.

1 7. Custody staff at RJD abused and battered me on March 8, 2020, the day
2 before CDCR implemented a modified program in response to the COVID-19 pandemic.
3 On that date, I walked over from my housing unit at that time, Building 5, to the dining
4 hall to collect my Kosher Passover meal. When I approached the food distribution
5 window, the incarcerated person working there told me that they didn't have any more
6 Kosher meals. He also told me to, "get the fuck out of the window, you white boy Jew." I
7 naturally took offense to this remark, as well as the fact that I was being denied my Kosher
8 meal. I went over to an officer – Officer A, who regularly works in the dining hall – to
9 discuss the problems I was having. I asked Officer A why I was being denied access to my
10 Kosher meal. Officer A laughed and stated that they were out of Kosher meals. This
11 made me angry. We got into an argument.

12 8. As we started getting louder and louder, an officer with whom I have a good
13 relationship, who goes by the nickname "Officer [REDACTED]" because his last name is difficult to
14 pronounce but starts with a [REDACTED] walked over to try to de-escalate the situation. Officer [REDACTED] is a
15 regular on Third Watch in Building 5. Just as Officer [REDACTED] approached us, approximately
16 eight officers entered the dining hall and surrounded me. I believe that these officers were
17 responding to the argument I was having with Officer A, which was quite loud at this
18 point. I did not see where these officers came from, but I presume that they came from the
19 yard because only Officer A and Officer [REDACTED] were in the dining hall when this whole thing
20 started. As soon as they surrounded me, one officer threw my walker to the ground. Two
21 other officers grabbed me by my arms and threw me against the wall. One of officers
22 smashed my head against the wall with his hand. The officers were yelling all sorts of
23 things at me, like, "fuck you," "we know you assault cops," and things to that effect. I
24 believe that the officers were referring to a 2016 incident at Mule Creek State Prison in
25 which I was viciously assaulted by staff, but staff claimed that I assaulted them. Staff at
26 RJD know about this incident because the rule violation report ("RVR") issued to me as a
27 result of that incident was heard at RJD. After a few more seconds, Officer [REDACTED] intervened
28 and told the other officers that I wasn't any trouble and that they should let me go back to

1 my cell. The officers then loosened their hold on me, picked up my walker, and allowed
2 me to return to my cell.

3 9. The next day someone came to my cell-front and called out for me by my
4 nickname. My cell door was closed. I turned around and saw, through the window of my
5 cell, a well-known incarcerated person standing outside of my cell. I had never interacted
6 with this person previously. His presence outside my cell was especially surprising
7 because he was housed in Building 3 and had no reason to be in Building 5. With very few
8 exceptions, incarcerated people are not permitted to go inside housing units that are not
9 their assigned housing unit. I am not certain how he gained access to Building 5. The
10 person introduced himself. He then asked me about what had happened in the dining hall.
11 I told him about the incident. The person then told me that people in his unit had been
12 talking about me. He told me, "Be careful, they're out to stab you." Without saying
13 anything more, this person walked away from my cell toward the exit of the housing unit.
14 On his way, he waved to the control tower officer, Officer [REDACTED].

15 10. I interpreted the incarcerated person's statement to mean that officers were
16 setting me up to be stabbed by other incarcerated people. I reached this interpretation
17 because the threat happened so close in time to the incident in the dining hall the day
18 before. I also reached this conclusion because I am not aware of any incarcerated people
19 with any reason to attack me. I know, however, that officers dislike me, as reflected in the
20 March 8 attack. I viewed the incarcerated person's warning to be credible because he is
21 generally well-respected and informed regarding politics on the yard.

22 11. Staff at RJD have previously threatened to harm me. On one occasion in the
23 first quarter of 2019, Officer [REDACTED] told me that I needed to watch out for my safety and
24 welfare because she overheard other officers on Facility B talking about harming me.
25 While housed in Building 13 on Facility C, I filed a number of complaints related to
26 officers' using excessive force against people with disabilities and officers routinely
27 denying me the supplies I needed to manage my incontinence. I believe that officers were
28 conspiring to have me hurt in 2019 because they perceived me as a trouble-maker and

1 someone who was trying to hold them accountable. Similarly, I think that I am now being
2 targeted by staff because of my reputation as someone who is not afraid to file appeals and
3 lawsuits against staff.

4 12. During evening pill line on March 9, 2020, Registered Nurse (“RN”)
5 [REDACTED] observed a bruise on my forehead, right where the officer had shoved my head
6 against the wall. RN [REDACTED] asked me how I had gotten the injury. I told her that I was
7 slammed and pinned against a wall by eight officers the day before.

8 13. A few days later, I wrote a letter to the warden about the misconduct that I
9 had experienced. A month later, I received a generic letter from Associate Warden F.
10 Armenta that claimed that CDCR and RJD staff are committed to the safety of the people
11 under their custody. The letter did not address any of the substance of my allegations, and
12 it did not indicate that RJD planned to investigate my allegations. To my knowledge, RJD
13 has not investigated what happened to me in the dining hall on March 8, 2020, nor the
14 credible threats against my life communicated to me on March 9, 2020.

15 14. I still see the officers that were involved in the staff misconduct against me
16 virtually every day even after they were accused of staff misconduct. For example, I have
17 seen on the yard a number of the officers who pinned me up against the wall in the dining
18 hall.

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1 15. In my opinion, staff at RJD display a total lack of concern for people with
2 disabilities. For example, on multiple occasions, I have seen staff deny showers, cleaning
3 supplies, and fresh diapers to elderly men in wheelchairs who have been sitting in soiled,
4 feces-filled diapers all day. Staff just don't seem to care about the needs of RJD's elderly
5 and disabled population. I believe they lash out at people with disabilities because they
6 feel like we are more work for them. I also believe that staff target people who they
7 perceive to be trouble-makers, like people who file grievances. I think that I was targeted
8 by staff because I am an advocate for people on the yard who are vulnerable, and because I
9 have filed a number of successful 602s challenging conditions and policies at RJD.

10

11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct, and that this declaration is executed at San Diego,
13 California this 20th day of May, 2020.

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[REDACTED]

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[REDACTED]

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18 On May 20, 2020, due to the closure of Richard J. Donovan Correctional Facility in
19 light of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
20 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
21 to [REDACTED], by telephone. Mr. [REDACTED] orally confirmed that the contents of the
22 declaration were true and correct. Mr. [REDACTED] also orally granted me permission to affix
23 his signature to the declaration and to file the declaration in this matter.

24

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26 DATED: May 20, 2020



Michael Freedman

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EXHIBIT 12

SUPPLEMENTAL DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.
2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in administrative segregation (“ASU”) in Building 7 on Facility B. I am 52 years old.
3. I previously submitted a declaration about staff misconduct that I experienced and witnessed at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental declaration about additional incidents of staff misconduct I recently experienced at RJD.
4. On March 14, 2020, a group of incarcerated people approached me on the yard. They told me that the clerk in Building 12, [REDACTED] who is an incarcerated person, had shown them a document issued by Correctional Counselor I (“CCI”) [REDACTED] that stated that I had been convicted of a sex crime involving children. In fact, I was convicted of carjacking, and I have been in prison since June 1995 due to that offense because it was my third strike. This group of people then told me to get my court paperwork, and insinuated that they would assault me if my paperwork indicated I was a sex offender. Once I retrieved the paperwork that proved that I was not convicted of a sex offense, the group of people let me go on my way. Later that day, I observed that same group of incarcerated people brutally assault and stab [REDACTED]. Before staff were able to intervene, I saw these people stab [REDACTED] multiple times. After staff activated the alarm, they broke up the fight and escorted the assailants and [REDACTED] off the yard. It is my belief and understanding that the incarcerated people assaulted [REDACTED] because he had provided them with fake documentation relating to my commitment offense.
5. I then filed a 602 against CCI [REDACTED] for falsifying documentation and sharing information from my file with incarcerated people. A few days after I filed that

602, ██████ approached me and told me that CCI ██████ told him to spread the word that I was a child molester. ██████ also told me that CCI ██████ planned to “get me off the yard” in retaliation for filing the 602 against her. In my experience, you can only get off of a yard in one of two ways: either you leave the yard because you express concerns about your safety, or you get assaulted so badly that it is no longer safe for you to be housed with the people who assaulted you. Because of that, I interpreted ██████ statements to mean that CCI ██████ was planning to again set me up to be assaulted by incarcerated people.

6. Things were relatively quiet until April 22, 2020. That day, when I got back into my building from chow, someone told me that they overheard the floor officer, Officer ██████ talking to a group of gang members who were housed in the unit. The person told me that they overheard Officer ██████ call me a child molester.

7. The next day, April 23, 2020, I was eating breakfast in the dining hall when a group of officers approached me, cuffed me, and dragged me to a holding cell in the gym. When I asked them what was going on, they stated that I had to be cleared by my clinician. Once my clinician, Dr. ██████ arrived, she told me that Officer ██████ had submitted an emergency referral for mental health in which she claimed that I was suicidal. After I explained to Dr. ██████ that I was not feeling suicidal, she released me to my housing unit.

8. When I arrived in the building, I noticed that Officer ██████ was working as one of the floor officers. She immediately approached me and said, “I can’t believe you’re still here.” She then threatened to put someone in my cell who had just been transferred from another prison. Later on that day, I tried talking to a sergeant about my concerns with being celled with someone from a different prison in light of COVID-19. The sergeant just ignored me and told me to go back to my cell.

9. During the evening pill line, I observed an unfamiliar person pushing a cart into the building. A few minutes later, someone approached me and told me that the unfamiliar person was my new cell mate. I left the pill line and started walking over to my cell. When I saw the person in my cell, the first thing I noticed was his size and age: he was young, at least six and a half feet tall, and at least 250 pounds. I am 5’ 9,” around one

hundred ninety pounds, and fifty two years old. Because of our size and age difference, I immediately became fearful that this man would assault me and that I would not be able to defend myself. As I approached the cell, I observed Officer [REDACTED] standing outside of the cell talking to the incarcerated person. I then observed Officer [REDACTED] hand the incarcerated person a blue towel. As soon as I arrived at the cell, I asked the person what was going on. He replied, "I cannot live with a child molester. If you come in, I will stab you." The person then unrolled the blue towel that Officer [REDACTED] had handed him and revealed a knife fashioned out of what looked like a screwdriver.

10. It is my belief and understanding that Officer [REDACTED] had falsely told this person that I am a child molester in an attempt to have me harmed. There is no other way that this person could have come to believe that I am a child molester because I had never interacted with or seen him before.

11. Officer [REDACTED] then ordered me to enter my cell, but instead, I ran into the nearby shower in the C-section of the housing unit. I held the door shut as best as I could in case the person in my cell tried to assault me. From the shower, I saw Officer [REDACTED] walk the person out of my cell and bring him to a shower in the B-section of the housing unit. She then took the knife from him and walked into her office.

12. Officer [REDACTED] then walked over to me and ordered me to go back to my cell. I was very hesitant since I was afraid that the other person would follow me into my cell and assault me, but I ended up walking over to my cell. As I was walking, I observed Officer [REDACTED] escort the person out of the shower, and walk him out of the building. It was as if he was never there.

13. As soon as I got in my cell, I started packing up my property because I wanted to transfer to the ASU due to my safety concerns on Facility C. Even though that incarcerated person had left the building, I was terrified that Officer [REDACTED] would try to find some way to have me injured or killed. I put a sign in the window of my cell that said that I was going to harm myself unless my safety concerns were addressed.

14. At around 9:30 p.m., Officer [REDACTED] was conducting a count of the unit. When she passed my door, I asked her for the sergeant. She did not respond to my request. Instead, she threatened me, saying, “Now that we’re cell-feeding you, it will be hard to prove that I put Fentanyl in your food.” I interpreted this comment as Officer [REDACTED] threatening to poison me and other incarcerated people. She then called me a “scary ass nigger,” before walking away. These comments made me feel even more desperate to leave Facility C out of fear for my life. Finally, at around 1:00 a.m., another count was conducted by a different group of officers assigned to First Watch (10:00 p.m. to 6:00 a.m.). One officer saw the sign in my door, and staff then escorted me to TTA. From there, I was transferred to alternative housing, which is a form of suicide watch, in the ASU.

15. The next day, in the morning, I spoke with Sergeant [REDACTED] and Dr. [REDACTED] a mental health clinician, and explained to them everything that had happened. After I told them I was not suicidal and instead had safety concerns, Dr. [REDACTED] took me off of alternative housing. In the afternoon, I spoke with Captain [REDACTED] about my safety concerns and he decided to retain me in the ASU until they had completed their investigation into my safety concerns. Later that day, however, a search and escort officer arrived at my cell and told me to prepare to transfer back to Facility C. I refused to be housed on Facility C because of my ongoing safety concerns.

16. I received multiple rule violation reports (“RVRs”) related to this incident. First, I received an RVR for refusing to accept assigned housing because I would not leave the ASU to go to Facility C. This RVR did not make any sense at all because Captain [REDACTED] approved me to be housed in the ASU pending the outcome of the investigation into my safety concerns. Officer [REDACTED] also wrote me an RVR for threatening staff because I threatened to write her up and have her fired for her misconduct against incarcerated people. I never threatened physical harm against Officer [REDACTED]. I only stated to her that I planned to use the grievance system to file a complaint against her for violating CDCR policy and the rights of incarcerated people. I cannot believe that I might

receive an RVR – especially one that could carry a Security Housing Unit (“SHU”) term – for merely asserting my rights. Prior to this incident, I had no RVRs since 2000. Yet, within a week of my reporting the misconduct of Officer [REDACTED] and CCI [REDACTED] I was housed in the ASU in fear for my life and staff had issued me two serious RVRs.

17. On other occasions, I have observed Officer [REDACTED] spread rumors about people’s commitment offenses in attempts to have them harmed. I have even heard Officer [REDACTED] encourage people to “take care” of someone who Officer [REDACTED] doesn’t like or get along with. For example, around the first week of December 2019, I overheard Officer [REDACTED] tell a group of gang members to assault an incarcerated person named [REDACTED] who was known in the unit to suffer from mental health issues and an exhibitionist disorder. When those gang members eventually assaulted this person, I watched as Officer [REDACTED] failed to intervene or sound her alarm. When I later confronted her about this and threatened to file a complaint, she just told me to mind my business and walked away.

18. On May 12, 2020, at around 11:00 a.m., I was interviewed by Lieutenant [REDACTED] of the Allegation Inquiry Management System (“AIMS”) unit of the Office of Internal Affairs (“OIA”) about my complaints against Officer [REDACTED] and CCI [REDACTED]. We talked for about a half hour. While we had a substantive conversation, it seemed that Lieutenant [REDACTED] only cared about exonerating and protecting staff. I feel this way because he kept on trying to poke holes in my story that didn’t really matter in the grand scheme of things. For example, when I was describing the events of April 24, 2020, I initially forgot to mention that Officer [REDACTED] partner, Officer [REDACTED] was also present for the incident. When Lieutenant [REDACTED] pointed that out, he treated it like a “gotcha” moment (even though Officer [REDACTED] was not involved at all in the incident, which is why I forgot to mention him at first). I think that he was looking for these small inconsistencies so that he could discount my testimony altogether. Based on his tone and the questions he asked me, it seemed that the purpose of the interview was to gather information that would

help staff, rather than to figure out what happened and whether staff had violated policy and my rights.

19. My mental health has worsened as a result of this incident. Every time I enter my cell from the yard or from a program, I am terrified that someone will be waiting in my cell to assault me. I even look under the bed every time I enter my cell just to make sure that no one is hiding there. I have also been experiencing terrible paranoia and PTSD flashbacks of previous assaults I have suffered in prison and on the streets. Since the incident, I have lost about fifteen pounds because I have been having trouble with my appetite and my sleep. I'm scared to eat partly because of Officer [REDACTED] threat to lace my food with Fentanyl. I did not experience these symptoms prior to the incident involving Officer [REDACTED]

20. I have experienced other instances of staff misconduct at RJD. On May 15, May 16, and May 19, 2020, I observed housing unit staff in Building 7 preparing food trays without wearing gloves, masks, or any other personal protective equipment. On May 15, 2020, the officer preparing food was Officer [REDACTED]; on May 16, 2020, the officer preparing food was Officer [REDACTED]; and on May 19, 2020, the officer preparing food was Officer [REDACTED]. On each of these days, when I called out from my cell to protest the fact that they were not wearing masks because I am very worried about the COVID-19 pandemic, the officers dismissed me and said things like, "Shut up, [REDACTED] just write us up. You're the write-up guy." This comment suggested to me that staff do not care at all about the health of incarcerated people in the midst of a pandemic. It also suggests to me that staff do not take me seriously because I have a reputation for filing complaints against staff.

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EXHIBIT 13

1 that I had abrasions on my knees, elbows, and hands. I also noticed that my teeth were
2 swollen and in pain. I felt that my lower lip was busted up, and my left shoulder was in a
3 lot of pain as well. A few days after the incident, I was seen by a dentist, who noted that I
4 suffered trauma to my gums.

5 9. After staying overnight at UCSD for observation, I was returned to RJD on
6 April 3, 2020. Due to pain and swelling in my neck, I wore a neck collar for a few days
7 after my discharge from the hospital. When I arrived back on the yard, I heard from
8 multiple people that officers had assaulted me while I lay unconscious on the yard
9 suffering from a seizure. Though I was unconscious for the entire time, this explanation
10 made sense to me, as it seemed to me that the injuries I suffered were too significant to
11 have been only from my seizure. Nurse [REDACTED] spoke to me a few days after I returned
12 to RJD. She told me that she witnessed the incident on April 2, 2020. She told me that the
13 officers who beat me would not allow medical staff to treat me because they claimed that I
14 was “under the influence” and “resisting.” She also told me that she felt terrible about the
15 assault because she felt that medical staff did not do enough to intervene and prevent
16 custody staff from assaulting someone who was clearly in the midst of a medical
17 emergency.

18 10. In the days that followed the incident, four incarcerated people from my
19 housing unit approached me and told me that they had witnessed officers beat me as I lay
20 unconscious: [REDACTED] [REDACTED] [REDACTED] and [REDACTED]. These
21 witnesses all told me that the officers yelled at me to “stop resisting” as I seized on the
22 ground. They also told me that the officers pinned me to the ground, and jammed their
23 knees into my back and my face. Ms. [REDACTED] who is transgender, also told me that, when
24 she tried to de-escalate the situation, the officers told her to “shut the fuck up.”

25 11. On April 5, 2020, I submitted a CDCR Form 22 requesting that my injuries
26 be documented by CDCR medical staff. When I did not receive a response to that form, I
27 filed a 602 staff misconduct complaint on April 8, 2020. On April 14, 2020, I was called
28 to the program office on Facility D. When I arrived, the sergeant working there ordered

1 me to report to the clinic. At the clinic, I told a nurse that I had been assaulted by staff on
2 April 2, 2020. I also told her that I had been trying to report the incident for the past two
3 weeks but my forms were not being answered. The nurse then documented my injuries on
4 a 7219 form, which she gave to Lieutenant [REDACTED]

5 12. Lieutenant [REDACTED] and the program sergeant then interviewed me on video.
6 I told them about what had happened on April 2, 2020, and provided them with the names
7 of all my witnesses. During my interview, Lieutenant [REDACTED] stated that there was no
8 report of an incident on the Facility D yard on April 2, 2020. This suggested to me that
9 Lieutenant [REDACTED] was trying to cover up the incident. It is my belief that there must
10 have been some record of the incident because an ambulance came on the yard to transport
11 me to the hospital. It is my understanding that that sort of thing happening in prison
12 always requires a report. The fact that I never received a rule violation report (“RVR”) for
13 assaulting or resisting staff also suggests to me that the institution was trying to cover up
14 the assault on me. If, in fact, I had been resisting or assaulting the officers, then I should
15 have received an RVR.

16 13. I have experienced other types of staff misconduct at RJD as well. On
17 April 26, 2020, I was returning to my cell in Building 19 after having picked up my meal.
18 All of a sudden, the cell door began closing on me. After being hit by the cell door, I fell
19 against the wall with my walker and the door pinned me against the wall. I started yelling
20 out that I was stuck and that I needed help. The floor officers joined in, yelling to the
21 tower officer, Officer [REDACTED] “You’ve got a guy in the door! Open up [REDACTED]!” While they
22 yelled, I observed Officer [REDACTED] just staring at me as I cried out in pain. After about
23 twenty seconds, Officer [REDACTED] finally opened my cell door.

24 14. Officer [REDACTED] has trapped me in my cell door in a similar fashion on
25 multiple other occasions. Officer [REDACTED] sometimes repeatedly opens and closes my door
26 in order to scare me into thinking that he is going to close the door on me. On every
27 Sunday, the day on which Officer [REDACTED] is stationed in the control tower in my building,
28 I am terrified that I will be trapped in the cell door. It is my understanding that many other

1 incarcerated people have experienced similar misconduct from Officer [REDACTED] and have
2 reported his misconduct in 602 staff complaints.

3 15. I did not file a 602 staff complaint about Officer [REDACTED] conduct because I
4 am worried that he will retaliate against me. When I returned from the hospital on
5 April 3, 2020, for example, half of my property was missing. I believe that housing unit
6 staff opened up my cell door and allowed incarcerated people to steal my property in
7 retaliation for my being involved in the April 2, 2020 incident with custody staff.
8 Similarly, when I was transported to the hospital for a heart attack on November 25, 2019,
9 a quarter of my property was gone when I returned. Because I have experienced these
10 kinds of retaliation in the past, I am too afraid to file a staff complaint against Officer

11 [REDACTED]

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EXHIBIT 14

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DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at R.J. Donovan Correctional Facility (“RJD”) on Facility A in Building 1, where I have been housed for approximately the past month. From July 2014 until I was moved to Building 1, I was housed in Building 2 on Facility A at RJD.

3. I previously submitted a declaration about staff misconduct that I witnessed at RJD. I submit this supplemental declaration about additional staff misconduct I recently witnessed at RJD.

4. In the end of March, I witnessed staff unnecessarily use force against [REDACTED] [REDACTED]. At the time of the incident, I was housed in cell [REDACTED] in Building 2. Mr. [REDACTED] lived in cell [REDACTED] in Building 2. He was my friend and neighbor. I believe he had developmental disabilities and was part of the Developmental Disability Program. He also had some trouble walking because he used a walker. Mr. [REDACTED] was also part of the Enhanced Outpatient Program for people with mental illness.

5. On the date of the incident, I was playing chess with another incarcerated person at the table closest to cells [REDACTED] and [REDACTED]. I started paying attention to what was happening when I heard Mr. [REDACTED] loudly refusing to comply with an order from Officer [REDACTED] to submit to handcuffs. Mr. [REDACTED] had his back nearly against his cell door. Officer [REDACTED] who was one of the regular floor officers in the building, was standing a few feet in front of him. Another female officer, who was serving as the other floor officer that day, was standing next to Officer [REDACTED]. From what I could tell, Officer [REDACTED] ordered Mr. [REDACTED] to cuff up because someone had reported that Mr. [REDACTED] was suicidal. Mr. [REDACTED] was telling Officer [REDACTED] that he was not suicidal and therefore was not going to cuff up. He kept asking for Officer [REDACTED] to allow him to go back into his cell.

1 When she refused, he requested to speak with a sergeant. Officer ██████ refused this
2 request as well. Mr. ██████ became more and more upset.

3 6. Then, one of the two officers sounded an alarm. Approximately ten officers
4 streamed into the building. The first officers who reached Mr. ██████ grabbed him and,
5 without saying anything or trying to deescalate the situation, threw him to the ground. As
6 far as I could tell, Mr. ██████ never moved toward, let alone tried to harm, any of the
7 officers before they started using force on him. In fact, when the officers reached Mr.
8 ██████ he ducked down to protect himself rather than trying to fight the officers. After the
9 officers threw him to the ground, there were so many officers on top of Mr. ██████ that it
10 was difficult for me to see what was happening. It looked like ants swarming a piece of
11 food. At some point the officers pepper sprayed Mr. ██████ I was so close to the incident
12 that the residual spray burnt my eyes and some of it got on my shoes. Officers shackled
13 Mr. ██████ legs and put a spit mask on him. During the attack, Mr. ██████ kept
14 screaming, “This is a lawsuit! This is a lawsuit!” The officers beat him for about a minute
15 and a half. Mr. ██████ was escorted out of the building by the officers. I have not seen
16 him since that day.

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EXHIBIT 15

DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in Building 1 on Facility A. I am 47 years old.

3. I have been housed at RJD from mid-February 2020 to the present.

4. During my time at RJD, I have been housed in Building 23 on Facility E, Building 1 on Facility A, and the administrative segregation unit (“ASU”) in Building 6 on Facility B.

5. I am an *Armstrong* class member. I am designated as DNH, which means that I am hard of hearing. As an accommodation for my disability, I use hearing aids. I also need staff to speak loudly and clearly with me.

6. I am a *Coleman* class member. I am at the EOP level of care. I hear voices and see things that aren’t there, and I cut myself. I take medications to manage my mental health, including Buspar, Vistaril, Abilify, and Remeron.

7. I am a *Clark* class member. I am designated as DD1. I have trouble with reading, writing, understanding, and learning how to do new things. I need staff to read things to me in slow and simple language, write for me, repeat things for me, and provide me with simple instructions for doing new things.

8. On May 9, 2020, I was housed in Building 1 on Facility A. I was feeling depressed. I wanted to hurt myself, so I began cutting my right wrist with a razor. The cuts were deep. There was blood all over the ground of my cell. As I was cutting myself, I was screaming that I was bleeding and needed help. No one responded to me for at least thirty minutes. Eventually, one of the officers in the building came to my cell. When I told the officer that I was feeling suicidal, he said to me, “No you’re not. I don’t believe that you’re suicidal, go sleep on it.” While the officer was saying this, I cut myself really

deeply right in front of him so that he would get me help. He did not say anything and just walked away.

9. Five minutes later, that officer and three other officers came into my cell, told me to wrap my wounds in a shirt, and then, once my wounds were wrapped, handcuffed me behind my back and took me to the Triage and Treatment Area (“TTA”) in a van. I told one of the officers, who looked like a sergeant based on his uniform, that I did not get attention for thirty minutes after cutting myself, and he told me, “Thank you, rat.” I think he called me a rat because I was telling on the officers in the unit who did not help me for thirty minutes. Once we got to the TTA, doctors put glue on my arms to seal up the cuts. I cut myself about eight times, and I was bleeding pretty badly from my right wrist. After I was treated at the TTA, custody staff brought me to the Administrative Segregation Unit (“ASU”) and made me take off all my clothes and put me in a safety dress so I wouldn’t hurt myself. They then threw me in a cell and left me there.

10. I have not filed a 602 about the May 9, 2020 incident because I cannot file paperwork on my own. I need help filling out paperwork, so I have to ask the officer who is trained to work with people who are developmentally disabled. I have not seen her since the incident. I am not comfortable asking anyone else to help me.

11. I feel afraid of staff at RJD after they ignored me while I was cutting my wrist. I am too afraid to ask anyone but the DDP officers for help with reading and writing. Most of the officers won’t help me and laugh at me because of my developmental disability. I am afraid that, if I ask them for help, they will spray me or hit me with their batons. The sergeant’s comment about me being a rat has also made me scared. If staff

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1 won't help me when I ask and then accuse me of being a "rat" if I complain about not
2 getting help, how can I possibly get help when I need it. I feel like there is no one for me
3 to run to.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at San Diego,
6 California this 19th day of May, 2020.

7
8 /s/ [REDACTED]

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10 On May 19, 2020, due to the closure of RJD in light of the COVID-19 pandemic
11 and ongoing concerns that officers might retaliate against declarants in support of
12 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED]
13 by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration were
14 true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature to
15 the declaration and to file the declaration in this matter.

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17 DATED: May 19, 2020

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EXHIBIT 16

1 SUPPLEMENTAL DECLARATION OF [REDACTED]

2 I, [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”)
6 number is [REDACTED] I am currently housed at Richard J. Donovan Correctional Facility on
7 Facility C, Building 15, Cell [REDACTED]

8 3. I previously submitted a declaration about staff misconduct that I
9 experienced at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental
10 declaration about ongoing misconduct I have witnessed at RJD since completing my
11 original declaration.

12 4. About three weeks ago I witnessed an incident involving a mentally ill,
13 developmentally disabled incarcerated person. I do not know his name but he lives in cell
14 [REDACTED] in my building and I have seen him before around the housing unit. On the day of the
15 incident I was in the dayroom helping pass out food because I am a volunteer porter. I did
16 not see this incarcerated person throw his milk but, I heard later that the milk landed near
17 custody staff and that’s what started the incident. I did see what happened to him next,
18 which was completely uncalled for. Multiple staff wrestled him to the ground. Then, after
19 he was on the ground and restrained by multiple officers, I saw Officer [REDACTED] kick this
20 person in the head three times with his boot. There was a Sergeant standing right there,
21 watching, who did nothing to stop it. This took place right out in front of his cell [REDACTED] and
22 I had a clear line of sight from where I was standing in the dayroom.

23 5. Afterwards, about an hour and a half later, when I finished handing out food
24 and cleaning up the blood on the floor, Officer [REDACTED] was completing the incident
25 paperwork in the office. When I entered the office, Officer [REDACTED] stated that the
26 incarcerated person had disrespected him. Next he stated that if he tries to come back in to
27 the unit, I should “take care of it.” I took his statement to mean that he wanted me to fight
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1 with the incarcerated person if he came back to the housing unit. I let him know, I do not
2 fight for the police.

3 6. On May 11, 2020, this same officer, Officer [REDACTED] approached me and
4 said he wanted me to “roll up” an incarcerated person who had written up a 602 on him.
5 To “roll up” someone means to fight with them and get them moved out of the building. I
6 am a voluntary porter, meaning that I am not officially assigned to the position of porter
7 but that staff let me out to do the job of a porter because not that many other people want
8 to clean. I think he is asking me to fight with other incarcerated people because he thinks I
9 will want to keep my role as a porter. Being a porter means I get to be out of my cell more
10 often and I have more freedom than others, which is especially helpful during the COVID-
11 19 pandemic when we are locked up. I do not want to lose my role as a porter but, I
12 already told him, I do not fight for the police.

13 7. Officer [REDACTED] has caused a lot of trouble since he was assigned to our
14 building, C-15, in February. He does not know how to interact with people with
15 disabilities and does not seem to understand that there are people with mental health issues
16 and developmental disabilities in our building. Those people need extra patience and
17 understanding and he does not provide that. Our building is relatively peaceful right now
18 on the days that he is not working. When he is working, Officer [REDACTED] causes a lot of
19 stress and anxiety because he frequently threatens and harasses people.

20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct, and that this declaration is executed at San Diego,
22 California this 13th day of May, 2020.

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/s/ [REDACTED]

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1 On May 13, 2020, due to the closure of RJD visiting in light of the COVID-19
2 pandemic and ongoing concerns that officers might retaliate against witnesses in support of
3 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED] by
4 telephone. [REDACTED] orally confirmed that the contents of the declaration were true and
5 correct. [REDACTED] also orally granted me permission to affix his signature to the
6 declaration and to file the declaration in this matter.

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DATED: May 29, 2020


Penny Godbold

EXHIBIT 17

1 SUPPLEMENTAL DECLARATION OF [REDACTED] [REDACTED]

2 I, [REDACTED] [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”)
6 number is [REDACTED] I am currently housed at Richard J. Donovan Correctional Facility on
7 Facility C, Building 14, Cell [REDACTED]

8 3. I previously submitted a declaration about staff misconduct that I
9 experienced at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental
10 declaration about ongoing misconduct I have experienced at RJD.

11 4. On April 23, 2020, I attempted to leave my cell to attend my EOP mental
12 health care appointment. Officer “[REDACTED]” I am not sure of the spelling of his name,
13 refused to let me leave my cell. When I told him that I had to go, that it was considered a
14 priority appointment, he replied, “You will leave the cell when I let you leave the cell.”
15 The entire time I was asking him to let me out for my mental health appointment, he was
16 mocking me by repeating what I said back to me, laughing at me, and he made me feel bad
17 about myself.

18 5. Approximately an hour and a half later, when the Sergeant entered the
19 housing unit to pass out COVID-19 masks, I reported that I missed my mental health
20 appointment. The Sergeant called the mental health building and they agreed to take me at
21 that time.

22 6. After my mental health appointment, I wrote up a staff misconduct 602 on
23 Officer [REDACTED] stating that he made fun of me and would not let me attend my mental
24 health appointment. Another incarcerated person helped me write up the 602 because I am
25 not good at spelling or writing.

26 7. I became very depressed because staff keep picking on me. I also have a lot
27 of back problems and pain and I am stressed out because staff refuse to give me a device to
28

1 help me walk nor anything for my pain. Also, I recently learned that my brother who is in
2 prison in New Jersey has COVID-19.

3 8. On Saturday, May 2, 2020, I swallowed a razor blade and attempted to
4 commit suicide. I was transferred to a mental health crisis bed and placed on suicide
5 watch.

6 9. While in the crisis bed, staff served me a Form 115, Rule Violation Report,
7 for “Disrespecting Staff”. The 115 says that I called Officer [REDACTED] the “B” word, among
8 other things, but that is not true. The 115 also says that I threatened to file a 602 on
9 Officer [REDACTED]. Because the 602 was mentioned in the 115 for disrespecting staff, I
10 believe Officer [REDACTED] wrote the 115 in retaliation for me writing the 602 staff complaint.

11 10. My 602 staff misconduct complaint against Officer [REDACTED] was outright
12 rejected and I was never interviewed about the incident. My complaint was apparently
13 rejected for failure to include enough information but I do not know what more I could
14 have said about what happened.

15 11. I have seen Officer [REDACTED] be disrespectful towards multiple incarcerated
16 people. About a month ago I saw him call an incarcerated person, Mr. [REDACTED] in cell
17 [REDACTED], a “stupid ass” simply because Mr. [REDACTED] asked to use the phone.

18 12. Right now we are fed in our cells, instead of the dining hall, due to COVID-
19 19. I do not have a spoon or anything to eat with in my cell. This morning I asked Officer
20 [REDACTED] for a spoon. He refused to find me one and said I had to keep eating with a paper
21 spoon that I had from suicide watch. The paper spoon is impossible to eat with and since
22 I’m not on suicide watch anymore, I should be allowed to have a real spoon. Instead, I

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1 have to eat with my hands which is not clean, especially right now during COVID-19. It is
2 little incidents like this that make me feel like I cannot get even the most basic things I
3 need to survive from the officers.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at San Diego,
6 California this 13th day of May, 2020.

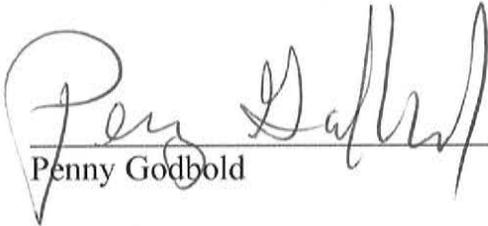
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/s/ [REDACTED]
[REDACTED]

10 On May 13, 2020, due to the closure of RJD visiting in light of the COVID-19
11 pandemic and ongoing concerns that officers might retaliate against witnesses in support of
12 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED] by
13 telephone. [REDACTED] [REDACTED] orally confirmed that the contents of the declaration were true and
14 correct. [REDACTED] [REDACTED] also orally granted me permission to affix his signature to the
15 declaration and to file the declaration in this matter.

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DATED: May 29, 2020


Penny Godbold

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EXHIBIT 18

SUPPLEMENTAL DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in Building 11 on Facility C. I am 46 years old.

3. I previously submitted a declaration about staff misconduct that I experienced and witnessed at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental declaration about additional incidents of staff misconduct I recently witnessed at RJD.

4. On May 1, 2020, I was in the pill line outside of the Facility C clinic waiting to receive my morning medication. While I was waiting in line, I saw an incarcerated person who is housed in Building 11, Mr. [REDACTED] [REDACTED], get his medication. After he got his medication, he stuck around and was talking with people in the pill line. It is my belief and understanding that Mr. [REDACTED] is developmentally disabled. Based on my experience interacting with him, I think that he is either DD1 or DD2. Mr. [REDACTED] often mumbles to himself. He is also very slow to understand and respond to things that are going on around him. As Mr. [REDACTED] was waiting around the pill line, an officer approached him and ordered him to return to his housing unit because he had already gotten his medication. Mr. [REDACTED] complied with the order, turned around, and started walking back to his housing unit.

5. After he took a few steps, I observed Officer [REDACTED] approach him and tell him to go back to his housing unit. I heard Mr. [REDACTED] say that he was already on his way, and then I saw Officer [REDACTED] get very close to Mr. [REDACTED]. I then heard Officer [REDACTED] threaten to “bitch-slap” Mr. [REDACTED]. I also heard Officer [REDACTED] call Mr. [REDACTED] a “weirdo.” Mr. [REDACTED] did not say anything in response. I saw him continue walking away. Officer [REDACTED] then followed him. At some point, Mr. [REDACTED] started picking up

1 the pace of his step until he was running to his housing unit, with Officer [REDACTED] chasing
2 him. Once I saw Mr. [REDACTED] enter Building 11, I did not see Officer [REDACTED] follow him
3 in to the building.

4 6. Later that day, at around 11:00 a.m., I saw Mr. [REDACTED] in a holding cage in
5 the Facility C gym. I approached him and asked him what had happened. Mr. [REDACTED]
6 told me that, thirty minutes after the incident on the yard with Officer [REDACTED] he had been
7 called to the library. Mr. [REDACTED] told me that he left his housing unit and sat on a bench
8 outside of the library while waiting to be let in. Mr. [REDACTED] said that Officer [REDACTED]
9 approached him, and asked him what he was doing there. When Mr. [REDACTED] tried to
10 explain that he was waiting to be let into the library, Officer [REDACTED] asked him to stand up.
11 Mr. [REDACTED] told me that, as soon as he stood up, Officer [REDACTED] grabbed him by the
12 shoulders and slammed him to the ground. Mr. [REDACTED] stated that he never threatened
13 Officer [REDACTED] or resisted him. Mr. [REDACTED] said that Officer [REDACTED] then cuffed him and
14 dragged him to the gym.

15 7. On May 12, 2020, I observed an officer, I believe it was Officer [REDACTED] but I
16 am not certain, approach Mr. [REDACTED] on the yard and hand him a document. Later that
17 day, during dayroom, Mr. [REDACTED] gave me the document to see, which was a Rule
18 Violation Report (“RVR”) issued by Officer [REDACTED] for behavior that could lead to
19 violence. In the RVR, Officer [REDACTED] stated that Mr. [REDACTED] threatened to bitch-slap
20 Officer [REDACTED] during morning pill call. That was completely untrue. In fact, I observed
21 Officer [REDACTED] threatening to bitch-slap Mr. [REDACTED]. It was incredible to me that Officer
22 [REDACTED] lied on the RVR, and completely flipped the story to make it seem like Mr.
23 [REDACTED] was threatening him, when in reality, it was the other way around.

24 8. I have observed Officer [REDACTED] harass Mr. [REDACTED] multiple times in the
25 past. I believe that Officer [REDACTED] picks on Mr. [REDACTED] because he is slow and
26 developmentally disabled. I have heard Officer [REDACTED] call Mr. [REDACTED] all kinds of
27 names, like “fat,” “weirdo,” “stupid,” and “retarded.” Officer [REDACTED] and other yard staff
28 on Facility C often laugh at Mr. [REDACTED] to his face, especially when he is having trouble

1 understanding something. I have even heard a sergeant, Sergeant [REDACTED] call Mr. [REDACTED]
2 a “retard.” It is my belief that staff members pick on Mr. [REDACTED] because he is an easy
3 target and he does not know how to stand up for himself. Staff also know that he cannot
4 file complaints about their abuse because he can barely read or write. I also believe that
5 staff harass Mr. [REDACTED] partially because he was convicted of a sex crime.

6 9. I have observed other incidents of misconduct against incarcerated people at
7 RJD. On May 12, 2020, I was on the Facility C yard using the exercise equipment. About
8 five to ten feet away, I observed the officer who supervises the yard crew, Officer
9 [REDACTED] speaking with an incarcerated person who is part of the yard crew. I knew that
10 he was part of the yard crew because he was wearing a vest that said “Yard Crew.” I
11 overheard Officer [REDACTED] tell the person that he should attack an incarcerated person
12 who is known to commonly make inappropriate comments about female staff members.
13 The yard crew worker said he did not want to get involved but promised Officer [REDACTED]
14 that he would arrange for someone else to do it.

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1 10. It is my understanding and belief that staff on Facility C commonly pay
2 incarcerated people who work for them – such as yard crew workers and porters – to carry
3 out assaults on other incarcerated people who are disliked by staff.. In exchange for
4 committing assaults, I have seen staff allow the assailants access to the victims’ property
5 while they were being treated at an outside hospital. I have also witnessed that staff give
6 the people that work for them special privileges, like extra yard time, extra dayroom time,
7 and more phone calls. It is my belief that staff pay incarcerated people to do their dirty
8 work so that they can avoid detection and accountability.

9
10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct, and that this declaration is executed at San Diego,
12 California this 19th day of May, 2020.

13
14 /s/ [REDACTED]
15 [REDACTED]

16 On May 19, 2020 due to the closure of RJD visiting in light of the COVID-19
17 pandemic and ongoing concerns that officers might retaliate against declarants in support
18 of Plaintiffs’ Motion, I read the contents of this declaration, verbatim, to [REDACTED]
19 [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of the
20 declaration were true and corr [REDACTED] also orally granted me permission
21 to affix his signature to the declaration and to file the declaration in this matter.

22
23 DATED: May 19, 2020

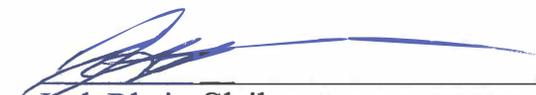
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EXHIBIT 19

1 SUPPLEMENTAL DECLARATION OF [REDACTED]

2 I, [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”)
6 number is [REDACTED] I am currently housed at Richard J. Donovan Correctional Facility on
7 Facility A in Building 2.

8 3. I previously submitted a declaration about staff misconduct that I
9 experienced at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental
10 declaration about ongoing misconduct at RJD I have witnessed and experienced and also
11 about abuse of people with disabilities at California State Prison Los Angeles County
12 (“LAC”) that I witnessed.

13 4. On April 3, 2019, I was transferred from RJD and eventually sent to LAC
14 where I was housed for about a year. Sometime around the end of February or beginning
15 of March, 2020, I was transferred back to RJD.

16 5. At the end of March, 2020, I do not know the exact date, I witnessed staff
17 abuse Mr. [REDACTED] I saw Mr. [REDACTED] an incarcerated person with a walker, asking staff for
18 medical attention. From my cell in A-2, [REDACTED], I had a direct view of where Mr. [REDACTED] was
19 standing in the day room in front of his cell, [REDACTED] I could not hear what he was saying, but
20 I could tell through his body language that he was indicating to staff that there was a
21 problem with his back. It appeared that he was asking staff for help. I saw him approach
22 staff in this way and ask for help multiple times during the day.

23 6. Later that same day, I was outside of the housing unit walking the track at
24 approximately 3 pm when an alarm went off in Building A-2. I saw multiple officers
25 running in response. Staff ordered everyone on the yard to take a seated position. Minutes
26 later, I saw Officer [REDACTED] and multiple other officers leaving through the sallyport of
27 Building A-2 and they were carrying Mr. [REDACTED] The door to the building was open and I
28 saw the officers hitting Mr. [REDACTED] in his side with the baton and I saw them dragging him

1 along the side of the sallyport wall, banging his head against the wall as they carried him.
2 I saw the officers ram his head against the metal door on their way out of the building.

3 7. Next, I saw the officers in the back drop Mr. [REDACTED] legs on the ground
4 while the officers in the front were dragging him roughly by his handcuffed arms. I saw a
5 larger Hispanic officer take a long, metal, Folger Adams skeleton key between his fingers
6 and punch Mr. [REDACTED] in the leg with the key at least two times.

7 8. As soon as Officer [REDACTED] saw that incarcerated people were outside on the
8 yard watching what was going on, she started yelling at us to turn our backs and “Look
9 away, look away!”

10 9. Following this incident I placed at least two non-confidential telephone calls
11 from the housing unit reporting what I witnessed to Plaintiffs’ counsel and also to my
12 girlfriend. Phone calls from inmates in prison are recorded and screened by staff at the
13 prison so I believe that staff know when you are reporting staff misconduct incidents
14 during non-confidential phone calls.

15 10. Following these phone calls, Officer [REDACTED] wrote me up for a Rule
16 Violation, RVR # 0-0699-[REDACTED], for “Delay of an Officer in Performance of Duties.” The
17 supposed delay was my failing to stand up during count on May 9, 2020. In reality, I
18 never heard Officer [REDACTED] order me to stand. When she supposedly did so she was
19 outside of my cell door and had a COVID-19 mask on. I have a hearing disability and I
20 could not hear her nor could I read her lips because of the mask. My hearing impairment
21 is known by staff and is also written on my door. Staff are supposed to ensure effective
22 communication with me, especially in communicating orders, but she failed to do that in
23 this case and instead wrote me up for a rule violation. I believe this may have been in
24 retaliation for me witnessing and talking about the staff misconduct she was involved in.

25 11. Witnessing the incident with Mr. [REDACTED] made me realize that nothing has
26 changed at RJD since I left over a year ago and have since returned. When abuse happens
27 and supervisors do nothing to intervene and stop this kind of behavior among subordinate
28 staff, it makes me realize the abuse is not only excused but encouraged. I do not feel like

1 there is any way I can get help from an officer at RJD if I need it. It is the same “business
2 as usual” around here.

3 12. While I was at LAC, I was housed in Building D-2. There were many
4 people with disabilities and mental health issues housed in my building. In D-2 at LAC I
5 saw multiple incidents where Officer [REDACTED] and Officer [REDACTED] brutalized
6 incarcerated people. This occurred regularly, approximately one to two times a week I saw
7 these particular officers engage in misconduct.

8 13. For example, I do not remember the exact date, but months after I arrived at
9 LAC, I witnessed an older, Hispanic incarcerated person approach Officer [REDACTED] at the
10 podium to ask for something. When the incarcerated person turned to walk away, I saw
11 Officer [REDACTED] jump on him and knock him to the ground for no apparent reason.
12 Officer [REDACTED] joined in, sprayed the person, and both officers continued to beat him up,
13 kicking, punching and elbowing him while he was on the ground. This person was not any
14 apparent threat and had been walking away from Officer [REDACTED] when this happened.

15 14. I saw the same thing happen again to another incarcerated person, an older
16 Hispanic man, a few weeks later. This person was just about to walk up the stairs when I
17 saw Officer [REDACTED] grab him from behind, spin him around by his shoulder, and throw
18 him to the ground. I saw Officer [REDACTED] and Officer [REDACTED] punch the man about 50
19 times in the face and head after he was already handcuffed and restrained on the ground.

20 15. Around Christmas time, in 2019, I saw Officer [REDACTED] open my next door
21 neighbor’s cell door, in D-3, cell [REDACTED], and allow other incarcerated people in to his cell to
22 attack him. My next door neighbor, [REDACTED] was seriously mentally ill. I
23 witnessed him decompensate over the course of two weeks because he stopped taking his
24 medication. I knew he was on court ordered medication because I had helped him prepare
25 for some of his administrative hearings. I reported that he was not taking his medication
26 and was decompensating to psychologist, Dr. [REDACTED]

27 16. During the day of the incident he was having a particularly bad day. He was
28 saying crazy things and clearly needed help. I saw him screaming at Officer [REDACTED],

1 asking him whether he was a child molester. He was clearly having delusional thoughts.
 2 At around 8:15 p.m., I saw an incarcerated person arguing with my neighbor through his
 3 cell door. I saw Officer [REDACTED] call that incarcerated person over to the tower and I
 4 heard Officer [REDACTED] yell, "Do you want to get that dude?" I could hear this statement
 5 through the door because it was quiet in the unit and, unlike RJD, the cell doors at LAC are
 6 mesh and not solid metal. Next I saw Officer [REDACTED] in the control tower open the door
 7 to my neighbor's cell. I saw the person who had been arguing with him and another
 8 incarcerated person, both from cell [REDACTED], enter my neighbor's cell. Before they entered the
 9 cell, one of them removed his glasses and set them on the food tray slot of my door. They
 10 were in my neighbor's cell for about 10 seconds before they all three came spilling out in
 11 to the dayroom where they were openly fighting. They fought directly in front of my cell
 12 for at least three to four minutes before Officer [REDACTED] hit an alarm.

13 I declare under penalty of perjury under the laws of the United States of America
 14 that the foregoing is true and correct, and that this declaration is executed at San Diego,
 15 California this 13th day of May, 2020.

17 /s/ [REDACTED]
 18 [REDACTED]

19 On May 13, 2020, due to the closure of RJD visiting in light of the COVID-19
 20 pandemic and ongoing concerns that officers might retaliate against witnesses in support of
 21 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED] by
 22 telephone. [REDACTED] [REDACTED] orally confirmed that the contents of the declaration were true
 23 and correct. [REDACTED] [REDACTED] also orally granted me permission to affix his signature to
 24 the declaration and to file the declaration in this matter.

26 DATED: May 29 2020

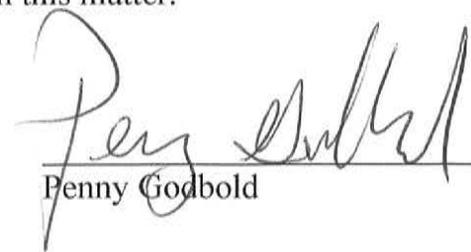
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EXHIBIT 20

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DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) in administrative segregation on Facility B in Building 6. I am 62 years old.

3. I have been housed at RJD from mid-January 2020 to the present.

4. During my time at RJD, I was housed in Building 14 on Facility C from mid-January 2020 through mid-April 2020. On April 18, 2020, after being assaulted by staff, I was transferred to an overflow bed in administrative segregation in Building 7 because there were no mental health crisis beds (“MHCB”) available at RJD. Eventually, I was placed in an MHCB in RJD’s Correctional Treatment Center (“CTC”). In early May 2020, I was transferred to administrative segregation in Building 6.

5. I am an *Armstrong* class member. I am designated as DLT, which means that I can only be housed at institutions that are designated as level terrain. I use a cane to get around. As an accommodation for my disability, I have a chrono from medical staff that specifies that custody staff must cuff me in the front of my body so that I can use my cane while in restraints. I am also housed on the ground floor in a lower bunk because I cannot walk up more than six stairs. I also have back and knee braces to help with stability and mobility, as well as orthotic shoes.

6. I am a *Coleman* class member. I am at the EOP level of care. I am diagnosed with depression and borderline personality disorder. I often feel suicidal, and I have attempted suicide on multiple occasions throughout my life. I talk to a clinician about once every two weeks, and participate in EOP group programming daily.

7. I was assaulted by staff at RJD. On April 18, 2020, a few minutes before pill call, I observed the porters in the building picking up the food trays from people’s cells and dumping them into the trash. As I left my cell to go to pill line, I noticed that oatmeal

1 had been spilled right outside of my cell. I then started walking toward the shower, where
2 the cleaning supplies and mops are usually kept. I did not see a mop, so I started walking
3 toward the pill line. As I was walking, I observed an officer, Officer ██████████
4 standing at the table next to the pill line. He asked me where I was going, and I explained
5 to him that there was a mess outside of my cell and I was looking for a mop. He told me
6 that the porters would clean it later, and that I should just go to get my medication.

7 8. Then, another officer, Officer ██████████ approached Officer ██████████. I
8 decided to just go get my medication and address the mess later. As I walked over to the
9 pill line, I overheard Officer ██████████ and Officer ██████████ talking about me. I then
10 approached them and asked them what was going on. They did not respond. I then asked
11 them not to talk about me. Officer ██████████ responded by saying, “Don’t be walking
12 up on me like that.”

13 9. Before I was able to walk away from the situation, Officer ██████████ took
14 a step toward me, grabbed my torso, and slammed me forcefully to the ground. My head
15 hit the floor. As soon I hit the floor, I immediately felt my head beating with pain. A few
16 seconds later, I saw that there was a puddle of blood on the floor right next to where my
17 head impacted. I felt the most pain in the back of my head, so I assumed that that was
18 where I was bleeding. While on my back on the floor, one of the officers was
19 manhandling my right arm, forcing it behind my back in order to handcuff me, while the
20 other officer grabbed and forced my left arm behind my back. Throughout the incident, I
21 closed my eyes at times because I was terrified of what the officers might do to me. I was
22 also scared because of all the blood that was pouring out of my head.

23 10. At this point, Officers ██████████ and ██████████ had placed handcuffs on
24 my wrists and placed my wrists behind my back. The handcuffs were on very tightly. My
25 right wrist was in a lot of pain.

26 11. About a minute after Officer ██████████ first threw me to the floor, I
27 noticed a group of officers around me. I did not see where they came from, but I believe
28 they came from the yard. I believe there were about 10 officers in this group, although I

1 am not sure about the exact number. The officers then flipped me from my back to my
2 stomach. One officer jammed his knee into my back as another officer stepped on my
3 ankles. One of the officers then placed me in leg restraints, and another officer put a spit
4 hood on my face. The officers then picked me up, placed me in a gurney, and then
5 transported me to the TTA by ambulance.

6 12. There was absolutely no reason for Officer [REDACTED] to assault me. At no
7 point did I threaten Officer [REDACTED] clench my hands into fists, or behave
8 aggressively toward him. Although I was not wearing my mobility impaired vest or using
9 my cane at the time, the officers both knew about my mobility impairment because they
10 had seen me walking with my cane before. All I wanted to do was tell Officer [REDACTED]
11 [REDACTED] to not talk about me behind my back, but he decided to escalate things by
12 assaulting me. This whole thing could have been prevented if Officer [REDACTED] had just
13 behaved professionally.

14 13. When I arrived at TTA, I was left in the gurney in a trauma room for fifteen
15 to twenty minutes. I was so angry at the way custody staff had treated me, and so I was
16 yelling and screaming. Eventually, I refused treatment because medical staff was not
17 helping with my pain and my injuries, and I was so angry at how I had been treated by
18 custody staff.

19 14. Even though I had refused, they left me in the TTA for a few hours after my
20 initial examination. Eventually, after I had calmed down a bit, a nurse came into my room
21 and examined me. She then sealed up the crack in my head with tape.

22 15. Later that day, I was interviewed by two sergeants in the TTA about the
23 incident. The sergeants videotaped the interview. The interview lasted about thirty
24 minutes. I told them that I did not know exactly what happened because I was in shock
25 during the incident.

26 16. After I was released from the TTA, I was transferred to a mental health crisis
27 bed because I told custody staff that I was feeling suicidal. Specifically, I told custody
28 staff that they should just take me out of my misery after what they had done to me.

1 17. Later that day, my right hand and wrist hurt so much that I was not even able
2 to move my hand much. Over the next few days, my wrist swelled up like a balloon.
3 About five days after the incident, I had a follow-up appointment with a doctor. I told the
4 doctor about my hand, and after doing x-rays, the doctor told me that my wrist was broken.
5 The doctor also told me that my wrist would take four to six weeks to recover. I was given
6 a splint with an Ace wrap, which I continue to wear to this day.

7 18. On May 26, 2020, more than a month after the incident, I finally saw an
8 orthopedic specialist about my broken wrist. The specialist said that it would take at least
9 three months for my wrist to recover fully.

10 19. Because of my fractured wrist, I cannot use my hand to perform basic
11 functions and tasks. For weeks after the incident, I was unable to pick anything up with
12 my right wrist. I still cannot pick up a mop or cleaning supplies to clean my cell, so I have
13 been unable to clean my cell since the incident. I can barely take a shower because it is
14 difficult for me to put soap on a rag and use it to wash my body. To this day, I am also
15 unable to write because my right hand is my writing hand.

16 20. As a result of this incident, my ribs and ankles were also bruised. My face
17 was also swollen and bruised from custody staff pinning my head down to the floor.
18 Although my injuries are healing, I still experience pain in my ribs to this day.

19 21. In connection with this incident, I received a rules violation report (“RVR”)
20 for assault on a peace officer likely to produce great bodily injury. In the RVR, custody
21 staff claimed that I turned toward Officer ██████████ picked up my right arm and
22 clenched it into a fist and raised it, like I was about to punch him. That is not true at all.
23 At no point did I face Officer ██████████ with a clenched fist. Instead, I was backing
24 away from Officer ██████████ when he approached me and took me to the ground. I am
25 still waiting to have a hearing on my RVR. The RVR also stated that RJD was going to
26 refer the incident to the San Diego District Attorney for possible criminal prosecution, but
27 I have not heard back about that.

EXHIBIT 21

1 I couldn't move at that time. I also said that as a person with a mobility disability, I had a
2 right to sit in this situation when I was unable walk. In response, Officer ██████ told me to
3 stand up and submit to handcuffs.

4 6. In order to comply with Officer ██████ order, because I still couldn't stand,
5 I remained seated in my walker and managed to scoot over to the side of the program
6 office. Officer ██████ ordered me to stand up and submit to handcuffs. I forced myself to
7 stand up against the wall, even though I was still in a lot of pain. Officer ██████ then
8 proceeded to handcuff me behind my back. I told her that I was not supposed to be cuffed
9 behind my back because I use a walker. My request for accommodation angered Officer
10 ██████ She grabbed me underneath my arm and pushed me to the ground with my hands
11 cuffed behind me. I hit the ground hard. I did the best to protect my head so that it
12 wouldn't hit the concrete. This caused me a lot of pain.

13 7. After I hit the ground, Officer ██████ immediately took the handcuffs off me
14 and radioed for other officers. I told Officer ██████ I was hurt. She responded, "Next
15 time, do what I tell you. You could have avoided this. You're being an asshole."

16 8. Officer ██████ appeared to be over excited and a couple of other officers
17 who responded to her radio call led her away. From their interactions with her, it appeared
18 to me that the other officers realized that Officer ██████ had behaved improperly. I
19 managed get myself back into my walker seat and the other officers pushed me to over to
20 the slab waiting area.. They said "people have bad days" and "we'll talk to her" in
21 reference to Officer ██████

22 9. I experienced a lot of pain as a result of being pushed to the ground and
23 asked to go to medical. However, officers told me "not right now." They then took me to
24 my confidential call. I asked to see medical again after my call but was again told, "not
25 right now." I was put back in my cell and was not taken to medical that day.

26 10. On March 20, 2020, I submitted a 7362 stating that I had been pushed to the
27 ground and, as a result, I was still experiencing pain at a Level 8 or 9 on the pain scale in
28 my left hip and lower back. I was seen by medical on March 23, 2020 in response to my

1 7362. During the appointment, I told the doctor that I had been pushed down by an officer
2 on March 18 and had been experiencing hip pain and low back pain since that time. On
3 March 27, medical staff performed X-rays of my hip and back, but found no broken bones,
4 even though I still experienced pain

5 11. On March 23, 2020, when I was sitting in front of medical waiting for my
6 appointment, another officer who had witnessed the incident on March 18 told me that
7 Officer ██████ was not going to write me up. I wondered why he said that because I had
8 not done anything wrong. I did not receive any 115 in connection with the incident on
9 March 18.

10 12. I filed a 602 on about March 20, 2020 alleging misconduct by Officer
11 ██████ but I have not yet received a response. I have not been interviewed regarding my
12 602 or the incident. This makes me think that RJD continues to allow staff misconduct by
13 officers without consequences.

14 13. In the declaration I signed in January 2020, I talked about staff misconduct
15 committed by Officer ██████ against me in 2019. I still sometimes see Officer ██████
16 on B yard, and occasionally even in my building. One day in the last two months, Officer
17 ██████ said to me, "I see that paperwork you filed didn't go nowhere," and smirked. I
18 understood this to mean that even though I filed a 602 regarding his misconduct, he
19 suffered no consequences as a result.

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EXHIBIT 22

1 during the COVID emergency. On the day he threatened me, two Second Watch officers,
2 Officer ██████ and a female officer whose last name begins with █, allowed him to
3 come into the building, allegedly “to care for somebody.” I believe that, because of this
4 influence and because somehow word got out that I made allegations of staff misconduct
5 by Officer ██████ many officers would not protect me if ██████ attacked me.

6 9. Shortly after this threat, on about April 15, 2020, I went to the hospital for a
7 COVID-19 test. When I returned from the hospital about three days later, the other
8 prisoners in my pod told me ██████ had been looking for me again.

9 10. After my return from the hospital, Building 23 officers again allowed ██████
10 into the building. ██████ told me again that he heard I had snitched on Officer ██████ and
11 told me he could have other Bloods do things to me. Two other members of the Bloods
12 housed in Building 23 also came by to talk to me and said they would back up ██████ I felt
13 very intimidated and took these statements as a threat to harm me because I had reported
14 staff misconduct against Officer ██████

15 11. A few days later, on about April 23, 2020, fearing for my safety, I told the
16 Third Watch Lieutenant I had enemy concerns. The next day, the Sergeant came by,
17 showed me a picture, and asked me if that person was ██████ I said yes. They said they
18 were going to lock ██████ up. The Sergeant then asked me if I felt safe staying in Building
19 23 or if I wanted to be locked up for safety. Because I was afraid of the connections that
20 ██████ still has with many officers as well as other prisoners, I asked to be locked up for my
21 own safety. I was locked up in Administrative Segregation for about a week, and then I
22 was moved to B yard.

23 12. I have been on B yard since the first week of May 2020 for my safety until I
24 can be transferred to another prison. B yard is a higher security level, Level III, than I
25 require because I am classified as a Level II prisoner. I continue to fear retaliation at RJD
26 because I have been threatened as a result of my allegations against Officer ██████ I am
27 afraid to come out of my cell except for pill call and to get my insulin. I do not go to yard.

28

1 13. An officer on B yard asked me if I was all right. Because I do not know who
2 I can trust at RJD based on my past experience, I was worried about why the officer was
3 asking me questions. I do not feel like I can trust this, or other officers, even if I am not
4 doing all right.

5 14. Because I have witnessed officers permit [REDACTED] to enter another housing unit
6 on several occasions, and I believe he continues to be connected to many other officers and
7 staff at RJD, I do not know if I can trust any staff at RJD to protect me. I also do not know
8 if it was RJD staff who revealed to [REDACTED] that I made allegations against Officer [REDACTED]
9

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct, and that this declaration is executed at San Diego,
12 California this 22nd day of May 2020.

13

14

/s/ [REDACTED] _____

15

16 On May 22, 2020, due to the closure of RJD in light of the COVID-19 pandemic
17 and ongoing concerns that officers might retaliate against witnesses in support of
18 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] [REDACTED]
19 by telephone. Mr. [REDACTED] orally confirmed that the contents of the declaration were
20 true and correct. Mr. [REDACTED] also orally granted me permission to affix his signature to
21 the declaration and to file the declaration in this matter.

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23 DATED: May 22, 2020

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Karen Stilber

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EXHIBIT 23

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DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility in administrative segregation (“ASU”) on Facility B in Building 6. I am 43 years old.

3. During my time at RJD, I was housed in Building 15 on Facility C for a few weeks in October 2019, and Building 2 on Facility A from mid-October 2019 to March 31, 2020. I was then transferred to the administrative segregation unit, Building 6 on Facility B, on March 31, 2020 after being assaulted by staff on Facility A.

4. I am an *Armstrong* class member. I am designated as DLT, which means that I can only be housed at institutions that are designated as level terrain. I have trouble walking due to a car accident in 2016. I use a walker to get around. As accommodations for my disability, I am housed on the lower tier in a lower bunk. I cannot travel up or down more than six stairs.

5. I am a *Coleman* class member. I am at the EOP level of care. I am diagnosed with schizophrenia, bipolar disorder, and depression, and I experience paranoia a lot. To manage my mental health symptoms, I take Cymbalta for anxiety, Abilify for my schizophrenia, and Prazosin for nightmares. I speak with a mental health clinician about once every two weeks, and participate in mental health programs and groups on a daily basis.

6. I am a *Clark* class member. I am designated developmentally disabled level 1 (“DD1”). I have trouble reading, writing forms and paperwork, and learning how to do new things. Because I am DD1, staff at RJD are supposed to use simple language with me, help me fill out forms and read things, provide me with one or two step instructions for doing things, and give me extra time to do things and coach me on how to do them.

1 7. On the morning of March 31, 2020, I had bad back pain, so I decided to go
2 “man down.” Going man down means getting down on the floor while yelling “man
3 down” to signal that you need medical attention. Once medical staff evaluated me, they
4 told me that they could not take me to the Treatment and Triage Area (“TTA”) because
5 staff in the TTA were not seeing many people because of the coronavirus.

6 8. My back pain kept getting worse throughout the day, so I again went man
7 down during evening dayroom. After I went man down, Psych Tech (“PT”) [REDACTED] came
8 over to me and asked me what was going on. After I told her about my back, she called
9 the TTA. She then told me that staff at the TTA had again said that they could not see me
10 because of the coronavirus. I then told her that I would take some pills to take the pain
11 away. PT [REDACTED] replied by saying that she was going to call mental health because I
12 was suicidal. I tried to explain to her that I just meant that I was going to take a few
13 Motrins for my back pain, but she did not give me the chance to explain myself. Instead,
14 she walked over to Officer [REDACTED] who is one of the floor officers in Building 2, and told
15 her that she believed that I was suicidal.

16 9. Officer [REDACTED] then came over to me and told me to turn around and submit
17 to handcuffs because I was suicidal. I told Officer [REDACTED] that I cannot be cuffed behind
18 my back because I need to hold onto my walker for stability when I am handcuffed. I
19 started to get upset with Officer [REDACTED] because she was yelling at me for no reason, and
20 I was not even suicidal. All of a sudden, Officer [REDACTED] took out her pepper spray and
21 started shaking it, like she was threatening to spray me. I asked her not to spray me, and I
22 asked her to call a sergeant. She did not answer. I then asked her to just open my cell door
23 so I could go home before anything else bad happened. She didn’t answer me again. Both
24 Officer [REDACTED] and Officer [REDACTED] the other floor officer at the time, did nothing to try to
25 calm me down. At this point Officer [REDACTED] activated his alarm. A few seconds later, a
26 large group of officers rushed into the unit from the yard and tackled me without even
27 saying anything, causing me to black out when I hit my head on the ground.

28

1 10. When I woke up, I was face-up on the dayroom floor. There were six
2 officers on top of me. As soon as they saw that I was awake, they put a spit-hood over my
3 head. At no point did I spit on the officers. I believe that they put the spit-hood over my
4 head so that I could not identify them. The officers then placed me in leg shackles, and
5 then placed handcuffs on my wrists behind my back. I could barely see anything because
6 both of my eyes were very swollen. My eyes were also burning really badly, which I
7 interpreted as meaning that I had been pepper-sprayed while I was unconscious. I felt
8 warm liquid running down my face from my head, which I believed to be my blood.
9 Because I was handcuffed, I could not even touch my face to see if I was bleeding. My
10 whole face was throbbing with pain, as well as my back, my legs, and my right foot. After
11 they restrained me, one staff member ordered the officers to take me to a holding cage.
12 They tried to get me to stand up and walk, but I told them that I couldn't walk because of
13 the restraints on my ankles. A group of officers then decided to pick me up. They carried
14 me through the building. While we were in the sally-port of the building, they dropped me
15 on purpose and made me bang my head hard against the wall.

16 11. After we left the building, they carried me to the mental health building. The
17 officers then threw me on the floor of an ADA holding cage like a sack of potatoes. I still
18 had the spit-hood on. My legs and hands were also still restrained. I eventually managed
19 to sit up on the floor of the holding cage and wiggle over to the door of the cage. Using
20 the metal grating of the cage, I nudged the spit mask off of my chin and was able to take it
21 off. In the process, some of the blood that was dripping on my face rubbed off on the cage.
22 At no point did they give me any water to remove the pepper-spray from my eyes.

23 12. After a few minutes, PT [REDACTED] came over and examined me. I was then
24 put in an ambulance and taken to Alvarado Hospital. At the hospital, the doctors there told
25 me that the officers had broken my nose. My eyes were black and blue and completely
26 swollen shut for a few days after the incident. For about a week after the incident, I could
27 barely see out of my right eye, and I could see nothing out of my left eye. For a few days
28 after the incident, my foot kept on hurting. Eventually, about three or four days after the

1 incident, my foot turned black and I was barely able to walk. Doctors at RJD did an X-ray
2 on my foot, and found that one of the bones in my right foot was broken. To this day, I
3 still experience pain in my back, my legs, and my knees where the officers hit me. Up
4 until the end of April, I had bruises under my eyes that made me look like a raccoon.

5 13. When I got back to RJD, I was placed in administrative segregation. I was
6 charged with a rule violation report (“RVR”) for assault on a peace officer. The officers
7 lied in their incident reports. For example, Officer ██████ said that I tried to hit her right
8 after the alarm was activated. At no point did I try to hit anyone. The entire time before I
9 was thrown to the ground, my hands were at my side. My hands were not even balled into
10 fists. Officer ██████ and Officer ██████ also said in their reports that I slammed
11 Officer ██████ into the wall of the sally-port and started kicking the officers while I was
12 on the ground. This is absolutely not true. I was shackled and being carried by the officers
13 and therefore could not cause them any harm. I also could not have kicked them because I
14 was in leg restraints. Officer ██████ also said that I was ramming my head against the cage
15 of the ADA holding cell and indicated that that was how I injured my nose. This is not
16 true. I believe that Officer ██████ made this up because he wanted to cover up the fact that
17 my many injuries were caused by the excessive and unnecessary force of staff.

18 14. A few weeks after the incident, I had a hearing for my RVR. I was found
19 guilty. At the RVR hearing, the Hearing Officer did not help me identify any witnesses
20 even though the incident happened in the dayroom and many people saw the incident. I
21 told the Hearing Officer that there were witnesses, but I did not know their names. He did
22 not seem to care. The Hearing Officer also found that almost all of the questions that I
23 asked staff were irrelevant, even though that was not true. For example, the Hearing
24 Officer found that a question I posed to officers regarding the fact that my hands didn’t
25 have any redness or swelling after the incident was irrelevant, even though my hands
26 would have been if I had punched many of the officers like they said I did. After finding
27 me guilty, RJD took 150 days of credit from my sentence, meaning that I will have to be in
28

1 prison for 150 additional days. I also lost 90 days of privileges, like canteen, quarterly
2 packages, telephone access, and other things.

3 15. In the week following the incident, I had nightmares where people would
4 attack me. I had not had nightmares this bad before. The incident also increased my stress
5 levels and anxiety. Because my mental health got worse after this incident, my clinician
6 increased the dose of medication I take for nightmares, as well as the dose of my
7 Cymbalta.

8 16. I filed a 602 staff complaint about the incident when I returned from the
9 hospital to RJD. I have not received a response. The day I came back from the hospital,
10 Sergeant [REDACTED] and Sergeant [REDACTED] interviewed me in the administrative segregation
11 unit. The interview only lasted a couple of minutes. They took pictures of my injuries.
12 Because our interview was so short, I felt that the sergeants did not care about my side of
13 the story.

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1 17. I am really mad about this incident because I did not do anything wrong.
2 The officers started the whole thing. Once they decided to start arguing with me, I asked
3 them to go into my cell. If they had just let me into my cell in the first place, nothing
4 would have happened. The officers, who worked regularly in my building, knew that I
5 sometimes don't understand things because I am DDP. I just wish that they had taken the
6 time to explain to me what was going on and listened to me when I told them I wasn't
7 suicidal and just wanted to go back to my cell. I also wish that they had just allowed me to
8 calm down by talking to a sergeant. Instead, they beat me up and now I have a broken
9 nose and foot. I am not sure that my injuries will ever fully heal. In particular, I am
10 worried that my mobility, which already was not great, will be even worse.

11
12 I declare under penalty of perjury under the laws of the United States of America
13 that the foregoing is true and correct, and that this declaration is executed at San Diego,
14 California this 19th day of May, 2020.

15
16 [Redacted signature]

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19 On May 19, 2020, due to the closure of RJD in light of the COVID-19 pandemic
20 and ongoing concerns that officers might retaliate against declarants in support of
21 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [Redacted] [Redacted] by
22 telephone. [Redacted] [Redacted] orally confirmed that the contents of the declaration were true
23 and correct. [Redacted] [Redacted] also orally granted me permission to affix his signature to the
24 declaration and to file the declaration in this matter.

25
26 DATED: May 19, 2020

27 
28 Jack Rhein Gleiberman

EXHIBIT 24

1 SUPPLEMENTAL DECLARATION OF [REDACTED] [REDACTED]

2 I, [REDACTED] [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. I previously submitted a declaration about staff misconduct that I
6 experienced at R.J. Donovan Correctional Facility (“RJD”). I submit this supplemental
7 declaration about additional abuse I have experienced recently at RJD.

8 3. My California Department of Corrections and Rehabilitation (“CDCR”)
9 number is [REDACTED] I am currently housed at RJD in Building 5 on Facility A.

10 4. On two occasions in the past approximately two months, officers at RJD in
11 Building 5 have closed my cell door on me as I was trying to exit the cell in my
12 wheelchair. The first incident happened in the first week of March at approximately 6:30
13 a.m. as I was leaving my cell to go get my diabetic check. I was in my wheelchair and
14 had proceeded about halfway through the doorway of the cell. All of a sudden, the officer
15 in the control tower started to close the cell door. The doors in Building 5 are electro-
16 mechanical, slide open and closed, and are actuated by the control tower officer in the
17 building. The closing door made contact with my wheelchair and trapped it between the
18 edge of the cell door and the other side of the door frame. I had to yell up to the control
19 tower officer at least three times before the officer opened the door. I was stuck in the
20 door for at least 70-80 seconds.

21 5. The second incident happened about fifteen days ago (on or around April 27,
22 2020). On the day in question, at about 11:30 a.m., I was leaving my cell to get my noon
23 medications. I was about two-thirds of the way out of the doorway to the cell, when the
24 officer working in the tower closed the door to the cell. The sliding door made contact
25 with my wheelchair, trapping my wheelchair between the edge of the closing door and the
26 other side of the doorway. Another incarcerated person who often pushes me in my
27 wheelchair yelled up to the control tower officer, “Open [REDACTED] wheelchair jammed in!”
28 When nothing happened for 15-20 seconds, he again yelled up that I was stuck. Still the

1 door did not open. Officer [REDACTED], who was working as one of the floor officers at the
2 time, yelled at me and the other incarcerated person: "Shut up! He'll get to you." The
3 other incarcerated person had to yell at the control tower officer two more times before the
4 officer finally opened the door and released me. I was stuck in the doorway for 3-4
5 minutes. One of the spokes on one of the wheels of my wheelchair and part of the armrest
6 receiver broke as a result of having the door closed on my wheelchair this second time.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct, and that this declaration is executed at San Diego,
9 California this 11th day of May, 2020.

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/s/ [REDACTED]

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DATED: May 11, 2020

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Michael Freedman

EXHIBIT 25

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Sacramento (“CSP-SAC”) on B-Yard, in Building 7. I am 27 years old.

3. I was housed at California State Prison – Los Angeles County (“LAC”) from June 20, 2018 to August 27, 2018. On August 27, 2018, I was transferred for 37 days of intensive mental health treatment at the Psychiatric Inpatient Program (“PIP”), an inpatient mental health program at California Health Care Facility in Stockton, California. I returned to LAC on October 3, 2018. Following my return, I remained at LAC until September 18, 2019, except for a brief seven-day stay in a Mental Health Crisis Bed (“MHCB”) unit at Kern Valley State Prison (“KVSP”) in early July of 2019.

4. During my time at LAC, I was housed in the following locations: D-Yard, Building 4 and C-Yard, Buildings 1, 2, and 5.

5. I am a *Coleman* class member. I am at the Enhanced Outpatient Program (“EOP”) level of care. EOP patients live in separate housing units with other EOP patients, where we receive enhanced treatment, including frequent meetings with our mental health case managers and treatment teams. During the time I was at LAC, my mental health issues were similar to the issues I experience today.

6. I have a number of serious mental health conditions. I have been diagnosed with bipolar disorder, depression, mood instability, and impulsivity. I have a history of suicidal thoughts. I have attempted suicide three times.

7. I was a victim of staff misconduct at LAC.

8. On the morning of June 27, 2019, I was taken from my cell in C-Yard, Building 1 to an Inter-Disciplinary Treatment Team (“IDTT”) meeting. IDTT meetings are when all of the different mental health clinicians who work with a given patient meet

1 with the patient to plan out the next phase of his or her mental health care. They work
2 together to develop the patient's treatment plan. At the time of this meeting, I had recently
3 been discharged from the EOP level of care to the Correctional Clinical Case Management
4 System ("CCCMS") level of care. As a CCCMS patient, I had been struggling without the
5 support that EOP provides, such as much more frequent group therapy and weekly
6 meetings with my case manager. At the CCCMS level, I did not get to meet with mental
7 health clinicians as much as I needed.

8 9. During the IDTT meeting, I told my treatment team that I felt suicidal. My
9 treatment team told me I would be taken to the holding cages in the C-Yard gym.

10 10. When the IDTT meeting was over, "Search and Escort" Officer [REDACTED]
11 escorted me to the C-Yard gym holding cages. Officer [REDACTED] instructed me to strip to my
12 boxers, and I complied. Officer [REDACTED] then placed me in a holding cage, where I
13 remained for at least 5 hours.

14 11. Later that same afternoon, while I was still in the holding cage, Officers [REDACTED]
15 [REDACTED] and [REDACTED] entered the gym. Officer [REDACTED] told me that I had been cleared and to
16 get dressed. I told them I still felt suicidal.

17 12. Officer [REDACTED] said to me, "Are we going to have to do this the hard way?
18 You're going back to your housing." They did not believe I was feeling suicidal, despite
19 my history of suicidal thoughts and attempts.

20 13. The two officers then took me out of the holding cage and escorted me back
21 to my unit. While we were walking back to my unit, I told the officers repeatedly that I
22 felt suicidal and needed to talk to mental health staff. The officers laughed at me and told
23 me to do it on another shift or after count. Officer [REDACTED] said, "Next time you do that,
24 we're going to beat your ass and you're going to end up catching a case. It's six years of
25 your life. We don't care." By "that," I believe he meant report feeling suicidal.

26 14. The officers placed me in my cell shortly before evening count. Upon
27 returning to my cell, I swallowed three razor blades. When Officer [REDACTED] came to my cell
28 a few minutes later during count, I told him what I had done, that I had stomach pain, and

1 that I wanted to go to medical. Officer [REDACTED] yelled to the tower officer to open my cell.
2 He then entered my cell and grabbed my left arm and pulled me out of the cell. Officer
3 [REDACTED] ran over and grabbed my other arm. He twisted my wrist behind my back to
4 make me feel pain.

5 15. Officers [REDACTED] and [REDACTED] then escorted me out of the housing area.
6 Officer [REDACTED] told me they would take me to see medical staff, but Officer [REDACTED] said,
7 “No, let’s take him to the gym.”

8 16. The two officers escorted me to the C-Yard gym. As we walked in, Sergeant
9 [REDACTED] told the officers to get me out of the gym, stating, “Nah, get his bitch ass out of
10 here.” I think Sergeant [REDACTED] thought I was trying to manipulate them into moving
11 me to a different cell because I did not like my housing placement. I protested going back
12 to my cell, telling Sergeant [REDACTED] that I had swallowed three razor blades and needed
13 to see medical staff.

14 17. Sergeant [REDACTED] turned to Officers [REDACTED] and [REDACTED] and said, “Drop
15 his ass.” Officers [REDACTED] and [REDACTED] then slammed me to the ground, and punched and
16 kicked me in the back of my head, shoulders, and ribs. While they were hitting me, they
17 called me a “bitch” and said, “This is what you get!” I believe the assault lasted about a
18 minute.

19 18. The officers then picked me up off the ground, and Sergeant [REDACTED] told
20 them, “Take his bitch ass back to the building.” Sergeant [REDACTED] then said to me, “Get
21 the fuck out of my face, or it’ll be way worse next time.”

22 19. As Officers [REDACTED] and [REDACTED] then escorted me through C-Yard, I
23 requested that they take me to see medical staff once again. I stopped walking and
24 repeated that I felt suicidal and had swallowed razor blades. They tried to pull me by my
25 shirt, but I did not move. Officer [REDACTED] said, “Let’s fuck him up.”

26 20. Officers [REDACTED] and [REDACTED], who were holding my arms, slammed me to the
27 ground. The two officers began to kick and punch me in the head and ribs. They also
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1 kicked dirt on me. There were program workers, nurses, and other incarcerated people in
2 the yard who I believe saw the assault.

3 21. After about two minutes of them kicking and hitting me, I heard the alarm. I
4 assume the tower officer saw the assault and hit the alarm. At least ten officers came
5 running towards us.

6 22. The officers cuffed me and Officer [REDACTED] took me to the C-Yard medical
7 building, where a nurse completed a medical evaluation form about my injuries. I believe
8 she documented swelling to the side of my head and face, bruising on my right shoulder,
9 and abrasions to the side of my neck. I also told her about swallowing the razor blades.

10 23. After the medical evaluation, Officer [REDACTED] escorted me to the Triage and
11 Treatment Area (“TTA”), a centralized medical clinic for LAC in an area away from the
12 yard, where another nurse evaluated me. I told the nurse I had been assaulted by Officers
13 [REDACTED] and [REDACTED] and that I had swallowed razor blades. The nurse said she was not
14 surprised to hear another excessive force allegation involving these officers.

15 24. From the TTA, I was transferred to the local hospital, the Palmdale Regional
16 Medical Center, where doctors confirmed by x-ray that I had razor blades in my stomach
17 and also found that the razor blades had not perforated my stomach. I told the doctors at
18 the hospital that I still felt suicidal. They said the razor blades would pass through my
19 system and that I could return to the prison. They said I would get to talk to mental health
20 staff at the prison because of my suicide attempt.

21 25. I returned to LAC and was placed into the Administrative Segregation Unit
22 (“ASU”) on suicide watch. The next day, I talked to mental health staff. I told them I still
23 felt suicidal. Because I was feeling extremely depressed, I stopped eating my meals and
24 blocked my windows, so staff could not see me.

25 26. Three days later, I was still feeling suicidal, and I was transferred to the Kern
26 Valley State Prison (“KVSP”) crisis bed unit. I stayed there for a week. At KVSP, I told
27 my treatment team about the assault.

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1 27. The mental health staff at KVSP raised my level of care from CCCMS to
2 EOP because of the distress the incident caused me.

3 28. When I returned to LAC, I received a Rules Violation Report (“RVR”) for
4 “Battery on a Peace Officer” in connection with the June 27, 2019 incident. Officers
5 ██████ and ██████ falsely said that I had assaulted them, in order to cover up their attack
6 on me. A mental health clinician met with me about the RVR and found that my mental
7 health played no role in the alleged misbehavior. I believe my mental health absolutely
8 affected what happened that day, but the clinicians at LAC often unfairly side with the
9 officers against incarcerated people in this way.

10 29. I was found guilty of the RVR at a hearing on July 31, 2019. At the hearing,
11 my staff assistant Mrs. ██████ and the Hearing Lieutenant deemed most of my questions
12 about the incident irrelevant, but the Hearing Lieutenant commented on Officer ██████,
13 saying something like, “Why does this name keep popping up?”

14 30. In July 2019, I filed a staff complaint against Officers ██████ and ██████.
15 Two weeks later, two ASU sergeants interviewed me on video about the incident. They
16 asked me what happened and a couple other questions and then ended the interview. The
17 interview lasted about 10 minutes, including the time to set up the camera.

18 31. I did not receive a response to my complaint. I do not know if they are
19 further investigating the incident.

20 32. I have also witnessed several incidents of staff misconduct against other
21 class members at LAC.

22 33. During the afternoon of June 13, 2019, I was sitting on the bench outside the
23 C-Yard Program Office waiting for my new housing unit placement on C-Yard when
24 Officer ██████s and another officer walked out of the office escorting ██████,
25 another person incarcerated at LAC.

26 34. I watched as the officers escorted Mr. ██████ out of the program office and
27 started walking to the yard. I observed the officers dragging Mr. ██████ and Mr. ██████
28 saying he wanted to see mental health staff and that he had safety concerns about going

1 back to his housing unit. Mr. [REDACTED] was screaming that he was suicidal and that he
2 needed to go on suicide watch. I heard Officer [REDACTED] tell Mr. [REDACTED], “Shut the fuck
3 up!” He also said that they were going to take him back to his housing unit.

4 35. I then observed Officer [REDACTED] suddenly grab Mr. [REDACTED] by the head and
5 throat and slam Mr. [REDACTED] to the ground. Officer [REDACTED] then pulled Mr. [REDACTED],
6 shirt over his head, and then began beating him with closed fists. As Officer [REDACTED] beat
7 him, Mr. [REDACTED] curled up into a ball. The other officer told other incarcerated people to
8 get out of the way and get up against the wall. After about 30 to 45 seconds, an alarm
9 sounded and about 12 officers rushed to the scene of the incident.

10 36. Instead of stopping Officer [REDACTED], these officers joined in, kicking and
11 beating Mr. [REDACTED] as well. They stopped when Mr. [REDACTED] stopped moving and was
12 clearly unable to defend himself.

13 37. While the officers held Mr. [REDACTED] down, some other officers came and
14 took me away from the Program Office towards the EOP treatment center. Because the
15 officers took me away, I did not witness what happened next.

16 38. I have not seen Mr. [REDACTED] since the incident.

17 39. Later that night, at approximately 8:00 p.m., Officer [REDACTED] and Officer
18 [REDACTED] came into my new housing area. I heard the two officers laughing about the use of
19 force incident. I watched Officer [REDACTED] take out his pepper spray and wave it around
20 towards the tiers where prisoners are housed while saying, “Who’s going to be next?”

21 40. The officers’ assaults on me and Mr. [REDACTED] made me distrust officers.
22 Watching Mr. [REDACTED] incident, I felt mad. These officers, especially Officer [REDACTED]
23 bully people regularly and get away with it.

24 41. My own assault made me feel hesitant to talk to officers when I had any
25 issues. In my time at LAC, there were many times that I needed help but did not ask for it
26 because I was afraid of what would happen to me. I did not ask for forms, like 602
27 grievance forms, or supplies like bars of soap, razors, paper, or pencils. Even though I
28 have significant mental health issues, I hesitated to ask for mental health staff because I

1 felt that officers, especially Officer [REDACTED], would make fun of me or even assault me. I
2 felt like I could not tell officers if I felt suicidal again. The assault made me feel weak,
3 like a victim. The officers belittled me and humiliated me. The fact that officers were not
4 disciplined made me feel like CDCR does not care about how the officers treat us.

5 42. The fear I felt at LAC made my mental health deteriorate. I felt like no one
6 cared about me. I felt depressed. Sometimes I felt so frustrated that I felt violent. I
7 thought I was wasting my breath to say anything about the incident and there would be no
8 justice for us.

9 43. In my opinion, staff target certain people with mental illness. They would
10 make fun of certain people to get them to react. They told us because we were in an EOP
11 building that we were retarded.

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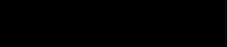
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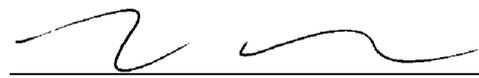
1 44. I believe the reason there is so much staff misconduct at LAC is there is a
2 culture of violence and lack of oversight. They say the farther you get from Sacramento,
3 the worse the staff is. I find this to be true based on where I have been housed in CDCR
4 custody.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct, and that this declaration is executed at Folsom,
7 California this 8th day of May, 2020.

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11 On May 8, 2020, due to the closure of California State Prison - Sacramento in light
12 of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
13 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
14 to  by telephone.  orally confirmed that the contents of
15 the declaration were true and correct.  also orally granted me permission
16 to affix his signature to the declaration and to file the declaration in this matter.
17

18
19 DATED: May 8, 2020

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28
Rekha Arulanantham

EXHIBIT 26

1 suicidal thoughts and attempts. During the time I was at LAC, my mental health issues
2 were similar to the issues I experience today.

3 6. I was housed at LAC on and off for multiple time periods, after I was first
4 sent there in the Spring of 2016. I do not recall the dates I was transferred to and from
5 LAC. I was transferred from LAC to KVSP on or around January 2020. I periodically
6 return to LAC when I have court appearances in Los Angeles County.

7 7. During my time at LAC, I was housed in the following locations on D-Yard:
8 Building 1 and Building 2, which are both are mainline EOP housing units, and Building 5,
9 which is the EOP ASU.

10 8. I was a victim of staff misconduct at LAC.

11 9. While I was housed in D-Yard, Building 5, the EOP ASU, Officers
12 [REDACTED] [REDACTED] [REDACTED] and [REDACTED] continually called me a “Coleman Snitch” because
13 I had testified in the 2013 enforcement hearings in *Coleman v. Newsom*. This made me
14 feel like I needed to watch my back around all the officers at LAC, especially when they
15 escorted me around the prison. I also worried that the officers would bribe another
16 incarcerated person to attack me. Because I did not feel safe around the officers, I refused
17 at least six important medical appointments and my mental health groups.

18 10. On June 13, 2017, I was assaulted by Officers [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] and Sergeant [REDACTED] in front of my cell.

20 11. That day, I had been out to yard from the EOP ASU. When individuals are
21 housed in ASU units in the CDCR, they typically go to “yard” in a large cage – basically a
22 concrete pad surrounded by chain metal fencing that is around the size of a medium sized
23 bathroom. These cages are called “Small Management Yards.” On the day in question, I
24 was in one of these cages in the recreational yard. While I was in there, the two other
25 incarcerated people in cages on either side of me were making fun of women’s hairdos and
26 Officer [REDACTED]’s was mentioned. She could not see who had been making fun of her, so
27 when she turned around, she slapped the cage that I was in, hitting my face. I had been
28 leaning on the gate, so her fingers went through the holes, hitting my right cheek and chin.

1 I began to curse at her, because she had slapped me. She answered me by saying, “Don’t
2 worry. We’ll be back for you.”

3 12. That same day, I had a medical appointment. Officer [REDACTED] came to
4 escort me to see a nurse in the back of the EOP ASU unit. Sergeant [REDACTED] as well as
5 Officers [REDACTED] [REDACTED] and [REDACTED] interrupted my nursing visit, telling the nurse to leave
6 the room. They called me derogatory names and told me they would whoop my ass.
7 While they escorting me back to my cell, Sergeant [REDACTED] told me that I had better stop
8 disrespecting officers because he had beaten a lot of people at Lancaster. He told me I had
9 it coming.

10 13. As Sergeant [REDACTED] and Officers [REDACTED] [REDACTED] and [REDACTED] escorted me to
11 my cell, Officer [REDACTED] joined the group escorting me. They opened my door. When
12 I tried to go into my cell. Officer [REDACTED] grabbed me by my shirt collar and waist
13 chains, pulled me back, and tripped me with his leg. As I lost my footing, he slammed my
14 face into the ground. Officer [REDACTED] who weighs about 300 pounds, kned me in the
15 back, then shifted the weight of his knee to my leg to keep me down.

16 14. While I was on the ground, the officers called me derogatory names, like
17 “Bitch,” “Motherfucker,” “Asshole,” and “Punk.” Sergeant [REDACTED] kned me in the side of
18 my face, then stood up and started kicking me in the side of my body, neck, head, and arm.
19 Officers [REDACTED] [REDACTED] and [REDACTED] started punching me. I think the attack lasted about
20 10 to 15 seconds. The alarm sounded while I was on the ground.

21 15. The sergeant and officers stopped when they saw other officers arriving in
22 response to the alarm.

23 16. Officer [REDACTED] put leg irons on me, and then he and Officer [REDACTED]
24 picked me up off the ground. Officer [REDACTED] and another officer started to escort me
25 down the stairs. I believe the other officer was Officer [REDACTED]. Because of the leg irons
26 and my mobility disability, I was having trouble walking. They held my waist chains and
27 arms as we walked. In my 602 grievance form, I said that Officer [REDACTED] escorted me
28 with Officer [REDACTED]. I now believe I may have been mistaken.

1 17. When I got to the cage in the middle of the day room, Officers ██████████
2 and ██████████ suddenly pulled on my waist chains and arms. Officer ██████████ kicked my
3 legs, then slammed me to the ground.

4 18. The other officers ran over. While I was on the ground, Officer ██████ kicked
5 me in the mouth, busting my lip.

6 19. Officer ██████████ whose job is to cover for officers who are sick or absent
7 for some reason, ran over and told the officers to get off of me. He made them back away
8 from me, helped me stand up, and put me in the cage. While I was in the cage, he took the
9 leg irons off of me, because they were cutting my skin.

10 20. The incident report says Officer ██████████ picked me up off the ground and
11 took the leg irons off, but this was a lie. Officer ██████████ was not in the building at the time
12 of the incident. I believe officers lied on the incident report to prevent anyone
13 investigating the incident from speaking to Officer ██████████

14 21. Soon after, two medical staff members came to record my injuries. I had
15 bruises on my arms, legs, and face. My mouth was busted and bleeding. I had scratches
16 and cuts. This was all documented in the medical evaluation form which I received.

17 22. Two officers and a Sergeant from the Investigative Services Unit (“ISU”)
18 took pictures of my cell. They told Sergeant ██████████ they needed to take pictures of me.
19 However, Sergeant ██████████ told them I couldn’t come out of the cage. Rather than
20 interviewing me or taking photos of my injuries, they left the unit, laughing.

21 23. While I was in the cage, I told Lieutenant ██████████ that I wanted to do a
22 videotaped excessive force interview about the incident.

23 24. The next day, Lieutenant ██████████ interviewed me on video. He asked me what
24 happened and if I had witnesses, but asked no other questions. The interview lasted about
25 15 minutes.

26 25. Lieutenant ██████████ did interview some witnesses, according to a report I
27 received about the incident.

28

1 26. A couple days after the incident, I submitted a 602 grievance form about the
2 staff misconduct. A month later, Lieutenant [REDACTED] investigated my 602 grievance. She
3 interviewed me but did not videotape the interview. She asked me what happened and if I
4 had staff witnesses. I told her the names of witnesses, including Officer [REDACTED]

5 27. The stress of the incident exacerbated my PTSD, and my mental health
6 decompensated. I stopped coming out of my cell. As a result, my doctor transferred me to
7 the state hospital for intensive mental health care.

8 28. While I was at the hospital, I received the results of the investigation.
9 Lieutenant [REDACTED] lied, saying she could not find the Officer [REDACTED] who witnessed the
10 assault. She concluded that the officers did nothing wrong.

11 29. In addition, an incarcerated person lied to Lieutenant [REDACTED] saying that I
12 paid him to attack Officer [REDACTED] I had given this person money two weeks prior to the
13 incident, asking him to get something from canteen for me, but I did not pay him to attack
14 Officer [REDACTED] I found this out through an investigation document that was attached to the
15 response to my 602 grievance.

16 30. I appealed this result to the third-level and received denials each time.

17 31. Ten days after the incident I received a Rules Violation Report (“RVR”) for
18 “Battery on a Peace Officer.” I did not have a hearing for this RVR, because I was
19 criminally charged for the incident.

20 32. Five to six months after the incident, I found out that I had been charged in
21 Los Angeles County with two counts of “Battery on a Peace Officer” and one count of
22 “Making Terrorist Threats.” I’ve been going to court for this case, but I do not have a trial
23 date yet. I almost took a plea deal, because I did not want to think about this incident
24 anymore, but my defense attorney told me I had a good case.

25 33. On or around the second week of March 2020, Lieutenant [REDACTED] called
26 me at KVSP to ask questions about the June 13, 2017 incident at LAC. He told me the
27 investigation into the incident had not been conducted properly.

28

1 34. I feel extremely angry and frustrated that officers at LAC assaulted me and
2 then made up false charges against me to cover it up, which has resulted in the Los
3 Angeles District Attorney pursuing a life sentence against me. Going to court and
4 discussing the incident is extremely stressful for me and has worn on my mental health. It
5 feels unfair that when officers do something wrong, like beating me up, they can get away
6 with it by pinning the blame on me, the victim. Aside from Officer ██████ the officers
7 cover for each other to hide their misconduct. My defense lawyer has been unable to find
8 Officer ██████ to disprove their lies, so I feel like the officers might get away with it.

9 35. Officers used excessive force against me another time, on July 1, 2017, when
10 I was in my cell, waiting to receive a scheduled phone call. Officers ██████ and
11 ██████ put handcuffs, waist chains, and a triangle device on me. The triangle device
12 restricts a person from pulling the handcuffs and waist chains through the food port into
13 his cell. Officer ██████ started disrespecting me, saying I should not be able to get this
14 damn call, because I asked him why they used a triangle on me and if he could loosen the
15 cuffs, which were too tight on my wrists. I do not recall exactly what words I used, but I
16 said something to the effect of, “You don’t have authority to deny me the phone call.”

17 36. He responded, “Well, then you’re not getting the call.”

18 37. Angry that he would not escort me for my call, I told him I would not give
19 the handcuffs back. Then, Officers ██████ ██████ ██████ and ██████ who were there
20 to escort me to my cell, grabbed the part of the waist chains that was outside my door and
21 pulled. As they pulled, the handcuffs tightened on my wrists, and my left wrist got
22 wedged into the port on the door. I felt excruciating pain like I have never felt before. It
23 felt like the officers were trying to pull my arm off.

24 38. As they were pulling the waist chains through the food port, the waist chains
25 got caught on the door. The officers thought I was pulling them back.

26 39. At that point, Sergeant ██████ arrived and asked me why I would not give the
27 officers the handcuffs. I told him the restraints were caught on the door. He told them to
28 stop pulling and saw the chains were stuck. He wiggled them to get them unstuck.

1 Sergeant ██████ told Officer ██████ to uncuff me. I immediately told the officers I needed
2 medical attention.

3 40. At first, the officers and Sergeant ██████ refused to take me to see medical
4 staff. The other incarcerated people who watched the incident began yelling for them to
5 get me medical attention. Finally, the officers called for medical staff to come to my cell.

6 41. When a medical staff member came to evaluate me, she wanted to conduct
7 the evaluation through the food port of my door. I wanted her to do a thorough evaluation,
8 which she could not do through a food port, so I put my arm through the port to prevent
9 them from closing it. I told them to bring a lieutenant to talk to me. I told them my hand
10 was really messed up.

11 42. About three hours later, the Assistant Warden of the Day came to my cell,
12 saw my injuries, and demanded that officers take me to the Treatment and Triage Area
13 (“TTA”), which is a central medical clinical on the grounds of LAC that serves all four
14 yards at the prison.

15 43. At the TTA, they told me I needed further evaluation. I was transported to
16 Palmdale Regional Medical Center about six hours after the incident.

17 44. At Palmdale Regional Medical Center, they diagnosed me with contusions
18 and I had a severe sprain in my left wrist, but no broken bones. They gave me a splint and
19 a brace for my left wrist. That same day I went back to LAC.

20 45. The next day, Lieutenant ██████ interviewed me about the incident and
21 asked if I had witnesses. He did not videotape our conversation. The interview lasted
22 about 25 to 30 minutes, and I felt it was thorough.

23 46. Three days after the incident, I submitted a 602 grievance about the incident.

24 47. About a month later, an officer whose rank I believe was lieutenant,
25 interviewed me about the grievance. She asked me what happened and if I had injuries or
26 witnesses. It lasted about ten minutes and was not videotaped.

27
28

1 48. A couple months after the incident, I received the results of the investigation
2 by mail. Lieutenant ██████ who supervises the officers who hurt me, found that the
3 officers did nothing wrong.

4 49. I appealed this result to the third level but was denied each time.

5 50. About ten days after the incident, I received an RVR for “Resisting a Peace
6 Officer.” In October 2019, two years after the incident, I had a hearing about this RVR at
7 KVSP. The hearing officer did not let me call any witnesses and found me guilty based
8 solely on interviews with the officers. The chief hearing officer, who supervises the
9 hearing officer, later dismissed the disciplinary action because I was not allowed to call
10 witnesses and because the incident was so long ago.

11 51. I have also witnessed staff engage in misconduct against other people at
12 LAC.

13 52. One time I saw another incarcerated person ask Officer ██████ for a 602
14 grievance form. Officer ██████ told him to, “Go sell some ass to get one.”

15 53. Another time, at the end of July 2019, while I was housed in D-Yard,
16 Building 5, I saw another individual living on my unit get beaten by Officer ██████
17 That day I heard this incarcerated individual arguing with Officer ██████ and Officer
18 ██████ saying, “Don’t worry, I’ll be back.”

19 54. Fifteen minutes later, I heard Officer ██████ ask the tower to open this
20 individual’s door. Then I saw Officer ██████ enter the cell, grab the prisoner, and slam
21 him into the ground. The alarm sounded, and other officers immediately rushed into the
22 cell, so I could not see what happened next.

23 55. About three days after the incident, while we were both in yard cages, the
24 individual who was assaulted told me the officers beat him up for no reason. I saw that he
25 had a black eye and bruises on his face.

26 56. Because of these experiences at LAC, I was in fear for my life when I was
27 there. I felt a lot of stress because I was so scared. I felt like I could get beaten up at any
28 time and that it would be better not to ask the officers for anything. For example, when my

1 wrist brace broke, I did not ask for a replacement because I did not want officers to escort
2 me. I also did not go to my appointment to get orthopedic shoes.

3 57. In my opinion, officers are not trained to provide proper accommodations to
4 people with disabilities. For example, at LAC, they forced me to take off my wrist braces,
5 so they could handcuff me, instead of getting the restraints they are supposed to use.
6 When people with disabilities inform them of accommodations they need, staff get mad
7 because they do not like people telling them how to do their jobs.

8 58. Every time I return to LAC for court appearances, I have to interact with the
9 officers who brutalized me. They give me my meals, and they escort me to yard, groups,
10 and medical appointments. At LAC, I fear for my safety.

11 59. The officers at LAC regularly abuse and use excessive force against people
12 with mental illnesses. The officers do not like people with mental illnesses, because they
13 think that *Coleman* class members get them in trouble by reporting staff misconduct. In
14 addition, they are not properly trained to interact with people with mental illness and are
15 inadequately supervised. The officers do not get disciplined for anything they do.

16 60. I believe there is so much staff misconduct at LAC because the
17 administration does not properly investigate incidents. They do not refer cases to the
18 Office of Internal Affairs. Officers who commit misconduct are not afraid to lose their
19 jobs or be disciplined, because they know that the Investigative Services Unit at LAC will
20 protect them. They are emboldened by the fact they have gotten away with so much
21 misconduct. They also have a good rapport with the Los Angeles County District
22 Attorney's Office – they know they will not be charged for their crimes.

23 ///

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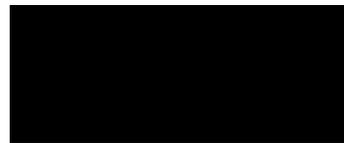
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1 61. Independent oversight of all staff misconduct allegations, the use of
2 polygraph tests to detect officers' lies, and the use of body cameras and cameras around
3 the institution would help make LAC a less dangerous place. CDCR rules already allow
4 the use of polygraph tests for investigations into staff and inmate misconduct.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct, and that this declaration is executed at Delano,
7 California this 29th day of May, 2020.

8
9  _____

10
11
12 On May 29, 2020, due to the closure of Kern Valley State Prison in light of the
13 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
14 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to
15 , by telephone.  orally confirmed that the contents of
16 the declaration were true and correct.  also orally granted me
17 permission to affix his signature to the declaration and to file the declaration in this matter.

18
19 DATED: May 29, 2020



20 _____
21 Rekha Arulanantham

EXHIBIT 27

1 7. I also have a number of serious medical conditions. In the past, I had
2 prostate cancer, which resulted in ongoing bladder complications. I also have chronic back
3 pain, incontinence, a history of urinary tract infections, and Hepatitis C. Prior to my
4 incarceration, I was diagnosed with Parkinson’s Disease, and I suffer from muscle spasms.
5 Because of this condition, my muscles cramp so hard they bruise themselves, causing me
6 an enormous amount of pain. I also have Celiac Disease, and I was on a medical diet when
7 I was at LAC. I asked staff to take me off the medical diet recently because other
8 incarcerated people were stealing my food, and I was not getting enough to eat. I also
9 have Chronic Obstructive Pulmonary Disease and sleep apnea. I am classified as high risk
10 medical. During the time I was at LAC, my medical issues were similar to the issues I
11 experience today.

12 8. While I was LAC, I was housed in the following locations: C-Yard,
13 Buildings 1, 2, 4, and 5; in the Short Term Restrictive Housing unit (“STRH”); and in
14 D-Yard Building 3. The STRH is a specialized ASU unit for individuals at the CCCMS
15 level of care.

16 9. I was twice a victim of staff misconduct at LAC.

17 10. On June 20, 2018, I was at the medical window on my yard, C-Yard, trying
18 to get my prescribed medication for my celiac disease. That day I was using my walker to
19 move around. Medical staff told me they did not have the medicine, even though I had
20 been taking it regularly. Without it, I have uncontrollable diarrhea and soil myself, which
21 is embarrassing. Medical staff told me I could not see a doctor or nurse and to go away.

22 11. Frustrated, I lay down on the ground with my arms behind my back and told
23 Officers █████ and █████ who were supervising the line of incarcerated people who needed
24 medications, that I was “man down,” meaning that I needed immediate medical attention.
25 Officer █████ said, “I don’t see a man down. I see an old man sleeping on the ground. If
26 you want to take a nap, get up and go to your cell.”

27 12. I refused to get up. Either Officer █████ or Officer █████ I do not remember
28 which one, put handcuffs on me. Two more officers came over, and one of them, Officer

1 [REDACTED] started punching me in the face while I was on the ground and unable to use my
2 hands to protect myself because they were cuffed. I heard the alarm sound. Officer [REDACTED]
3 told Officer [REDACTED] to stop punching me because I was already in handcuffs.

4 13. The incident report I received after the assault said that I jumped up off the
5 ground and swung my arms while resisting the officers, hitting Officer [REDACTED] in the arm and
6 face. This would have been impossible because I certainly could not jump up off the
7 ground with my disability, and I could not swing my arms because they were handcuffed
8 behind my back.

9 14. As Officer [REDACTED] punched me, another incarcerated person, who was in the
10 line behind me, also told him to stop assaulting me because I was in handcuffs.

11 15. Officer [REDACTED] and the officer whose name I do not remember ran over to the
12 that individual and slammed him to the ground. While he was on the ground, they started
13 punching him. They handcuffed him too, and then continued to punch him. They then
14 picked him and slammed him to the ground again. He was bleeding from his mouth and
15 nose.

16 16. Next, six to ten additional officers arrived in response to the alarm. Two
17 officers picked me up off the ground, and four officers picked the other incarcerated
18 person up off the ground. I could not get up by myself because of my disability and
19 because I was handcuffed. They grabbed us by our arms and forced us to walk while bent
20 over, which was very difficult for me without my walker.

21 17. While walking to the gym, they slammed the other person to the ground
22 twice. They slammed me to the ground once.

23 18. Because of the incident, I had scrapes on my knees, my arms, and my face.

24 19. When we got to the gym, a sergeant gave me a Rules Violation Report
25 (“RVR”) for “Battery on a Peace of Officer.” I told him that I did not do anything, but he
26 said I hit an officer in the face. He told me I was going to administrative segregation at the
27 STRH.

1 20. When I was in the STRH, I asked medical staff who came to see me to log
2 my injuries. I do not know if they did so.

3 21. I told a sergeant and a counselor in the STRH that I wanted to file a staff
4 complaint, but they told me I needed to file a 602 grievance. I told them I have difficulty
5 reading and writing. They told me staff could not assist with 602 grievance forms or legal
6 paper work. They also told me ADA workers could not help me while I was in
7 segregation. I was in the hole for 170 days, during which the deadline for filing a
8 grievance passed.

9 22. At my hearing for the RVR, I told the hearing officer I needed assistance
10 because I have difficulty reading and writing. I asked for an ADA officer to help me, but
11 he said I could only have a staff assistant. The staff assistant did not read to me the
12 paperwork. I did not understand what happened at the hearing, but the hearing officer
13 found me guilty and sentenced me to 150 days in the hole. On top of that, they also took
14 150 days of good time from me, even though they were not allowed to do so under Title
15 15.

16 23. On the morning of August 7, 2019, I woke up with bloody, urine-soaked
17 sheets. My catheter bag had broken while I slept. I was locked in my cell in D-Yard,
18 Building 3, so I asked the dayroom porter to ask Officer ██████████ for clean sheets, clean
19 clothing, and a shower. The porter came back to tell me Officer ██████████ said, “not now.”

20 24. After three to four hours of sitting in urine –and blood –soaked clothes,
21 Officer ██████████ finally let me out of my cell to shower. As I exited my cell in my
22 wheelchair, an incarcerated person who was coming back from the yard saw me and asked
23 if I wanted him to wash my sheets while I showered. I told him I would appreciate it.

24 25. As I returned to my cell after my shower, I noticed that my cell was still
25 covered in blood and urine. I wheeled closer to Officer ██████████ who was near the
26 podium on the dayroom floor, and asked for assistance getting an ADA worker to clean my
27 cell.

28

1 26. Officer ██████ told me, “Fuck no. You go live in that shit,” even though
2 my cell smelled like death. I think Officer ██████ did not want to call an ADA worker
3 to help me, because he did not want to get up off his chair and do this. I told Officer
4 ██████ that multiple supervisory staff had approved my previous requests for help when
5 I have incontinence accidents.

6 27. Officer ██████ replied, “This is my house. I don’t give a fuck what the
7 Lieutenant or Sergeant say. I run this shot over here. You’ll be lucky to ever get a shower
8 again while I’m on shift.”

9 28. I felt embarrassed, ashamed, and disgusted about my cell. How does it look
10 to other people when you have to sit in your own piss? There was no reason for him to be
11 cruel to me. My catheter bag breaking was not my fault, yet I was being punished for my
12 medical conditions.

13 29. I reasserted my need for help, but Officer ██████ still refused my
14 accommodation requests and told me to go back to my cell. I then wheeled back to my
15 cell. At my cell-front, while still in the day room, I refused to go in unless I was given
16 assistance in cleaning my cell.

17 30. Officer ██████ said, “You’re going back in there one way or another.”
18 Officer ██████ then came up behind my wheelchair and grabbed the handles. I locked
19 the brakes, so he could not push me into the cell. He then flipped my wheelchair over,
20 throwing me out of the chair to the ground. Then he put a knee into my back and
21 handcuffed me. Another officer and other incarcerated people saw this all happening.

22 31. I heard the alarm sound. About 10 to 15 officers came over. I told them my
23 back was hurting. The officers picked me up and slammed me into my wheelchair. Two
24 officers started pushing me to the gym, rocking my wheelchair forward and back, side to
25 side. They also picked up the front wheels of my chair and slammed them to the ground.
26 The entire time, they asked me while laughing, “Does your back hurt now? How does that
27 feel?” When we got to the gym, they ran my wheelchair into the basketball hoop pole at
28 the D-Yard gym.

1 32. I felt excruciating pain in my back. Two days prior, I was released from the
2 hospital after having surgery on my back, and my body was fragile.

3 33. At the D-Yard gym, an officer placed me in a holding cage. I asked officers
4 for medical attention.

5 34. I was in the holding cage for about three hours before they moved me to the
6 STRH. No medical staff examined me while I was in the gym or when I got to the STRH.

7 35. In the STRH, another incarcerated person helped me fill out a request to see
8 medical staff. Three days later, officers took me to the medical clinic for B-Yard. At the
9 clinic, they gave me morphine for my pain. I believe I went to the hospital because of my
10 injuries at the time, but I do not recall because I have been to the hospital frequently.

11 36. Several days after the incident, I received an RVR, but no staff member
12 helped me read it.

13 37. Several days later, another incarcerated person read the RVR to me. In the
14 RVR, Officer ██████ falsely claimed I threw my dirty diapers at him before the use of
15 force. This is impossible because my diapers were in my cell by my toilet. The assault
16 took place in the day room, right after I showered. I never entered my cell to get the bag of
17 diapers.

18 38. At my disciplinary hearing for the RVR on or around August 19, 2019, an
19 incarcerated person who witnessed the incident said he did not see me throw anything to
20 hit Officer ██████ in the face. The senior hearing officer deemed my other two
21 questions for the witness to be irrelevant. The first of these two questions was whether the
22 inmate witness saw Officer ██████ dumping me out of my wheelchair. The second
23 question for the inmate witness held irrelevant was whether Officer ██████ refused to
24 provide me with clean linen and clothing after my accident. The senior hearing officer
25 refused to hear my witness's statement on these issues. Then, even though Officer
26 ██████ made no statement and did not ask the witness any questions, the senior hearing
27 officer found me guilty. In addition, I was not provided with any ADA assistance during
28 the hearing.

1 39. On February 12, 2020, I sent a letter to the CDCR Office of Internal Affairs
2 to report that Officer ██████ had dumped me out of my chair. As a result of my letter,
3 on February 18, 2020, staff at KVSP tried to interview me about the incident. I told them I
4 wanted to first talk to Plaintiffs' counsel in the *Armstrong* case. I wanted to talk to
5 *Armstrong* counsel because I was afraid staff would write down things I did not say,
6 because I have trouble reading. Staff tried to call me over the phone to talk about the
7 incident, but I had not yet been able to contact *Armstrong* counsel. They did not contact
8 me again. I do not know if they are still investigating the incident.

9 40. During the time I was at LAC, I also observed staff abuse people
10 incarcerated in the prison. Officers would pit people against each other by telling an
11 incarcerated person that another person, who had somehow crossed the officers, was a
12 rapist or child molester. As a result, the person said to be a rapist or child molester would
13 be beaten by multiple inmates. I estimate I have seen this happen to six or seven different
14 people.

15 41. In my time at LAC, there were a few times that I needed help but did not ask
16 for it because I was afraid of what would happen to me. For a long time, I did not submit
17 staff complaints, because I was afraid officers would retaliate against me. Many times, I
18 did not ask for showers or incontinence supplies because of the incident with Officer
19 ██████

20 42. In my opinion, LAC staff target people with disabilities and people with
21 mental illness. It is easy for staff to pick on the old, the unhealthy, and the weak. It makes
22 them feel big and tough to abuse us.

23 43. I believe there is so much staff misconduct at LAC because there is no
24 accountability. There are no cameras and no audio recorders. All prison facilities should
25 have cameras. Otherwise, officers can say and do whatever they want. Because we are
26 convicted of crimes, no one will believe our word against the officers' accounts.

27 44. On November 12, 2019, I was transferred to Kern Valley State Prison
28 ("KVSP"). The day that I arrived at KVSP, an officer said to me, "I heard you like beating

1 up COs. Try that shit on me, I'll whup your ass.” I do not know how he knew what
2 happened at LAC.

3 45. Several times, at KVSP, staff have mentioned the incidents at LAC. I do not
4 know how they know, because I do not go around telling people about it. It makes me fear
5 for my safety, because I think they will retaliate against me. I have been told three times
6 by staff at KVSP that they will write me up for “Battery on a Peace Officer” and that no
7 one will believe me over them, because I have a record of Battery on Peace Officers from
8 the incidents at LAC.

9 46. I have also witnessed staff misconduct at KVSP. About three months ago,
10 on D-Yard, I saw an officer use a whole can of pepper spray on an incarcerated person
11 who was on the ground with his hands behind his back.

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EXHIBIT 28

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Corcoran (“Corcoran”) on B-Yard in Building 2. I am 55 years old. The incident of staff misconduct described below took place while I was housed at California State Prison – Los Angeles County (“LAC”).

3. Although CDCR has not currently designated me with an *Armstrong* disability code, I do have a mobility disability. I suffer from a severe orthopedic condition that affects my ability to walk and perform other daily activities. My lower back, left shoulder and right side are in continuous pain and hinder my ability to move with ease. I have the following Durable Medical Equipment (“DME”) in my current possession: a cane, a mobility disability vest, a left knee brace, orthotic shoes, a right ankle foot orthotic, and eye glasses. Because of my mobility issues, I have a lower bunk chrono and can only be housed on the ground floor with limited stairs.

4. For the majority of my time at LAC, I was designated as DPM. This meant I could not travel long distances without an assistive device, like a cane, and I could only be housed on the ground floor with no stairs. I believe I should still have an *Armstrong* disability code and I do not know why CDCR took mine away.

5. I am a *Coleman* class member. I am at the Correctional Clinical Case Management System (“CCCMS”) level of mental health care. I suffer from anxiety, depression, and Post Traumatic Stress Disorder (“PTSD”). I have bouts of depression where I feel intensely suicidal at times. I also sometimes lose control of my temper at others because of my mental health issues. While at LAC, I was also at the CCCMS level of care and my mental health issues were similar to the ones I experience today.

1 6. I also believe I need a higher level of mental health care at the Enhanced
2 Outpatient Program (“EOP”) level of care. EOP patients live in separate, sheltered,
3 housing units with other EOP individuals. They receive more intensive mental health
4 treatment, including 10 hours each week of therapeutic activities and frequent meetings
5 with their primary clinicians and psychiatrists. I believe I need more individual sessions
6 with my clinician so that I can work through my mental health issues. I have been
7 struggling with my mental health while at the CCCMS level of care. During my short stay
8 at LAC, I also advocated for my mental health treatment team to raise my level of care
9 from CCCMS to EOP.

10 7. I also have a number of serious medical conditions. I have a seizure disorder
11 that requires me to wear a medically prescribed helmet that protects my head. I also am
12 pre-diabetic and suffer from asthma. Because of my severe asthma symptoms, I carry an
13 inhaler with me at all times. I used to have a TENS-Unit to help with my back pain, but
14 while I was at LAC, medical staff discontinued it. During the time I was at LAC, my
15 medical issues were similar to the issues I experience today.

16 8. I was housed at LAC from November 26, 2018 to January 3, 2019. That was
17 the only period I was housed there during my incarceration.

18 9. During my time at LAC, I was housed in the following locations: D-Yard,
19 Building 4, B-Yard, Building 4, and the Standalone Administrative Segregation Unit
20 (“ASU”). This is also known as the Short Term Restricted Housing (“STRH”) Unit. It is
21 a segregated housing unit for CCCMS patients.

22 10. I was a victim of staff misconduct at LAC.

23 11. On November 26, 2018, I arrived at LAC from the California Medical
24 Facility (“CMF”). Upon my arrival at Receiving and Release (“R&R”), an area at the
25 prison for screening recent transfers, I reported feeling suicidal to staff. I was distressed
26 that I had just transferred farther away from my family. While at CMF, my family was
27 closer to me and I was able to stay in contact with them. When I reported my suicidality,
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1 staff put me on suicide watch and transferred me to a suicide watch cell in alternative
2 housing, in D-Yard, Building 4.

3 12. Because staff transferred me to D-Yard after regular working hours, I met
4 with my clinician the following morning. I told her that I did not want to speak with
5 anyone at the time, because I was struggling with my mental health. I felt reclusive. The
6 clinician insisted that I speak with a correctional counselor. Officer [REDACTED], an officer
7 stationed on D-Yard, and a counselor then came to speak with me in the dayroom. They
8 called me over to one of the dayroom tables. I was not very receptive to them. I really did
9 not want to talk to anyone because I was so depressed. My mental health issues made me
10 lash out at them angrily. I yelled at Officer [REDACTED] and the correctional counselor,
11 whose name I do not remember.

12 13. That night, while I was trying to sleep in my cell, Officer [REDACTED] came in
13 to my cell. I woke up because I sensed that someone was in my cell. I saw Officer
14 [REDACTED] reaching for my cane that was leaning against a cell wall. I asked her what she
15 was doing and she replied, "Oh, you're awake?" Immediately, she left my cell and closed
16 the cell door. I felt alarmed. I was also disoriented from the psych medications I had been
17 taking and I did not know what she was in there for.

18 14. I had arrived to LAC from CMF with a cane, mobility vest, knee and ankle
19 braces, eye glass frames, orthotic shoes, and wrist braces. I had two bags of property that
20 included my DME and other personal items. Among these items, I had a night light,
21 religious oil, and a prayer rug. I am Muslim, so these items are very important to me.
22 These bags were right in front of the cell door. Typically, when an incarcerated person
23 goes to a crisis bed, they are not allowed to keep personal items in their cell in case they
24 could use them to hurt themselves. That is why custody staff kept my two property bags
25 right outside my cell door. However, my DME was mixed in with my personal property.

26 15. After Officer [REDACTED] left my cell, I stood up and discovered that both bags
27 of my personal property were gone. My cell door is perforated, so I could see out of it. I
28 tried to call Officer [REDACTED] back to no avail.

1 16. At that time, I was very distressed that my personal property and DME was
2 gone. I only had my cane with me, but I knew that I needed more assistance to help me
3 with my mobility issues. I believe Officer ██████ took my DME and property in
4 retaliation for my outburst earlier that day. I did act out, but I was having severe mental
5 health issues at the time. I believe custody staff used my outburst, ignoring that I was
6 struggling, to their advantage. During my time in CDCR, I have seen custody staff take
7 many incarcerated peoples' property as a retaliation tactic.

8 17. On November 27, 2018, the same day, my psychologist evaluated me and
9 discharged me from suicide watch. Although I advocated for myself and asked to be
10 placed at the EOP level of care, mental health staff decided to retain me at CCCMS. I
11 stayed in D-Yard until around November 30, 2018, while custody staff continued to
12 perform routine check-ins to see if I was a danger to myself. Because of the medications I
13 was taking, as well as the fact that I did not have my DME, I stayed in bed for the majority
14 of this time. I was then transferred to B-Yard, Building 4.

15 18. I arrived to B-Yard without the rest of my DME. They put me in a cell
16 without any of my personal property. I had no blankets, sheets, or cleaning supplies. All I
17 had was a half mattress. Throughout my first few days on B-Yard, I was in a lot of pain.
18 The pain was radiating down my back and lower left side. I was struggling to walk
19 without my DME.

20 19. On the morning of December 1, 2018, the pain started to become unbearable.
21 I explained to an officer that I could barely walk ten feet due to the severe pain. I do not
22 remember the officer's name, but he escorted me to the B-Yard clinic. I struggled to walk
23 all the way to the clinic. I think the clinic was about 20 to 30 yards from my building.
24 Once inside the clinic, I explained the painful condition I was in to a female nurse. The
25 nurse examined me, but said that there was nothing they could do for me. I believe it was
26 a Saturday, so at the time, there were no doctors stationed in the B-Yard clinic. She told
27 me to submit a Form 7362 (a request for health care services form) and a doctor would
28 evaluate me later in the week.

1 20. Another nurse said I should be sent to the Correctional Treatment Center
2 (“CTC”), an institution-wide medical building located in a central area in the prison.
3 There would be doctors there who would be able to evaluate me further. The first nurse
4 who evaluated me refused and told custody staff to escort me back to my housing unit.
5 She did not seem to care that I was in acute pain.

6 21. They put me in a wheelchair, because I explained that I could not walk back
7 on my own, and an officer wheeled me out of the clinic out on the yard. While outside, I
8 explained to the officer that my back was still in significant pain, and sitting up in the
9 wheelchair exacerbated my lower back problems. I repeated that I was in pain and I
10 needed urgent medical attention. The officer pushing me in the wheelchair then ordered
11 me to get down to the ground, so he could call medical staff. I complied. There were
12 about six or seven correctional officers there at the time, located around the yard. The
13 chow hall is right next to the B-Yard clinic and this happened during breakfast time.
14 Custody staff then sounded their alarm for medical. The two nurses who originally
15 evaluated me returned. While one nurse still believed I should be sent to the CTC, the
16 other started yelling at custody staff to take me back to my building.

17 22. I could not get up to go back in my wheelchair, so I stayed on the ground,
18 telling the officers that I was in too much pain. I needed urgent medical attention and I did
19 not want to go back to my cell. Around six to seven correctional officers then tried to
20 force me into my wheelchair. Because I was not processing everything that was happening
21 at the moment, I could not identify the officers. They tried to pick me up off the ground. I
22 reacted by curling up into a fetal position. The officers then repeatedly punched me in my
23 head and lower back, where I was already experiencing significant pain. They grabbed,
24 jerked and pulled at me, trying to get me into my wheelchair. Next, multiple officers
25 pushed their knees into my upper and lower back, as well as my head. While this was
26 happening, someone grabbed my ankles, pulling my pants down in the process. I then
27 managed to get ahold of the chain link fence that surrounds the yard. I was trying to stop
28 them from dragging me on the cement and dirt back to the wheelchair.

1 23. I was in so much pain that I started screaming until I passed out.

2 24. The next thing I remember, staff were escorting me to the Treatment and
3 Triage Area (“TTA”), an institution-wide medical clinic, on a gurney. Once I arrived at
4 the TTA, I was struggling to breathe because of the pain. I did not have my rescue inhaler
5 at the time. As I lay there on the gurney, I overheard two correctional officers laughing
6 with each other. They found it funny that when they attempted to force me into the
7 wheelchair, my pants had fallen down in the process and my penis had slipped out.

8 25. In that moment, I felt humiliated hearing them laugh at me. I broke down in
9 tears out of frustration because I felt helpless. I also felt targeted by this staff assault,
10 especially since staff had just confiscated some of my property a few days prior. It felt like
11 they were choosing to abuse me specifically.

12 26. At the TTA, they gave me a shot in my back to help with the pain and
13 another rescue inhaler to help me breathe better. I am not sure what exactly the shot was.
14 After nursing staff evaluated me at the TTA, a few officers took me to a holding cage in
15 the B-Yard gym. They made me strip down to just a T-Shirt, boxers, and socks and kept
16 me in the holding cage for around two hours. It was December at the time, so I was
17 freezing. I was then placed in segregated housing that afternoon.

18 27. In the week after I was assaulted, I put in several requests to see medical
19 staff. I had bruising on my head, upper back, ankles, and both knees. My chest hurt. I
20 struggled to breathe. I had a cut on the back of my head from the officers roughing me up.
21 Although I had a cane at the time, it continued to be painful for me to walk. I don’t think
22 medical staff saw me until at least a week later. I believe a nurse completed a Form 7219
23 almost three weeks after the incident. The form 7219 is used to document injuries an
24 incarcerated person has sustained from an incident of excessive use of force. I think the
25 nurse’s evaluation only lasted two minutes, and by that time, most of my bruising had
26 healed from the assault on December 1, 2018.

27 28. A few weeks after the assault, I filed a Form 1824 (the Reasonable
28 Accommodation Request form) asking for, among other things, a walker and braces for my

1 wrist, knee, and ankle. On December 18, 2018, I met with my physician, who determined
2 that I did not require these accommodations. I never received significant medical attention
3 for my injuries.

4 29. About a week after the assault, I received a Rules Violation Report (“RVR”)
5 for “Resisting Staff.” They claimed that I was not following the orders of custody staff.
6 This is not entirely true. I had complied with getting on the ground like custody staff told
7 me to. I had also explained to officers that I could not go back in the wheelchair because I
8 was in too much pain at the time and needed urgent medical attention.

9 30. I filed a 602 staff complaint a few days later. I wrote that officers had
10 assaulted me on December 1, 2018 and I should not have been charged with a RVR.

11 31. While I was in the ASU, two sergeants came and conducted a use of force
12 videotape interview. They were following up on the staff complaint I alleged in my 602.
13 The interview lasted about 15 minutes. The sergeants asked me few follow-up questions.

14 32. I pursued the grievance to Sacramento. It was denied at the third level. I am
15 currently in the process of pursuing my own individual legal case against the CDCR for
16 what happened to me at LAC.

17 33. I transferred from LAC to Salinas Valley State Prison (“SVSP”) on
18 January 3, 2019. I did not receive a hearing for my RVR until about ten months after the
19 assault. I was at Corcoran during this time. I was found guilty for the RVR by a
20 Lieutenant named [REDACTED]. Lieutenant [REDACTED] called me into the program office on
21 B-Yard, Building 3. I told him he could not hear the 115 right now, because it was ten
22 months late. He replied that he did not care and he was going to do it his way. He did not
23 give me time to prepare. I asked to get my notes about the incident. I also had witnesses
24 who saw staff assault me on LAC’s B-Yard in December. He said no, “We’re going to do
25 the hearing right now.” Lieutenant [REDACTED] found me guilty on the spot.

26 34. Since the assault on December 1, 2018, I have suffered nightmares of being
27 repeatedly beaten. I have woken up in cold sweats. I also continue to experience medical
28 complications. Although I am now housed at Corcoran, I still have not received proper

1 medical attention for the injuries I sustained from the beatings. I still suffer from bouts of
2 acute pain and discomfort.

3 35. After the assault, I also did not trust staff at LAC, but I was in too much pain
4 not to ask for help from them. I tried to avoid staff on most occasions, but I continued to
5 ask for my property back. I still have not received my property to this day.

6 36. I very much believe custody staff target people with disabilities, medical,
7 and mental health issues. I believe correctional staff see us as a burden. They are not
8 equipped to handle people with physical and mental disabilities. They look at us like
9 we're not supposed to be here. Because of the medical neglect I have faced at LAC and
10 now Corcoran, I also think some members of medical staff feel the same way about people
11 with disabilities as correctional officers do.

12 37. I have also had issues with custody staff here at Corcoran. Officers at
13 Corcoran have called me sexual names and harassed me. Therefore, staff misconduct is
14 not only isolated at LAC, although it is horrible there. I believe the reason there is so
15 much staff misconduct within CDCR is because staff are not held accountable for what
16 they're doing, especially to older and more vulnerable incarcerated people.

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1 38. I believe a faster response time on the part of CDCR to allegations of staff
2 misconduct made by incarcerated people would help stop staff misconduct. I also think
3 custody staff should be trained on how to deal with people with mental and physical
4 disabilities.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct, and that this declaration is executed at Corcoran,
7 California this 28th day of May, 2020.

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11 On May 28, 2020, due to the closure of California State Prison – Corcoran in light
12 of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
13 witnesses in support of Plaintiffs’ Motion, I read the contents of this declaration, verbatim,
14 to [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of the
15 declaration were true and correct. [REDACTED] also orally granted me permission to
16 affix his signature to the declaration and to file the declaration in this matter.

17

18 DATED: May 28, 2020

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Ellie Heywood

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EXHIBIT 29

1 2020. I believe a longer stay at the inpatient level of care would have benefitted my
2 mental health stability.

3 5. During most of the time I was at LAC, I was in the EOP program and my
4 mental health issues were generally similar to the issues I experience today.

5 6. I identify as a transgender woman. I use female pronouns to describe
6 myself. My identity as a transgender woman in all-male prisons affects my interactions
7 with other incarcerated people and custody staff. The name I go by in prison is [REDACTED].
8 I am currently receiving hormone treatment. When I was at LAC, at one point, I was told
9 that transgender individuals were not allowed to be housed there, even if they have family
10 nearby. My grandmother, who just passed away in January of this year, lived near LAC
11 and would visit me, and my sisters also live near LAC. Because of this, at one point when
12 I was at LAC, I had to stop taking my hormones for a period, because staff were
13 threatening to move me away from LAC because I am transgender. However, I was able
14 to restart my hormones after a few weeks.

15 7. I was housed at LAC from August 26, 2015 to December 30, 2019.

16 8. During my time at LAC, I was housed in the following locations: D-Yard,
17 Building 2 and C-Yard, Building 5. I was at the EOP level of care the entire time I was at
18 LAC, except when I was in the MHCB there.

19 9. I was a victim of a severe staff assault at LAC on December 15, 2019. The
20 assault took place inside and just outside the MHCB unit there.

21 10. In the days leading up to the assault, I was not feeling like myself. I had an
22 unexpected surge of adrenaline. Although I was feeling really good, I was manic. I did
23 not sleep for three days. I had more energy than I knew what do with. I was extremely
24 talkative. I was very intense, and all my senses were heightened. I had pressured speech
25 and needed to be frequently redirected. When I was asked questions, my responses started
26 to become tangential and people were struggling to understand me and communicate with
27 me. My responses would be circular and difficult to follow. I was not behaving like my
28 normal self.

1 11. About a day before I went to the crisis bed, my cell mate moved to another
2 cell because it was so difficult to be in the same cell as me. That night, I was ranting and
3 raving and throwing away my belongings, cleaning out the cell.

4 12. The next morning, on approximately the third day of the mania, staff came to
5 give me my medication in the morning and again at noon. At some point, custody staff
6 and the nurse came to get me to take me to the Program Office to see my primary clinician.
7 I did not want to go, because I felt at the time I was doing fine, but staff threatened to cell
8 extract me, so I agreed to go. Once I was in the Program Office holding cell, I waited for a
9 while, and then my clinician finally came, along with her supervisor. They spoke with me
10 a while and then told me I was going to the crisis beds. They did not give me a choice.

11 13. Custody staff then escorted me to the Correctional Treatment Center
12 (“CTC”), a central medical building at LAC where the crisis beds are located. I spent my
13 first few days in the MHCB being observed and evaluated. For the first few days, I was
14 still struggling with my mental health and did not understand that I needed to be in the
15 MHCB. I did not want to be there. I wanted to return to my cell in D-Yard, Building 2.

16 14. At the time, my perception was somewhat distorted, and the MHCB unit
17 appeared to me to be the same as a segregation unit. I struggled to understand that it was
18 an MHCB. It did not look like a hospital to me at the time – it looked like an
19 Administrative Segregation Unit (“ASU”). For example, right outside my door, there was
20 an emergency gurney and ankle chains and cuffs hanging on the wall. During this time
21 period, a mental health clinician was repeatedly trying to get me to take my mental health
22 medications, but I was refusing. The psychiatrist was trying to change my medications,
23 and he was insisting that I was going to have to take my medication whether I wanted to or
24 not.

25 15. On the morning of December 15, 2019, around 7:30 a.m., I was talking to a
26 psychologist named Mrs. [REDACTED]. She was very nice. After meeting with her, I was
27 being escorted out of the treatment room, getting ready to go back to my cell. A female
28 Sergeant named [REDACTED] came up to me and spoke with me. I told her, “This is not a

1 hospital, this is a prison.” We talked some more, and for some reason she called for
2 additional officers, and I started walking to the back of the hallway, away from my cell.

3 16. I had been assaulted in the past by officers at other prisons and I was getting
4 more and more paranoid because she kept calling for additional officers. I was very scared
5 as additional officers came into the area, filling the space that was between my cell and the
6 treatment room. It seemed like they were gathering up to beat me for no reason. I went
7 the other way because there were so many officers and I was afraid. After a few minutes, I
8 panicked and hit the fire alarm on the wall next to where I was standing, and the alarm
9 went off.

10 17. There was a fire door next to me in the hallway. I was so scared I tried to go
11 out the door. However, I could not get out the exit door, because it would not open, so I
12 bolted forward toward a different door to the left. There was an officer there who put me
13 to the floor. I accidentally hit my head on a table and a chair as I was being taken to the
14 floor. I was bleeding from hitting my head as a result. At this point I was under control,
15 and the staff should have just cuffed me up.

16 18. However, even though I was on the ground, injured, and not resisting, the
17 Sergeant unloaded a whole can of pepper spray all over my body and face. Then
18 additional custody staff came in and kicked me and beat me. The nurses were present at
19 this time, which I believe limited how rough the officers were with me. They put me in
20 handcuffs and leg irons, and then the officers opened the door and dragged me out on my
21 stomach onto the concrete outside the MHC. I still have scars from being dragged out
22 into the sun.

23 19. Next, they had the nurses go back inside, and then the correctional officers
24 beat me once again. They beat me for a few minutes. I believe I was hit a couple of dozen
25 times. There was no reason for them to use force at that time. I was not resisting. I was
26 handcuffed and I had shackles on my legs.

27 20. Then they left me laying out in the hot sun on hot concrete. Even though it
28 was December, it was hot in the area where they had me, and the pepper spray the officer

1 had used had not properly been removed and was burning my skin. At no point before I
2 was sent to the hospital, did custody staff allow the nursing staff to evaluate me and assess
3 my injuries. They sent the nurses inside and shut the door.

4 21. Eventually I was placed into an ambulance to go to an outside hospital. It
5 took around 45 minutes for the staff to get me taken to the hospital.

6 22. After they use pepper spray on someone, they are supposed to let you shower
7 to wash off the pepper spray. However, custody staff did not allow me to shower or wash
8 off the pepper spray after the incident. At one point, a nurse threw a small cup of water in
9 my face, which was an act of kindness. It helped, but it did not remove most of the pepper
10 spray from my face and body. Normally, to decontaminate someone, they need to be put
11 them into a shower for several minutes. This never took place when I was assaulted.
12 When I was in the ambulance, the officers were running their hot flashlights up and down
13 my legs, which made the pepper spray burn me.

14 23. The ambulance took me to the Emergency Room at Antelope Valley
15 Hospital. At the hospital, they cleaned up my injuries and used medical glue to bind up
16 my wounds. The did not treat the cuts on my stomach, which left scars. I am told they
17 performed a CT scan of my head and took x-rays, but I have no memory of this.

18 24. At the time, I was in a state of disgust. I felt really bad. I felt like there was
19 no hope. I was shocked that the medical staff did not have the ability to override custody
20 or to stop them from beating up me and other patients, especially in a medical unit.

21 25. I had been beaten by officers savagely on three different occasions at
22 different prisons before I came to LAC. I believe that I am targeted for abuse by custody
23 because I am in the EOP program and because I am a transgender woman. I was the only
24 transgender woman at LAC at the time of these events.

25 26. I returned from the hospital to the MHCB at LAC later that evening. I
26 remained in the MHCB at LAC for around two weeks before being sent to the PIP unit at
27 CMF, on or around December 30, 2019.

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1 27. Although I was in the PIP for two months, eventually I was sent to SAC to
2 the EOP. SAC is a Level IV 180-degree prison, which is a harsh environment. Because of
3 the assault, I have been sent away from LAC, which is very near my large family. During
4 the time I have been up North in the CMF PIP and at SAC, I have lost two family
5 members, my aunt and grandmother, who were close by me when I was at LAC. Indeed, I
6 only agreed to leave the PIP at CMF because I was promised that I would be able to go
7 back to LAC.

8 28. Instead of sending me back to LAC, I was sent to SAC, where I am not
9 receiving the treatment I believe I need. I believe I need to go back to the PIP program at
10 CMF. I am not getting much treatment in this EOP program. Especially because of the
11 COVID-19 restrictions, we receive only minimal mental health care. We get pre-printed
12 handouts and clinicians mostly come to our cell-front to speak with us. I have been called
13 out only a few times to speak to my clinician. However, I believe I need an inpatient level
14 of mental health care, in part to deal with the trauma I experienced during the staff assault
15 on me at LAC.

16 29. I received a Rules Violation Report (“RVR”) for “Battery on a Peace
17 Officer” in connection with the events at LAC. I did not assault anyone. I do not think the
18 RVR was fair. Although I disobeyed staff’s orders and argued with them, I did not
19 physically assault staff. I also did not fight back when they assaulted me.

20 30. A mental health clinician evaluated me in connection with the RVR. My
21 understanding is that the doctors felt the incident was due to my mental health issues and
22 that an RVR should not have been written. The RVR was heard by staff at CMF and they
23 found me guilty. The Hearing Officer at CMF told me that if you step in the direction of
24 an officer, even if it is from 30 or 40 feet away, that is an assault.

25 31. I did not file a grievance about being beat up at LAC. In part, I wanted to go
26 back to LAC so I could be close to my family. I do not get any visits from my family up
27 here at SAC. I would have gone back so that I can have visits and a close relationship with
28

1 my family. I also felt like the grievance would have been rejected and would not have
2 made any difference.

3 32. To my knowledge, there has never been an investigation into the assault on
4 me in the MHCB at LAC. My cellie at the time heard about my beating, which means that
5 nurses and staff talked about it at the time. There should have been an investigation into
6 the way I was beat up.

7 33. I am told I am going to Court in July. I do not know what I am going to
8 Court for, but I am concerned it is related to this incident. I am afraid that to cover their
9 tracks, the officers may have referred me for a criminal prosecution.

10 34. I sometimes struggle with self-esteem issues. I sometimes feel that maybe I
11 did something to deserve the assault. But I also know that no one deserves to be assaulted.
12 I try to be respectful and kind to everyone because I am transgender and I know I am at
13 risk. I find it hard to understand that I get assaulted here in prison for nothing. I stay in
14 my cell most of the time and keep to myself. I am polite and respectful.

15 35. I am really amazed that custody staff have so little accountability. They do
16 what they want to do.

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1 36. In my time at LAC, there were many times that I needed help but didn't ask
2 for it because I was afraid of what would happen to me. I would go without rather than ask
3 staff for help. I know that staff at LAC often abuse some EOP patients. I believe staff
4 target vulnerable people, and that as a transgender woman, I am vulnerable.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct, and that this declaration is executed at Folsom,
7 California this 14th day of May, 2020.

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On May 14, 2020, due to the closure of California State Prison-Sacramento in light of the COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of the declaration were true and correct. [REDACTED] also orally granted me permission to affix her signature to the declaration and to file the declaration in this matter.

DATED: May 14, 2020



Thomas Nolan

EXHIBIT 30

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Los Angeles County (“LAC”) in Facility D in Building 3. I am 58 years old.

3. I have been housed on D-Yard at LAC since November 18, 2019. Before moving to D-Yard, I was on B-Yard at LAC. All of D-Yard at LAC is housing for Enhanced Outpatient Program (“EOP”) level of care individuals in the mental health program.

4. I am an *Armstrong* class member. I use a cane. I have a mobility vest and a disability code of DLT, which means I need to be housed on a lower tier, and in an environment where there are fewer than six steps.

5. I am also a *Coleman* class member. I am currently at the EOP level of care. EOP patients live in specialized housing units along with other EOP patients and are supposed to receive about 10 hours a week of therapeutic mental health groups.

6. I struggle with depression and anxiety. When I am having a hard time, I sometimes become suicidal because I feel hopeless and alone. When I reach out to others it helps me with those feelings.

7. The staff misconduct against me that is described below took place on B-Yard at LAC, in Building 1 on November 9, 2019. At that time I was at a lower level of mental health care called Correctional Clinical Case Management System (“CCCMS”). After the incident of staff misconduct on November 9, 2019, my mental health deteriorated and I went initially to a Mental Health Crisis Bed (“MHCB”) on November 13, 2019. I remained in the MHCB on suicide watch from November 13, 2019 to November 18, 2019. When I left the crisis bed on November 18, 2019, I was sent to the EOP program on D-Yard at LAC.

1 8. I have a few serious medical conditions. I have a thyroid problem that I take
2 medication for, and I have Hepatitis C.

3 9. On Saturday, November 9, 2019, at approximately 2:00 p.m., I went into B-
4 Yard, Building 1 to get some food from another incarcerated individual. When leaving the
5 building I was stopped by two officers: Officers ██████ and ██████. They asked me why
6 I was in the building, and told me they wanted to search me. I said that I was getting some
7 food from another individual. I also agreed to be searched, saying, “No problem.” They
8 took me to the B-1 sally port to conduct the search. As Officer ██████ and Officer
9 ██████ began searching me, I reached with my left hand up under my loose shirt at my
10 back pocket in order to take out my glasses, which I had stuffed in a pocket.

11 10. As I reached to get my glasses, Officer ██████ suddenly grabbed my left
12 hand and threw me to the ground. As I was knocked to the ground, Officer ██████
13 punched me in the face multiple times, knocking me out. I am not sure exactly how long I
14 blacked out, but I believe I was unconscious for approximately 40 to 50 seconds.

15 11. When I came to, I saw that the door to the sally port was locked. Officer
16 ██████ proceeded to hit me several more times and told me to “shut the fuck up” when I
17 cried out in pain. At this moment, I was shocked by what had happened, and I was afraid
18 that the beating would continue. However, the tower officer opened the door to the sally
19 port, and when other officers walked in through door, the beating stopped.

20 12. Shortly after the beating, Officer ██████ cuffed me up and then brought me to
21 the B-Yard gym, where I was placed into a holding cage. Approximately an hour and a
22 half later, Lieutenant ██████ came in with a nurse and took pictures of my injuries as the
23 nurse assessed me. The nurse described my injuries. She did not clean up the wounds. I
24 never saw a doctor. My face was bleeding at the time. My understanding is that Officer
25 ██████ had blood on his clothes after the beating.

26 13. After this nurse assessment, I was taken back to my cell. I was dazed from
27 the beating that day and my confusion continued for the next few days. Over the following
28 days, I suffered from dizziness, headaches, and extreme sensitivity to light. I believe that I

1 sustained a concussion as a result of the incident. These symptoms lasted about five or six
2 days.

3 14. On November 11, 2019, two days after the incident, I filed a 7362 medical
4 request form asking to see a doctor due to my injuries, which were still bothering me. In
5 response to this request, I was seen by medical staff on November 13, 2019. I was taken to
6 the Treatment and Triage Area (“TTA”), a clinic area in the prison, where I told medical
7 staff that I had been beaten up by Officer [REDACTED] and that I had sustained multiple facial
8 abrasions from the assault. I also told medical staff that I had lost consciousness as a result
9 of the incident and was still suffering from blurred vision, confusion, slurred speech and
10 constant pain on the left side of my face. I was given an x-ray. Fortunately, the x-ray
11 results, received later that day, documented that I had no facial fractures from the incident.
12 I was relieved that the bones in my face were not broken. I felt lucky I had not been more
13 seriously injured.

14 15. During these evaluations, I told nursing staff members that I would not go
15 back to the yard because I feared for my safety after the assault.

16 16. I was then taken to the Program Office on B-Yard and from there to the B-
17 Yard gym, where I was placed in a holding cage. While in the holding cage, I was
18 evaluated by mental health staff, who placed me on suicide watch and then admitted me
19 into a MHCB.

20 17. While I was waiting in a gym holding cage to be taken to the MHCB unit,
21 Officers [REDACTED] and [REDACTED] came up to my holding cage, flashed a flashlight in my face,
22 and told me, “That’s what you get, [REDACTED].” I believe they were there to antagonize me and
23 to make me feel bad for no reason. Even the officer who was watching me for suicide
24 watch in the gym seemed annoyed by these officers’ actions, and said to the officers,
25 “What did you guys even come in here for, anyway?”

26 18. I spent the next six days in the MHCB unit before I was discharged to D-
27 Yard to the EOP program. Before this incident, I had been successfully programming at a
28 lower level of care for my mental health issues – the CCCMS level of care. I had been

1 CCCMS for three years, and I was approved to transfer to A-Yard at LAC, the “Honor
2 Yard,” which has a lot of positive programs that would have helped me when I go to the
3 Board of Parole Hearings in December 2020. Because of the assault and my resulting
4 mental health decompensation, I had to go to the EOP Yard instead, which has much less
5 of the kind of programming the parole board likes to see on your record.

6 19. I have also witnessed staff engage in misconduct against other people at
7 LAC since I have been in the EOP Program on D-Yard in Building 3. I saw two staff
8 assaults and one incident where officers released two incarcerated individuals from their
9 cells who beat up a third incarcerated individual.

10 20. The first incident I observed involved an incarcerated person named
11 Prisoner A. The incident took place on or around December 14, 2019. At the time,
12 Prisoner A was coming back from work. It was around 11:00 in the morning. He
13 approached the podium. There was some kind of argument with him and the officers at the
14 podium. An officer started to cuff Prisoner A, but then Officer ██████ told the other
15 officer not to cuff him. Officer ██████ then grabbed Prisoner A and put his hands
16 behind his back. Then, with the other officer, he marched Prisoner A around the unit.

17 21. When they got over to the area near Prisoner A’s cell, they stopped by the
18 bottom of the stairs and started punching Prisoner A. Prisoner A did not appear to be
19 resisting at all. Officer ██████ then picked up Prisoner A and slammed him on the
20 ground hard. Officer ██████ then punched him in the face and the other officer hit him
21 with a stick. Prisoner A was not resisting. The officers did not use pepper spray on him.
22 A third officer in the unit, a female officer, did not participate in the beating but observed
23 the incident. Prisoner A was taken out of the side door after the incident, so I was not able
24 to observe his injuries.

25 22. The second incident took place on or around December 25 and 26, 2019.
26 Starting on Christmas Eve, Prisoner B was clearly struggling with mental health issues and
27 was ranting and raving. He was yelling obscenities out of his cell door. On Christmas day
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1 or the day after, staff removed him from his cell and took him to the infirmary, or the
2 “CTC,” where my understanding is that he was given a shot which calmed him down.

3 23. On the next day, however, Prisoner B seemed to decompensate again and
4 started calling Officer [REDACTED] a child molester. At that time, around dinner time or just
5 after chow, I observed that two incarcerated persons were released from Cell [REDACTED] in our
6 housing unit, D-Yard, Building 3. The two individuals went and had a discussion with
7 Officer [REDACTED] who was up in the tower. After the discussion, Officer [REDACTED] opened
8 up Cell [REDACTED], which was Prisoner B’s cell. At that time, the two individuals who had been
9 let out of Cell [REDACTED], went and attacked Prisoner B. I was in my cell, Cell [REDACTED], about 10 feet
10 from the incident, and I had a clear view of what took place.

11 24. The attack started just outside Prisoner B’s cell once the door was opened,
12 and the two incarcerated individuals dragged Prisoner B into the middle of the dayroom
13 floor. They beat him for about 3-4 minutes before the officers in the unit sounded an
14 alarm. When Prisoner B left the building, there was blood on his face. He did not come
15 back to the building until more than a month later, but the inmates who beat him up were
16 not removed. One of the two is still here, and the other one transferred to another
17 institution about a month later.

18 25. I am not able to think of any reason why the unit staff would have opened
19 Prisoner B’s door at that time, so I assume he was being set up for an assault. There were
20 no floor officers in the building at that time, which was just after chow. At that time, the
21 floor officers were in the Program Office having a daily meeting.

22 26. After the incident the officers handcuffed the two incarcerated persons who
23 attacked Prisoner B. Then Officer [REDACTED] told them to uncuff one of the two attackers.

24 27. The third incident took place sometime in December. I am not certain of the
25 exact date. The name of the individual who was assaulted was Mr. [REDACTED]. The officers
26 involved were Officers [REDACTED] and [REDACTED]. At the time of the incident, the officers had
27 recalled the dayroom. But Mr. [REDACTED] was slow in returning to his cell. He went and
28

1 got on the phone, which was cut off at the time. At the time, Mr. [REDACTED] seemed to be
2 struggling with his mental health issues.

3 28. I was in my cell at the time, looking out the door. These incidents happened
4 in front of me. I had a clear, unobstructed view across the dayroom to where they took
5 place.

6 29. The officers went to Mr. [REDACTED]'s cell and searched his cell. They took
7 most of his property in a bag from the cell, and threw it all into a garbage can. At that
8 time, the porter retrieved the garbage bag. Next, Mr. [REDACTED] grabbed the bag out of the
9 hands of the porter, and started to take the bag to his cell. He was stopped by Officers
10 [REDACTED] and [REDACTED], who told him to give the bag back. They took the bag out of Mr.
11 [REDACTED]'s hands, and punches got thrown. Officer [REDACTED] hit Mr. [REDACTED] in the back
12 of the head with a flashlight, and Mr. [REDACTED] went down on his face. At that time, the
13 two officers jumped on him and beat him viciously. I believe that he was harassed and
14 assaulted just because he was slow in returning to his cell.

15 30. Experiencing staff assault and observing staff assaults against others makes
16 me scared to leave my cell. As a mental health patient, it is important for me to leave my
17 cell and participate in programs. If I do not go to my groups and treatment, my mental
18 health gets worse and I get depressed and isolate myself.

19 31. I do go to groups and to yard at this time, but I have a lot of anxiety every
20 time I leave my cell.

21 32. I also have no idea what I did that provoked the staff misconduct against me.
22 It makes me anxious I am going to accidentally do something again that results in me
23 being beat up by custody officers. These assaults have definitely exacerbated my mental
24 health problems and significantly raised my anxiety. I also spend more time in my cell
25 than I would otherwise because of the assaults I have experienced and witnessed.

26 33. I am also going to the Board of Parole Hearings ("BPH") for parole
27 consideration in December 2020. In general, having a Rules Violation Report ("RVR") on
28 your prison record makes it unlikely you will get released, unless you have several clear

1 years on your prison record with no further violations. Prior to when I was assaulted by
2 staff, my last RVR was in February 2017 for refusing a urinalysis test, and in my entire
3 time in prison since 1992, I have never had any record of disciplinary actions for fighting
4 or staff assaults.

5 34. After I was assaulted on B-Yard, I was charged with “Resisting Staff.”
6 However I did not resist. The RVR, if it is confirmed, will almost certainly make it much
7 harder for me to secure a grant of parole when I go to the Board of Parole Hearings this
8 year. The RVR has not yet resulted in a hearing. That is very unusual, given that the
9 incident took place nearly six months ago. I was also never taken to Administrative
10 Segregation.

11 35. The attacks also make me reluctant to ask for help from custody staff. I will
12 ask my psychiatric technician for help sometimes, but there are limits to how much and
13 how many ways he can help. For example, custody staff destroyed my property. I was
14 “rolled up” on November 13, 2019 when I was on B-Yard, and after my stay in the
15 MHCB, I asked for my property. They could not locate my property so I filed a 602. My
16 602 was answered. Staff said I was misusing the 602 process in the response.

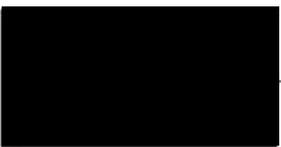
17 36. But after getting the appeal response, I was called to Receiving and Release
18 (“R&R”), which is an area of the prison that processes new arrivals. I was sent there to
19 pick up my property, in mid-January. When I went to R&R to retrieve my property, many
20 things were missing from it, including my television, my personal clothing, my CDs, and
21 my headphones. I believe this was done in retaliation. My prescribed durable medical
22 equipment (“DME”) of orthotic tennis shoes was also missing.

23 37. I still see the officers that were involved in the staff misconduct on D-Yard,
24 Building 3, with the exception of Officer [REDACTED].

25 38. In my opinion, staff target people with disabilities for attack. I believe they
26 attack the EOPs because they can be difficult to manage, and the custody staff do not have
27 any coping skills to help mentally ill people who are struggling. I also think the people
28 they attack are vulnerable – they are not part of any gang, and they are not protected in any

1 way. I believe that custody staff think they can get away with attacking people with
2 disabilities and mental illness because no one will defend them and they think no one will
3 believe them.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
6 California this 22nd day of April, 2020.



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10 On April 22, 2020, due to the closure of California State Prison-Los Angeles
11 County in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
13 declaration, verbatim, to [REDACTED], by telephone. [REDACTED] orally confirmed that
14 the contents of the declaration were true and correct. [REDACTED] also orally granted me
15 permission to affix his signature to the declaration and to file the declaration in this matter.
16

17 DATED: April 22, 2020

18 
19 Thomas Nolan

EXHIBIT 31

1 6. When I am struggling with my mental health issues, I tend to struggle with
2 anxiety and paranoia. Since I was beaten up at LAC, I have also struggled with Post
3 Traumatic Stress Disorder (“PTSD”). Sometimes I also get depressed and at times I have
4 been suicidal. The assaults on me when I was at LAC have made my mental health
5 worsen.

6 7. I also have a number of serious medical conditions. I have a seizure disorder,
7 and I suffer with chronic back pain. I also have asthma, angina, neuropathy, and high
8 blood pressure. I am classified as high risk medical. During the time I was at LAC, my
9 medical issues were similar. During the time I was at LAC, I also had disability-related
10 incontinence, but that has improved since then. When I was at LAC, I struggled to get the
11 supplies I needed for my incontinence.

12 8. I was housed at LAC from May 2, 2017 through December 22, 2018, when I
13 was transferred to SVSP.

14 9. I was a victim of staff misconduct at LAC.

15 10. Starting in late July of 2018, Officer ██████ in the C-Yard, Building 5 Unit
16 threatened me for a whole month. At the time, I had a number of missing teeth which the
17 dentist had pulled. Officer ██████ told me he was going to knock the rest of my teeth
18 out. I am not sure why he disliked me, but I believe that he might have been mad that I
19 went out of bounds sometimes. He also seemed to dislike EOP patients and individuals
20 with disabilities in general.

21 11. On August 23, 2018, I was at the medication window to pick up my
22 medications, and Officer ██████ told me to go back to my cell. He asked me to walk
23 back to my cell, so I turned around to walk back with him. During this process, I pulled
24 away from Officer ██████ as he moved to grab me by the elbow. He later claimed that
25 that I had hit him on the upper arm on his shoulder. That is false. However, even in his
26 written account of the incident, there is no claim that I intentionally hit him. As I pulled
27 away from him, he yelled out, “Assault on Staff,” and then he punched me in the face, and
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1 tackled me to the ground. I was stunned and shocked by the assault, which was totally
2 unexpected, and the side of my face was in bad pain.

3 12. I landed on my stomach. I was especially shocked because I was using a
4 cane at the time, and was clearly not a threat to him or anyone.

5 13. In the Rules Violation Report (“RVR”) he subsequently gave me in
6 connection with the incident, Officer [REDACTED] admitted to punching me in the face and
7 tackling me to the ground. However, as noted, he also falsely claimed that I had struck
8 him on the left shoulder with my right hand as I was pulling away from him. This never
9 took place. At the time of the alleged assault, I was wearing an ace bandage on my right
10 elbow, which would have prevented me from extending my right arm in the manner he
11 alleged.

12 14. As a result of this false report, I was written up for “Battery on a Peace
13 Officer” and taken to the EOP Administrative Segregation Unit, on D-Yard in Building 5.
14 I was upset and had a hard time understanding how I could be assaulted for no reason and
15 then get punished for it. I was ultimately found guilty of the RVR for “Battery on a Peace
16 Officer,” and I lost good time credits in connection with the incident. I believe I lost
17 approximately 11 months of good time. The charge was also referred to the local district
18 attorney, who rejected the referral and declined to press charges. I was also given a
19 Security Housing Unit (“SHU”) term, which is a punishment term in a segregation unit,
20 which I ultimately served in the EOP ASU unit at LAC.

21 15. Officer Chirinos has a history of beating up and harassing incarcerated
22 individuals, especially EOPs, individuals with Special Needs Yard (“SNY”) status, which
23 is a protective custody designation, and those with disabilities. I have observed him hit
24 other EOP individuals in the face. I have seen him body slamming EOPs to the ground.
25 Generally, he always acted like an enforcer who would beat people up for trivial reasons or
26 for none at all.

27 16. After two days in the EOP ASU, on August 25, 2018, I was severely beaten
28 by first watch officers. At the time, I was asleep in my cell – number [REDACTED].

1 17. Earlier that night, at around 9:00 or 10:00 p.m., I had experienced a seizure,
2 and I requested medical attention. Staff ignored me, so I took the sheet from my bed and
3 covered up the window to my cell. Staff do not allow you to cover up your window, so
4 this was a way of trying to force them to pay attention to me, in the hopes of getting the
5 medical attention that I needed. After I covered the window, a custody officer came by
6 and banged on the cell door, asking me to take down the sheet from my window. I asked
7 the staff member if he was a member of the medical staff and he said no. I responded by
8 saying then I did not want to speak with him, and I ignored his request to take down the
9 sheet. He came by several more times and knocked on my cell door, but no medical staff
10 ever came.

11 18. I had an entertainment tablet at the time, and I was using it and laying on my
12 bunk. I ended up falling asleep. The next thing I remember is that at approximately 5:00
13 a.m., I was awakened by custody staff members who had stormed into my cell with shields
14 and masks – in full riot gear. They jumped on my bunk and on my back. They were
15 punching me in the head and kneeing me in the back. As they were cuffing me up, they
16 put their full weight on my back with their knees digging into my back and my buttocks. It
17 was extremely painful. I had a prior fracture to my back in the lower lumbar, and the
18 attack greatly aggravated my prior injury. The attack was painful all by itself too. Next,
19 they cuffed me up and dragged me out of the cell and put me on a gurney. They cursed at
20 me for the entire time. One of them said, “This is for [REDACTED],” and someone also said,
21 “Don’t mess with first watch.”

22 19. After the attack they took me in an emergency transport vehicle to the
23 Treatment and Triage Area (“TTA”), a medical clinic in the center of the institution. At
24 the TTA, medical staff examined me. Then they sent me back to my cell after an
25 examination. The following day, I filed a form 7362 medical request form asking to be
26 seen for the injuries and pain I was experiencing from the assault. After another day, on
27 August 27, 2018, I was having chest pain. I have angina, and this was likely aggravated by
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1 the assault. After I reported chest pain, I was sent out to the local hospital, and found to be
2 in stable condition and returned to the prison.

3 20. Due to my injuries, following this attack, I needed a wheelchair in addition
4 to the cane I already had at the time. I had pre-existing back problems, but these were
5 made worse by the attack. In the period after the incident, I was initially given a
6 temporary loaner wheelchair. I subsequently asked for a permanent wheelchair and other
7 assistive devices in a CDCR Form 1824 "Request For Reasonable Accommodation." That
8 form is the ADA grievance form for the CDCR. My appeal was given Log Number D-18-
9 [REDACTED].

10 21. In response to my ADA grievance, I was provided with dentures and a
11 helmet for my seizures. However, Dr. [REDACTED] denied most of my other requests. Instead of
12 a wheelchair, I was given a walker. My appeal was also treated as a staff misconduct
13 complaint. The CDCR panel of custody, medical, and mental health staff that answered
14 my grievance is called the Reasonable Accommodation Panel ("RAP"). They rejected my
15 appeal because the RAP claimed, "there is not nexus [sic] to your disability."

16 22. In connection with the staff assault in the EOP ASU, there was no RVR
17 issued to me, and as far as I am aware, no incident reports were written, which is a serious
18 violation of CDCR policy. My understanding is that there is a note in my medical file that
19 indicates medical responded to an alarm at my cell, and related documentation of a
20 medical response to my cell on the morning in question.

21 23. I reported the beating in ASU in a 602 appeal. I was given a videotape
22 interview a few weeks after the incident, and a Lieutenant interviewed me about the
23 assault. I never heard anything more about the issue or the investigation.

24 24. After about four months, my SHU term was suspended, and on
25 December 22, 2018, I was transferred to SVSP.

26 25. In my time at LAC, there have been a number times that I needed help but
27 didn't ask for it because I was afraid of what would happen to me. For example, after the
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1 assaults, I would not ask for pain medication that I needed because I was afraid staff would
2 retaliate against me in some way.

3 26. In my opinion, some staff members at LAC, such as Officer [REDACTED], tend to
4 target EOPs and people with disabilities with staff misconduct. I do not know why they do
5 that. They seemed to be able to get away with it. In fact, Officer [REDACTED] was the acting
6 Sergeant for the C-Yard, Building 5 unit when I was housed there.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct, and that this declaration is executed at Soledad,
9 California, this 15th day of May, 2020.

10
11 [REDACTED]
12 _____
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14 On May 15, 2020, due to the closure of Salinas Valley State Prison in light of the
15 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
16 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to
17 [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of
18 the declaration were true and correct. [REDACTED] also orally granted me permission
19 to affix his signature to the declaration and to file the declaration in this matter.

20
21 DATED: May 15, 2020

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23 _____
24 Thomas Nolan

EXHIBIT 32

1 this wound changed every day. My CDCR physician has prescribed a daily wound
2 treatment. At the time in question, Nurse [REDACTED] had called second watch officers asking
3 them to transport me to the TTA for my wound care. Officer [REDACTED], who was the
4 weekend transport officer, said she would not have time to escort me, and said that third
5 watch officers would have to do the job.

6 9. However, the third watch Officers on duty that day, including Officer [REDACTED],
7 Officer [REDACTED], Officer [REDACTED], and Officer [REDACTED], all refused to transport me. They
8 simply did not want to take care of my issues. At around 6:00 p.m., I tried to explain to
9 them that my wound care is very important and that I need it daily. I told the staff on duty
10 that if my wound becomes infected and causes me more pain, then I would rather die. I
11 then asked to speak with Sergeant [REDACTED] or a member of mental health staff, because I
12 thought they may be more sympathetic to me. The officers ignored my request and just
13 walked away. They did not give any indication that they would help me.

14 10. And, in fact, no one from mental health came to see me. I waited for twenty
15 to thirty minutes, until Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], and Officer [REDACTED]
16 approached my cell again. They ordered me to cuff up and I complied. Because I had said
17 that I would rather die than continue to be in pain, the officers were escorting me to the
18 holding tank to put me on suicide watch. Before we reached the holding tank, they told me
19 to strip down and take off all my clothes, which is standard protocol when someone is put
20 on suicide watch. However, the officers also told me that they were going to send all of
21 my property to Receiving and Release ("R & R"). I believed the officers were not
22 authorized to do this because a psychologist had not yet evaluated my mental health to
23 determine whether I was a danger to myself and needed all of my belongings taken out of
24 my cell. I felt like the officers were purposefully harassing me and so after I got inside the
25 holding tank, I refused to strip down.

26 11. Officers [REDACTED] and [REDACTED] then went to my cell and rolled up all my
27 property. During this time, I kept yelling for the Sergeant and mental health staff, but no
28 one came to my rescue.

1 12. Next, all four of the officers entered the holding tank with their shields. I
2 covered my head with my arms to protect myself from them hitting me with their shields.
3 Officer [REDACTED], out of nowhere, beat me with his expansion baton, striking me twice on the
4 head. As a result of the blows, my head was bleeding profusely. Officer [REDACTED] then tried
5 to pull me down onto the bench in the holding tank. I was so angry and upset that I had
6 been attacked for no reason, especially when I was already in pain and feeling suicidal,
7 that I lashed out against Officer [REDACTED]. I grabbed the side of his head and poked him in
8 his eye, pulling his head around.

9 13. Officer [REDACTED] then pulled me down to the bench, and then I elbowed him,
10 still trying to fight back. Another officer forcefully hit me with his shield and applied
11 pressure. There was so much pressure put on my head from the shield that it cut into my
12 skin. I was bleeding so much that the blood was all over the bench. Officer [REDACTED] then
13 beat me on the leg with his baton.

14 14. Next, they dragged me out of the holding tank and placed me on to a gurney.
15 While I was in the hallway, getting on the gurney, Officer [REDACTED] was yelling at me, “you
16 fucking child molester; you’re fucking sick.” I believe Officer [REDACTED] was putting me in
17 direct danger because custody staff know that other incarcerated people extort, attack,
18 rape, and murder sex offenders in prison.

19 15. It is also mandatory that when officers are using force against an incarcerated
20 person, a Sergeant is meant to be present and videotape the incident. No Sergeant was
21 there to do that and so custody officers were able to attack me without any consequences.

22 16. Nurse [REDACTED] evaluated my injuries at the TTA and I was taken to an outside
23 hospital around 9:00 p.m.. I required about 9 stitches to my head from this incident. The
24 doctors also conducted x-rays for my chest, head, neck, both of my wrists, my right leg,
25 elbow, and left shoulder.

26 17. I returned to LAC from the outside hospital at around 3:00 a.m. the
27 following morning. Once I received my property, I discovered that Officers [REDACTED],
28 [REDACTED], [REDACTED], and [REDACTED] had thrown away some of it. They had thrown away my

1 watch, some of my clothing, and a precious photo of my parents, the only one that I had in
2 my possession.

3 18. I have not yet filed a 602 about this incident, but I plan to in order to file my
4 own individual lawsuit against the officers.

5 19. I was charged with a Rules Violation Report (“RVR”) for Battery on a Peace
6 Officer. They falsely accused me of yelling out in the holding tank that, “I have HIV. I’m
7 going to spit my blood at you.” I never said this. I could not even speak during the
8 altercation because they were constantly attacking me with their shields, holding me in
9 place.

10 20. When I returned from the hospital, a Sergeant videotaped my injuries and
11 asked me questions about the incident. It was a very brief interview.

12 21. I was completely shocked and hurt for the way they treated me when I said I
13 was suicidal. I was devastated and depressed. I felt like no one cared any more. I felt like
14 I should not have to live my life like this. This is no way to live a life.

15 22. On January 19, 2020, I was having a medical emergency, coughing up blood
16 in my cell. At approximately noon, a nurse passed by my cell and I told him that I needed
17 urgent medical attention, but no one came to see me. At around 2:00 p.m., I was in
18 extreme pain and distressed that nothing had been done. I then covered up my cell
19 window with a sheet and started to yell “man down” to get the attention of custody staff. I
20 yelled for help for approximately twenty minutes, continuously, but no one came to see
21 me. I then told a custody officer, who was conducting check-ins of people in the ASU,
22 that I was going suicidal because I would rather kill myself than experience this pain.

23 23. Finally, several officers approached my cell window and ordered me to come
24 to my cell door. Because I was in pain, I was lying on my bed at the time and did not get
25 up. I instead asked to speak with a Lieutenant so that I could get urgent medical attention.
26 I believed floor staff would not help me and so I wished to speak with a higher-ranking
27 member of staff.

1 24. When I did not stand up, Officers [REDACTED] and [REDACTED] barged into my cell
2 carrying their shields, followed by Officers [REDACTED] and [REDACTED]. The officers hit me with
3 their shields while I was lying on my bed. Officer [REDACTED] then pulled me off the bed by my
4 feet and threw me to the ground, chest to the floor. They kicked me in the chest multiple
5 times and punched the right side of my face. Officer [REDACTED] punched me in the right side of
6 my head four times. I had my right hand under my chest and the officers were yanking my
7 arms out from under me to handcuff me.

8 25. I didn't understand why they were assaulting me. I was so scared, confused,
9 and angry about being attacked that I attempted to hit Officer [REDACTED], but my hand missed
10 and got caught in the leather part of his key chain when I pulled it back.

11 26. Next, Officer [REDACTED] strapped leg restraints on me, so that I could not kick
12 him. While he was doing this, Officer [REDACTED] was already sitting painfully on my back, so I
13 was not resisting him.

14 27. The officers grabbed me and forced me up. They gripped me hard as we
15 rushed out of the cell. The officers were making me walk so fast that I was practically
16 running. I then tripped and fell to the ground. The officers yelled at me to get up, and I
17 tried but I could not stand. Rather than helping me, they dragged me on my stomach about
18 55 feet to a holding cage next to the hallway that leads to staff offices. I had recently
19 undergone surgery to my stomach. The officers didn't care that this meant they were
20 dragging me on my stomach wound. I could later see the dirt from the ground on the
21 bandages of my stomach.

22 28. A nurse catalogued my injuries when I was in the holding cage. The right
23 side of my head and ear were badly bruised. I was bleeding profusely from my right hand,
24 from being dragged on the ground. I had extreme pain in my right leg, thigh, chest, and
25 side from the beatings. They were heavily bruised. The pain in my chest lasted for several
26 weeks after the assault. For a short time after the incident, I also had severe headaches and
27 had difficulty walking.

1 29. I am not sure how long I was in the holding cage before staff took me to the
2 TTA in the Correctional Treatment Center (“CTC”). I was transported in an ambulance to
3 the local hospital, the Palmdale Regional Medical Center, at around 7:00 p.m.. Medical
4 staff at the outside hospital determined that I had a severe case of bronchitis, which had
5 caused me to cough up blood.

6 30. I returned to LAC from the hospital the next day at around 11:00 a.m. Upon
7 my return, I was charged with a RVR for Battery on a Peace Officer.

8 31. On the RVR, the officers falsely reported that I had tried to grab Officer
9 ██████’s baton to strike them, when in reality my hand got caught in his keychain.
10 Custody staff’s batons are expandable. I never would have reached for Officer ██████’s
11 expansion baton, because I have no idea how to use one.

12 32. Lieutenant ██████ saw me before my RVR hearing and told me, “I have
13 evidence according to Officer ██████ that you kicked him in the chest and injured him.” I
14 explained that I could not have kicked an officer when my legs were restrained. I also
15 could not have injured an officer because they wear Kevlar vests, which are strong enough
16 to protect against knives and bullets. Lieutenant ██████ disregarded this and told me, “I
17 have to go against what you said,” because he had incident reports from custody staff that
18 contradicted my account.

19 33. I was found guilty for the false RVR.

20 34. There have been several other times in which I have cried out for staff to
21 help me and they have not cared and have not done anything. Even when they do come,
22 staff often delay in coming to my aid, even in emergency situations. On multiple
23 occasions, I have yelled out that I am suicidal and no one has come.

24 35. In early February 2020, I was experiencing suicidal thoughts. I called out
25 “man down,” but no one came to see me for about fifteen to twenty minutes. After
26 receiving no response, I boarded up in my cell, covering my window with a bedsheet.
27 Third Watch Officers ██████, ██████, ██████ and ██████ finally approached my cell. I told
28 them I was suicidal. One of them reached his hand through the tray slot in the cell door

1 and grabbed the sheet down from the window, pulling it back through the slot. They
2 looked through the tray slot and saw that I was lying in a prone position on the cell floor.
3 They laughed, and then left me alone in my cell, despite the fact that I was saying I wanted
4 to kill myself.

5 36. In my experience, officers often do not check on individuals expressing
6 suicidality during their shift. They leave the job to those officers on the next shift. Third
7 Watch officers appear to be the worst when it comes to responding to incarcerated people
8 who need help. Either some custody staff are lazy or they simply do not care about
9 incarcerated people with mental illnesses. It's their responsibility to make sure they check
10 on people who are feeling suicidal no matter what.

11 37. I still have daily interactions with the officers that were involved in the staff
12 misconduct against me, even after I accused them of staff misconduct. They have received
13 no punishment for their abusive actions and continue to work in the ASU. They treat me
14 like an outsider and do not accommodate me.

15 38. Because of the brutality I have experienced from officers, I do not feel like I
16 can get help related to my disability, mental health, and medical needs from custody staff.
17 When I do ask for assistance, I often have to go to extreme lengths in order to receive it
18 from staff, such as covering up my cell window and yelling out relentlessly for someone to
19 come. I try to avoid interacting with staff when I can, but it is difficult not to because of
20 my disability, mental health, and medical conditions. In the ASU, I am also isolated in my
21 cell for almost the entire day. I cannot rely on other incarcerated people to help get me
22 accommodations, or to communicate with officers on my behalf.

23 39. I continue to file staff complaints because I believe it is necessary to report
24 the assaults incarcerated people, like myself, endure from custody staff. But I am
25 disheartened by the grievance process, because no one believes me when I do report staff
26 misconduct.

27 40. My mental health has worsened each time custody staff have mistreated me,
28 by either physically assaulting me or ignoring my needs.

1 41. In my opinion, a majority of staff target people with disabilities, mental
2 illness, and medical issues with staff misconduct. Custody staff do not believe people with
3 disabilities or mental illness when they say they are experiencing problems. They think we
4 are lying and that we are trying to manipulate them to get something.

5 42. I believe the reason there is so much staff misconduct at LAC is because
6 there are no cameras to reveal what custody staff do to incarcerated people. I also believe
7 that the saying “when the cat’s gone, the mice are out to play” holds true at LAC. Higher
8 level staff do not discipline nor supervise custody staff as they should. As a result, staff
9 feel like they are invincible and they can do whatever they want to people.

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EXHIBIT 33

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Los Angeles County (“LAC”) on B-Yard in Building 5. I have been incarcerated in the CDCR since 1982. I am 58 years old.

3. I am a *Coleman* class member. I am currently at the CCCMS level of mental health care. I am diagnosed with schizoaffective disorder. This causes me to suffer from depression, auditory hallucinations, and paranoia. During my entire time at LAC, I was at the Enhanced Outpatient Program (“EOP”) level of care, up until January 23, 2020, when my mental health treatment team lowered my level of care to CCCMS. CCCMS patients are housed with general population prisoners anywhere in the prison system and receive less frequent groups and clinical contacts than EOP Patients. EOP patients are housed in separate “sheltered” treatment units where they receive more intensive mental health treatment.

4. I have been housed at LAC multiple times over the period of my incarceration. Between June 7, 2017 and the present, I have been housed at LAC for the majority of the time. In the fall of 2018, I spent almost two months at the inpatient psychiatric program at the California Health Care Facility (“CHCF”), a prison in Stockton, California, in order to receive treatment for my mental health symptoms before being transferred back to LAC in late November 2018.

5. During my time at LAC, I have been housed in the following locations: D-Yard, Building 5, which is an EOP Administrative Segregation Unit (“EOP ASU”), D-Yard Buildings 2 and 4, and B-Yard, Building 5.

6. I was a victim of staff misconduct at LAC.

1 7. On the morning of March 13, 2018, I told multiple custody officers in the D-
2 Yard EOP ASU that I was hearing voices and feeling suicidal. I told five different custody
3 officers, but they repeatedly ignored my calls for help. Starting that morning when I first
4 reporting feeling suicidal to custody staff, they were callous towards me. Throughout the
5 day they would make comments like, “If you’re really suicidal, why haven’t you done it
6 yet?”

7 8. Normally, if you tell a member of the custody staff that you are suicidal, they
8 are supposed to call mental health staff immediately and keep an eye on you until mental
9 health staff comes to evaluate you. It was not until 2:30 that afternoon that a member of
10 mental health staff found out I was suicidal, and they did not learn about it from custody
11 staff. Another incarcerated person in my unit told his clinician that I was hearing voices
12 and decompensating. The mental health clinician immediately acted and had a Sergeant
13 place me in a holding cage in the dayroom for my safety. I waited in the cage for about six
14 hours. The cage is smaller in size than a telephone booth. I could not use the bathroom
15 and I had no access to water the entire time I was locked up in the cage. I finally saw a
16 psychologist around 8:00 p.m. I do not know why it took so long for a member of mental
17 health staff to come and evaluate me.

18 9. The psychologist who came to see me spoke with custody staff before
19 talking with me. He then approached me in the holding cage and said that he was sending
20 me back to my cell. I did not even have a chance to explain my mental health symptoms.
21 He would not listen to anything I told him. He was going to send me back to my cell
22 despite the fact that I still wanted to kill myself. Once he left, I felt even more depressed
23 due to the lack of concern from custody and mental health staff. I did not want to live
24 anymore. I realized that I was not going to get any help.

25 10. I then attempted to hang myself in the holding cage. I tore the bottom half of
26 my T-Shirt and looped a piece of cloth through the cage, making a noose around my neck.
27 Other incarcerated people could see me in the holding cage from their cells. There are no
28 windows in the cell doors, but there is a perforated screen that allows incarcerated people

1 to see out to the dayroom. When other people saw that I was hanging in my cell, they
2 started yelling out across the building that I was killing myself. Third Watch Officer
3 [REDACTED] approached my cell and called me “a stupid nigger.” He proceeded to pepper
4 spray me in the face to stop me from hanging myself. My face was burning from the spray
5 and I could not breathe. I do not remember what happened next. I believe Officer
6 [REDACTED] pepper sprayed me until I passed out. The next thing I remember I was outside
7 of the cage lying on the dayroom floor.

8 11. Officers then took me outside to a decontamination shower located directly
9 behind the ASU building. They stuck my head under the water and let me wash my face.
10 Directly after the incident, my mind was not processing things properly. I was not able to
11 focus on anything because my mental state was so deteriorated. I was afraid of the voices
12 in my head. They consumed me. I was placed on suicide watch in alternative housing for
13 one day before being sent to a mental health crisis bed unit, after my mental health
14 symptoms continued to deteriorate.

15 12. My mental health severely worsened after the incident. I was manic and
16 could not sleep. I tried to commit suicide several times afterwards. It took me over three
17 months to become stable again.

18 13. Looking back on the incident now, I feel that Officer [REDACTED] abused me.
19 He took advantage of me because of my weak mental state.

20 14. About two weeks after the incident, I filed a 602 staff misconduct complaint
21 against Officer [REDACTED]. I also filed a 602 health care grievance against the
22 psychologist who evaluated me in the holding cage. No one came to interview me after I
23 filed the 602 staff complaint. I never received a response to either of the grievances I
24 submitted.

25 15. I believe that Officer [REDACTED] never submitted a crime/incident report
26 after he pepper sprayed me. Custody staff are meant to file an incident report every time
27 they use force against an incarcerated person. I filed a third 602 requesting a copy of the
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1 incident report Officer [REDACTED] should have filed. I had previously asked a Sergeant in
2 the ASU to get me a copy, but he never did.

3 16. Two months after I filed the 602, I finally received the incident report. It
4 was completely falsified. Officer [REDACTED] lied in the incident report. He said that
5 when he approached the holding cage, I was attempting to hang myself. He said that when
6 I refused to stop, he pepper sprayed me. In reality, I was already hanging myself with the
7 piece of cloth. Other incarcerated people were yelling out the entire time that I was
8 hanging by my neck in the holding cage. Other responding officers who filed incident
9 reports only mentioned that they saw me in the holding cage after I had been pepper
10 sprayed. Their incident reports also never mentioned that Officer [REDACTED] pepper
11 sprayed me or directed a racial slur against me.

12 17. About a week after receiving the incident report, officers searched my cell in
13 D-Yard, Building 5. When I came back to my cell from yard, all of my legal paperwork
14 relating to this incident was gone. Copies of my 602 staff complaints and the incident
15 report I had just received were gone. I had also compiled about ten witness accounts from
16 people who saw Officer [REDACTED] pepper spray me. These accounts had disappeared
17 from my cell too. I believe custody staff took my legal paperwork in retaliation for
18 reporting what happened to me at the hands of Officer [REDACTED].

19 18. I have spoken with other incarcerated people who have also faced retaliation
20 from custody staff after reporting them. I have heard from other incarcerated people in D-
21 Yard and C-Yard that custody staff pay other incarcerated people to assault those who
22 have filed complaints against them. Staff repay these incarcerated people with property
23 taken from other prisoners that they have problems with.

24 19. In my experience, it is typical behavior of custody staff at LAC to ignore
25 individuals when they report they are suicidal. During my time in the EOP ASU, officers
26 treated everyone who was suicidal the same way that Officer [REDACTED] treated me:
27 abusively. Custody staff do not believe incarcerated people when they express their
28 suicidality. They do not notify mental health staff like they should. I have seen

1 incarcerated people do drastic things to receive mental health care, such as cut themselves,
2 light their cells on fire, and hang themselves with ropes and bedsheets.

3 20. I still had to interact with the officers that were involved in the staff
4 misconduct against me and the brutality that I witnessed, even after they were accused of
5 staff misconduct.

6 21. After the incident with Officer [REDACTED], I did not feel like I could trust
7 custody staff. If I were struggling with my mental health again, I would not tell staff. I
8 have experienced firsthand what happens to someone when they tell staff they are suicidal.
9 Because I do not want to face retaliation from staff, I try to avoid interacting with them as
10 much as possible.

11 22. The incident also made me feel like reporting staff misconduct is pointless,
12 because I faced retaliation from custody staff for reporting Officer [REDACTED]. I
13 sometimes feel like there is nothing incarcerated people can do that will stop staff from
14 abusing us.

15 23. I have also witnessed staff engage in misconduct against other incarcerated
16 people at LAC.

17 24. On the morning of December 3, 2019, I was in my cell on D-Yard, in
18 Building 4. I saw [REDACTED] attempting to speak with Officer [REDACTED], the tower officer,
19 on the dayroom floor near the office building. An officer on the dayroom floor approached
20 Mr. [REDACTED] and ordered him to go back to his cell. I cannot remember this officer's name,
21 but I know it began with the letter "[REDACTED]." From what I could see through my cell, Mr.
22 [REDACTED] either ignored this officer or did not follow his order immediately.

23 25. Suddenly, I saw a second floor officer, Officer [REDACTED], slam Mr. [REDACTED] to
24 the ground. Shortly afterwards, the alarm was sounded. I watched as the first floor officer
25 and Officer [REDACTED] repeatedly kicked and punched Mr. [REDACTED] as he lay on the ground.
26 Mr. [REDACTED] was not physically resisting the officers nor presenting as a threat in any way.
27 During the assault, I saw Officer [REDACTED] accidentally punch the other floor officer as he
28 aimed to strike at Mr. [REDACTED].

1 26. About one to two minutes later, around ten other officers ran into the unit,
2 shackled Mr. [REDACTED] with leg restraints, and dragged him into the sally port, the tunnel-
3 like entrance from the dayroom to the outside. From my vantage point, I could no longer
4 see them. After the officers dragged Mr. [REDACTED] into the sally port, I heard the alarm go
5 off a second time. I heard from the other incarcerated people who had a view of the sally
6 port from their cells that the officers repeatedly beat Mr. [REDACTED]. After this incident, I
7 never saw Mr. [REDACTED] in D-Yard, Building 4 again.

8 27. I was disturbed and incredibly upset by what happened to Mr. [REDACTED]. I felt
9 that it was wrong. It made me think that LAC custody staff are out of control.

10 28. I believe this happened to Mr. [REDACTED] because officers believe they are all-
11 powerful. I understand that we have to follow their orders, but we are human too. We
12 have to be able to have a conversation with custody staff, and this includes voicing our
13 disagreement with them, in order to be able to live somewhat peacefully.

14 29. In my opinion, staff definitely target anyone that they believe to be
15 vulnerable, such as people with mental illness and disabilities. In my experience, staff are
16 sadistic. They enjoy taking advantage of incarcerated people who are struggling and will
17 not fight back. These are incarcerated people with wheelchairs, who are elderly, and who
18 are severely mentally ill. These are the people who cannot fight back because of their
19 physical and mental disabilities.

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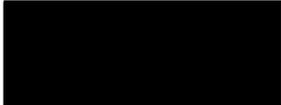
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1 30. I believe the reason there is so much staff misconduct at LAC is because the
2 higher-level administration supports their officers even when they know they did
3 something wrong. They do not provide corrective training to custody staff. They do not
4 discipline them in any way. This lack of action consistently condones and even
5 encourages staff misconduct. The whole system at this prison is corrupt and needs to
6 change immediately.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
9 California this 22nd day of April, 2020.

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On April 22, 2020, due to the closure of California State Prison-Los Angeles
County in light of the COVID-19 pandemic and ongoing concerns that officers might
retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
declaration, verbatim, to [REDACTED] by telephone. [REDACTED] orally confirmed
that the contents of the declaration were true and correct. [REDACTED] also orally
granted me permission to affix his signature to the declaration and to file the declaration in
this matter.

DATED: April 22, 2020

A handwritten signature in black ink, appearing to read "E. Heywood".

Ellie Heywood

EXHIBIT 34

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Los Angeles County (“LAC”) in the “Stand-Alone” Administrative Segregation Unit (“ASU”). I am part of the Short-Term Restricted Housing (“STRH”) program, which is a form of segregation for individuals who are at the Correctional Clinical Case Management System (“CCCMS”) level of mental health care. I am 41 years old.

3. I am an *Armstrong* class member. I am designated as DNH. I have a hearing disability. I use hearing aids in both ears. I also wear glasses. At times, if my hearing aid batteries are not replaced, or when I am in very noisy places, I have difficulty hearing. I have a hearing disability vest to wear if my hearing aids are not working.

4. I am a *Coleman* class member. I receive mental health care at the CCCMS level of care, which means I can be housed on regular CDCR yards and housing units with individuals who do not have any mental health issues. I suffer from depression. I currently take an anti-depressant. If I get very depressed, I tend to sleep a lot and isolate myself in my cell.

5. I have been incarcerated in the CDCR on this term since 2009. I have been at LAC since November 16, 2019. Before coming to LAC, I was at Mule Creek State Prison (“MCSP”). I was sent to LAC last year because of my enemy concerns at MCSP. When I was at MCSP, I was in the protective custody program, which is called SNY status. SNY is an abbreviation for “Special Needs Yard.” I was placed on the SNY yard due to being a gang drop out, and because I am a sex offender.

6. When I arrived at LAC, I was initially housed in the STRH ASU unit due to my enemy concerns here at LAC. At the time, LAC ASU staff did an investigation of my enemy concerns and initially they confirmed them. However, a review of that initial

1 investigation by the Classification Committee concluded the investigation was
2 insufficiently detailed. The Committee ordered a new investigation. The subsequent
3 inquiry concluded that I did not have enemies on C-Yard. I disagreed, and so staff did a
4 third investigation. That investigation also found that I did not have enemies at C-Yard.

5 7. As a result, I was released to C-Yard on December 26, 2019. On that day, I
6 was initially taken to C-Yard. However, after an hour in the Yard Program Office, where I
7 spoke with C-Yard custody staff members, I was sent back to ASU, because I again
8 expressed my enemy concerns. Even though C-Yard at LAC is an SNY yard, there are
9 gang members on that yard who would assault me because I am a gang drop-out. These
10 individuals are ruthless and attack incarcerated individuals who are gang drop outs or who
11 have a sex offense history.

12 8. I returned to ASU for a week, and then LAC released me back to C-Yard
13 once again. I was placed back onto C-Yard on January 2, 2020. At the time, when they
14 removed my cuffs, I got into a fight immediately with an inmate nearby. I intentionally
15 attacked him so that LAC would place me back in the ASU, where I would not be at risk of
16 being attacked by my enemies. I wanted to get off the yard in order to remain safe.

17 9. Next, I was sent back to ASU. On the next day, I went to a Captain's review
18 with C-Yard Captain [REDACTED], and the determination was made that I should be escorted to
19 Building 4 on C-Yard. This took place on January 3, 2020 around 11 a.m.

20 10. At that time, I was escorted to my cell in C-Yard, Building 4 and locked in
21 the cell.

22 11. I was not given any laundry or even basic supplies at the time – no clothing,
23 bedding, mattress or property. I was just left in the cell with a T-Shirt, boxers, and my
24 ADA issued Durable Medical Equipment (“DME”), which is my hearing aids and glasses.
25 I immediately started complaining to the floor officers in Building 4 that I had enemies and
26 needed to speak to someone. They told me that I was confined to quarters, or “CTQ,” and
27 refused to get anyone to speak with me.

28

1 12. I do not know why LAC was so unsympathetic to my safety concerns. It
2 seemed like they just did not care about my safety.

3 13. Later, dinner was served and I was fed in my cell. At around 5:00 p.m., just
4 after dinner, third watch officers came to speak with me at the front of my cell. I
5 complained about the lack of a mattress and bedding and asked to speak to someone. They
6 told me no. They did not explain what I should do. I felt scared and powerless. At the
7 time, I was restless and pacing in my cell. I did not know what to do.

8 14. Later that evening, at around 9:00 p.m., an officer who was doing rounds in
9 the unit, Officer [REDACTED], asserted that I threw an unknown substance at him. He
10 pressed his alarm and shouted, “staff assault.”

11 15. Responding Officer [REDACTED] and his partner Officer [REDACTED] immediately
12 ran to my door. They yelled at me to get down. I immediately cooperated and got down
13 on the floor of my cell. Then the officers told me to come to the door and to cuff up. I got
14 up to move to the door, but then they told me to get down again, which I did.

15 16. Then they told the control booth officer to open the door to my cell.
16 However, they had some trouble opening the door. The officers were yelling and the
17 alarm was going off. There were other officers gathered around the cell including Officer
18 [REDACTED]. I was down on the ground but they were yelling “get down” through the
19 door.

20 17. A soon as the cell door was open, Officer [REDACTED] came into the cell – even
21 though I was not yet handcuffed. This was surprising because CDCR policy is that
22 officers are not supposed to enter your cell until you are handcuffed. While I was lying on
23 the floor, Officer [REDACTED] hit me in the face, kicked me, then repeatedly punched me in
24 the face and ribs, and then kept kicking me. It seemed like the assault lasted forever, but I
25 think it was probably only a few minutes. It was a horrible experience. I feared for my
26 life. Officer [REDACTED] was screaming and calling me profanities. I have been through a lot
27 in my life, but I have never been beaten so severely.

1 18. At the time I was lying face down on the ground, not moving with my hands
2 behind my back. Officer [REDACTED] was yelling, “STOP RESISTING,” even though I was
3 not resisting at all. Officer [REDACTED] then pulled my boxers down, put his finger in my
4 rectum, and called me a sex offender. When I told later custody investigating the incident
5 at LAC about the incident, they did not believe that Officer [REDACTED] would have sexually
6 violated me in this manner. I offered to take a polygraph test about the incident, and I
7 continue to make that offer to this day.

8 19. At the time, Officer [REDACTED] was in the doorway keeping watch for any
9 supervisors.

10 20. After this first assault, I was nauseated, I was bleeding, and I was dizzy. I
11 could not believe what had happened. I felt humiliated, degraded, and ashamed by the
12 sexual violation that took place during the assault in my cell.

13 21. After the attack I was handcuffed and taken out of my cell by Officers
14 [REDACTED] and [REDACTED]. They escorted me to the “rotunda,” which is a short hallway between
15 the inside and outside of the housing unit. When going out through the rotunda, Officer
16 [REDACTED] slammed my head against the concrete wall on the side of the hallway, which
17 caused me to fall to the ground.

18 22. He then helped me back to my feet and then the two officers escorted me
19 across the yard. There were several nurses waiting outside the building on the yard with a
20 wheelchair. However, Officer [REDACTED] said, “He don’t need no wheelchair; I am taking
21 him to the gym.”

22 23. I was taken into the C-Yard gym, where Officer [REDACTED] slammed me down
23 on the ground and proceed to punch and kick me in the face again. This second beating
24 lasted about the same length of time as the first time I was assaulted. I felt like I might
25 black out. I felt like the assault was never going to stop. I was also shocked because I had
26 never been beaten like this by officers in the past.

27 24. After he was finished, Officer [REDACTED] threw me in a holding cage, and
28 locked me in the cage. At this point, Officer [REDACTED] walked out of the gym, and Officer

1 [REDACTED] removed the handcuffs from me. I saw a female Sergeant at the door of the gym
2 with her back to us. Her name is Sergeant [REDACTED].

3 25. Next, Sergeant [REDACTED] came over to the holding cage and asked me what
4 happened. I was covered in blood. My knees and elbows were scraped and bleeding. I
5 had abrasions and bruises on my face that were bleeding. My wrist was bleeding from the
6 handcuffs being so tight. My jaw hurt terribly; I later learned that it had been dislocated. I
7 was in terrible pain from the assault and my injuries.

8 26. A nurse came to see me while I was still in the holding cage and documented
9 my injuries, but he refused to give me his name. He did express concern about the extent
10 of my injuries. I told him I had been assaulted by Officer [REDACTED].

11 27. A few minutes after the nurse finished up, Lieutenant [REDACTED]
12 interviewed me. She said, "You are making a staff complaint. What happened?" I told her
13 I was unable to talk because of my dislocated jaw, and that I needed medical attention. My
14 jaw was very painful. She then called an ambulance, and I was taken in the ambulance to
15 the Treatment and Triage Area ("TTA") – a clinic area inside the prison. I was evaluated
16 in the TTA, and told that I needed to go to the outside hospital. I was sent to Palmdale
17 Regional Medical Center around 1:00 a.m. on January 4, 2020.

18 28. At the hospital they gave me pain medication and told me that my jaw was
19 dislocated. They tried to correct my jaw but they were unable to do so. I spent about 30
20 hours at the hospital. The hospital tried to help me. I complained to the doctors at the
21 medical center that I had been assaulted by officers.

22 29. I was eventually discharged and sent back to LAC, where I was placed in the
23 STRH ASU unit. I believe this was on January 5, 2020 at around 10:30 am. I was wearing
24 the same bloody boxers and shirt from the day I was attacked. I had gone to the hospital in
25 bloody clothes. While I was in the hospital they gave me a gown, but when I was
26 discharged from the hospital they gave me back my same bloody prison clothes to put on
27 before going back to the prison.

28

1 30. When I first got to the STRH, I was placed into a holding cell. An officer
2 approached me about an interview about what happened. However, he said that in order
3 for them to conduct an interview with me regarding the assault, I would have to put on
4 clean clothing. At the time I was drugged up from the morphine I had been given in the
5 hospital, and I was scared and nervous. I refused to take off my clothing because it was
6 evidence of what staff had done to me during the assault. Because of this, staff declined to
7 give me an on-camera interview about the assault, something required by CDCR
8 regulations, and threw me into my cell.

9 31. The next day on January 6, 2020, I filed a form 7362 complaining that my
10 jaw was hurting, and explaining that I was beaten and sexually assaulted by Officer
11 [REDACTED]. In response to my request, custody staff members responsible for medical
12 escorts took me to the TTA clinic area and medical staff did an x-ray. The medical staff in
13 the TTA refused do any kind of rape examination – they said they did not believe me and
14 that it was impossible that an officer would do that. I felt degraded and ashamed just
15 talking about the sexual assault, and the fact that medical staff did not believe me was like
16 adding insult to injury.

17 32. Medical staff in the TTA said my jaw was still dislocated and I needed to see
18 a specialist. On January 8, 2020, they transported me to Mercy Hospital in Bakersfield,
19 where I was seen by a specialist named Doctor Norris. He said that my jaw was dislocated
20 and that I would need surgery to re-align my jaw. I had the surgery that same day. I
21 stayed in the hospital for almost 2 days. I returned to LAC on the evening of January 9,
22 2020.

23 33. On January 14, 2020, roughly nine days after the assault, Lieutenant [REDACTED]
24 finally interviewed me about the attack. During the interview, he accused me of lying and
25 said that I should recant my statement about the sexual assault by Officer [REDACTED]. He
26 told me that if I recanted my statement, he would help me with my safety concerns. I
27 refused to recant my statement, because it was true. This interview was recorded on
28 videotape.

1 34. I have requested the 7219 form from the day of the attack, on which the
2 nurse should have documented my injuries, but staff have not provided it to me as of this
3 time.

4 35. I believe I was targeted for assault in part because I am a sex offender, and
5 also because I am disabled and use hearing aids, and because I am in the mental health
6 program. It is my belief based on interactions with officers at LAC, that the staff here
7 resent people in the mental health program and people with disabilities, because they do
8 not like us asking for assistance and accommodations. They become callous and resentful
9 towards all prisoners, but especially towards people who need help or take more time to
10 interact with because of their disabilities. For example, because of my hearing
11 impairment, I do not always hear officers' instructions the first time, and I have to ask
12 them to repeat themselves. This oftentimes makes them angry and combative with me.

13 36. I believe the officers here feel they can attack people in the mental health
14 program more easily because people in authority will be less likely to believe us if we
15 complain about being mistreated.

16 37. The same officer who said I threw liquid at him worked an overtime shift in
17 the STRH unit on or around March 14, 2020. During this shift, he stopped by my cell to
18 threaten me. He said that if I was sent back out to C-Yard in the future, I would be beaten
19 up again.

20 38. I am still in fear for my life here at LAC.

21 39. In my time in the STRH since the assault, there have been some times that I
22 needed pain medication and asked the custody staff to contact a nurse, but some of the
23 officers here just ignore my requests. Other officers in this unit do get help when asked to
24 do so.

25 40. I have filed a CDCR Form 602 and a citizen complaint form about the
26 original incident when I was beaten in my cell. The appeal was denied at the first two
27 levels, and is currently at the third level of review in Sacramento.

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1 41. I believe the reason there is so much staff misconduct and hostility at LAC is
2 that the officers here have a culture of intimidating and abusing prisoners. The yard staff
3 have an attitude like they are in their own gang. They seem to enjoy beating up and
4 abusing prisoners, maybe because it makes them feel powerful.

5 42. I was also at RJ Donovan Correctional Facility (“RJD”) in 2019, and there
6 was a great deal of staff abuse there. For me, however, LAC has been much worse than
7 RJD.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
10 California this 21st day of April, 2020.

11
12  _____
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15 On April 21, 2020, due to the closure of California State Prison-Los Angeles
16 County in light of the COVID-19 pandemic and ongoing concerns that officers might
17 retaliate against witnesses in support of Plaintiffs’ Motion, I read the contents of this
18 declaration, verbatim, to , by telephone.  orally confirmed
19 that the contents of the declaration were true and correct.  also orally
20 granted me permission to affix his signature to the declaration and to file the declaration in
21 this matter.

22
23 DATED: April 21, 2020

24 
25 _____
26 Thomas Nolan
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EXHIBIT 35

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Los Angeles County (“LAC”) on B-Yard in Building 1. I am 48 years old.

3. I am an *Armstrong* class member. I am designated as DPW, which means I am a full-time wheelchair user. As accommodations for my mobility disability, I am housed on the ground floor and in a lower bunk, and I have a walker, orthotic shoes, and compression stockings. I also experience incontinence related to my disability. Because of my disability, I need assistance from other prisoners, known as ADA workers, to help me in and out of my cell, push my wheelchair, and pick up my medication. I cannot leave my cell or perform other daily activities like showering without assistance.

4. I am also a *Coleman* class member. I am at the CCCMS level of mental health care.

5. I have a number of serious medical conditions. I am classified as high risk medical. I have a seizure disorder, severe leg edema, asthma, and congestive heart failure, which causes fatigue, shortness of breath, and my lower extremities to swell painfully.

6. I have been housed at LAC from August 21, 2017 to present.

7. During my time at LAC, I have been housed in the following locations: B-Yard, Buildings 1, 2 and 5, and the Standalone Administrative Segregation Unit (“ASU”).

8. I have personally experienced staff misconduct at LAC related to my disability.

9. Officer [REDACTED] works two days a week as B-Yard’s Building 1 control tower officer. The control tower officer is responsible for opening up incarcerated people’s cells. My wheelchair is too big to fit through the cell door. When entering my cell, I require an ADA worker to help me get to my walker, fold up my wheelchair outside of my cell, move

1 the chair into the cell, and then transfer me into my wheelchair inside the cell. I also need
2 help in the reverse direction when I need to leave my cell. Because the tower officer
3 cannot hear me from the ground floor yelling for an ADA worker, I sometimes ask other
4 incarcerated people to ask officers to get me an ADA worker. When asked, Officer [REDACTED]
5 often refuses to get ADA workers for me. She does not let them out of their cells or let
6 them come in to the building to help me. This prevents me from participating in many
7 outside cell activities, including dayroom, dining, medical and mental health appointments,
8 and showering when she is on duty.

9 10. I am also incontinent. I require additional showers if I have an accident. I do
10 not shower when Officer [REDACTED] is on her shift, because she often refuses to get an ADA
11 worker to help me to the shower or assist me out of the shower once I am in it.

12 11. I remember one time, while Officer [REDACTED] was working in the tower, when I
13 had an incontinence-related accident in the shower. There was another incarcerated person
14 in a wheelchair who was waiting to use the shower after me. When he got in the shower
15 he said, "Who took a leak in the shower?" I turned my wheelchair around and apologized,
16 saying, "I did not mean to do that. I'll try to get an ADA worker to help clean it up." I am
17 not able to clean up after myself in the shower because I cannot bend down. The
18 incarcerated person told me that Officer [REDACTED] would not allow that. Instead, regular
19 porters or tier tenders would have to do that. However, some of the regular workers do not
20 like to clean up after people who have accidents in the showers. They often say it is not
21 their job or I sense tension coming from them when I ask them. Because I am in a
22 wheelchair, I cannot defend myself in the same way. I have to be careful about not getting
23 into conflicts with others.

24 12. I have stopped asking to shower outside of my cell because of this. It is too
25 difficult to do so. It is easier for me to have an accident in my cell and then clean myself
26 up afterwards. Because I only receive hygiene wipes once a month, I rip my bedsheets and
27 use the torn cloth to clean myself up. When I was showering regularly outside of my cell,
28 the issues with Officer [REDACTED] happened at least once a week.

1 13. I cannot ask staff for anything. They do not help me with my disability.
2 Custody staff have refused to give me bags to put my dirty diapers or wipes in. I have to
3 wrap them up with whatever material I can find or leave them out in a dirty corner of my
4 cell. I filed a 602 about this issue and was told that I should ask the Sergeant and my
5 building's floor staff for assistance. But floor staff often do not help me when I ask. Even
6 when they do get me my supplies, it can take up to an hour for them to bring them to my
7 cell, and oftentimes there is not enough of the supplies I need.

8 14. I have seen Officers on B-Yard consistently ignore the needs of people with
9 disabilities. It is not just Officer [REDACTED] who refuses to help. It is like Russian Roulette
10 with custody staff. Sometimes I get an officer who accommodates my disability and other
11 times officers ignore my needs.

12 15. In September 2017, Officer [REDACTED] ordered another incarcerated person to
13 push me to the dining hall on a path that was not wheelchair accessible for me. My
14 wheelchair would not fit on the path and I was afraid I would hit other incarcerated people
15 and cause a conflict that would have endangered myself. On the other hand, if I took the
16 pathway that was wheelchair accessible, I would have had to travel behind custody
17 officers, which they do not like. The officers did not want to turn around and go the other
18 way to the dining hall, but that pathway was the only safe way for me to travel with my
19 wheelchair. I attempted to explain to the officers that I could not use the path they
20 instructed me to use because my wheelchair did not fit.

21 16. I was angry and upset that officers did not understand this and so I turned my
22 wheelchair around to go down the accessible pathway. In doing that, Officer [REDACTED]
23 jumped in front of me to stop me from moving. I could not see his feet because of my
24 position in the wheelchair, and so I accidentally rolled my wheelchair over one of his feet.
25 As a result, I was charged with a Rules Violation Report ("RVR") for Battery on a Peace
26 Officer and on September 22, 2017, I was sent to one of LAC's segregated housing units.

27 17. I have also witnessed staff engage in misconduct against other people at
28 LAC.

1 18. On the morning of October 13, 2018, I saw several officers on B-Yard take
2 down to the ground [REDACTED], another incarcerated person. He came out of the assault
3 limping, but then five or six correctional officers escorted him to the B-Yard gym. I did
4 not see him after officers took him to the gym. Another incarcerated person later told me
5 that officers had severely beaten Mr. [REDACTED], leaving him with a broken leg, broken ribs, and
6 scars on his face. I did not see these injuries before officers took Mr. [REDACTED] into the gym,
7 except that he was limping.

8 19. I also believe custody staff, who are predominately Hispanic on my yard,
9 discriminate against African Americans, like myself. I have seen them manhandle and
10 assault predominantly African American incarcerated people. I have heard officers make
11 subtly racist comments to African Americans such as, “You all need to learn that it was the
12 Mexicans who built the first pyramids.”

13 20. I still have to interact with the officers that were involved in the staff
14 misconduct against me and that I witnessed. I avoid interacting with staff as much as
15 possible. After the staff misconduct I have experienced and witnessed, I have felt anger
16 and bitterness towards custody officers. When interacting with staff, I do not trust that
17 they will take into account my disability needs. I hesitate to ask custody staff for
18 accommodations, such as incontinence supplies. As a result, I have been dealing with my
19 incontinence issues by myself for many years.

20 21. In my opinion, staff target people with disabilities and those who are more
21 vulnerable than they are. It is easier for them to assault people with disabilities and mental
22 health issues because these people are helpless. On B-Yard in particular, it is like custody
23 staff resemble a gang. If an incarcerated person has issues with one member of custody
24 staff, they have issues with all of them.

25 22. I believe the reason there is so much staff misconduct at LAC is because
26 there are many people at this institution who are high need. When custody officers see
27 people who are weak, they feel like they can exploit them. I also think there are serious
28 issues with how higher-level institutional staff discipline custody officers for their abusive

1 actions. Nothing has happened to officers when I report staff misconduct. They continue
2 to work at LAC and continue to take advantage of those who cannot help themselves.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
5 California this 22 day of April, 2020.

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10 On April 22, 2020, due to the closure of California State Prison-Los Angeles
11 County in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
13 declaration, verbatim, to [REDACTED], by telephone. [REDACTED] orally confirmed
14 that the contents of the declaration were true and correct. [REDACTED] also orally
15 granted me permission to affix his signature to the declaration and to file the declaration in
16 this matter.

17

18 DATED: April 22, 2020

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Ellie Heywood

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EXHIBIT 36

DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Richard J. Donovan Correctional Facility (“RJD”) on Facility A, in Building 2. I am 54 years old.

3. The events that are described in this declaration took place at California State Prison – Los Angeles County (“LAC”), a prison in Lancaster, California where I was housed before I transferred to RJD earlier this year.

4. I am a *Coleman* class member. I am currently being treated at the Enhanced Outpatient Program (“EOP”) level of care, which means I am housed in a separate housing unit with other EOP patients, and that I receive enhanced mental health care. I suffer from anxiety and paranoia. When I am struggling with my mental health, I sometimes believe that people are out to hurt me. During the time when I was at LAC, I was also at the EOP level of care and my mental health issues were similar to the issues I experience today.

5. I also have a medical condition, namely chronic pain in my right shoulder. This shoulder injury is the result of the altercation with custody staff described below. I have been approved for physical therapy for my shoulder, but I have not yet received it. I also have migraines and arthritis in my back and neck. Because of these medical issues, I have a lower bunk chrono.

6. I was housed at LAC from November 1, 2018 to February 20, 2020. On February 20, 2020, I was moved to RJD, where I am currently housed.

7. During my time at LAC, I was housed in the following locations: D-Yard, Building 1 and D-Yard, Building 3.

8. I was a victim of staff misconduct at LAC.

9. On January 13, 2020, around 9:30 a.m., I left the chow hall on D-Yard after finishing breakfast. As I normally do, I was wearing my Keffiyeh, which is a head scarf

1 that is usually worn around the head or neck, and that reflects my Muslim faith. At the
2 time of the incident, I was wearing it around my head and neck, as I usually do. As I left
3 the chow hall, I saw that Officer [REDACTED] had stopped another Muslim incarcerated
4 individual who was leaving the chow hall, and told him to take off the head wrap that he
5 was wearing. I saw the individual take off the head wrap in front of Officer [REDACTED]. As I
6 walked by Officer [REDACTED] a moment later, he called me over and ordered, "Take that off
7 your head." I replied, "Excuse me?" as I was offended that he would ask me to remove
8 something that was expressing my faith. I also had a CDCR memorandum in my file
9 granting me permission to wear the scarf.

10 10. Officer [REDACTED] repeated, "Take that off your head." I responded by telling
11 him that Sergeant [REDACTED] had told me I could wear it. He repeated again, "Take that off
12 your head."

13 11. I asked Officer [REDACTED] to call the Sergeant, in order to verify that what I was
14 saying was true. During this time, the other incarcerated individual who had removed his
15 head scarf was still standing nearby. At this point, Officer [REDACTED] asked him to leave and
16 told me to cuff up. I complied and after I cuffed up Officer [REDACTED] began to walk me to the
17 gym. He was gripping the handcuffs hard and pulling my hands backwards. The
18 handcuffs were cutting my left wrist. He was angry and jerking me around, and telling me,
19 "I told you to take that shit off." I was angry and scared, so I made a rude comment to
20 him, saying, "Stop acting like a bitch."

21 12. As soon as we arrived at the D-Yard gym and were out of sight of people on
22 the yard, Officer [REDACTED] grabbed my Keffiyeh and pulled it hard to rip it off my head. The
23 Keffiyeh was wrapped around my neck, so it did not come off easily. Officer [REDACTED] kept
24 pulling and started to choke me, as it was wrapped around my neck. I was still cuffed up,
25 so I was helpless and unable to stop Officer [REDACTED] from pulling it off and choking me.
26 After a few moments the Keffiyeh ripped and Officer [REDACTED] flung it off to the side of
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1 where we were standing. My neck was bruised and had the equivalent of a rope burn from
2 where the Keffiyeh was ripped off.

3 13. Officer [REDACTED] then walked me to a holding cage in the gym. At that time, I
4 thought the incident was over. However, I also knew that the gym was a dangerous place
5 where officers beat up inmates. As I stepped into the holding cage, without warning,
6 Officer [REDACTED] lunged against me and slammed my head hard into the wall of the cage.
7 Officer [REDACTED] is large and heavy man, whom I estimate weighs around 250 pounds. I lost
8 consciousness for a few moments, and when I regained consciousness I was hanging off a
9 stool with Officer [REDACTED] on top of me. At the time, I realized my shoulder was in great
10 pain and likely dislocated. Officer [REDACTED] was yelling, "Who's a bitch now? Who's a bitch
11 now? I'll fuck you up," and I asked him to uncuff me. He initially uncuffed one of my
12 hands. I believe that at the time, he intended to fight me once I had my cuffs off.

13 14. As he went to uncuff the other hand, however, another officer standing in the
14 gym, Officer [REDACTED], shook his head at Officer [REDACTED]. Officer [REDACTED] then stopped
15 moving and warned me, "You turn around and I'll fuck you up." He then uncuffed my
16 other hand. I was immediately able to reach my left hand over and pull down my right
17 arm, putting my shoulder back into the socket, which was extremely painful. Next, Officer
18 [REDACTED] left the holding cage and closed the door, leaving me inside. I asked Officer [REDACTED]
19 to call the sergeant, but he did not respond.

20 15. I sat in the holding cage for about two hours. During this period, several
21 officers and a nurse came through the gym, and I asked them to get me medical assistance.
22 They all ignored me. Eventually, an incarcerated person who works with the officers came
23 into the gym, and tried to discourage me from filing an appeal about the incident that had
24 just taken place. I told him I would appeal. After a few more minutes in the gym, I was
25 released back to my housing unit.

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1 16. I had a black eye, scratches on my face, and very bad bruises on my neck as
2 a result of the assault. After I was back in my housing unit, I asked housing unit staff to
3 allow me to go see medical. Then I went to the medical clinic on D-Yard.

4 17. At the clinic, I told the male nurse my shoulder hurt and that I had lost
5 consciousness after being assaulted by an officer. He examined me and made a report of
6 my injuries. I have asked for a copy of the report, but I have not seen it.

7 18. Even now, months after the assault, I still suffer from ongoing neck and
8 shoulder pain. I have been scheduled for physical therapy for these injuries here at RJD,
9 but have not yet received the physical therapy.

10 19. After I was evaluated by the nurse, I was taken to an interview room for a
11 videotaped use of force interview. The interview was done by a sergeant and a lieutenant
12 and lasted between 20 and 30 minutes. They asked me for my account of the incident and
13 documented my injuries. After the interview, I was returned to my cell in D-Yard,
14 Building 3.

15 20. Over the next few days, I did not leave my cell, as I was in a lot of pain from
16 my injuries and trying to recover. I was very sensitive to light and experienced memory
17 loss, dizziness, and spots in my vision following the assault. I believed I had a concussion,
18 and I filed multiple 7362 Forms, which are requests for medical care. Over the next few
19 weeks following the assault, I received a number of x-rays of my neck, spine and shoulder,
20 and learned that I did not break any bones during the assault. Medical staff listened to my
21 reports about symptoms of a concussion. Eventually, I was given a CT scan of my brain,
22 which was clear.

23 21. I filed an appeal about the assault approximately a week after the assault.
24 The appeal was given the tracking number of LAC-D-20-[REDACTED]. My appeal was partially
25 granted at the second level, saying the assault would be investigated, but I appealed that
26 result as well to the third level. I have not gotten a third level response.

1 22. I believe I was assaulted due to my religion and my wearing my head wrap.
2 Officer [REDACTED], another officer in D-Yard, Building, had been harassing me for months
3 leading up to the assault about my head scarf. Officer [REDACTED] repeatedly called me names
4 and made fun of my head scarf. He would see me going to chow and said things to me
5 like, “Where is your camel at?” and, “Take that bedsheet off your head.”

6 23. After the assault, I received a Rules Violation Report (“RVR”) for “Behavior
7 that Could Lead to Violence.” The report claimed that I got into a fight stance and swore
8 at the officers, provoking the assault. Nothing that they said in the report was true.

9 24. After the videotaped use of force interview on the day of the assault, there
10 has been no further investigation of the assault.

11 25. After the assault, I was extremely frustrated and feeling suicidal. I asked to
12 speak with my mental health clinician urgently because I was in such a bad place. The
13 assault made me feel as if I can no longer talk to custody officers at all, even to have a
14 simple conversation or ask for something small. I tried to avoid every officer on D-Yard
15 as much as possible after the assault.

16 26. I also stopped wearing my Keffiyeh, as I was worried about being attacked
17 again. This was very upsetting, because for me the Keffiyeh is an important expression of
18 my Muslim faith.

19 27. I also witnessed staff engage in misconduct against other incarcerated people
20 at LAC.

21 28. On August 1, 2019, I saw another EOP individual on D-Yard, [REDACTED]
22 [REDACTED], get assaulted by multiple officers. I was on the yard and saw two incarcerated
23 individuals fighting. One of them was Mr. [REDACTED]. After about two or three minutes,
24 they stopped fighting. After the fighting stopped, there were lots of officers around and it
25 was somewhat chaotic. Officers were yelling, “Get on the ground,” and Mr. [REDACTED] was
26 trying to talk to them. At first, Mr. [REDACTED] would not get to the ground. However, after a
27 few moments, he was on his knees. The officers were still yelling, “On the ground.” They
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1 were trying to push him on the ground and some of the officers were kicking him to get
2 him to lie down. Then, an officer tried to hit him with the baton in the head, and Mr.
3 [REDACTED] blocked it with his hand, grabbed it, and twisted it and threw it away. At this
4 point, the officer, along with a number of additional officers who had rushed onto the yard
5 in response to the alarm, all started to beat him up. I saw a mass of officers punching and
6 kicking Mr. [REDACTED]. The beating lasted for a while. I am unsure how long, but I estimate
7 a few minutes.

8 29. I witnessed a second incident on October 1, 2019, I was in my cell in D-
9 Yard, Building 3 when I heard Officer [REDACTED] yell, "Open the door," to the tower cop. I
10 was surprised, because it is not protocol to open a door in this manner. I came to the door
11 of my cell to see what was going on and saw the officers gathered outside of another EOP
12 patient's cell. The tower cop did not open the door at first. Officer [REDACTED] kept yelling
13 "open the door!"

14 30. Next, the door was opened and I saw the EOP individual being dragged out
15 of his cell by officers onto the tier. After he was dragged out of his cell and cuffed, Officer
16 [REDACTED] climbed on top of him. The incarcerated individual was on his stomach. Officer
17 [REDACTED] pulled up the individual's face and chest and slammed him face first into the ground
18 and then punched him multiple times on the side of his head with closed fists. This
19 individual was not fighting back and was lying defenseless on the ground while he was
20 being attacked. After Officer [REDACTED] punched him, another officer pulled him off of the
21 individual. The officers then dragged the individual out of the unit. I was able to see the
22 incident clearly because my cell was in the corner and I had a clear, unobstructed view
23 down the tier. I was about half the building length away from the assault.

24 31. On December 20, 2019, I saw another EOP incarcerated individual in D-
25 Yard, Building 3, [REDACTED], get assaulted by Officer [REDACTED]. I was in my cell at
26 the time. Mr. [REDACTED] was on the phone. From a distance of approximately 20 yards, I
27 observed Officer [REDACTED] yell at Mr. [REDACTED] to go back to his cell. Mr. [REDACTED] said
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1 something like, "I'm on the phone right now, it's my phone time," and continued to talk on
2 the phone. Officer [REDACTED] then instructed the tower officer to "crack his cell," meaning to
3 open Mr. [REDACTED]'s cell door. Officer [REDACTED] then went into the cell and started
4 throwing all of Mr. [REDACTED]'s property onto the tier into the trash can. I could not see
5 into the cell, but I observed the property flying out of the cell. Officer [REDACTED] also handed
6 some of the property to a porter. Mr. [REDACTED] saw what was happening and got off the
7 phone. He asked the porter, "What are you doing with my property?" Officer [REDACTED]
8 heard this and told Mr. [REDACTED] to cuff up. Officer [REDACTED] then approached him and
9 grabbed both of his arms. Mr. [REDACTED] then turned and the two began fighting. Mr.
10 [REDACTED] was quickly tacked by staff and pinned against the wall. Mr. [REDACTED] was on
11 the ground and not fighting back.

12 32. As Officer [REDACTED] was restraining him, a number of other officers
13 descended on the scene and began to punch Mr. [REDACTED]. One of these officers, Officer
14 [REDACTED], punched Mr. [REDACTED] approximately fifteen times in the chest and ribs.
15 Eventually, they picked Mr. [REDACTED] off the floor and took him out of the unit. I did
16 not see Mr. [REDACTED] again after that assault. I was approximately 15 yards from the
17 assault and I could see the assault transpire below me on the first tier.

18 33. Witnessing these assaults made me extremely stressed out and fearful for my
19 life, even before I was assaulted. Since my own assault, witnessing any sort of staff
20 misconduct is a trigger for me. It is very painful. I have found it very hard to focus and
21 relax after witnessing these terrible incidents.

22 34. I still had to interact with the officers that were involved in the staff
23 misconduct against me even after they were accused of staff misconduct. They took my
24 scarf and told me I could not keep it. I never saw my head scarf again. When they saw me
25 after the incident, these officers would make comments to me saying I was not really
26 injured. After the incident, the officers tried to suggest that I had tried to hang myself and
27 that was where my injury came from.

1 35. In my time at LAC, there were many times that I needed help but didn't ask
2 for it because I was afraid of what would happen to me. After the assault, I would not ask
3 for anything from officers on D-Yard, even something as small as a roll of toilet paper. I
4 was afraid to ask them for anything and actively tried to stay away from them because I
5 knew that if they felt like it, they had the ability to take me around the corner to assault me,
6 and then claim I assaulted them. After the assault, I was also housed with a cellmate that I
7 was not compatible with, but I did not bring the incompatibility up with staff because I was
8 afraid of how they would react.

9 36. After the assault, I was having some suicidal thoughts. After I was given the
10 false RVR, I was very disturbed and struggling with my mental health. I had been doing
11 better before I was assaulted.

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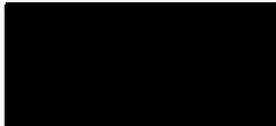
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1 37. In my opinion, custody staff at LAC are not well trained. They know how to
2 use force, but not how to help people with mental illness. They do not even know how to
3 talk to people with mental illness. I would hear that the yard was shut down for training,
4 but I think their training is cursory – I never saw it have any impact. In my opinion, the
5 officers need to be trained not to take issues with mentally ill people personally. They
6 need to understand that some people are struggling with delusions and mental health
7 problems. The officers need their own help coping with the environment. People with
8 mental health issues are treated as dangerous and unpredictable people, rather than as
9 patients.

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct, and that this declaration is executed at San Diego,
12 California this 7th day of May, 2020.

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14  _____
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17 On May 7, 2020, due to the closure of Richard J. Donovan Correctional Facility in
18 light of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
19 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
20 to  by telephone.  orally confirmed that the contents of the
21 declaration were true and correct.  also orally granted me permission to affix
22 his signature to the declaration and to file the declaration in this matter.

23
24 DATED: May 7, 2020

25 
26 _____
27 Thomas Nolan
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EXHIBIT 37

1 not be alive much longer. In fact, my father died about two month later, on November 10,
2 2019.

3 9. After I was banging on my door, Officer [REDACTED] approached my cell, along
4 with Officer [REDACTED] and Officer [REDACTED]. As soon as they got to my cell, Officer [REDACTED]
5 started mocking me, asking if I wanted to go to the gym to “talk about my feelings.” I told
6 Officer [REDACTED] that I did not feel well. I asked him to leave me alone. I asked to speak to
7 the Sergeant or my mental health clinician.

8 10. Suddenly, without any warning, Officer [REDACTED] started spraying me with
9 pepper spray from a very close range. My cell door was closed at the time and I was no
10 threat to staff. Officer [REDACTED] sprayed me through the cell door, which is perforated by
11 small round holes that the pepper spray easily passes through. The pepper spray caused
12 immediate pain and took my breath away. I was shocked that he had pepper sprayed me
13 for no reason at all. I was still reeling from the terrible news about my father. I was scared
14 about what might come next, as I had observed these officers assaulting other prisoners.

15 11. Next, Officer [REDACTED] told me to cuff up. I immediately turned around and
16 allowed them to cuff me up through the food port in my cell door. After I was in
17 handcuffs, the officers told the control booth officer to open my cell door. Once my cell
18 door was opened, Officers [REDACTED], [REDACTED] and [REDACTED] attacked me and repeatedly
19 kicked and punched my face and body. I was begging for them to stop as I was being
20 assaulted. The assault lasted a few minutes. The assault was very scary and painful. But
21 after numerous blows to the head, I must have fallen unconscious, because the next thing I
22 knew I was being propped up just outside the door to my housing unit by custody staff,
23 who were telling me to stand up so they could take me to the gym. They used foul
24 language in telling me this. I understand from other incarcerated individuals in that unit
25 that they had dragged me out of the building when I was unconscious.

26 12. After the assault, I was taken into the gym on D-Yard by Officer [REDACTED], who
27 had not been involved in the assault. I was scared to go to the gym because I knew that
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1 frequently people are assaulted in the gym. After about 5 minutes in the gym in a holding
2 cage, medical staff arrived to evaluate me.

3 13. Once they saw my condition, medical staff took me to the Treatment and
4 Triage Area (“TTA”), a medical clinic in a central part of the prison, as my face was
5 bleeding and I had a cut on my forehead. While I was in the TTA, the doctor said that I
6 should be seen in an outside hospital. He told Officer [REDACTED] I would be taken to the
7 outside hospital. About 5 or 10 minutes later, Sergeant [REDACTED] and a Lieutenant came and
8 spoke with the doctor. They then came and spoke to Officer [REDACTED], telling him that I
9 would not be sent to an outside hospital, but treated instead in the EOP ASU.

10 14. At the TTA, I was evaluated and medical staff filled out a Form 7219
11 documenting my injuries. After the evaluation, I was taken to a cell in the EOP ASU,
12 which is in D-Yard in Building 5. When I got there, I requested a copy of the 7219
13 medical report documenting my injuries. However, the officers refused to give me a copy.
14 I asked for a videotaped interview at that time, as well. They said no, and I never received
15 such a video interview.

16 15. On September 12, three days after the assault, I requested to see medical
17 staff because I had an ongoing headache and my shoulder and collarbone felt like they
18 were broken. Later that day, I received an x-ray on my shoulder that found that I had a
19 fracture. I was referred to an orthopedist to be evaluated for surgery. After a significant
20 delay, I eventually saw an outside orthopedist, on or around November 9 or 10, 2019, who
21 indicated that he believed the bone had healed incorrectly. I explained to the doctor that I
22 was still having pain and that my mobility was impacted. The doctor gave me a steroid
23 shot and told me he would re-evaluate me in four to six weeks. When I came back to see
24 him approximately six weeks later, he recommended that I have surgery to re-break the
25 fracture that had healed improperly, and to insert a metal pin to hold the clavicle bone
26 straight and to reinforce the shoulder. I still have pain in my shoulder. CDCR finally

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1 approved me for this surgery on March 22, 2020, but it has been delayed due to the
2 Coronavirus outbreak.

3 16. I believe staff beat me up without any justification. However, I think they
4 also probably were going after me because they believed I had somehow been
5 disrespectful in the minutes before the assault. As I explained above, literally 10 minutes
6 before the assault, I had learned that my father had terminal cancer. I am sure I was upset
7 at the time, but I complied with all their orders and did not do anything aggressive towards
8 them.

9 17. On September 11, 2019, I was given a disciplinary write up for “Battery on a
10 Non-inmate.” Officer [REDACTED], who was the leader of the group that assaulted me, wrote the
11 report. The report said I was banging my head and that I punched Officer [REDACTED] in the
12 chest. The report also said that they pepper sprayed me because I would not stop banging
13 my head. However, this is completely made up. I did not bang my head and I did not
14 punch Officer [REDACTED].

15 18. I did bang on the door with my hand one or two times to get staff’s attention,
16 as I was upset and emotional about my father’s medical issues. The clinician who
17 performed my mental health assessment for my disciplinary report wrote that I was having
18 mental health symptoms and reacting to stress when these events took place.

19 19. Even though the version of events set forth in the disciplinary report was
20 false, I pled guilty to the charge because I was told by Officer [REDACTED] that I would not
21 have any additional issues with officers if I did so. I also believed that I would get my
22 property back if I pled guilty. Also, the committee that heard the disciplinary write up told
23 me that I would get released from the ASU sooner if I pled guilty. The hearing took place
24 on or around September 20, 2019. I was released from the ASU about 45 days later.

25 20. I waited for six months to file my 602 because I was afraid of retaliation. I
26 filed it on March 4, 2020. I expected it to be rejected as untimely. However, I was called
27 to the Program Officer in response to the grievance. They told me I would be going to the
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1 ASU pending an investigation into the staff assault. However, they also said that if I
2 agreed to go on videotape saying that I did not feel threatened by the officers, they would
3 allow me to stay on the yard. I agreed to do so, and that is what happened. My 602 was
4 denied and sent back to me, with no mention of the videotaped interview. I reported the
5 true version of events to my clinician minutes after the videotaped interview. On the same
6 day, March 6, 2020, before I went into the Program Office, nursing staff performed a 7219
7 evaluation on me, which made no sense because it was six months after the incident.

8 21. I had earlier on requested a video interview to document my injuries, but
9 never received one. To my knowledge, no investigation of the incident has ever been
10 done. I have not had an interview with ISU or other investigative staff.

11 22. Although I eventually experienced retaliation from staff following this
12 incident, at first, staff in the ASU seemed to reward me for keeping quiet about the staff
13 misconduct I had experienced. After I was assaulted, I was placed in D-Yard, Building 5,
14 the EOP ASU. Shortly after arriving in segregation, I received a television in my cell. I
15 also received the rest of my property on the day I went to committee, which was about 10
16 days later. Within two weeks of placement, an officer who works in that building whose
17 name I do not know came to my cell and said, "I see you got your TV – because you shut
18 your mouth and took your lumps."

19 23. On or around November 2, 2019, I was released from administrative
20 segregation, and sent to the D-Yard Building 4 housing unit. At that time, I started to feel
21 intimidated by staff. Whenever I would send out legal mail or speak with Plaintiffs'
22 counsel in *Coleman*, staff would give me dirty looks and make comments about my
23 actions, making it known that they did not like the fact that I was speaking with Plaintiffs'
24 counsel.

25 24. After a few months in D-Yard, Building 4, in January, 2020, I started to
26 experience retaliation. On January 2, 2020, another person who lives in my unit and me
27 were cuffed up while we were out on the yard. Staff then went and cuffed up two
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1 additional individuals in our housing unit. The officers did cell searches of all our cells
2 and found a knife in the cell of one of the people from the building. The guy whose cell
3 they found the knife in admitted to having the knife, but I was still placed in segregation.
4 Even though I told staff I did not have anything to do with the weapon, I was told by
5 Captain [REDACTED] that I had to stay in segregation “even if it’s bullshit.” I stayed there for
6 12 days but I was released without any disciplinary charges.

7 25. On the day I returned to my housing unit, I was waiting for my laundry when
8 Officer [REDACTED] walked by and said, “You guys made it out... how easy that knife could
9 have been found in your cell.” I continue to be afraid that staff will plant weapons or other
10 contraband in my cell, or otherwise retaliate against me.

11 26. This incident made me very stressed and depressed. I was already in a bad
12 place at the time of the incident because of my father’s death, and being assaulted and
13 threatened with false disciplinary charges has only made me feel worse. I have also
14 become a lot more paranoid about getting beaten up. I feel like I have to be hyper-vigilant
15 at all times, which makes my depression and anxiety even worse. I also continue to
16 experience pain in my shoulder and head.

17 27. I have also witnessed staff engage in misconduct against other people at
18 LAC.

19 28. On August 27, 2019, I saw Officer [REDACTED] in D-Yard, Building 4 assault
20 [REDACTED]. I was in the dayroom and Mr. [REDACTED] was sitting in his wheelchair at the door to
21 the Program Office. I was about 40 feet away. I overheard Mr. [REDACTED] exchanging words
22 with Officer [REDACTED] and saw Officer [REDACTED] suddenly stand up and pull Mr. [REDACTED] out of
23 his wheelchair by grabbing the bottom of his shirt. Mr. [REDACTED] was slammed face first into the
24 ground and was dragged out of the unit without his wheelchair. I was never interviewed
25 about this incident, until yesterday, May 19, 2020, when a Lieutenant [REDACTED] came to
26 interview me. He said he works for Internal Affairs.

1 29. I was previously interviewed a month ago about the staff misconduct against
2 me, by the same Lieutenant.

3 30. On the morning of November 3, 2019, just after I was released from the
4 ASU, I was in my cell in D-Yard, Building 4, and I saw [REDACTED] speaking to the
5 officer in the tower. He was about 20 feet from me and I had a direct line of sight.
6 Officers [REDACTED] and [REDACTED] came over and told Mr. [REDACTED] to cuff up. As he was
7 getting cuffed, he turned his head to speak to the tower officer again. After he turned his
8 head, they tackled him to the floor and started beating him. As they were beating Mr.
9 [REDACTED], Officer [REDACTED] accidentally punched Officer [REDACTED] in the face, breaking his
10 nose. The two officers then continued to assault [REDACTED] for a few minutes before other
11 officers including Officer [REDACTED] came into the housing unit. The other officers forced
12 Mr. [REDACTED] to stand up and dragged him to the sallyport. I saw his feet on the ground
13 before the door closed, and heard the alarm. I did not see anything more, but I heard from
14 other people on the unit later that he was assaulted again in the sallyport.

15 31. In October 2019, I was in the D-Yard, Building 5 EOP ASU when I
16 overheard a fellow EOP prisoner saying that they felt suicidal. Staff ignored this
17 prisoner's report that he was suicidal, and they threatened him violence. About 5 hours
18 later, the guy who was suicidal lit his cell on fire. Officers responded and pepper sprayed
19 him before calling medical or mental health staff.

20 32. I have seen a number of officers assault people on D-Yard in a number of
21 other incidents. These officers include Officer [REDACTED], Officer [REDACTED], Officer [REDACTED],
22 Officer [REDACTED], and Officer [REDACTED]. I have also had an officer who escorted me to an
23 appointment at the hospital tell me that he has assaulted people at the order of Officer
24 [REDACTED] and felt very uncomfortable about it.

25 33. I still have to interact with the officers that were involved in the staff
26 misconduct against me and the staff misconduct that I witnessed. Officers [REDACTED] and
27 [REDACTED] were moved to D-Yard, Building 3, but they are still on D-Yard. Also, I recently
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1 was moved to this unit on April 7, 2020, against my wishes, because I am still afraid of
2 Officer [REDACTED]. My clinicians tried to prevent this move, and they were told I would be
3 moved back to Building 4, but this never happened. Once I was in his unit, Officer [REDACTED]
4 would make threatening comments to me. Officers [REDACTED], [REDACTED], and [REDACTED] also
5 continue to work on D-Yard.

6 34. During the week of April 20, 2020, I was called for an interview with
7 Plaintiffs' Counsel, which I refused because I was scared and intimidated. On April 23,
8 2020, Officer [REDACTED] asked if I would accept a particular individual as my cellie. I knew
9 that this particular prisoner works for Officer [REDACTED], so I refused. I asked why she wanted
10 to make the move. She said it is not for me to know why, that she is the officer and I am
11 the inmate. She said if I refused the cellie, I would get an RVR.

12 35. That was around 7:00 p.m. at night, and no move was made.

13 36. The next morning around 8:30 a.m., I was in the shower in Building 3, and I
14 saw the individual I had refused to cell with moving his property into my cell. Officer
15 [REDACTED]'s partner Officer [REDACTED] did the cell move, and this individual moved into my
16 cell. He was in my cell for four days. He repeatedly said he thought I was a rat and a
17 snitch. On April 28, 2020, at 2:30 p.m., I was waiting for mail at the door of my cell, and
18 this individual jumped off his bed in our cell and hit me in the face, knocking me to the
19 ground. Right at that time Officer [REDACTED] was passing by our door. I was in a fetal
20 position bleeding. I did not fight back. I told Officer [REDACTED] that I needed to get out of the
21 cell. Officer [REDACTED] cuffed us both up and escorted us to the gym. I was placed in the
22 ASU subsequently because I refused to sign a piece of paper, called a "marriage chrono,"
23 agreeing that I could get along with the inmate who assaulted me in my cell. While we
24 were both in the gym, I overheard the individual who hit me telling medical staff that he
25 assaulted me because I was working with the attorneys.

26 37. In my time at LAC, there have been many times that I needed help but did
27 not ask for it because I was afraid of what would happen to me. I do not ask the officers
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1 for anything, not even something as small as toilet paper, because I am afraid. I would
2 rather make do with what I have than ask for help.

3 38. There also have been times where I have felt suicidal and depressed and my
4 clinician who I normally talk with is not there to speak with me. In those times, I do not
5 ask staff for help and try to wait out the feelings I am having. I am scared to tell the
6 officers when I am struggling and feeling depressed and suicidal, because I have seen them
7 pepper spray suicidal people and completely ignore their feelings.

8 39. I am also afraid of being discharged from the EOP level of care in retaliation
9 for working with attorneys and reporting misconduct. I need ongoing mental health
10 treatment at the EOP level of care to treat my anxiety and depression.

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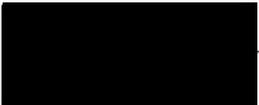
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1 40. In my opinion, staff target people with disabilities and mental illness. I
2 believe that staff need special training for working with EOP patients, and they clearly
3 have not received that training here.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
6 California this 20th day of May, 2020.

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10 On May 20, 2020, due to the closure of California State Prison – Los Angeles
11 County in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs’ Motion, I read the contents of this
13 declaration, verbatim, to , by telephone.  orally confirmed that
14 the contents of the declaration were true and correct.  also orally granted me
15 permission to affix his signature to the declaration and to file the declaration in this matter.

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17 DATED: May 20, 2020 
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19 Thomas Nolan

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EXHIBIT 38

1 8. I arrived at LAC from Mule Creek State Prison (“MCSP”) on November 30,
2 2018 around 2:30 p.m. When I arrived, I first went to Receiving and Release (“R & R”),
3 which is a unit where new arrivals are processed and screened before being housed. In R
4 & R, I told the officers that I would not cell with anyone because I have a history of
5 paranoia and in-cell fights as a result of my paranoia. After I told them this, I was placed
6 into a holding cell. Two minutes after entering the holding cell, Sergeant [REDACTED] came
7 to the holding cell door and asked me why I was refusing to house. I told him what I had
8 told the officers – that I did not want a cellmate due to my paranoia and history of fighting.

9 9. Sgt. [REDACTED] then told me, “You’re giving me a battery. You’re not going
10 to Ad-Seg without one!” I took his statement to mean that he was going to charge me with
11 a false battery if I did not house in the cell where he wanted me to go. The nurse then
12 evaluated me. During the evaluation, Lieutenant [REDACTED] arrived and moved me to the
13 back of R & R to another holding cage. While he was walking me to this cell, he said,
14 “This guy’s going to get his ass beat!” and said, “You’re giving us a battery.” I told him
15 that I didn’t have anything to prove to him, and that he could go ahead and beat me up. He
16 replied, “You’re not going to have a mark on you, but you’re giving me a battery. I’m
17 gonna bash my head on this cage or better yet, I’ll have one of my officers come punch me
18 in the face. Who do you think they’re gonna believe—a lieutenant with 25 years or some
19 punk convict?” He then told me, “I’ll make sure you spend the rest of your life in here.”
20 Shortly after this conversation I was moved from R & R to the D-Yard, Building 5 EOP
21 ASU. I was moved to a different cell in D-Yard, Building 4 a few days later and allowed
22 to cell alone.

23 10. This incident on my very first day at LAC made me scared for the rest of my
24 time there. I immediately lost trust in the officers at LAC. I did not want to ask them for
25 help with anything. Because of this incident, I received a CDCR disciplinary charge,
26 which is called a Rules Violation Report (“RVR”), for refusing to house with a cellmate,
27 and lost 30 days of dayroom and phone privileges. I filed a CDCR Form 602 grievance
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1 about this incident and sent the appeal through the third and final level of review. About
2 two months ago I was called out of my cell at SAC to have an interview about the incident,
3 over a year later.

4 11. About 10 months after this first incident, I experienced another incident of
5 staff misconduct. On August 1, 2019, around 11:30 a.m., I left my cell in D-Yard,
6 Building 4, where I was housed at that time, to exchange my laundry. I was walking
7 through the soccer field on the yard with my laundry when another incarcerated EOP
8 individual came up behind me and punched me in the head. I began to fight with this
9 individual, and the fight was broken up by a different individual on the yard. During the
10 fight, an alarm sounded and officers came onto the yard from the Building 4 housing unit
11 and from the D-Yard Program Office. After the fight was broken up, I briefly continued to
12 chase the individual I was fighting around the yard. While I was chasing this individual,
13 officers shot me with three pepper grenades, all of which landed around my feet.

14 12. At that point, the individual I was fighting was lying prone on the ground
15 and I had stopped chasing him. Officer [REDACTED] approached me and struck me across the
16 face with a baton. I fell to my knees and clutched the baton to stop him from again striking
17 my head and face with it. At that point, many officers approached me, and one of them,
18 Officer [REDACTED], immediately struck my left shoulder with his baton to get me to release
19 my grip on Officer [REDACTED]'s baton. After this, all of the officers descended upon me and
20 repeatedly struck me and stomped on me with their fists and boots in the head, chest, and
21 back. This lasted for about a minute or two before I fell unconscious. The next thing I
22 remember is waking up on a gurney in the Correctional Treatment Center ("CTC").

23 13. I later learned that after the assault, I was initially taken to the C/D-Yard
24 medical building. I am told that nursing staff evaluated me and tried to get me to speak,
25 but that I was unresponsive. I was also told that they cut off my clothing and checked my
26 wounds to see whether my spine was injured. After they checked me, I was moved to the
27

1 CTC, which is the medical building at LAC. I waited there for about a half hour before
2 being sent to an outside hospital.

3 14. When I finally regained consciousness fully while in the CTC, I noticed that
4 I had bruises and scrapes all over my body, and my head was hurting. At the hospital, I
5 was told by staff that I needed stitches for the cuts on my right forearm and below my right
6 eye. They also told me I had a concussion.

7 15. After a few hours at the hospital, I returned to LAC and I started feeling
8 suicidal. I was going to hurt myself due to way I was feeling after the assault. I told
9 medical staff this and they placed me on suicide watch until the next morning, when
10 mental health staff told me to go back to my cell in D-Yard, Building 4. I was still in a lot
11 of pain from my injuries. Two or three days after the assault, I started to experience white
12 flashes in my vision. These vision problems continued for months.

13 16. Shortly after I returned to LAC from the hospital, I was given an RVR
14 charging me with "Behavior that Could Lead to Violence." A mental health clinician
15 evaluated me for this RVR on August 9, 2019 and wrote in the report that my mental
16 health strongly influenced my behavior during this incident. He explained that I suffer
17 greatly from mental illness and that this affected my behavior. Even though the clinician
18 recommended that my RVR be documented in an alternate manner and that I not be
19 punished due to my mental health issues, custody staff charged me with the RVR and
20 punished me to 30 days without dayroom. I believe that if they were not making this RVR
21 up, they would have charged me with something more serious, like battery on an officer or
22 fighting. By charging me with a lower offense, I believe they were trying to placate me
23 into not reporting the assault.

24 17. A few days after the assault, on August 5, 2019, I requested a videotaped use
25 of force interview by submitting a request to my counselor. I did not receive a response to
26 this request, so a couple of weeks later I filed a Form 602 grievance saying that officers
27 used excessive force on me.

1 18. I finally received a videotaped use of force interview on August 26, 2019, 26
2 days after I was assaulted. The interview was about ten minutes long. By that time, my
3 injuries had mostly healed.

4 19. After I submitted my 602, I met with Lieutenant [REDACTED], who was
5 surprised that I was not in ASU. He told me I shouldn't be on the same yard as the
6 officers, but he returned me to my cell because D-Yard is the only EOP yard at LAC. I
7 thought they were going to move the officers involved off the yard, but they did not move
8 them either. There was no further investigation into this assault until March 2020 when
9 two special investigative lieutenants from Lancaster came to see me at CSP-Sacramento.
10 The interview in March of 2020 was about 10 or 15 minutes long. They seemed very
11 unhappy and asked me why I had waited 22 days to file a 602. I told them that I had 30
12 days to file a 602, but they continued to question me about this. I felt like I was in court
13 and they were trying to trip me up with their questions. It was intimidating.

14 20. As a result of the assault, my mental health grew worse in the weeks and
15 months after the incident. I became more paranoid and stopped attending my mental
16 health groups, which are a key part of my mental health treatment. I started eating most of
17 my meals inside my cell because I was afraid of being assaulted by another prisoner or
18 having officers assault me again. The assault I experienced made me feel terrified all of
19 the time. I felt like the world was out to get me.

20 21. On November 8, 2019, I was assaulted again. That evening, around 8:15
21 p.m., I left my cell in D-Yard, Building 4 during evening pill call. I walked with other
22 people in my unit to the pill call line in the medical building and began talking to my
23 friends in the line. One of the medical officers who supervises the pill line, Officer [REDACTED],
24 told me to go back to my building, because I was not on medications and did not need to
25 be in the pill line. Another officer, Officer [REDACTED], also came up to me and told me to go
26 back to my housing unit. I asked Officer [REDACTED] and Officer [REDACTED] to hold on while I
27 talked with my friends for a moment, but they kept asking me to return to my cell. After a
28

1 few minutes, one of my friends told me we should just go. At this point I was frozen
2 standing still as I was unsure where to move or what to do and was confused by the
3 situation. Officer [REDACTED] asked me to turn around and cuff up. Instead of cuffing up, I
4 began walking back to my housing unit, hoping they would just let me go.

5 22. As I was walking away, Officer [REDACTED] grabbed me by the arm and slammed
6 me into the ground. When I was on the ground, he kned me in the back of the head and
7 then handcuffed me. As I was lying on the ground, Officer [REDACTED]s put his fist in my face
8 and waved it around. He told me, "Stop resisting or I'm going to hit you in your fucking
9 face." I was not resisting at this point, and believe that he said this to justify the force he
10 used against me.

11 23. Next, Officer [REDACTED] and a few other officers who had responded to the
12 scene picked me up off the ground and placed me in a wheelchair. I was taken to the D-
13 Yard gym in the wheelchair and placed into a holding cage. After waiting in the cage for
14 two or three hours, Sergeant [REDACTED] came in and asked me what was going on. He
15 asked me, "You're not going to file a claim, are you?" I told him I was not planning to file
16 a staff misconduct complaint about the assault, and just wanted to return back to my cell.

17 24. A nurse then came to the gym to evaluate me and document my injuries on a
18 7219 Form. I had cuts and scratches on my face and my arms from the incident. I did not
19 tell her the injuries came from an assault, as I was still trying to return to my housing unit
20 and wanted to not be retaliated against further. After the evaluation was finished, I was
21 taken to the D-Yard EOP ASU.

22 25. I received an RVR for this assault for "Battery on a Peace officer." On
23 November 25, 2019, I was found guilty of this RVR and given an 11 month Security
24 Housing Unit ("SHU") term. A SHU term is a sentence to an extended stay in segregation,
25 and it is considered a very serious punishment. EOP patients serve their SHU terms in a
26 special type of unit called a Psychiatric Services Unit or PSU. I felt this was a very
27 extreme punishment for something I did not do.

1 26. I filed a 602 staff complaint about this assault on November 22, 2019.
2 Fifteen days after I filed the complaint, I was interviewed by two officers about my
3 complaint and given a videotaped interview. However, this was nearly a month after I was
4 assaulted, and although my injuries from the assault were still present, they had mostly
5 healed. The interview was only five minutes long and was quickly ended by the officers.
6 Today, I received my third and final level 602 response. The response date was December
7 5, 2019, but this was the first time I had seen the response. I believe they were trying to
8 delay the exhaustion of my appeals by withholding the appeal response from me.

9 27. I was also threatened while I was in the ASU in late November 2019 after
10 the incident. When I was being returned to my cell that day, I was upset that I had not yet
11 received the video interview for the assault that I had requested multiple times. When I
12 was being walked to my cell, I refused to un-cuff because I wanted to talk to someone
13 about my video interview. Officer [REDACTED] threatened me by saying, “Do you want
14 another battery on a peace officer?” I was sitting on my bed with the handcuffs and I
15 decided to give them back the handcuffs and not protest any further because I was afraid of
16 what would happen.

17 28. A few days after the assault, at my Classification Committee hearing (a type
18 of meeting with custody staff to discuss housing placements and custody issues) I was
19 placed in the ASU. At the committee hearing, I told staff that that I was beaten up again
20 by staff and that I believed that I was assaulted in reprisal for the August assault.
21 Associate Warden Jordan at LAC who was at the ICC meeting told me, “We don’t know
22 what you’re talking about,” after I discussed the assault, and told me to “Get the fuck out,”
23 at the end of the committee. Associate Warden Jordan had also told me to “Get the fuck
24 out,” when I told him in early December 2018 during my initial ICC that Lieutenant
25 [REDACTED] had threatened me in R & R on November 30, 2018. Both times I had brought my
26 concerns to Associate Warden Jordan’s attention, he did not take them seriously and
27 mocked me.

1 29. I believe that this assault happened as a follow up to the August 2019 assault
2 I experienced and as retaliation for asking for a video interview and filing appeals about
3 the August assault.

4 30. I have also witnessed staff engage in misconduct against other individuals
5 with disabilities at LAC.

6 31. On September 9, 2019, I saw a fellow EOP patient in D-Yard, Building 4,
7 ██████████ get assaulted by three officers. Around 9:20 a.m. that morning, I was in my
8 cell in D-Yard, Building 4 when I heard Mr. ██████████ yelling to the officers. I came to my
9 cell door when I heard the yelling and saw four or five officers come up to Mr. ██████████'s cell
10 door and tell him to cuff up. I was on the second tier in my cell looking down from about
11 a hundred feet away. I heard them spray him and what sounded like an assault and saw the
12 officers drag Mr. ██████████ out of the housing unit a few minutes later. Mr. ██████████ face and
13 body were bloody. They also told him to "stop resisting," even though he was totally
14 compliant. I believe they said "stop resisting" in order to lend credence to the fact that
15 they were assaulting him without reason.

16 32. Though I recently moved to SAC, after each incident at LAC I still had to
17 interact with the officers that were involved in the multiple incidents of staff misconduct
18 against me. I would often see Officer ██████████ when I went to chow and he would wave at
19 me and say, "Hi ██████████," with a smile on his face. I also saw Officer ██████████ a few
20 times and he also smiled and waved at me. Whenever I would see one of the officers who
21 assaulted me, they would try and joke with me and seemed to be mocking me.

22 33. In my time at LAC, there were many times that I needed help but didn't ask
23 for it because I was afraid of what would happen to me. For example, right after my
24 assault in November 2019, I was only being given one roll of toilet paper a week, which
25 was not enough. I was afraid to ask some members of staff for something as little as more
26 toilet paper, because I was afraid of the retaliation I would face and afraid they would
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28

1 assault me again. I wanted to write a 602 about the toilet paper as well, but I was scared to
2 write it up.

3 34. In addition to just being generally afraid after each incident of staff
4 misconduct, I have greatly struggled with my mental health after these incidents. Each
5 incident increased my paranoia even more to the point where it was and is hard to function.
6 Even now that I am at SAC and I feel a lot safer, I still believe staff are tampering with my
7 mail, messing with my food, altering my psychiatric medications, and doing other small
8 things to mess with me. I try to be respectful and keep my head down because I am
9 worried about being assaulted again and worried about little things such as getting my mail
10 out. I also have had issues at both LAC and SAC with getting my mental health records in
11 order to verify my past diagnosis with bipolar disorder for my current clinicians. I have
12 been afraid to ask staff at LAC and SAC for these records because I worry that a small
13 thing like getting records could lead to something bigger that would prevent me from
14 eventually going home. I also worry about getting my EOP level of care taken away in
15 retaliation for reporting misconduct.

16 35. In my opinion, staff target people with mental health issues and people who
17 are weaker, including people with disabilities. This was very clear to me from the start of
18 my stay at LAC, when I was threatened during my arrival. I believe when I expressed my
19 mental health issues and asked for single celling during my intake, the officers
20 immediately believed me to be weak and vulnerable due to my mental health issues and
21 felt it was okay to threaten me. Once I spent more time on D-Yard, which is all EOP
22 patients, it was clear that many staff members on that yard do not have mental health
23 training despite the fact that they work with mental health patients, and that some officers
24 on D-Yard feel they can pick on people in the unit because of their serious mental health
25 issues.

26 36. I believe the reason there is so much staff misconduct at LAC is because
27 there is a system of officers that are very old-school and believe they can do whatever they
28

1 want. A lot of the officers there think people who are in prison are scum. Some officers
2 are sadistic and truly seem to like hurting people.

3 37. Also, the officers at LAC can continue to do whatever they want because
4 there are no cameras there. At SAC, where I am now, I have not experienced and
5 witnessed the same level of staff assaults and misconduct. I believe this is because there
6 are cameras here at SAC that will catch officers who commit misconduct and officers do
7 not want to be held accountable if they get caught on the cameras. The cameras seem to
8 deter officers from doing bad things at SAC.

9 I declare under penalty of perjury under the laws of the United States of America
10 that the foregoing is true and correct, and that this declaration is executed at Sacramento,
11 California this 1st day of May, 2020.

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16 On May 1, 2020 due to the closure of California State Prison-Sacramento in light of
17 the COVID-19 pandemic and ongoing concerns that officers might retaliate against
18 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
19 to  by telephone.  orally confirmed that the contents of the
20 declaration were true and correct.  also orally granted me permission to
21 affix his signature to the declaration and to file the declaration in this matter.
22
23

24
25 DATED: May 1, 2020



Emma Cook

EXHIBIT 39

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Los Angeles County (“LAC”) on D-Yard in the Enhanced Outpatient Program (“EOP”) Administrative Segregation Unit (“ASU”) in Building 5. I am 41 years old.

3. I am a *Coleman* class member. I am at the EOP level of care. I am diagnosed with Major Depressive Disorder, with Psychotic Features. At times, I struggle with depression and require intensive mental health treatment. When my depression is severe, I have nightmares, I get in trouble with staff, I sometimes keep to myself and stay in my cell, and I sometimes become suicidal. I also struggle with paranoia.

4. I have been housed at LAC since February 15, 2018.

5. During my time at LAC, I have been housed in the following locations: D-Yard, Buildings 3, 4, and 5, where I am currently.

6. I have experienced staff misconduct at LAC.

7. On September 8, 2019, at approximately 12:00 p.m., I walked to pill call to pick up my medications. While at pill call, Officer [REDACTED] became disrespectful towards me. He started calling me names. I told him I was going to write him up, meaning that I would file a grievance about him.

8. After leaving the medication window, I started to walk back to my housing unit. While I was walking away from the pill call area, Officer [REDACTED] suddenly charged me, hit his alarm, and tackled me to the ground. I landed on the ground on my face. I was shocked and disoriented by the assault. As soon as I was on the ground, Officer [REDACTED] started punching me. He punched me repeatedly. A little while later, while I was still on the ground, two other officers, Officer [REDACTED] and Officer [REDACTED] responded and began hitting me in the face and upper body. They initially

1 cuffed me. However, they continued to hit me repeatedly with their hands and feet after I
2 was cuffed up. I estimate that the entire assault lasted almost a minute. After punching me
3 numerous times, the officers picked me up and took me to the gym. They aggressively
4 pulled me around in the tight cuffs on the way to the gym, causing the cuffs to cut into my
5 wrists and cause bleeding.

6 9. At one point during the assault outside, I lost consciousness briefly. I am not
7 sure how long I was blacked out, but I was dizzy and disoriented when they pulled me to
8 my feet to take me to the gym.

9 10. Once the officers had walked me into the gym and when we were out of
10 sight of any other witnesses, the officers assaulted me again. The assault was similar to
11 what happened on the yard, but I was standing up at the time. I was still cuffed at the time.
12 They then knocked me to the ground near one of the holding cages and repeatedly struck
13 me as I lay on the ground. The officers then picked me up and placed me into one of the
14 metal holding cages. At the time, I was angry, paranoid, and scared about what might
15 come next.

16 11. I waited in the gym for approximately an hour before I was taken to the
17 Triage and Treatment Area (“TTA”) in the Correctional Treatment Center (“CTC”). In the
18 TTA, I received a Form 7219 medical evaluation by nursing staff, which is standard
19 anytime a prisoner has been in an altercation with staff or with another incarcerated
20 individual. During the evaluation, Officer [REDACTED] stood next to the evaluating nurse in
21 a threatening manner. Because of this, I believe that the nurse only recorded that I had
22 minor scratches and abrasions from the assault.

23 12. After this brief initial evaluation, however, a psychiatric technician and a
24 medical supervisor approached my holding cage. I told these medical staff members that I
25 had been assaulted by officers and that my ribs, jaw, and head hurt badly. The medical
26 staff then decided to transfer me to an outside hospital for further evaluation. I was
27 transported in an ambulance to the local hospital, the Palmdale Regional Medical Center,
28 at around 1:30 p.m.

1 13. I stayed in the hospital until that evening, when I was returned to the prison
2 at approximately 9:00 pm. At the hospital, they evaluated my head injury and gave me x-
3 rays and a CT scan. I was also told to monitor my head injury for any possible worsening
4 of symptoms that might indicate a serious concussion. After the assault, I had severe
5 headaches for two or three months.

6 14. I also had bloody injuries to my wrist and cheek that the doctors cleaned up,
7 and that medical staff at LAC had to clean again repeatedly while the injuries healed. I
8 also had swelling on my face, and I was given a wrist brace for my wrist, which I still am
9 using.

10 15. In the weeks after the incident, I had vision issues in my right eye, including
11 blurred vision and pain. I also had bleeding inside my right eye. I was referred to an
12 ophthalmologist, who diagnosed a contusion in my right eye and prescribed steroids to
13 treat the injury. I am still supposed to be going to the ophthalmologist for follow up care
14 for my injury. It took nearly three months for all the blood to clear up out of my eye. I
15 have also needed a new eyeglass prescription since the assault. I still have pain in my eye.

16 16. The CDCR incident report for the assault indicated that Officer [REDACTED]
17 suffered a bone fracture in his right hand during the incident.

18 17. Upon my return to LAC from the emergency room, I was placed into the D-
19 Yard, Building 5 EOP Administrative Segregation Unit, where I remain to this day. I was
20 charged with a Rules Violation Report (“RVR”) for a staff assault causing great bodily
21 injury because Officer [REDACTED] broke his hand while hitting me. The charge was referred
22 to the Los Angeles District Attorney, which declined to bring charges against me.

23 18. I asked staff for a videotape use of force interview following the incident.
24 They ignored me at first, but I was given the interview three days later after I filed an
25 emergency appeal requesting the interview.

26 19. I believe the culture of custody staff here at LAC is very hostile towards
27 mental health inmates. In my experience, the staff misconduct is worse on EOP yards than
28 on general population yards.

1 20. In his written report regarding the assault on me, Officer [REDACTED] indicated
2 that the reason he approached me and hit his alarm is because he said I refused to give up
3 the medications in my hand. However, I had been given my medications orally by the
4 psych tech minutes earlier, as she documented in my medical records and as she reported
5 during my RVR hearing. So it is clear I did not have any medications on me at that time.

6 21. Since I have been in the EOP ASU, I have also experienced staff misconduct
7 by Sergeant [REDACTED]. He is always trying to start something with me, telling me that
8 [REDACTED] “kicked my ass.” I have not responded to these comments.

9 22. I still have to interact with the officers that were involved in the staff
10 misconduct. Even though they do not work in D Yard, Building 5, they will come by my
11 cell and make disrespectful comments to me.

12 23. The staff misconduct I have experienced here makes me feel unsafe, and like
13 anything could happen to me at any time here. It makes me feel unsafe every time I am
14 escorted somewhere. I feel like some minor incident could turn into a major beating for no
15 real reason.

16 24. I already struggle with paranoia because of my mental health issues, and this
17 makes it even worse. The assault I experienced has made it harder to manage my mental
18 illness. My interactions with staff are generally negative now, and I worry about
19 additional assaults potentially coming my way. I still go to my treatment programs
20 because I have not had problems with the officers in the EOP ASU treatment building.

21 25. In my time at LAC, there have been a few times that I needed help but didn't
22 ask for it because I was afraid of what would happen to me. Sometimes I do not want to
23 file appeals asking for things, because there is always a risk of retaliation. I also try to
24 keep to myself and stay out of trouble. I have at times declined to be a witness for other
25 people who experienced misconduct because I was afraid of retaliation.

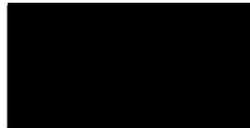
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1 26. In my opinion, custody staff on D-Yard target EOPs for mistreatment. I am
2 not sure why they do this, but it seems like they do not like EOPs.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
5 California this 20th day of April, 2020.

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7  _____
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10 On April 20, 2020, due to the closure of California State Prison-Lancaster in light of
11 the COVID-19 pandemic and ongoing concerns that officers might retaliate against
12 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
13 to , by telephone.  orally confirmed that the contents of the
14 declaration were true and correct.  also orally granted me permission to affix
15 his signature to the declaration and to file the declaration in this matter.

16
17 DATED: April 20, 2020

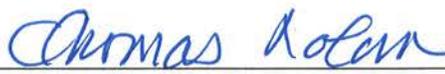
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EXHIBIT 40

1 DSH Stockton in June of 2018, they also recommended reducing my medications and
2 moving me towards participation in a CCCMS program.

3 8. My mental health condition can make it difficult for me to function in a high
4 security prison like LAC. At times in the past, I have struggled with depression.

5 9. I would like to return to CCCMS level of care because I believe there is a
6 good chance I will be going to the Board of Parole Hearings (“BPH”) for a parole review
7 for the first time in the next few years. I believe I will have a better chance of gaining
8 parole if I am able to get off the mental health caseload. Other incarcerated individuals
9 have told me this, and this is the general perception among incarcerated people regarding
10 how mental illness is treated by the parole board.

11 10. I have witnessed frequent abusive staff interactions with mentally ill
12 individuals and disabled individuals since I arrived at LAC. Some of this is routine. For
13 example, custody staff here will often speak abusively and act very aggressively with
14 mental health patients for no reason. They are very disrespectful toward us. Some of them
15 will swear at class members frequently and needlessly. Some officers also go out of their
16 way to provoke people with mental health conditions. I believe many custody staff
17 members at LAC are biased against people with mental illnesses. I also believe there is
18 also frequently racist mistreatment of African American prisoners.

19 11. I was the victim of harassment by custody staff here on D-Yard shortly after
20 arriving here and being placed into the D-Yard, Building 4 EOP unit. At one point after
21 about a week on the unit, I was standing in front of my cell door waiting to go in my cell.
22 One of the officers was speaking to me, after following me to my cell, and he approached
23 me quickly and aggressively at the cell front. When I got mad, he said, “You are not going
24 to do anything.” It seemed like he wanted to provoke me and get in a fight with me for no
25 reason.

26 12. Later on, a few days after Thanksgiving, I came out of my cell for my phone
27 call. Ms. [REDACTED] in the tower of Building 4 let me out of my cell for a call. When I came
28

1 out, the floor officers [REDACTED] and [REDACTED] were standing at the podium and they told me
2 to go back to my cell. I told the officers, “Hold on, I am trying to speak to Ms. [REDACTED].”

3 13. When I said that, the two officers approached me, and they immediately
4 slammed me on the ground. Next, they both got on top of me and punched me repeatedly
5 in the face. They kneed me in the side, and then they kicked me in the side of my leg, my
6 back, my head and my face. After this assault, I had a very large swelling bump on the
7 back of my head and I had blood all over my shirt and on my pants and boots. My face
8 was bleeding profusely. I believe the floor staff were retaliating in part because I was
9 asking for my special medical diet, and also because I have filed a number of lawsuits.

10 14. Next, a number of additional officers came into the building and responded.
11 At the time, I was on my stomach being assaulted and so I could not see if anyone else
12 joined in the beating. I have been told that during this time, Officer [REDACTED] accidentally
13 punched Officer [REDACTED] in the face while trying to hit me, but I was on my stomach and
14 did not see this.

15 15. While beating me, the officers cuffed me behind my back and they shackled
16 my legs extremely tightly, so tightly that it cut into my skin and I still had swollen ankles
17 two months later. I still feel tenderness in my ankles to this day. The officers continued to
18 beat me even after I was cuffed.

19 16. The next thing that took place is that the officers dragged me into the
20 rotunda, which is a narrow corridor where everyone enters and leaves the housing unit.
21 When I was in the rotunda and out of sight to most people in the unit, they began to beat
22 me again, even though I was cuffed at the time, and could not even block the kicks and
23 punches with my arms. After they beat me in the rotunda for a period of time, they picked
24 me up again and escorted me across the yard. I am not sure how long this assault lasted
25 because I was dizzy and disoriented. I could barely walk because of my injuries.

26 17. As we left the building, Officer [REDACTED] grabbed the back of my shirt and
27 pulled it back so that it was choking me. I felt like I was going to pass out, although
28 eventually he eased up. I was then taken to the gym, where I was unable to stand up in the

1 cage they placed me inside. The nurse came and looked at me. They brought a wheelchair
2 and took me to the medical unit in a different part of the prison called the “TTA”– which
3 stands for the Treatment and Triage Area. Medical staff treated me there and cleaned me
4 up. They cleaned my wounds and checked to make sure my nose was not broken. I was
5 also complaining about my ribs. However, medical discharged me back to the ASU
6 without giving me an x-ray or examining my ribs. I never got an x-ray, but medical staff
7 told me that my rib was broken at the next examination in the clinic, about a week after the
8 incident.

9 18. In the days after the assault, I had some ongoing dizziness. I also had a huge
10 bump in the back of my head. I also had a contusion on my forehead. I believe I may also
11 have had a concussion.

12 19. After the assault, I was taken to the EOP ASU unit, where I have been since
13 that time. I have been in the EOP ASU for more than four months.

14 20. I was given a Rules Violation Report (“RVR”) for assaulting staff in relation
15 to this incident. Staff initially contended I had inflicted seriously bodily injury on both
16 officers, but later on they said only one officer was injured. I was told that a case against
17 me for staff assault was referred to the local District Attorney.

18 21. I believe that mental health staff members know what is going on with
19 custody staff abusing EOP patients, and that they fail to take action in order to keep the
20 peace with custody.

21 22. I filed a CDCR Form 602 grievance regarding this incident, explaining that I
22 was assaulted by staff. I have not received a response to that appeal. I have also written to
23 CDCR Internal Affairs about this staff assault and I have not heard anything back.

24 23. Since being in the EOP ASU, I have experienced retaliation from
25 correctional officers, including a recent incident on the walk-alone yard adjacent to the
26 EOP ASU. Approximately 3 weeks ago, two correctional officers were escorting me to the
27 ASU yard. Officer [REDACTED] was walking in from the yard to get me. I said they were
28 starving me, because I had not been getting all of my food. He called me a bitch and

1 threatened me saying, “We will see you out there on the yard.” After I was on the yard,
2 when yard ended, they took all the other prisoners off the yard, and I was the only one left.
3 I was in my own yard cage. At this time, I was initially cuffed to take me out of the cage.
4 After I was cuffed, Sergeant [REDACTED], who had come out to the yard, told the correctional
5 officers to un-cuff me, and then he came into the cage and assaulted me, twisting my arm,
6 slamming me against the wall of the cage, and choking me with his forearm. I believe he
7 was trying to provoke me but I did not resist or fight back. I believe this was retaliation for
8 filing appeals about the earlier staff assault, for writing to attorneys, for seeking criminal
9 charges against staff, and for filing and winning expedited lawsuits.

10 24. In my opinion, staff here at LAC target people with mental health issues in
11 many different ways. One way is that it is harder for people with mental health issues to
12 get released by the Board of Parole Hearings. Also, when you are in the mental health
13 program, some people do not take you very seriously because of your mental illness – and
14 abusive members of the custody staff know other people are less likely to believe a
15 mentally ill person, so they can get away with more.

16 25. Staff members also do not like it if you write a 602 complaint about them,
17 because that information goes in their file. And they do not like people who file lawsuits
18 and seek to have charges placed.

19 26. Finally, it seems like there are lots of ways staff punish mentally ill people,
20 maybe because they are prejudiced against them. For example, they use “loss of
21 privileges” as a punishment, or they put you on “C-Status” for extended periods of time.
22 This is particularly harsh for people who do need mental health help, including me,
23 because for us, isolation and lack of activity are things that can make our mental health
24 worse.

25 27. I have been in CDCR prisons or in California Youth Facilities for at least a
26 part of every year since I was 12 years old. I have been housed in dozens of different
27 facilities. The staff misconduct at LAC is not as bad as what I experienced at Richard J.
28 Donovan Correctional Facility, where I was repeatedly assaulted during my time there

1 recently. I also experienced terrible staff misconduct at California State Prison-
2 Sacramento in 2018. But other than those two prisons, the misconduct at LAC is the worst
3 I have experienced.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
6 California this 20th day of April, 2020.

7
8  _____

9
10
11 On April 20, 2020, due to the closure of California State Prison-Los Angeles
12 County in light of the COVID-19 pandemic and ongoing concerns that officers might
13 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
14 declaration, verbatim, to  over the telephone.  orally
15 confirmed that the contents of the declaration were true and correct. 
16 also orally granted me permission to affix his signature to the declaration and to file the
17 declaration in this matter.

18
19 DATED: April 20, 2020

20 

21 Thomas Nolan

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EXHIBIT 41

DECLARATION OF [REDACTED]

1
2 I, [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Kern Valley State Prison (“KVSP”) on
6 Facility C in Building 6. I am 52 years old. The incidents of staff misconduct described
7 below took place last year when I was housed at California State Prison – Los Angeles
8 County (“LAC”).
9

10 3. I am a *Coleman* class member. I struggle with depression, anxiety, and post-
11 traumatic stress disorder (“PTSD”). I also have a traumatic brain injury from being
12 assaulted and almost killed by another incarcerated person at California State Prison-
13 Corcoran (“Corcoran”) in May of 2013. This injury contributes to my overall anxiety and
14 makes my mental health symptoms worse. After the brain injury, my emotional issues got
15 worse. In 2015, I sought out mental health assistance and became a part of the mental
16 health care system in CDCR. I am currently at the Correctional Clinical Case
17 Management System (“CCCMS”) level of care, which is the lowest level of mental health
18 care in the CDCR. Patients at the CCCMS level of care live in general population units
19 throughout the CDCR, and receive infrequent contacts with their mental health case
20 manager and treatment team.

21 4. Although I am currently at the CCCMS level of care, I have a history of
22 being treated at higher levels of mental health care in the CDCR, including the Enhanced
23 Outpatient Program (“EOP”). I was dropped from the EOP level of care to CCCMS in late
24 January 2020 while at California State Prison-Sacramento. I submitted an appeal when my
25 mental health level of care was lowered, because I felt I needed the more intensive
26 treatment available in an EOP program to deal with my mental health symptoms.

27 5. I am now doing better due to a more stable housing environment than I was
28 in when I was first dropped from EOP, but if I return to an unstable housing environment,

1 or if I experience a distressing event in the future, I anticipate that I will need a higher
2 level of care again. During my time at LAC, I was at the EOP level of care, and my
3 mental health issues were similar but worse than those I experience today. I was working
4 on a lot of mental health issues at the time. When I was at LAC, I was at the EOP level of
5 care for my entire stay.

6 6. I have some medical issues, including a hernia and foot pain. Because of my
7 medical conditions, I have a lower bunk chrono and can only be housed on the ground
8 floor in locations with limited stairs. I was initially given the lower bunk chrono because
9 of seizures I was having after my brain injury. Although I was never treated for the
10 seizures, I have not had one in three years. However, I still have my lower bunk chrono
11 due to my mobility issues. I also wear a hernia belt and orthotic inserts in my shoes.

12 7. Given my mobility accommodations and the durable medical equipment
13 prescribed for my feet, I believe I have a mobility disability that makes me part of the
14 *Armstrong* class, even though CDCR has not given me an *Armstrong* tracking code
15 reflecting the fact that my mobility is limited. My hernia belt also helps me with my
16 mobility. It is difficult for me to get up in the morning and to walk with ease, and it is
17 difficult to climb stairs. During the time I was at LAC, my medical issues were similar to
18 the issues I experience today.

19 8. I was housed at LAC from March 12, 2018 to June 28, 2019, when I was
20 transferred to California State Prison-Sacramento (“SAC”). I was also at LAC for a period
21 of time between 2014 and 2015, and was housed on C-Yard at that time. During my time
22 at LAC in 2018 and 2019, I was housed in the following locations: D-Yard, Building 4,
23 and D-Yard, Building 5, which is the EOP Administrative Segregation Unit (“EOP ASU”).

24 9. On April 12, 2019, around 10:45 a.m., I was walking back to my unit in D-
25 Yard, Building 4 from the medical building after my bi-weekly individual counseling
26 session with my mental health clinician. These meetings were a part of my EOP program.
27 During this meeting, I had asked my clinician to help me report some staff misconduct
28

1 issues I had been having with the officers on D-Yard. When I had arrived at LAC, I had
2 learned that there had been a staff assault on D-Yard, in which an officer who worked on
3 D-Yard, Building 3 was assaulted by an incarcerated person and beaten up. Because of
4 this staff assault, when I arrived at LAC, the officers who worked on D-Yard were angry at
5 all of the prisoners, and were extremely physical with us. For example, if a person asked a
6 question, they would be placed on the wall, handcuffed, and sometimes dragged into the
7 gym. I witnessed and heard about this multiple times. So, the culture was already very
8 aggressive when I arrived.

9 10. In the past, because of the serious assault on me in 2013 at Corcoran, I have
10 had single cell status for my protection. People in prison can get single cell status for
11 mental health, medical, or custody reasons, but it can be difficult to obtain and keep this
12 status. I believe I had single status for a combination of all three reasons. However, over
13 my objections, my single-cell status was removed before I left KVSP to go to LAC. At my
14 initial Institutional Classification Committee (“ICC”) meeting at LAC, a meeting in which
15 housing placements and other custody-related issues are discussed, I asked for single cell
16 status again. At the meeting, my correctional counselor told me to fill out a 602 about my
17 single-cell status request.

18 11. After the meeting, I filled out a Form 602 grievance asking for single cell
19 status, and submitted it. About a week after my ICC, on April 7, 2019, I was called into
20 the program office and two Sergeants were there to respond to my 602. I was surprised
21 because I thought my Correctional Counselor would respond, as they are normally the ones
22 who determine housing placements. I told the Sergeants I thought my counselor would be
23 the person to respond to my 602. They said, “Get the fuck out of here.” Since I did not
24 wanting to start anything, I left the program office. Two officers, Officer [REDACTED] and
25 Officer [REDACTED] then followed me back to my housing unit. I thought they were just
26 escorting me to see that I got there. However, when I got to my unit, they told me to sit the
27
28

1 fuck down, and told me that they were searching my cell. Officer [REDACTED] also called me a
2 “bitch.”

3 12. I was incredulous and asked why they were searching my cell. They said,
4 “Because you were smarting off to the sergeant.” I told them I didn’t smart off, and they
5 handcuffed me and told me they were going to take me into the gym and kick my ass.
6 They took me to the gym, but fortunately they did not beat me up. However, when I was
7 returned to my cell, I saw that it was destroyed, and all of my belongings were strewn
8 across the cell.

9 13. In the days following, Officer [REDACTED] Officer [REDACTED] and a small group of
10 their fellow officers harassed me daily. Every single time I had an interaction with them,
11 there was always a verbal threat of violence even when the officers did not behave
12 violently. In the days following, they continued to single me out and harass me.

13 14. At a meeting on April 12, 2019, I reported all of this to my clinician, and
14 asked her to document it during my appointment with her that day.

15 15. When my clinician told me she could not help me with the staff misconduct I
16 had been experiencing, I left the appointment suddenly. I was extremely frustrated with
17 her.

18 16. As I approached the gate leading from the area outside the EOP treatment
19 building to D-Yard, Officer [REDACTED] opened the gate for me, but then suddenly slammed
20 the gate into my face and left shoulder. He said to me, “Don’t let the gate hit you in the
21 ass, get out of here!” As he was slamming the gate into my face, I put my hands up to
22 prevent the gate from hitting me and said, “Hey, what are you doing?” Officer [REDACTED]
23 who was standing behind Officer [REDACTED] yelled at me to “get the fuck down!” I backed
24 away from the gate with my hands above my head. Officer [REDACTED] and Officer [REDACTED]
25 then drew their batons and tackled me to the ground. Around the time that Officer
26 [REDACTED] and Officer [REDACTED] drew their batons, someone sounded an alarm. Many
27
28

1 officers responded. One of them, Officer [REDACTED], grabbed my head in both of his hands
2 and slammed it into the concrete as I was lying on the ground after being tackled.

3 17. While I was on the ground, a swarm of officers – including Officer [REDACTED],
4 Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], Officer [REDACTED],
5 [REDACTED] Officer [REDACTED] and Sergeant [REDACTED] – hit me numerous times with batons,
6 punched me, and kicked my face, ribs, and chest.

7 18. I lost consciousness about 15-20 seconds into the assault. I believe was
8 unconscious for about another 15-20 seconds. When I woke up, I was still on the ground
9 by the gate, and they were punching and jabbing me throughout my body. Officer [REDACTED]
10 was kneeling on my head, crushing my ear into the concrete. I was then handcuffed and
11 placed in leg restraints. The whole assault from what I experienced when conscious felt
12 very organized and almost like a professional job – like they had definitely done this
13 before.

14 19. I was then dragged by about five officers from the yard gate to the D-Yard
15 gym. One staff member was carrying each one of my limbs and one had my waist. The
16 officers told all of the yard workers, who were in the gym at the time, to leave the gym.
17 Once the yard workers had left, the officers made me stand two feet outside of the first
18 holding cage in the gym, facing the entrance to the cage. Officer [REDACTED] stood on my leg
19 restraint chain and pushed me forwards, causing me to hit my head on the steel stool inside
20 the cage, which cut open my face. After I hit my head, I was repeatedly kicked and kneed
21 in the ribs by Officer [REDACTED]. Then I was picked up by the officers off my feet, and thrown
22 into the holding cage. The officers then stripped me, took my cuffs off, and left the
23 building, leaving me in the holding cage.

24 20. Shortly after they left, another officer, Officer [REDACTED] entered the gym and
25 approached the holding cage. He was laughing and said, “Here are your glasses, [REDACTED]” and
26 handed me my glasses, which were broken and twisted from the assault. My glasses had
27 been in a hard protective case on my waist during the incident. The fact that my glasses
28

1 were completely broken when Officer [REDACTED] gave them back to me, as well as the way he
2 gleefully handed them to me, led me to assume the officers had taken the glasses out of the
3 case while I was unconscious or after the incident, and broken them on purpose.

4 21. Shortly after Officer [REDACTED] left, a psychiatric technician, Mr. [REDACTED]
5 entered the gym with Officer [REDACTED] to evaluate my injuries and fill out a Form 7219, a
6 form documenting my injuries from the assault. Mr. [REDACTED] started to evaluate me, and
7 Officer [REDACTED] kept saying things during the evaluation like, "That's what you get for
8 being an asshole." After a few minutes of the evaluation, I asked Mr. [REDACTED] if I could
9 speak with him alone, away from Officer [REDACTED]. Mr. [REDACTED] responded, "I can't do
10 nothing for you," and turned around and walked out of the gym without completing my
11 evaluation. While he was walking away, I yelled, "Hey, my ribs are broken," but he
12 continued to exit the gym.

13 22. I remained in the holding cage, naked and bleeding, for nearly five hours.
14 During that time, there was a shift change and the third watch officers entered the gym.
15 Around 3:30 p.m., a different psychiatric technician entered the gym and saw that I was
16 bloody and had a lot of injuries, including a bump on the side of my head the size of a golf
17 ball, and a crushed ear. She asked a third watch officer in the gym whose name I did not
18 know, "What the hell is he doing in this cage right here?" She was clearly appalled that I
19 was just sitting in the cage with so many injuries. After the psychiatric technician said
20 that, the officers in the gym escorted me to the medical building.

21 23. As I was entering, a nurse in the building asked me when the incident had
22 happened. I told her 10:45 a.m. She then asked the escorting officer, "What the hell is
23 going on here?" to which he replied, "He refused medical treatment." This was, of course
24 a complete lie.

25 24. The nurse asked the officer, "Do you have the 7219?" That third watch
26 escorting officer also told the nurse that there was no 7219, even though one had been
27 commenced and abandoned by Psych Tech [REDACTED]. I was escorted to the Triage and
28

1 Treatment Area (“TTA”) of the medical building and was evaluated by a nurse and a
2 doctor—Dr. [REDACTED]. They were clearly concerned about the seriousness of my condition.
3 The nurse and doctor told me during my evaluation that I had multiple broken ribs, and
4 this was documented on the 7219 Form they filled out. They also called an ambulance to
5 take me to the outside hospital: the Antelope Valley Hospital (“AVH”).

6 25. At AVH, hospital staff told me that I had fractured ribs, blunt head trauma,
7 and multiple contusions and abrasions to my body and face. Staff at AVH also told me
8 they wanted to have their forensic team evaluate me, because it appeared based on my
9 injuries that a crime had been committed against me, and they wanted to document my
10 injuries.

11 26. The officers who escorted me to the hospital and who were present as I was
12 receiving treatment, Officer [REDACTED] and Officer [REDACTED], told AVH staff that they could
13 not take photos of me because I was a prison inmate and insisted that I be discharged from
14 the hospital. I was discharged, and returned to LAC late in the evening on April 12, 2019.

15 27. I was given a videotaped use of force interview the day after I was assaulted,
16 on April 13, 2019. Sergeant [REDACTED] and Sergeant [REDACTED] conducted the interview. Before
17 the interview began, they asked me multiple times, “Are you sure you want to make a
18 statement?” I said yes each time they asked, and they eventually started the interview,
19 which only lasted about fifteen minutes. The sergeants were very hostile and did not seem
20 to want to hear about what had happened to me.

21 28. Shortly after my videotaped use of force interview I received a Rules
22 Violation Report (“RVR”) charging me with “Assault on a Peace Officer.” My case was
23 subsequently referred to the District Attorney, who rejected the case. There was
24 eventually a hearing on my RVR, though I was not present because I felt that the setting
25 would be too hostile. I had just been beaten up and I was trying to avoid yet another
26 hostile environment. During this period, whenever I was in contact with custody staff, it
27 seemed like smoke was coming off of their ears. They were extremely angry, so I was
28

1 trying to avoid any confrontation. I submitted a written statement instead of being
2 physically present at the hearing.

3 29. Staff continued to retaliate against me and harass me after the assault. An
4 old cellmate of mine returned to LAC about two weeks after I was moved to the ASU. He
5 asked staff to move in to my cell with me, because we had previously been celled together.
6 The officers repeatedly harassed him and me, saying, “You really want to live with that
7 guy?” They tried to instigate a fight between us. They also told other incarcerated people
8 about my criminal history.

9 30. I filed a 602 staff misconduct complaint on May 9, 2019 regarding the
10 assault. CDCR bypassed the first level of review for the 602 (meaning they did not issue a
11 response and simply sent it to the second level of review). The 602 was partially granted
12 at the second level of review. It was granted on the grounds that CDCR said that LAC
13 staff were going to perform an investigation into my allegations. However, I never
14 received an interview by any investigatory staff regarding my 602. I grew tired of waiting
15 for an interview and sent my 602 to the third and final level review on July 29, 2019.

16 31. After sending my appeal to the third level, I was finally interviewed over the
17 phone, as I had been transferred from LAC to SAC by that time. An LAC Investigative
18 Services Unit (“ISU”) Officer named Officer ██████ interviewed me. The interview
19 lasted for about forty-five minutes and Officer ██████ repeatedly called my story
20 “impossible.” He was particularly focused on my allegation that Officer ██████ threw my
21 head into the gym holding cage. At the end of the interview, he told me he knew these
22 guys, referring to the officers, and said, “I have spoken to them.”

23 32. This made it clear to me that this was not a real investigation. The
24 investigating officers at LAC were clearly siding with and protecting their fellow officers –
25 people they are probably friends with. It made me sad and convinced me that my
26 complaint was going to go unaddressed. I was never told anything about the results of the
27 investigation, and have not heard from anybody since.

28

1 33. My appeal was denied at the third level by CDCR. The response said that
2 my appeal was denied because the third level reviewers in Sacramento claimed I had
3 missed one of the time constraints at an earlier stage of review. This did not make sense to
4 me because they had responded to my supposedly delayed 602 at the earlier stage of the
5 grievance process. I submitted a new Form 602 grievance about the denial because I did
6 submit the original 602 on time.

7 34. What caused the delay with the original grievance about the staff assault was
8 the following. When the appeals office received the grievance, they said it was late.
9 However, it was delayed three days because ASU staff members had reviewed it several
10 days after I had submitted it, and came back to me and told me to re-submit it with a Form
11 22. In the third level response, headquarters staff also told me I was “not diligent” in filing
12 the complaint, and had put it off. However, I had filed the original complaint within the 30
13 days after the incident, as required. I did not do it right after the assault because I wanted
14 to think more about the appeal and collect the incident reports, so that I could figure out
15 who had actually assaulted me, and report the assault with as many details as possible.

16 35. I believe I was originally targeted for abuse by custody staff due to being
17 EOP and having issues with my mobility.

18 36. However, I also think the assault was an escalation related to ongoing
19 incidents I had been experiencing with D-Yard officers, such as the threats by Officer
20 [REDACTED] and Officer [REDACTED] just days before the assault. After I was threatened by Officer
21 [REDACTED] and my cell was torn up, I filed a 602 the same day but never received a log number
22 for the 602. I believe that that first 602 grievance, from before the assault, was somehow
23 intercepted and destroyed by custody staff, because I never got a response or even a record
24 of it being received.

25 37. I also suspect that Officer [REDACTED] Officer [REDACTED] and the other officers
26 threatening me were involved in the assault on me five days later as a way to scare me and
27
28

1 retaliate against me for trying to file a 602 staff complaint about them threatening me and
2 destroying my cell.

3 38. I have also filed an individual federal civil Section 1983 lawsuit about this
4 issue. I am in the service stage of the proceedings for that case, and hope to gain some
5 monetary compensation for the physical injuries and mental health issues that LAC staff
6 have caused me.

7 39. On the day that I was assaulted, while I was in the holding cage in the D-
8 Yard gym, staff boxed up all my property in my cell, which is standard practice when you
9 go to segregation. My TV was supposed to be carried over with me to the ASU, as
10 everyone in the D-Yard, Building 5 ASU is given a TV to help cope with mental health
11 issues while in segregation. I was eventually given the TV a week later. When I was
12 transferred to SAC, my property was returned, and I discovered that much of my property
13 was lost, including my radio, which helps me to deal with my mental health issues. I also
14 discovered that hundreds of personal photographs of my loved ones, all of my personal
15 clothing, my batteries, my hot pot, my hair clippers, and my fan were all missing from my
16 property.

17 40. It is my understanding based on the paperwork about my property that I later
18 received, that SAC never received the property from LAC. This leads me to believe that
19 LAC had lost or destroyed my property. I know from living on D-Yard at LAC that
20 officers often allow their porters, who were typically higher functioning EOPs, to take
21 property that was left behind as a reward for assaulting other incarcerated people or
22 otherwise doing what officers wanted them to do. I filed a 602 about this issue. In the
23 written response, LAC staff said that my property must be missing because I sold it on the
24 yard. This was ridiculous, because I had all of that property with me for years and I had
25 never sold any of it. I believe that this was just a flimsy pretext to give them an excuse to
26 take my property. What was really going on is that they were punishing me for reporting
27 the assault.

28

1 41. This assault caused me extreme physical pain and truly terrified me. Since
2 the assault, I have been increasingly depressed and anxious. In addition, I have a recurring
3 nightmare in which I am assaulted over and over again. I wake up suddenly after having
4 these, and they have affected my sleep and made my mental health worse. I have been
5 placed on a medication for my recurring nightmares and remain on that medication to this
6 day.

7 42. I still had to interact with the officers that were involved in the staff
8 misconduct against me while I was at LAC, even after they were accused of staff
9 misconduct. For example, I got weekly visiting on the weekends while at LAC, and on the
10 third weekend after the assault, my mother and sister were visiting me. I was sitting
11 behind the glass talking with my mother and sister when I saw Officer [REDACTED] and [REDACTED]
12 pointing at me and laughing at me. I told my mother and sister that those were the officers
13 that assaulted me, and my mother and sister turned around to look at them. They then
14 stopped mocking me and got quiet and serious. Shortly after that they exited the visiting
15 room, and as they were leaving, they turned around to face me and waved and smiled at
16 me. I took this unquestionably as a threat. I didn't feel like they were going to come and
17 get me as many people knew what had happened, but I felt that they could still get other
18 staff who had not already assaulted me to harass me.

19 43. In my time at LAC, there were many times that I needed help but didn't ask
20 for it, even for simple things, because I was afraid of what would happen to me.

21 44. For instance, prior to the assault, I asked a floor officer in D-Yard Building 4
22 for some toilet paper. The officer told me he did not have any. So I asked him if I could
23 check the podium drawer, as they sometimes have toilet paper there. He said there was
24 nothing there, without checking. I then asked the officer whether he could check the
25 supply closet when he had a moment and get me some toilet paper if it was there. Instead
26 of agreeing to check, he then yelled at me, "Where the fuck am I supposed to get toilet
27 paper?" I did not say anything back, and turned around and went back to my cell.

1 45. This kind of hostility from custody officers was common on D-Yard at LAC.
2 Whenever you asked for anything, the officers almost always would give a hostile answer,
3 even if the issue or request was small.

4 46. As discussed above, I have filed Form 602 grievances to report the staff
5 misconduct, but I always feel afraid when reporting misconduct, or even when filing a 602
6 grievance about an innocuous issue. For example, I filed an appeal about staff not
7 releasing people to yard on time at LAC. Though I was not reporting an issue with a
8 specific officer, I was still very afraid to report it.

9 47. While I was worried about myself at LAC, I was even more worried about
10 other incarcerated people who were less able to negotiate their situations and deal with
11 conflict than I am. Lower functioning EOP patients with worse mental illnesses than me
12 and people with cognitive disabilities are much less able to negotiate with the staff and to
13 present their needs and requests in a way that is polite. I have seen multiple assaults on
14 low functioning individuals who are very mentally ill and/or off their medications while on
15 D-Yard. Instead of de-escalating the situations with these people, officers would ramp up
16 the situation and provoke the lower functioning people into an argument, which then
17 would then lead them to use force against those people.

18 48. This culture and behavior has existed for many years at LAC. When I was at
19 LAC from 2014 to 2015, while housed on C-Yard, I had a cellmate who was schizophrenic
20 and had numerous mental health issues. I saw the same officers who were later my
21 officers on D-Yard in 2019 harassing him and other mentally ill people the same way at
22 that time. For example, in 2014 and 2015, Officer [REDACTED] was my building officer on C-
23 Yard, and was also a building officer in D-Yard, Building 4 in 2019, during the time I was
24 assaulted. This shows that these officers have been working with EOPs for years, but have
25 never learned how to de-escalate situations, and continue to assault people on these units.

26 49. Staff continually made me feel less than human at LAC. When my escorting
27 officers told AVH staff they could not photograph and document my injuries because I was
28

1 a “prison inmate,” even though AVH staff believed a crime was committed against me,
2 that made me feel horrible. It made me feel like simply because I am incarcerated, I had
3 no right to due process or to safety, as people on the outside do.

4 50. I believe the reason there is so much staff misconduct at LAC is because
5 there is a system of officers who feed off of one another’s bullying and who are unwilling
6 to turn on each other. This group bullying was evident to me when I was assaulted, as a
7 group of officers, who had not even been near me and had no issues with me, rushed to the
8 scene simply to join in on an assault with their fellow officers. It was almost like a sport to
9 them.

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EXHIBIT 42

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Los Angeles County (“LAC”) on C-Yard, in Building 2. I am 41 years old.

3. I am a *Coleman* class member. I am currently at the Correctional Clinical Case Management System (“CCCMS”) level of care, which means that I am able to live and program on mainline CDCR yards, alongside incarcerated individuals who do not have a mental health condition. I have depression and anxiety. I also am diagnosed with Tourette’s Syndrome, which I have been diagnosed with for 30 years. When I am depressed, it aggravates my Tourette’s Syndrome.

4. I also have a serious medical condition. I have degenerative nerves in my spine, which causes numbness in my arms, as well as neck pain and discomfort.

5. I have been at LAC from October 12, 2017 to the present.

6. During my time at LAC, I have been housed in the following locations: C-Yard, Building 1, C-Yard Building 2, C-Yard Building 4, the Short-Term Restricted Housing (“STRH”) unit, which is an Administrative Segregation Unit (“ASU”) for CCCMS patients, and the D-Yard, Building-5 Enhanced Outpatient Program (“EOP”) ASU.

7. I have witnessed and been subjected to staff misconduct at LAC.

8. Most recently, on March 4, 2020, at around 8:35 p.m., I was in my cell on C-Yard, in Building 2, which is cell [REDACTED]. I heard an alarm out in the dayroom of the unit, and I went to the door of my cell to see what was happening. When I looked out the door, I observed Officers [REDACTED] and [REDACTED] standing behind inmate [REDACTED]. Mr. [REDACTED] was lying on his left side on the dayroom floor of the housing unit. The “dayroom” is the area in front of the cells in the housing unit, where incarcerated

1 individuals have indoor recreation time and can watch television, make calls, and sit at
2 tables.

3 9. When I looked out of my cell door, I saw that Mr. [REDACTED] was on the
4 ground and in restraints. I could see that he was handcuffed in front of his body clearly
5 because he was facing my cell, cell [REDACTED], and I had a direct line of site to where he was
6 lying. He was approximately 18 yards from me.

7 10. Next, I observed several officers run into the building from other locations,
8 in response to the alarm, including Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED],
9 [REDACTED], [REDACTED], [REDACTED], [REDACTED], and Sergeant [REDACTED]. I wrote down their names
10 shortly after observing the incident, so I am confident I have correctly identified the
11 officers involved.

12 11. As I was watching, Officer [REDACTED] grabbed Mr. [REDACTED] ankles and jerked
13 his body violently. Next, I observed Officer [REDACTED] repeatedly drive his knee into Mr.
14 [REDACTED] neck, shoulder and back with significant force. As far as I could tell, he did
15 this for no reason whatsoever. Mr. [REDACTED] was prone on the ground and cuffed at the
16 time. He did not appear to be resisting or threatening the safety of staff in any way. I saw
17 Mr. [REDACTED] the next day and spoke with him at his cell, and he told me that he was
18 having problems with his mobility. When he got up from his bed to talk to me, he moved
19 slow and appeared to be in significant pain.

20 12. Given the assault occurred in the middle of the dayroom in a place visible to
21 many incarcerated people, I expect that dozens of incarcerated individuals in the unit
22 observed the officers attack Mr. [REDACTED]

23 13. The following day, on March 5, 2020, I spoke with Mr. [REDACTED] and I
24 informed him that I would be willing to be a witness and testify on his behalf.

25 14. Also on March 5, 2020, as I was walking into the chow hall, I saw Officer
26 [REDACTED] standing outside the chow hall in the area near the door. As I walked past him, he
27 asked me if I had a “staring” problem. I said “yes” and continued into the chow hall.

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1 15. After breakfast, as I left the dining room, Officer [REDACTED] was still by the
2 exit. He told me to turn around and put my hands up. I complied with his request. He told
3 me again that I had a “staring” problem. I am not completely sure what he meant but I
4 believe he thought that on the way into chow I was giving him a dirty look.

5 16. I told Officer [REDACTED] that I was going to report him to Internal Affairs that
6 day, for the assault on Mr. [REDACTED] the night before. He responded, “to what?” and I
7 responded, “Internal Affairs.” He then asked whether I meant I would report him for
8 searching me, and I explained that I meant for his assault on Mr. [REDACTED] the night
9 before. He then said that I should be sure to write it correctly and use a green paper,
10 referring to the CDCR 602 forms, which are printed on green paper.

11 17. After this brief exchange, Officer [REDACTED] began roughly and aggressively
12 patting down my body. During this pat down he roughly groped by my crotch and
13 scrotum. After he did this, he let me leave. I felt very upset and violated by the encounter.

14 18. I believe Officer [REDACTED] intended to humiliate me and to mock me. I
15 believe his comment about writing my complaint on green paper reflected his belief that
16 filing 602s about staff misconduct was a waste of time because they never resulted in any
17 discipline or accountability.

18 19. After this incident I attempted to call the CDCR Office of Internal Affairs
19 (“OIA”) to report this incident, but it was 8:30 a.m. and they were not open yet. I called
20 the OIA hotline the next day and left a voicemail describing the incidents with Mr.
21 [REDACTED] and with myself and Officer [REDACTED]. I also reported the manner in which
22 Officer [REDACTED] groped me to the LAC Prison Rape Elimination Act (“PREA”)
23 Coordinator the next day. She spoke to me for about 20 minutes. I was interviewed a
24 second time about the PREA complaint a few days later by Lieutenant [REDACTED]. I also
25 filed a 602 about the incident with Officer [REDACTED] which was denied. I have not heard
26 anything following up on my Office of Internal Affairs complaints since that time.

27 20. The next day, on March 6, 2020, I was in the chow hall sitting down to eat
28 breakfast, when I observed another incarcerated person, Mr. [REDACTED] walking with his

1 tray towards a table behind me. I observed Officer [REDACTED] walking up quickly behind Mr.
2 [REDACTED] and grab him by both his arms. Officer [REDACTED] yelled at Mr. [REDACTED] "You don't
3 fucking listen." At this time I observed Officer [REDACTED] yank on Mr. [REDACTED]'s left arm,
4 forcing him to drop his food tray. Then Officer [REDACTED] pushed Mr. [REDACTED] forward and
5 down onto the ground face and chest first. Around this time, the alarm went off, when the
6 tray flew out of Mr. [REDACTED]'s hands.

7 21. As soon as Mr. [REDACTED] was on the ground, Officer [REDACTED] flipped him onto
8 his back and straddled him. He began punching Mr. [REDACTED] in the face with his fists. He
9 hit him in the face at least a dozen times. This took place next to the table where I was
10 sitting and was witnessed by at least a dozen inmates. The assault lasted for about 20
11 seconds before additional staff arrived, who continued the assault.

12 22. I then observed a number of officers run into the chow hall while Officer
13 [REDACTED] was sitting on top of Mr. [REDACTED] punching him. These officers included A.
14 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], Sgt.
15 [REDACTED] and Sgt. [REDACTED] and several additional officers.

16 23. These officers joined in the beating of Mr. [REDACTED] by jumping on top of
17 him in a big dogpile. The officers were kneeling and striking Mr. [REDACTED] during this
18 process.

19 24. At no point leading up to Officer [REDACTED] attacking Mr. [REDACTED] did I see Mr.
20 [REDACTED] do anything to threaten Officer [REDACTED] or anyone else. Mr. [REDACTED] was just
21 walking with his tray. When Officer [REDACTED] was repeatedly punching Mr. [REDACTED] in the
22 face and when the other officers piled on, Mr. [REDACTED] did not even try to fight back,
23 although he did try to hold up his arms to protect his face from the punches. As far as I
24 could tell, there was no reason for any officers to use any force against Mr. [REDACTED] let
25 alone the violent force they used.

26 25. After the beating was over I told Sergeant [REDACTED] that Officer [REDACTED] had
27 assaulted [REDACTED] Sergeant [REDACTED] said, "I didn't see nothing." I then heard Officer
28 [REDACTED] who was looking at me and Sergeant [REDACTED] say, "Cuff him up for inciting."

1 26. Officer [REDACTED] and another officer then surrounded me and Officer [REDACTED]
2 told me to submit to handcuffs. I was still sitting on my stool. As soon as I put my hands
3 behind my back to be cuffed, both of these officers grabbed me and pushed my body down
4 face first into my food tray. Officer [REDACTED] told me that I needed to “shut the fuck up.”
5 Then the officers clasped the hand cuffs around my wrists as tightly as they could, yanked
6 me up off the stool, and dragged me out of the chow hall. The officers escorted me to the
7 gym, pushing me along forcefully even though I was cooperating. Once we were in the
8 gym, I was taken to an area with small metal holding cages. Sergeant [REDACTED] pushed me
9 forcefully into the back of the holding cage and told me, “You need to mind your own
10 fucking business; this ain’t none of your fucking business.”

11 27. At that time, I turned and observed Mr. [REDACTED] the individual who had
12 been assaulted in the dining room, in a cage to my right, with his head pressed against the
13 back of the cage, and Officer [REDACTED] was standing inside the cage yelling at him and it
14 appeared to me that he was threatening him.

15 28. Officer [REDACTED] then approached the cage in which I was standing and told me,
16 “You need to mind your fucking business you piece of shit child molester.” I responded
17 that I was going to report his assault on Mr. [REDACTED] to Internal Affairs. He then told me,
18 “You’re gone. You’re not coming back,” and walked away. I understood from this
19 comment that he intended to send me to the ASU unit.

20 29. Shortly after this took place, I saw Sergeant [REDACTED] walk into the gym. I
21 told him that Officer [REDACTED] had assaulted Mr. [REDACTED] and that Officer [REDACTED] and another
22 officer had assaulted me. I said I wanted to file an unnecessary use of force/assault claim.
23 Sergeant [REDACTED] ignored me at first, and went over to the other cage where officers were
24 surrounding Mr. [REDACTED]. Eventually he came over to me and told me, “You need to keep
25 your mouth closed—the assault on [REDACTED] is none of your business.” He told me to mind
26 my own business. Sergeant [REDACTED] then walked away and left the gym.

27 30. A few minutes later, Sergeant [REDACTED] entered the gym and went to speak
28 with Mr. [REDACTED] at his cage. As he went to leave, I told Sergeant [REDACTED] that Officer

1 [REDACTED] had assaulted Mr. [REDACTED] and that other officers assaulted me, and that I wanted to
2 file an excessive force claim. I was held in the holding cage until 11:47 a.m. before being
3 released. I was able to capture these events in detail because I wrote down what took place
4 as soon as I returned to my cell.

5 31. In the last 18 months, I have observed Officer [REDACTED] brutally assault several
6 other incarcerated people. I believe that the Sergeants and Lieutenants on my yards, and
7 supervisors and managers at LAC generally are aware of this behavior and cover it up. I
8 personally have reported this behavior on many occasions to them.

9 32. On March 9, 2020, I called the Office of Internal Affairs and reported the
10 March 4, 5, and 6 incidents that I discuss above. I have not heard from them.

11 33. On March 12, 2020, I was called to the Program Office on C-Yard and
12 interviewed by Sergeant [REDACTED] and Sergeant [REDACTED] in connection with a Form 602 filed
13 by Mr. [REDACTED]. I told Sergeant [REDACTED] that he was there the day of the assault and when
14 I told him about the assault, he said, "I didn't see nothing," even though the assault was
15 ongoing when he entered. I offered to provide him with my written statement – my
16 handwritten declaration – about the incident. I also asserted that [REDACTED] had a conflict of
17 interest and should not investigate the incident because he was the responding Sergeant
18 that day. He said he agreed with me about the conflict of interest.

19 34. I was also given a Rules Violation Report ("RVR") in connection with this
20 incident. I was charged with "Behavior Which Could Lead to Violence" and found guilty.
21 I lost 30 days of good time, and lost 60 days of privileges.

22 35. I have observed staff misconduct at LAC as well as discrimination against
23 people with mental illness and against African Americans, pervasively, in my roughly
24 three years at the institution. In particular, I have observed that officers on C-Yard target
25 African American individuals. For a period in 2018 and 2019, there were no African
26 Americans in porter jobs in Building C-2, due to racist discrimination.

27 36. I have also observed that custody staff on C-Yard routinely retaliate against
28 individuals that file 602s and Form 1824 Reasonable Accommodation Requests. Often the

1 form of this retaliation is a false RVR. For example, the RVR described above that I
2 received for “Behavior that Could Lead to Violence.” I have also received other similar
3 RVRs for advocating for other prisoners. In another example, I was assigned to school in
4 February of this year, and I told the teacher that a classroom setting was not a good setting
5 for me with my Tourette’s Syndrome. He said he agreed and told me he would send an e-
6 mail to the Assignment Lieutenant to try to get me unassigned. However, instead of e-
7 mailing the Assignment Lieutenant, he wrote up a false RVR. He falsely accused me of
8 making threatening statements.

9 37. I still see the officers that were involved in the recent staff misconduct
10 against me, Mr. [REDACTED] and Mr. [REDACTED] every day. Most of the officers involved in
11 this incident, to my knowledge, are all still active and working on C-Yard. Some of the
12 officers involved were not C-Yard regulars at the time of the incidents.

13 38. I was recently put back into the CCCMS program, a few weeks ago. I
14 believe that the hostile, abusive environment here at LAC makes it more difficult for me to
15 manage my mental health symptoms – in particular my Tourette’s, which becomes more
16 pronounced and symptomatic when I am agitated. The pervasive staff misconduct here
17 makes me agitated.

18 39. In my opinion, staff target people with physical and mental disorders for
19 staff misconduct. In my opinion, based on their facial and body gestures, it seems like
20 they are abusing these individuals to instill fear, and for sport.

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1 40. I believe the reason there is so much staff misconduct at LAC is the lack of
2 appropriate supervision and accountability by managers, and an acceptance by the
3 leadership that this kind of behavior is inevitable.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
6 California this 20th day of April, 2020.

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10
11 On April 20, 2020, due to the closure of California State Prison –Los Angeles
12 County in light of the COVID-19 pandemic and ongoing concerns that officers might
13 retaliate against witnesses in support of Plaintiffs’ Motion, I read the contents of this
14 declaration, verbatim, to , by telephone.  orally confirmed that the
15 contents of the declaration were true and correct.  also orally granted me
16 permission to affix his signature to the declaration and to file the declaration in this matter.

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18 DATED: April 20, 2020

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21 Thomas Nolan

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EXHIBIT 43

1 over and Officer [REDACTED] was yelling, "Hang up the phone on him." I continued to talk on
2 the phone because I still had time left on my call and wanted to finish my conversation.

3 8. While on the phone, I saw Officer [REDACTED] get up and tell the tower officer to
4 open my cell door. I then saw him go into my cell and start to take my stuff, and throw it
5 into a bag on the tier. A porter then grabbed the bag. I got off the phone and took the bag
6 of my stuff from the porter. Officer [REDACTED] told me to drop the bag. I asked him why he
7 was messing with me, and he told me to cuff up. As I turned around to be cuffed, Officer
8 [REDACTED]'s partner, Officer [REDACTED] started punching me in the face. I put my hands up to
9 block my face and my bag fell out of my hand. I fell over and landed hard on the floor,
10 fracturing my elbow. Once I was on the ground, Officer [REDACTED] and [REDACTED] began to
11 punch me in the face and shoulders for at least a minute. After I was punched in the face
12 repeatedly, I began to try to defend myself by sideways punching them. After about
13 another thirty or forty seconds, the alarm went off and six or seven more officers who had
14 responded to the alarm, including Sergeant [REDACTED] joined in and began to punch and
15 stomp on me repeatedly. When all the officers came, I rolled over on my stomach and put
16 my arms under my stomach because one finger felt like it was broken and I was also trying
17 to protect my face and my broken finger. The only person I could see during the attack
18 was Officer [REDACTED] as my back was to everyone else, so I could not see what I was being
19 hit with. After they beat me up, they handcuffed me in the legs and the wrists and brought
20 me to the gym.

21 9. A nurse came in and documented my injuries. I told her that I was assaulted
22 and I showed her my finger that was twisted and deformed. The nurse and the sergeant
23 asked me if I wanted to go to the hospital and I said yes, so I was sent to the hospital, where I
24 was until late that night. When I returned, I was placed into the EOP ASU, which is
25 located on D-Yard in Building 5.

26 10. After being assaulted, I had pain in my left ribs, my back, and my left hand.
27 The back of my head also was hurting.

1 11. At the hospital, I found out I had broken one of my fingers. I also had x-rays
2 at the hospital and when I got my results back later I found out I broke a bone in my left
3 arm, my elbow, and one of my ribs. I broke four different bones. I still have pain in my
4 elbow and I am still taking medication for my elbow pain, which I have been on for five
5 months. My finger is also still in the process of healing and my bone is still solidifying.
6 My ribs were also bruised really badly for a long time.

7 12. I believe that Officer [REDACTED] was trying to provoke me and get me placed
8 into segregation. I believe that Officer [REDACTED] thought that because I am EOP, I am
9 weaker and less able to stand up to him. Because he would sit in the office all day and
10 stare at me in my cell, I thought that Officer [REDACTED] might have helped steal my canteen
11 and then assaulted me. He was not supposed to be working in my unit that day, so I
12 believe that he came into the building in order to start something with me. I felt threatened
13 by him and like he wanted something bad to happen to me. I felt like this whole thing was
14 all a set up to get me placed into the hole.

15 13. I received a Rules Violation Report (“RVR”) a few weeks after the incident,
16 in January 2020. I was charged with “Battery on a Peace Officer.” In the disciplinary
17 report, Officer [REDACTED] said that I started to punch him first, which was not true. I was
18 found guilty and given an additional five months on this system. The District Attorney
19 refused to file charges against me, which makes me think that they know it was a false
20 report.

21 14. I have not filed a 602 about this incident because I am afraid. I also refused
22 my use of force videotape that was offered to me the day after I was assaulted. I was
23 afraid to speak with staff about what had happened to me and afraid they would retaliate
24 against me if I reported what happened. I have filed a 602 about getting my property
25 returned, in which I mentioned the assault. I have not gotten a response to this 602. I am
26 worried about filing 602s because when you file a 602 I have seen officers change their
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1 story in order to refute the person’s story and deny the 602. Though I am afraid, I am
2 considering filing a 602 in order to a file a lawsuit about the incident.

3 15. I have not directly witnessed any other assaults like mine but I have also
4 heard stories of officers assaulting people with canes, and other disabled people, and then
5 falsely charging them with “Battery on a Peace Officer.”

6 16. In my time at LAC, there have been a few times when I have needed help but
7 would not ask the officers for it. When I want to see mental health, I feel comfortable
8 asking the officers to see mental health staff, but I would never feel comfortable telling
9 them about the mental health symptoms I was experiencing.

10 17. After the assault, I experienced an increase in hearing voices, but shortly
11 after the assault my medications got adjusted and I started hearing them less.

12 18. I am skeptical of filing 602s because staff change their story based on the
13 602 and manipulate the system so that they look like they are telling the truth and the
14 person filing the 602 is lying.

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1 19. In my opinion, staff target people that they can provoke into an argument or
2 cause issues with. These people are often people who are weaker or lower functioning on
3 the unit, with mental health issues and/or disabilities.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
6 California this 21st day of April, 2020.

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10 On April 21, 2020, due to the closure of California State Prison-Los Angeles
11 County in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
13 declaration, verbatim, to  by telephone.  orally
14 confirmed that the contents of the declaration were true and correct. 
15 also orally granted me permission to affix his signature to the declaration and to file the
16 declaration in this matter.

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18 DATED: April 21, 2020

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21 Emma Cook

EXHIBIT 44

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DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Los Angeles County (“LAC”) on B-Yard in Building 1. I am 34 years old.

3. I am an *Armstrong* class member. I am designated as DPO. I cannot use my left leg due to nerve damage from a spinal injury. Because of my spinal injury, I am in pain and I cannot walk for long periods. I have used a wheelchair, a walker, and a back brace since December 2018. I have housing restrictions limiting my placement to a bottom-tier, and a bottom-bunk.

4. I have been housed at LAC from December 15, 2017 to the present. I had back surgery in late August 2018. I also had back surgery on August 20, 2019.

5. During my time at LAC, I have been housed in the same building and same cell on B-Yard, in Building 1.

6. I was a victim of a staff assault at LAC.

7. On December 9, 2018 at around 8:30 p.m., I asked my neighbor in the cell adjacent to mine for a glove, so that I could clean my toilet. My cell was locked, but his was not. He went into his cell to grab a glove for me, came back out, and handed the glove to me.

8. I took the glove from him and went to use the toilet in my cell. While I was using the toilet, I heard Officer [REDACTED] who was a floor officer that day, direct the tower officer to open my cell door.

9. As I flushed the toilet, Officer [REDACTED] told me to step out of the cell. I told him I needed to wash my hands. Instead of waiting for me to wash my hands, he took a few steps into my cell. I heard another floor officer at the door.

1 10. Immediately upon entering my cell, Officer ██████ grabbed me by my
2 shoulder and pulled me out of the cell. When he pulled me close enough to him, he put his
3 arm around my shoulders and slammed me to the ground. I landed hard on my back. I felt
4 pain in my whole lower back and a shooting pain down my left leg. I heard the alarm go
5 off.

6 11. Because of the shock, I don't recall Officer ██████ flipping me onto my
7 stomach, but he must have, because I remember he put a knee on my back and handcuffed
8 me. I told him, I was in a lot of pain and asked why he did it. He told me to shut up. I
9 told him I just had back surgery. Suddenly, his demeanor changed – his facial expression
10 went from anger to blank – like he realized he did something wrong.

11 12. He took his knee off my back. Officer ██████ said, "Just give it to me,"
12 referring I believe to contraband. I told him that I didn't have anything and I didn't know
13 what he was talking about. At least nine officers arrived in response to the alarm.

14 13. I was in too much pain to stand up. Officer ██████ and the other floor
15 officer backed away from me, and I could hear them talking in low voices. I could not
16 hear what they were saying. I asked to see medical staff. Officer ██████ and the other
17 officers did not say anything.

18 14. After about ten to fifteen minutes, Officer ██████ and a few other officers
19 picked me up off the ground and put me in a wheelchair. One of the officers wheeled me
20 to the mental health office.

21 15. My cell mate was in our cell while this was happening and saw the entire
22 incident. The people in the cells near mine said they saw the incident as well.

23 16. At the mental health office, an officer strip searched me, but did not find any
24 contraband on me.

25 17. Right after the strip search, a nurse conducted a medical evaluation. I told
26 her I was in a lot of pain. From the copy of the medical evaluation I received, I could see
27 she wrote down only that I was complaining of left leg pain. She told me she could not do
28 anything to help me. I asked her for pain medication. She responded saying she gave me

1 medications at pill call and could not give me more. She told me to fill out a medical
2 request form and then walked away.

3 18. After 20 minutes or so, Officer [REDACTED] wheeled me back to my cell. I was
4 scared because he had just assaulted me, but I was also in so much pain. I asked him to
5 take me to see a doctor. He told me to fill out a medical request form.

6 19. Officer [REDACTED] wheeled me to my cell. I was still in serious pain, so my
7 cellmate had to help me get into my bed, even though I have a bottom bunk. My cellmate
8 told me that while I was in the mental health office, he was taken to a shower and strip
9 searched. He said that they did not find contraband on him. I knew they had searched our
10 cell, because all of our possessions – including mattresses, food, and hygiene materials –
11 were on the ground.

12 20. On December 10, 2018, the day after the incident, I filed an emergency sick
13 call slip stating that I was in extreme pain due to an officer-involved incident and I needed
14 immediate medical help. The whole day I was laid out on the bed, but was not seen by
15 medical staff.

16 21. Two days after the incident, on December 11, 2018, I could no longer move
17 my leg, and I was still in extreme pain. My cellmate told the tower I was “man down” –
18 meaning that I needed emergency medical attention. The tower officer hit an alarm.

19 22. After a minute or two, officers came into the building with a gurney. They
20 put me on it and took me to the medical building for A and B-Yards to see Dr. [REDACTED] Dr.
21 [REDACTED] asked questions about my pain and conducted a physical examination of me. Then
22 he called the facility ambulance, which took me to the prison-wide medical clinic at LAC.

23 23. At the prison clinic, which is called the Treatment and Triage Area (“TTA”),
24 medical staff x-rayed my body and gave me an injection for pain. They issued me a
25 wheelchair, a walker, and a back brace. They also scheduled me for an MRI in February.
26 They increased the dosage of the pain medication I was already on.

27 24. In February 2019, officers took me to a medical trailer on the prison grounds
28 for an MRI. A week later, I saw Dr. [REDACTED] He told me I had an injury to my spine and

1 told me I needed surgery because a disc in my spine was out of place and was pinching a
2 nerve. He told me that my DPP code was DPO, which is my current designation.

3 25. I had surgery in late August 2019 for the injury caused by the December
4 2018 incident. Since Officer [REDACTED] slammed me to the ground, I can only walk about
5 fifty feet without medical equipment before my left leg feels like its buckling. I now have
6 incontinence from nerve damage during the surgery to repair the disc in my spine. I can't
7 sit for too long, and I have a hard time sleeping because of the pain in my leg and
8 incontinence.

9 26. Around January 2019, I received an administrative Rules Violation Report
10 ("RVR") for disobeying an order. In the RVR, Officer [REDACTED] falsely claimed that I stood
11 in his way and refused to comply when he told me to exit the cell. He claimed that I then
12 turned and fell. He said that the housing alarm activated and he asked me if I needed
13 medical attention and that I said no. He lied. I was in pain and asked to see medical staff.
14 I would not have refused medical help.

15 27. At the RVR hearing, the hearing officer did not provide me with an
16 investigator. About eight incarcerated people, including my cellmate, saw the assault. I
17 would have called them as witnesses, but the hearing officer told me I had no right to
18 witnesses. The hearing officer only looked at Officer [REDACTED]'s statement. The RVR
19 process was one-sided and unfair.

20 28. On January 1, 2019, I filed a 602 grievance complaining about the
21 misconduct by Officer [REDACTED]. That same day, a lieutenant spoke to me about the
22 grievance. He told me Investigative Services Unit ("ISU") officers would investigate the
23 incident, but ISU never interviewed me. Three months later, I received a paper saying that
24 ISU conducted an investigation and believed Officer [REDACTED]'s account over mine. My
25 second-level and third-level grievances were also denied.

26 29. In addition, an officer in my housing unit discriminates against me because
27 of my physical disability. In my unit, the bottom tier houses people with disabilities.
28 Officer [REDACTED] works here on Fridays and Saturdays. She keeps disabled prisoners locked

1 down all day. When we're locked down, I cannot take a shower, make telephone calls, and
2 do other things in the unit. Sometimes other people in my unit ask her for showers, but she
3 ignores them. I am supposed to get a shower following an incontinence incident. I
4 sometimes ask porters to ask Officer [REDACTED] if I can shower, but Officer [REDACTED] ignores the
5 porters. I no longer ask for a shower when Officer [REDACTED] is on duty, because I know she
6 will not allow me to clean myself. It makes me feel dirty when I can't shower after soiling
7 myself. I feel frustrated, because I don't understand why she won't let any of us out of our
8 cells.

9 30. Sometimes, Officer [REDACTED] refuses to let ADA workers into the B-Yard,
10 Building 1 Unit. Because it has a large number of individuals who use wheelchairs and
11 who require wheelchair accessible cells, this is an especially important unit for ADA
12 workers to be able to access. The ADA workers usually push me and other individuals
13 who use wheelchairs from our cells to go to chow and to get medication. When she
14 interferes by not letting them in, it makes it more difficult to do any of that. Other people
15 in my unit have this same problem. Sometimes they cuss her out for it. I do not complain
16 to her because I know she will not do anything. She will not do her job, even though it
17 impacts those of us with disabilities terribly.

18 31. I still have to interact with the officers that were involved in the staff
19 misconduct against me. Officer [REDACTED] briefly left CDCR, but came back. I see him
20 when I'm in the yard five days a week, and he serves me breakfast in the morning five
21 days of the week, even after I accused him of staff misconduct. I still see Officer [REDACTED]
22 on Fridays and Saturdays.

23 32. Because of the incident with Officer [REDACTED] I feel like I need to watch my
24 back. I keep my distance from officers and do not come out of my cell unless I have to. I
25 don't trust officers anymore. The officers work together to protect themselves.

26 33. In my time at LAC, there have been a few times that I needed help but didn't
27 ask for it because I was afraid of what would happen to me. I don't feel comfortable
28

1 asking for help when I've had an incontinence episode. I also hesitate to ask them to go to
2 the law library.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
5 California this 23 day of April, 2020.

6

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8

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10 On April 23, 2020, due to the closure of California State Prison – Los Angeles
11 County in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
13 declaration, verbatim, to [REDACTED], by telephone. [REDACTED] orally
14 confirmed that the contents of the declaration were true and correct. [REDACTED] also
15 orally granted me permission to affix his signature to the declaration and to file the
16 declaration in this matter.

16

17

DATED: April 23, 2020

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Rekha Arulanantham

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EXHIBIT 45

1 if you fight, and I'll make it seem like he attacked you first and you were fighting in self-
2 defense.”

3 8. I told him I would never attack another person for the police. Specifically, I
4 said I would not “put my hands” on another individual for the police. Officer [REDACTED] then
5 turned to Officer [REDACTED] another officer on the unit, and asked him, “Why do we have
6 [REDACTED] out here if he’s not out here for us?” Officer [REDACTED] then shook his head. The
7 person that Officer [REDACTED] wanted me to assault was an EOP patient on the unit who was
8 very mentally ill. The patient would behave strangely at times, and would do things like
9 dig through the trash can before chow.

10 9. D-Yard, Building 1 is a specialized treatment unit where prisoners are fed in
11 the unit, rather than in the chow halls. It houses individuals in the EOP program, and also
12 houses some individuals who are also developmentally disabled and part of the *Clark* DDP
13 program. There are also individuals in the unit who are cognitively impaired because of
14 their severe mental illness. Some of these individuals can be very child-like and
15 vulnerable. Some of them need to be given reminders to clean themselves.

16 10. The individual Officer [REDACTED] wanted me to attack was very mentally ill and
17 he would exchange insults and argue frequently with Officer [REDACTED]. Officer [REDACTED] also did
18 not like the way that this individual dug through the trash cans when he was released to
19 chow. He also did not like that he had to repeatedly remind this individual to do certain
20 things. Officer [REDACTED] would often call this individual “bitch,” “homosexual,” “retarded,”
21 and other derogatory terms. This individual ended up going to one of the psychiatric
22 inpatient programs (“PIPs”) because of his severe mental illness, which was probably
23 made worse by Officer [REDACTED]’s harassment of him.

24 11. In the weeks after Officer [REDACTED] suggested I should assault this individual, I
25 would try to calm down the individual he asked me to assault. I attempted to de-escalate
26 things when this patient would argue with Officer [REDACTED] and would try to get this
27 individual to follow directions so that Officer [REDACTED] would not have to interact with him.

1 Two weeks after Officer █████ suggested I assault this EOP patient, I was moved out of D-
2 Yard, Building 1 to D-Yard, Building 3.

3 12. When I was told that I would be moving out of D-Yard, Building 1, I asked
4 Sergeant █████ why I was being moved. He told me that I was too high functioning
5 and not in the DDP, so I did not need to be on this unit. That explanation made sense to
6 me.

7 13. When I arrived in my new building, D-Yard, Building 3, I recognized
8 Officer █████ one of the floor officers in D-3. I had heard from other incarcerated
9 people that he had a number of past incidents with people on D-Yard, Building 3. It is
10 well known by people on D-Yard that Officer █████ is a bully who has assaulted a
11 number of people and abuses his power. I spoke to Officer █████ and told him that I
12 didn't want to be housed in D-Yard, Building 3. The reason I wanted to move is that I did
13 not want to have issues with him or be in that kind of hostile, antagonistic environment. I
14 told him I did not feel comfortable around him and I asked to be moved to Buildings 2 or 4
15 on D-Yard. Officer █████ told me I could not move units because there are
16 developmentally disabled prisoners in those buildings.

17 14. I asked Officer █████ why that would be an issue, and he told me that
18 Officer █████ had told him I was moved out of Building 1 because I was extorting and
19 taking advantage of lower functioning EOPs and DDPs. I believe that Officer █████ told
20 this lie about me and got me moved out of the unit in order to punish me for not assaulting
21 the individual he wanted me to assault.

22 15. Officer █████ picked on a number of the patients in the developmentally
23 disabled program, as well as other prisoners he felt did not have the ability to stand up to
24 him. He and Officer █████ would frequently pepper spray people in the unit and then
25 falsely charge them for "Battery on a Peace Officer" in order to cover up the incident. In
26 the incidents of this kind that I observed, these individuals always complied with being
27 handcuffed after being sprayed.

28

1 16. I observed these officers do this routinely to weaker people on the unit.
2 They tended to target patients that they found frustrating, the patients who needed more
3 instructions and attention than other people due to their developmental disabilities and
4 mental health issues. Officer [REDACTED] would often call people “stupid,” “retarded,” and
5 “dumb.”

6 17. Even though every person in D-Yard is an EOP patient, many staff members
7 do not understand how to deal with people with mental illness and developmental
8 disabilities. These staff members do whatever they want regardless of Title 15 and other
9 rules and regulations.

10 18. I did not report this incident because I have been incarcerated most of my life
11 and have learned to keep my head down. I believe that if I reported this, Officer [REDACTED] and
12 other staff would have retaliated against me more than they already did when they moved
13 me out of D-Yard, Building 1.

14 19. I am coming forward now because I am tired of the abuse of authority by the
15 officers and them doing reckless stuff towards people on the unit. I believe that if they can
16 get away with it with me they can get away with it with anyone.

17 20. I have also witnessed staff engage in misconduct against other people at
18 LAC on a number of occasions, including the three serious incidents below.

19 21. On May 18, 2019, I witnessed another person being placed into my unit at
20 the time, which was D-Yard, Building-5, the EOP Administrative Segregation Unit. This
21 individual had a mobility disability and was at the EOP level of care. I heard him
22 screaming as he entered the unit. When I heard him screaming I got up to look through my
23 cell door and saw that he was being dragged to a cell by a number of officers, who were
24 cursing and yelling at him. I did not know these officers by name.

25 22. They placed him into one of the cells on the unit and yelled, “stop resisting.”
26 Officers on D-Yard often yell “stop resisting” when someone is not resisting. I believe
27
28

1 they do this in order to help justify assaulting the person by creating the false impression of
2 resistance.

3 23. They placed him into the cell right away. After they placed him into the cell,
4 several officers rushed into the cell. I could not see what happened inside the cell, but
5 eventually I saw them take the incarcerated individual out of that cell and place him into a
6 cell in C-Section of the building, which is an area of the unit where officers would place
7 people they did not like. I could not see the incarcerated individual well after he was
8 placed in the second cell, but he did not seem to be in good shape when he arrived by the
9 way they were dragging him into the cell. I later learned from others on the unit that the
10 individual had been assaulted before arriving to D-Yard, Building 5, which is why he was
11 dragged into the unit screaming.

12 24. I also overheard the officers telling an incarcerated person in a cell near the
13 person they had assaulted to bang on his cell door all night in order to keep the person
14 awake. The next day, after he had banged on his cell door as instructed, I overheard this
15 person say to the officers that he had been promised the extra canteen for doing this.

16 25. I witnessed a second incident of staff misconduct when I was housed in the
17 D-Yard, Building 3 EOP unit, on December 14, 2019. At around 11 a.m. on that day, I
18 was in my cell. At the time, some people were being released for their EOP groups and
19 other people were participating in dayroom. I saw another incarcerated individual on the
20 unit approach the podium in the middle of the dayroom where Officer [REDACTED] was
21 standing. I then saw Officer [REDACTED] aggressively walk out from behind the podium
22 towards this individual. Officer [REDACTED] was near Officer [REDACTED] holding his baton and
23 pepper spray.

24 26. The incarcerated individual talked with them at the podium briefly, then
25 Officer [REDACTED] approached and told this individual to cuff up. Officer [REDACTED] then
26 pushed Officer [REDACTED]'s hand away from the incarcerated individual being cuffed and
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1 grabbed the individual's arm. Officer [REDACTED] started walking this individual to his cell.
2 They then stopped near the foot of the stairs.

3 27. My cell was located about 20 feet away from the stairs, so I was able to look
4 out of my cell with an unobstructed line of sight to where this second incident took place.
5 At the foot of the stairs, I saw Officer [REDACTED] suddenly reach his arm over the
6 incarcerated individual's chest and lean backwards, causing himself and the individual to
7 fall to the floor while the individual was fully cuffed. Officer [REDACTED] who had also been
8 walking with them, then started swinging his baton at the incarcerated individual's legs.
9 Officer [REDACTED] then kned the incarcerated individual in the face. The assault lasted for
10 between thirty seconds and a minute. The individual was fully cuffed the entire time and
11 did not resist. Officer [REDACTED] was also there, but she stood nearby and did not intervene
12 while Officer [REDACTED] and Officer [REDACTED] assaulted this individual.

13 28. One of the officers then hit the alarm and a number of officers rushed into
14 the unit. At this point, Officer [REDACTED] and Officer [REDACTED] stepped away from the
15 incarcerated individual. At the end of the assault, a number of officers surrounded the
16 individual and led him out of the unit. Those officers were blocking my view, so I was
17 unable to see what the individual looked like after the assault. I have not seen that
18 individual in the unit since that assault and was told by other people on the unit that he was
19 charged with "Battery on a Peace Officer" and placed in the ASU.

20 29. I witnessed the third incident a short time later, on or around the afternoon of
21 December 20, 2019. At the time, I observed Officer [REDACTED] assault another EOP class
22 member on my unit: [REDACTED] [REDACTED] I was standing at the door inside my cell in D-
23 Yard, Building-3 at the time, and saw Officer [REDACTED] throw Mr. [REDACTED]'s belongings
24 out of his cell and into a trash can on the unit. I then saw Mr. [REDACTED] approach Officer
25 [REDACTED] and speak with him briefly, though I could not hear their conversation. As they
26 were talking, Officer [REDACTED] moved in front of Mr. [REDACTED] and tried to hit him in the
27 face. Officer [REDACTED] and Mr. [REDACTED] exchanged some punches, and then Officer
28

1 [REDACTED] came over and tackled Mr. [REDACTED] to the ground. Officer [REDACTED] climbed
2 on top of Mr. [REDACTED]'s body and hit him multiple times in the face and body. The alarm
3 went off and multiple officers rushed into the unit.

4 30. One of the arriving officers, whose name I do not know, began hitting Mr.
5 [REDACTED] in the chest and body. Officer [REDACTED] then cuffed Mr. [REDACTED] and that same
6 officer who had just hit his chest and body punched Mr. [REDACTED] in the face, while he
7 was cuffed. They were still punching him after he had handcuffs on, punching him in his
8 back and Officer [REDACTED] was punching him in the head and face. The whole incident
9 lasted about four or five minutes. He was then taken out of the unit in handcuffs by the
10 officers. I did not see what Mr. [REDACTED] looked like after the assault, but I saw a trail of
11 his blood from his cell through the rotunda and out of the unit. I have not seen Mr.
12 [REDACTED] since he was assaulted.

13 31. I still have to interact with the officers that were involved in the staff
14 misconduct that I experienced and that I witnessed, even after they were accused of staff
15 misconduct. I see Officer [REDACTED] frequently, as he serves chow in my building. Officer
16 [REDACTED] and [REDACTED] still work in D-Yard, Building-3 and are very dangerous together.
17 People on the unit feel intimidated by them and everyone knows to stay out of their way.
18 Officer [REDACTED] now works in D-Yard, Building-4, so I do not see him often but I know he
19 still works on the yard. Officer Oliver, another officer that has been involved in multiple
20 incidents, still works in D-Yard, Building-3.

21 32. In my time at LAC, there have been many times that I needed help but didn't
22 ask for it because I was afraid of what would happen to me. I have depression and anxiety
23 and periodically hear voices and feel suicidal. When I feel this way, I do not tell the
24 officers anything, because I do not feel safe opening up to them.

25 33. I have told my mental health clinician that I will not tell the officers if I am
26 feeling suicidal. I have seen officers tell other people who express that they are suicidal or
27 need to see mental health staff, "Why aren't you man down? Why aren't you bleeding?"
28

1 They also make fun of people who are suicidal by saying things like, “You’re talking that
2 you want to kill yourself, but you haven’t cut yourself,” or saying, “Why haven’t you cut
3 yourself? I’ll come back in 30 minutes.”

4 34. When I was still housed in D-Yard, Building-1, I heard multiple people tell
5 Officer [REDACTED] and Officer [REDACTED] that they were hearing voices telling them to kill
6 themselves. Officer [REDACTED] and [REDACTED] would laugh and say, “Listen to the voices.” I
7 have seen Officers [REDACTED] [REDACTED] [REDACTED] [REDACTED], and [REDACTED] all laugh at people in D-
8 Yard, Building 3 who say they want to kill themselves. Sometimes they also tell them that
9 they should do it. When my neighbor passed away from a drug overdose on March 31,
10 2019, the officers did not help him. After he died, Officer [REDACTED] said, “He took a hot shot.
11 It’s what he gets,” implying that my neighbor got what he deserved.

12 35. I would not feel comfortable asking the officers to help me with anything,
13 including something as small as bringing me a blank 602 grievance form. The retaliation
14 that comes along with asking for something on this yard means that it is not worth trying to
15 get the help I need. Officers do not try to address my concerns or needs.

16 36. Witnessing this staff misconduct makes me feel bad and very uncomfortable.
17 It also makes me feel unsafe and like my life is always in danger.

18 37. In my opinion, staff target people who are mentally ill and people with
19 disabilities. It is very clear from my experiences on D-Yard at LAC that staff get annoyed
20 with people who need the most help and are the most vulnerable, and end up hurting them
21 because they are the easiest to hurt.

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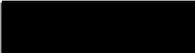
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1 38. I believe the reason there is so much staff misconduct at LAC is because the
2 administration does not care and mental health workers do not have a say in how things are
3 run. Custody staff runs the facility, particularly on second and third watch. They feel they
4 can use their authority for anything and no one stops them.

5
6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
8 California this 23rd day of April, 2020.

9
10
11  _____

12
13 On April 23, 2020, due to the closure of CSP-Los Angeles County in light of the
14 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
15 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to 
16  by telephone.  orally confirmed that the contents of the declaration
17 were true and correct.  also orally granted me permission to affix his
18 signature to the declaration and to file the declaration in this matter.

19
20
21
22 DATED: April 23, 2020

23 
24 _____
25 Emma Cook

EXHIBIT 46

1 7. During my time at LAC, I have been housed in the following locations: C-
2 Yard, Building 5, and D-Yard, Buildings 2, 4 and 5. All of these buildings are EOP units.
3 D-Yard, Building 5 is the EOP Administrative Segregation Unit (“EOP ASU”).

4 8. I was recently a victim of staff misconduct at LAC.

5 9. Around March 23, 2020, a new person was moved into the cell next door to
6 me in D-Yard, Building 4. I believe they moved him there because he was going to be
7 quarantined. My neighbor’s cell had been marked as a quarantine cell a few days before,
8 after my neighbor moved out. About four or five days after this new person became my
9 neighbor, I became suicidal because my cellmate at the time was having psychotic
10 symptoms and keeping me up all night. After I reported having suicidal thoughts, I was
11 put on suicide watch in a different cell in the building. I stayed in that cell overnight.

12 10. In the morning, I was taken off suicide watch and asked to move into the cell
13 with the new person in the unit. I agreed because I was not sure he was sick at the time
14 and did not feel I had a good enough reason to refuse. I lived with him for about 2 weeks.
15 During those two weeks, I noticed that the medical staff was checking his temperature
16 every day. My new cellmate told me shortly after I moved in with him that he had been
17 moved into D-Yard Building 4 from D-Yard Building 2. D-Yard Building 2 is known to
18 be a housing unit that has one of the largest outbreaks of COVID-19 cases within CDCR.

19 11. Shortly after I moved in with this individual, he started showing symptoms
20 of COVID-19. He was sneezing and coughing up phlegm. My understanding is that he
21 later tested positive for COVID-19.

22 12. Due to my compromised immune system, once I moved in with him and
23 began noticing his symptoms, I became very worried about getting COVID-19. I really
24 felt I needed to get moved and I was becoming very anxious. Because I wanted to be
25 moved for my own safety, I reported that I was going to hurt him or myself to multiple
26 members of mental health staff, who then placed me in the MHCB on April 6, 2020. I
27
28

1 stayed there for eight days, and told my clinicians in the MHCB about my fear of getting
2 COVID-19 from being forced to live with this person that appeared to have COVID-19.

3 13. On April 14, 2020, around 1:30 p.m., mental health staff discharged me from
4 the MHCB. After being discharged, I was escorted back to D-Yard, Building 4, the unit I
5 had been housed in before being admitted to the crisis bed. When I entered the building I
6 asked Officer [REDACTED] one of the building officers, what cell I should go to.

7 14. I was generally afraid of Officer [REDACTED] because he has threatened me
8 before.

9 15. The prior threat was made when I had gone to suicide watch earlier that
10 month when my cellmate was keeping me up all night. It was around April 5 or 6, 2020.
11 While on suicide watch at that time, I cut myself. While I was taken across the yard to the
12 medical building after cutting myself, I was escorted by Officer [REDACTED] and another
13 officer whose name I do not know. I was trying to stop walking because the shackles on
14 my ankles were too tight. Officer [REDACTED] and the other officer then told me to keep
15 walking or they would slam me to the ground. Officer [REDACTED] also raised his hand
16 like he was going to hit me. I then stuck my face out mocking him. The sergeant came
17 over and told me, "You need to keep walking or we're going to put you down face first
18 right now."

19 16. I was still fearful on April 14, 2020 because of this experience. After I asked
20 Officer [REDACTED] what cell I should go to, he told me, "Back to your old cell" – meaning
21 the cell with the sick former cellmate. I told Officer [REDACTED] that I could not go
22 because I was not compatible with the individual in that cell. I did not tell Officer
23 [REDACTED] that I was fearful of getting COVID-19, because I felt he would not care about
24 that and would not listen to me. I was also generally afraid of asking Officer [REDACTED]
25 for help. Officer [REDACTED] said again, "You're gonna go back in there."

26 17. I walked over to my old cell and asked my old cellmate whether he wanted
27 me there, to prove my point to Officer [REDACTED] we were not compatible. I asked my
28

1 old cellmate if I could live with him, and he said no without an explanation. I believe he
2 did this because he was trying to make things easier for me. I walked back over to Officer
3 [REDACTED] and Officer [REDACTED] who were standing by a table in the building near the
4 stairs.

5 18. I told the officers that my old cellmate would not let me house with him.
6 Officer [REDACTED] then told me to put my property, which I had been carrying around
7 with me, on the table. I put my property on the table. Officer [REDACTED] then told me to
8 cuff up. I complied and was placed into handcuffs. I was cooperating with the officers,
9 even though I knew they wanted to force me back into my old cell. I knew this because
10 the officers had told my old cellmate to step out of the cell for a few minutes.

11 19. After cuffing me, Officer [REDACTED] suddenly grabbed my right shoulder,
12 and Officer [REDACTED] my left shoulder, and they forcefully walked me over to the cell. My
13 old cellmate was standing outside the cell, facing us as we walked towards him. As we got
14 closer to the cell, I began to resist by stopping my feet from moving forward and starting to
15 walk more slowly. As I started to do this, Officer [REDACTED] twisted my body by grabbing
16 my left shoulder and twisting it, and Officer [REDACTED] pushed me forward.

17 20. At this point, I stopped resisting and dropped to one knee. After dropping to
18 my knee with my head forward, Officer [REDACTED] and Officer [REDACTED] pushed me head
19 first into the floor about a foot in front of the cell. If I did not take the hit on my forehead,
20 I would have knocked my teeth out. The right side of my head hit the floor and I lay still
21 on the floor. Immediately my face starting gushing blood, and quickly there was a huge
22 pool of blood. As I was lying on the ground bleeding, Officer [REDACTED] yelled to the
23 other officers, "Who wants in on this?" I took this to mean that he was inviting others to
24 assault me further.

25 21. Officer [REDACTED] then put a spit mask over my head. I believe they applied the
26 spit mask because they were afraid of having to touch my HIV-infected blood. They also
27 put leg restraints on my ankles, so I was cuffed at both my ankles and wrists.

1 22. Officer [REDACTED] and Officer [REDACTED] then walked me to the D-Yard
2 medical building. While we were walking, the leg restraints were so tight that I had to stop
3 walking after we exited the building. Officer [REDACTED] told me I would keep walking or he
4 would kill me. I continued to walk, and they walked me across the yard to the gym. At
5 the gate to the gym, Officer [REDACTED], who is the staff assistant who works with disciplinary
6 records, saw me entering the gym and asked me what happened, in a way that seemed like
7 she was mocking me.

8 23. In the gym, I was seen by a nurse who filled out a Form 7219 incident report,
9 a form documenting my injuries. She documented that I had a cut over my right eyebrow
10 that was still bleeding at the time. She told me that I needed to go to the Treatment and
11 Triage Area (“TTA”) in order to get stitches to sew up my wound. At the TTA, I told the
12 TTA nurse that I was slammed to the ground by officers. I received six stitches in my
13 eyebrow.

14 24. After I received my stitches, I was taken out of the TTA and placed in the
15 EOP Administrative Segregation Unit (“EOP ASU”). After I got there, I was taken to the
16 sergeant’s office and given a videotaped use of force interview. They did not ask me any
17 follow up questions after I gave my account, and I felt very rushed.

18 25. I later received a Rules Violation Report (“RVR”) for “Battery on a Peace
19 Officer” in connection with the assault on me. The RVR paperwork contained a number of
20 false details. The report says that I was balling my hands into fists and muttering under my
21 breath, which I was not doing. They also accused me of resisting by twisting my torso and
22 striking Officer [REDACTED] with my elbow. This is basically impossible, as I was cuffed
23 the entire time and could not throw my arms around. The only resisting I did was to stop
24 walking—I did not move my body in any other way.

25 26. They also wrote that I fell accidentally and was unable to brace my fall,
26 which is why I landed on my face. This was entirely false. I believe they wrote that I fell
27 as a way to cover up the fact that they tackled me to the ground and injured me. They
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1 needed a way to cover up the unnecessary force they used against me after I stopped
2 resisting. They also wrote that I was spitting saliva and mixing it with my blood, which is
3 why they applied a spit mask. I believe that this was just a way for them to cover up their
4 fear that they would become infected from my blood, because I have HIV.

5 27. On April 25, 2020, I had my RVR hearing. They came to my cell because I
6 was on quarantine status at the time. I was unable to speak and be heard through the glass
7 that was blocking the window on account of my quarantine. The hearing lasted about
8 thirty seconds, and the hearing officer, whose name I do not know, barely asked me any
9 questions. It was a joke. He did not seem interested in conducting the hearing at all.

10 28. During the cell-front hearing, I was able to provide the hearing officer with
11 written testimony from my old cellmate, the one who I suspected had COVID-19 and who
12 witnessed the whole incident from just a few feet away. He had written answers to
13 questions I had given my investigative employee. He wrote that I was slammed to the
14 ground by Officer [REDACTED] and Officer [REDACTED] stopped resisting when I dropped to
15 my knees, and did not assault Officer [REDACTED] in any way.

16 29. At the end of the cell front "hearing," they told me I would be found guilty,
17 and would have 150 days of time credit taken away from me. They also told me they
18 would be taking my packages for 90 days. I still have not received the written final copy
19 of the RVR with the punishment listed. I also received an RVR Mental Health Assessment
20 ("RVR MHA"). The clinician who evaluated me on April 22, 2020, determined that
21 mental health played no role in my RVR, despite the fact that I had just returned from the
22 MHCB, have a history of paranoia, and was extremely distressed about being celled with
23 someone with COVID-19.

24 30. I filed an excessive force Form 602 grievance on April 19, 2020 about this
25 incident. My complaint was bypassed at the first level of review, and has been sent to the
26 second level of review. I am supposed to receive a response to my complaint on June 3,
27 2020. On Friday, May 15, 2020, a lieutenant whose name I do not know came to interview
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1 me about the grievance. Similar to my other interviews, she allowed me to present my
2 story but it seemed very rushed and one-sided. I also gave her additional witnesses to the
3 incident that I was unable to provide in past interviews. I was skeptical of her because she
4 is investigating her fellow officers, which made it seem like she would not advocate for
5 me.

6 31. My clinician told me that my cellmate tested positive while I was in the EOP
7 ASU, shortly after the assault. About two days after my clinician told me I had been
8 exposed to COVID-19, I was tested for COVID-19, and was placed in quarantine while
9 awaiting my test results. I was in quarantine for about two weeks, and was taken off of
10 quarantine after my COVID-19 test came back negative on April 28, 2020.

11 32. This assault and LAC staff's unwillingness to help me with my urgent
12 medical and mental health issues makes me feel like my life is constantly in jeopardy. I
13 felt unsafe before this incident, but now feel extremely unsafe due to this assault and due
14 to COVID-19. I am alarmed by LAC staff's lack of care for me and others that have
15 serious medical issues and are vulnerable to COVID-19. It makes me sad that during a
16 global medical crisis, staff still felt the need to assault me, simply for refusing to house
17 with someone who was sick.

18 33. I have also witnessed a number of incidents where others have been
19 assaulted by officers at LAC. For example, just recently, while in the EOP ASU in D-
20 Yard, Building 5, Sergeant [REDACTED] slammed another EOP patient in handcuffs to the ground
21 while he was waiting in the medical line. The patient did not appear to do anything to
22 provoke him. The problem is not just limited to D-Yard. When I was on C-Yard, when
23 EOPs used to be housed there, I saw Officer [REDACTED] kick an incarcerated person's legs out
24 from behind him and slam the back of his head into the ground. The incarcerated
25 individual's head was split open and he was lying on the floor. He was taken out of the
26 unit and I never saw him again.

1 34. I have not seen the officers who assaulted me in D-Yard, Building 4 since I
2 was assaulted, but I have continued to see officers who have committed other misconduct
3 against me in the past, even after I moved units.

4 35. In my time at LAC, there have been many times that I needed help but didn't
5 ask for it because I was afraid of what would happen to me. The fact that I was assaulted
6 after telling staff I could not house with someone, and asking for help to be re-housed, is
7 proof that some staff do not care about us, even when our lives are in danger. I was
8 worried I might catch COVID-19 and die from it, given my compromised immune system.

9 36. I do not trust my clinician anymore and I feel I cannot get the mental health
10 treatment I need here. I do not trust mental health staff because I believe they are working
11 with custody staff and share private information about us with these staff. Generally, I try
12 to find one officer in the unit on which I am living to trust or help me, and then ignore the
13 others because I generally do not trust officers.

14 37. In the past, I was afraid to put in 602 grievances to report staff misconduct or
15 other issues at LAC. I have started filing grievances about issues that are meaningful to
16 me because I want to stand up for myself and report my version of what is happening to
17 me. I try to stay away from submitting too many grievances, though, because officers will
18 retaliate in various ways, including messing with your packages.

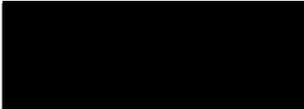
19 38. This assault made my mental health issues worse. Since the assault, I have
20 been sleeping all day, losing weight, and I am very stressed out. I also have been unable to
21 feel passion for drawing, which is something I normally do all the time. I keep replaying
22 the assault over and over again and re-living the pain of my head hitting the ground. I
23 have never been assaulted in this way before. I am now very nervous about the possibility
24 of retaliation and about my safety after I leave the ASU.

25 39. In my opinion, staff target people with mental illness, medical issues, and
26 weak prisoners. Also, I have been beaten up by staff in the past, and this has been covered
27 up by charging me with staff assaults. In addition to being untrue, this record of staff
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1 assaults causes staff to treat me abusively. Staff also know that people with mental illness
2 and medical issues cannot fight back. Staff use the terrible circumstances these individuals
3 face with their medical and mental health issues as justification to assault them.

4 40. I believe the reason there is so much staff misconduct at LAC is because it
5 helps officers to control the population. Staff let us suffer in order to gain control. When I
6 was bleeding after my assault, they left me lying on the floor and stood over me, trying to
7 intimidate me. Staff try to create an environment where they are in power and control, and
8 they use assaults as a way to maintain that control. Officers say stuff like, "You ain't shit,"
9 and create a culture where we are made to feel less than human. Staff misconduct is the
10 main method of control used to maintain this abusive system.

11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
13 California this 18th day of May, 2020.

14
15  _____
16

17 On May 18, 2020, due to the closure of California State Prison-Los Angeles County
18 in light of the COVID-19 pandemic and ongoing concerns that officers might retaliate
19 against witnesses in support of Plaintiffs' Motion, I read the contents of this declaration,
20 verbatim, to  by telephone.  orally confirmed that the
21 contents of the declaration were true and correct.  also orally granted me
22 permission to affix his signature to the declaration and to file the declaration in this matter.

23
24 DATED: May 18, 2020

25 
26 _____
27 Emma Cook
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EXHIBIT 47

DECLARATION OF [REDACTED]

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I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison – Los Angeles County (“LAC”), in the Short Term Restricted Housing (“STRH”) unit, a segregation unit for mental health patients. I am 45 years old.

3. I am a *Coleman* class member. I am currently at the Correctional Clinical Case Management System (“CCCMS”) level of care, which is the lowest level of mental health care in the CDCR. Patients at the CCCMS level of care live in general population units throughout the CDCR, and receive infrequent contacts with their mental health case manager and treatment team. I suffer from bipolar disorder, depression, and anxiety.

4. When I am struggling with my mental health issues, I have manic psychotic episodes. During these episodes, I cannot sleep, become very aggressive, and sometimes have delusional thoughts. When I take my psychiatric medications, I only have these episodes infrequently.

5. When I have these manic episodes, I often have to be admitted to a Mental Health Crisis Bed (“MHCB”) unit, for short-term, intensive mental health care and stabilization. The last time I had one of these manic episodes where I was admitted to an MHCB was in January 2019. I also have attempted suicide a few times. My most recent suicide attempt was in late March 2020, when I swallowed razor blades. Despite my history of suicide attempts and crisis bed stays, I have mostly been treated at the CCCMS level of care during my time in CDCR.

6. Except for several extended periods in the Correctional Treatment Center (“CTC”), a licensed infirmary at LAC, I have been housed in segregation for over two straight years. I have been on Administrative Segregation status since April of 2018.

1 Even when I am housed in the CTC for medical care, I am treated as an ASU patient,
2 which means I have no access to my property and have fewer privileges than others in the
3 CTC. Being in segregation always involves lengthy periods of isolation, which tends to
4 make my mental health worse. My two years in segregation has worsened my bipolar
5 disorder and made me more manic.

6 7. I have a rare lung disease called Pulmonary Alveolar Proteinases. This
7 causes trouble with my breathing. I often cough and wheeze, and I have to use an oxygen
8 tank at all times. I often have to go to outside doctors or outside hospitals to get treatments
9 that help me cope with my lung condition and breathe better. I also frequently stay in the
10 CTC at LAC in order to receive intensive medical care. I was housed in the CTC starting
11 in the summer of 2019, and remained there up until a few days before the first staff
12 misconduct incident I experienced, which is described below. Due to my medical
13 conditions, I also receive certain medical equipment, such as orthotic shoes, portable
14 oxygen, and glasses. I currently do not have any of this DME, except for my oxygen
15 machine.

16 8. I have been housed at LAC since February 23, 2017, with the exception of
17 most of the month of July 2019, when I was housed at RJD in order to attend medical
18 appointments for my lung disease at the University of California, San Diego Hospital.

19 9. During my time at LAC, I was housed in the following locations: the CTC,
20 the STRH, and D-Yard Building 5, which is the EOP ASU. Although I am CCCMS, I
21 have doctor's order that I should not be housed in the STRH, because of the stainless steel
22 wall coverings inside the cells. Also, there is poor ventilation in the STRH. Because of
23 this, I am sometimes housed in the EOP ASU even though I am not EOP.

24 10. I have been a victim of staff misconduct at LAC on multiple recent
25 occasions.

26 11. On March 21, 2020, at around 2:00 p.m., I was in my cell in D-Yard,
27 Building 5 (the EOP ASU). At the time, I was having a mental health crisis. I had been
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1 kicked out of the CTC a few days earlier, and this had an immediate adverse effect on me.
2 At the time I was removed from the CTC, I had not been taking my Bipolar Medication
3 and my mental health had deteriorated. I thought maybe staff was trying to kill me. My
4 understanding was that my primary care provider at the University of San Diego had said
5 that I should stay in the infirmary because they had not yet figured out how to best treat my
6 condition.

7 12. Because of this, I asked to speak with mental health before I left the CTC.
8 Then, before I left the infirmary, I boarded up my cell and threatened to kill myself. The
9 CTC psychiatric supervisor, Dr. [REDACTED] allowed me to address my concerns. I told her
10 that the outside doctor had recommended that I stay in the infirmary. I explained that I did
11 not want to go to the STRH (which is the CCCMS Administrative Segregation Unit). Dr.
12 [REDACTED] confirmed the medical recommendation that I should not be housed in the
13 STRH due to the conditions there. She spoke to the Sergeant, who went to look at the
14 STRH cell and confirmed the stainless steel wall and the ventilation issues in the STRH.

15 13. LAC accommodated these concerns by sending me to the D-Yard, Building
16 5 EOP segregation unit, which has better ventilation and cement walls, which are both
17 better for my condition.

18 14. After I was in the D-5 unit for a few days, on March 21, 2020, an incident
19 took place. Earlier in the day, because I was so stressed out, I asked to speak to mental
20 health, because I was feeling suicidal. A few hours later, I cussed at Sergeant [REDACTED]
21 one of the building sergeants, because he was ignoring my mental health crisis and my
22 request to call clinical staff.

23 15. Later on that day, about two hours after I cussed at him, Sergeant [REDACTED]
24 formed a cell extraction team, a group of officers that remove incarcerated people who are
25 refusing to listen to staff and leave their cell. He did this even though I was not refusing to
26 leave my cell or refusing to follow orders. I did not understand why Sergeant [REDACTED] was
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1 forming the cell extraction team. I was not doing anything against the rules—I was simply
2 asking to see my clinician and to receive mental health help.

3 16. There was a psychiatric technician present at the time, along with a number
4 of other incarcerated people who all witnessed me asking to be let out to see mental health
5 staff. The Psychiatric Technician [REDACTED] even told me after this incident that he had
6 personally told staff to pull me out of the cell, so that I could see mental health to address
7 my suicidal feelings. However, when he was later interviewed about this, he said he did
8 not remember saying that to custody staff or telling me about it.

9 17. A few officers, including Officer [REDACTED], Officer [REDACTED] and Officer
10 [REDACTED] joined Sergeant [REDACTED] and they started to yell “unresponsive inmate,” even
11 though I was talking to them at the time.

12 18. I have many times witnessed officers yelling that an incarcerated person at
13 LAC is “unresponsive” in order to rush their cell. I believe they yell that to justify rushing
14 into a patient’s cell and assaulting them. Because of the *Coleman* case, custody staff are
15 restricted in when and how they can perform a cell extraction and when they can enter a
16 cell. If a cell extraction is necessary against a mentally ill individual, staff are required to
17 try to de-escalate the incident before using force, for an extended period of time. They are
18 also required to enlist clinical staff to help with this. Custody staff are also required to
19 videotape the extraction. However, if someone is actively harming themselves or
20 unresponsive, they can enter the cell and/or use “emergency force” immediately without
21 videotaping the incident or following these other steps.

22 19. It is well known that the officers will claim someone is unresponsive or
23 actively suicidal to avoid having to follow the restrictive *Coleman* policies. After yelling
24 “unresponsive inmate,” Officers [REDACTED] Officer [REDACTED] and Officer [REDACTED] rushed into
25 my cell and beat me severely. They came into the cell with their shields in front and took
26 me to the ground. They put a shield on top of me and got onto a dog pile on top of me. I
27 could not breath. Anyone would have trouble breathing but I have a severe lung illness
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1 and my lung capacity is greatly reduced, so it was even worse for me. Officer [REDACTED] is
2 extremely large and probably weighs over 300 pounds. I passed out because of their
3 weight. When I came to a few moments later, I am not sure how long, I was on my
4 stomach and the officers were on top of me punching me on my head, the side of my head,
5 my ribs and back. They were beating the crap out of me. The beat me in my cell for at
6 least two minutes. I was in excruciating pain. I also was bewildered and flabbergasted
7 that this was happening just because I had been asking for help with feeling suicidal.

8 20. After the assault in the cell was finished, I was placed in leg restraints and
9 handcuffs, and placed in a wheelchair. While in the wheelchair, Officer [REDACTED] [REDACTED]
10 again started punching me in the chest and stomach, and Officer [REDACTED] was strangling me
11 with the sheet around my neck. This second assault lasted about another minute. I was in
12 cuffs and leg restraints and I was not resisting in any way. My neighbors in cell [REDACTED] and
13 [REDACTED] witnessed the incident outside the cell, and would confirm that this is what took place.
14 My whole body was achy and in pain.

15 21. Next I was wheeled over to the office in the building. At that time I lost
16 consciousness for a brief period. I believe it was due to a seizure. I have had seizures
17 before a few times in my life when I was deprived of oxygen, which can happen because
18 of my medical condition.

19 22. I was taken to the Triage and Treatment Area (“TTA”) for medical care.
20 While there, I ingested a razor in front of the nurse who was treating me because I was still
21 suicidal.

22 23. I eventually was admitted to Palmdale Regional Hospital late on the evening
23 on March 21, and got a number of x-rays and other tests. I found out from hospital staff
24 that I had bruising on my chest and ribs, bruising on my left ear, a cut on my chin, and a
25 razor that was still in my stomach. I stayed at the hospital for three days, and returned to
26 LAC, to the STRH, on March 24, 2020.

1 24. I am at a loss to explain the reason for this assault. It appears to be simply
2 the fact that I was suicidal and they did not want to help me.

3 25. On March 27, 2020, right after I returned from the hospital, I was issued a
4 Rules Violation Report (“RVR”) for “Battery on a Peace Officer.” The report gave a
5 completely false version of events. The officers claimed that I had placed a sheet on my
6 window and was not responding to them. The report also says that I charged towards the
7 officers when they opened my door, and continued to resist them when they took me to the
8 ground.

9 26. After I was assaulted, staff went into my cell in the EOP ASU, and they
10 trashed my cell. They broke my television, and destroyed some personal photos of my
11 family that they ripped up. This is typical behavior when there is an incident. Staff will
12 then come back with a working television and offer it to the ASU inmate in exchange for
13 dropping any grievances against staff.

14 27. I had a hearing on the RVR sometime in April. I was not allowed to call any
15 witnesses and I was found guilty. It was a complete sham. There was no opportunity for
16 me to provide a defense and present witnesses. My questions for witnesses were deemed
17 irrelevant. My punishment was loss of privileges and loss of 120 days of good time.

18 28. I reported the misconduct when I returned from the outside hospital to
19 Sergeant [REDACTED], as well as nurse [REDACTED] and neither reported the misconduct, as far as
20 I am aware. I was not given a videotaped interview for two weeks. I also filed a staff
21 complaint about the incident, shortly after the incident. That was partially granted at the
22 second level, saying it was being investigated.

23 29. However, other than the videotape interview, no one has spoken to me about
24 the staff assault.

25 30. After the assault on March 21, 2020, my mental health continued to worsen
26 and I continued to want to self-harm.

1 31. Shortly after I returned from the hospital, on April 2, 2020, I experienced
2 another assault by staff. I had received some bad news during a one-on-one meeting with
3 my social worker, which is part of my mental health treatment. The bad news was that
4 staff had failed to document my injuries in the assault – although in fact it turned out that
5 one nurse had failed to document the injuries, while another nurse had in fact done so. At
6 the same time, I had just learned that I was found guilty of a much earlier RVR.

7 32. As I was returning back to my cell in the STRH from my meeting with my
8 social worker, I started to feel suicidal again and like I was going to harm myself because I
9 was so frustrated and sad. Like on March 21, 2020, I asked to speak with mental health
10 staff. An officer in the STRH, Officer ██████ refused to call mental health staff for me.

11 33. I had cuffs and waist chains on at the time, as I was being escorted back from
12 my appointment. I really wanted Officer ██████ to get me help, and out of frustration I
13 refused to give him back my waist chains after I entered my cell. He yelled at me, “Okay,
14 don’t break it down punk!” He then called over the group of building officers who are his
15 buddies: Officer ██████ Officer ██████ and Officer ██████ The officers
16 approached my cell. I was still holding my waist chains in my hands. I told them I did not
17 want any trouble, and was feeling suicidal. While I was talking, Officer ██████
18 interrupted me and began to yell “unresponsive inmate.” Officer ██████ joined in.

19 34. The tower officer opened the door of my cell as I was trying to speak with
20 them, and Officer ██████ rushed into the cell with the shield that the cell extraction
21 teams used. At the same time, Officer ██████ lunged at me and took me to the ground.
22 Officer ██████ grabbed me and held me in a choke hold. Officer ██████ put down his
23 shield and began to punch me as Officer ██████ was choking me.

24 35. As I was lying on the ground on my back, Officer ██████ straddled my waist
25 with his head facing the direction of my feet, pulled down my pants, and shoved his gloved
26 fingers repeatedly and forcefully into my rectum. I screamed, “Get your hand out of my
27 ass!” He kept his hands there and yelled, “Scream, bitch! Every time, mother fucker!”
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1 While Officer [REDACTED] still had his hands in my rectum, Officer [REDACTED] reached into my
2 pants and yanked at my genitals. The entire time this was happening, Officer [REDACTED]
3 kept me in the chokehold. I was suddenly yanked upwards onto my feet and pushed by the
4 officers into the wall. As I was pushed face first against the wall, Officer [REDACTED] pressed
5 his erect penis into my behind and yelled, "I'm going to fuck you every time." Suddenly, I
6 was taken off the wall and thrown into a wheelchair. I could hear the officers laughing and
7 the slap of their hands high-fiving each other.

8 36. Next, I was taken in the wheelchair to the medical area in the STRH. A
9 psychiatric technician named Prosser asked me what had happened and if was I okay. I
10 told her that I had been sexually assaulted and that my genitals and rectum were in very
11 bad pain. She wrote this down on the Form 7219 evaluation. During this conversation,
12 Officer [REDACTED] was nearby and yelled, "That's too much info - Nobody wants to hear that!"
13 It seemed that he wanted to stop me from talking about the sexual assault.

14 37. I was taken to the CTC, the medical building at LAC, in a stretcher, as my
15 genitals and rectum, as well as the rest of my body, was in so much pain that I could not
16 walk. I was immediately given x-rays, and shortly after my x-rays, a nurse from the
17 Antelope Valley Hospital named Elizabeth came to LAC to do a sexual assault evaluation
18 on me. She took pictures of my injuries, took DNA samples, and also took my t-shirt,
19 boxers, and the jumpsuit I was wearing during the assault. I know that the photographs
20 show scratches on my buttocks and the area around my anus.

21 38. After the assessment, I was returned back to my cell. I filed a Prison Rape
22 Elimination Act ("PREA") complaint. Lieutenant [REDACTED] one of the lieutenants for the
23 LAC Investigative Services Unit ("ISU"), interviewed me in response to my complaint.
24 The interview lasted about 20 minutes, and it seemed rushed and like he was not at all
25 sympathetic. He formerly worked as a Lieutenant in the STRH and I believe he is likely
26 friends with his colleagues who assaulted me. He was also on the same watch as the
27 individuals who assaulted me.

1 39. I have filed multiple staff complaints against Lt. [REDACTED] for past incidents,
2 which made me feel like my investigation was not going to be a real investigation since he
3 was the one leading it.

4 40. The day after my interview with Lt. [REDACTED] Officer [REDACTED] came around the unit
5 to talk to the other incarcerated people on my unit who witnessed the assault. However, he
6 did not ask them questions or allow any of them to speak, he just said, “Do you want to
7 talk to the sergeant? No, okay,” and kept walking without letting anyone speak. He also
8 waited until yard was about to be released to walk through the unit, choosing a time when
9 no one would want to go talk to the Sergeant. I had a neighbor who wanted to be
10 interviewed about the incident, and he explained that when Officer [REDACTED] came around, he
11 did not know what incident he was speaking about.

12 41. I filed a staff complaint about this second incident as well, a few weeks later.
13 I have not been interviewed about it and the complaint is still pending.

14 42. About a week later, on April 9, 2020, I was given another RVR for “Battery
15 on a Peace Officer.” Again, the report was completely false. The officers in the STRH
16 claimed, similar to the officers in D-5, that I covered my windows with paper and they
17 could not get my attention. They claimed that I rushed at them, was resisting, and that I bit
18 Officer [REDACTED] all of which are entirely false. Officer [REDACTED] had no marks on him.
19 The report also claimed that Officer [REDACTED]’s hand was near my rectum because I landed
20 on his hand when I fell to the ground. They also indicated their hands were near my
21 genitals because they were holding my waist chains at the time. No detail in their version
22 of events explains why I was in so much pain in my genitals and rectum that I could not
23 walk out of the building.

24 43. I wrote to Internal Affairs about both of these incidents. I have not been
25 interviewed by Internal Affairs about either incident.

26 44. Being sexually assaulted was the most humiliating and traumatizing moment
27 of my life. The other incarcerated people around me heard my screams and witnessed the
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1 officers taking advantage of me. This made me feel extremely violated and sad. I was so
2 sad and humiliated after this incident that I could not speak to anyone, even to my loved
3 ones, about what had happened to me. I was very close to not reporting the incident
4 because I was so embarrassed and afraid. I felt emasculated. However, I am proud of
5 myself for speaking up about something so personal. Even though my prison reputation
6 feels like it is ruined because I was so violated by the officers, I do not care because I feel I
7 need to speak up about this to protect myself and everyone else at LAC in the future.

8 45. I still have to interact with the officers that were involved in the staff
9 misconduct against me nearly every day, even after they were accused of staff misconduct.
10 After I was treated for my injuries from the sexual assault, I was returned to the same cell
11 in the STRH in which I was sexually assaulted. I see Officer [REDACTED] Officer [REDACTED]
12 Office [REDACTED], and Officer [REDACTED] every day, and they constantly make comments and
13 remarks about the rape. The comments are filled with sexual innuendos. They say things
14 to me like “every time” meaning that if I mess with them, they will do it again. They also
15 mock me by making fake high pitched cries for help.

16 46. Officer [REDACTED] often is the officer who strip searches me when I come back
17 into the building from yard, though I have started refusing to strip for him because each
18 time I do I have to re-live the trauma of being assaulted by him. Having to deal with this
19 every day in addition to my ongoing mental health issues feels like torture.

20 47. In my time at LAC, there have been many times that I needed help but didn’t
21 ask for it because I was afraid of what would happen to me. For example, often times, I
22 am depressed, and sometimes suicidal, and instead of asking to speak with mental health, I
23 choose to hurt myself. Sometimes I bite myself, or slam my head against the wall. I
24 understand that this is not a good coping mechanism, but at least I am in control and do not
25 have to risk a staff assault.

26 48. Each time I report something at LAC, I am afraid for my life. I feel very
27 afraid that what took place could happen again, any time. These two incidents took place
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1 very close together in time. I am afraid to report anything. I believe both of these
2 incidents were done to me as retaliation for making complaints about earlier staff
3 misconduct and for advocating for other mentally ill class members who have received
4 similar treatment. I have come forward anyway, because I want to change this
5 environment which needs a massive change in the culture.

6 49. These incidents have greatly affected my mental health. They have made me
7 want to self-harm almost continuously. I swallowed a razor just two hours after being
8 assaulted on March 21, 2020 because I was in so much distress and was feeling suicidal.
9 Since the assaults, I feel paranoid and like every officer is out to get me. I also am forced
10 to re-experience and re-live the incidents, particularly the sexual assault, every day when
11 interacting with the officers who assaulted me on the yard. Even when I am feeling okay
12 mentally, just seeing these officers can cause me to stress out.

13 50. In my opinion, staff target mentally ill prisoners and weak prisoners with
14 staff misconduct. Staff target people who have been in segregation and who have mental
15 illnesses, like myself, because it is easy to justify assaulting us. Both times officers
16 assaulted me, they did so by claiming they needed to cell extract me because I was
17 “unresponsive.”

18 51. Cell extractions are often done to incarcerated people who are extremely
19 mentally ill and/or are being difficult with their behavior. By presenting this as a cell
20 extraction, they are able to blame me and others who are mentally ill or otherwise
21 struggling for provoking their use of force. They cannot do this in the same way with
22 prisoners who are not in the mental health system, do not have a disability, or who are not
23 otherwise seen as weaker than other prisoners. The fact that I was assaulted two times in
24 such a short period, in front of everyone in my unit and multiple staff members, makes me
25 scared for other mentally ill and disabled patients who are not able to stand up for
26 themselves, or do not have witnesses to their assaults.

1 52. I believe the reason there is so much staff misconduct at LAC is because
2 there is a system of officers and staff that support each other, and do not help the prisoners.
3 The custody staff function like a gang—they have a secret handshake and operate in
4 groups to terrorize people. Some of them have the same tattoos. I know from being at
5 LAC for a while that a number of the officers who act like they are in a gang came from
6 California Correctional Institution-Tehachapi (“CCI”), another prison that I have heard has
7 a lot of staff abuse and a gang of officers who attack people.

8 53. I believe officers get away with so much because the very same officers that
9 used to abuse prisoners themselves are now in charge of the investigative staff in the ISU.
10 So they are obviously going to side with the more junior officers that are following in their
11 footsteps as far as abusing prisoners.

12 54. Not only do custody staff have each other’s backs, but many of the psych
13 techs and other medical staff that work in the ASU and STRH are friends with the custody
14 staff members in those buildings. They socialize with each other and sometimes date each
15 other. They go to the same social functions. When they do not document injuries or report
16 assaults against us prisoners, they are doing a favor for and being loyal to their friends,
17 instead of doing what is right by us.

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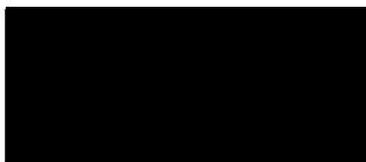
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1 55. In this system no one can be held accountable because no one tells the truth.
2 LAC is a very scary, lawless place. It's like the wild, wild west here.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
5 California this 20th day of May, 2020.

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7  _____
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10 On May 20, 2020, due to the closure of California State Prison – Los Angeles
11 County, in light of the COVID-19 pandemic and ongoing concerns that officers might
12 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
13 declaration, verbatim, to  by telephone.  orally
14 confirmed that the contents of the declaration were true and correct.  also
15 orally granted me permission to affix his signature to the declaration and to file the
16 declaration in this matter.

17
18 DATED: May 20, 2020



19 Thomas Nolan
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EXHIBIT 48

1 6. I also have some medical conditions. I have degenerative hip disease,
2 asthma, glaucoma, and chronic pain. Because of my flaccid paralysis, I am a paraplegic. I
3 am classified as high risk medical. During the time I was at LAC, my medical issues were
4 similar to the issues I experience today.

5 7. I was housed at LAC from June 11, 2018 to August 14, 2018. Next, for three
6 weeks between August 14, 2018 and September 9, 2018, I was housed at California State
7 Prison-Sacramento (“CSP-Sacramento”), while one of my civil cases was at trial. After
8 the trial ended, on September 9, 2018, I was returned to LAC until November 30, 2018,
9 when I was transferred to Kern Valley State Prison.

10 8. During my time at LAC, I was housed in the following locations: D-Yard,
11 Buildings 3 and 5.

12 9. I was twice a victim of staff misconduct at LAC during my relatively short
13 stay there.

14 10. The first of the two incidents occurred on July 25, 2018. That day, I was
15 sent to LAC’s EOP Administrative Segregation Unit (“ASU”) on D-Yard, in Building 5.
16 Staff alleged that I had threatened a custody officer. My new cell in the EOP ASU did not
17 have an electrical outlet for my radio, so I kicked at the cell door to get officers’ attention
18 to ask them to move me to a cell where I could use my radio.

19 11. Officers [REDACTED] and [REDACTED] came to my cell, cuffed me, and put waist
20 chains on me. I tried to use my cane to walk, but Officer [REDACTED] took my cane from
21 me. I told the officers I needed the cane to walk. Officers [REDACTED] and [REDACTED] told
22 me they would help me move to the new cell. Two officers took hold of my arms by my
23 biceps. With the waist restraints on and without my cane or walker, I could not walk at all
24 and had to rely on them to carry me.

25 12. The officers took me to the medical area to wait for officers to move my
26 property from the old cell to the new one. Then, the officers escorted me to the new cell,
27 lifting me by my arms. I could see a cart outside the new cell with some of my property,
28 including my radio. My walker and my cane were also outside of the cell. Officers

1 [REDACTED], [REDACTED] and [REDACTED] stood next to the cart. My legal papers and food
2 products were in the cell. The officers told me I would not get back the property on the
3 cart.

4 13. As they were telling me this, the door to the cell started closing. The officers
5 tried to push me into the cell. They did not get me into the cell fast enough and the door
6 closed on my left thigh. I felt pain as the steel door pushed into my thigh. Because I was
7 in waist chains, I could not use my hands to try to free myself. After observing that I was
8 unable to free my leg from the door, the officers started laughing at me. After I struggled
9 for about a minute, an officer asked the tower to open my door.

10 14. As the door was opening, Officer [REDACTED] yanked me out of the cell, and
11 Officer [REDACTED] punched me in the face, knocking my glasses off. Officers [REDACTED] and
12 [REDACTED] then slammed me to the floor, face first.

13 15. While I was on the ground, the officers kicked me in the body. I think the
14 attack lasted 30 seconds.

15 16. I heard the alarm go off. A sergeant, a psychiatric technician, and other
16 officers ran in, and the officers stopped assaulting me. I heard someone say, "Let's get
17 him into the cell." I felt officers dragging me. They put me in a wheelchair and started to
18 push me toward the cell. At that point, the psychiatric technician told them they needed to
19 take me to the medical clinic.

20 17. The officers put me in a prison ambulance that took me to the Treatment and
21 Triage Area ("TTA") at LAC, which is a medical clinic in the prison for people with
22 injuries or sicknesses that cannot be treated in the medical unit for their yard.

23 18. When I got to the TTA, a doctor examined me. He tapped my legs to check
24 my reflexes in my legs and gave me an injection. Then they put me in another ambulance,
25 which took me to the Antelope Valley Hospital.

26 19. At the hospital, a doctor examined me, with special attention to my legs. I
27 heard him noting the bruising and injuries to my legs. Then another hospital staff member
28 came to take my statement about the assault and to take pictures of my injuries. One of the

1 two officers guarding me at the hospital jumped up and said no, telling her she could not
2 photograph me or interview me. The medical staff member said she would come back
3 later. I later learned – during the course of my civil lawsuit about this incident – that the
4 nurse did attempt to return later on to interview me, but that the officers refused to allow
5 her to see me.

6 20. While I was at the hospital, a lieutenant and a sergeant came to ask me about
7 the incident. They videotaped the interview. The interview lasted about 10 minutes. They
8 did not let me explain details of my story.

9 21. At the hospital, medical staff diagnosed me with acute flaccid paralysis. I
10 stayed at the hospital for two days before returning to LAC.

11 22. Prior to the incident, I had been designated at DPM, due to my osteoarthritis.
12 At that time, I used a cane, mobility vest, walker, and knee braces. Although I needed
13 medical devices, I could walk. After the incident, I cannot stand or walk. I have no
14 feelings in my legs, except for pain. I am now a permanent wheelchair user. Because of
15 my injuries from the incident, I also developed incontinence.

16 23. As soon as I returned from the hospital, I received a Rules Violation Report
17 (“RVR”) for resisting staff. According to the RVR, I “intentionally stuck [my] leg out” to
18 prevent the cell door from closing and “lunged at the officers.” This report is ridiculous.
19 At the time, I had a serious disability that restricted my mobility and required me to use a
20 cane or a walker. I was also cuffed and chained at the time of the assault. There is no way
21 it would have been possible for me to lunge at the officers in the manner they reported.

22 24. On August 2018, after I had transferred to CSP-Sacramento, I had a hearing
23 for the RVR. The Hearing Officer did not allow me to call any witnesses and found me
24 guilty based on the officers’ statements.

25 25. On July 28, 2018, three days after the incident, I filed a CDCR Form 602
26 grievance about the assault. My grievance was denied. I appealed it to the second and
27 third levels.

1 26. In December 2018, lawyers from Rosen, Bien, Galvan & Grunfeld LLP
2 interviewed me about the incident for an *Armstrong* monitoring report. The report
3 recommended that CDCR investigate the incident.

4 27. On April 9, 2019, two Investigative Services Unit officers interviewed me
5 for two hours. They audiotaped the interview. I do not know what happened with this
6 investigation.

7 28. Staff at LAC assaulted me a second time on November 14, 2018. That day,
8 an officer came to my cell in the ASU to take me to see Correctional Counselor [REDACTED]
9 The officer handcuffed me in front of my body through the food port and told me to stand
10 up and turn around so he could put waist chains on me. I told him, "I am DPW. I cannot
11 stand." The officer said he was not going to open the door to lock the chains and that he
12 would mark down that I had refused the appointment with my counselor.

13 29. I asked him if I could speak to the Sergeant, so the officer called out for
14 Sergeant [REDACTED] to come to do the door. When Sergeant [REDACTED] arrived, the officer told
15 him that I "refused to uncuff."

16 30. Sergeant [REDACTED] said "Oh, yeah?" Then, Sergeant [REDACTED] and the officer
17 grabbed the chains through the food port with such force that I fell out of my chair and slid
18 into the cell door. I saw Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] arrive
19 at my cell door. All of the officers, except for one, grabbed ahold of the chains and started
20 to pull on the chains until my arms came entirely out of the food port, ripping the skin on
21 my hands and wrists. My knees dragged against the door, scraping off the skin under my
22 pants. The officers took the cuffs off me, letting go of my arms and causing me to fall
23 backwards into my cell. As this was happening, they laughed at me and said, "You stood
24 up now!" They also called me a racial slur.

25 31. I yelled to officers that I needed to see medical staff, but the officers just
26 laughed at me and walked away.

27 32. On the next shift, I told a sergeant what happened. He told me that medical
28 staff would come see me.

1 33. Five minutes later, the sergeant handcuffed me and took me out of the cell.
2 He wheeled me to the nurse. The nurse cleaned up my bloody wrists and hands and sent
3 me back to my cell. At the time, I did not know my knees were also cut up, because I
4 cannot feel my legs. Later, when I removed my clothing, I noticed the skin was scraped
5 off my knees.

6 34. Right after the incident, I filed an 1824 request for reasonable
7 accommodation about the local LAC procedure for handcuffing and escorting a person in a
8 wheelchair. According to the copy of the procedure I received, the officers were supposed
9 to apply the waist chains after they pushed me out of the cell.

10 35. I did not receive an RVR for this incident.

11 36. On November 23, 2018, nine days after the incident, I spoke to ASU
12 Lieutenant [REDACTED] about the assault and showed him my injuries. Lieutenant [REDACTED]
13 took me to his office and told me that Officers [REDACTED] [REDACTED] [REDACTED] and [REDACTED]
14 were involved in the incident. He also ordered that going forward I would only be taken
15 out of my cell by a sergeant, even though he knew that Sergeant [REDACTED] had participated
16 in assaulting me on November 14, 2018.

17 37. Right after the incident, I filed a 602 grievance about the incident. In
18 December 2018, a month later, while I was at Kern Valley State Prison, a sergeant, a
19 lieutenant, an officer, and a nurse told me they were investigating the November 14, 2018
20 incident at LAC and needed to do a medical evaluation and interview. The nurse
21 examined my knees and hands, and I showed her the scabs and scars. She said she could
22 see that the skin was scarred from the handcuffs.

23 38. I showed the sergeant, lieutenant, and officer my hands and knees on video.
24 They then conducted a videotaped interview of me. The interview was brief – maybe
25 about five to ten minutes.

26 39. Less than two weeks later, I spoke to Lieutenant [REDACTED] by phone about the
27 incident. That interview lasted about five to ten minutes.

28 40. I later found out my grievance was denied. I appealed it to the third level.

1 41. I have also witnessed staff engage in misconduct against other people at
2 LAC. I have seen officers attack incarcerated people about eight times. When I was in the
3 ASU at LAC, if the officers did not like an individual, officers would go up to that
4 person's cell, claim that the person was "non-responsive," and then go into the cell and
5 beat the individual up.

6 42. It is my personal opinion that custody staff despise incarcerated people with
7 mental and medical disabilities. They do not like those who require assistive devices and
8 medical equipment because they believe these individuals receive preferential treatment.
9 These officers seem to resent the assistance provided to ADA inmates, such as a level path
10 of travel, extra showers, special cells, and ADA workers to push us.

11 43. The custody staff, based on my observations, also do not like incarcerated
12 people classified as EOP because of their serious mental health conditions and erratic
13 behavior. Staff at LAC apparently believe that the best way to deal with EOPs is to
14 employ violence.

15 44. When custody staff does not assault EOP patients themselves, they call
16 other staff members to do it. Or sometimes they solicit other EOP patients to assault the
17 individuals they believe are difficult to manage or ask for too many things.

18 45. Custody staff at LAC would seek out EOP patients whose condition was not
19 extreme and place them in positions of authority. Then they would essentially pay these
20 EOPs to do the bad deeds of the guards. When I was on D-Yard at LAC in the EOP there,
21 I observed the guards gang up and attack the EOP patients with whom they had problems.
22 They would summon other guards to come to the unit and aid in what may have started as
23 an inmate upset over some issue, and then proceed to attack him. The attacks often were
24 but not always carried out by guards of the same ethnic racial group, more often being
25 Hispanic guards assaulting Black inmates.

26 46. I believe the reason there is so much staff misconduct at LAC is there are no
27 cameras. Officers have time to collaborate on their stories for their incident reports, and
28

1 then it is their word against the word of incarcerated individuals. Without camera footage
2 of an assault, there is no way for an incarcerated individual to disprove the officers' lies.

3 47. I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct, and that this declaration is executed at
5 Corcoran, California this 11th day of May, 2020.

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10 On May 11, 2020, due to the closure of SATF in light of the COVID-19 pandemic
11 and ongoing concerns that officers might retaliate against witnesses in support of
12 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED]
13 by telephone. [REDACTED] orally confirmed that the contents of the declaration
14 were true and correct. [REDACTED] also orally granted me permission to affix his
15 signature to the declaration and to file the declaration in this matter.

16

17 DATED: May 11, 2020

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Rekha Arulanantham

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EXHIBIT 49

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Salinas Valley State Prison (“SVSP”) in the Psychiatric Inpatient Program (“PIP”). I am 39 years old.

3. I am an *Armstrong* class member. I am designated as “Designated Level Terrain” or DLT, which means I have mobility limitations that require CDCR staff to house me on the ground floor in an area with limited stairs. I also have a lower bunk housing restriction. During my time at California State Prison-Los Angeles County (“LAC”), I had the same disabilities, limitations, and accommodations that I have now.

4. I am also a *Coleman* class member. During my time at LAC, I was at the Enhanced Outpatient Program or “EOP” level of mental health care. EOP patients live in separate housing units with other EOP individuals, where they receive enhanced mental health care including 10 hours each week of structured therapeutic activities and frequent meetings with their cases managers.

5. Because of the staff misconduct I experienced at LAC, described below, my mental health deteriorated to the point where I needed more intensive mental health services than the EOP program provides. As a result, I am now housed in the Psychiatric Inpatient Program at SVSP to treat my mental health issues. Psychiatric Inpatient Programs are licensed psychiatric hospitals that provide intensive mental health treatment to individuals who struggle to function in an outpatient program or a shorter term inpatient program.

6. I am bipolar. My main symptoms are depression and anxiety. When I am struggling with my mental health issues, I have auditory hallucinations and I sometimes become suicidal. I have a history of self-harming behavior and some suicide attempts. I also have a seizure disorder.

1 7. I was only housed at LAC for around 5 weeks, from June 6, 2019 to July 12,
2 2019. During my time at LAC, I was initially housed in D-Yard, Building 4, which is
3 where the staff assault described below took place. After the assault I was housed in the
4 Mental Health Crisis Bed (“MHCB”) unit at LAC because I was suicidal. After about 10
5 days in the MHCB, I was discharged to C-Yard, Building 5 at LAC.

6 8. I experienced severe staff misconduct during my short time at LAC.

7 9. On June 13, 2019, I was struggling with auditory hallucinations in my cell in
8 D-Yard, Building 4. Sometime in the mid-afternoon, I asked a third watch custody officer
9 to take me to segregated housing because I did not feel safe in my cell. The officer put me
10 in handcuffs and took me to the D-Yard gym. He then placed me in a holding cage in
11 order for mental health staff to assess me and determine whether my mental state posed a
12 risk to myself or others. However, mental health staff never came by to conduct an
13 assessment.

14 10. I waited in the holding cage for around an hour before two medical nurses
15 arrived. The nurses briefly evaluated me. They discussed my problems with me. I told
16 them I was stressed out, depressed, and hearing voices. They asked me if I was suicidal. I
17 said no. They told me that I needed to fill out a medical request slip to see my psychiatric
18 case manager and cleared me to return to my cell.

19 11. A few minutes later, Officer [REDACTED] and Officer [REDACTED] came to take me
20 back to my cell. Officer [REDACTED] handcuffed me. While they escorted me back to
21 Building 4, in the middle of the yard, the officers were saying things to harass me. Officer
22 [REDACTED] said, “You’re a wacko.” They also called me names like crazy and weirdo. I said
23 something like, “If you want to see crazy, I’ll show you crazy.” I said this because the
24 abuse from the officers made me want to cut myself. It was not intended as a threat to
25 them and the officers did not understand it as a threat. The officers just laughed at me
26 when I said this.

27 12. When we arrived at my cell, Officer [REDACTED] pushed me roughly against the
28 wall next to my cell while my arms were still cuffed behind my back. As I watched, three

1 other officers began to search and trash my cell. Officer [REDACTED] was holding my left arm
2 and Officer [REDACTED] was holding my right arm during this time. I was facing the wall and
3 was still in handcuffs. It is standard for custody staff to search an incarcerated person's
4 cell for contraband or dangerous items after they report struggling with their mental health.
5 They do this in order to find any possible tool the person might use for self-harm. But
6 these officers damaged my property as they searched it. They started to throw my mattress
7 off my bed and all of my belongings out of my locker onto the floor. They tore up my
8 personal photographs and artwork while searching my cell. They even squirted toothpaste
9 all over my legal paperwork and tossed some of my property into the toilet.

10 13. While I watched them trash my property, unable to do anything to stop them,
11 I yelled out, "Why are you destroying my stuff while you search?" Officer [REDACTED]
12 ordered me to "Shut the fuck up!" I was so distressed and upset by what was happening
13 that I angrily said "fuck you" in response.

14 14. Next, Officer [REDACTED] and the other escorting officer suddenly grabbed me
15 by the shoulders and slammed me face-first into the ground. Officer [REDACTED] then jumped
16 on top of me, straddling my back, and punched me repeatedly in the side of my face and
17 head. I was handcuffed during this entire incident. I was not a threat to any of these
18 officers. I could not do anything to stop them from assaulting me. I felt horrible. I felt
19 helpless, alone, and very emotionally distressed. I felt like they were treating me as less
20 than human.

21 15. I have been in and out of prison since I was a teenager, and I have never been
22 assaulted or even seen an assault anywhere near as bad as this assault on me.

23 16. I believe they assaulted me just because I said "fuck you." I believe that this
24 officer has been getting away with routinely assaulting EOPs and other disabled prisoners,
25 and he felt he could get away with it. At the time, I didn't understand how an officer could
26 get away with such abusive behavior inflicted for no real reason.

27 17. From the assault, I suffered a black eye, painful scrapes and bruises on my
28 hands from the handcuffs, numerous bumps on my head, and a deep gash on my chin that

1 was bleeding profusely and required stitches to stop the bleeding. I was so dazed by the
2 assault that there was no way I could have struggled or resisted, even if I had not been
3 cuffed for the entire event.

4 18. After about 10 or 12 minutes, Officer [REDACTED] and the other officers then
5 brought me back to the D-Yard gym and placed me into another holding cage. Nursing
6 staff arrived a few minutes later to evaluate my injuries from the assault. Officer [REDACTED]
7 then ordered the nurses not to bring me to the “Treatment and Triage Area” (“TTA”). He
8 also told them not to even take me to the C-Yard/D-Yard medical building to receive
9 treatment. Referring to my bruised and badly cut face and hands, he instructed them to
10 “just put some ointment on it.” The officers and nursing staff then left me in the gym. I
11 remember lying in a daze on the floor of the cage, still handcuffed and bleeding from the
12 wound on my chin. I felt assaulted and abandoned. I could feel the blood dripping down
13 my neck.

14 19. Approximately thirty minutes later, nursing staff returned and I told them
15 that I was still bleeding from my chin. The nurse looked at my chin, and she said, “He is
16 right. There is no way that will stop bleeding.” I was then taken to LAC’s Correctional
17 Treatment Center (“CTC”), where Dr. [REDACTED] assessed my injuries and told me that I needed
18 stitches for the laceration on my chin. Dr. [REDACTED] sutured my chin at that time. He also
19 prescribed me medication for the pain from the assault.

20 20. Approximately an hour or two later, I returned to my housing unit from the
21 medical building. Upon my return, I talked to some officers on the yard, and asked for a
22 videotaped interview, and they told me that it was not going to happen. I asked to see the
23 Lieutenant, but I was not allowed to speak with him.

24 21. Two days later, on June 15, 2019, a sergeant on D-Yard conducted a
25 videotaped interview and recorded my black eye and chin wound with the camera. My
26 wounds were still severe at the time of the interview.

27 22. My mental health severely deteriorated in the days following the assault. I
28 wanted to die because I thought custody staff wanted to kill me. I was afraid that they

1 were poisoning my food and planning to assault me again. I stopped eating my meals. (I
2 had a little canteen that I ate during this period).

3 23. On June 15, 2019, I tried to kill myself by cutting my neck and swallowing
4 three razor blades. Another incarcerated person who worked as a porter in my building
5 told staff about my behavior and I was taken to the C/D-Yard medical building. On my
6 way there, the escorting officer stated that he did not believe that I had tried to kill myself.
7 He said to me, “C’mon, you didn’t swallow razor blades.” When I told him I had done so,
8 he laughed at me. Even though he laughed at me, he seemed annoyed and upset that I was
9 disturbing his afternoon by forcing him to take me to medical.

10 24. After I got to the medical building, they called an ambulance to take me to
11 the local emergency room. About an hour later, I was transported to an outside hospital. I
12 spent the night at the Palmdale Regional Medical Center, where they confirmed that I had
13 swallowed razor blades with an x-ray. They gave me pain medication and waited for the
14 blade to pass out of my system. I was returned to LAC the next morning after I had passed
15 the razor blades.

16 25. After I returned to LAC from the hospital, I met with my clinician, who
17 simply told me that I should “use my coping skills and give EOP a try” to deal with my
18 mental health issues in the aftermath of the assault. I was then sent back to my housing
19 unit.

20 26. I tried to use my coping skills over the next two days. I went to my therapy
21 groups and attempted to participate in daily activities. But I struggled to move past the
22 assault. I was afraid that I would see the same officers who had attacked me. I was afraid
23 I would be attacked again. I felt alone in the world. I kept thinking about the assault. My
24 mental health deteriorated.

25 27. As a result of my mental health deterioration, I tried to kill myself on or
26 around July 18, 2019. On that day, I cut my neck with a magnet that was lying on the floor
27 of my cell. After I was discovered by another inmate walking by cleaning the floor outside
28 my cell, I was taken to the MHCBC unit at the prison, where I stayed on suicide watch for

1 the next week. I hid the razor sharp magnet I had used to cut myself on my person when I
2 was taken to the MHCB. When I was on a 1:1 suicide watch, I swallowed the magnet.
3 The nurse who was observing me saw this, and I was sent back out to the Palmdale
4 Regional Medical Center. I was there overnight in a hospital room. They were going to
5 do surgery on me, but the magnet passed before surgery was necessary.

6 28. When an incarcerated person leaves an MHCB unit, mental health and
7 custody staff hold a joint meeting before the patient is discharged to a lower level of
8 mental health care. I was at this meeting and I asked the MHCB staff not to send me back
9 to D-Yard at LAC. The MHCB treatment team asked to have me moved to a different
10 yard so that I was separated from the individual who attacked me. I also asked the
11 sergeant who was in attendance at this meeting not to send me back to D-Yard, Building 4.
12 I explained that I did not feel safe there.

13 29. The sergeant, who was the same one who conducted my videotaped
14 interview, granted my request and responded, "You're being moved to C5. I don't think
15 it's right what the officer did to you." He explained that moving me to C-Yard, Building 5
16 would mean that the officer who attacked me could not retaliate against me.

17 30. I was then transferred to C-Yard, where I stayed for less than a month.
18 During that time period, I continued to struggle with my mental health, and my mental
19 health continued to decline as a result of the assault. I felt great distress, and I became
20 paranoid. I was having trouble being around officers in my unit. I was always thinking
21 that they might be friends with the officer who had assaulted me and come after me. My
22 coping skills stopped helping me, and I was in a downward spiral. Thinking about the
23 assault, my mental health deteriorated and I started to return to obsessive thinking about
24 past pain and depression around the loss of a beloved girlfriend. This made me very
25 depressed and suicidal.

26 31. For all I know, the officers that were involved in the staff misconduct against
27 me remain working at LAC to this day. They received no punishment for their actions, as
28 far as I am aware.

1 32. In my time at LAC, there were several times that I needed help but didn't ask
2 for it because I was afraid of what would happen to me. Even when I was on C-Yard, I
3 was afraid to talk to anyone – even mental health staff – about my experiences, because I
4 was so worried about retaliation.

5 33. In early July 2019, I tried to kill myself again. On July 12, 2019, I was
6 transferred to the acute psychiatric inpatient unit, which is part of the PIP program at
7 California Health Care Facility-Stockton. I was in the acute mental health care unit for
8 about two months, and then I was transferred to the Intermediate Care Facility (“ICF”) in
9 the PIP at California Medical Facility-Vacaville. I was there for a few months. But an
10 enemy was in the same building as me, so I was moved to the ICF program at SVSP,
11 where I am now.

12 34. I have filed appeals about the assault on me at LAC, through the third level
13 of review. My appeals were all essentially denied, even though my initial appeal was
14 “partially granted” at the second level. In that appeal, I had asked that Officer ██████
15 ██████ be punished for assaulting me. Appeals staff “partially granted” my appeal
16 because they said the allegation would be sent to Internal Affairs for investigation.
17 However, no one from Internal Affairs has ever met with me or interviewed me about the
18 assault.

19 35. On June 14, 2019, a day after the incident, I received a Rules Violation
20 Report (“RVR”) for “Resisting Staff,” which they wrote to cover up the fact that they had
21 beaten me up so badly. Officer ██████ alleged that I had yelled “fuck you c/o’s. I’ll show
22 you a crazy mother fucker,” and then violently tried to twist out of his grasp. I did swear
23 at Officer ██████ because I was angry and upset about the destruction of my property. I
24 did not say “I will show you crazy” at that time, and I did not try to twist out of his grasp.
25 Officer ██████ report was false, except for the part about me swearing at him. He wrote
26 that the officers “collectively pushed [me] in a downward motion ... to the ground onto
27 [my] facial area, causing injury.” In reality, Officer ██████ slammed my face to the
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1 ground. There was also no mention in the report that Officer [REDACTED] had punched me
2 repeatedly in the face. Officer [REDACTED] stood by and laughed while his partner beat me up.

3 36. When I was at LAC, I also saw an assault against another inmate by an
4 officer on D-Yard, in the chow hall. Another EOP individual had just sat down at a nearby
5 table. The officer involved had previously told this individual to leave the chow hall. The
6 EOP individual had just gotten his food tray. When the prisoner stood up to talk to him,
7 the officer pepper sprayed the prisoner and punched him in the face two times. I was
8 shocked by this.

9 37. In my opinion, LAC staff target people with disabilities. I think they believe
10 it is okay to attack mental health patients and people with disabilities. There seems to be a
11 culture there of attacking these individuals. They must think they can get away with it.

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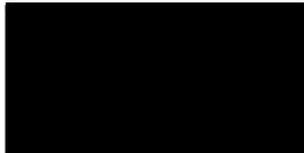
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1 38. I do not know why staff misconduct is so bad at LAC. I was only there
2 about a month, but I experienced the worst staff misconduct I have ever seen or
3 experienced during many years in prisons and correctional institutions when I was there.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this declaration is executed at Soledad,
6 California this 27th day of April, 2020.



10
11 On April 27, 2020, due to the closure of Salinas Valley State Prison in light of the
12 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
13 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to
14 [REDACTED], by telephone. [REDACTED] orally confirmed that the contents of the
15 declaration were true and correct. [REDACTED] also orally granted me permission to
16 affix his signature to the declaration and to file the declaration in this matter.

17
18 DATED: April 27, 2020

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Thomas Nolan

EXHIBIT 50

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison—Los Angeles County (“LAC”) on C-Yard in Building 2. I am 60 years old.

3. I am a *Coleman* class member. I am at the CCCMS level of mental health care.

4. I have a number of serious medical conditions. I suffer from severe arthritis, cirrhosis of the liver, high blood pressure, and anemia. Because of my medical conditions, I have a lower bunk chrono and can only be housed on the ground floor with limited stairs. I also wear knee braces and orthotic shoes to help me walk.

5. Although CDCR has not assigned me an *Armstrong* disability code, I do have a mobility disability. My left and right knee braces help me with my mobility. It is difficult for me to get up in the morning and to walk with ease.

6. I have been housed at LAC multiple times during the past twenty years that I have been incarcerated. I served time at LAC from 1997 to December 2006 and then returned for few months in 2010. I recently transferred to LAC again on March 4, 2020 and remain housed there to this day.

7. During my time at LAC, I have been housed in D-Yard, Buildings 1 and 5, C-Yard, Building 2, and Yards A and B.

8. I was a victim of staff misconduct at LAC.

9. I arrived at LAC from Corcoran State Prison (“Corcoran”) on March 4, 2020. I was assigned to cell number [REDACTED] in an upper bunk on C-Yard, Building 2. Because of my medical conditions, and the fact that I’ve sustained numerous past injuries from attempting to climb down from a top bunk, I have a permanent lower bunk chrono requiring staff to

1 house me on a lower bunk. In the past, I have hurt my knees, ankle, and hips from
2 climbing up to and down from a top bunk.

3 10. When I learned that I was assigned to an upper bunk, I immediately told
4 Sergeant [REDACTED] that I was not supposed to be assigned to an upper bunk. She told me to
5 have the officers in my building call her. I followed her instructions and told C-Yard
6 Third Watch Officer [REDACTED] to call Sergeant [REDACTED] about my lower bunk accommodation.

7 11. Next, Officer [REDACTED] told me that I did not have lower bunk chrono on file
8 and that I needed to go to my assigned cell with an upper bunk or I would receive a Rules
9 Violation Report (“RVR”). I informed Officer [REDACTED] that cell [REDACTED] was empty and I asked
10 to be reassigned to that cell, which would resolve the issue. Officer [REDACTED] replied that he
11 would “look into it.”

12 12. During dayroom, when I was allowed to come out of my cell, I approached
13 Officers [REDACTED] and [REDACTED] with my property, told them I could not sleep on the top
14 bunk, and asked again to be reassigned to the empty cell in [REDACTED]. Officer [REDACTED] said I
15 should sleep on the floor. I replied that I did not want to sleep on the floor where my
16 cellmate would have to step over me to use the restroom during the night. I was worried
17 about my safety. Officer [REDACTED] then told Officer [REDACTED] to recall the dayroom and
18 order everyone back to their cells. I picked up my bag of property and went over to a table
19 in “Section A” of the dayroom, hoping that they could reassign me to a new cell with a
20 lower bunk.

21 13. Officers [REDACTED] and [REDACTED] ordered me to the upper bunk in cell [REDACTED]. I
22 refused, explaining again that I could not sleep in an upper bunk due to my disability and
23 medical conditions. Officer [REDACTED] next ordered me to “cuff up.” After Officer [REDACTED]
24 handcuffed me in front, he and Officer [REDACTED] grabbed both of my arms and attempted to
25 force me physically into cell [REDACTED]. I resisted because I did not want to be forced in to an
26 upper bunk.

27 14. Next, the officers tackled me to the ground. Once I was on the ground,
28 Officer [REDACTED] activated his personal alarm.

1 15. Approximately one minute later, responding officers arrived. By the time
2 they arrived, I was already in restraints, lying on my left side on the dayroom floor. The
3 responding officers were Officers [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED], [REDACTED] and [REDACTED]. I was not lying face down so I could see all of them arrive.
5 One responding officer told the others to “cuff him,” but Officer [REDACTED] stated that I
6 already was in handcuffs. I was restrained, lying on the ground. I was not a threat and I
7 was not resisting orders.

8 16. Next, several officers grabbed me by my arms and legs, yanked me up off
9 the ground, and then slammed me face down to the floor. Officer [REDACTED] started kicking
10 me in my right side. He punched me in my sides, shoulders, back and neck without end. I
11 think the beatings lasted approximately one minute. Officer [REDACTED] then proceeded to
12 get on my back and apply painful pressure with his knee to the center of my back. The
13 pain was so intense that I could not speak.

14 17. At this time, none of the other staff intervened to stop Officer [REDACTED]. I
15 saw the responding officers watch the assault occur. Officer [REDACTED] did not stop
16 assaulting me until Sergeant [REDACTED] arrived. Sergeant [REDACTED] came into the dayroom and
17 she stated, “stand him up.” Officer [REDACTED] finally got off my back and four officers
18 stood me up off the ground. Two officers and Sergeant [REDACTED] then escorted me to the
19 gym, searched me, and released me back to C-Yard, Building 2. The officers then housed
20 me in a lower bunk in cell number [REDACTED]. That is where I am currently housed.

21 18. My back, shoulders, and neck were incredibly sore after the incident. My
22 neck is still sore to this day.

23 19. I did not receive a disciplinary write up after the incident. None of the
24 officers who witnessed Officer [REDACTED] assault me reported the staff misconduct incident.
25 Officer [REDACTED] is commonly known by people incarcerated at LAC as an officer with a
26 history of assaulting incarcerated people or setting up other incarcerated people to assault
27 each other.

1 20. On or about March 13, 2020, I filed a 602 staff misconduct complaint against
2 Officer ██████ reporting that he assaulted me while I was in restraints. A female
3 Lieutenant then conducted a videotaped interview. The interview lasted around five to ten
4 minutes. In early April 2020, I also filed a complaint against the responding staff who
5 failed to report the assault.

6 21. I have not received a written response yet to my 602 staff complaint against
7 Officer ██████

8 22. I felt shocked about the staff misconduct because of my age. I am 60 years
9 old. I am an elder. I am not a threat to anyone. It shocked and hurt me that other officers
10 did not intervene when Officer ██████ attacked me. The officers did not care that I am
11 older and weaker than they are.

12 23. I have also witnessed staff engage in misconduct against other people at
13 LAC.

14 24. Recently, in March 2020, I heard from another incarcerated person that
15 Officer ██████ ordered two other incarcerated people to beat him up in his cell. The
16 incarcerated person told me that his assaulters later told him that it was Officer ██████
17 who ordered the attack on him.

18 25. I still have to interact with the officers that were involved in the staff
19 misconduct against me, even after they were accused of staff misconduct.

20 26. As a result of the staff misconduct I have both witnessed and experienced at
21 LAC, I do not feel like I can get help related to my disability from custody staff. When I
22 asked for help with my lower bunk accommodation, it only resulted in me getting
23 assaulted and no one did anything to stop it. It made me feel like staff will not help me
24 with my disability needs, so now I do not bother asking for help. I try to avoid speaking
25 with staff as much as possible.

26 27. The incident with Officer ██████ also made me feel like reporting staff
27 misconduct is pointless because nothing happened as a result. Even though I filed a
28 complaint against staff, it seemed like no one believed me, and nothing has happened to

1 Officer [REDACTED] for hurting me. I first encountered Officer [REDACTED] when I was housed at
2 LAC in October 2010. I've heard multiple reports from other incarcerated people, and
3 have experienced firsthand, how he continues to harass and assault people who are more
4 vulnerable than him.

5 28. Since the incident with Officer [REDACTED] my mental health has worsened and
6 I have needed to speak with my clinician on multiple occasions.

7 29. In my opinion, custody staff, in particular, target incarcerated people with
8 disabilities, mental illness, and those who are weaker. I believe this to be true because the
9 day that I arrived at LAC it happened to me.

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1 30. I believe the reason there is so much staff misconduct at LAC is because
2 officers fail to report staff misconduct when it occurs. Non-custody staff and other officers
3 who witness officers attack incarcerated people consistently condone this behavior by not
4 intervening or reporting it. It is deliberate indifference on the part of all staff at LAC that
5 allows for staff misconduct to go unchecked.

6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
8 California this 20th day of April, 2020.

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10  _____
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12
13 On April 20, 2020, due to the closure of California State Prison-Los Angeles
14 County in light of the COVID-19 pandemic and ongoing concerns that officers might
15 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
16 declaration, verbatim, to , by telephone.  orally
17 confirmed that the contents of the declaration were true and correct. 
18 also orally granted me permission to affix his signature to the declaration and to file the
19 declaration in this matter.

20
21 DATED: April 20, 2020

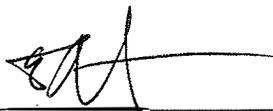
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23 _____
24 Ellie Heywood
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EXHIBIT 51

1 willing to be interviewed about my complaint. I responded that I was willing to be
2 interviewed about my complaint, but I asked that we discuss first the general pattern of
3 staff using excessive and unreasonable force at LAC. Sergeant [REDACTED] told me that we
4 could speak about that issue as well.

5 10. I asked Sergeant [REDACTED] if he was responsible for preventing criminal
6 activity at LAC, and, if so, why the institution was not holding officers responsible for
7 excessive use of force. He did not respond at first, but then became upset, warning me in a
8 loud, agitated voice, "Those are my officers you're talking about. Watch your mouth."

9 11. Even though I was surprised by this threat, I continued to press Sergeant
10 [REDACTED] regarding unreasonable use of force incidents at LAC. Sergeant [REDACTED] then
11 snapped, "This interview is over. Watch your fucking mouth!" I asked him what the
12 problem was, and he responded, "You're the fucking problem. Get out of here. This
13 interview is over." In response, I asked if we could talk about my PREA complaint. He
14 only replied, "No. Get the fuck out. This interview is over."

15 12. As I stood up to leave the room, Sergeant [REDACTED] rose as well. Suddenly,
16 without any warning, Sergeant [REDACTED] used his forearm to strike me on the left side of
17 my face and neck. I felt shock and pain from the blow. Because the office was small, the
18 strike pushed me up against the wall. Startled, I reflexively pushed Sergeant [REDACTED]
19 backwards with open palms against his chest to put space between us. When I pushed
20 back, we fell to the floor. I could hear multiple officers, who had been outside the
21 Program Office, run into the room at once. I lay prone with my arms behind my back, so
22 they wouldn't use force when placing restraints on me. The officers then kned me in the
23 back and in the face. Ultimately, they handcuffed me behind my back.

24 13. Officers took me to the C-Yard gym and placed me in a holding cage. After
25 a brief wait, a nurse came into the gym to conduct a medical evaluation. I showed the
26 nurse my fresh injuries, including bruising on my knees, back, and tailbone, as well as a
27 four to five inch abrasion on my left elbow. According to the evaluation form given to me,
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1 however, the nurse documented that the laceration was an old injury, not caused by the
2 incident.

3 14. After the medical evaluation, a sergeant and an officer conducted a
4 videotaped excessive force interview with me. The interview lasted about five minutes
5 and consisted only of me giving a brief account of what happened. They only asked one
6 question – “Do you have any witnesses?” – before terminating the interview. They
7 returned me to the holding cell.

8 15. Officers then escorted me to the ASU, where they placed me in a holding
9 cell. While in the holding cell, I told Sergeant [REDACTED] I was feeling suicidal. He
10 laughed and said, “How do you want to kill yourself? Go ahead. I wish you would.” He
11 walked away, exiting the room, laughing.

12 16. A little while later, an ASU Captain entered the room and came to tell me the
13 reasons that they were placing me in administrative segregation. I asked him not to place
14 me in segregation and told him that I was feeling suicidal due to the incident. He told me I
15 was going to the ASU for battery on a peace officer and walked out.

16 17. Shortly thereafter, a member of the mental health staff walked in to interview
17 me about my report of suicidality. Even though I felt like I was going to hurt myself, I was
18 not referred to a crisis bed unit.

19 18. After the mental health interview, I told Sergeant [REDACTED] and Officer
20 [REDACTED] I was feeling suicidal. They ridiculed me, saying, “You’re a weak bitch,” and
21 making other derogatory comments. What they said to me made me regret reporting my
22 suicidal thoughts. They moved me to a cell in the ASU.

23 19. While in the cell, I asked Officer [REDACTED], “Is this how you treat people who
24 report feeling suicidal?” He told me, “Now you’re getting it. This is third watch, and we
25 don’t give a fuck. Try your luck on first watch.” He walked away. I decided that I was
26 going to kill myself.

1 20. After the shift change, during first watch, I fashioned a noose out of sheets
2 and tied it up to the vent on the wall, but the sheet snapped before it could choke me. I fell
3 to the floor. I felt depressed that I couldn't even hang myself.

4 21. When an officer walked by, I explained to him what I tried to do. He didn't
5 do anything. When he walked by a second and third time, I tried again to tell him about
6 my suicide attempt, but he still refused to do anything. So I lied down in my bed.

7 22. During second watch, I told Officers [REDACTED] and [REDACTED] I was feeling suicidal.
8 Officer [REDACTED] laughed and told me, "Shut the fuck up." Officer [REDACTED] laughed, but said,
9 "Let's help him out." They told me, "Cuff up." They handcuffed me and placed me in a
10 holding cage in the ASU.

11 23. I began kicking the cage door. They started laughing at me, calling me a
12 "bitch" and a "punk." They mocked me in a feminine voice, saying "I'm suicidal!"

13 24. After about two hours, they told me I had been cleared by mental health,
14 even though I never spoke to a mental health staff member. They took me back to my cell.
15 I gave up on addressing my suicidal feelings.

16 25. I filed a 602 staff misconduct complaint on December 1, 2019 regarding the
17 incident. ASU Lieutenant [REDACTED] interviewed me. I told him that I was willing to
18 participate in a polygraph test as part of his investigation and that he should have Sergeant
19 [REDACTED] do the same. He smirked and said in all his years at the institution he's never
20 seen the polygraph used at the request of a prisoner. The interview was brief. Lieutenant
21 [REDACTED] only asked a few questions and smirked, shaking his head, while I answered them.

22 26. In early January 2020, I received a response to my complaint informing me
23 that the institution had conducted an inquiry with no findings of misconduct. I appealed
24 this finding to the third level of review. I received a denial of that appeal on April 20,
25 2020.

26 27. A few days after the incident, I received a Rules Violation Report ("RVR")
27 for Battery on a Peace Officer. Sergeant [REDACTED] lied, saying that I became irate and
28 argumentative. He falsely said I got up and struck him in the throat. At the RVR hearing,

1 the Senior Hearing Officer, Lieutenant [REDACTED], told me he found me guilty because the
2 incident was my word against Sergeant [REDACTED]'s. I asked Lieutenant [REDACTED] to use a
3 polygraph test. He said it was above his paygrade. I told him to call his captain to request
4 permission, but he said he wasn't going to do that.

5 28. I have been in administrative segregation since the incident. While I've been
6 in the ASU, custody staff have documented multiple times that I've refused nurse and
7 doctor appointments. I found out about this about a month after arriving at the ASU, when
8 a nurse interviewed me about a medical appeal I had filed. The nurse told me that I had
9 been refusing medical appointments and, to receive proper medical care, I needed to attend
10 all appointments. I said that I've never refused medical appointments. I told him that, if
11 custody staff tells medical I refused an appointment, medical staff should come to my cell
12 to verify that I didn't refuse.

13 29. About 30 to 60 days later, another nurse interviewed me on a different
14 medical appeal and said, once again, that I had refused appointments. I explained again
15 that I hadn't refused.

16 30. Dr. [REDACTED] a psychiatrist, also asked me why I had refused medical
17 appointments. I told him I didn't refuse appointments and asked which member of custody
18 staff notified him that I refused the appointment. He said, "Don't worry about that." I told
19 Dr. [REDACTED] that if custody staff says I refused an appointment, they are lying to him. I
20 believe custody staff are falsely stating I refused appointments in retaliation for the
21 [REDACTED] incident.

22 31. This incident and my treatment afterwards by staff have had an adverse
23 effect on my mental health. I have suffered from depression for a long time, but this is the
24 worst I've experienced in my life. Some days, I can't get out of bed, I can't bathe myself,
25 and I can't turn on the TV. I have been a die-hard football fan all my life, but sometimes I
26 can't even turn on a game. Some days I have no appetite. Sometimes I feel like I don't
27 want communicate with other people – even though I'm normally a social person. I can't
28 respond when officers say, "Good morning."

1 32. I also cannot report suicidality, because the staff will ridicule and disrespect
2 me. I feel like the retaliation won't stop. I feel hopeless.

3 33. I still have to interact with the officers that were involved in the staff
4 misconduct against me. The ASU officers who ridiculed me control every aspect of our
5 day-to-day living.

6 34. In my time at LAC, there have been a few times that I needed help but didn't
7 ask for it because I was afraid of what would happen to me. I cannot ask the officers for
8 anything. They're not here to help me.

9 35. I believe the reason there is so much staff misconduct at LAC is because the
10 ISU doesn't take seriously their responsibility to investigate uses of force. Additionally,
11 because there's no video cameras or body cameras at the facility, staff are believed when
12 they are lying.

13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
15 California this 21st day of April, 2020.

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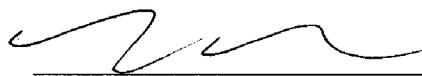
19 On April 21, 2020, due to the closure of California State Prison – Los Angeles
20 County in light of the COVID-19 pandemic and ongoing concerns that officers might
21 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
22 declaration, verbatim, to [REDACTED], by telephone. [REDACTED] orally confirmed that the
23 contents of the declaration were true and correct. [REDACTED] also orally granted me
24 permission to affix his signature to the declaration and to file the declaration in this matter.

25

26 DATED: April 21, 2020

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Rekha Arulanantham

EXHIBIT 52

DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison- Los Angeles County (“LAC”) in the Short-Term Restricted Housing Unit (STRH) which is a specialized Administrative Segregation Unit (“ASU”) for individuals with mental health issues. I am 35 years old.

3. I am a *Coleman* class member. I am at the Correctional Clinical Case Management System or “CCCMS” level of care, which is the lowest level of mental health care in the CDCR. Patients at the CCCMS level of care live in general population units throughout the CDCR, and receive infrequent contacts with their mental health case manager and treatment team. Although I am currently at the CCCMS level of care, I have a history of being treated at higher levels of mental health care in the CDCR, including the EOP program and various inpatient hospital programs that provide the highest level of mental health care available. I have also had to go to Mental Health Crisis Bed (“MHCB”) units many times for short-term emergency mental health treatment. On these occasions, I have generally gone to the MHCB as a result of suicidal thoughts and acts of self-harm.

4. At times, including right now, I struggle with anxiety, depression, and post-traumatic stress disorder. I currently feel I need a higher level of mental health care than the CCCMS level of care in order to deal with my current level of depression. I have experienced many traumatic family losses in the last few years, which have contributed to my depression. Also, the staff misconduct against me, described below, has made it harder for me to manage my mental health issues in general. In the period right after the staff misconduct, I was cutting myself in order to relieve my stress and anxiety and had severe

1 suicidal ideation. When I am depressed, like now, I also struggle to sleep, and I feel
2 worthless.

3 5. I also have a serious medical condition. I have a pituitary tumor. I also have
4 a lipoma that puts pressure on my right eye and pulls my eye to the corner of my face.
5 Both my tumor and my lipoma cause pain, headaches, and twitching. I am in
6 chemotherapy to treat the tumor. I used to take a pain medication that worked for my
7 headaches and pain, but I had to stop taking it because the side effects could make my
8 tumor worse. I also have a pinched nerve in my back that causes pain. The pain I
9 experience from these conditions tends to worsens my mental health symptoms. It makes
10 me want to cut myself, and increases my suicidal feelings. It also makes it hard for me to
11 function and complete my daily activities. Sometimes, I also think about harming myself
12 or suicide because I am in so much pain. I feel like medical staff at LAC are on custody's
13 side and do not help us. Often, they cover up medical issues that need to be treated, which
14 has made my medical issues go untreated at times.

15 6. I arrived at LAC on December 14, 2017, and I have been at LAC for most of
16 the last two years. There have been two short periods in which I was housed at other
17 prisons. I was transferred to California State Prison-Sacramento for a brief period in
18 November and December 2018. Also, between June 5 and June 14, 2019, I was briefly
19 transferred to the Salinas Valley State Prison Psychiatric Inpatient Program ("SVSP PIP"),
20 an inpatient mental health hospital program. I returned to LAC at the EOP level of care on
21 June 14, 2019.

22 7. During my time at LAC, I was housed in the following locations: D Yard,
23 Building 3; D-Yard, Building 5 (the EOP ASU); C-Yard, Building 1; and C-Yard,
24 Building 2. I have also been housed in the STRH, where I am right now.

25 8. I was a victim of staff misconduct at LAC.

26 9. On June 29, 2018, in the early morning, I was undergoing a major mental
27 health crisis because I was having some serious medical issues that I could not get
28

1 resolved. On the day before the incident, I went out to the hospital to have an MRI
2 because I had not urinated for two days.

3 10. Unfortunately, because I suffer from extreme anxiety and was taking a lot of
4 medication, I was unable to sit still long enough to complete the scheduled MRI.
5 Eventually, I was returned to LAC without the hospital staff able to understand or resolve
6 my problem. I requested a copy of my medical records at the hospital so that I could make
7 sure that my needs were addressed when I got back at LAC. I was very anxious the
8 problem would not be solved and lead to more serious complications.

9 11. When I returned from the hospital, I was taken to the Correctional Treatment
10 Center (“CTC”), one of the medical units at LAC, before going to back to my housing unit.
11 When I arrived at the CTC, it was about 1:00 a.m. on June 29, 2018. I was feeling dizzy
12 and sleepy due to the pain medications I had received at the hospital. When I walked into
13 the CTC, both of my hands, both of my ankles, and my waist were chained and I was
14 holding my medical records from the hospital in one hand. As I entered the CTC, a nurse
15 asked me what I was holding in my hand. I showed her the papers and she told me she
16 was going to take them. I asked for a copy and she told me I could not have one. This
17 made me agitated and angry because I needed a copy to show to my doctor.

18 12. Officer ██████ told me to stop moving even though I was sitting down on the
19 bed in the CTC. Sergeant ██████ came over and he told me I needed to go back to my cell,
20 “or it will get ugly... look at you.” I believe he was referring to the fact that I handcuffed
21 and implying that I was defenseless.

22 13. I was agitated and beside myself because of my medical condition, and I
23 refused to return to my cell because I needed my records. Officer ██████ suddenly threw
24 me into the sink in the CTC room and I hit my head against the sink and then he punched
25 me to the ground. While he was doing this, he yelled, “We don’t give a fuck about your
26 bladder.” Once I was on the ground, Officer ██████ continued to punch me and he kicked
27 me in my bladder, which was distended because I had not urinated in days. Officer
28

1 [REDACTED] who was also in the room, got on top of my back and kned me. Officer
2 [REDACTED] then got on top of my body so that I was on my stomach, and he pressed his knee
3 into my back and was hitting me on my head. I then defecated myself because Officer
4 [REDACTED] was assaulting me with so much force. The whole assault lasted for about three to
5 four minutes. The nurse was also in the room when the assault happened and did not make
6 any attempt to stop it. Being assaulted like this when I had just arrived back to the hospital
7 made me feel worthless and like staff were making no attempt to understand me. The
8 officers did not even know what I had gone to the hospital for and were not sympathetic to
9 my pain, even though Officer [REDACTED] and I had discussed both having back issues the
10 week before.

11 14. As a result of the assault, I had severe pain in the right side of my ribs and in
12 my back. I also could not walk well. I used a wheelchair for two weeks and had to get
13 escorted back from the CTC in a wheelchair because I was beaten so badly I could not
14 stand up. I also had to get catheters inserted so that I could urinate. About three or four
15 days after the assault, I had an appointment for my back pain. The nurse at the
16 appointment saw my bruises from the assault and ordered x-rays because she was
17 concerned I had broken something. I was never shown the x-ray results, but I was told my
18 ribs were not broken. However, I went the hospital about a year after the assault for an
19 appointment regarding my tumor, and the doctors told me that it looked like my ribs had
20 been fractured and had healed themselves over time.

21 15. The day after the assault, Mr. [REDACTED] a psychiatric technician, documented
22 my injuries in front of me on a Form 7219 (a form used by nursing staff to document
23 injuries whenever an incarcerated individual is in an altercation). I saw Mr. [REDACTED] fill
24 out the form and describe my injuries. I was not given a copy of the 7219 Form and
25 shortly after I went to medical I filed a 602 requesting the 7219. The Form I was given in
26 response to the 602 said that I had refused an evaluation and did not have any injuries. I
27 submitted another 602 and was given a second response saying that they had done a 7219
28

1 and the 7219 said that I had no injuries. It also said there was no 7219 with injuries
2 documented in my medical records. I submitted a third 602 grievance, a 7362 medical
3 request form, and a CDCR Form 22 (which is used to request help or a meeting with your
4 counselor). In these forms, I requested the copy of the true 7219 form filled out by Mr.
5 [REDACTED] on June 29, 2018 –the one that actually documented my injuries. I also told Mr.
6 [REDACTED] that I was submitting a 602 requesting his 7219.

7 16. An appeal response was issued to me at the second level of the appeals
8 process on March 19, 2019, nearly 9 months after the incident, stating that they had finally
9 located my original Form 7219 and were sending it to me with the appeal response. This
10 7219 form filled out by Mr. [REDACTED] did in fact document that I had injuries to my right
11 cheek and ear, my back, my right elbow, both of my wrists, and both of my knees that
12 night.

13 17. I believe this assault happened because I was vulnerable because I was in the
14 EOP program. I also believe the officers were frustrated with me because they sometimes
15 have to repeat themselves four or five times when talking with me. This is because
16 English is my second language and because I have issues with comprehension.

17 18. Within a couple of days after the assault, I was given a Rules Violation
18 Report (“RVR”) for this incident and was charged with “Resisting Staff.”

19 19. I received a mental health evaluation in connection with this RVR on July
20 28, 2018. On that day, Dr. [REDACTED] a psychiatrist, came to my cell front and told me I was
21 being assessed for an RVR for “Delaying a Peace Officer.” I told him that I was never
22 charged with that, and that I was actually charged with “Resisting Staff.” He told me
23 someone else would come see me for my evaluation for the resisting staff charge. I told
24 him again that I was never charged with delaying a peace officer and he said, “okay,” and
25 walked away from my cell without interviewing me. Dr. [REDACTED] then falsified an
26 assessment and submitted it without meeting with me again, writing in the assessment that
27 mental health had no impact on my actions. No one else ever came to evaluate me. I later
28

1 filed a Form 602 grievance saying that the RVR assessment was forged. This 602 was
2 denied.

3 20. I also filed a 602 Form about the assault itself, but was never interviewed by
4 staff. I sent these 602 grievances out to my attorneys using legal mail, and I believe that
5 LAC staff held the legal mail and read my 602s in retaliation for my complaints, as my
6 attorneys told me they received my letters many weeks after I had sent them. My 602
7 about assault has been denied through the third level.

8 21. I also requested a copy of the videotaped interview that happened the day
9 after the assault. I filled out a Form 22 requesting a copy of the videotape. I never
10 received a copy of the videotaped interview. I believe they were covering up the fact that
11 they had issued a false 7219 saying I had no injuries.

12 22. At breakfast time a few hours after I was assaulted, Officer [REDACTED] tried to
13 give me extra lunches and asked if we were “cool.” I said that lunches were not going to
14 heal my wounds. He laughed at me and walked away.

15 23. The assault has caused my mental health to significantly deteriorate since
16 that time. In the days after the incident, I felt like cutting myself a lot and wanted to do so
17 the first chance that I got. I did start cutting shortly after the incident. I was already
18 experiencing extreme anxiety before the assault due to my medical issues, and my anxiety
19 increased even more after the incident. I reported these symptoms to my mental health
20 clinicians at the time. I also started to feel constant panic that staff would assault me
21 again. After the assault, I began to stay in my cell more.

22 24. I have been trying to avoid every possible interaction with staff in order to
23 avoid getting assaulted again. Staff have told me that they will hurt me again if I act the
24 way I did on the day of the assault. I have been walking on eggshells and worry that I
25 might say something or even move the wrong way and then they will assault me.

26 25. I often do not go outside and stay in my cell because I am so afraid.
27
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1 26. After the assault, multiple correctional officers in D-Yard, Building 5,
2 including Officers [REDACTED] and [REDACTED] have told me sarcastically that they were going
3 to put up a sign, stating “no pen fillers,” because I was filing complaints about the assault.

4 27. I saw Officers [REDACTED] and Officer [REDACTED] often after the assault, when I
5 was still in D-Yard’s Building 5. They would come up to me and say, “my back, my
6 back” in a mocking voice, and tell the other officers that I had cried about my back when
7 they had beaten me up. Even though I moved to C-Yard and then the STRH, I still see
8 them when I go to medical and they continue to mock me about my back pain.

9 28. In my time at LAC, there have been many times I needed help but did not
10 ask for it because I do not feel safe. I am afraid to ask officers for help when I am having a
11 medical issue, because of the assault I experienced when I was having a very bad medical
12 and mental health crisis. I currently have been cutting because I am experiencing family
13 issues and depression. I am afraid to show the officers my cuts when I need help because
14 they do not help and do not take my mental health issues seriously. I have never told
15 officers when I am suicidal, because I have seen other people be assaulted for reporting
16 that they are suicidal. Also, the officers use people being suicidal as a reason to enter their
17 cells and assault them.

18 29. Though I have filed 602s and other forms about my assault, I am afraid when
19 I do so of the retaliation I might face.

20 30. Both before and after the assault, I experienced a number of family issues. I
21 lost parental rights of my daughter. I also have suffered a number of losses in my family.
22 The assault made my stress and anxiety about these issues even worse. I know that I am
23 supposed to ask for help with my mental health needs, but I feel that I cannot talk to
24 anyone.

25 31. I told my clinician in my current unit, a year after the assault, that I was tired
26 of life, felt worthless, and wanted to kill myself. She told me, “Well, that’s life.” She said
27 that EOP is for people that want to kill themselves. I asked her if I needed to hang myself
28

1 or try to kill myself to get help. She said, “If that’s what you gotta do, that’s what you
2 gotta do.”

3 32. I continue to struggle with my mental health issues now, long after the
4 assault, especially because mental health staff are not willing to help me, and because my
5 level of care was recently dropped from EOP to CCCMS. This means that I am only able
6 to see my primary mental health clinician once every three months, instead of once every
7 week. Because of this, my symptoms and fear after the assault continue to grow worse,
8 even now, two years later. I still believe that staff are planning to assault me. I have told
9 my clinicians that I am having panic attacks regularly about being attacked again, but they
10 do not do anything to help me.

11 33. In my opinion, staff, including supervisory staff, target people with
12 disabilities, mental health issues, and medical issues because they are vulnerable. They
13 particularly target people who are lower functioning EOPs. I believe they also target me
14 and others like me because English is our second language. Also, I have learning issues,
15 and staff sometimes have to repeat things to me four or five times.

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1 34. I believe the reason there is so much staff misconduct at LAC is because
2 there are units full of vulnerable people. I also believe that staff have each other's backs
3 and are all in cahoots among themselves and with some medical and mental health staff,
4 such that it isn't just one or two bad officers, but a whole system of bad staff. This makes
5 it really hard for me and others to survive at LAC.

6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
8 California this 24th day of April, 2020.

9
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12 On April 24, 2020 due to the closure of California State Prison -Los Angeles
13 County in light of the COVID-19 pandemic and ongoing concerns that officers might
14 retaliate against witnesses in support of Plaintiffs' Motion, I read the contents of this
15 declaration, verbatim, to  by telephone.  orally confirmed
16 that the contents of the declaration were true and correct.  also orally
17 granted me permission to affix his signature to the declaration and to file the declaration in
18 this matter.

19
20 DATED: April 24, 2020



21 _____
22 Emma Cook

EXHIBIT 53

1 my experiences with staff misconduct described below, the main source of my anxiety now
2 stems from having to deal with members of custody staff. During the time I was at LAC,
3 my mental health issues were similar to the ones I experience today, although my anxiety
4 is somewhat worse now.

5 8. I was housed at LAC, on and off, from February 3, 2017 to December 29,
6 2019. During 2019, there were a number of times when I was briefly housed at RJD or the
7 California Institution for Men (“CIM”) while I went to outside hospitals to receive cancer
8 treatment.

9 9. During my time at LAC, I was housed in C-Yard, Buildings 1, 2, 3, 4 and 5,
10 and D-Yard, Building 4.

11 10. I was a victim of staff misconduct at LAC. The incident took place shortly
12 after I arrived back at LAC on the night of August 26, 2019 from RJD, where I had been
13 receiving chemotherapy for my lymphoma. Due to my chemotherapy, I was weak,
14 jaundiced, and had lost all of the hair on my head, including my eyebrows.

15 11. Upon my arrival at LAC, I was housed in D-Yard, Building 4, an EOP
16 building on an entirely EOP yard. That night, at around 8:00 p.m., I went to the pill call
17 window to pick up my morphine medication, but the nurse told me that it had not yet
18 arrived and instructed me to return the next morning to get it. Without my medication, I
19 was in pain and discomfort all night long.

20 12. The next morning, at approximately 6:00 a.m., I got up and went to the pill
21 call window again to get my medications, but the nurse again told me that my medications
22 had not been continued. By this point, I was nauseous and experiencing painful body
23 aches due to the sudden withdrawal of my morphine prescription. The nurse told me to go
24 to breakfast and that when I came back I would receive my prescription.

25 13. After breakfast, I returned to the pill call window as instructed. The nurse
26 told me for the third time that my medications had not arrived. I was distressed and in
27 physical pain because I had not received my medications, and so I went “man down,” and
28 asked to see a doctor urgently. Nursing staff brought me to the C/D-Yard Medical

1 Building in a wheelchair, where a nurse performed an EKG test and took my vitals. The
2 nurse then dismissed me without giving me my medications or allowing me to speak to a
3 physician.

4 14. Medical staff then placed me into a wheelchair to return me to my housing
5 unit. Another incarcerated person assigned to help individuals with disabilities, known as
6 an ADA worker, then wheeled me back from the medical building to D-Yard, Building 4.
7 As the ADA worker brought me into my housing unit, I asked him to drop me off by the
8 unit office so that I could talk to the floor officers there. The ADA worker wheeled me up
9 in the wheelchair to the office door and then left the unit. At the office door, I informed
10 the officers sitting inside the office that I had arrived the night before and that I was
11 currently recovering from chemotherapy. I asked the officers if I could move to the D-
12 Yard Building 1 or 2 because nursing staff conducted pill call inside those units rather than
13 at the yard's pill call window. I explained to the officers that because of my
14 chemotherapy, I struggled to walk across the yard to pill call, and that it would be easier
15 for me if I were able to get my medications in my housing unit.

16 15. One of the officers, Officer [REDACTED] responded harshly, ignoring my request
17 and saying, "So you shaved your eyebrows like a queer, huh?" I was stunned and angered
18 by this hostility, and so I responded in kind by saying, "Hey, fuck you." At the time of this
19 encounter, I was visibly weak and anyone could see that I was recovering from my
20 chemotherapy. I was bald at the time, there were black circles around my eyes, and my
21 skin was yellowed from jaundice. Even a child would be able to see that I was sick. Also,
22 I had started out the conversation by telling the officers I had just gone through
23 chemotherapy.

24 16. I repeated my request to move to another unit. Eventually, though, I realized
25 that the officers would not grant my request, and so I told them, "I want to talk to the
26 sergeant."

27 17. In response, Officer [REDACTED] suddenly grabbed me by my left bicep and
28 flung me out of my wheelchair onto the ground. Officer [REDACTED] then hit his alarm,

1 jumped on top of me, pressed his knee into my back, and forcibly cuffed me up. Multiple
2 officers then responded to the alarm.

3 18. Next, Officer [REDACTED] and a second officer whose name I do not know,
4 picked me up, and started to drag me across the unit and across the yard to the D-Yard
5 gym. Several other officers followed us to the gym.

6 19. As the officers dragged me by my arms, with my wrists cuffed up behind my
7 back, they pulled my arms upwards, bending me forward as they forced my arms higher
8 into the air. This was extremely painful, and I was worried they would break my shoulders
9 by pulling up my arms behind my back in this manner.

10 20. As the officers brought me into the gym, I cried out, “You’re going to break
11 my shoulders; you’re going to break my shoulders!” In response, the officers – including
12 Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] – dropped me to the
13 ground and began kicking and punching me repeatedly in the face, head, and chest. I
14 estimate that the assault lasted for around 20-30 seconds, but it felt like a lot longer. I
15 believe I was punched and kicked approximately 20 times. I was hit in the face, my upper
16 torso and on the sides of my body.

17 21. Next, the officers picked me up and brought me to the door of a holding
18 cage. At the door of the holding cage, they again lifted my arms high above my head, so I
19 yelled, “Hey that hurts, stop, stop!” In response, Officer [REDACTED] and Officer [REDACTED]
20 slammed my head into the door of the holding cage. They then picked me up, took off my
21 handcuffs, and threw me into the cage.

22 22. After throwing me into the cage, the officers surrounded the holding cage
23 and began telling me, “You already had those injuries, huh, huh?” I believe they were
24 pressuring me to not talk to medical staff about my injuries.

25 23. At the time, I had deep bruising and abrasions covering my legs, chest, and
26 face. I felt dizzy and sensitive to light. My head hurt. I believe that I sustained a
27 concussion from the force of Officers [REDACTED] and [REDACTED] slamming my head into the metal
28 door of the holding cage. I had bad headaches in the days following the assault.

1 24. I was stunned by the assault, particularly given my severe weakness at the
2 time from my medical treatment. I felt dehumanized by what took place.

3 25. Next, I was told to strip down in the cage. As soon as I was getting ready to
4 take off my boxers, Officer [REDACTED] said to me, “Now let’s see if you have any hair on your
5 balls.” I believe this was just another effort by the officers to degrade and humiliate me.

6 26. Two to three minutes later, a psychiatric technician walked in to conduct a
7 medical evaluation. The psychiatric technician, Ms. [REDACTED] instructed me to spin around
8 and show her the bruises covering my body. As I did so, I told her that the officers had
9 assaulted me simply because I had asked to move units.

10 27. As I was telling the psychiatric technician what had happened, she abruptly
11 stopped her evaluation, said, “Alright, no comment? Thank you.” and walked out of the
12 gym without making further note of my injuries or complaint. She did not conduct a
13 concussion test during the evaluation. I was left alone in the gym. I felt helpless and at the
14 mercy of the corrupt custody staff who had beaten me up.

15 28. After an hour in the holding cage, Sergeant [REDACTED] came to talk to me. I
16 told him that custody staff had assaulted me. He responded that he would transfer me to
17 another unit “today or tomorrow” and then left. A different set of officers then escorted
18 me back to the D-Yard, Building 4 housing unit. Along the way, one of the officers
19 warned me never to “step out of line” again.

20 29. I never received any medical treatment for my injuries that day. I did receive
21 an x-ray of my jaw later that week.

22 30. A few days later, I received a Rules Violation Report (“RVR”) for “Resisting
23 Staff.” The write-up falsely claimed that I violently twisted away from Officer [REDACTED]
24 after he had tried to handcuff me, necessitating his using force against me. I did not
25 violently twist away from Officer [REDACTED] I was too weak from chemotherapy to do much
26 of anything. Officer [REDACTED] also alleged that when bringing me to the ground, he fell on
27 top of me and landed on my upper back. In reality, Officer [REDACTED] jumped on my back
28 and pressed his knee painfully against it.

1 31. The RVR was heard a few weeks later. At the hearing, the senior hearing
2 officer (a lieutenant whose name I do not remember) told me, “Because my officer went
3 out of his way to write this, I’m going to have to believe him.” I explained to him that I
4 could not have resisted the officer as claimed because I was in a wheelchair and was weak
5 from chemotherapy. I then asked to call witnesses to support my account. I called two
6 prisoners in my unit as witnesses. They testified that I did not resist. The hearing officer
7 told me, “I still have to believe my officer.” When I told him that I would file a CDCR
8 Form 602 grievance challenging the decision, the officer asked, “Why are you questioning
9 my decision?” and found me guilty for the RVR.

10 32. I felt outraged and disbelieving. I had been beaten up for no reason, and I
11 was written up for it.

12 33. I later filed a 602 appeal about the write-up for resisting the officers, but
13 have yet to receive a response or even a log number for this appeal. I believe that someone
14 intentionally threw away the appeal.

15 34. I also later filed a staff misconduct appeal about the staff assault itself. I did
16 not file this second appeal until I had been moved from LAC to RJD in December of 2019.
17 The appeal was initially cancelled due to time restraints. However, I appealed the
18 cancellation. About 10 days ago, the appeals coordinator at LAC spoke to me over the
19 phone about the appeal, but I have not gotten a formal response at this time.

20 35. Approximately a week after the incident, I received the incident reports that
21 the officers filed, which is standard protocol anytime an officer uses force against an
22 incarcerated person. None of the officers’ incident reports mentioned that I was in a
23 wheelchair during the assault. The other officers also failed to describe witnessing Officer
24 ██████ throw me out of my wheelchair.

25 36. As far as I am aware, there has not been any internal CDCR investigation of
26 the use of force against me.

1 37. I have not experienced any retaliation for filing the appeal, but as noted, I did
2 not file it until I had moved to RJD. That was because I was afraid LAC staff members
3 would retaliate against me if I filed the appeal while I was still at that institution.

4 38. The staff misconduct I experienced on August 27, 2019 has forever changed
5 how I interact with custody staff. Particularly when I was still at LAC, I was afraid to ask
6 for anything from custody staff. I felt like if I asked for anything from staff, they might
7 attack me. I no longer asked officers for a cell move to be closer to pill call, or for any
8 other disability accommodations or medical accommodations. I remained in Building 4
9 on D-Yard and was forced to walk to pill call several times a day. I knew not to mention it
10 again.

11 39. After the assault, my mental health suffered. My anxiety was much worse,
12 and I had a hard time trusting anyone, even other prisoners. I was also on my guard and
13 very vigilant, watching out for sudden unprovoked attacks, like what I had experienced.

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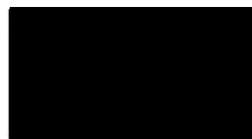
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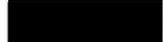
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1 40. In my opinion, abusive staff at LAC target people with disabilities. When I
2 was in D-Yard, Building 4, I was told by a number of other incarcerated individuals with
3 visible disabilities that they had been assaulted by staff. I feel like it is especially
4 important for me to pursue my grievance following my assault because many of the
5 individuals I knew who said they were assaulted on D-Yard were not capable of pursuing
6 their own appeals. Of course, individuals with cognitive difficulties or illiteracy who are
7 assaulted are not going to be able to go to staff for help filling out an appeal about it.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct, and that this declaration is executed at San Diego,
10 California this 30th day of April, 2020.

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15 On April 30, 2020, due to the closure of Richard J. Donovan Correctional Facility
16 in light of the COVID-19 pandemic and ongoing concerns that officers might retaliate
17 against witnesses in support of Plaintiffs' Motion, I read the contents of this declaration,
18 verbatim, to , by telephone.  orally confirmed that the contents of the
19 declaration were true and correct.  also orally granted me permission to affix
20 his signature to the declaration and to file the declaration in this matter.

21
22 DATED: April 30, 2020

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24 _____
25 Thomas Nolan

EXHIBIT 54

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DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Kern Valley State Prison on Facility D in Building 5. I am 39 years old.

3. I am a *Coleman* class member. I am at the CCCMS level of care. I have depression and anxiety, and struggle with hallucinations that make me anxious and paranoid. My paranoia and anxiety have become a lot more severe lately.

4. I am not verified with a disability, but I have a bad back and bursitis in my shoulder that causes me a lot of pain. My housing restrictions include a lower bunk and ground floor, limited stairs. I have a special cuffing chrono for waist chains, so that I am not cuffed behind my back. I also have chronic asthma. During my time at California Correctional Institution (“CCI”), my disability and medical concerns were similar to those that I experience today.

5. I was housed at CCI from March 5, 2019, to March 15, 2020. During my time at CCI, I was housed in Facility B and in the Administrative Segregation Unit (“Ad Seg”).

6. On February 18, 2020, officers at CCI assaulted me. On that day at about 7:45 am, I was sitting in my cell (4B-[REDACTED]) with my cellmate, Mr. [REDACTED]. We had just finished eating our breakfast. I was wearing boxers, a t-shirt, and my shower shoes. Out of nowhere, a large group of seven to ten correctional officers approached our cell and started pounding on the cell door. I immediately knew something was wrong by the way they approached the door. The only officers that I recognized were Officer [REDACTED], a younger officer who I have seen working on the yard, and Officer [REDACTED].

7. Officer [REDACTED] ordered me and my cellmate to “cuff up.” I told the officers that I have an order from medical staff requiring that custody staff use waist chains, rather

1 than handcuffs, to restrain me. The waist chain order is an accommodation for my bad
2 back and the painful bursitis in my shoulder. Officer [REDACTED] said “I don’t give a fuck, cuff
3 up,” so I put my hands behind my back, and he put me in handcuffs. I felt a considerable
4 amount of pain in my shoulder but was scared to say anything more. The officers escorted
5 me and my cellmate out of the housing unit and through the yard towards Receiving &
6 Release (“R&R”). When we got to R&R, my cellmate went inside the building with a
7 group of the officers. Officer [REDACTED] yanked my arm and pulled me away. Officer
8 [REDACTED], Officer [REDACTED], and two or three other correctional officers whose names I did
9 not know, escorted me away from R&R to a wall between the visiting area and the Ad Seg
10 exercise cages.

11 8. Once we got to the second to last cage, I heard one of the officers say “right
12 here, right here.” Then I heard Officer [REDACTED] say, “So you like to make threats, huh?”
13 and he punched me in the back of the head. It is my understanding that they stopped in a
14 “blind spot” where the cameras could not see us. Next thing I knew, Officer [REDACTED] struck
15 me again, this time in the right side of my face, which made the left side of my head bash
16 into the wall. I fell to my knees. While I was on the ground, still cuffed, they began to
17 kick and punch me in the head, face, and body. While they were beating me, Officers
18 [REDACTED] and [REDACTED] kept repeating, “So you like to make threats huh?” I tried to bury my
19 head in my chest to protect myself. One of the officers was trying to hold me down while
20 the other officers hit me. The beating lasted for one to two minutes. At one point, I
21 blacked out because I was so dizzy from the officers hitting me in the head.

22 9. The left side of my head was split open from when it came in contact with
23 the wall. Blood was running down my face, and my right eye was swollen and puffy from
24 where Officer [REDACTED] had punched me. All of a sudden, I heard one of the officers say,
25 “Do you want me to call it now?” Officer [REDACTED] responded, “Yes, he’s bleeding. Call
26 it.” The officers sounded their alarms and all started screaming, “Stop resisting!” I was
27 not resisting at all; I was just lying on the ground, bleeding, cuffed behind my back.

28

1 10. After the alarm was sounded, officers and medical staff began running over.
2 They pulled me up to my feet, put me into the nearest Ad Seg exercise cage, un-cuffed me,
3 and stripped me naked. I pleaded with them to give me back my boxers, t-shirt, and
4 shower shoes. They only gave me back my boxers. I was barefoot in the cold, dirty cage.
5 It was a freezing February morning. All of the Ad Seg individuals who came out for yard
6 were wearing big puffy coats, but I was made to sit there in just my boxers.

7 11. Sgt. [REDACTED], Sgt. [REDACTED], and Sgt. [REDACTED] walked up to the cage. I was irate
8 at this point. I asked Sgt. [REDACTED] what this was all about and asked him to document my
9 injuries on camera. Sgt. [REDACTED] refused and said, “Fuck your injuries. We are not
10 documenting shit. Take your lunch like a man.” I got angry and started screaming at him.
11 He said, “Shut the fuck up before I beat your ass, write you up for a staff assault, and add
12 20 more years on your 2038 date.” To this day, that threat has stayed with me more than
13 anything else. Finally, medical staff who had responded to the alarm documented a 7219
14 form with my injuries and then left.

15 12. I was sitting there for maybe 20 or 30 minutes before Sgt. [REDACTED], Sgt.
16 [REDACTED], and Sgt. [REDACTED] came back to the cage. They told me to get up, and took me back
17 through the rotunda to the lieutenant’s office. They did not cuff me while I was being
18 escorted to the lieutenant’s office, which I thought was odd, considering that they had been
19 screaming that I was threatening and resisting them.

20 13. Sgt. [REDACTED] took me into the lieutenant’s office to talk to Lt. [REDACTED]. Lt.
21 [REDACTED] told me that someone wanted me off this yard. He said that they had received
22 confidential information that I threatened B yard staff. He said that someone had “dropped
23 a kite,” saying that I had threatened officers on the yard. I had and still have no idea what
24 Lt. [REDACTED] was talking about. I have not threatened any staff. I felt very dizzy and
25 nauseous while I was talking to him. I thought that I might have a concussion. When I
26 told Lt. [REDACTED] that I felt really sick, he responded, “That’s what you get for resisting my
27 staff.” I pleaded with him, told him that I had never threatened staff, and explained that
28 the officers had jumped on me and beat me up for no reason. Lt. [REDACTED] ignored me,

1 and said that he was going to throw me into Ad Seg pending an investigation, and that I
2 was going to get a write up for resisting staff. He said “that’s what you get for threatening
3 my staff.”

4 14. I was escorted back to the Ad Seg cages by Sgt. [REDACTED] and a few other
5 officers after my meeting with Lt. [REDACTED]. Again, I was not cuffed during this escort.
6 At this point, they had given me back my t-shirt, but they still refused to give me back my
7 shoes or give me a coat. I was waiting in the Ad Seg cage for another hour or two until I
8 was finally sent to the medical clinic. I signed a lockup order for threats on staff from Sgt.
9 [REDACTED] while in the medical clinic. I wasn’t able to understand what it said at the time
10 because I was very dizzy and traumatized.

11 15. That night I was sent to Ad Seg (8 Block 8 Section, Cell [REDACTED]).

12 16. At that time, I did not file a 602 complaint about what happened to me. I
13 was afraid for my life because I had been beaten up for no reason. I was concerned about
14 what the officers would do to me if I filed a complaint accusing them of assaulting me.

15 17. In the weeks following the assault, I had severe headaches and dizzy spells.
16 I found myself forgetting mundane facts, such as the date, or who the president was. I had
17 an open wound on my forehead from when it had been split open after coming in contact
18 with the wall. My knees were in a lot of pain from when I fell after I was hit in the head. I
19 also had a wound on my elbow from falling. My shoulder was aching from being cuffed
20 behind my back. I struggled to walk around my housing unit, or even to get up to use the
21 bathroom. Still to this day, I struggle with back pain, shoulder pain, and severe headaches
22 as a result of the attack.

23 18. Since the attack, my mental health has deteriorated. The progress that I had
24 made with my depression, paranoia, and anxiety vanished after I was beat up on February
25 18, 2020. I can’t sleep at night and stay awake having paranoid thoughts. I have
26 flashbacks about the incident almost every day. I am barely able to eat due to my anxiety.
27 I can’t stop thinking about the threats that Sgt. [REDACTED] made about adding time to my
28 sentence.

1 19. On March 15, 2020, I was transferred to Kern Valley State Prison, straight
2 from the Ad Seg unit at CCI. A few weeks later, I was found guilty of the RVR for
3 resisting staff. I am now housed on D-Yard, Building 5 at KVSP. My mental health has
4 been steadily going down the drain. On April 9, 2020, I went back on my antidepressants
5 for the first time in about a year. Previously, I worked very hard to taper myself off of that
6 medication.

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1 20. I have suffered mentally and physically since I was assaulted by officers at
2 CCI, and I blame this incident as the reason why I am back on antidepressants. In my
3 opinion, staff target people at CCI who they think might be a threat to their carefully
4 constructed culture of fear. My understanding is that I was beat up by staff based on false
5 information about me "threatening staff." The officers at CCI like to come across as
6 tough, and this leads to an atmosphere of violence and fear. Staff use this violence and
7 fear to deter us from asking for help or filing any complaints about staff misconduct.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct, and that this declaration is executed at Delano,
10 California this 22nd day of May, 2020.

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12  _____
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15 On May 22, 2020 due to the closure of Kern Valley State Prison in light of the
16 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
17 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to 
18  by telephone.  orally confirmed that the contents of the declaration were
19 true and correct.  also orally granted me permission to affix his signature to
20 the declaration and to file the declaration in this matter.

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22 DATED: May 22, 2020

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24 _____
25 Heather Gans
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EXHIBIT 55

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California Substance Abuse Treatment Facility (“SATF”) on Facility D in Building 2. I am 32 years old. I am transgender.

3. I am a *Coleman* class member. I am at the CCCMS level of care. I deal with a high level of anxiety and depression, especially around the holidays. I have a high level of hyperactivity that stems from my ADHD. During the time I was at California Correctional Institution (“CCI”), my mental health concerns were similar to the issues that I experience today, but my mental health issues have become more severe lately.

4. I have a few medical concerns including asthma and seizures. I also have medical concerns relating to a polysubstance dependence with methamphetamine and alcohol. During the time I was at CCI, my medical concerns were similar to the issues that I experience today.

5. I was housed at CCI from October 24, 2018, until February 18, 2020. During my time at CCI, I was housed on B Yard, a Level IV Yard, and was classified as SNY or “Special Needs Yard.” I was assigned as an ADA worker, Unskilled, Third Watch, on CCI’s Facility B from December 11, 2018, until I transferred out of CCI to SATF in February of 2020.

6. I was a victim of staff misconduct at CCI.

7. In the summer of 2019, I began to experience harassment for trying to perform my duties as an ADA worker. As an ADA worker, my duties included assisting people with Disability Placement Program (“DPP”) codes with their activities of daily living including escorting people to medical appointments, vocational duties, yard, laundry, canteen, packages, and so forth. One morning in or around July 2019, I was sent by a member of medical staff to help an *Armstrong* class member on 7 Block. However,

1 as soon as I arrived on 7 Block, Correctional Officer [REDACTED] questioned why I was
2 there. When I explained my duties as an ADA worker, he threatened me with physical
3 violence if I tried to help anyone with disabilities.

4 8. Later that same month, I was again paged to assist an *Armstrong* class
5 member with disabilities on 7 Block. When I was finished with my ADA worker duties
6 and was trying to leave to go back to my housing unit, I was stopped by Officer [REDACTED]
7 (an officer whose regular post is the 5 Block tower, but who was posted to 7 Block about
8 once a week). Officer [REDACTED] demanded to know why I was out of my cell, and when I
9 explained, she told me that I had been fired from my position as an ADA worker. After
10 that conversation, I was under the impression that I had been fired, and stopped reporting
11 to work.

12 9. I had not reported to work for about two weeks when I was approached by
13 Sergeant [REDACTED], who asked me why I had not been showing up for my job as an ADA
14 worker. He told me at that time that Officer [REDACTED] had lied to me, and that I had never
15 been fired. Going forward, I was rarely paged or let out to help any *Armstrong* class
16 members, even though this was my job. At the time, I decided not to write a 602 about this
17 issue because I had heard about staff retaliation for filing appeals. I would try to work
18 around the hours that Officer [REDACTED] was working. A couple of times I even asked a
19 member of medical staff to come to 7 block with me so that there was a witness in case
20 Officer [REDACTED] tried to threaten me verbally or physically attack me.

21 10. On October 21, 2019, I reported these events to Plaintiffs' counsel. I spoke
22 by telephone on a confidential call held in the committee room with Plaintiffs' counsel and
23 reported that I was unable to perform my duties as an ADA worker because of hostility and
24 threats from Officers [REDACTED] and [REDACTED].

25 11. In the days immediately following my call with Plaintiffs' counsel, I was
26 retaliated against and threatened with physical assault and disciplinary action.

27 12. In the first instance of retaliation, on or about October 22, 2019, I planned to
28 shower after returning from yard at around 3:30 p.m. and noticed that my shampoo and

1 shower shoes were missing. Upon realizing this, I assumed that my cell had been
2 searched, and approached the housing officers on duty to ask for a cell search receipt. The
3 housing officers, Officer [REDACTED] and Officer [REDACTED], refused to give me a cell search
4 receipt, and got angry when I asked why. Officer [REDACTED] said, “You know why your cell
5 was searched. You need to stop doing what you’re doing or you’re going to get your ass
6 beat and face a staff assault charge.”

7 13. I understood Officer [REDACTED] to be threatening me with physical violence and
8 an RVR as retaliation for reporting Officer [REDACTED] and Officer [REDACTED] actions to
9 Plaintiffs’ counsel.

10 14. The following evening at approximately 9:30 p.m., I woke up to Officer
11 [REDACTED] and Officer [REDACTED] kicking my cell door open in an aggressive manner. They
12 began screaming at me to get out of my cell. I stood up and watched from the cell door as
13 they tore my cell apart like a tornado and read through all of my legal papers. I did not ask
14 any questions due to their aggressive demeanors. I feared that if I asked why they were
15 searching my cell, they would assault me. I understood this second cell search to be
16 further retaliation for my conversations with Plaintiffs’ counsel. I immediately filed a
17 CDCR Form 7362 (a sick call slip) asking to be seen by my mental health clinician. I was
18 dealing with a lot of angry and aggressive thoughts and plans. I didn’t want to follow
19 through with my angry plans.

20 15. The next morning, on or about October 24, 2019, I attempted to call
21 Plaintiffs’ counsel to report these incidents of staff misconduct. I went to the second watch
22 housing officer, Officer [REDACTED], and asked her if I could use the telephone in another
23 housing unit, as the telephones in my unit were not working at the time. When Officer
24 [REDACTED] refused, I asked to speak with a sergeant. Officer [REDACTED] instead escorted me to
25 a medical holding tank with Officer [REDACTED]. Officer [REDACTED] entered the holding tank
26 with me while Officer [REDACTED] waited outside. Inside the holding tank, Officer [REDACTED]
27 told me that I could go back to my cell, or I could go to the sergeant to make the telephone
28 call as I requested, and “face the consequences.” She told me that if I went to the sergeant,

1 I would “get my ass beat,” and would be written up with an RVR for assaulting a
2 correctional officer. Because I feared that I would be assaulted and receive a false
3 disciplinary charge, I decided to return to my cell. After the shift change later that day, at
4 approximately 4:00 p.m., I asked again to use the telephone and was able to call Plaintiffs’
5 counsel.

6 16. I was concerned to perform my duties helping people with disabilities as an
7 ADA worker after experiencing these events at CCI. I felt that my own safety was at risk,
8 and was even more concerned for the individuals that I was trying to advocate for and help
9 as an ADA worker. I felt the same fear to file appeals and report misconduct to Plaintiffs’
10 counsel. I did not write a 602 appeal about the misconduct until November 15, 2019, after
11 Plaintiffs’ counsel had written an advocacy for me, as I still was not let out to perform my
12 duties as an ADA worker.

13 17. I have also witnessed staff engage in misconduct against other people at CCI.

14 18. On December 23, 2019, at around 4:30 p.m., I witnessed Correctional
15 Officer [REDACTED] and Correctional Officer [REDACTED] assault [REDACTED]. Mr.
16 [REDACTED]’s CDCR number is [REDACTED]

17 19. Mr. [REDACTED] was housed in the second tier in cell [REDACTED] and I was housed in
18 cell [REDACTED] when we were both housed in Facility B, 6 Block, A-Section at CCI. My cell was
19 right next to the cell directly below Mr. [REDACTED]’s. In other words, my cell was diagonal
20 to Mr. [REDACTED]’s. I was sitting in my cell when I overheard Mr. [REDACTED] complain to
21 Officer [REDACTED] that he had not received razors in several weeks. The officers are supposed
22 to pass out razors twice a week that we use to shave and they had not done so in a while.
23 All of a sudden, I heard Officer [REDACTED] yell at Mr. [REDACTED] to go to the back of his cell
24 and then heard him enter the cell. The next thing I knew, I could tell that he had emptied
25 an entire can of pepper spray by the smell. From my cell, I heard the sound of a body
26 being slammed onto the ground. I then witnessed Officer [REDACTED] and Officer [REDACTED]
27 drag Mr. [REDACTED] to the rotunda outside of the dayroom and throw him up against the
28

1 wall. They began to brutally punch and kick him. I could see that he was cuffed the entire
2 time that they assaulted him.

3 20. Mr. [REDACTED] did not return to his cell that night. A few weeks later, I was
4 out on yard, when I saw Mr. [REDACTED] in one of the Administrative Segregation Unit
5 ("ASU") cages. I was able to speak with him for a few minutes through the cage, and
6 learned that he had been written up for "Battery on an Officer" and sent to ASU after the
7 events that I witnessed on December 23. Based on what I saw during this conversation,
8 Mr. [REDACTED] was not in good shape. He appeared to be suffering from severe pain in his
9 chest, knees, and head. He could not fully extend one of his legs due to a past injury, and
10 he was struggling to walk since the day that he was assaulted. I found out later that the
11 officers had fractured one of Mr. [REDACTED]'s ribs during this attack.

12 21. This is a pattern I have seen many times on B yard at CCI. Officers
13 routinely pepper spray, cuff, and then assault incarcerated people who speak up.

14 22. I have also been the victim of staff misconduct at my current institution,
15 California Substance Abuse Treatment Facility ("SATF").

16 23. SATF is a hub for transgender individuals. As soon as I arrived at SATF, I
17 was upset by the lack of accommodations for trans individuals. As an advocate for the
18 LGBTQ community, I made a point to have multiple conversations with sergeants and
19 officers about the lack of privacy and lack of groups for transgender individuals.

20 24. In early April, 2020, I was assigned as a porter to 2 Block on D-Yard. On or
21 around the last week of April, 2020, Officer [REDACTED] (a regular on 2 Block, Second Watch)
22 began harassing me when I would try to perform my job duties as a porter. Officer [REDACTED]
23 told me that he, "Didn't want any transgenders working here." He told me that I was
24 causing problems and could be the source of an "uprising" because I was an advocate for
25 the LGBTQ community. He then made a transphobic remark, telling me that he, "Didn't
26 want me running around on his block in tight clothing." I have always made a point to not
27 wear clothing that will draw attention to me, so this made me especially upset, and I ended
28 up filing a 602 against Officer [REDACTED]. After this incident, I was removed from my position

1 as a porter. I was then reassigned to work on the yard crew, and quickly removed from my
2 position there. I am now assigned to education. There is no reason that I should be placed
3 in education. I am a licensed court advocate on behalf of the LGBTQ community in
4 CDCR, and have a TABE score of 6.4. I don't want to be in education. I want to have a
5 paid job.

6 25. I believe that I was removed from my paid working positions because of the
7 appeal that I filed against Officer [REDACTED]

8 26. After I received threats for trying to do my job as an ADA worker at CCI and
9 experienced staff misconduct for speaking with Plaintiffs' counsel, I no longer felt safe
10 advocating for myself or others. While I have never stopped advocating for people who
11 are marginalized, such as people with disabilities and people in the LGBTQ community, I
12 know that I face serious consequences every time that I speak up.

13 27. My mental health was severely impacted by the staff misconduct I
14 experienced at CCI. I was depressed and angry a lot during that time. The staff
15 misconduct I endured affected both me and the people around me. I found myself verbally
16 snapping at my cellmates and getting agitated over small incidents, and I actually went a
17 long period of time with no cellmate because of this. I didn't want to deal with anyone
18 inside of my cell because I was dealing with so much outside of my cell. To my
19 knowledge, Officers [REDACTED], all still work
20 at CCI.

21 28. During my time incarcerated in CDCR, I have been an advocate for the
22 LGBTQ community. I have been in and out of prison on multiple terms and have faced
23 abuse and misconduct because of my transgender identity throughout my experiences in
24 CDCR. This abuse dates far back to my first incident, during a prison term in 2009, when
25 I was housed at Duel Vocational Institution ("DVI") for a parole violation. During this
26 incident, an officer spit in my face and then repeatedly hit me in the head with a baton after
27 I tried to stand up for a gay individual. This officer beat me with his baton so fiercely that
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1 I had to go to a hospital and get stitches in my head. I had a traumatic brain injury from
2 this incident, and still have seizures as a result.

3 29. In my opinion, staff target people with disabilities and mental illness at CCI
4 and in CDCR. As an ADA worker at CCI, I routinely heard staff say that a person with
5 disabilities was “faking it” or “milking the system.” I also witnessed many instances of
6 staff misconduct against people with mental illness who reported suicidality. I have seen
7 people get pepper sprayed, cuffed, and beaten, simply for asking for mental health care.
8 This prevents people from getting the help that they need when they are in crisis and
9 wanting to take their own lives.

10 30. I believe the reason there is so much staff misconduct at CCI is because a lot
11 of the staff have a gang-like mentality and engage in gang-like behavior.

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1 31. CCI has a major presence of the “Green Wall,” a gang run by correctional
2 officers across CDCR. At CCI, they have a sticker of the Green Wall flag in the window
3 of the program office, and many of the officers wear red t-shirts under their uniforms,
4 which is another indication of the Green Wall. There are also many young officers who
5 lack training. There is a lack of programming and job opportunities for incarcerated
6 people that causes tension because people have nothing to do. The younger officers try to
7 impress the older officers who are in the Green Wall by acting aggressive, violent, and
8 arrogant toward the incarcerated individuals. The tensions that the incarcerated people are
9 already feeling rubs off on the officers and vice versa. The tensions have a domino-like
10 effect and all culminate into the culture at CCI –one of fear, hostility, violence, and
11 survival of the fittest.

12 I declare under penalty of perjury under the laws of the United States of America
13 that the foregoing is true and correct, and that this declaration is executed at Corcoran,
14 California this 18th day of May, 2020.

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18 On May 18, 2020, due to the closure of California Substance Abuse Treatment
19 Facility in light of the COVID-19 pandemic and ongoing concerns that officers might
20 retaliate against witnesses in support of Plaintiffs’ Motion, I read the contents of this
21 declaration, verbatim, to [REDACTED] by telephone. [REDACTED] orally confirmed
22 that the contents of the declaration were true and correct. [REDACTED] also orally
23 granted me permission to affix his signature to the declaration and to file the declaration in
24 this matter.

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26 DATED: May 18, 2020

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Heather Gans

EXHIBIT 56

1 medical and put me into a medical holding tank until a member of mental health staff came
2 to see me.

3 8. At around 11:25 a.m., I was cleared by mental health staff to go back to my
4 cell in 8 Block. Once inside 8 Block, I stopped on the way to my cell to pick up some
5 coffee in A section. Out of nowhere, a younger Hispanic officer in the tower whose name
6 tag I could not see called out to me, asking why I was there, and told me to throw my
7 coffee away. When I refused and asked him why, he got very agitated, and told me to
8 “wait right there.” I waited while he took out a cell phone and called other officers. The
9 tower officer opened the door and the two floor officers who had escorted me to medical
10 that morning rushed into the area and told me to get on my knees. I also recognized one of
11 the officers as Officer [REDACTED]. I heard the floor officer scream, “Shoot him, smoke
12 him.” I understood them to be referencing the block guns that I have seen officers use on
13 incarcerated people. Luckily, the tower officer did not shoot me. I complied with their
14 order and got down on my knees.

15 9. The officers handcuffed me behind my back, and started searching me. They
16 took the self-help book that my clinician had given me and threw it in a nearby trash can.
17 The two officers then brought me to my feet and escorted me to a room right outside of
18 Receiving and Release (“R&R”). They slammed me up against the wall. At this point I
19 said, “I didn’t do anything! Is this really necessary?” to which one of them responded,
20 “This is Tehachapi mother fucker,” and the other said, “If you’re suicidal then just fucking
21 do it.” They picked me up and slammed me to the ground inside one of the holding cells.
22 I fell to the ground and could not catch myself because I was still cuffed behind my back.
23 I fell on my right shoulder.

24 10. While I was lying on the floor of the holding cell, one of the officers, the
25 one who was on suicide observation, said, “There ain’t no cameras in here motherfucker.”
26 The officers began to kick me. One of the officers kicked me in the back of the head,
27 while the other was standing on my leg. One of the other officers kicked me in my lower
28 back near my tailbone with his boot. I was wearing my beanie and a big jacket at the time,

1 but they were kicking me so hard with their boots that I was shaking and in a lot of pain.
2 This lasted for about two or three minutes. I had a lot of anxiety flowing through my veins
3 at this point. It crossed my mind that they might try to kill me, because I had heard stories
4 about the way that officers at CCI treat incarcerated people.

5 11. Finally, they released the handcuffs, brought me to my feet, and told me to
6 go back to my cell. One of the officers said, “Don’t act up again. It’s going to be worse
7 the second time.” I went back to my cell. Once I was back in my housing unit, I told one
8 of the floor officers what happened to me. I was transferred to B-Yard that same day.

9 12. I believe that I was assaulted because I asked for help with my property, and
10 told officers that I was feeling suicidal.

11 13. After this assault, I was in a lot of pain. My lower back and tailbone hurt so
12 badly that I could not sit down, so I spent a lot of time lying down in my bed. I was also
13 extremely anxious and even more depressed after this incident.

14 14. About a week later, on March 13, 2019, I reported this incident to my mental
15 health clinician, Ms. [REDACTED]. I told her exactly what had happened to me. I also
16 told her how the events were affecting me. Ms. [REDACTED] reported this incident to the
17 captain. Although I had been transferred to another yard, I was afraid that I would be
18 retaliated against for reporting this to my clinician.

19 15. A few days after I spoke with my clinician, I met with Lieutenant [REDACTED] and
20 two other officers who I believe to be higher ups, in an interview room in the kitchen
21 between 7 and 8 Block. Lieutenant [REDACTED] noticed the abrasions on my wrists from when
22 the officers had tightly cuffed me, but asked me why I didn’t have any visible bruises on
23 my arms or legs. I told him that I had been wearing my beanie and big orange coat during
24 the attack, hence why I didn’t have any visible bruises. Lieutenant [REDACTED] told me that he
25 was documenting all of this information, but that for my own safety, I should try to “not
26 cause any more problems.” He then told me, “that’s just how things are done around
27 here.”

28 16. It wasn’t until this point when my injuries were documented.

1 17. My tailbone continued to hurt really badly. On March 22, 2019, I went to
2 see medical and complained about my lower back pain. X-rays were taken. The doctor
3 informed me my tailbone was broken.

4 18. I am still not able to sit down without being in a lot of pain. I am not able to
5 exercise in the same ways that I used to.

6 19. From the time staff assaulted me on March 6, 2019 and broke my tailbone
7 until I transferred from CCI to KVSP, I was constantly anxious and afraid of what might
8 happen to me. I did not feel comfortable reporting anything, including suicidality, to staff,
9 as I felt that I would either be ignored, or worse, beaten up again. I feel more paranoid
10 after the attack, and still have flashbacks from it. I believe that officers at CCI don't like to
11 fill out the necessary paperwork when someone is suicidal, which is why they try to make
12 an example of anyone who tries to report suicidal ideation.

13 20. In my opinion, staff at CCI don't care about the wellbeing of incarcerated
14 people. Staff retaliated against people who were depressed for expressing concerns to
15 staff. From what I saw, *Coleman* class members are not treated with respect at CCI. There
16 is little to no programming, and the institution is home to a number of different "Security
17 Threat Groups" ("STGs") or gangs. Because of the constant fighting of the different
18 STGs, CCI has more lockdowns than any prison I've ever been to.

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1 21. There is a culture of violence and fear at CCI. There are no mental health
2 groups at CCI. In my opinion, CCI is not fit to house or treat individuals with mental
3 illnesses. I read in the San Quentin News that there are more inmate fatalities at the hands
4 of staff than there are homicides perpetrated by other incarcerated people. I don't think it's
5 right that correctional officers think that they are above the law.

6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration is executed at Delano,
8 California this 21st day of May, 2020.

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On Thursday, May 21, 2020, due to the closure of Kern Valley State Prison in light
of the COVID-19 pandemic and ongoing concerns that officers might retaliate against
witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
to [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of
the declaration were true and correct. [REDACTED] also orally granted me permission
to affix his signature to the declaration and to file the declaration in this matter.

DATED: May 21, 2020



Heather Gans

EXHIBIT 57

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at Salinas Valley State Prison (“SVSP”) on D-Yard in Building 4. I am 59 years old. I was previously housed at California Correctional Institution – Tehachapi (“CCI”), where staff assaulted me on December 23, 2019. The incident is described below in further detail.

3. I am a *Coleman* class member. I am at the Enhanced Outpatient Program (“EOP”) level of care. At the time of the assault, I was at the Clinical Case Correctional Management System (“CCCMS”) level of care. CCCMS patients receive the least amount of mental health treatment in the system. Due to staff assaulting me and resulting harassment I experienced from CCI custody staff, my mental health has deteriorated. On March 3, 2020, my mental health treatment team decided to raise my level of care to EOP. EOP patients live in separate, sheltered, housing units with other EOP individuals. They receive more intensive mental health treatment, including 10 hours each week of structured therapeutic activities and frequent meetings with their case managers.

4. I suffer from depression, anxiety, paranoia, and Post Traumatic Stress Disorder (“PTSD”). I also have a substance abuse disorder, which exacerbates my mental health issues. I frequently have flashbacks and nightmares from the sexual and physical abuse that I experienced as a child. In the past, I have experienced symptoms of psychosis and auditory hallucinations. I have a history of suicide attempts, and most recently, I attempted suicide in 2015. When my mental health suffers, I like to look out my window at nature, watch T.V., and make origami. I have tried to use these coping skills since the assault, but I struggle to find motivation.

5. Although CDCR has not designated me with an *Armstrong* disability code, I believe I have a mobility disability in my left leg. With my knee issues, I struggle to open

1 my knee all the way, and I have difficulty walking. I feel pain if I have to walk long
2 distances. After I was assaulted at CCI, my mobility issues worsened. I used a cane to
3 help me walk after the assault, although my cane was taken away from me before I left
4 CCI.

5 6. I have a number of serious medical conditions. I have a degenerative heart
6 condition. In 2000, I had a cardiac stent put in. In August 2019, I was taken to an off-site
7 hospital for treatment due to my coronary artery disease. While at CCI, my doctor
8 prescribed Nitroglycerine for my heart issues. I also have Hepatitis C. During the time I
9 was at CCI, my medical issues were similar to the issues I experience today.

10 7. I was housed at CCI from approximately August 3, 2018 until April 10,
11 2020. During my time at CCI, I was housed in the following locations: Facility B, 6
12 Block; Facility B, 7 Block; and Facility B, 8 Block, which is CCI's Administrative
13 Segregation Unit ("ASU").

14 8. On December 23, 2019, around the late afternoon, I was in my cell in
15 Facility B, 6 Block, when I requested razors from Officer [REDACTED]. Typically,
16 correctional officers are supposed to pass out razors to individuals twice a week, but they
17 had not done so in several weeks. Officer [REDACTED] replied to my request by saying that
18 they were not passing out razors at this time. After Officer [REDACTED] ignored my request,
19 I called out to Officer [REDACTED], who was also in the unit, and again asked for a razor.
20 Officer [REDACTED] also replied that they were not passing out razors, and so I asked for a
21 Group 602 form.

22 9. Officer [REDACTED] became very agitated after I asked for a 602 form. He
23 stopped what he was doing, ran up to my cell, and screamed at Officer [REDACTED] in the control
24 booth to open my cell door. My cell door was jammed, and he was unable to immediately
25 open it. After several tries, Officer [REDACTED] forcibly opened my cell door. Officer [REDACTED]
26 ordered me to move to the back of my cell, and I complied. In that moment, I was terrified
27 because I did not know what Officer [REDACTED] was going to do. Officer [REDACTED] then entered
28 my cell. He told me to turn around and put my hands on my head. Once I complied, he

1 held my hands on my head with his left hand. Then Officer [REDACTED] reached into my pants
2 and boxers with his right hand, grabbed my genitals, and told me that if I complained or
3 tried to file a 602 again, he would, “Rip my fucking balls off.” I felt humiliated and
4 traumatized by this experience, and I was terrified that Officer [REDACTED] would hurt me,
5 especially because I was a victim of sexual assault as a child.

6 10. During this time, I did not resist. Officer [REDACTED] shoved me further to the
7 back of the cell, and then he left my cell. I only turned around when I thought Officer
8 [REDACTED] was leaving my cell. Once I had turned around, Officer [REDACTED] drew his pepper
9 spray, sprayed it straight into my face, and then told me to get down. Then he handcuffed
10 me. I started coughing so intensely that my heart began to hurt. I was in a lot of pain. I
11 crawled out of my cell, cried out to Officer [REDACTED], and asked for my heart medication—
12 Nitroglycerine. Officer [REDACTED] said, “I don’t give a fuck about your heart.” There was no
13 alarm sounded at this point.

14 11. At this point, Officers [REDACTED] and [REDACTED] lifted me up by the arms and
15 dragged me down the stairs to the entrance of 6 Block, A section. Then Officer [REDACTED]
16 hit his alarm. The two officers took me outside of the main entrance to 6 Block. Several
17 officers, approximately six to eight of them, came running. One of them was Officer
18 [REDACTED]. The officers slammed me up against an outside wall. Officer [REDACTED] told me to
19 get on my knees, and I complied. One of the officers hit me in the back of the head, which
20 bounced my face against the outside wall. Officer [REDACTED] said to me, “You’re always
21 bitching about something.” He punched me in the ribs. Another officer kicked me in the
22 genitals. They lifted me by the handcuffs and started walking me to the medical clinic.

23 12. I believe there is video footage of when the officers beat me outside of 6
24 Block.

25 13. On the walk between 6 Block to Receiving and Release (“R&R”), Officer
26 [REDACTED] slapped me across the face because he was upset that I was spitting blood and
27 coughing from the pepper spray. I believe there is also video footage of when this
28 occurred.

1 14. When we arrived at R&R, the officers escorted me into a holding cell. They
2 came into the holding cell with me and started beating me with their batons. I estimate that
3 the beating occurred for approximately one to two minutes. Then Officer ██████ threw
4 me to the ground and took off my handcuffs. Officer ██████ ordered me to take off my
5 clothes, which I believe was to humiliate and intimidate me. I complied.

6 15. Then the officers escorted me out of the holding cell to the Treatment and
7 Triage Area (“TTA”), a unit medical clinic. I was not taken to a decontamination area to
8 wash off the pepper spray. At the TTA, the nurse told me she thought that I was “faking
9 my heart condition” and gave me an electrocardiogram (“EKG”) test to measure my
10 heartbeat. When she saw the EKG results, she realized that I was not faking my heart
11 condition. Then she started attending to me and trying to calm me down. At this point, the
12 officers who beat me took off my handcuffs and then left TTA.

13 16. While at the TTA, a nurse completed a Form 7219 to document my injuries.
14 The nurse did not accurately document my injuries. The nurse documented that I had
15 redness on my knees due to eczema, even though I do not have that condition. She did not
16 examine my chest, ribs, back, or legs, even though I told her I was experiencing severe
17 pain in those areas.

18 17. I told nursing staff that the injuries I suffered were my own fault. I felt
19 coerced to say this because I was worried that I would face further retaliation from custody
20 staff for reporting what they did to me. In the moment, I did not want to tell the truth of
21 the assault.

22 18. After the assault, I was in a horrible amount of pain and thought that I might
23 have broken a rib. I submitted several 7362 forms to request medical attention in the week
24 following the assault. In late January 2020, medical staff performed x-rays which showed
25 that the officers had fractured one of my ribs during the assault.

26 19. The bruising on my body lasted several weeks after the assault. My right
27 side and chest were in extreme pain due to my fractured rib. Because my knees and left
28 foot were injured, I also struggled to walk after the attack. Medical staff prescribed me a

1 temporary cane to help me. I am still feeling the effects of the beating to this day in my
2 left foot and left eye.

3 20. On December 23, 2019, I was charged with a Rules Violation Report
4 (“RVR”) for “Assault on a Peace Officer by Means not Likely to Cause Great Bodily
5 Injury.” That day, I was placed in ASU for the alleged assault. The RVR was false. It
6 states that Officer [REDACTED] ordered Officer [REDACTED], in the control booth, to open the cell door
7 because I was unable to hear what he was saying to me with the cell door closed. This is
8 not true. Seconds prior, I had been able to communicate with Officer [REDACTED] through my
9 closed cell door. Officer [REDACTED] ordered Officer [REDACTED] to open the cell door so that Officer
10 [REDACTED] could enter and assault me. The RVR also claimed that Officer [REDACTED] remained
11 outside of my cell until I began “advancing towards [him] with clenched fists.” Officer
12 [REDACTED] claims that he pepper-sprayed me in order to stop an imminent attack, but I was not
13 a threat to him, let alone anyone else. I did not attack him or threaten him in any way. His
14 whole story is made up.

15 21. I attempted to file a 602 to report the assault, even though I was afraid of
16 further retaliation. However, I never received a response to my 602, and I was afraid that
17 the officers had intercepted and destroyed my 602. Officers had already attacked me for
18 simply requesting copies of a 602. I was terrified of what they might do to me if they
19 learned that I filed a complaint against them. Despite my fears, I still made a statement in
20 response to my RVR, denying I had assaulted any officer.

21 22. In the weeks and months following the assault, my mental health
22 deteriorated. Since being assaulted at CCI, my PTSD has worsened, and I continue to have
23 flashbacks to the attack. I also frequently experience nightmares that make it hard for me
24 to sleep. I left my cell less frequently because I was afraid that Officers [REDACTED],
25 [REDACTED], and [REDACTED] would assault me if I did. As a result, I refused to go to some
26 medical and mental health contacts. For example, around February 20, 2020, I refused an
27 offsite ophthalmology follow up appointment because the escorting custody staff was
28

1 Officer [REDACTED]. I told staff members that I was afraid of him, but that I'd be willing to go
2 to the appointment if another officer escorted me.

3 23. When I did see my mental health clinician, I talked about the assault and
4 reported that I feared for my life at the hands of custody officers. This information was
5 also discussed during the IDTT. I did not trust custody staff after what they did to me. I
6 experienced nightmares and flashbacks to the assault. After the assault and until I left
7 CCI, I slept sitting up in my cell with my boots still on my feet. I believed I needed to be
8 ready in case of another attack. I did not sleep lying down with my boots off until I was
9 transferred to SVSP.

10 24. While at CCI, there were many times that I needed help from custody staff
11 but didn't ask for it because I was afraid of what would happen to me. I did not file some
12 grievances because I was afraid of retaliation. I also stopped requesting things from
13 officers, including special meals for my dietary restrictions, razors, and writing supplies. I
14 tried to decrease the amount of mental health and medical help that I needed. I would
15 simply agree to everything custody staff told me. I was living in fear.

16 25. Officer [REDACTED] continued to harass me after the assault. On March 3, 2020,
17 Officer [REDACTED] approached my cell to give me a ducat notifying me of an upcoming
18 meeting with my mental health treatment team. Upon handing me the ducat, he said, "I
19 see you still have not learned to keep your mouth shut." I believed that he was referring to
20 how I had spoken to mental health staff about the assault. I felt threatened by his comment
21 and afraid that he was going to hurt me again.

22 26. Because my mental health had decompensated so severely, the team decided
23 to raise my level of care from CCCMS to EOP. CCI does not house EOP patients, and so
24 this meant that I was going to be transferred to another institution. On April 10, 2020, I
25 was transferred to SVSP, where I remain to this day.

26 27. I still feel the effects of the assault from CCI. Being beaten by the officers
27 brought me back to when I was abused as a child. Even though officers at SVSP are not
28 violent towards me, I still do not trust them and fear being assaulted again.

EXHIBIT 58

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Corcoran (“Corcoran”) on A-Yard in Building 3, which is an Administrative Segregation Unit (“ASU”). I am 42 years old.

3. I am a *Coleman* class member. I am at the Enhanced Outpatient Program (“EOP”) level of mental health care. EOP patients live in separate housing units with other EOP individuals, where they receive enhanced mental health care, including 10 hours each week of structured therapeutic activities and frequent meetings with their cases managers.

4. I have been diagnosed with schizoaffective disorder. I suffer from depression and anxiety. When my mental health symptoms are at their worst, I experience paranoia. My paranoia makes it difficult for me to sleep at night. I have a hard time trusting anyone, from custody staff to other incarcerated people. I struggle a lot with my mental health, and sometimes bang my head against my cell walls out of frustration for feeling the way I do.

5. I also have medical conditions that affect my daily life. I suffer from carpal tunnel syndrome in my right hand and degenerative joint disease, which affects the mobility in my hand, left shoulder, and right hip. I struggle to walk with ease because of my mobility issues. My carpal tunnel syndrome also makes it difficult for me to write. My fingers stiffen up and it is painful when I do write. Because of my medical conditions, I can only be housed in a lower bunk.

6. I have been housed at Corcoran from January 1, 2017 to present.

7. During my time at Corcoran, I have been housed in the following locations: B-Yard, Buildings 1 and 2, and A-Yard, Buildings 3 and 4.

1 8. I was recently a victim of an assault by staff at Corcoran. The incident
2 described below took place on April 7, 2020.

3 9. A few weeks before custody staff assaulted me, I learned that CDCR was
4 planning to transfer me from a “Level IV” prison, which is the highest security level
5 institution, to a “Level III” prison. As a result, they had put me up for transfer to either
6 Mule Creek State Prison (“MCSP”) or Salinas Valley State Prison (“SVSP”).

7 10. I did not want to transfer to another prison, because at Corcoran, I am close
8 to my family. They are about 30 miles away from me. My mother suffered a stroke in
9 2019. She was left blind in one eye and continues to have other medical complications as
10 a result of the stroke. I wanted to be near her. I felt extremely depressed by the idea of not
11 being close to my family.

12 11. I also felt increasingly anxious and paranoid. The last time I was transferred
13 to another prison, California Correctional Institution-Tehachapi, I had issues with custody
14 staff there. I believe they did not like me and they tried to have other incarcerated people
15 assault me. In the past, I expressed my fears to CDCR administration, but no one had paid
16 attention to them. The fact that I was transferring to another prison made me more
17 paranoid. I believed custody staff were setting me up to have me killed.

18 12. Pending my transfer to another prison, around March 19, 2020, I was moved
19 from B-Yard to A-Yard, Building 4. A-Yard houses only Level III incarcerated people.

20 13. On April 6, 2020, a day before the assault, I met with my mental health
21 clinician for a 1:1 session and discussed my safety concerns. I told my clinician that I
22 feared for my life and that I was depressed. I did not trust CDCR to protect me if I
23 transferred out of Corcoran.

24 14. On April 7, 2020, around 9:30 a.m., I was meant to report to the A-Yard
25 mental health clinic for an Inter-Disciplinary Treatment Team (“IDTT”) meeting. IDTT
26 meetings are when all of the different mental health clinicians who work with a given
27 patient meet with the patient to plan out his or her mental health care. They work together
28 to develop the patient’s treatment plan.

1 15. Upon my arrival to the A-Yard clinic, seven officers were gathered under the
2 canopy that leads to the A-Yard patio and clinic. Because I had recently transferred to this
3 yard, I did not know the names of most of the officers. It was a cold day outside and so I
4 had my hands in my pockets to keep warm. As I approached the canopy, I told the officers
5 that I was there for a mental health meeting. The officers said I could walk through and
6 report to my meeting.

7 16. As I walked past them, my hands still in my pockets, Officer [REDACTED] yelled at
8 me, “Hey, come back here and don’t fucking walk with your hands in your pockets under
9 the canopy.” I took my hands out of my pockets and approached Officer [REDACTED], saying,
10 “Relax, bro, I don’t have anything in my pockets.” I was trying to ease the situation and
11 show that I was not a threat. Thinking I had done just that, I turned to walk back to the
12 clinic. Officer [REDACTED] followed me, ordering, “The next time you fucking walk under the
13 canopy with your fucking hands in your pockets, there is going to be a problem.” I
14 stopped and turned to face him. He then got right in my face. I was shocked by his anger.
15 I said, “Bro, relax, I just got on this yard two weeks ago and I didn’t know the rules for
16 walking under the canopy. I don’t have anything in my pockets.” He immediately
17 responded with, “I’m not your fucking bro.”

18 17. At this point, I was worried he might do something to hurt me, and so I
19 replied, “Okay man, look, I’m just gonna go to my destination. I don’t want any
20 problems.” When I started to turn away from him, Officer [REDACTED] suddenly grabbed my
21 head and neck. He repeated, “I’m not your fucking bro,” and tried to slam me on the
22 concrete patio floor. I was afraid that I was going to get seriously injured, and so I
23 defended myself by grabbing Officer [REDACTED]’s arms and pushing back against him. We then
24 fell onto the grassy area next to the patio.

25 18. I was lying on my stomach and put my hands behind my back, to show that I
26 was not going to fight back. Next, the six other officers jumped on me. They started to
27 kick me and punch me all over. During the beating, Officer [REDACTED] was twisting my neck
28 sharply. He punched me in my head, face, nose, and jaw. I believe the assault lasted

1 approximately 20 seconds. Because I was not processing much at the time, I am not sure
2 whether the officers sounded an alarm.

3 19. The officers then cuffed my hands and legs. They carried me to the holding
4 cages in the B-Yard gym. As we approached a holding cage, the officers rammed my head
5 into the side of the cage three times. They punched me about three to four times once I
6 was in the holding cage. All of the officers then walked out of the gym, came back, and
7 put a spit mask on my face before medical staff arrived to evaluate me.

8 20. About 5 minutes later, the officers returned with a nurse, who catalogued my
9 injuries in the holding cage. Despite the spit mask, she could see the blood running down
10 my forehead. She also thought that I might have a broken nose, because she could see how
11 swollen it was through the mask. I was in a lot of pain. I had abrasions on my head and
12 face. I was bruised all over from the beatings. I told the nurse I struggled to put pressure
13 on my legs, because my left leg was numb.

14 21. At the time, I was shocked. I could not believe that officers had just
15 assaulted me, simply because I had my hands in my pockets. Because it was my first time
16 on A-Yard, I had no previous issues with these correctional officers. I had never interacted
17 with them before. They had no reason to do this to me.

18 22. The nurse then sent me to the Treatment and Triage Area (“TTA”), an
19 institution-wide medical clinic, for further evaluation. I arrived at the TTA in a
20 wheelchair, because I was unable to walk at the time. I still had the spit mask covering my
21 face. I told the doctor that I was experiencing severe neck pain and numbness in my left
22 leg. He immediately referred me to an outside hospital. Around 12:15 p.m., I was
23 transported in an ambulance to the emergency room at Adventist Health Bakersfield.
24 While at the hospital, medical staff took CT scans of my brain to see if I suffered a
25 concussion. Because I reported issues with my legs, they also performed a CT scan of my
26 neck, to check my spine. Medical staff at Bakersfield also cleaned up the cuts on my
27 forehead and the top of my head.

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1 23. I returned to Corcoran from Bakersfield around 6:30 p.m. that evening and
2 was placed into the EOP ASU. Upon my return to my housing unit in the ASU, I
3 discovered that some of my property had gone missing: my T.V., radio, fan, and twenty
4 music discs were all gone. I believe A-Yard custody staff purposely did not pack this
5 property from my cell in B-Yard when I was placed in the ASU. On April 20, 2020, I filed
6 a 602 complaint about my property loss.

7 24. On April 7, 2020, I was charged with a Rules Violation Report (“RVR”) for
8 “Battery on a Peace Officer,” which was why I was placed into administrative
9 segregation. The RVR was false. Officer ██████ claimed that I repeatedly punched and bit
10 him. I did not do these things. I only tried to protect myself from being slammed onto the
11 concrete patio. I believe the officers fabricated the RVR to cover-up the way they beat me
12 maliciously.

13 25. On April 10, 2020, a clinician interviewed me as part of my RVR “Mental
14 Health Assessment.” During the interview, I explained that I believed I had been set up by
15 custody staff on April 7, 2020. I explained that they had assaulted me for no reason. I felt
16 targeted.

17 26. On April 16, 2020, I filed a 602 staff complaint against Officer ██████ and the
18 six other officers who assaulted me.

19 27. The next day, I was interviewed by two officers for the 602 relating to the
20 assault. I believe one of them was a Lieutenant. I do not remember their names. They
21 videotaped me and had a nurse look over my injuries. The interview was very short. It
22 lasted only two minutes. I was asked if I could identify the correctional officers and state
23 in my own words what happened on the day of the assault. That was it. I do not think they
24 took the time to listen to my account in detail.

25 28. About a week ago, I also found out that the officers who assaulted me re-
26 wrote the RVR. An officer came to speak with me and told me that I was now being
27 accused of assaulting three correctional officers. The original RVR claimed that I had only
28 assaulted one officer—Officer ██████. I tried to explain that they had attacked me. I told the

1 officer I did not assault anyone. The officer did not respond to me when I said this. I do
2 not think custody staff care what an incarcerated person has to say when they investigate
3 staff misconduct claims.

4 29. I have not received a response yet to my 602 relating to the assault. I also
5 have not received any crime incident reports from the assault, which all officers are
6 supposed to submit immediately after they use force against an incarcerated person. I
7 believe the officers have not given me the written reports because they are all working
8 together to make sure their accounts of the assault align with each other.

9 30. I had previously settled a lawsuit in 2017 about medical issues I experienced
10 at Corcoran. I believe custody staff are aware that I know how to file lawsuits. I think
11 they are also delaying their response to me because they do not want me to pursue legal
12 recourse against them.

13 31. In the days following the assault, I continued to experience pain from my
14 injuries. On April 13, 2020, I filed a Form 7362, which is a medical request form. I
15 complained of continuing jaw and lower back pain after the assault. I also continued to
16 experience severe migraines and I had trouble sleeping. I was wondering if I had suffered
17 a concussion. Medical staff gave me Ibuprofen for the pain and told me to seek help if my
18 conditions continued or worsened.

19 32. My migraines are not as painful as they were initially, but I still suffer from
20 pain in my back and neck from the assault.

21 33. I have been trying to call attention to what happened to me at the hands of
22 custody staff. I have repeatedly told members of mental health staff, in confidential
23 appointments, that staff assaulted me on April 7, 2020. No one listens to me. No one
24 seems to care.

25 34. My mental health has worsened since the assault. I feel more paranoid.
26 Since that day, I have struggled to sleep. I keep thinking officers are going to rush into my
27 cell at night and assault me. I have not been coming out for my mental health groups or to
28 yard. I am trying to avoid staff at all costs.

1 35. I have also witnessed staff engage in misconduct against other people at
2 Corcoran.

3 36. When I first arrived to A-Yard, Building 4, I saw custody staff attack another
4 incarcerated person during dayroom. I was out in the dayroom. I was waiting to get on the
5 phone. I do not know what happened in the lead up to the assault. I am not sure if the
6 incarcerated person came out of his cell or if he was already in the dayroom. I only
7 remember seeing five officers rush into the building and jump on top of him. They started
8 to hit him badly. The officers then cuffed him up and took him out of the building. I do
9 not know what happened after this. I have not seen that individual since.

10 37. While I was out on the yard, I also saw custody staff drag another
11 incarcerated person out of Building 4. They were taking him to the B-Yard gym. I saw
12 them hit him and force his cuffed hands high above his head. I also do not know what
13 happened to this person. I suspect he was also assaulted and then charged with a false
14 RVR like I was.

15 38. I do not know why officers assaulted these two individuals. Seeing this
16 made me feel stressed. It made me feel unsafe around custody staff. It upsets me to the
17 point of anger to both witness and experience these assaults.

18 39. Since being transferred to the hole, I have not seen the officers who assaulted
19 me. I believe they are still working on A-Yard, Building 4. To my knowledge, they have
20 not received any disciplinary action for their assault on my person.

21 40. Since I have been at Corcoran, there have been many times that I needed
22 help but didn't ask for it because I was afraid of what would happen to me. I stay in my
23 cell so that I do not have to interact with any members of custody staff. Given the staff
24 misconduct that I have experienced and witnessed at Corcoran, I feel uncomfortable
25 asking for a 602 form. I also would not ask them for toilet paper or even a bar of soap if I
26 ran out of these supplies.

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1 41. I would never tell custody staff I am experiencing mental health problems. I
2 do not believe they would help me if I did express my problems. I just wait for my
3 clinician to come and see me.

4 42. In my opinion, staff target people with disabilities, medical issues, and
5 mental illness. I believe staff discourage these people from asking for help or filing
6 paperwork, which is their right.

7 43. I also believe correctional officers intimidate members of mental health and
8 medical staff so that they too do not speak out about instances of staff misconduct.

9 44. In my experience, staff are cruel. They have an “us versus them” mentality.
10 I also think they write false reports against incarcerated people, like they did against me,
11 because it allows for job security. By filing false reports, they can continue to use force
12 against incarcerated people and get away with doing so. I have been incarcerated for 24
13 years and I have never assaulted a staff member.

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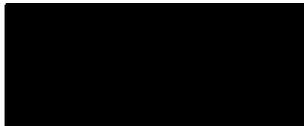
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1 45. Based on my history of being housed at Kern Valley State Prison, California
2 Men's Colony, Salinas Valley State Prison, California Correctional Institution –
3 Tehachapi, and now Corcoran, staff misconduct appears to be a systemic issue across
4 California state prisons. I believe cameras are the solution to stop staff misconduct. If
5 there were cameras by the mental health clinic when I was assaulted, I would not have
6 been charged with a false RVR. The correctional officers who assaulted me would be
7 receiving punishment for their actions because they would be visible to the larger public.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct, and that this declaration is executed at Corcoran,
10 California this 18th day of May, 2020.

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15 On May 18, 2020, due to the closure of California State Prison-Corcoran in light of
16 the COVID-19 pandemic and ongoing concerns that officers might retaliate against
17 witnesses in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim,
18 to [REDACTED] by telephone. [REDACTED] orally confirmed that the contents of
19 the declaration were true and correct. [REDACTED] also orally granted me permission
20 to affix his signature to the declaration and to file the declaration in this matter.

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DATED: May 18, 2020


Ellie Heywood

EXHIBIT 59

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DECLARATION OF [REDACTED] [REDACTED]

I, [REDACTED] [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison, Sacramento (“SAC”) on Facility B in Building 4. I am 25 years old.

3. From approximately January 2017 to January 2020, I was housed at California State Prison, Corcoran (“COR”). I lived there for about two years total.

4. During my time at COR, I was housed on Facility C in Building 4, Building 5, Building 1, Building 2, in one of the Administrative Segregation Units and in Facility A Building 3. In September of 2019, I was living in Facility C, Building 1.

5. I am a *Coleman* class member. I am at the Correctional Clinical Case Management System (“CCCMS”) level of care. I was CCCMS during my entire time at COR. I met with my clinician every 90 days.

6. I suffer from depression and have problems sleeping. I take Remeron and Trileptal for these conditions.

7. I was a victim of staff misconduct at COR on September 3, 2019. During second watch on that date, early in the morning, I was walking to the chow hall on COR 3C. Officer [REDACTED] asked to randomly search me and I agreed. While she was patting me down, she grabbed my penis and testicles. I asked her to stop and she said, “Is that a fucking demand?” She then grabbed my ID and told me not to disrespect her.

8. Right after this interaction, I informed Sergeant [REDACTED] of what had happened then returned to my cell, where I wrote a staff complaint. I planned to file the complaint later in the day on the way to the medical building. I had an appointment later that day to discuss problems I was having with sleep.

9. At about 10:00 AM, while I was walking unescorted from my housing unit to the clinic for my appointment, Officer [REDACTED] approached me outside of medical and

1 grabbed me by the back of my shirt. I fell backwards and hit the ground. Officer [REDACTED]
2 grabbed the completed 602 form that I had completed to file a complaint against her.
3 Officer [REDACTED] then placed his feet on my chest and said “don’t fucking move” and rolled
4 me to my stomach. Then both officers helped me off the ground and cuffed me. Officer
5 [REDACTED] put her knee in my back and slammed me against program office. She searched
6 me again, and again touched my penis. I jumped and she asked me, “What, you don’t like
7 getting searched by woman? Are you fucking gay?” Then, Officer [REDACTED] and Officer
8 [REDACTED] escorted me into the program office.

9 10. Sergeant [REDACTED] Sergeant [REDACTED] and Officer [REDACTED] were all in the
10 program office when we got there. Sergeant [REDACTED] told Officer [REDACTED] to pat me down
11 again. I am not sure why. Officer [REDACTED] started to pat me down again. Officer [REDACTED]
12 then falsely told them that she felt a weapon during the search. After she said that,
13 Sergeant [REDACTED] Sergeant [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED]
14 beat me in the program office for approximately five minutes. I was handcuffed and fell to
15 the ground. They were punching and kicking me while I was on the ground. I wasn’t
16 thinking, I just tried to survive. As far as I could tell, no one sounded the alarm. After the
17 beating, I was placed in a cage inside the program office, where I stayed until
18 approximately 1:00 PM.

19 11. While I was in the cage in the program office, my cellmate came in and said
20 they took my property from my cell. They brought my property to the program office
21 about one hour later. They took my property because I was being transferred to Adseg. I
22 waited in the cage during that time.

23 12. During third watch, at approximately 2:00 PM, Officer [REDACTED] “ [REDACTED] kicked
24 my property out the door to the patio, to place on the cart to send to the overflow hole.
25 Officer [REDACTED] put me in waste and ankle chains. I confronted her and asked her to stop
26 kicking my property. Officer [REDACTED] then began walking me to the overflow hole in COR
27 3A03. We left the program office.

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1 13. When we reached the pedestrian gate, Officer ██████ walked back into the
2 program office. I asked Officer ██████ why we were waiting and she said, “You will see
3 right now.” Then Officer ██████ Officer ██████ Officer ██████ and Officer ██████
4 came out of the gym through the pedestrian gate. Sergeant ██████ Officer ██████
5 Sergeant ██████ Officer ██████ Officer ██████ Officer ██████ Officer “Tugaue,” and a
6 lieutenant whose last name began with ██████ (he was white and taller than I am) came from
7 the program office. My understanding is that they did not run yard, only dayroom that
8 day, and so many staff could participate. They told Officer ██████ to back off. They
9 pulled me into the pedestrian gate, outside of the gym. Officer ██████ and Officer
10 ██████ slammed me to the ground. The rest of the group started punching me. During
11 the attack, I was wearing waist and ankle chains. I was hit with a baton by Officer
12 “██████” near my chin, which knocked me unconscious. I think this may be when my jaw
13 was broken.

14 14. I believe that Sergeant ██████ Officer ██████ and Officer ██████ continued
15 walking me to the overflow hole in 3A, but I was dazed and cannot exactly remember. On
16 the way to 3A, while still on the yard, I woke up again and was slammed against a wall by
17 all three people. Sergeant ██████ Officer ██████ and Officer ██████ started punching me
18 against the wall. Sergeant ██████ slammed my head against the wall. They punched me all
19 over my body. They knocked me unconscious again and I lost my eye glasses, which still
20 have not been replaced. Without my glasses, I have trouble seeing and my eyes are
21 painful, squinting, and watery.

22 15. I woke up in 3A03 in the rotunda. Because I was unconscious, I am not sure
23 how I got there. The rotunda is a hallway that leads from the yard into the building. When
24 I woke up, Officer ██████ Officer ██████ Sergeant ██████ and Sergeant ██████ were beating
25 me again in the 3A rotunda.

26 16. I was dazed and cannot remember getting into a cell. I woke up around the
27 time of pill call, 4:00 PM, and was naked. I could not speak and my jaw was pounding.
28 My face was beginning to swell.

1 17. Nurse [REDACTED], while doing pill call, saw me pointing to my jaw, finished her
2 rounds and came back. She then notified Sergeant [REDACTED] regarding my jaw. He pulled
3 me out of my cell and gave me clean clothes. Sergeant [REDACTED] said they would take me to
4 CTC when the bleeding calmed down. I am not sure why we waited to go to CTC until the
5 bleeding stopped.

6 18. Sometime between 5:00 PM and 6:00 PM, I went to the CTC at COR. At the
7 CTC, one of the members of medical staff asked me what happened and I wrote down
8 “COs beat me.” From the CTC, I was sent to Bakersfield Adventist Hospital (“BAH”).
9 They took x-rays and found that my jaw was broken in two places. They asked me if I
10 wanted to have surgery or have my jaw wired shut. If I wanted surgery, I should put one
11 finger up. If I wanted my jaw wired shut, I should put two fingers up. I could not speak.
12 Using sign language I asked for wires. They put me to sleep and wired my jaw shut. My
13 jaw was wired shut from approximately early September until the end of December. I
14 could only drink liquids during that time.

15 19. After staying at BAH for two days, I returned to the COR CTC on
16 September 5, 2019. Then I received two Rules Violation Reports (“RVRs”): one for
17 possession of weapon and one for “Assault on Staff not likely to Cause Great Bodily
18 Injury.” The first RVR mentioned something about two bundles, which I had never seen,
19 did not have on my possession, and do not know anything about. Because of these RVRs,
20 my release date was moved from December 30, 2019, to June 9, 2020.

21 20. I received a very brief Mental Health Assessment (“MHA”) in early March
22 of 2020 for the RVR for possession of a weapon. I told the clinician interviewing me what
23 happened, but she did not write down everything that I said. I am not sure why there was
24 such a long delay before the MHA. I filed a 602 after the MHA about her not writing
25 everything down. My 602 was denied.

26 21. Around October 23, 2019, more than six weeks after I was beaten and
27 returned from BAH, a lieutenant came with a video camera to do an interview with me
28 regarding the use of force because of what I wrote down at the COR CTC. The lieutenant

1 threatened me before the interview and said, “if you make a fucking statement you’ll get
2 worse.” So I was afraid and did not give many details during the interview. I just said that
3 on the way to 3A03, officers beat me, but I did not give all the details because I was afraid.
4 I did not see this lieutenant again. Nothing happened after this video was made that I am
5 aware of.

6 22. Someone conducted an interview with Officer [REDACTED] while investigating
7 the RVR for possession of a weapon. I was allowed to submit questions for her, but they
8 did not ask all of my questions. They did not ask if she inappropriately touched me. They
9 did not ask if she searched me in the morning. Officer [REDACTED] claimed that they did not
10 carry alarms on the patio, which is why no one sounded an alarm during the beating in the
11 program office. As far as I am aware, officers did carry alarms on the patio.

12 23. I filed 602 inmate complaints about this incident in September 2019,
13 complaining that no one sounded their alarm. I have not received a response yet. I filed
14 another 602 in December 2019 about excessive use of force and breaking my jaw. Staff
15 said this 602 was about the same topic and dismissed it.

16 24. Since this incident, I try to stay away from correctional staff because I do not
17 want to be beaten again. If I need to, I will ask for medical help, but they are not always
18 helpful. Because of my broken jaw, I am supposed to be on a soft diet and since December
19 2019, I have been asking for a soft diet. I still do not have a soft diet and I cannot sleep on
20 that side of my face to this day. I also still need new glasses.

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EXHIBIT 60

DECLARATION OF [REDACTED]

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I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison-Los Angeles County (“LAC”) on Facility D in Building 4. I am 34 years old.

3. I am a *Coleman* class member. I am at the Enhanced Outpatient Program (“EOP”) level of care, which means I am housed in a special housing unit with other EOP patients, and that I receive about 10 hours of groups and other mental health care each week. I have depression and anxiety. I hear voices and see things all day, throughout the day. When my mental health is really bad, I have tried to hang myself and cut my wrists with the intention of killing myself. I have attempted to kill myself three or four times while in prison. During the time I was at Kern Valley State Prison (“KVSP”), my mental health issues were similar to the issues I experience today.

4. I have a number of serious medical conditions. I have a seizure disorder. I have not had seizure in almost a year, but I used to have them very frequently. I have had to go out to the hospital from CDCR multiple times to get treatment for my seizures. I also am having vision issues as a result of the assault I experienced, described below. My vision has gone blurry. I have requested to see the doctor about my eye and vision but have not seen anyone since arriving at LAC, due to COVID-19. During my time at KVSP, my medical issues were similar to the issues I experience today, and my eye issues have only gotten worse since I left KVSP.

5. I was housed at KVSP for over two years, from August 10, 2017 to October 10, 2019.

1 6. During my time at KVSP, I was housed in the following locations: C Yard,
2 Building 1, C Yard, Building 2, C Yard, Building 8, D Yard, Building 7, and the EOP
3 Administrative Segregation Unit (“EOP ASU”).

4 7. I was a victim of staff misconduct at KVSP.

5 8. On August 27, 2019, in the morning, on the yard during yard time for the
6 EOPs, I and my cellmate started fighting with another incarcerated person on the yard. As
7 we fought, a number of officers were yelling at me to get on the ground and stop fighting.
8 I complied and got on the ground. An officer whose name I do not remember came over
9 and handcuffed me while I was on the ground. After about a minute of lying down in the
10 handcuffs, Officer █████ came over to me and without saying anything started pepper
11 spraying me and my cellmate, who I had been fighting with and who was lying on the
12 ground next to me. While he was spraying us, he said “welcome to Kern Valley.” After
13 pepper spraying us, he and a couple of other officers took us off the ground and into one of
14 the holding cages in C-8 C Section. I asked for water and solution to rinse off the pepper
15 spray and Officer █████ said no. I stayed in the cage for about thirty minutes with the
16 pepper spray still burning my skin. After thirty minutes, I was taken to the C-8 medical
17 unit and then to the CTC to treat my hand, which was swollen from the fight. After going
18 to the CTC, I was returned to my cell in C-8.

19 9. I was charged with a rules violation report (“RVR”) for “fighting.” I had my
20 RVR hearing on September 17, 2019, and was found guilty. I was on suicide watch at the
21 time of the hearing, and no one came to let me know about the hearing. The Lieutenant
22 who heard the RVR falsified the documents and said that I refused to attend the hearing,
23 even though I did not refuse and did not know the hearing was going on. I lost 90 days of
24 time credit and 10 days of yard.

25 10. I filed a 602 staff complaint about the August 27, 2019 incident two or three
26 days after Officer █████ pepper-sprayed me. I sent this 602 all the way through the third
27 and final level of review, but it was denied at the third level of review.

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1 11. In the days after I filed the 602 on C/O ██████ numerous officers searched my
2 cell multiple times. During the searches, they would trash my cell and throw my property
3 around, then leave the cell trashed. Nothing ever came of those searches. To me, it
4 seemed like they were doing these searches and leaving my cell trashed to mess with me,
5 and in retaliation for filing a 602 against C/O ██████

6 12. On September 16, 2019, around 8:00 p.m., I was in my cell in C-8. I told
7 Officer ██████ and Officer ██████ two of the third watch C-8 building officers, that I had
8 safety concerns. Earlier that day, someone on the unit with me, to whom I owed money,
9 threatened to stab me soon if I did not give him the money I owed him. Officer ██████ and
10 Officer ██████ told me to cuff up, and I complied and was handcuffed by Officer
11 ██████ Both officers walked me to the holding cage in the C-8 rotunda. I thought they
12 were taking me there to address my safety concerns that I had reported, and potentially
13 find me a new place to house where I felt safer. When I got to the holding cage in the
14 rotunda, Officer ██████ and Officer ██████ called Sergeant ██████ and Sergeant ██████
15 Sergeant ██████ and Sergeant ██████ arrived, and they asked me through the door of the
16 holding cage what the issue was. I told them that I felt unsafe in C-8 because I was in debt
17 to another person on the unit. Sergeant ██████ said to me “You want to run for us for
18 help now? You should have thought about that before you 602ed Officer ██████ This is
19 Green Wall, bitch. We stick together. Now go back and take what your rat ass got coming
20 to you.”

21 13. Based on my time in CDCR, I have come to understand that the term “Green
22 Wall” refers to a prison guard group that functions like a gang and frequently assaults
23 prisoners, provides drugs and contraband to incarcerated people, and conducts other illegal
24 activities. They also pay incarcerated people to assault people and deal drugs within the
25 facility. They frequently wear green bandannas or other clothing that signifies their
26 allegiance, and they fly green flags on watch towers and other places in the units in which
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1 their officers work. It is commonly known that there are Green Wall members at prisons
2 across CDCR, and there is a large group of them at KVSP.

3 14. After Sergeant [REDACTED] said that, I told the officers that this 602 they were
4 referring to had nothing to do with my safety. Sgt. [REDACTED] then told me that if I withdrew
5 my 602 against Officer [REDACTED] she might be able to help me. I told her I was not going to
6 do that, and she said, "well then, you're going back to your cell." Sergeant [REDACTED] and
7 Sergeant [REDACTED] walked away from me and walked over to the nearby medical office in C-
8 8. I heard them telling the medical staff that I was saying I was suicidal and homicidal. I
9 had not said that I was suicidal and homicidal at that point. Then a member of medical
10 staff whose name I do not recall came out of the office to interview me. I was not suicidal
11 and homicidal, but Sergeant [REDACTED] told me, in front of the medical staff, that "the only
12 way you're going to get out of here is if you say you are suicidal or homicidal." Because I
13 was afraid for my safety and needed to get out of the building, I told medical staff I was
14 suicidal and homicidal.

15 15. After I said that, two officers whose names I do not know walked me to the
16 Correctional Treatment Center ("CTC") the medical unit at KVSP, which also contains the
17 mental health crisis med ("MHCB") units, where people stay for a short period when they
18 are undergoing a mental health crisis. Before I left the holding cage in C-8 to walk to
19 CTC, I was placed in leg restraints, in addition to the handcuffs I already had on. I told
20 two nurses at the CTC that I was not suicidal, but I had safety concerns that were not being
21 addressed. The nurses told the sergeant in the CTC that I was not suicidal and had safety
22 issues. The CTC sergeant called the C-Yard program office and asked why I had been sent
23 to the CTC. The CTC sergeant then had me go back to C-8. The same two officers who
24 had escorted me to the CTC escorted me back to C-8 along with the CTC sergeant. The
25 CTC sergeant had told me that he was going to try to get me placed in the ASU for the
26 time being, so that my safety concerns could be addressed. When I walked through the
27 gate into C-Yard, Sergeant [REDACTED] and Sergeant [REDACTED] were standing outside of the
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1 program office. The CTC sergeant went into the program office, and Sergeant [REDACTED] and
2 Sergeant [REDACTED] started walking with the officers and I back to C-8. The officers were
3 each holding one of my arms, and the sergeants were walking closely behind them. My
4 hands were cuffed and I had leg restraints around my ankles. They were forcing me to
5 walk very fast. When we were a few feet from the gate in C-8, my ankles hurt so much
6 from walking so quickly in the restraints that I asked if I we could slow down because my
7 legs were in pain because the restraints were on so tight they were cutting at my legs.
8 Sergeant [REDACTED] said “shut the fuck up, rat.” Once we got back into the C-8, A Section
9 dayroom, the officers, whose hands were still on my arm, grabbed hold of my shoulders
10 and slammed me to the ground. When I was on the ground, the two officers, Sergeant
11 [REDACTED] and Sergeant [REDACTED] started kicking and punching me. Officer [REDACTED] and Officer
12 [REDACTED] who were working on the floor, also joined in and started punching and kicking
13 me. I was screaming for them to stop. After what felt like about five minutes Sergeant
14 [REDACTED] said “fuck it, I’ll call it in”, by which I understood he would set off the alarm to get
15 other officers to respond to the incident. The officers were continuing to assault me as the
16 alarm sounded, and I was lying face down on the ground. At one point, Sergeant [REDACTED]
17 stuck her finger straight into my left eye, causing my eye to quickly swell up. Right after
18 Sergeant [REDACTED] said he was calling it in, Sergeant [REDACTED] put two of her fingers in my
19 throat. I was struggling to breathe, but was able to push out the words “I can’t breathe”
20 while I was gasping for air. She said “die bitch” as her fingers were in my throat. Because
21 we were in the dayroom, a number of other EOP patients on the unit witnessed me being
22 assaulted and were yelling at the officers and sergeants to stop. At some point while
23 Sergeant [REDACTED]’s fingers were in my throat, I passed out.

24 16. When I regained consciousness, I was being dragged to the program office.
25 On the way to the program office, I was punched and slapped again by the same officers
26 and Sergeant [REDACTED] and [REDACTED] I could not see exactly who was doing what when
27 assaulting me because I was still a bit out of it after regaining consciousness. Once I got
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1 the program office, I was placed in a holding cage there. My leg restraints and handcuffs
2 were on this entire time, during the assault, on the trip to the program office, and in the
3 holding cage at the program office. When I was in the holding cage, I could not see out of
4 my eye because my eye was closed shut, and I was in pain in my legs, back, and shoulder.

5 17. While I was in the holding cage in the program office, a nurse came and
6 evaluated my injuries and filled out a 7219 Form documenting my injuries. I told her I
7 was in extreme pain in my ribs, head, and ankles. She documented on the 7219 that I had a
8 scratch on my cheek and small cuts on both my ankles. This 7219 note said that I
9 screamed at the nurse and she could not finish the evaluation, but this was untrue. She was
10 trying to cover up what the officers had done to me, and refused to complete the evaluation
11 herself. After about an hour in the holding cage, I was taken to the Triage and Treatment
12 Area (“TTA”), part of the CTC. At the TTA, I was evaluated again and a second 7219 was
13 done by a nurse at the TTA. This 7219 fully documented my injuries. This 7219 noted
14 injuries to my eye and legs, among other injuries. I was eventually taken from the CTC to
15 Delano Regional Medical Center (“DRMC”). At DRMC, I told the staff that I had been
16 assaulted by officers at KVSP. I reported the pain in my ribs, head, and ankles. They told
17 me that I had significant bruises to my face and head, some swelling of my head, and
18 bruises to my ribs. They also gave me eye solution and pain medicine to treat my eye,
19 which was still closed shut. They told me something was wrong with my cornea, but did
20 not give me specific treatment for this.

21 18. When I returned to KVSP from DRMC, very early in the morning on
22 September 17, 2019, I told staff I was suicidal again. I was not feeling very suicidal at the
23 time, but I wanted to get my injuries documented more closely and to speak to mental
24 health about what had happened to me. I was put on suicide watch overnight, and the next
25 day, I saw a mental health clinician for a meeting about my suicidal ideation. I was using a
26 walker at the time because I could barely walk after the assault, and was still in bad shape.
27 The mental health clinician whose name I do not remember noticed this, and asked why I
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1 had wounds on my ankles, why my wrists were swollen, and why my eye was black and
2 my face was bleeding. During this meeting, I told her everything about what had
3 happened to me. After I told her Sergeant [REDACTED] and Sergeant [REDACTED] had done this, she
4 told me that she had seen a lot of people who had been injured as a result of assaults by
5 these sergeants. After this contact, I was taken off suicide watch and placed in the ASU.

6 19. I believe that Sergeant [REDACTED] Sergeant [REDACTED] and the other officers
7 assaulted me in an attempt to shut me up about Officer [REDACTED]'s misconduct against me.
8 They were trying to intimidate me into dropping my complaints about him, and directly
9 told me they were doing so because they were all part of Green Wall and were sticking
10 together. They also refused to help me with my mental health and safety issues unless I
11 withdrew my appeal, meaning they would only help if I did what they said. When I did
12 not do what they said, they became angry and decided to put me in my place by assaulting
13 me.

14 20. Shortly after being placed in the ASU, I was issued a rules violation report
15 ("RVR") for "battery on a peace officer." The RVR contains a number of false details.
16 The RVR says that Sergeant [REDACTED] Sergeant [REDACTED] and the other officers walked me
17 back to my cell in C-8, and that my cell mate blocked the door to our cell and told them
18 that I was not coming in the cell. The report says that my cellmate was then taken out of
19 our cell and placed in the shower. The report then says that Sergeant [REDACTED] attempted to
20 get me into the cell and that I started yelling and attempted to hit Sergeant [REDACTED] with my
21 elbow. According to the report, they ordered me to get down and I continued to resist, so
22 Sergeant [REDACTED] grabbed my shoulder and took me to the ground in order to prevent me
23 from attacking her. Sergeant [REDACTED] then alleges that I tried to kick her, and that I refused
24 to submit to my left hand to handcuffs. Sergeant [REDACTED]'s and Sergeant [REDACTED]'s reports
25 also say that they each did not see what the other was doing to me, which is hard to believe
26 considering they were both taking me down at the same time. I was handcuffed and in leg
27 restraints the entire time, which would have made it very hard for me to hit and kick them.

1 Another falsehood in their report is that they say they handcuffed me and applied leg
2 restraints after subduing me, as I already had those on throughout the walk back to my cell
3 and at the time of the assault.

4 21. As I was being assaulted, I saw bits and pieces of my cellmate being
5 assaulted in the shower, but did not have a clear view. I also heard him screaming for
6 help. I later found out from my cellmate that after he had been taken to the shower, he had
7 been attacked by the officers himself and charged with threatening staff. He told me that
8 Sergeant [REDACTED] Sergeant [REDACTED] and a number of the officers came to the shower and
9 slammed his legs in the door. He also told me he was dragged across the yard and was
10 kicked in the testicles. I believe that he was assaulted because he had also filed a 602 on
11 Officer [REDACTED] about being pepper-sprayed.

12 22. Two days after I was assaulted, on September 18, 2019, I filed a 602 staff
13 complaint. In my 602, I detailed the assault, requested that the officers who assaulted me
14 be punished, requested a full investigation by the Office of Internal Affairs, an agency that
15 investigates misconduct in CDCR, and requested that investigative staff interview the other
16 incarcerated people in C-8 who witnessed my assault. My 602 was bypassed at the first
17 level of review and sent to the second level of review. On November 14, 2019, I was
18 interviewed over the phone about my staff complaint, as I had moved to LAC by that time.
19 I was interviewed by a KVSP Investigative Services Unit (“KVSP ISU”) lieutenant,
20 Lieutenant [REDACTED] I was trying to tell him what had happened to me, but he didn’t
21 want to hear me out. I also tried to tell him about the false details in the report.
22 Specifically, I remember asking him why the report said only five staff responded, when it
23 is common practice when staff sound an alarm for a “resistive inmate” for almost twenty
24 officers from throughout the yard to respond to the incident. He never answered this
25 question. The call probably lasted about ten minutes. Two or three weeks after that, he
26 called me again. On this call, he asked me more questions. He still did not seem very
27 interested in hearing my side of the story.

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1 23. I had to wait a long time to get a reply to my 602, as it was delayed by thirty
2 days two times due to the “complexity” of the incident. I eventually got a second level
3 response on December 23, 2019, signed by ISU Lieutenant [REDACTED]. In the response,
4 CDCR said that KVSP staff did not violate CDCR policy during this incident. I sent my
5 appeal about the assault to the third level. I believe they were trying to delay my appeal at
6 the second level to be able to say at the third level that I was violating time constraints, but
7 I made sure to send it to the third level immediately and was able to get it processed
8 because I explained that CDCR were delayed in responding.

9 24. In addition to reporting the assault via the 602 process, I also wrote to the
10 OIA and the Office of the Inspector General (“OIG”) which does not investigate staff
11 misconduct but oversees the investigation process. The OIA wrote me back on October
12 31, 2019 and said that I should use the 602 process. The OIG wrote me back on October
13 18, 2019, and asked me to sign a release of information in case they wanted to release my
14 correspondence and investigate further. The OIG came to interview me shortly after
15 sending that letter, sometime in November or December. The representative from the OIG
16 asked me for my account of the assault. She took down the information that I gave her and
17 I signed the release they had asked me to sign, in person. I have not heard anything further
18 about any OIG investigation into my assault.

19 25. I did not interact with these officers who assaulted me after September 16,
20 2019 because I was moved to the ASU and then to LAC shortly after.

21 26. In my time at KVSP, there have been many times that I needed help but
22 didn’t ask for it because I was afraid of what would happen to me. For example, I needed
23 cleaner for my cell at one point, but Officer [REDACTED] and some other officers who were bullies
24 on the unit were working. Instead of asking for the cleaner then, I waited for another
25 officer who was more willing to help to get the cleaner. Trying to avoid problematic
26 officers is common practice on C-Yard at KVSP.

1 27. Even though I was personally not afraid to talk about my staff misconduct
2 and mental health issues with mental health staff, I know that other EOPs at KVSP have
3 been threatened with mental health level of care drops after accusing officers of
4 misconduct or doing something as small as arguing with the officers briefly. At KVSP, the
5 officers run the units such that many members of mental health staff side with them instead
6 of the incarcerated people they're supposed to be helping.

7 28. I am not afraid of filing 602s because I want to stand up for myself, but I do
8 know it puts me and others at risk to be targeted by officers, whether that comes in the
9 form of being charged with a false RVR, having your cell torn up, or being assaulted. I
10 still report very bad incidents that happen to me because I feel I need to stand up for
11 myself, but I am still pretty scared every time I do so and know that it makes me a target.

12 29. After the assault, I struggled with my mental health and I continue to
13 struggle to this day, even though I have moved prisons. I am scared when officers walk
14 close by me as I feel they are going to assault me. This constant mistrust of staff has really
15 made me paranoid and stressed all the time. After the assault, the frequency and the
16 loudness of the voices that I hear also increased. I also continue to have blurriness and
17 other vision issues due to Sergeant [REDACTED] sticking her finger into my eye.

18 30. In my opinion, staff at KVSP assault and target everyone who is deemed an
19 inmate, but they particularly target people with mental illness, mobility impairments and
20 weak prisoners because they know they are easy targets. Staff also know that people with
21 mental illness and disabilities are often less able to advocate for themselves, whether that
22 is filing a 602 or fighting an RVR. Because of this, I have seen many EOPs and disabled
23 people be attacked by officers and the charged with an RVR, without being able to fight
24 back against these charges.

25 31. I believe the reason there is so much staff misconduct at KVSP is because of
26 Green Wall, and because of the administration and higher ups at KVSP do not hold those
27 officers accountable. This creates a system where a gang of officers are allowed to abuse
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1 prisoners, particularly prisoners with mental illness, disabilities, or weakness, without fear.
2 Because a number of them are also involved in illegal activities in the prison, their
3 influence and control is even greater. These officers essentially have no fear and this leads
4 them to brutally assault people like myself whenever they feel like it.

5

6 I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
8 California this 29th day of May, 2020.

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12 On May 29, 2020 due to the closure of CSP-Los Angeles County and in light of the
13 COVID-19 pandemic and ongoing concerns that officers might retaliate against witnesses
14 in support of Plaintiffs' Motion, I read the contents of this declaration, verbatim, to 
15  by telephone.  orally confirmed that the contents of the declaration were true
16 and correct.  also orally granted me permission to affix his signature to the
17 declaration and to file the declaration in this matter.

18

19 DATED: May 29, 2020



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Emma Cook

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EXHIBIT 61

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DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at California State Prison –Los Angeles County (“LAC”) on D-Yard in Building 5. I am 43 years old.

3. I am an *Armstrong* class member. I am designated as “Designated Level Terrain” or DLT, which means I have mobility limitations that require CDCR staff to house me on the ground floor in an area with limited stairs. I broke my ankle in 2015 and had surgery on my ankle. After the surgery, I was told by my surgeon that I will always have pain and need an assistive device to walk. I still cannot put full weight on my ankle, and when I do it feels like an electrical shock. I may have nerve damage. Because of this injury, I use a cane for my mobility. I also am prescribed other durable medical equipment (“DME”) for my disability, including a mobility vest, which is used to signal that I cannot get down on the ground when an alarm goes off or officers tell me to. I also have a lower bunk housing restriction. During my time at Kern Valley State Prison (“KVSP”), I had the same disabilities, limitations, and accommodations that I have now.

4. I am also a *Coleman* class member. I am at the Enhanced Outpatient Program (“EOP”) level of care, which means I am housed in a special housing unit with other EOP patients, and that I receive about 10 hours of groups and other mental health care each week. I suffer from bipolar disorder. I also experience paranoia, and have had audio and visual hallucinations fairly constantly throughout my life. It is like having a radio on in your head, all the time. At some points, I pay attention to the voices, like paying attention to the radio, and other times, I just hear the voices as background noise. But they are always there. When I am having a hard time or my mental health decompensates, I sometimes cut myself to cope with my mental health symptoms, but I

1 have not done so in a while. Though I have not been cutting recently, I have been biting
2 my nails and chewing my fingers to cope with my anxiety and paranoia. I also have
3 suicidal thoughts, particularly when I am going through things in prison and feel desperate
4 and am isolated in segregation, and have a history of suicide attempts by hanging,
5 overdose, and ingesting objects like razors. Sometimes I feel like the only way to survive
6 prison is to parole or kill yourself. During the time I was at KVSP, my mental health
7 issues were similar to the issues I experience today.

8 5. I have a number of serious medical conditions. I have hepatitis C, muscle
9 atrophy, asthma, and a digestive disease. I also have a seizure disorder. During the time
10 that I was at KVSP, my medical conditions were similar to the issues that I experience
11 today.

12 6. I was housed at KVSP from July 26, 2018 to September 9, 2019. From
13 September 9, 2019 through February 4, 2020, I was housed at Riverside County Jail while
14 I was out to court in Riverside County. I returned to KVSP on February 4, 2020, and was
15 housed there until I moved to California State Prison –Corcoran (“Corcoran”) on February
16 18, 2020.

17 7. During my time at KVSP, I was housed in the following locations: the
18 Administrative Segregation Unit (“ASU”) and C Yard, Building 8, both of which are EOP
19 units.

20 8. I was a victim of staff misconduct multiple times while at KVSP.

21 9. On January 29, 2019, I came out of my cell in the morning to pick up my
22 medications in Section B of C-8. I asked Officer [REDACTED] in the dayroom where I was
23 getting medications if I could speak with a sergeant. I wanted to talk to the sergeant about
24 laundry exchange issues and Officer [REDACTED]’s generally abusive behavior on the unit.
25 While I was asking Officer [REDACTED] to speak with the sergeant, Officer [REDACTED], a C-8 Yard
26 officer, overheard and said, “What’s your fucking problem?” I responded that I wanted to
27 talk to the sergeant and my issues were between me and the floor staff. Officer [REDACTED]

1 was a yard officer not a member of the staff on my floor, so I did not want him involved in
2 my business with the staff on the floor. Officer [REDACTED] then said, "You wanna go there?
3 This is our house, you ain't running shit." He then said something along the lines of "go to
4 your cell before I fucking make you," which I took as a threat of physical harm. He also
5 said, "You're already fucking up, where is your vest?" referring to my mobility vest,
6 which I did not have on because I was only taking a few steps from my cell to the dayroom
7 to get the medications. I went back to my cell, put on my mobility vest, and came back to
8 the medication line. When I got back, I was told to shut up by Officer [REDACTED] and Officer
9 [REDACTED]. I said I would not be intimidated. Officer [REDACTED] and Officer [REDACTED] then
10 started approaching me from where they were standing in front of the nurse's station near
11 the door of Section B, and as they walked towards me I saw them reach for their batons
12 and pepper spray. Officer [REDACTED] started yelling at me to "get down." I told him that I am
13 mobility impaired, so I could not get down on the floor. I sat down at the table instead of
14 lying down.

15 10. Officer [REDACTED] then handcuffed me behind my back while I was in my seat
16 at the table. After he handcuffed me, he grabbed my head with at least one of his hands
17 and slammed my head face first into the table two or three times. After he slammed my
18 face into the table, Officer [REDACTED], Officer [REDACTED], and one or two other officers whose
19 names I do not recall forced me to stand up and walk without my cane while still
20 handcuffed, to the holding cage. They all had a hand on me or were grabbing my arm, and
21 were pushing me forward towards the holding cage. Because I could not walk well due to
22 my disability and without my cane, after being forced to walk about four or five feet, I fell
23 onto the ground. Once I fell, they started to drag me to the cage. I stayed in the holding
24 cage for a period of time. While I was in the holding cage, Officer [REDACTED] came back and
25 started harassing me, telling me that I was lucky that he did not fall on me when I fell. He
26 said he would have fallen on me and then charged me with assaulting him. I was
27 eventually returned to my cell, and was never given my medications that I set out to get
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1 that morning. I was never evaluated for my injuries and a 7219 form was never completed.
2 I had cuts on my wrists from being handcuffed too tightly, and my ankles were swollen. I
3 also had a bump on my forehead.

4 11. I filed a 602 about this assault on January 29, 2019. I detailed the incident
5 and also requested that Officer [REDACTED] be removed from the housing unit due to his
6 indifference and abuse of people with mental illness and disabilities. I also had six
7 different incarcerated people on my unit sign my appeal, as witnesses to this assault
8 against me. These individuals also signed on in support of my request that Officer [REDACTED]
9 be taken off the unit for continually abusing and harassing people with disabilities. On
10 February 10, 2019, I withdrew this appeal because, after I filed it, the officers in my unit
11 started acting more aggressively towards me. A sergeant whose name I do not recall called
12 me to his office after I filed the appeal and told me I could withdraw the appeal, or I would
13 not get my package that was in the package room. He also said he would make sure that I
14 caught a case if I did not withdraw the appeal. He also told me that he was forcing me to
15 withdraw my appeal so that his lieutenant did not have to do the required videotaped use of
16 force interview. I was scared of further retaliation for pursuing the appeal, so I decided to
17 withdraw it. I was not issued a Rules Violation Report (“RVR”) for this incident.

18 12. I believe that Officer [REDACTED] assaulted me because I had reported him via
19 filing a 602 about a week prior to the incident. On January 22, 2019, I filed a group CDCR
20 Form 602 grievance with more than ten other patients complaining about laundry problems
21 we were having, as well as various ongoing issues that those of us in C-8 who have
22 disabilities or mental illness were having with Officer [REDACTED]. Officer [REDACTED] was
23 working at laundry exchange at the time. When we would wait in the line and turn in our
24 dirty laundry, he would document that we had not turned in any laundry. Because we were
25 marked as not having turned in any laundry, we did not receive clean laundry in exchange.
26 As a result, we were all left without towels and sheets. This happened multiple times to
27 me and others when Officer [REDACTED] was working.

1 13. While this may seem like an honest mistake if it had happened once, it was
2 clear that it was intentional because he did it repeatedly. He was trying to mess with me
3 and the other disabled individuals in C-8. During this time period, Officer [REDACTED] was
4 generally very abusive to the patients on that unit, cursing and yelling at people. This
5 made me feel anxious around him. He also would give very small amounts of soap and
6 cleaning materials to the porters, so that they could not clean our cells properly. He
7 created an environment in C-8 that was not therapeutic for our mental health and disability
8 needs. It made us scared. Our group 602 asserted that this behavior was making our
9 mental illnesses worse, and we asked that he be removed from working on any EOP unit. I
10 saw myself and others become visibly more depressed and anxious and the unit. When he
11 was working, there was an obvious mood change on the unit where people would be
12 clearly more worried about going about their day to day lives. His presence was like a
13 rainy day.

14 14. The assault by Officer [REDACTED] on January 29, 2019 caused me physical pain
15 and worsened my mental health issues. My back and legs hurt after being forced to walk
16 without my cane, and my head hurt from being slammed into the table. The assault also
17 made my mental health worse because it started making me feel like I had to be careful
18 and watch out for my safety even more than I already was. I felt I could not trust the staff
19 who were supposed to be doing their job and protecting me. I felt like they were trying
20 hard to make me live in fear of them, which made me anxious and depressed.

21 15. Sometime in May or June, after the January assault, Officer [REDACTED] and
22 Officer [REDACTED] had searched my cell with no warning and broke my digital antenna and took
23 my laundry detergent and other parts of my property. I filed a 602 about this. Officers
24 came to my cell to address my 602 and determined that everything was in my cell and not
25 broken, even though it was not true. They never responded in writing to the 602.

26 16. Shortly after, on July 8, 2019, Officer [REDACTED] tried to strip search me when I
27 was in the dayroom to take my shorts from me because he said they were altered and I
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1 could not wear them. This did not make sense to me because I was given those shorts, in
2 the condition they were, on my very first day at KVSP. I told him I would go remove my
3 shorts in my cell because I did not want to get naked in front of everyone in the dayroom.
4 I had recently gotten my cane back after having it taken away by my doctor for a few
5 months, so I had my cane with me. I did not have my mobility vest on at the time because
6 it had not been returned to me yet, though it was supposed to be returned to me with the
7 cane. I was handcuffed and picked up by my neck and arms and forced to walk to the
8 holding cage without my cane. My leg hurt a lot after the incident and I also sustained a
9 shoulder injury. I did not receive treatment for my injuries after the assault, and a 7219
10 was never done.

11 17. The day after, July 9, I was still in a lot of pain and needed treatment for my
12 injuries. I filed a 7362 reporting that I hurt my right shoulder and right leg and needed
13 treatment. I saw a nurse the same day in response to my 7362. The nurse did not treat my
14 injuries. She told me to tell her sooner about my injuries next time, but she was there and
15 had witnessed them picking me up by the shoulders and forcing me to walk to the holding
16 cage. I submitted a 602 grievance about the incident on the same day of the incident, July
17 8. I was not interviewed until February 18, 2020 by Lieutenant [REDACTED]. The interview was
18 done late because I had been at Riverside County Jail for five months. Lieutenant [REDACTED]
19 only would tell me the date of the incident during the interview and did not refresh my
20 memory at all about the details of my 602. Since it was seven months after the incident
21 and I suffer from periodic memory loss issues due to a gunshot wound from my past, I told
22 him what happened to me but was not able to give specific details, such as names of the
23 officers and what exactly they said to me. After the interview, I received a response to my
24 602 at the second level on February 20, 2020. The response said that staff did not violate
25 CDCR policy when they grabbed me by the neck and shoulders and forced me to walk
26 without my cane.

27 18. On August 27, 2019, I was out on the C-8 Yard around 8:00 a.m. I was
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1 sitting on the ground, playing chess as part of an EOP chess tournament when I saw two
2 other incarcerated people start fighting. An alarm sounded. After a short time, a bunch of
3 officers responded to the scene to break up the fight. Officer [REDACTED] pepper sprayed one of
4 the people fighting, even though this individual had already complied with the officers'
5 orders to get on the ground. The individual was also handcuffed and lying in the dirt. I
6 thought this was excessive and unnecessary, so I yelled out to the officer as I was sitting on
7 the ground, "Stop spraying him, he's already down."

8 19. Officer [REDACTED] and Officer [REDACTED], two other officers who had
9 responded to the fight, then walked over to me where I was sitting on the ground playing
10 chess and told me to prone out, meaning lie face down on the ground. I told them I was
11 mobility impaired. I was not wearing my mobility vest because medical staff had still not
12 given it back to me yet, but my cane was lying next to me on the ground. If I had my
13 mobility vest, I would have been wearing it. The vest signals to staff that I am unable to
14 get down during an alarm. Even though I had not gotten my vest back, I was also certain
15 that these officers knew about my mobility issues, since they knew me from the unit and
16 knew I had reported various issues getting my DMEs.

17 20. After I told them I could not prone out because of my disability, Officer
18 [REDACTED] and Officer [REDACTED] rushed at me and started punching me and hitting me with
19 their batons. They also kicked me a number of times. The assault lasted about two
20 minutes. Sergeant [REDACTED] was near the officers and saw the whole thing. Blood was
21 running down my face. I was handcuffed and shackled at the legs during the assault.
22 After I was handcuffed and shackled, Officer [REDACTED] joined in and pushed and grinded my
23 head into the concrete and punched me several times in the head. A number of
24 recreational therapists, psych techs, and other medical and mental health staff witnessed
25 this event and did nothing to intervene. Because this incident occurred on the yard,
26 multiple incarcerated people saw the assault as well. After assaulting me, the officers
27 propped me up because I could not move, and placed me in a wheelchair to take pictures of
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1 me before I was moved off the scene. While they were taking pictures of me, Sergeant
2 ██████ told me, "Just so you know, whatever they say you did, you did. I've seen you."
3 I took that as a threat that if I reported the incident, it would not go anywhere.

4 21. I could not walk and was wheeled in a wheelchair, with my hands cuffed
5 behind my back and my legs shackled, to the C-Yard program office. When I got to the C-
6 Yard program office a psychiatric technician evaluated me. The psych tech also filled out
7 a 7219 Form to document my injuries. She documented that I had cuts on my eye, and that
8 my eye was discolored and swollen. My nose and cheek were also swollen. I was hurting
9 so badly that I was not able to move, so the full 7219 could not be done. Only my face and
10 head could be evaluated. About thirty or forty minutes later, once I was able to move my
11 body more, a second 7219 was done for my other injuries that were not on my head, by the
12 same psych tech who had done my initial 7219. The psych tech found in the second
13 evaluation that that I had cuts on my right thigh and knee, a scratch on my elbow, and a
14 bruise on my back, in addition to my head and face injuries. Very shortly after being
15 evaluated in the program office, I was moved to the Triage and Treatment Area ("TTA")
16 which is an infirmary off the yard. Shortly after I arrived in the TTA, they sent me out to
17 the Delano Regional Medical Center ("DRMC") to have my injuries treated. I told the
18 medical staff at DRMC that I had been attacked by officers. I was told I had a broken nose
19 and a number of cuts and bruises.

20 22. I returned from the hospital late in the evening that same day. I was moved
21 into the ASU. The following day, I was issued an RVR for "Battery on a Peace Officer"
22 with serious bodily injury. They charged me with serious bodily injury because Officer
23 ██████ broke his hand, but he broke it when he was repeatedly punching me in face.
24 The RVR was completely false. Officer ██████ claimed that I was running to join the
25 fight, that he yelled at me to "stop" and "get down," and that I did not comply. Given my
26 mobility impairment and my use of a cane, the idea that I was running to join the fight is
27 complete nonsense. I was also sitting on the ground playing chess the entire time. The
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1 RVR said that he and Officer [REDACTED] approached me and I was belligerent and suddenly
2 swung my cane in a downward motion at them. However, I was not belligerent and did
3 not swing my cane at anyone. The RVR says that the officers felt threatened because I
4 swung my cane, and that they yelled at me to “get down” again, and then grabbed me by
5 the wrists and shoulders and physically forced me to the ground. This does not make sense
6 because I was already sitting down. The RVR also says that Officer [REDACTED] and Officer
7 [REDACTED] did not see the type of force the other used on me, despite the fact that they were
8 both taking me to the ground at the same time. The RVR also says that they yelled “stop
9 resisting” and I continued to resist them by thrashing my body from side to side at them,
10 even though I was not resisting in any way. Officers often say “stop resisting” even when
11 incarcerated people are not resisting, to justify the unnecessary immediate use of force
12 against us. I believe that is why Officer [REDACTED] put that into the report.

13 23. The RVR does not mention that I have a mobility disability, and that I should
14 not be taken to the ground in any situation. Even if I had not been complying with staff,
15 like the RVR says, I should not have been violently forced to lie on the ground. My
16 mobility vest and cane are meant to signal that I am not required to get down on the ground
17 in an alarm due to my mobility issues.

18 24. I believe that they tried to cover this up, and assaulted me because they knew
19 I was weak and used a cane. I had my RVR hearing for this incident at LAC about two
20 weeks ago. I was present at the hearing but was never provided a staff assistant, or
21 investigative employee. I also was not given any pictures or other information from the
22 incident, or any of the other documentation that they should have given me before the
23 hearing. The adjudicated RVR says that I received all these things, but I did not. I was
24 found guilty and was given 48-month SHU term, meaning I will be in segregation for four
25 straight years for this falsified charge.

26 25. My clinician at the time, Ms. [REDACTED], evaluated me for my RVR mental
27 health assessment (“RVR MHA”) three days after the assault, on August 30, 2019. I told
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1 her that everything was false in the report, and gave her my side of the events. She still
2 filled out the form, said my mental health played no role, and did nothing to help me.

3 26. I filed a 602 staff complaint about the assault shortly after I got back to
4 KVSP from Riverside County Jail in early February 2020. I am still waiting to get a
5 response to that 602. I expect them to deny the 602 and say that staff did nothing wrong.

6 27. I faced ongoing retaliation for reporting staff misconduct from KVSP staff
7 up until the end of my time there. When I returned to KVSP from Riverside County Jail in
8 February 2020, I found out that my Depakote and Gabapentin, medications I have taken
9 for my seizure disorder since 2007, had been discontinued. During this time without these
10 medications, I have had five seizures and received no medical help from staff after those
11 seizures. After my seizures, I decided to go on a hunger strike as a way of protesting
12 medical staff and getting their attention. I was hoping to get them to resume my
13 medications so that I would not have another needless seizure. I submitted multiple 7362
14 and Form 22 requests asking for my seizure medications. I ended up being transferred to
15 Corcoran before getting this issue resolved. I never received my medications back, but
16 now at LAC, medical staff put me on a new seizure medication. However, Gabapentin
17 was serving as both a seizure medication and a pain medication for me for my nerve
18 damage. Without it, I am now being treated for my seizures again, but am suffering in a
19 lot of pain since I am no longer taking a pain medication.

20 28. Staff also lost my property. I had property, including all of my legal
21 documents and personal belongings in my cell in C-8. I also carried some of my legal
22 work with me almost all the time, and had some papers on the yard with me on August 27
23 when I was assaulted. I never got my property back after moving to the ASU or when I
24 returned to KVSP in February. In total my property was worth 468 dollars. Staff justified
25 losing my property by saying I had probably sold it on the yard.

26 29. Aside from being assaulted multiple times, I generally had an extremely hard
27 time getting staff to provide me with my disability accommodations during my time at
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1 KVSP. I need these accommodations to be able to move around the prison day to day. A
2 couple days after the January 29, 2019 assault, the nurse called me out of my cell in C-8 to
3 her station. The custody officers surrounded me while she told me that my doctor had
4 ordered that my cane be taken away from me. No one had told me this was going to
5 happen and no one had evaluated me. One of the nurses or my clinician, I forgot exactly
6 who, told me that the doctor had taken my cane because the officers had told him I was
7 walking around on the yard twirling my cane, and did not seem to need it.

8 30. I believe medical staff were influenced by custody staff who lied and told
9 them that they witnessed me walking, and that I was faking my disability. I felt custody
10 staff were doing this just to mess with me, as I never was able to fully walk, and my
11 disability was and is very real. Without my cane, I could only hop on one leg, as I can
12 only take a couple steps at a time without feeling lots of pain; I would do this around my
13 cell, but it caused me a lot of back pain.

14 31. Not having my cane forced me to stay in my cell and miss my medical
15 appointments, mental health groups, and other commitments for three months. I would put
16 in sick call slips to see the doctor, but the sick call slips would be not responded to. At one
17 point, I found out from my clinician at the time, Dr. [REDACTED], that the custody officers had
18 been telling medical I was refusing my appointments, which was completely untrue. I
19 even received an RVR, and three warnings leading up to it, for “failure to respond” when I
20 could not make it to appointments or groups because I did not have my cane. However, I
21 was never notified about the warnings because I did not know the officers were telling
22 medical that I was refusing. I felt like I was being abusively targeted using my disability,
23 because it was impossible for me attend my appointments without my cane, and yet I was
24 punished for not showing up.

25 32. I believe that the nurses and officers in C-8 also threw away my sick call
26 slips to keep me from seeing the doctor. Because I could not see the doctor, I could not get
27 my cane, vest, or lower-lower chrono back when I had lost them. At one point during the
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1 three months without my DME, they tried to force me to move to the upper tier, even
2 though I could not walk up the stairs. I did not end up moving because I refused, as I
3 physically could not get up the stairs. I submitted multiple Form 22 requests and 7362
4 requests to see my doctor. After three months, my mental health clinician helped me get
5 my DME back after he noticed that I was cutting myself to cope with the stress of dealing
6 with medical staff. I told him I was cutting to cope with the torture I was going through
7 without my DME. He informed his supervisor and he and his supervisor had me sign a
8 contract saying that I would not cut myself before talking with my clinician first. About
9 two or three days later, my DME were restored. My understanding was that my clinician's
10 supervisor reported me not having my DME to Sacramento, and asked the medical staff at
11 headquarters to intervene and restore my DME, because my mental health was
12 deteriorating without my DME.

13 33. I believe that KVSP staff neglect and abuse mentally ill prisoners and people
14 with disabilities. While at KVSP, I filed multiple appeals alleging that the officers in C-8
15 harass people with disabilities and mental illness and deny them basic rights and respect.
16 The officers in that unit create a culture where people with disabilities and mental illness
17 feel at best neglected, and like staff are indifferent about their wellbeing, and at worst,
18 abused and harassed. These assaults and my constant battles with staff to get my mobility
19 accommodations and medications caused me constant mental and physical pain and
20 pressure at KVSP. I do not understand how anyone expects me and other incarcerated
21 people to make improvements to our mental health and physical health in an environment
22 like this. It is crazy to me that on an EOP unit and in a unit where people have disabilities,
23 staff act in such a reckless way.

24 34. I still had to interact with the officers that were involved in the staff
25 misconduct against me nearly every day. All EOP patients at KVSP are housed in the
26 same building, C building, so it's easy to run into the officers while I was still there. They
27 are also very cocky and like to let their presence be known, so they'll walk through the C-
28

1 Yard sections and hang out in the program office.

2 35. In my time at KVSP, there were many times that I needed help but didn't ask
3 for it because I was afraid of what would happen to me. As described before, in the times I
4 did ask for help, I was either abused or ignored. Eventually, I stopped asking for as much
5 help, but when I did, I was extremely scared. I was especially scared during the times that
6 staff were not giving me my mobility accommodations, so I had no way of moving around
7 and advocating for myself. When I cannot move around easily, staff have even more
8 control over me because I rely on them to do everything for me. When staff do not help
9 me in this situation, I feel powerless. I had a period after these assaults where I was
10 resigned to killing myself and would talk about it with people as something I was seriously
11 considering.

12 36. In my opinion, staff target mentally ill prisoners and prisoners with
13 disabilities with staff misconduct. I believe staff see people like myself and others who
14 have mental illness and physical disabilities as people who are weak and defenseless. I
15 think they also see us as people who need a lot of help and require them to work and
16 expend energy. They are lazy and do not want to help us. Staff also know that those of us
17 with a mental illness or other disabilities rely on them for critical things, like our
18 movement, medications, and help getting to treatment for our medical and mental health
19 issues. People with mobility disabilities like myself rely on staff for simple things, in
20 addition to the more complex things. When we cannot move around, we cannot do
21 anything—go pick up a grievance form in the dayroom, get toilet paper, go to chow—and
22 so we have to rely on staff. Staff get annoyed by our constant requests and lash out at us.
23 They also know we rely on them, so when they want to harm us they know they can do so
24 by not helping us. This gives them power and control over us in a way that they don't
25 have over people without mental illness and disabilities that do not need their assistance in
26 the same way.

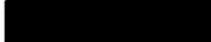
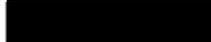
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1 37. I believe the reason there is so much staff misconduct at KVSP is because
2 the administration and staff that supervise the line staff at KVSP let officers and other staff
3 do what they want. Because this behavior is tolerated, staff are completely comfortable
4 and sure that they can do whatever they want to you and no one, even their bosses, will say
5 anything. This has become obvious based on my experiences where staff have
6 automatically believed reports of their fellow staff without hearing and respecting me and
7 other incarcerated people and what we are saying. This creates a culture where prisoners
8 like myself are automatically made out to be the bad guys, and staff are automatically the
9 good guys, no matter what happens.

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct, and that this declaration is executed at Lancaster,
12 California this 21st day of May 2020.

13
14 

15
16 On May 21, 2020, due to the closure of California State Prison –Los Angeles
17 County in light of the COVID-19 pandemic and ongoing concerns that officers might
18 retaliate against witnesses in support of Plaintiffs’ Motion, I read the contents of this
19 declaration, verbatim, to  by telephone.  orally confirmed
20 that the contents of the declaration were true and correct.  also orally
21 granted me permission to affix his signature to the declaration and to file the declaration in
22 this matter.

23
24 DATED: May 21, 2020



25 Emma Cook

EXHIBIT 62

1 SUPPLEMENTAL DECLARATION OF [REDACTED] [REDACTED]

2 I, [REDACTED] [REDACTED] declare:

3 1. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify.

5 2. My California Department of Corrections and Rehabilitation (“CDCR”) identification number is [REDACTED]. I am currently housed at Kern Valley State Prison
6 (“KVSP”) in Administrative Segregation Unit (“ASU”), which is in Building 1. I am 38
7 years old.
8

9 3. This declaration is a supplement to the declaration I signed regarding staff
10 misconduct at California State Prison – Lancaster (“LAC”).

11 4. I have been housed at KVSP from January 2020 until present. I occasionally
12 return to LAC for court appearances. Because I am the ICF level of care, I am supposed to
13 transfer to a Psychiatric In-patient Program.

14 5. I was a victim of staff misconduct at KVSP.

15 6. I have been housed in the ASU building at KVSP since March 27, 2020. On
16 May 22, 2020, people in my housing area had blocked the windows on their cells to protest
17 staff brutality and misconduct against us. That afternoon I was waiting for a medical
18 appointment to change the bandages on my wrist because I recently had wrist surgery. The
19 officers in my unit were trying to get everyone to unblock their windows. Even though my
20 window was not blocked, one of the officers who works on second watch, Officer
21 [REDACTED] came to my cell and told me that I had refused to go to my medical
22 appointment. I told him I did not refuse and that I needed my stitches cleaned.

23 7. Officer [REDACTED] started cursing at me, calling me a “snitch” and a
24 “faggot.” I had testified in the 2013 enforcement hearings in *Coleman v. Newsom*.
25 Officers started calling me a “Coleman snitch” at KVSP after Lieutenant [REDACTED] called
26 me from LAC and had said while on speakerphone within earshot of KVSP officers that I
27 had been involved in that case.
28

1 8. Officer ██████ then opened my tray slot and said, “I have something for
2 you, bitch.” He then put a mace can through the tray slot.

3 9. I turned around, so he would not mace me in the face. He did not deploy the
4 mace, but instead hit me forcefully in the buttocks with the can. He made a derogatory
5 statement, but I cannot recall exactly what he said. Then he pulled the mace can back out
6 and slammed my tray slot closed.

7 10. Officer ██████ then said that he was going to break all of the things in
8 my cell during a cell search, that he was going to plant a weapon on me, and that he was
9 going to write me up for threatening him.

10 11. I told him that I would report this to my criminal lawyer and to class counsel
11 for the *Coleman* case. He responded, “Don’t worry about it. I’m going to kill you.
12 They’ll find you hanging in your cell, Nigger.” Everyone on my tier heard him threatening
13 me. Officer ██████ then moved on to another cell.

14 12. Later that day, I told my clinician what Officer ██████ had done. My
15 clinician said he would report it to the supervisor of the mental health program, Ms. ██████
16 and to the sergeant for my unit.

17 13. No staff member has spoken to me about the incident, so I do not believe it is
18 being investigated.

19 14. Right after Officer ██████ threatened me, I tried to get a 602 grievance
20 form. Because I am in a cell, I need an officer to give me forms. For three days, I asked
21 Officers ██████, ██████, ██████, and another officer for grievance forms. The officers
22 either refused to give me a form, told me the forms were not available, or told me they
23 would get it, but then did not follow through.

24 15. I eventually obtained a 602 form from someone in a neighboring cell. I
25 filled it out and sent it to class counsel for *Coleman* to submit on my behalf. I was
26 concerned that if I submitted it myself, the form would be discarded by KVSP staff.

27 16. Because I am going to be transferred, I am supposed to take a COVID-19
28 test. Yesterday, Officer ██████ was going to different cells asking people who are

1 going to be transferred if they want to take the test. When he came up to my cell, he asked
2 me if I wanted to take the test. I told him, "Yes, I do." He responded, "No. You don't.
3 You just refused." He then walked away laughing.

4 17. I am concerned that I will not be transferred if I do not take a COVID-19
5 test. KVSP does not provide ICF level of care, so I need to be transferred to receive the
6 level of care I need for my mental health conditions. By refusing to let me take the test,
7 Officer [REDACTED] is possibly preventing me from getting mental health care that I need.

8 18. I believe the staff at KVSP are retaliating against me for my involvement in
9 the *Coleman* and *Armstrong* cases.

10 I declare under penalty of perjury under the laws of the United States of America
11 that the foregoing is true and correct, and that this declaration is executed at Delano,
12 California this 29 day of May, 2020.

13

14

/s/ [REDACTED] _____
[REDACTED]

15

16

17 On May 29, 2020, due to the closure of KVSP in light of the COVID-19 pandemic
18 and ongoing concerns that officers might retaliate against witnesses in support of
19 Plaintiffs' Motion, I read the contents of this declaration, verbatim, to [REDACTED]
20 by telephone. [REDACTED] orally confirmed that the contents of the declaration
21 were true and correct. [REDACTED] also orally granted me permission to affix his
22 signature to the declaration and to file the declaration in this matter.

23

24 DATED: May 29, 2020



25

Rekha Arulanantham

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EXHIBIT 63

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DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (“CDCR”) number is [REDACTED]. I am currently housed at the California Substance Abuse Treatment Facility and State Prison, Corcoran (“SATF”) in Short-Term Restricted Housing (“STRH”) in Facility Z, Building 1. Before that, I was housed in Facility C, Building 8, and from April 4, 2020 to April 21, 2020, I was housed in the CTC, Facility S, the infirmary.

3. I am an *Armstrong* class member. I wear eye glasses and hearing aids. My disability code is DNH.

4. I am a *Coleman* class member. Since April 21, 2020, I am at the Enhanced Outpatient (“EOP”) level of mental health care. From April 4, 2020 to April 21, 2020, I was at the Mental Health Crisis Bed (“MHCB”) level of care and prior to that I was at the Correctional Clinical Case Management System (“CCCMS”) level of mental health care.

5. My diagnoses include antisocial personality disorder, insomnia and depression. I take Effexor, Prazosin and Zyprexa for this conditions.

6. On April 4, 2020, my hearing aids were broken. I had an appointment to get them fixed on April 2, 2020, but due to the COVID-19 pandemic, my appointment was postponed.

7. Because my hearing aids were broken, I was unable to hear the officers approach my cell on the morning of April 4, 2020. I was in my cell when Officer [REDACTED] and Officer [REDACTED] ordered me to exit my cell. The day before, April 3, 2020, I learned that my godsister was diagnosed with Coronavirus. I assumed the officers were coming to my cell to tell me that something bad had happened to her. I asked them to explain why I needed to come out of my cell but again they ordered me to come out. I backed away from the door, not wanting to come out and not knowing why they were there. Because I was unable to hear well without my hearing aids, I took off my glasses to try to read their lips.

1 8. As I backed away from the cell door and removed my glasses, Officer
2 ██████████ prepared to pepper spray me. I stated that I did not pose a threat and I raised my
3 hands in the air. I asked the officers to go get a Sergeant. Instead, Officer ██████████ pepper
4 sprayed me in the face.

5 9. Officer ██████████ then entered my cell, grabbed me by my shirt, and dragged
6 me out. Next he slammed me to the ground out in front of my cell. Officer ██████████ was
7 standing to the right of my cell when this happened. He may have helped Officer ██████████
8 drag me out of the cell and throw me to the ground, but I could not see because I had been
9 pepper sprayed. I do not remember hitting the ground. I am not sure if I was knocked
10 unconscious, but I remember coming to after I was on the ground and I was being punched
11 in the back by the officers. The officers were trying to grab my arms to handcuff me.

12 10. I know that Mr. ██████████ in cell ██████████ saw what was happening to me because I
13 heard him tell the officers to stop, and that they had gone too far.

14 11. After the incident I was taken to Administrative Segregation. I became so
15 distraught about what happened. I felt like custody staff could simply hurt me, or do
16 whatever they wanted to me, as if I had no rights. The feeling was overwhelming and
17 made me feel exhausted and tired of fighting it. A few hours later I attempted suicide by
18 swallowing four of my old hearing aid batteries and 25 Tylenol. I was sent to Bakersfield
19 Adventist Hospital (“BAH”) for treatment in the emergency room and I returned to SATF
20 on the same day.

21 12. When I returned from the hospital, I reported to staff that Officers ██████████
22 and ██████████ had used excessive force. I was interviewed that same day on camera by a
23 lieutenant who, before the interview started, asked me why I didn’t just exit my cell and
24 submit to the cell search. That was the first time I learned what the officers were doing at
25 my cell. The officers never answered my question nor told me why I was ordered to leave
26 my cell that morning.

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1 On May 19, 2020 due to the closure of Substance Abuse Treatment Facility and
2 State Prison, Corcoran, in light of the COVID-19 pandemic and ongoing concerns that
3 officers might retaliate against witnesses in support of Plaintiffs' Motion, I read the
4 contents of this declaration, verbatim, to [REDACTED] [REDACTED] by telephone. [REDACTED] [REDACTED]
5 orally confirmed that the contents of the declaration were true and correct. [REDACTED] [REDACTED]
6 also orally granted me permission to affix his signature to the declaration and to file the
7 declaration in this matter.

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DATED: May 19, 2020

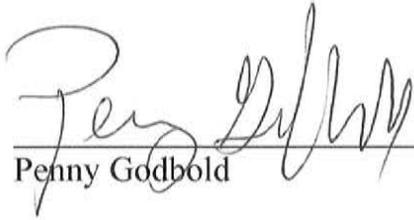

Penny Godbold

EXHIBIT 64

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15 Attorneys for Plaintiffs

16
17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 JOHN ARMSTRONG, et al.,
21 Plaintiffs,
22 v.
23 GAVIN NEWSOM, et al.,
24 Defendants.

Case No. C94 2307 CW

**DECLARATION OF MELISSA
TURNER**

Judge: Hon. Claudia Wilken

1 I, Melissa Turner, declare:

2 1. I am a former employee of the California Department of Corrections and
3 Rehabilitation. I have personal knowledge of the matters set forth herein, and if called as a
4 witness, I could and would competently so testify. I am currently a Licensed Clinical
5 Social Worker at the San Diego County Jail. I have a master’s degree in forensic
6 psychology as well as master’s degree in social work. I have been working with mentally
7 ill patients affected by the criminal justice system in state hospitals and correctional
8 environments for approximately 10 years.

9 2. From August 2017 to August 2018 I was employed as a social worker at
10 Richard. J. Donovan Correctional Facility (“RJD”). During my time at RJD, I was
11 working towards completing my hours to obtain my social work license. I was hired at
12 RJD for a one year term. But, due to the extreme stress caused by custody staff harassing
13 and retaliating against me, I stopped going in to work approximately three weeks before
14 my one year term at RJD ended.

15 3. As a social worker at RJD, I worked in the mental health program offices on
16 Facility A. I led mental health groups for incarcerated people. Most of my groups took
17 place three times a week. I also conducted one-on-one counseling appointments for people
18 with mental illness. Custody staff at RJD regularly interfered with my ability to do my job
19 and provide mental health and rehabilitative programming to incarcerated people.

20 4. Custody staff frequently refused to bring incarcerated people to their
21 scheduled groups and to my one-on-one appointments. This happened at least a couple of
22 times a week.

23 5. I recall one instance where an entire housing unit was missing from one of
24 my groups. When I inquired about where they were, a custody staff member said, in front
25 of the rest of the group, “Oh, those inmates said they don’t like you and don’t want to
26 come to your group.” That comment undermined my credibility and rapport with my
27 mental health group and effected my ability to do my job. I did not believe that an entire

28 

1 housing unit of people did not like me and want to come to my group because I knew that
2 most participants looked forward to getting out of their cells and coming to group therapy.

3 6. Custody staff made other comments to me about my groups and called me a
4 “carebear,” which is a derogatory comment for someone who is kind and helpful to
5 incarcerated people. These comments from custody staff were demoralizing, and made me
6 feel helpless, because I was at the mercy of custody staff and there was nothing I could do
7 when they refused to escort participants to my groups or my one-on-one appointments.

8 7. One time, I complained to my supervisor that Officer [REDACTED] was not
9 bringing my attendees to group. My supervisor immediately called up to the custody office
10 and reported that I said Officer [REDACTED] was not escorting incarcerated people to my
11 group. That was around November of 2017. Later that day, a colleague told me that
12 custody staff were referring to me as a “rat.” After I made that complaint regarding Officer
13 [REDACTED] things started to get even worse for me at RJD. After that I felt like custody staff
14 were trying to get me to quit or get fired.

15 8. One time a correctional officer told me that one of my program attendees
16 was not coming to group because he had been murdered. I was stunned and horrified. But
17 later I found out it was a lie. I am not sure why the officer lied to me, but I believe it was
18 to see my reaction. It is common knowledge among mental health staff that if you act too
19 nice or too close to incarcerated people, custody staff will charge you with
20 “overfamiliarity,” which is grounds for termination. I believe that custody staff were
21 trying to get me fired by seeing if I would react emotionally to the news about a patient’s
22 murder. I did not take the bait and react outwardly.

23 9. I do care about my patients and view it as an essential part of my job as a
24 social worker to be nice and respectful to the incarcerated people who are my patients. I
25 do not have any problem with this at the county jail where I am presently employed. But,
26 at RJD, being kind to incarcerated people created a conflict with custody staff which made
27 it impossible to effectively do my job.

28 

1 10. I felt unsafe at RJD because I did not believe I could count on custody staff
2 to protect me if I needed help. For example, multiple times I asked for but was not able to
3 obtain a custody staff escort walking across the high security level (level III) prison yard I
4 worked on. Custody staff simply refused to escort me and said “no” when I asked. I
5 saw this happen to other mental health staff who also asked for escort. So, I stopped
6 asking for one after I was denied an escort multiple times.

7 11. Also, there was one incarcerated person who was delusional and mentally
8 unstable. This person was stalking me at work. Custody staff would laugh about the
9 situation and would not do anything to stop him from harassing me. For example, custody
10 staff are supposed to stop incarcerated people, check their ID cards, and tell them to wait at
11 the door of the mental health program building. Instead, custody staff let this person
12 through the checkpoint, and allowed him to come back to my office, uninvited, where I
13 would have a difficult time getting him to leave. This person was not even on my caseload
14 and therefore should not have been allowed to enter. My office was close to the desk
15 where custody staff were stationed and multiple times I heard custody staff members laugh
16 when this person was allowed back to my office. When I questioned custody staff about
17 why he was let in they just laughed and did nothing to stop it. One time custody staff told
18 me that they found this person standing alone in my office in the dark while I was out of
19 the office. I am not sure if this actually happened but I assumed they told me this to
20 frighten me and cause me further stress about the situation. This incident made me realize
21 that custody staff knew that this person was a safety concern for me and still did nothing to
22 stop it. This went on for approximately four months. If something bad happened to me as
23 a result of this stalking, I did not believe that custody staff would intervene and help me. It
24 was upsetting to me that I was not protected.

25 12. I believe that custody staff were harassing me in retaliation for complaining
26 about their refusal to bring my attendees to group. I wrote three to four memos to
27 supervisory staff, starting in November 2017, describing incidents of custody staff member
28 harass



1 result. I typed these memos on CDCR letterhead, printed and signed them, and delivered
2 them to my supervisor. I wish I could access those memos to help me remember all that I
3 wrote about the harassment I was experiencing during that time but I do not have access to
4 the memos now.

5 13. The antagonism I experienced, combined with the helplessness I felt because
6 I was so dependent on custody staff for my job, started to cause me a great deal of anxiety.
7 I began having panic attacks for the first time in my life. Eventually I stopped going to
8 work because I was unable to deal with the stress. When my term at RJD was ended, I had
9 to ask a colleague at the prison to clean out my desk because I could not bring myself to
10 return to that environment.

11 14. While at RJD, I overheard custody staff members say things like that they
12 “hate” incarcerated people and that they do not deserve the help or services that it was my
13 job to provide. I also witnessed staff make fun of incarcerated people. I frequently saw
14 custody staff antagonize people with mental illness, it appeared, in order to set them off.
15 Then staff would laugh when the mentally ill people would react, like they thought it was
16 entertaining to provoke them. I saw this occur a few times every week.

17 15. Towards the end of my term at RJD, I witnessed an increase in fights
18 between incarcerated people on Facility A. On multiple occasions, I saw staff
19 intentionally ignore fights between incarcerated people. I know it was intentional because
20 it was their job to stop the fighting and I saw them stand by and watch the fights without
21 doing anything.

22 I declare under penalty of perjury under the laws of the United States of America
23 that the foregoing is true and correct, and that this declaration is executed at Spring Valley,
24 California on 4/20/2020.

DocuSigned by:
Melissa Turner
C3F03C8DB4264EA...

Melissa Turner

EXHIBIT 65



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www.rbgg.com

Gay Crosthwait Grunfeld
Email: ggrunfeld@rbgg.com

March 19, 2020

VIA ELECTRONIC MAIL ONLY

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**SUBJECT TO
PROTECTIVE ORDERS**

Damon McClain
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
Damon.McClain@doj.ca.gov

Re: *Armstrong v. Newsom*: Gaps in the Current Document Production
Our File No. 0581-03

Dear Damon:

In advance of our call scheduled for tomorrow, I write regarding the status of documents produced in response to Plaintiffs' November 2019 Request for the Production of Documents. Specifically, we request confirmation regarding whether the documents produced thus far represent the totality of incidents between January 2017 and November 2019 that were referred to the Office of Internal Affairs ("OIA"). It appears that you have produced documents for 18 incidents that were referred to the OIA during the covered period. However, Kim Seibel testified that there were 20 incidents referred to the OIA during this period. (*See* Deposition of Kim Seibel, pp. 250:4-253:4.) Thus, we are concerned that there may be incidents for which we have not yet received documents. Please confirm.

Further, for the 18 incidents in which documents have been produced, it appears many documents are missing. We have identified gaps in the production of OIA and other relevant investigation and disciplinary documents which appear missing such as Form 989, Form 402/403s, and Notices of Adverse Action, etc.

Below is a table summarizing the incidents and the documents which we believe remain missing and which we would like to discuss on the call with you tomorrow.

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
7/23/19	10/30/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)	00018588-18727
4/24/19	7/16/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)	00018728-18838
4/23/19	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)	00001360-1380
2/7/19	3/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake	Direct Action Authorized	00018479-18505,

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Page 3

Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
				Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents		00020211-20239.
1/21/19	2/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	Produced by Ms. Ramos during PMK Deposition
12/16/18	3/15/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Rejected: Further Local Inquiry Required	00002945-3237
12/11/18	1/22/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other	Subject-Only Interview Investigation	00018431-18476

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March 19, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
				OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents		
11/10/18	1/10/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	00018158-18430
10/9/18	12/12/18			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	00017379-18041
10/8/18	12/10/18			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product	Rejected: No Misconduct Identified	00017312-17378

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March 19, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
9/24/18	12/13/18	[REDACTED]	[REDACTED]	Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product	Rejected: No Misconduct Identified	00018042-18157
2/3/18	3/11/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product	Rejected: No Misconduct Identified	00018506-18587
11/7/17	12/18/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	00017244-17311
9/29/17	11/20/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	00017220-17243

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March 19, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
9/14/17	10/17/17, 11/2/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation, Discipline Imposed	00012753-12817, 00016518-16979, 00017048-17219, 00020158-20210
7/17/17	9/1/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	Administrative investigation	00000346-357, 00018839-18843
5/25/17	3/11/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product	Rejected: No Misconduct Identified	00003238-3307
3/31/17	5/16/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative	Administrative Investigation	00016446-16516

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March 19, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
				Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents		

Please confirm the status of all documents identified as missing. Please prioritize the missing documents listed above, and all OIA investigative documents including all 989's, investigative reports, 402/403, Notice of Adverse Actions, Skelly Hearing Reports, State Personnel Board Appeals such that those remaining documents will be produced in the next round of production.

We look forward to working through these issues tomorrow.

Very truly yours,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Gay Crosthwait Grunfeld

By: Gay Crosthwait Grunfeld

GCG:JRG:cg

cc: Ed Swanson
Joanna Hood
Russa Boyd
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EXHIBIT 66



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March 30, 2020

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 PROTECTIVE ORDERS**

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Re: *Armstrong v. Newsom*: Request For Production of Documents
Our File No. 0581-03

Dear Sean:

This letter is a follow up to our telephone call on Friday, March 27, 2020. As discussed, we would like Defendants to prioritize the production of investigation and inquiry documents. We have determined that there are currently documents missing from investigation and inquiry files that have already been produced.

Below is a table summarizing incidents that appear to contain OIA level paperwork but for which there appear to be missing documents. These are additional OIA incidents that were not identified in our letter of March 19, 2020.

Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
4/9/2018	4/26/2018			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work	Administrative Investigation	0020076-20099

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Sean Lodholz
 March 30, 2020
 Page 2

Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision	DOJ Bates Nos.
				Product (missing Exhibits), Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents		
3/28/2017	4/24/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	0020100-20108
12/2/2016	1/12/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation	0020135-20157

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 March 30, 2020
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We also identified a number of gaps in the production of documents related to institutional-level inquiries (for example, ISU inquiries, appeal inquiries, IERC UOF reviews, etc.) into allegations of staff misconduct at RJD. In many cases, critical documents – such as dispositional documents which tell the outcome of the appeal request, or inquiry work product, like the confidential Attachment C, are missing from the production. Below is a table summarizing gaps in the production of documents related to institution-level inquiries.

Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
5/26/16				602	Attachment C and/or other institution-level inquiry documents	846, 853
2012				602	Attachment C and/or other institution-level inquiry documents	869
6/5/17				602-HC	Attachment C and/or other institution-level inquiry documents	883

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Sean Lodholz
 March 30, 2020
 Page 4

Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
12/10/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	1174
11/1/16				602 (screened-out, but assigned for inquiry)	Attachment C and/or other institution-level inquiry documents, disposition documents	1753, 11320
4/19/18				602	Disposition documents	8253
4/14/17				1824	Attachment C and/or other institution-level inquiry documents	1785, 1792, 1801
11/9/17				602	Attachment C and/or other institution-level inquiry documents	2691

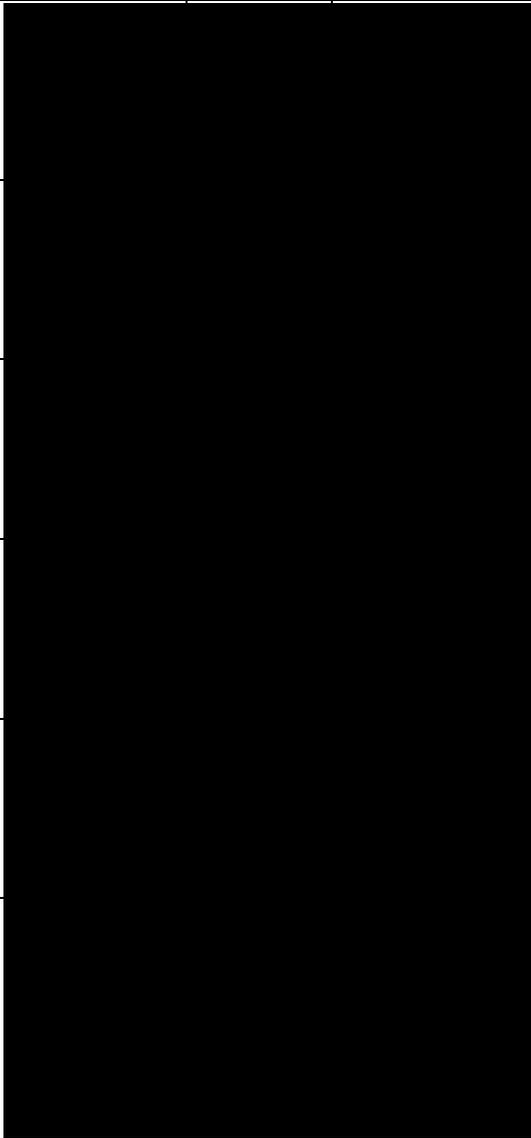
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 March 30, 2020
 Page 5

Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
11/7/16				602	IERC and incident reports	6868, 6875
11/21/19				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	2879, 2889
9/1/19				602/1824	Disposition documents	501, 913
12/19/17				602	Disposition documents	1342
9/7/18				602	Disposition documents	1326
08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2901
08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2902
08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2904

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Sean Lodholz
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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
06/23/17				Warden's Correspondence	Inquiry documents, disposition documents	2910
06/2018				Warden's Correspondence	Inquiry documents, disposition documents	2936
9/19/17				Clinician Memo	Inquiry documents, disposition documents	6693
03/10/18				OIA emails	602, Inquiry documents, disposition documents	6672
09/13/17				602	602, inquiry documents, disposition documents	6694
6/30/16				602	Attachment C and/or other institution-level inquiry documents	6743

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
2/1/17				602	Attachment C and/or other institution-level inquiry documents	6771, 6778
6/19/16				602	Attachment C and/or other institution-level inquiry documents	6858
1/9/17				602	Attachment C and/or other institution-level inquiry documents	6878
11/1/16				602	Attachment C and/or other institution-level inquiry documents	6917
12/28/18				602	Attachment C and/or other institution-level inquiry documents	8876, 9386

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
4/2/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	9697
4/7/17				602	602, disposition documents	6894
3/2/17				602	Attachment C and/or other institution-level inquiry documents	7185, 7867
5/3/19				602	Attachment C and/or other institution-level inquiry documents	9727, 9733
07/2019				602	Attachment C and/or other institution-level inquiry documents	10366

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
3/4/19				602	Attachment C and/or other institution-level inquiry documents	11282
1/6/19				602	Attachment C and/or other institution-level inquiry documents	12276
2/10/19				602	Attachment C and/or other institution-level inquiry documents	12559
9/5/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	12577
2/15/18				Clinician Memo	Attachment C and/or other institution-level inquiry documents	13645

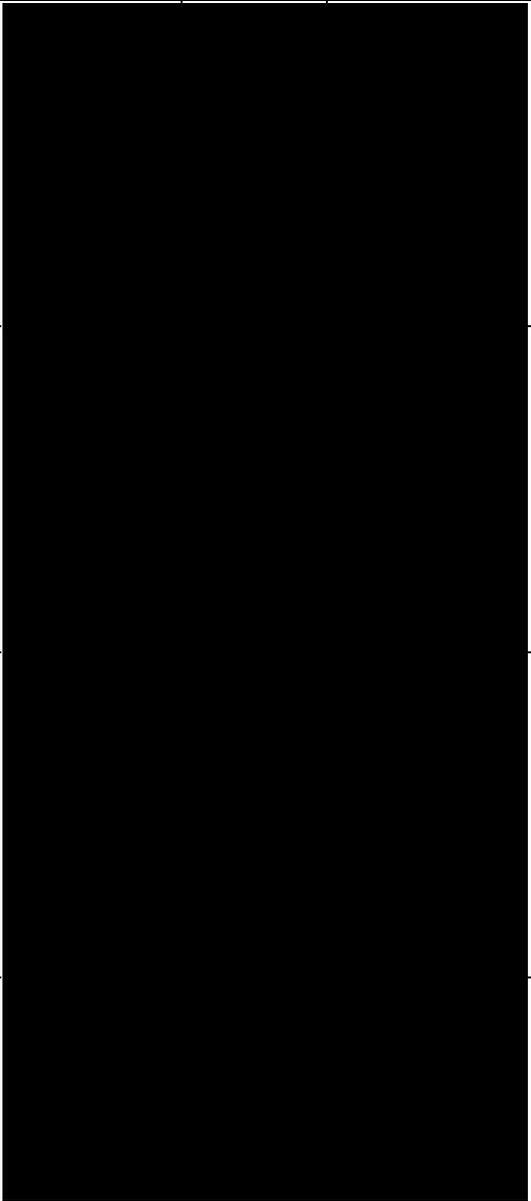
PRIVILEGED AND CONFIDENTIAL

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
8/23/18				602	Attachment C and/or other institution-level inquiry documents	13879
10/10/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	11184
9/11/18				602	Attachment C and/or other institution-level inquiry documents	15241
12/23/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15307

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
4/13/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15528
4/6/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15490, 15616
6/14/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15585
12/16/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15606

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
12/2018				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15656
2/15/17				602	Disposition documents	1381
6/25/17				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15816
6/19/17				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15851

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
6/25/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15886, 15896
07/2019				Accountability Inquiry	Institution-level inquiry documents, disposition documents	16322
08/21/18				Accountability Inquiry	Institution-level inquiry documents, disposition documents	16330
4/13/17				602	Attachment C and/or other institution-level inquiry documents	20240
7/14/18				602	Final Disposition document	26556

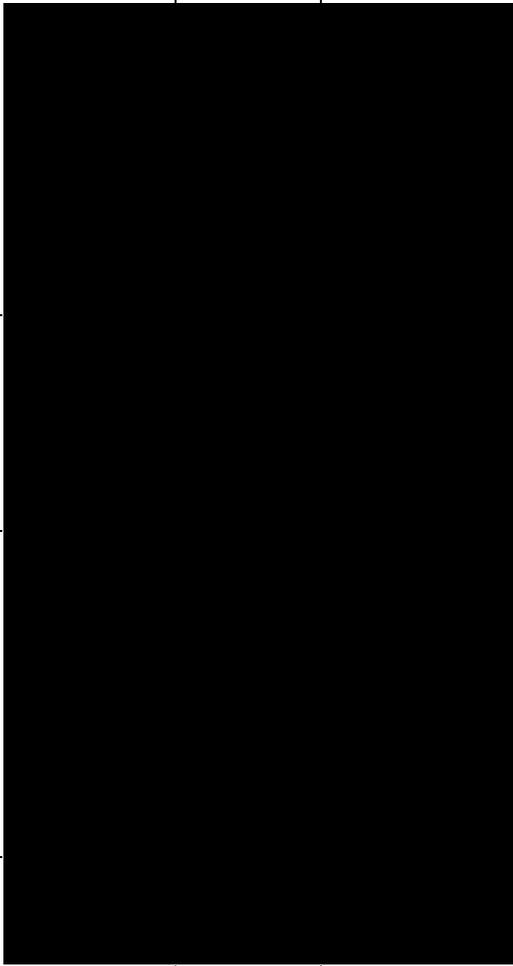
PRIVILEGED AND CONFIDENTIAL

Sean Lodholz
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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
7/26/18				602	Attachment C and/or other institution-level inquiry documents	20244, 20273
9/11/18				602	Attachment C and/or other institution-level inquiry documents	20278
Unknown				602	Attachment C and/or other institution-level inquiry documents	20315
12/20/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	20650

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
9/1/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	30587
8/2/18				UOF Review	Institution-level inquiry documents, disposition documents	30590
Unknown				602	Attachment C and/or other institution-level inquiry documents, disposition documents	30628
4/6/19				Clinician Emails	Institution-level inquiry documents, disposition documents	30708

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
8/2/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47557, 47554
9/3/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47544
7/9/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	11223
8/11/18				3013/3014	Institution-level inquiry documents, disposition documents	47533

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Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	DOJ Bates Nos. of Existing Production
5/7/18				3013/3014	Institution-level inquiry documents, disposition documents	47527
11/16/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47524
6/24/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	39092

Plaintiffs also reviewed an IATS print-out covering all staff complaints filed by *Armstrong* class members at RJD from March 1, 2018 through August 31, 2018 in an attempt to identify further gaps in the production. *See Attachment A.* Our review revealed that, for the vast majority of staff misconduct complaints filed in that time period as listed on that tracking document, Defendants have not produced any documents. With the exception of the incidents summarized below, Plaintiffs were unable to find *any* documents associated with the incidents tracked on the IATS print-out. And, as the table below indicates, there appear to be gaps in these documents as well.

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Staff	Resolution	Type	CDCR #	Appellant name	Documents Produced and Documents Missing (in bold)	DOJ Bates Nos. of Existing Production
[REDACTED]	No Violation	Inquiry	[REDACTED]	[REDACTED]	602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C	39012
[REDACTED]	No Violation	Inquiry	[REDACTED]	[REDACTED]	602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C	39012
[REDACTED]	No Violation	Inquiry	[REDACTED]	[REDACTED]	602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C	39012
UNKNOWN	UNKNOWN	UNKN OWN	[REDACTED]	[REDACTED]	602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C, Letter from OOA to Institution	26181

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	No Violation	Inquiry		602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C	15851
	No Violation	Inquiry		602, Routing Slip, Disposition Document (FLR, SLR, and/or TLR), Attachment C	15851
	No Violation	Inquiry		602, Disposition Document (FLR, SLR, and/or TLR), Attachment C	20273
	UNKNOWN	Inquiry		602, Disposition Document (FLR, SLR, and/or TLR), Attachment C	20240
	UNKNOWN	Inquiry		602, Disposition Document (FLR, SLR, and/or TLR), Attachment C, Warden's Correspondence	2936
	No Violation	Inquiry		602, Disposition Document (FLR, SLR, and/or TLR), Attachment C, UOF/IERC work-up	1260

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[REDACTED]	No Violation	Inquiry	[REDACTED]	602, Disposition Document (FLR, SLR, and/or TLR), Attachment C, UOF/IERC work-up	1260
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Plaintiffs are concerned that the IATS tracking document lists a number of alleged staff misconduct incidents that have not been produced. We request that these documents be prioritized in the next production. In the interest of identifying further gaps in the production, Plaintiffs respectfully request that Defendants produce a complete IATS tracking document for all staff complaints filed by *Armstrong* class members at RJD for the period January 1, 2017 through the present.

As requested in our previous letter, please prioritize the missing documents listed above, and all OIA investigative documents including all 989's, investigative reports, 402/403, Notice of Adverse Actions, Skelly Hearing Reports, State Personnel Board Appeals such that those remaining documents will be produced in the next round of production. Please also prioritize missing documents related to the disposition or investigation into complaints at the local level, as highlighted above.

Sincerely,

ROSEN BIEN
 GALVAN & GRUNFELD LLP

/s/ Penny Godbold

By: Penny Godbold

PG:JRG:cg

Enclosure

cc: Ed Swanson
 Joanna Hood
 Russa Boyd
 Tamiya Davis
 Annakarina De La Torre-Fennell
 Damon McClain
 Co-Counsel

EXHIBIT A

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01055
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01308
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01680
[REDACTED]	Correctional Officer	DID VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01680
[REDACTED]	Correctional Sergeant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01680
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01878
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01929

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-01929
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02007
[REDACTED]	Correctional Officer	Staff did NOT violate policy	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02126
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02288
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02338
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Lieutenant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02438
[REDACTED]	Correctional Sergeant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-02458

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-A-18-02970
	Chief Deputy Warden	DID NOT VIOLATE POLICY	Inquiry			RJD-A-18-03282

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

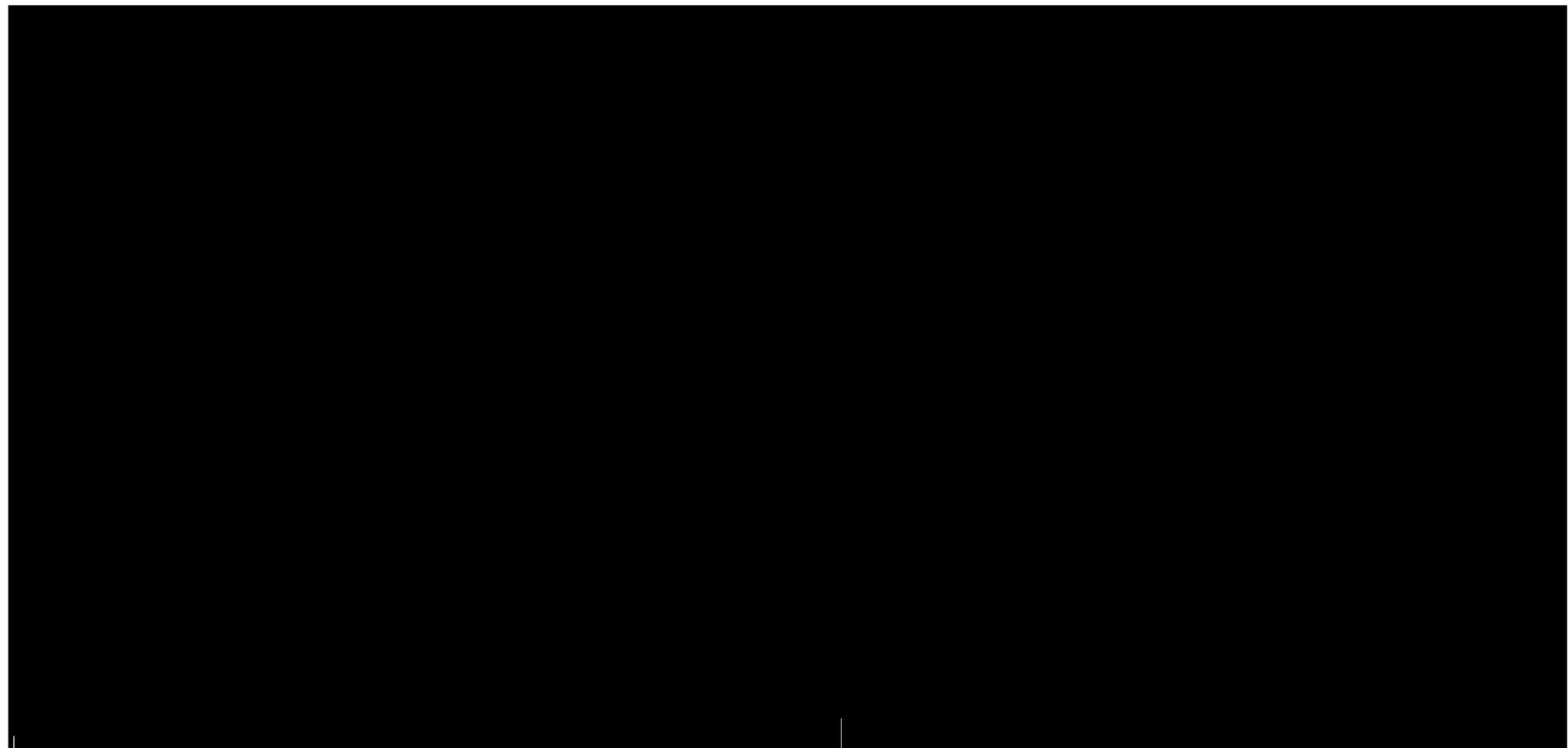
Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
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Correctional
Officer

DID NOT VIOLATE
POLICY

Inquiry

RJD-A-18-03881

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018

To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-04637
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-04694
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-04935
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-04936

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-05239
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-A-18-05378
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Captain	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01310
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01310
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01419
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01419
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01419
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01564
[REDACTED]	Correctional Counselor I	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01569
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01569
[REDACTED]	Correctional Lieutenant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01575

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01613
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01615
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-01750
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Lieutenant	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-02317
[REDACTED]	Correctional Sergeant	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-02339
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-B-18-02339

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Lieutenant		Inquiry			RJD-B-18-02459
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-B-18-02875
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-B-18-02875
	Correctional Officer		Inquiry			RJD-B-18-03121
	Correctional Officer		Inquiry			RJD-B-18-03121
	Correctional Officer		Inquiry			RJD-B-18-03121
	Correctional Sergeant		Inquiry			RJD-B-18-03121

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

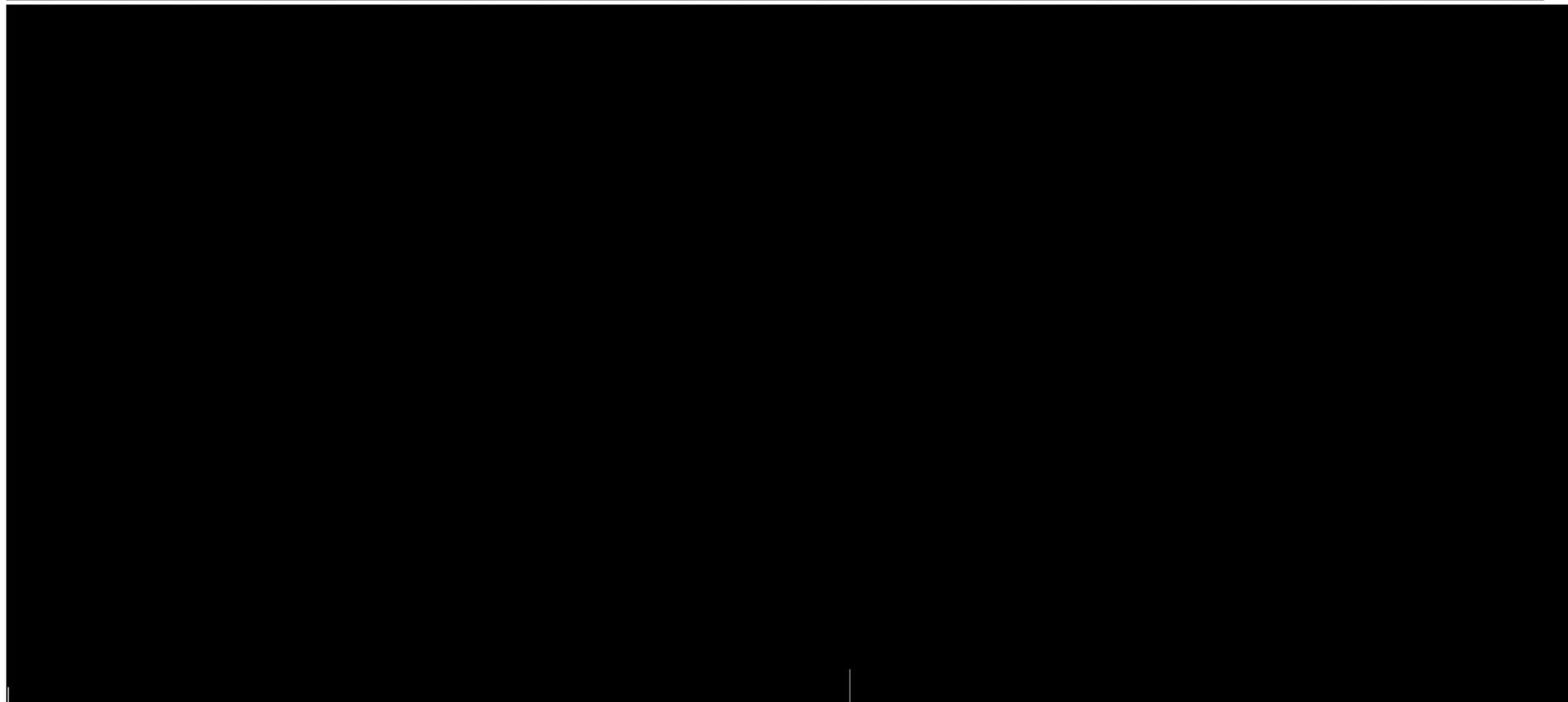
Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
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Correctional
Officer

Inquiry

RJD-B-18-03878

RJD-B-18-03882

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-B-18-04463
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-B-18-04463
	Warden		Inquiry			RJD-B-18-04634
					C	RJD-B-18-05143
	Correctional Officer		Inquiry			RJD-B-18-05312
	Correctional Officer		Inquiry			RJD-B-18-05312

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Officer		Inquiry			RJD-B-18-05416
	Correctional Sergeant		Inquiry			RJD-B-18-05416
	Correctional Officer		Inquiry			RJD-C-18-00992
	Correctional Officer		Inquiry			RJD-C-18-00992

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Officer		Inquiry			RJD-C-18-01192
	Correctional Officer		Inquiry			RJD-C-18-01568
	Correctional Officer		Inquiry			RJD-C-18-01568
	Correctional Officer		Inquiry			RJD-C-18-01568

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Counselor I	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02411
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02481
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Officer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02564
[REDACTED]	Correctional Counselor I	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02565
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02846

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-02846
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-03170
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-C-18-03573
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-03789
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-C-18-03828

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer		Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-03971
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-C-18-04579 RJD-C-18-04672
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-C-18-05090
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-C-18-05272

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-C-18-05485
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-D-18-01418
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-D-18-01571
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-D-18-02315
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-D-18-02428
[REDACTED]	Correctional Sergeant	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-D-18-02480
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-D-18-02943
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-D-18-03396

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

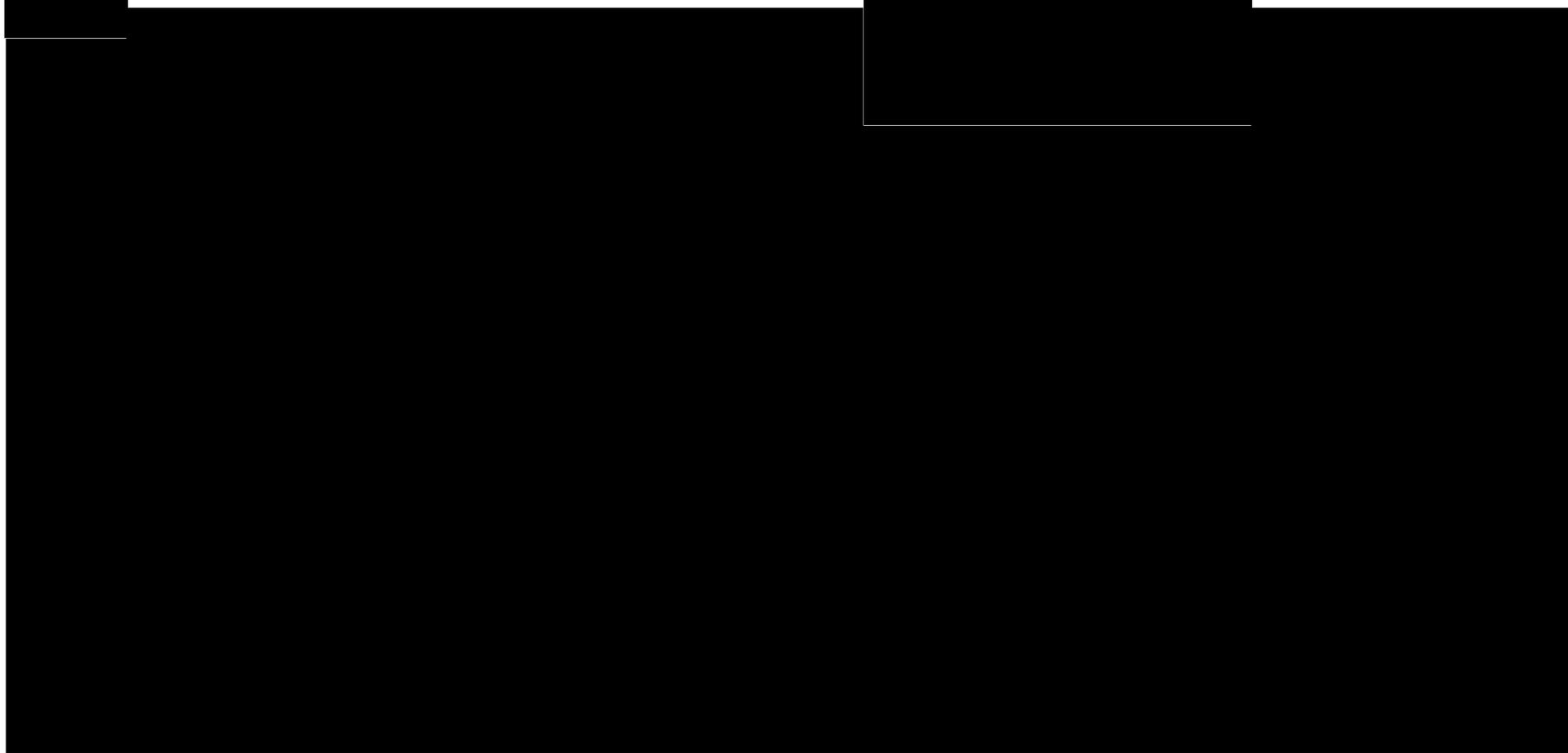
Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Sergeant	DID VIOLATE POLICY	Inquiry			RJD-D-18-04186
						RJD-D-18-04269



Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Officer		Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-02264
[REDACTED]	Correctional Sergeant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-02907
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-02907
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-03772
[REDACTED]	Correctional Lieutenant	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-03853
[REDACTED]	Correctional Officer		Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-03856
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-04802
[REDACTED]	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry	[REDACTED]	[REDACTED]	RJD-E-18-04802
[REDACTED]	Correctional Officer		Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-01072
[REDACTED]	Correctional Officer		Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-01072

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
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Correctional
Officer

DID NOT VIOLATE
POLICY

Inquiry

D56026

RJD-X-18-02002

Total Appeals = 213

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Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
[REDACTED]	Correctional Counselor I	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-02511
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	RJD-X-18-03410
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-04191
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-04191
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-04191
[REDACTED]	Correctional Officer	[REDACTED]	Inquiry	[REDACTED]	[REDACTED]	RJD-X-18-04191

Total Appeals = 213

Location: RJD

California Department of Corrections and Rehabilitations

9/27/2018

Inmate / Parolee Appeals Tracking System - I & II

Staff Complaints

Staff Last Name: All

Resolution: All

Job Classification: All

Received Date: 3/1/2018
To: 8/31/2018

Staff Name	Job Class Desc	Resolution	Type	CDC Number	Appellant Name	Log Number
	Correctional Officer	DID NOT VIOLATE POLICY	Inquiry			RJD-X-18-04240
	Correctional Officer		Inquiry			RJD-X-18-04712
	Correctional Officer		Inquiry			RJD-X-18-04712
			Inquiry			RJD-X-18-04774
	Correctional Officer		Inquiry			RJD-X-18-04924
	Correctional Officer		Inquiry			RJD-X-18-04924
	Correctional Officer		Inquiry			RJD-X-18-05450
	Correctional Officer		Inquiry			RJD-X-18-05450
						RJD-X-18-05487

Total Appeals = 213

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EXHIBIT 67



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April 2, 2020

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Sean Lodholz
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Sacramento, CA 95814
Sean.Lodholz@doj.ca.gov

Re: *Armstrong v. Newsom*: Update on the Status of Production of Documents
Our File No. 0581-03

Dear Sean:

I write in follow up to our March 19, 2020 and March 30, 2020 letters identifying gaps in the production of documents requested by Plaintiffs' counsel. Thank you for prioritizing the production of the Office of Internal Affairs ("OIA") documents, as requested. Multiple documents were produced this week which filled in gaps needed to make complete investigation files in some cases. Other documents still remain missing. Below is a table updating the tables produced in the March 19, 2020 and March 30, 2020 letters regarding the production of OIA documents. Our review identified documents from 17 cases referred to the OIA that are still missing. Also included is a table of three cases that were not previously produced (and therefore were not identified on either the March 19, 2020 or the March 30, 2020 letter) but which also include missing documents. Please prioritize the production of these documents for next week's production.

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April 2, 2020

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UPDATED TABLE FROM MARCH 19, 2020 AND MARCH 30, 2020 LETTERS
SHOWING OIA REFERRED CASES– MISSING DOCUMENTS REMAIN
BOLDED

Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
7/23/19	10/30/19	[REDACTED]	[REDACTED]	Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)
4/24/19	7/16/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)
4/23/19	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of	Unknown (no CIP decision included in production)

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	
2/7/19	3/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Direct Adverse Action
1/21/19	2/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (Missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
12/16/18	3/15/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, Post-Rejection Additional Institution-Level Inquiry Documents, Second CIP Decision, OIA Investigative Report	Rejected: Further Local Inquiry Required

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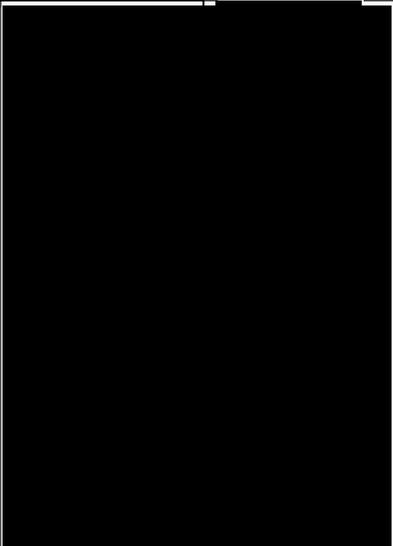
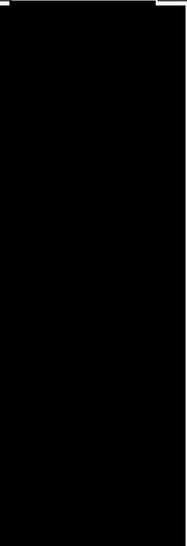
April 2, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	
12/11/18	1/22/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Subject-Only Interview Investigation
11/10/18	1/10/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for nursing staff)	Administrative Investigation
10/9/18	12/12/18			Institution Level Inquiry Documents, Form 989 Referral, Central Intake	Administrative Investigation

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for Officer )	
4/9/2018	4/26/2018			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
11/7/17	12/18/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State	Administrative Investigation

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April 2, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for nursing staff)	
9/29/17	11/20/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
9/14/17	10/17/17, 11/2/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents (Note: disciplinary documents missing ONLY for Sgt. ██████████)	Administrative Investigation, Discipline Imposed
7/17/17	9/1/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form	Rejected: no misconduct identified

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April 2, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
3/31/17	5/16/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (Missing Exhibits 29-47), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
3/28/2017	4/24/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
12/2/2016	1/12/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of	Administrative Investigation

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April 2, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	

NEWLY IDENTIFIED OIA CASES IN 10th PRODUCTION – MISSING DOCUMENTS ARE BOLDED

Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
7/1/2018	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (Missing Exhibits), Form 402/403, Notice of Adverse Action (DOJ49805), Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
6/12/2018	8/14/2018			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form (DOJ49693), OIA Investigative Report and/or other OIA Work Product Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State	Administrative Investigation

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April 2, 2020

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Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
				Personnel Board Appeal Documents	
10/27/16	1/12/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form (DOJ48277), OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation

Note that the gaps identified in the March 30, 2020 letter regarding the production of documents related to institutional-level inquiries (for example, ISU inquiries, appeal inquiries, IERC UOF reviews, etc.) remains unchanged. We look forward to hearing back from you on this matter and receiving these documents during the next production.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP*/s/ Penny Godbold*

By: Penny Godbold

PG:JRG:cg

Enclosure

cc: Ed Swanson
Joanna Hood
Russa Boyd
Tamiya Davis
Annakarina De La Torre-Fennell
Damon McClain
Co-Counsel

EXHIBIT 68



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April 8, 2020

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Sean Lodholz
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
Sean.Lodholz@doj.ca.gov

Re: *Armstrong v. Newsom*: Follow-up to April 2, 2020 Letter Regarding
Defendants' Production of Documents
Our File No. 0581-03

Dear Sean:

I write in follow up to our prior letters, including most recently our April 2, 2020 letter, identifying gaps in the production of documents requested by Plaintiffs' counsel. Unfortunately, our letter seems to have been ignored. We clearly identified the documents which are a priority and yet, after reviewing the eleventh production of documents, we have determined that **no documents responsive to our request to fill in the gaps in the inquiry and investigation files were produced during this round.** Instead, a number of new cases involving institution-level inquiries and OIA-level documents were included, many of which are also incomplete, thereby creating new gaps in the production of documents.

Below are four tables summarizing the current status of gaps in the production of documents. We have included new columns for the OIA case numbers and institution-level log numbers, if that information was available. Our hope is that, with this additional information, you will be able to isolate the documents we are requesting and produce them either during the next round of production, or sooner.

The first table summarizes three cases that were not previously produced (and therefore were not identified on the March 19, 2020, March 30, 2020, and April 2, 2020

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April 8, 2020

Page 2

letters) but which also include missing documents. The second table summarizes the table contained in our April 2, 2020 letter, with one update to reflect documents included in the most recent production. The third table summarizes institution-level appeals and inquiry documents that were not previously produced, but which also include missing documents. The fourth table, derived from our March 30, 2019 letter, summarizes the institution-level cases which still remain incomplete after the most recent production.

Table 1: NEWLY IDENTIFIED OIA CASES IN 11th PRODUCTION – MISSING DOCUMENTS ARE BOLDED

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
S-RJD-135-19-R	11/27/18	3/22/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Work Product re Rejection, including SAC Rejection Memo	Rejected: no misconduct identified
S-RJD-143-19-R	4/5/18	3/26/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Work Product re Rejection, including SAC Rejection Memo	Rejected: no misconduct identified
S-RJD-219-17-R	5/26/17	7/14/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Work Product re Rejection, including SAC Rejection Memo	Rejected: no misconduct identified

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Table 2: UPDATED TABLE FROM APRIL 2, 2020 LETTERS SHOWING OIA REFERRED CASES– MISSING DOCUMENTS REMAIN BOLDED

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
Unknown; RJD local log number: A04-19-07-0323	7/23/19	10/30/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)
Unknown; no local log number	4/24/19	7/16/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)
Unknown; RJD local log number: C13-19-04-0188	4/23/19	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production)

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April 8, 2020

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OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
S-RJD-124-19-D	2/7/19	3/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Direct Adverse Action
S-RJD-086-19-A	1/21/19	2/13/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (Missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
S-RJD-129-19-R	12/16/18	3/15/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, Post-Rejection Additional Institution-Level Inquiry Documents, Second CIP Decision, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing	Rejected: Further Local Inquiry Required

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OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
					Report, State Personnel Board Appeal Documents	
S-RJD-104-19-D	12/11/18	1/22/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Subject-Only Interview Investigation
S-RJD-049-19-A	11/10/18	1/10/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for nursing staff)	Administrative Investigation
S-RJD-439-18-A	10/9/18	12/12/18			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly	Administrative Investigation

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April 8, 2020

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OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
					Hearing Report, State Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for Officer [REDACTED])	
S-RJD-144-18-A	4/9/2018	4/26/2018	[REDACTED]	[REDACTED]	Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
S-RJD-427-17-A	11/7/17	12/18/17	[REDACTED]	[REDACTED]	Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents (Note: missing disciplinary documents ONLY for nursing staff)	Administrative Investigation
S-RJD-397-17-A	9/29/17	11/20/17	[REDACTED]	[REDACTED]	Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative	Administrative Investigation

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OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
					Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents	
S-RJD-358-17-A	9/14/17	10/17/17, 11/2/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State Personnel Board Appeal Documents (Note: disciplinary documents missing ONLY for Sgt. [REDACTED])	Administrative Investigation, Discipline Imposed
S-RJD-286-17-R	7/17/17	9/1/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form	Rejected: no misconduct identified
S-RJD-159-17-A	3/31/17	5/16/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product (Missing Exhibits 29-47), Form 402/403, Notice of Adverse Action, <i>Skelly</i> Hearing Report, State	Administrative Investigation

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OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced and Documents Missing (in bold)	OIA Decision
					Personnel Board Appeal Documents	
S-RJD-126-17-A	3/28/2017	4/24/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
S-RJD-018-17-A	12/2/2016	1/12/2017			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product (missing Exhibits), Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation

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Table 3: NEWLY IDENTIFIED INSTITUTION-LEVEL CASES/INQUIRIES IN 11th PRODUCTION – MISSING DOCUMENTS ARE BOLDED

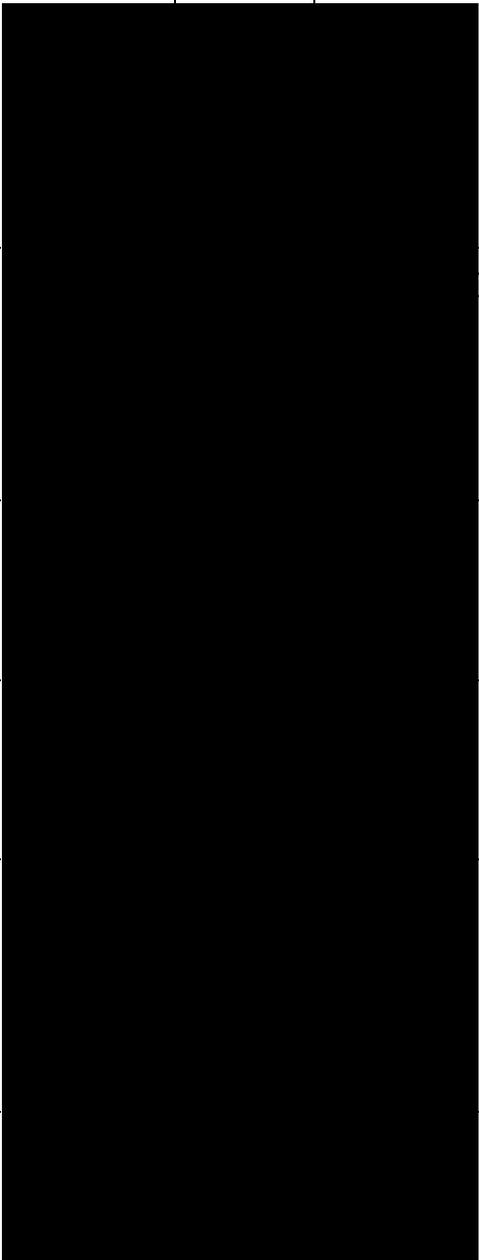
Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
17-01537	3/15/17	[REDACTED]	[REDACTED]	[REDACTED]	602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57273
17-02064	5/7/17				602	Attachment C and/or other institution-level inquiry documents	57286, 57303
17-02138	4/15/17				602	Attachment C and/or other institution-level inquiry documents	57294
17-04903	8/14/17				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57340
19-04967	8/5/19				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57348

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
17-0253	1/23/17				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57368
17-0554	1/5/17				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57387
17-01796	3/21/17				602	Attachment C and/or other institution-level inquiry documents	57422
17-01958	3/15/17				602	Attachment C and/or other institution-level inquiry documents	57433
17-2410	5/2/17				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57464
17-02821	4/29/17				602	Attachment C and/or other institution-level inquiry documents	57488, 57495, 57505

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
17-03257	6/8/17	[REDACTED]		[REDACTED]	602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57521
17-04303	7/17/17				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	57535

Table 4: TABLE FROM MARCH 30, 2020 LETTER SHOWING INSTITUTION-LEVEL CASES– MISSING DOCUMENTS REMAIN BOLDED

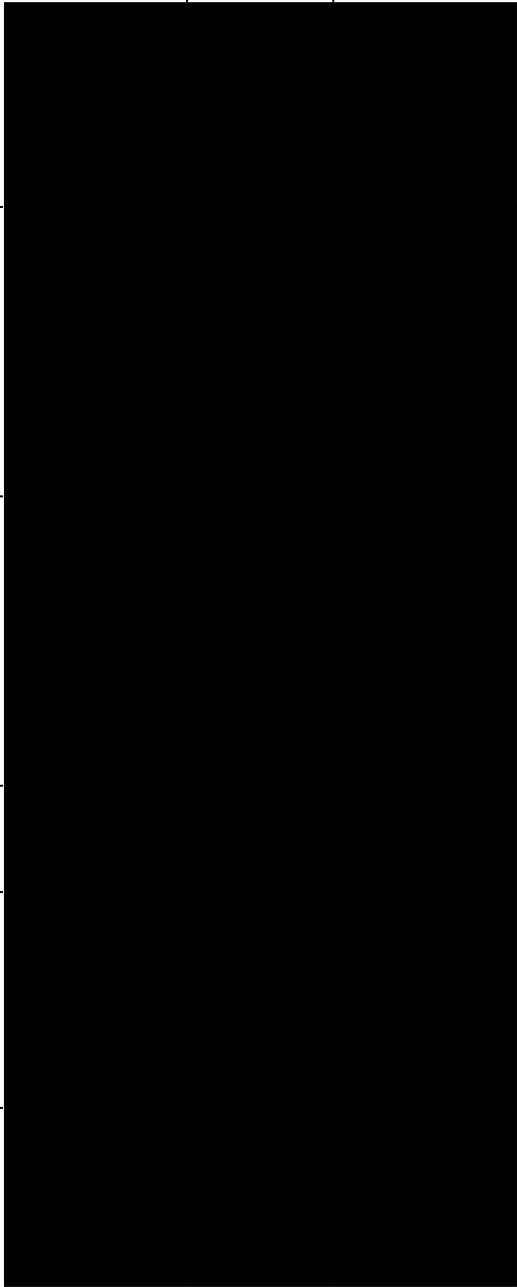
Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
16-02474	5/26/16	[REDACTED]		[REDACTED]	602	Attachment C and/or other institution-level inquiry documents	846, 853
12-1869	2012				602	Attachment C and/or other institution-level inquiry documents	869

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
17-03617	6/5/17				602-HC	Attachment C and/or other institution-level inquiry documents	883
19-07668	12/10/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	1174
17-0140	11/1/16				602 (screened-out, but assigned for inquiry)	Attachment C and/or other institution-level inquiry documents, disposition documents	1753, 11320
17-7453	4/19/18				602	Disposition documents	8253
17-02501	4/14/17				1824	Attachment C and/or other institution-level inquiry documents	1785, 1792, 1801
17-06991	11/9/17				602	Attachment C and/or other institution-level inquiry documents	2691

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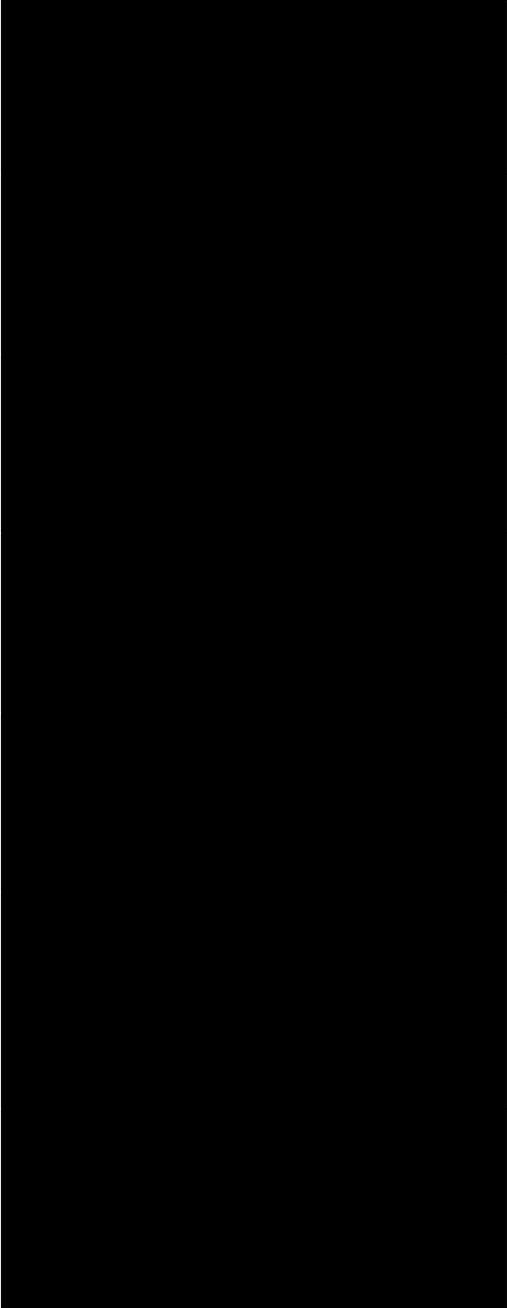
Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
16-05009	11/7/16				602	IERC and incident reports	6868, 6875
19-07501	11/21/19				602	Attachment C and/or other institution-level inquiry documents, Disposition Documents	2879, 2889
19-5327	9/1/19				602/1824	Disposition documents	501, 913
17-07406	12/19/17				602	Disposition documents	1342
18-05805	9/7/18				602	Disposition documents	1326
No Log Number	08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2901
No Log Number	08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2902
No Log Number	08/2017				Warden's Correspondence	Inquiry documents, disposition documents	2904

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
No Log Number	06/23/17				Warden's Correspondence	Inquiry documents, disposition documents	2910
No Log Number	06/2018				Warden's Correspondence	Inquiry documents, disposition documents	2936
No Log Number	9/19/17				Clinician Memo	Inquiry documents, disposition documents	6693
No Log Number	03/10/18				OIA emails	602, Inquiry documents, disposition documents	6672
No Log Number	09/13/17				602	602, inquiry documents, disposition documents	6694
16-02856	6/30/16				602	Attachment C and/or other institution-level inquiry documents	6743
17-00582	2/1/17				602	Attachment C and/or other institution-level inquiry documents	6771, 6778

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
16-02997	6/19/16	[REDACTED]	[REDACTED]	[REDACTED]	602	Attachment C and/or other institution-level inquiry documents	6858
17-00118	1/9/17				602	Attachment C and/or other institution-level inquiry documents	6878
16-12130, and 16-02131	11/1/16				602	Attachment C and/or other institution-level inquiry documents	6917
19-0813	12/28/18				602	Attachment C and/or other institution-level inquiry documents	8876, 9386
19-02330	4/2/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	9697
17-02025	4/7/17				602	602, disposition documents	6894

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
17-01598	3/2/17				602	Attachment C and/or other institution-level inquiry documents	7185, 7867
19-02648	5/3/19				602	Attachment C and/or other institution-level inquiry documents	9727, 9733
19-04348	07/2019				602	Attachment C and/or other institution-level inquiry documents	10366
19-023652	3/4/19				602	Attachment C and/or other institution-level inquiry documents	11282
19-0165	1/6/19				602	Attachment C and/or other institution-level inquiry documents	12276
19-04643	2/10/19				602	Attachment C and/or other institution-level inquiry documents	12559

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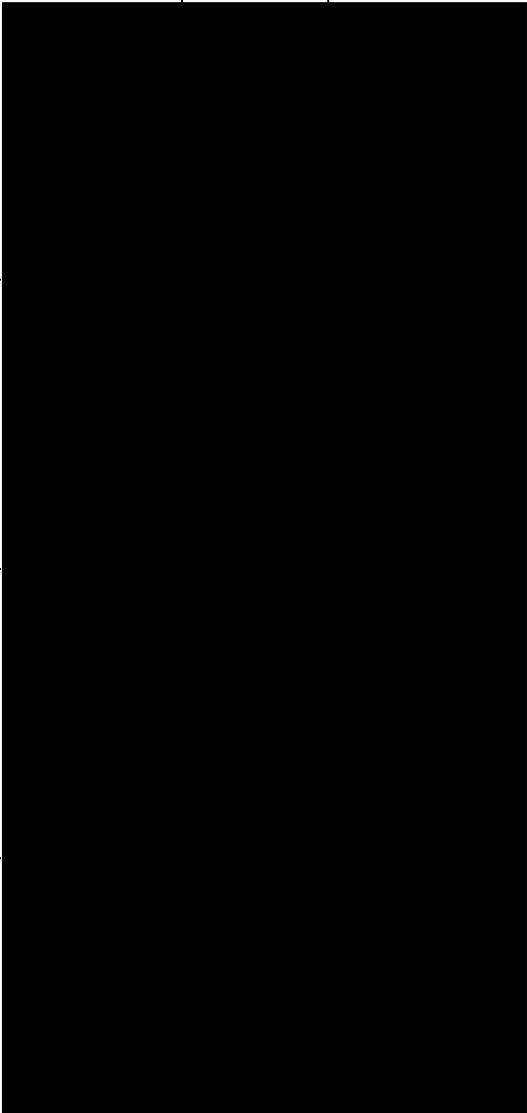
Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
19-05471	9/5/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	12577
No Log Number	2/15/18				Clinician Memo	Attachment C and/or other institution-level inquiry documents	13645
18-06027	8/23/18				602	Attachment C and/or other institution-level inquiry documents	13879
19-07550	10/10/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	11184
18-06628	9/11/18				602	Attachment C and/or other institution-level inquiry documents	15241

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
19-08006	12/23/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15307
19-02970	4/13/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15528
19-02580	4/6/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15490, 15616
19-03980	6/14/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15585

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
19-00168	12/16/18	[REDACTED]	[REDACTED]	[REDACTED]	602	Attachment C and/or other institution-level inquiry documents, disposition documents	15606
19-08057	12/2018				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15656
17-03899	2/15/17				602	Disposition documents	1381
18-01419	6/25/17				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15816
18-04463	6/19/17				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15851

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
19-04154	6/25/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	15886, 15896
ALTS-9969	07/2019				Accountability Inquiry	Institution-level inquiry documents, disposition documents	16322
ALTS-10197	08/21/18				Accountability Inquiry	Institution-level inquiry documents, disposition documents	16330
18-02315	4/13/17				602	Attachment C and/or other institution-level inquiry documents	20240
18-02907	7/14/18				602	Final Disposition document	26556
18-04672	7/26/18				602	Attachment C and/or other institution-level inquiry documents	20244, 20273

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
18-06628	9/11/18				602	Attachment C and/or other institution-level inquiry documents	20278
19-02985	Unknown				602	Attachment C and/or other institution-level inquiry documents	20315
19-08019	12/20/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	20650
Unknown	9/1/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	30587
Incident Report: 18-0456	8/2/18				UOF Review	Institution-level inquiry documents, disposition documents	30590

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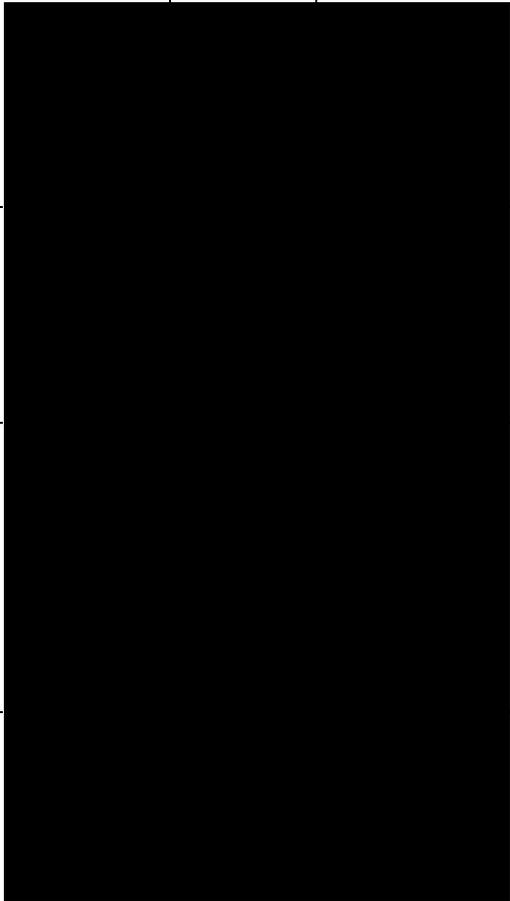
Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
Unknown	Unknown				602	Attachment C and/or other institution-level inquiry documents, disposition documents	30628
No Log Number	4/6/19				Clinician Emails	Institution-level inquiry documents, disposition documents	30708
Unknown	8/2/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47557, 47554
Unknown	9/3/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47544
19-07837	7/9/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	11223

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Log Number	Date of Incident	Complainant or Victim	CDCR #	Implicated Staff	Triggering Document	Key Documents Missing	Appeal Log Number
Incident Report: 18-05858	8/11/18				3013/3014	Institution-level inquiry documents, disposition documents	47533
Incident Report: 18-05-0271	5/7/18				3013/3014	Institution-level inquiry documents, disposition documents	47527
18-7448	11/16/18				602	Attachment C and/or other institution-level inquiry documents, disposition documents	47524
19-04154	6/24/19				602	Attachment C and/or other institution-level inquiry documents, disposition documents	39092

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Please let me know if you have any questions regarding this request. Otherwise, we look forward to receiving these documents during the next production, or sooner.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Penny Godbold

By: Penny Godbold

PG:JRG:cg

Enclosure

cc: Ed Swanson
Joanna Hood
Russa Boyd
Tamiya Davis
Annakarina De La Torre-Fennell
Damon McClain
Co-Counsel

EXHIBIT 69



XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE

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April 9, 2020

VIA ELECTRONIC MAIL ONLY

Penny Godbold
Rosen Bien Galvan & Grunfeld LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738

RE: *John Armstrong, et al. v. Gavin Newsom, et al.*
United States District Court, Northern District of California, Case No. C 94-2307 CW

Dear Penny:

On March 19, 2020, we received a letter from your office requesting information regarding 18 incidents. The following day the parties met and conferred by phone. Defendants agreed to shift the focus of their production efforts to investigations, including the 18 incidents identified in Plaintiffs' letter.

The parties met and conferred again on March 27, 2020. On that call, I explained that we were reviewing documents, but were unable to complete that review in time for the March 30 production.¹ I also informed you that there were some documents that we could not locate that were requested from CDCR, and you provided clarification on your request for documents from the State Personnel Board (SPB).

We made our weekly production of documents on March 30, 2020. That production included the documents we had located in response to your March 19, 2020 letter. That same day, we received a second letter from your office requesting documents related to institutional-level inquiries. This was already an area of focus prior to your March 19, 2020 letter, but we pivoted from it to address your March 19, 2020 requests. However, because we were still awaiting documents from CDCR to address your March 19, 2020 request, we shifted focus back to reviewing institutional level documents.

On Thursday, April 2, 2020, legal support pulled documents for production for the following Monday. This included the remaining investigative documents discussed on the March 27, 2020 call that were not reviewed in time for the March 30, 2020 production, and a

¹ As we have explained before, document productions are pulled by legal support by Thursday morning the week prior to the production deadline for processing.

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small collection of documents that were reviewed in response to your March 30, 2020 letter. There were only a small number of these documents because the review period between your letter and the date the production was pulled was only two working days (March 31, 2020, was a holiday). We also received a third letter from you on April 2, 2020, thanking us for prioritizing OIA documents and filling in gaps in the production, but also noting that some documents were still missing.

On April 3, 2020, we received records from CDCR. These records were provided to legal support to process and load into Relativity for review. Unfortunately, that process has not been completed yet. As we previously explained, our legal support staff assists with document production for the Office of the Attorney General statewide and are operating with limited resources because of COVID-19.

On April 6, 2020, we produced the investigative documents that did not make it into the previous production and additional institutional level documents.

On April 8, 2020, we received the fourth letter from your firm in less than three weeks. Therein you claim that we ignored your April 2, 2020 letter and that no documents responsive to your requests were produced in the April 6, 2020 production. However, as explained to your office, productions are pulled on Thursday mornings, so the April 6, 2020 production was pulled before we received your April 2, 2020 letter. Furthermore, that production contained OIA records,² including requested documents regarding the February 3, 2018 incident involving inmate ██████; October 8, 2018 incident involving inmate ██████ October 9, 2018 incident involving inmate ██████ November 10, 2018 incident involving inmate ██████ and December 16, 2018 incident involving inmate ██████.

You also correctly pointed out that we continue to produce documents beyond the specific incidents identified in your letters. That is because, while reviewing records to locate the documents identified in your letters, we also reviewed documents that we determined to be responsive to Plaintiffs' November 21, 2020 document requests, which we have an ongoing obligation to respond to. Additionally, you note that these documents are also incomplete, however, appeals, inquiries, 989s, OIA investigations, 402/403s, *Skelly*, and SBP records are all separate documents kept in different places (e.g., with the appeals coordinator, hiring authority, OIA, EAPT), and we are producing these documents as we review them, rather than withholding them until we have exhausted all efforts to locate all related records.

As discussed above, documents responsive to your requests are not all maintained in the same location, and so we appreciate that you have identified additional documents related to those that have already been produced so that we can search for them. Based on the four letters that Plaintiffs have sent, and the two meet and confer calls that we have already had on this matter, we believe we have sufficient information from you to search for and locate additional

² These were the records that were not completed in time for the March 30, 2020 production.

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documents, and do not believe an additional phone call on this matter is necessary at this time. Please understand that Defendants are attempting to balance their time between preparing a response to Plaintiffs' sizeable motion and corresponding evidence concerning allegations of staff misconduct at Richard J. Donovan Correctional Facility, with our many other obligations in *Armstrong*, including ongoing document production, during the COVID-19 public health crisis and pandemic. Therefore, we ask that you please be patient. I assure you that we are working our way through your March 19, March 30, April 2, and April 8 letters to locate and produce responsive documents and will continue to do our best to meet our weekly production obligations.

Our next production is scheduled for April 13, 2020, and will contain a large volume of confidential appeal inquiries. We expect the records provided by CDCR to be processed and reviewed in time for the April 20, 2020 production, and we will continue to locate, review, and produce the other documents identified in your letters during that timeframe. Given this, we will follow up with your office regarding the status of our document production the week of April 20, 2020.

Sincerely,

/S/ Sean W. Lodholz

SEAN W. LODHOLZ
Deputy Attorney General

For XAVIER BECERRA
Attorney General

SWL:

CF1997CS0005
33980558

EXHIBIT 70



XAVIER BECERRA
Attorney General

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April 20, 2020

VIA ELECTRONIC MAIL ONLY

Michael Freedman
Rosen Bien Galvan & Grunfeld LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738

RE: *John Armstrong, et al. v. Gavin Newsom, et al.*
United States District Court, Northern District of California, Case No. C 94-2307 CW

Dear Michael:

This letter is to inform you of the status of responses to Plaintiffs' specific document requests in their March 19, March 30, April 2, and April 8 letters. Except as explained below, we were able to locate and produce the requested documents.

We were unable to locate the 989, Central Intake Panel Decision, or 402/403 for [REDACTED] in S-RJD-144-18-A; or the 402/403s for [REDACTED] and [REDACTED] in S-RJD-049-19-A; [REDACTED] in S-RJD-358-17-A; [REDACTED] and [REDACTED] in RJD-026-19-A;¹ and [REDACTED] and [REDACTED] in S-RJD-126-17-A. We have requested these records from CDCR.

We have a pending request with EAPT for *Skelly* and State Board of Personnel records for [REDACTED] in S-RJD-124-19-D; [REDACTED] [REDACTED] and [REDACTED] in S-RJD-086-19-A; [REDACTED] and [REDACTED] in RJD-026-19-A; [REDACTED] in S-RJD-104-19-D, [REDACTED] and [REDACTED] in S-RJD-144-18-A; Haley in S-RJD-397-17-A; and [REDACTED] in S-RJD-358-17-A.² Depending on whether discipline was imposed, there may also be records for [REDACTED] and [REDACTED] S-RJD-049-19-A; [REDACTED] in S-RJD-358-17-A; and [REDACTED] and [REDACTED] in S-RJD-126-17-A.

We were unable to locate any additional inquiry records following the rejection of [REDACTED] claims against [REDACTED] in S-RJD-129-19-R, or confidential appeal inquiries for 17-01537, 17-01598, 17-01958, 17-02138, 17-03899, 17-04303, 17-04903, 17-0554, 17-06991, 17-7453, 19-02365, 19-02580, 19-02970, 19-02985, 19-03980, 19-04154, 19-04154, 19-04348, 19-04967,

¹ Plaintiffs did not specifically request RJD-026-19-A in their letters. Instead, Defendants produced it in the course of reviewing records for Plaintiffs' requests.

² [REDACTED] resigned before Notice of Adverse Action, so there are no further records for him in S-RJD-358-17-A.

Page 2 April 20, 2020

19-05471, 19-07501, 19-07668, 19-07837, 19-08006, 19-08019, and 19-08057. We have requested these records from CDCR. Moreover, with few exceptions, we were unable to locate inquiry or dispositional documents for allegations without a corresponding log number. We will request that the institution look into those items once we have received the other documents we requested.

S-RJD-018-17-A, 12-1869, 16-02131, 16-02474, 16-02856, 16-02997, 16-05009, 16-12130, and 17-0140 pertain to incidents that occurred prior to 2017 and, therefore, are not responsive. S-RJD-286-17-R is also not responsive because it concerned allegations of misconduct against non-class members only.

There are no subsequent records associated with C13-19-04-0188 because it was closed without further action following an ISU investigation. There are also no institutional level inquiry documents for S-RJD-135-19-R and S-RJD-143-19-R because these were opened based on referrals following the December 2018 strike team interviews.

S-RJD-1570-19-D (RJD local log number A04-19-07-0323) and S-RJD-287-19-A/C (the [REDACTED] incident) remain open. We will produce investigation reports and related documents for these cases within 35 days after the 402/403 decisions.

Finally, because of limitations with remote access, we are unable to review audio/video files at this time. However, we are working to resolve this issue.

We would like to reiterate our commitment to locating and producing the records requested in your March 19, March 30, April 2, and April 8 letters, and will continue to do our best to meet our weekly production obligations. Moreover, if there are responsive documents to your requests that we have not produced or addressed in this letter, please let us know.

Thank you for your continued patience in this matter as we attempt to balance our time between preparing a response to Plaintiffs' motion concerning allegations of staff misconduct at Richard J. Donovan Correctional Facility, with our many other obligations in *Armstrong*, including ongoing document production, during the COVID-19 public health crisis and pandemic.

Sincerely,

/s/ Sean W. Lodholz

SEAN W. LODHOLZ
Deputy Attorney General

For XAVIER BECERRA
Attorney General

EXHIBIT 71



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Michael Freedman
Email: mfreedman@rbgg.com

April 27, 2020

VIA ELECTRONIC MAIL ONLY

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**SUBJECT TO
PROTECTIVE ORDERS**

Sean Lodholz
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
Sean.Lodholz@doj.ca.gov

Re: *Armstrong v. Newsom*: Response to April 20, 2020 Letter Regarding
Defendants' Production of Documents
Our File No. 0581-03

Dear Sean:

I write regarding the status of Defendants' production of documents related to local inquiries into, Office of Internal Affairs ("OIA") investigations of, and discipline for staff misconduct at R.J. Donovan Correctional Facility. This letter also responds to your April 20, 2020 letter ("April 20 Letter") on the same topic.

As background, Plaintiffs sent letters to Defendants on March 19, 2020, March 30, 2020, April 2, 2020, and April 8, 2020 setting forth inquiry/investigation documents that we believed were missing from Defendants' production. As we represented during the April 24, 2020 telephonic meet and confer, we believe that the information in the April 20 Letter accurately reflected the status of Defendants' production of documents as it relates to all cases in which a referral was made to the Office of Internal Affairs (i.e., cases in which a 989 was submitted). In other words, Plaintiffs agree that the April 20 Letter identifies all of the 989 or documents from later in the investigation/discipline process that Plaintiffs (1) identified as missing in our prior letters and (2) have yet to receive. Plaintiffs are still reviewing institution-level inquiry documents, and will respond at a later date if further gaps are identified.

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Sean Lodholz
 April 27, 2020
 Page 2

Based on the documents that Defendants produced on April 6, 2020, April 13, 2020, and April 20, 2020, we have identified a number of additional OIA referrals and/or investigations and disciplinary packets which (1) have not yet been produced and (2) are not addressed in your letter. We describe these documents in the table below.

**NEW GAPS IDENTIFIED IN PRODUCTION AND NOT ADDRESSED IN
 DEFENDANTS' APRIL 20th RESPONSE**

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced, Documents Missing (in bold), Documents Potentially Missing (in italics)	CIP Decision
Unknown	10/24/2018	3/14/2019			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production; see DOJ00068737 for 989)
S-RJD-282-A	6/12/2018	8/14/2018			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Administrative Investigation
S-RJD-370-17-A	9/14/17	11/2/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake	Administrative Investigation (initially DAA,

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Sean Lodholz
 April 27, 2020
 Page 3

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced, Documents Missing (in bold) , <i>Documents Potentially Missing (in italics)</i>	CIP Decision
					Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product , Form 402/403, Notice of Adverse Action, <i>Skelly Hearing Report, State Personnel Board Appeal Documents</i>	see DOJ00076203)
S-RJD-363-18-D	Unknown	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403 , Notice of Adverse Action, <i>Skelly Hearing Report, State Personnel Board Appeal Documents</i>	Unknown (no CIP decision included in production; see DOJ00049806 for NOAA)
S-RJD-096-19-A	Unknown	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State	Unknown (no CIP decision included in production; see DOJ00078084 for 989)

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Sean Lodholz
 April 27, 2020
 Page 4

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced, Documents Missing (in bold) , <i>Documents Potentially Missing (in italics)</i>	CIP Decision
					<i>Personnel Board Appeal Documents</i>	
Institution Log No.: B-18-0644	10/2/2018	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production; see DOJ00061566 for Appeal Response noting referral to OIA)
Institution Log No.: X-18-0540	7/29/18	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production; see DOJ00062528 for Appeal Response noting referral to OIA)
Institution Log No.: C-18-05858	8/11/2018	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of	Unknown (no CIP decision included in production; see DOJ00062574, 79667 for Appeal Response

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Sean Lodholz
 April 27, 2020
 Page 5

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced, Documents Missing (in bold), Documents Potentially Missing (in italics)	CIP Decision
					<i>Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents</i>	noting referral to OIA)
Institution Log No.: B-19-0516	1/18/2019	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production; see DOJ00063732 for Appeal Response noting referral to OIA)
Institution Log No.: X-18-02511	3/15/2018	Unknown			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel (“CIP”) Decision Form, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents	Unknown (no CIP decision included in production; see DOJ00060883 for Appeal Response noting referral to OIA)

At this time, we would prefer that Defendants prioritize the production of documents in cases in which, at a minimum, a referral was made to the CIP, rather than institution-level documents.

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Sean Lodholz
April 27, 2020
Page 6

Please also produce responsive audio and video files and documents you indicated in your April 20 Letter that you had requested from CDCR (including, but not limited to, EAPT and *Skelly* hearing documents) as soon as possible.

Lastly, we also raise an issue related to Defendants' April 9, 2020 Supplemental Response to Plaintiffs' Special Interrogatories ("Response"). The Response attests that six officers were terminated in 2017-2019 in connection with misconduct involving an *Armstrong* class member. To date, Defendants have only produced documents pertaining to the termination of three officers in connection with misconduct against *Armstrong* class members. Please produce documents related to the other three terminations as soon as possible.

Please let me know if you have any questions regarding this request. We look forward to receiving these documents during the next production, or sooner.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Michael Freedman

By: Michael Freedman

MLF:JRG

Enclosure

cc: Ed Swanson
Joanna Hood
Tamiya Davis
Trace Maiorino
Anthony (Tony) Tartaglio
Co-Counsel

EXHIBIT 72



XAVIER BECERRA
Attorney General

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May 4, 2020

VIA ELECTRONIC MAIL ONLY

Michael Freedman
Rosen Bien Galvan & Grunfeld LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738

RE: John Armstrong, et al. v. Gavin Newsom, et al.
United States District Court, Northern District of California, Case No. C 94-2307 CW

Dear Michael:

I am writing to provide an update on the status of responses to Plaintiffs' specific document requests in their March 19, March 30, April 2, April 8, and April 27, 2020 letters. Except as explained below, we were able to locate and produce the remaining documents requested in the first four letters, and the additional requested documents in Plaintiffs' April 27 letter. This includes records for investigations that resulted in dismissals (S-RJD-026-19-A; S-RJD-086-19-A; and S-RJD-144-18-A).

Some of the State Personnel Board (SBP) documents for [REDACTED], [REDACTED] and [REDACTED] in S-RJD-086-19-A; [REDACTED] in S-RJD-104-19-D; [REDACTED] and [REDACTED] in S-RJD-144-18-A; [REDACTED] in S-RJD-126-17-A; and [REDACTED] and [REDACTED] in S-RJD-026-19-A, did not arrive until after the May 4 production was pulled for processing. Given this, these records will be included in the following production. We also requested and recieved *Skelly* and SBP documents for [REDACTED] in S-RJD-363-18-D, which will be included in the next production.

We are still waiting on records for appeal log number 17-03899, but 17-01537; 17-01598; 17-01958; 17-02138; 17-03899; 17-04303; 17-04903; 17-00554; 17-06991; 19-04348; 19-08006; 19-08019; and 19-08057 should be in the next production. The investigation into 19-07668 remains pending. There were no additional institutional level inquiry documents for 17-07453; 19-02365; 19-02580; 19-02970; 19-02985; 19-03980; 19-04154; 19-04967; 19-05471; 19-07501; and 19-07837.

There were no Office of Internal Affairs cases opened for the intuitional log numbers identified in your April 27 letter. We have requested information about these log numbers, along with a request for inquiry or dispositional documents for allegations without a corresponding log number listed in Plaintiffs' April 8 letter.

Page 2
May 4, 2020

Starting March 15, 2020, the California Attorney General asked those with the ability to work remotely to refrain from coming into the office. Since that time, all Deputies have been asked to work from home. My supervisor approved my request to return to the office this week to review the audio and video records discussed in my April 20, 2020 letter because those records are not accessible through our remote access software. Review and production of responsive audio and video records should be completed by next week.

The alleged victim in S-RJD-096-19-A was not a class member, so records associated with this log number are not responsive. Additionally, the document at DOJ00062528 from S-RJD-096-19-A was produced in error as part of S-RJD-104-19-D, which involved the same officer and a class member. Please destroy all copies of this document and confirm that the copies have been destroyed by May 15, 2020.

Thank you again for your continued cooperation in this matter as we attempt to balance our time between preparing a response to Plaintiffs' motion concerning allegations of staff misconduct at Richard J. Donovan Correctional Facility, with our many other obligations in *Armstrong*, including ongoing document production, during the COVID-19 public health crisis and pandemic.

Sincerely,

/s/ Sean W. Lodholz

SEAN W. LODHOLZ
Deputy Attorney General

For XAVIER BECERRA
Attorney General

SWL:

CF1997CS0005
34040169.docx

EXHIBIT 73



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Michael Freedman
Email: mfreedman@rbgg.com

May 6, 2020

VIA ELECTRONIC MAIL ONLY

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Sean.Lodholz@doj.ca.gov

Re: *Armstrong v. Newsom*: Response to May 4, 2020 Letter Regarding
Defendants' Production of Documents
Our File No. 0581-03

Dear Sean:

I write regarding the status of Defendants' production of documents related to local inquiries into, Office of Internal Affairs ("OIA") investigations of, and discipline for staff misconduct at R.J. Donovan Correctional Facility. This letter also responds to your May 4, 2020 letter ("May 4 Letter") on the same topic.

First, for cases with the following institutional log numbers, we indicated in our April 27, 2020 letter that Defendants had produced five 602s and five corresponding second-level responses that indicated that the allegations had been referred to OIA: B-18-0644, X-18-0540, C-18-05858, B-19-0516, X-18-02511. In the May 4 Letter, you indicated that no OIA investigations were opened concerning those incidents. However, we still have not been provided with any documents other than the 602 and the second-level responses related to those incidents. The most recent production does not include any 989 packets related to those institutional appeals, nor the Central Intake Panel's ("CIP") decision regarding those cases (if they were, in fact, referred to OIA, as indicated in the second-level responses). Please produce all documents related to those incidents, including any 989 packets and CIP rejection notices; alternatively, if additional documents related to these incidents exist, please communicate that fact to us in writing.

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Sean Lodholz

May 6, 2020

Page 2

Second, in Plaintiffs' review of documents produced by Defendants on May 4, 2020, we found a few transcripts of interviews conducted by OIA investigators of the subjects, witnesses, and victims of one particular OIA administrative investigation (S-RJD-144-18-A). *See, e.g.*, DOJ00091997. Defendants have not produced any other transcripts of interviews conducted by OIA. If transcripts exist for OIA interviews conducted in other investigations, please produce them as soon as possible.

Third, Plaintiffs are concerned that the current production may be missing a responsive documents that contain the CIP's justification for rejecting 989 referrals. The Department Operations Manual expressly states that, in the case of "[989 referral] requests returned without investigation, a memorandum shall be completed by the SAC [(Special Agent in Charge)] and forwarded to the Hiring Authority for requests. The memorandum shall include a detailed explanation for the action taken and shall direct the Hiring Authority, as appropriate, to determine the appropriate disciplinary action while taking into account any prior misconduct by the employee or corrective action imposed." *See* Department Operations Manual, § 31140.16. As reflected in the chart below, to date, Defendants have produced twelve CIP Decision Letters in which the CIP rejected RJD's requests for investigations.

OIA Case Number	CIP Decision	Bates No.
S-RJD-143-19-R	Rejected (No Misconduct)	DOJ00078287
S-RJD-146-19-R	Rejected (No Misconduct)	DOJ00068553
S-RJD-141-19-R	Rejected (No Misconduct)	DOJ00079077
S-RJD-138-19-R	Rejected (No Misconduct)	DOJ00093606
S-RJD-135-19-R	Rejected (No Misconduct)	DOJ00078211
S-RJD-129-19-R	Rejected (Local Inquiry Required)	DOJ00068260
S-RJD-134-19-R	Rejected (No Misconduct)	DOJ00003238
S-RJD-137-19-R	Rejected (No Misconduct)	DOJ00018563
S-RJD-142-19-R	Rejected (No Misconduct)	DOJ00056575
S-RJD-219-17-R	Rejected (No Misconduct)	DOJ00068241
S-RJD-455-18-R	Rejected (No Misconduct)	DOJ00018152
S-RJD-433-18-R	Rejected (No Misconduct)	DOJ00017312

Defendants have not, however, produced any memoranda explaining the rejections. Please ensure that all documents relating to the CIP's justification for rejecting the above cases are produced as soon as possible (preferably in the next production).

Lastly, based on the documents that Defendants produced on May 4, 2020, we believe that there are a few previously identified post-989 documents which (1) have not

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Sean Lodholz

May 6, 2020

Page 3

yet been produced and (2) are not addressed in your letter. We describe these documents in the table below.

**PREVIOUSLY IDENTIFIED GAPS IDENTIFIED IN PRODUCTION AND
NOT ADDRESSED IN DEFENDANTS' MAY 4th RESPONSE**

OIA Case Number	Incident Date	Date 989 Signed	Complainant or Victim	Implicated Staff	Documents Produced, Documents Missing (in bold) , <i>Documents Potentially Missing (in italics)</i>	CIP Decision
S-RJD-370-17-A	9/14/17	11/2/17			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, OIA Investigative Report and/or other OIA Work Product , Form 402/403	Administrative Investigation (initially DAA, see DOJ00076203)
S-RJD-129-19-R ¹	12/16/18	3/15/19			Institution Level Inquiry Documents, Form 989 Referral, Central Intake Panel ("CIP") Decision Form, <i>Post-Rejection Additional Institution-Level Inquiry Documents, Second CIP Decision, OIA Investigative Report and/or other OIA Work Product, Form 402/403, Notice of Adverse Action, Skelly Hearing Report, State Personnel Board Appeal Documents</i>	Rejected: Further Local Inquiry Required

After reviewing the document production, and keeping in mind the exceptions outlined above, we believe that the information in the May 4 Letter accurately reflects the

¹ In your April 20, 2020 letter, you stated that you were unable to find any additional institution-level inquiry documents conducted after S-RJD-129-19-R had been returned to the institution for further local inquiry. You stated that you requested these documents from CDCR. Please update us on the status of this request.

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Sean Lodholz

May 6, 2020

Page 4

status of Defendants' production of documents as it relates to all cases in which a referral was made to the Office of Internal Affairs (i.e., cases in which a 989 was submitted). In other words, Plaintiffs agree that the May 4 Letter identifies all of the 989 or documents from later in the investigation/discipline process that Plaintiffs (1) identified as missing in our prior letters and (2) have yet to receive. Plaintiffs are still reviewing institution-level inquiry documents, and will respond at a later date if further gaps are identified.

Please let me know if you have any questions regarding our requests. We look forward to receiving these documents as soon as possible.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Michael Freedman

By: Michael Freedman

MLF:JRG

Enclosure

cc: Ed Swanson
Joanna Hood
Tamiya Davis
Annakarina De La Torre-Fennell
Trace Maoirino
Anthony Tartaglio
Jeremy Duggan
Damon McClain
Co-Counsel

EXHIBIT 74



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Michael Freedman
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May 22, 2020

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Sean Lodholz
Office of the Attorney General
1300 I Street
Sacramento, CA 95814
Sean.Lodholz@doj.ca.gov

Re: *Armstrong v. Newsom*: Production of Electronically Stored Information
Our File No. 0581-03

Dear Sean:

I write regarding the status of Defendants' production in response to Plaintiffs' November 16, 2019 Request for the Production of Documents ("RFPD") and, in particular, Defendants' production of electronically stored information ("ESI").

Over the past few months, at Plaintiffs' request, Defendants have prioritized production of documents related to staff complaints by *Armstrong* class members and investigations into staff misconduct in which the victim was a class member. We appreciate Defendants' efforts on this score and look forward to receiving the remaining outstanding documents.

Pursuant to Plaintiffs' requested prioritization of staff complaint and investigation files, Defendants have produced very little ESI to date. Plaintiffs now request that Defendants prioritize production of ESI responsive to the First Set of document requests.

///

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Sean Lodholz

May 21, 2020

Page 2

On December 24, 2019, Defendants represented that they planned to download all emails for identified custodians from January 1, 2017 to present and would then run search terms on those emails to identify responsive documents. *See Exhibit A.* Though we expect Defendants to produce responsive ESI for all of the custodians, we would like Defendants to prioritize production of ESI from the following custodians:

- Former Warden Paramo
- Former Warden Covello
- Warden Pollard
- Joseph Stewart
- Patricia Ramos¹
- Kimberly Seibel
- Tammy Foss
- [REDACTED]
- Jason Bishop
- Francisco Armenta
- Carie Covell
- Patrick Jackson
- [REDACTED]
- [REDACTED]
- [REDACTED]

///

¹ Ms. Ramos was not included on the original list of custodians. Given that Ms. Ramos testified as CDCR's person most knowledgeable regarding the Office of Internal Affairs, Plaintiffs now request that she be included as a custodian.

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Sean Lodholz

May 21, 2020

Page 3

Please let me know if you have any questions regarding our requests. We look forward to receiving responsive documents and communications as soon as possible.

We also request further information regarding your responses to the Second Request for Production, including whether you will produce documents related to *Coleman* class members, whether you will amend your responses, and when production of responsive documents will start.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Michael Freedman

By: Michael Freedman

MLF:JRG

Enclosure

cc: Ed Swanson
Joanna Hood
Tamiya Davis
Trace Maoirino
Anthony Tartaglio
Jeremy Duggan
Damon McClain
Co-Counsel

EXHIBIT A

From: [Joanna Hood](#)
To: [Gay C. Grunfeld](#); [Annakarina De La Torre-Fennell](#); [Sean Lodholz](#)
Cc: [Rita Lomio](#); [Margot Mendelson](#); [Armstrong Team - RBG only](#); [Ed Swanson](#); [Russa Boyd](#)
Subject: RE: Armstrong v. Newsom - Search Terms [IWOV-DMS.FID3579]
Date: Tuesday, December 24, 2019 2:03:46 PM
Attachments: [RJD Custodian List.docx](#)

Hi Gay,

This is to follow up on our telephone call of this morning. As I mentioned, CDCR is fine with your proposed additional search terms. The AGO is working internally with our litigation support team to ensure that the search terms and connectors we drafted have the proper syntax, and will provide a finalized version of the search terms to you once that is done.

After our telephone call with EIS last week, it was decided that CDCR will download all emails for all identified custodians from January 1, 2017, to present, and all of the emails will be provided to the AGO. The AGO's litigation support team will then upload the emails and run the search terms to locate potentially responsive emails. Given that EIS is operating with a skeleton crew of one person over the holidays, this process will begin on January 6, 2020. Kim Seibel's emails will be done first since her deposition is scheduled for January 29, 2020.

I am attaching a list of custodians as identified by CDCR. Per the discussion you had with Russa, CDCR will work to fill in the third column addressing the relevant dates of each custodian's employment at RJD. Search dates will be narrowed based on that third column, since not all of the custodians worked at RJD throughout the entire time frame spanning from January 1, 2017, to present.

In addition to efforts to coordinate e-discovery, CDCR has already begun searching for physical documents. Russa will provide an update on the status of physical documents on Monday, December 30, 2019.

Last, production of documents will take place on a rolling basis as documents are located and reviewed by the attorneys.

-Joanna

Joanna B. Hood | Deputy Attorney General | California Department of Justice

Correctional Law Section | 1300 I Street | Sacramento, CA 95814

t (916) 210-7343 | f (916) 324-5205 | e joanna.hood@doj.ca.gov

From: Gay C. Grunfeld <GGrunfeld@rbgg.com>

Sent: Monday, December 23, 2019 4:34 PM

To: Joanna Hood <Joanna.Hood@doj.ca.gov>; Annakarina De La Torre-Fennell <Annakarina.Fennell@doj.ca.gov>; Sean Lodholz <Sean.Lodholz@doj.ca.gov>

Cc: Rita Lomio <rlomio@prisonlaw.com>; Margot Mendelson <mmendelson@prisonlaw.com>; Armstrong Team - RBG only <ArmstrongTeam@rbgg.com>; Ed Swanson <eswanson@swansonmcmamara.com>; Russa Boyd <russa.boyd@cdcr.ca.gov>

Subject: FW: Armstrong v. Newsom - Search Terms [IWOV-DMS.FID3579]

Hi Joanna et al.,

Could you please let us know if our attached edits to the proposed RJD search terms were discussed with EIS on Friday? Would also appreciate an update on when we can expect to start receiving documents. Copying Russa and Ed here to keep them in the loop.

Thanks and warm regards, Gay

Gay Crosthwait Grunfeld
ROSEN BIEN GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
San Francisco, CA 94105
(415) 433-6830 telephone
(415) 433-7104 facsimile

From: Michael Freedman <MFreedman@rbgg.com>

Sent: Friday, December 20, 2019 9:17 AM

To: Gay C. Grunfeld <GGrunfeld@rbgg.com>; Joanna Hood <Joanna.Hood@doj.ca.gov>

Cc: Thomas Nolan <TNolan@rbgg.com>; Penny Godbold <PGodbold@rbgg.com>; Annakarina De La Torre-Fennell <Annakarina.Fennell@doj.ca.gov>; Sean Lodholz <Sean.Lodholz@doj.ca.gov>

Subject: RE: Armstrong v. Newsom - Search Terms [IWOV-DMS.FID3579]

All,

Attached are our proposed revisions, which we're happy to discuss if you believe that would be helpful. Given the short turnaround, we did our best to ensure that we did not disrupt any of the syntax (e.g., parentheses, etc.).

Best,

Michael Freedman
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From: Gay C. Grunfeld <GGrunfeld@rbgg.com>
Sent: Friday, December 20, 2019 8:37 AM
To: Joanna Hood <Joanna.Hood@doj.ca.gov>
Cc: Thomas Nolan <TNolan@rbgg.com>; Penny Godbold <PGodbold@rbgg.com>; Annakarina De La Torre-Fennell <Annakarina.Fennell@doj.ca.gov>; Sean Lodholz <Sean.Lodholz@doj.ca.gov>; Michael Freedman <MFreedman@rbgg.com>
Subject: Re: Armstrong v. Newsom - Search Terms

Good Morning, Joanna at al., We are working hard to return the search terms to you. We hope to meet your 930 deadline. Gay

Sent from my iPhone

Gay Crosthwait Grunfeld

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On Dec 19, 2019, at 4:12 PM, Joanna Hood <Joanna.Hood@doj.ca.gov> wrote:

Hi Gay,

Here are the search terms we presented to you this afternoon, with some minor revisions based on our discussion. If your team would like to make any changes to the terms, I request that you do so in track changes for ease of identification.

Thanks,
Joanna

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<Armstrong - RFPD Search Terms.docx>

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EXHIBIT 75

California Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 January 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
RJD - RJ Donovan Correctional Facility	ALTS-00001938	DPP (Armstrong)	DPM	10/24/2018	DME / Property	Internal	Inmate [REDACTED] did not received his DME's when he returned to RJD on 10-19-2018	[REDACTED]	[REDACTED]			10/25/2018	Lieutenant	11/6/2018	Confirmed	Other
RJD - RJ Donovan Correctional Facility	ALTS-00004267	DPP (Armstrong)	DPO	1/29/2019	DME / Property	Inmate	Inmate states San Diego MCRP did not transfer him with his wheelchair cushion and gloves and any other property.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00006777	DPP (Armstrong)	DNH	2/21/2019	EC	Internal	Inmate [REDACTED] (DNH) was designated DNH on 3/13/2019; however, was not interviewed within 14 days as required pursuant to the Equally Effective Communication For Hearing and Speech Impaired, dated January 22, 2007.	[REDACTED]	[REDACTED]			2/21/2019	Sergeant	2/28/2019	Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00007764	DPP (Armstrong)	DLT; DPH; TABE4	5/20/2019	Failure to Provide SLI	Internal	I/M [REDACTED] RVR "Interaction date 10/30/2018 Delivery of Hearing Results." No SLI Utilized	[REDACTED]	[REDACTED]	90672	Officer	5/29/2019	Associate Warden	6/11/2019	Not Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00007774	DPP (Armstrong)	DPH; DPS	5/20/2019	Failure to Provide SLI	Internal	I/M [REDACTED] RVR log # 5369744 - Interaction date 7/30/2018 Interview with Staff Assistant - No SLI utilized	[REDACTED]	[REDACTED]	99530	Officer	5/29/2019	Lieutenant	6/5/2019	Not Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00008059	DPP (Armstrong)	DNH; DPO	6/10/2019	DME / Property	Other	Missing DME's	[REDACTED]	[REDACTED]	40693	Lieutenant	6/11/2019	Associate Warden	7/23/2019	Confirmed	LOI - Letter of Instruction
RJD - RJ Donovan Correctional Facility	ALTS-00008103	DPP (Armstrong)	DPO	6/6/2019	DME / Property	Inmate	I/M [REDACTED] states in 1824 log #19-3246 that his wheelchair was taken to take I/M [REDACTED] out on emergency medical.	[REDACTED]	[REDACTED]	38487	Officer	6/12/2019	Sergeant	6/15/2019	Confirmed	ECR - Employee Counselling Record
RJD - RJ Donovan Correctional Facility	ALTS-00010197	DPP (Armstrong)	DPM	8/23/2019	Other	Third Party	AMT Log- I/M [REDACTED] claims that on 8/21/18 C/O used foul language, peppered sprayed, kicked, and hit him in the face and eyes.	[REDACTED]	[REDACTED]	100641	Officer	8/23/2019	Sergeant	8/28/2019	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00010535	DPP (Armstrong)	DPH	8/23/2019	Housing	Third Party	AMT Log- I/M [REDACTED] claims that on 8/20/18 was housed incorrectly in ASU during layover while being transferred	[REDACTED]	[REDACTED]	34347	Sergeant	8/23/2019	Lieutenant	9/2/2019	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00010812	DPP (Armstrong)	DPM	8/23/2019	Other	Third Party	I/M [REDACTED] claims that on June 29, 2019 staff denied him showers necessary to keep his stump clean, claiming that he was not allowed	[REDACTED]	[REDACTED]			8/26/2019	Sergeant	9/1/2019	Not Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00011393	DPP (Armstrong)	DPW	1/9/2019	Housing	Internal	Claims that he was inappropriately housed and required a bed move based on his DPW status.	[REDACTED]	[REDACTED]			1/11/2019	Lieutenant	1/18/2019	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00011401	DPP (Armstrong)	DPH; DPS	10/22/2019	Failure to Provide SLI	Internal	Claims there was not an SLI at off site appointment	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00011405	DPP (Armstrong)	DPW	10/22/2019	Housing	Other	Specifically, inmate [REDACTED] (DPW) claims that he was inappropriately housed, and was designated as a DPW on 11-5-18.	[REDACTED]	[REDACTED]	99548	Sergeant	10/31/2019	Sergeant	11/1/2019	Confirmed	ECR - Employee Counselling Record
RJD - RJ Donovan Correctional Facility	ALTS-00011519	DPP (Armstrong)	DLT	10/24/2019	EC	Internal	After reviewing the lock-up order, staff did not document whether or not the Inmate had his hearing aids during initial placement and the administrative review.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00011635	DPP (Armstrong)	DPM	11/2/2019	DME / Property	Internal	[REDACTED] transferred to VSP from RJD without his DMEs (ankle foot orthoses/knee ankle, eyeglasses frames, knee brace, wedge pillow, mobility impaired vest, foot orthoses and walker).	[REDACTED]	[REDACTED]						Pending	

Illinois Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 January 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
RJD - RJ Donovan Correctional Facility	ALTS-00012056	DPP (Armstrong)	DPW	11/19/2019	Housing	Other	Specifically, inmate [REDACTED] is currently housed inappropriately as he is in a non-DPW cell. As of today, 11/19/2019, he still has not been re-housed appropriately.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012057	DPP (Armstrong)	DNH; DPO	11/19/2019	Housing	Other	Specifically, inmate [REDACTED] arrived to Richard J. Donovan (RJD) on 11/17/2019 and was immediately housed in the CTC. However, review of SOMS notes that an Initial Housing Review was not completed.	[REDACTED]	[REDACTED]			12/1/2019		12/11/2019	Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012097	DPP (Armstrong)	DPO	11/22/2019	Other	Inmate	Specifically, inmate [REDACTED] claims that an Officer slammed him against the door twice, and has been picking on him. Furthermore, he also claims there are no 602 forms to fill out in the building.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012377	DPP (Armstrong)	DNH; DPW	12/4/2019	Discrimination / Retaliation	Inmate	Inmate alleges Health Care staff are retaliating against him for reporting employee misconduct and discrimination against him for being transgender. He further alleges Dr. told him to kill himself or his family would be killed.	[REDACTED]	[REDACTED]						Closed: Referred to Healthcare	
RJD - RJ Donovan Correctional Facility	ALTS-00012391	DPP (Armstrong)	DNH	12/5/2019	DME / Property	Inmate	Specifically, inmate [REDACTED] claims that he has been in Ad-Seg for four days without his DME (hearing aids).	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012392	DPP (Armstrong)	DNH; DPW	12/5/2019	Discrimination / Retaliation	Inmate	Specifically, inmate [REDACTED] claims that he was left in handcuffs for 48 hours, and is being tortured physically, mentally, sexually, and a victim of cruel and unusual punishment.	[REDACTED]	[REDACTED]						Closed: Referred to DAI	
RJD - RJ Donovan Correctional Facility	ALTS-00012445	DPP (Armstrong)	DPO	12/5/2019	DME / Property	Internal	Inmate [REDACTED] was transferred to VSP from RJD on December 4, 2019 without his Therapeutic Shoes.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012519	DPP (Armstrong)	DPM	12/12/2019	DME / Property	Inmate	1824 claims Inmate Arrived at VSP from RJD without anti-shox insoles. After discussing with VSP Medical on 12/12 inmate had both, full foot (anti-shox) insoles and heel cup style orthoses. Inmate arrived with only heel cup orthoses.	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013258	DPP (Armstrong)	DLT	1/17/2020	Discrimination / Retaliation	Inmate	Inmate [REDACTED] reports while hospitalized at Tri-City Medical Center from 12/12/19 Correctional Officers assigned to guard her did not assist her to the restroom and she had to urinate on the bedside table	[REDACTED]	[REDACTED]		Officer	1/21/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013423	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	Inmate alleges he was not afforded a SLI interpreter on January 24, 2020	[REDACTED]	[REDACTED]			1/27/2020	Sergeant		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013425	DPP (Armstrong)	DPM	1/27/2020	DME / Property	Inmate	Inmate alleges he is not allowed to his work assignment if he wears his orthopedic shoes	[REDACTED]	[REDACTED]			1/27/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013426	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	CCI's are not providing SLI services during open line	[REDACTED]	[REDACTED]			1/27/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013427	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	Staff failed to provide SLI on January 22, 2020 for church services	[REDACTED]	[REDACTED]			1/27/2020	Other		Pending	

Illinois Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 January 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
RJD - RJ Donovan Correctional Facility	ALTS-00013455	DPP (Armstrong)	DNH; DPW	1/28/2020	DME / Property	Inmate	Inmate alleges staff lost his hearing aids	[REDACTED]				1/28/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013464	DPP (Armstrong)	DPH	1/9/2020	EC for DPV and DPH	Inmate	Inmate alleges he was not afforded a Reasonable Accommodation during a classification committee dated December 17, 2019.					1/29/2020	Associate Warden		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013554	DPP (Armstrong)	DPH	1/30/2020	DME / Property	Inmate	Inmate alleges his eyeglasses are being withheld					1/31/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013555	DPP (Armstrong)	DPH	1/30/2020	Other	Inmate	Inmate alleges he does not have equal access to television programs because it is not close captioned					1/31/2020	Captain		Pending	

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
RJD - RJ Donovan Correctional Facility	ALTS-00001938	DPP (Armstrong)	DPM	10/24/2018	DME / Property	Internal	Inmate [REDACTED] did not receive his DME's when he returned to RJD on 10-19-2018	[REDACTED]	[REDACTED]			10/25/2018	Lieutenant	11/6/2018	Confirmed	Other
RJD - RJ Donovan Correctional Facility	ALTS-00004267	DPP (Armstrong)	DPO	1/29/2019	DME / Property	Inmate	Inmate states San Diego MCRP did not transfer him with his wheelchair cushion and gloves and any other inmate [REDACTED]	[REDACTED]	[REDACTED]	50088	Other	1/29/2020	Other	2/4/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00006777	DPP (Armstrong)	DNH	2/21/2019	EC	Internal	(DNH) was designated DNH on 3/13/2019; however, was not interviewed within 14 days as required pursuant to the Equally Effective Communication For Hearing and Speech	[REDACTED]	[REDACTED]	34553	Correctional Counselor I	2/21/2019	Correctional Counselor II Supervisor	2/26/2020	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00007764	DPP (Armstrong)	DLT; DPH; TABE4	5/20/2019	Failure to Provide SLI	Internal	I/M [REDACTED] RVR / Interaction date 10/30/2018 Delivery of Hearing Results /No SLI Utilized	[REDACTED]	[REDACTED]	90672	Officer	5/29/2019	Associate Warden	6/11/2019	Not Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00007774	DPP (Armstrong)	DPH; DPS	5/20/2019	Failure to Provide SLI	Internal	I/M [REDACTED] RVR log # 5369744 ? Interaction date 7/30/2018 Interview with Staff Assistant - No SLI	[REDACTED]	[REDACTED]	99530	Officer	5/29/2019	Lieutenant	6/5/2019	Not Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00008059	DPP (Armstrong)	DNH; DPO	6/10/2019	DME / Property	Other	Missing DME's	[REDACTED]	[REDACTED]	40693	Lieutenant	6/11/2019	Associate Warden	7/23/2019	Confirmed	LOI - Letter of Instruction
RJD - RJ Donovan Correctional Facility	ALTS-00008103	DPP (Armstrong)	DPO	6/6/2019	DME / Property	Inmate	I/M [REDACTED] states in 1824 log #19-3246 that his wheelchair was taken to take I/M [REDACTED] out on	[REDACTED]	[REDACTED]	38487	Officer	6/12/2019	Sergeant	6/15/2019	Confirmed	ECR - Employee Counselling Record
RJD - RJ Donovan Correctional Facility	ALTS-00010195	DPP (Armstrong)	DPM	8/23/2018	Other	Third Party	AMT Log- I/M [REDACTED] claims that on 8/1/18 C/O betrayed him, handcuffed him, and made him lift	[REDACTED]	[REDACTED]	40632	Officer	8/23/2019	Sergeant	8/29/2019	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00010197	DPP (Armstrong)	DPM	8/23/2019	Other	Third Party	AMT Log- I/M [REDACTED] claims that on 8/21/18 C/O used foul language, peppered sprayed, kicked, and hit him in the face and	[REDACTED]	[REDACTED]	100641	Officer	8/23/2019	Sergeant	8/28/2019	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00010535	DPP (Armstrong)	DPH	8/23/2019	Housing	Third Party	AMT Log- I/M [REDACTED] claims that on 8/20/18 was housed incorrectly in ASU during lavover while being	[REDACTED]	[REDACTED]	34347	Sergeant	8/23/2019	Lieutenant	9/2/2019	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00010812	DPP (Armstrong)	DPM	8/23/2019	Other	Third Party	I/M [REDACTED] claims that on June 29, 2019 staff denied him showers necessary to keep his stump clean, claiming that he was	[REDACTED]	[REDACTED]	Unknown		8/26/2019	Sergeant	9/1/2019	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00011393	DPP (Armstrong)	DPW	1/9/2019	Housing	Internal	Claims that he was inappropriately housed and required a bed move based on his DPW status.	[REDACTED]	[REDACTED]	Unknown		1/11/2019	Lieutenant	1/18/2019	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00011401	DPP (Armstrong)	DPH; DPS	10/22/2019	Failure to Provide SLI	Internal	Claims there was not an SLI at off site appointment	[REDACTED]	[REDACTED]						Pending	

California Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
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RJD - RJ Donovan Correctional Facility	ALTS-00011405	DPP (Armstrong)	DPW	10/22/2019	Housing	Other	Specifically, inmate [REDACTED] CDCR# [REDACTED] (DPW) claims that he was inappropriately housed, and was designated as a DPW on 11-5-18.	[REDACTED]	[REDACTED]	99548	Sergeant	10/31/2019	Sergeant	11/1/2019	Confirmed	ECR - Employee Counselling Record
RJD - RJ Donovan Correctional Facility	ALTS-00011519	DPP (Armstrong)	DLT	10/24/2019	EC	Internal	After reviewing the lock-up order, staff did not document whether or not the Inmate had his hearing aids during initial placement and the administrative	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00011635	DPP (Armstrong)	DPM	11/2/2019	DME / Property	Internal	[REDACTED] transferred to VSP from RJD without his DMEs (ankle foot orthoses/knee ankle, eyeglasses frames, knee brace, wedge pillow, mobility impaired vest, foot	[REDACTED]	[REDACTED]	33127	Officer	11/18/2019	Sergeant	2/25/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00012056	DPP (Armstrong)	DPW	11/19/2019	Housing	Other	Specifically, Inmate [REDACTED] is currently housed inappropriately as he is in a non-DPW cell. As of today, 11/19/2019, he still has not	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012057	DPP (Armstrong)	DNH; DPO	11/19/2019	Housing	Other	Specifically, inmate [REDACTED] arrived to Richard J. Donovan (RJD) on 11/17/2019 and was immediately housed in the CTC. However, review of SOMS notes that an Initial	[REDACTED]	[REDACTED]			12/1/2019		12/11/2019	Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012097	DPP (Armstrong)	DPO	11/22/2019	Discrimination / Retaliation	Other	Specifically, inmate [REDACTED] claims that an Officer slammed him against the door twice, and has been picking on him. Furthermore, he also claims there are no 602 forms to	[REDACTED]	[REDACTED]						Closed: Referred to DAI	
RJD - RJ Donovan Correctional Facility	ALTS-00012391	DPP (Armstrong)	DNH	12/5/2019	DME / Property	Inmate	Specifically, inmate [REDACTED] claims that he has been in Ad-Seg for four days without his	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012445	DPP (Armstrong)	DPO	12/5/2019	DME / Property	Internal	Inmate [REDACTED] was transferred to VSP from RJD on December 4, 2019 without his Therapeutic	[REDACTED]	[REDACTED]						Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00012519	DPP (Armstrong)	DPM	12/12/2019	DME / Property	Inmate	1824 claims Inmate Arrived at VSP from RJD without anti-shox insoles. After discussing with VSP Medical on 12/12 inmate had both, full foot (anti-shox) insoles and heel cup style orthoses. Inmate arrived with only	[REDACTED]	[REDACTED]			2/20/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013258	DPP (Armstrong)	DLT	1/17/2020	Discrimination / Retaliation	Inmate	Inmate [REDACTED] reports while hospitalized at Tri-City Medical Center from 12/12/19 Correctional Officers assigned to guard her did not assist her to the restroom and she had to	[REDACTED]	[REDACTED]	106114	Officer	1/21/2020	Sergeant	1/29/2020	Not Confirmed	No Action

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RJD - RJ Donovan Correctional Facility	ALTS-00013423	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	Inmate alleges he was not afforded a SLI interpreter on January 24, 2020			99895	Other	1/27/2020	Sergeant	2/14/2020	Confirmed	Training
RJD - RJ Donovan Correctional Facility	ALTS-00013425	DPP (Armstrong)	DPM	1/27/2020	DME / Property	Inmate	Inmate alleges he is not allowed to work his assignment if he wears his orthopedic shoes					1/27/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013426	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	CCI's are not providing SLI services during open line					1/27/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013427	DPP (Armstrong)	DPH	1/27/2020	Failure to Provide SLI	Inmate	Staff failed to provide SLI on January 22, 2020 for church services					1/27/2020	Other		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013455	DPP (Armstrong)	DNH; DPW	1/28/2020	DME / Property	Inmate	Inmate alleges staff lost his hearing aids			Unknown		1/28/2020	Sergeant	2/11/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00013464	DPP (Armstrong)	DPH	1/9/2020	EC for DPV and DPH	Inmate	Inmate alleges he was not afforded a Reasonable Accommodation during a classification committee dated December 17, 2019.			118352	Correctional Counselor I	1/29/2020	Associate Warden	2/6/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00013554	DPP (Armstrong)	DPH	1/30/2020	DME / Property	Inmate	Inmate alleges his eyeglasses are being withheld					1/31/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013555	DPP (Armstrong)	DPH	1/30/2020	Other	Inmate	Inmate alleges he does not have equal access to television programs because it is not close					1/31/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013617	DPP (Armstrong)	DPH; DPS	1/30/2020	Failure to Provide SLI	Inmate	Inmate alleges SLI was not provided during open line with the CCI					2/3/2020	Captain		Cancelled: Entered in Error	
RJD - RJ Donovan Correctional Facility	ALTS-00013618	DPP (Armstrong)	DPH	1/23/2020	EC for DPV and DPH	Inmate	Inmate alleges during religious services he was not afforded effective communication from an					2/3/2020	Other		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00013619	DPP (Armstrong)	DPH	1/23/2020		Inmate	Inmate alleges nurses will not write to communicate with him. He is requesting for medical staff to communicate with him instead he alleges he is								Closed: Referred to Healthcare	
RJD - RJ Donovan Correctional Facility	ALTS-00013621	DPP (Armstrong)	DPM	1/23/2020	DME / Property	Inmate	Inmate alleges when he left D yard his extension cord that goes with his CPAP machine was not packed in			94181	Officer	2/3/2020	Lieutenant	2/4/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00013723	DPP (Armstrong)	DNM	2/4/2020	Discrimination / Retaliation	Inmate	Inmate alleges he is not afforded a job due to his disability and he is being discriminated against								Closed: Referred to DAI	
RJD - RJ Donovan Correctional Facility	ALTS-00013867	DPP (Armstrong)	DPH	2/6/2020	Other	Inmate	Inmate alleges he was not allowed to contact his attorney					2/6/2020	Captain		Pending	

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 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 February 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
RJD - RJ Donovan Correctional Facility	ALTS-00013887	DPP (Armstrong)	DPO	1/23/2020	Other	Inmate	Inmate alleges he is not afforded access to the ADA shower and is being forced to shower in C section shower. Staff were interviewed and confirmed the inmate is being told to			110769	Officer	2/6/2020	Sergeant	2/12/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00013965	DPP (Armstrong)	DPO	1/29/2019	DME / Property	Inmate	Inmate states San Diego MCRP did not transfer him with his wheelchair cushion and gloves and any other			41130	Other	1/29/2020	Other	2/4/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00014015	DPP (Armstrong)	DPM	2/11/2020	Housing	Other	Inmate is DPM and was moved to the 2nd tier and to an upper bunk. Non compliance referral to medical because the DPP code is inconsistent with								Closed: Referred to Healthcare	
RJD - RJ Donovan Correctional Facility	ALTS-00014020	DPP (Armstrong)	DNH	2/10/2020	Parole Planning (not EC related)	Other	It's alleged Inmate [REDACTED] CDCR 611 was completed noting no disability								Closed: Referred to DAPO	
RJD - RJ Donovan Correctional Facility	ALTS-00014037	DPP (Armstrong)	DPS	1/30/2020		Third Party	It's alleged inmate missed yard times while he was sleeping because staff do not personally notify him on					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014038	DPP (Armstrong)	DPH; DPS	1/30/2020	EC	Other	It's alleged when [REDACTED] was served a administrative segregation unit placement notice dated November 20, 2019 during the servicing the inmate reiterated in his own words what was explained and provided appropriate responses. The					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014039	DPP (Armstrong)	DNH	1/30/2020	DME / Property	Third Party	Its alleged the inmate's hearing aids were packed in his property					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014040	DPP (Armstrong)	DPV; DPW	1/30/2020	Other	Third Party	Inmate alleges he is forced to perform jobs that violated his disability based limitations					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014042	DPP (Armstrong)	DPO	1/30/2020	Other	Third Party	It's alleged the inmate is made to perform tasks that violate his disability based limitations. CDCR 611 was completed noting no					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014043	DPP (Armstrong)	DPW	1/30/2020	Other	Third Party	Inmate alleges he is being forced to work outside his disability based limitations.			99691	Officer	2/12/2020	Sergeant	2/16/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00014044	DPP (Armstrong)	DPO	1/30/2020	Other	Third Party	The inmate alleges he is forced to climb into the transportation vans despite a chrono for a vehicle lift			91973	Officer	2/12/2020	Sergeant	2/27/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00014045	DPP (Armstrong)	DPO	1/30/2020	Other	Third Party	Inmate alleges he is made to climb into transportation vans despite he has a chrono for a vehicle with a			81075	Officer	2/12/2020	Sergeant	2/26/2020	Not Confirmed	No Action

California Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 February 2020

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RJD - RJ Donovan Correctional Facility	ALTS-00014046	DPP (Armstrong)	DPO	1/30/2020	Other	Third Party	Inmate alleges staff are not providing him pen and paper upon request.					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014050	DPP (Armstrong)	DPH	11/1/2019	Failure to Provide SLI	Third Party	Inmate alleges he is not afforded a sign language interpreter of any kind during his study period for college courses. He was told not to come to class until an					2/12/2020	Other		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014053	DPP (Armstrong)	DPH	11/1/2019	Failure to Provide SLI	Third Party	Inmate alleges he was not afforded SLI for due process encounter when he was issued a counseling chronodated July 19, 2019					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014054	DPP (Armstrong)	DPH	11/1/2019	Failure to Provide SLI	Third Party	Inmate alleges he was not afforded a SLI when he was served with the RAP response in July 2019					2/12/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014063	DPP (Armstrong)	DNH	2/13/2020	Housing	Other	Inmate arrived to RJD on 10/12/19 and did not receive an initial housing review.					2/13/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014151	DPP (Armstrong)	DPM	2/13/2020	Housing	Inmate	Inmate alleges he is inappropriately housed on the top tier					2/14/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014317	DPP (Armstrong)	DPW	2/20/2020	DME / Property	Inmate	Inmate alleges his DME's are in his property					2/20/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014319	DPP (Armstrong)	DPM	2/20/2020	Housing	Inmate	Inmate alleges he is not allowed to keep his walker inside of his cell					2/20/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014322	DPP (Armstrong)	DPO	2/20/2020	Other	Inmate	Inmate alleges staff misconduct								Closed: Referred to DAI	
RJD - RJ Donovan Correctional Facility	ALTS-00014368	DPP (Armstrong)	DNH; DPW	12/16/2019	Discrimination / Retaliation	Inmate	Inmate alleges the cell door was closed on him								Closed: Referred to DAI	
RJD - RJ Donovan Correctional Facility	ALTS-00014369	DPP (Armstrong)	DPH	9/17/2019	Failure to Provide SLI	Other	Alleged no SLI for LTOP on September 17, 2019					2/24/2020	Captain		Pending	
RJD - RJ Donovan Correctional Facility	ALTS-00014383	DPP (Armstrong)	DPH	1/9/2020	EC for DPV and DPH	Inmate	Inmate alleges he was not afforded a Reasonable Accommodation during a classification committee dated December 17, 2019.			41001	Correctional Counselor II	1/29/2020	Associate Warden	2/6/2020	Not Confirmed	No Action
RJD - RJ Donovan Correctional Facility	ALTS-00014384	DPP (Armstrong)	DPH	1/9/2020	EC for DPV and DPH	Inmate	Inmate alleges he was not afforded a Reasonable Accommodation during a classification committee dated December 17, 2019.			41780	Captain	1/29/2020	Associate Warden	2/6/2020	Not Confirmed	No Action

EXHIBIT 76

California Department of Corrections and Rehabilitation

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July 2019

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LAC - California State Prison, Los Angeles	ALTS-00000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	█████	█████			9/13/2018	█████	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00007986	DPP (Armstrong)	DLT; DNH	6/6/2019	DME / Property	Inmate	Inmate alleges that his hearing aids and pocket talker are missing from his cell.	█████	█████	Unknown	Unknown	6/6/2019	█████	Captain	7/2/2019	Confirmed	ECR - Employee Counselling Record
LAC - California State Prison, Los Angeles	ALTS-00008056	DPP (Armstrong)	DPO; TABE4	6/10/2019	DME / Property	Internal	Inmate transferred to SVSP on 6/6/19 from LAC without his DME (mattress)	█████	█████	Unknown	Unknown	6/17/2019	█████	Associate Warden		Closed: Referred to DAI	
LAC - California State Prison, Los Angeles	ALTS-00008558	DPP (Armstrong)	DPM; DPV	7/1/2019	DME / Property	Third Party	Inmate alleges custody staff removed his back brace in December 2018 upon arrival to ASU	█████	█████	Unknown	Unknown	7/1/2019	█████	Associate Warden	7/16/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00008680	DPP (Armstrong)	DNM	7/8/2019	Other	Third Party	Inmate alleges that he often has accidents but cannot get fresh clothes from custody staff, so he just washes his	█████	█████	Unknown	Unknown	7/8/2019	█████	Associate Warden	7/23/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009070	DPP (Armstrong)	DPH	7/12/2019	EC for DPV and DPH	Internal	On June 12, 2019 while SLI was on vacation teacher could not get the DRP laptop to connect to a VRI interpreter, and ABE 1 class	█████	█████			7/17/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009210	DPP (Armstrong)	DPW	7/17/2019	DME / Property	Third Party	Inmate alleges he was housed at LAC for 16 days without having received his property which contained DME's, such as C-pap accessories, bifocal eyeglasses, neoprene sleeve	█████	█████			7/23/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009326	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his eye glasses as indicated in	█████	█████			7/30/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009333	DPP (Armstrong)	DNM	7/17/2019	DME / Property	Third Party	Inmate alleges that he lost his glasses and orthopedic shoes when he was transferred from D2 to D5.	█████	█████			7/30/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009335	DPP (Armstrong)	DPO	7/17/2019	DME / Property	Third Party	Inmate alleges that when he was transferred to ASU on August 23, 2018 his cervical pillow, wheelchair cushion and gloves were not properly transferred with him	█████	█████			7/30/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009337	DPP (Armstrong)	DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that control booth officer refuses to call ADA workers to push prisoners with disabilities.	█████	█████			7/30/2019	█████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009339	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges Officer keeps disabled prisoners locked down all day and does not provide access to showers as	█████	█████			7/30/2019	█████	Associate Warden		Pending	

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LAC - California State Prison, Los Angeles	ALTS-00009340	DPP (Armstrong)	DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that officer does not let ADA workers into his unit on Fridays and	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009341	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges On September 9, 2018 he requested an ADA worker to assist him getting water and he was told no by	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009342	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that officer in A5 often delays or does not let prisoners with disabilities out of their cells for chow or	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009343	DPP (Armstrong)	DPO	7/17/2019	ADA Workers	Third Party	Inmate alleges 1st watch in his building do not let ADA workers into the building because there is only one ADA worker that lives in his unit, resulting in a shortage of assistance for class	██████████████				7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009344	DPP (Armstrong)	DPM	7/17/2019	DME / Property	Third Party	Inmate alleges on September 8, 2018 he was asked to pack his property by officers before being moved to another unit he requested assistance of ADA worker to pack up property but was not afforded the opportunity to	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009345	DPP (Armstrong)	DPM	7/17/2019	Other	Third Party	Inmate alleges that officers in ASU refused to help him fill out legal forms	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009346	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges that he is not allowed out for showers after he has incontinence accidents and that officers do not give him extra sheets or	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009347	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that staff regularly deny him access to showers after he has	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009348	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that officers do not give him extra toilet paper and soap for him to clean himself after accidents.	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009349	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that Officer often harasses him when he asks for showers after incontinence accidents.	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009350	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that he does not receive new bedding or extra clothes after incontinence accidents and that as a result he must clean his own soiled items after	██████	██████			7/30/2019	██████	Associate Warden		Pending	

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LAC - California State Prison, Los Angeles	ALTS-00009351	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges he does not receive extra sheets or clothing after accidents.	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009352	DPP (Armstrong)	DPV	7/17/2019	Other	Third Party	Inmate alleges he is having problems obtaining adequate toilet paper rolls despite his request	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009354	DPP (Armstrong)	DNH; DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that officers in his unit refuse to supervise ADA workers for activities.	██████	██████			7/30/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009365	DPP (Armstrong)	DLT	7/23/2019	Discrimination / Retaliation	Inmate	Inmate alleges he was harrassed and falsely accused with a rules and violation report in A/B medical.	██████	██████			7/30/2019	██████	Associate Warden		Pending	

Disability Placement Program (DPP) - Armstrong

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LAC - California State Prison,	ALTS-00000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	██████	██████			9/13/2018	██████	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00008677	DPP (Armstrong)	DPW	7/2/2019	Other	Inmate	Inmate Alleges he is not being let out of his cell despite attempts at notifying the tower officer by yelling and knocking	██████	██████			7/8/2019	██████	Sergeant	8/5/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00008942	DPP (Armstrong)	DPW	7/9/2019	Discrimination / Retaliation	Inmate	Inmate alleges he is being denied chow morning and evening due to him being a permanent full time DPW wheelchair bound user.	██████	██████			7/15/2019	██████	Associate Warden	7/24/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009070	DPP (Armstrong)	DPH	7/12/2019	EC for DPV and DPH	Internal	On June 12, 2019 while SLI was on vacation, teacher could not get the DRP laptop to connect to a VRI interpreter, and ABE 1 class was not interpreted.	██████	██████	103355	Other	7/17/2019	██████	Associate Warden	8/16/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009210	DPP (Armstrong)	DPW	7/17/2019	DME / Property	Third Party	Inmate alleges he was housed at LAC for 16 days without having received his property which contained DME's, such as C-pap accessories, bifocal eyeglasses, neoprene sleeve for leg brace, arm band etc.	██████	██████			7/23/2019	██████	Associate Warden	8/7/2019	Not Confirmed	No Action
LAC - California State Prison,	ALTS-00009326	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his eye glasses as indicated in SOMS.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/12/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009333	DPP (Armstrong)	DNM	7/17/2019	DME / Property	Third Party	Inmate alleges that he lost his glasses and orthopedic shoes when he was transferred from D2 to D5.	██████	██████			7/30/2019	██████	Associate Warden	8/6/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009335	DPP (Armstrong)	DPO	7/17/2019	DME / Property	Third Party	Inmate alleges that when he was transferred to ASU on August 23, 2018 his cervical pillow, wheelchair cushion and gloves were not properly transferred with him	██████	██████			7/30/2019	██████	Associate Warden	8/29/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009337	DPP (Armstrong)	DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that control booth officer refuses to call ADA workers to push prisoners with disabilities.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/8/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009339	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges Officer keeps disabled prioners locked down all day and does not provide access to showers as needed.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/5/2019	Not Confirmed	No Action

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LAC - California State Prison, Los Angeles	ALTS-00009340	DPP (Armstrong)	DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that officer does not let ADA workers into his unit on Fridays and Saturdays	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/12/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009341	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges On September 9, 2018 he requested an ADA worker to assist him getting water and he was told no by the officer.	██████████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/29/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009342	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that officer in A5 often delays or does not let prisoners with disabilities out of their cells for chow or yard.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/19/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009343	DPP (Armstrong)	DPO	7/17/2019	ADA Workers	Third Party	Inmate alleges 1st watch in his building do not let ADA workers into the building because there is only one ADA worker that lives in his unit, resulting in a shortage of assistance for class members on early mornings	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/29/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009344	DPP (Armstrong)	DPM	7/17/2019	DME / Property	Third Party	Inmate alleges on September 8, 2018 he was asked to pack his property by officers before being moved to another unit he requested assistance of ADA worker to pack up property but was not afforded the opportunity to do so.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/16/2019	Not Confirmed	No Action
LAC - California State Prison,	ALTS-00009345	DPP (Armstrong)	DPM	7/17/2019	Other	Third Party	Inmate alleges that officers in ASU refused to help him fill out legal forms	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/5/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009346	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges that he is not allowed out for showers after he has incontinence accidents and that officers do not give him extra sheets or clothes.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/16/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009347	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that staff regularly deny him access to showers after he has accidents.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/21/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009348	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that officers do not give him extra toilet paper and soap for him to clean himself after accidents.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/16/2019	Not Confirmed	No Action

Disability Placement Program (DPP) - Armstrong

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LAC - California State Prison, Los Angeles	ALTS-00009349	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that Officer often harasses him when he asks for showers after incontinence accidents.	██████	██████	Unknown	Unknown	██████	██████	Associate Warden	8/12/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009350	DPP (Armstrong)	DPW	7/17/2019	Other	Third Party	Inmate alleges that he does not receive new bedding or extra clothes after incontinence accidents and that as a result he must clean his own soiled items after accidents	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/16/2019	Not Confirmed	No Action
LAC - California State Prison,	ALTS-00009351	DPP (Armstrong)	DPO	7/17/2019	Other	Third Party	Inmate alleges he does not receive extra sheets or clothing after accidents.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/16/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009352	DPP (Armstrong)	DPV	7/17/2019	Other	Third Party	Inmate alleges he is having problems obtaining adequate toilet paper rolls despite his request	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/8/2019	Not Confirmed	No Action
LAC - California State Prison,	ALTS-00009354	DPP (Armstrong)	DNH; DPW	7/17/2019	ADA Workers	Third Party	Inmate alleges that officers in his unit refuse to supervise ADA workers for activities.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/29/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009365	DPP (Armstrong)	DLT	7/23/2019	Discrimination / Retaliation	Inmate	Inmate alleges he was harassed and falsely accused with a rules and violation report in A/B medical.	██████	██████	Unknown	Unknown	7/30/2019	██████	Associate Warden	8/12/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009418	DPP (Armstrong)	DNM	7/30/2019	Other	Inmate	Inmate alleges control officer denied him to have his cell cleaned and he is mobility impaired.	██████	██████	Unknown	Unknown	8/1/2019	██████	Associate Warden	8/28/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009694	DPP (Armstrong)	DNM	8/6/2019	ADA Workers	Inmate	Inmate ██████ alleges Facility C p.m. kitchen staff are not allowing ADA workers to get trays or assist ADA inmates at dinner meals.	██████	██████	31700	Officer	8/13/2019	██████	Associate Warden	8/19/2019	Confirmed	Training
LAC - California State Prison,	ALTS-00009793	DPP (Armstrong)	DPW	8/8/2019	DME / Property	Other	Inmate alleges he arrived to LAC from SAC without all DMEs, specifically orthotic	██████	██████							Closed: Referred to DAI	
LAC - California State Prison, Los Angeles	ALTS-00009883	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or glasses knee brace or support stockings.	██████	██████			8/19/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009885	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMS.	██████	██████			8/19/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00009986	DPP (Armstrong)	DPM	8/20/2019	Other	Third Party	Inmate alleges that on August 7, 2019, he asked first watch Officer for a shower and was denied.	██████	██████			8/22/2019	██████	Associate Warden		Pending	

California Department of Corrections and Rehabilitation

Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Last name	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	██████	██████			9/13/2018	██████	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00007986	DPP (Armstrong)	DLT; DNH	6/6/2019	DME / Property	Inmate	Inmate alleges that his hearing aids and pocket talker are missing from his cell.	██████	██████	113569	Officer	6/6/2019	██████	Captain	7/2/2019	Confirmed	ECR - Employee Counseling Record
LAC - California State Prison, Los Angeles	ALTS-00009070	DPP (Armstrong)	DPH	7/12/2019	EC for DPV and DPH	Internal	On June 12, 2019 while SLI was on vacation teacher could not get the DRP laptop to connect to a VRI interpreter, and ABE 1 class was not interpreted.	██████	██████	103355	Other	7/17/2019	██████	Associate Warden	8/16/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009326	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his eye glasses as indicated in SOMS.	██████	██████			7/30/2019	██████	Associate Warden	8/12/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009418	DPP (Armstrong)	DNM	7/30/2019	Other	Inmate	Inmate alleges control officer denied him to have his cell cleaned and he is mobility impaired.	██████	██████			8/1/2019	██████	Associate Warden	8/28/2019	Not Confirmed	
LAC - California State Prison, Los Angeles	ALTS-00009694	DPP (Armstrong)	DNM	8/6/2019	ADA Workers	Inmate	Inmate ██████ alleges Facility C p.m. kitchen staff are not allowing ADA workers to get trays or assist ADA inmates at dinner meals.	██████	██████	31700	Officer	8/13/2019	██████	Associate Warden	8/19/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009883	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or glasses, knee brace or support stockings.	██████	██████	91586	Sergeant	8/19/2019	██████	Lieutenant	8/22/2019	Confirmed	LOI - Letter of Instruction
LAC - California State Prison, Los Angeles	ALTS-00009885	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMS.	██████	██████	113439	Officer	8/19/2019	██████	Lieutenant	9/4/2019	Confirmed	Training

California Department of Corrections and Rehabilitation

Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

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LAC - California State Prison, Los Angeles	ALTS-00009986	DPP (Armstrong)	DPM	8/20/2019	Other	Third Party	Inmate alleges that on August 7, 2019, he asked first watch Officer for a shower and was denied.	[REDACTED]	[REDACTED]			8/22/2019	[REDACTED]	Sergeant	9/3/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00010585	DPP (Armstrong)	DNH; DPO	9/10/2019	DME / Property	Internal	Inmate [REDACTED] arrived at SAC without his foot orthoses.	[REDACTED]	[REDACTED]			9/18/2019	[REDACTED]	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00010754	DPP (Armstrong)	DLT	9/18/2019	Other	Internal	Inmate arrived on 9/17/19 from CMF and no initial housing review was done.	[REDACTED]	[REDACTED]			9/25/2019	[REDACTED]	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00010756	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	[REDACTED]	[REDACTED]			9/25/2019	[REDACTED]	Associate Warden		Pending	

October 2019

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Last name	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-0000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	██████	██████			9/13/2018	██████	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00007986	DPP (Armstrong)	DLT; DNH	6/6/2019	DME / Property	Inmate	Inmate alleges that his hearing aids and pocket talker are missing from his cell.	██████	██████	113569	Officer	6/6/2019	██████	Captain	7/2/2019	Confirmed	ECR - Employee Counselling Record
LAC - California State Prison, Los Angeles	ALTS-00009326	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his eye glasses as indicated in SOMs.	██████	██████	113569	Officer	7/30/2019	██████	Associate Warden	8/12/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009418	DPP (Armstrong)	DNM	7/30/2019	Other	Inmate	Inmate alleges control officer denied him to have his cell cleaned and he is mobility impaired.	██████	██████			8/1/2019	██████	Associate Warden	8/28/2019	Not Confirmed	
LAC - California State Prison, Los Angeles	ALTS-00009694	DPP (Armstrong)	DNM	8/6/2019	ADA Workers	Inmate	Inmate ██████ alleges Facility C p.m. kitchen staff are not allowing ADA workers to get trays or assist ADA inmates at dinner meals.	██████	██████	31700	Officer	8/13/2019	██████	Associate Warden	8/19/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009883	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or glasses knee brace or support	██████	██████	91586	Sergeant	8/19/2019	██████	Lieutenant	8/22/2019	Confirmed	LOI - Letter of Instruction
LAC - California State Prison, Los Angeles	ALTS-00009885	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMs.	██████	██████	113439	Officer	8/19/2019	██████	Lieutenant	9/4/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00009986	DPP (Armstrong)	DPM	8/20/2019	Other	Third Party	Inmate alleges that on August 7, 2019, he asked first watch Officer for a shower and was denied.	██████	██████			8/22/2019	██████	Sergeant	9/3/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00010585	DPP (Armstrong)	DNH; DPO	9/10/2019	DME / Property	Internal	Inmate ██████ arrived at SAC without his foot orthoses C with his Foot Orthoses	██████	██████			9/18/2019	██████	Captain	10/18/2019	Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00010754	DPP (Armstrong)	DLT	9/18/2019	Other	Internal	Inmate arrived on 9/17/19 from CMF and no initial housing	██████	██████	28950	Lieutenant	9/25/2019	██████	Associate Warden	10/25/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00010756	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	██████	██████	41413	Sergeant	9/25/2019	██████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record
LAC - California State Prison, Los Angeles	ALTS-00011475	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	██████	██████	80185	Officer	9/25/2019	██████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record

California Department of Corrections and Rehabilitation

Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

October 2019

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Last name	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00011476	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	██████	██████	104275	Officer	9/25/2019	██████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record
LAC - California State Prison, Los Angeles	ALTS-00011479	DPP (Armstrong)	DNM	10/24/2019	DME / Property	Internal	Inmate ██████ transferred from LAC to CHCF without his AFO/KAFO brace as indicated on his SOMS Accommodation	██████	██████			10/31/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00011611	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	██████	██████			10/31/2019	██████	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00011617	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate ██████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMS.	██████	██████	105414	Officer	8/19/2019	██████	Lieutenant	9/4/2019	Pending	

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ALTS-0000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	████	████			9/13/2018	████	Lieutenant	9/24/2018	Pending	
ALTS-00007986	DPP (Armstrong)	DLT; DNH	6/6/2019	DME / Property	Inmate	Inmate alleges that his hearing aids and pocket talker are missing from his cell.	██	████	113569	Officer	6/6/2019	████	Captain	7/2/2019	Confirmed	ECR - Employee Counselling Record
ALTS-00009326	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate █████ arrived to CHCF from LAC without his eye glasses as indicated in SOMS.	████	████	113569	Officer	7/30/2019	████	Associate Warden	8/12/2019	Confirmed	Training
ALTS-00009418	DPP (Armstrong)	DNM	7/30/2019	Other	Inmate	Inmate alleges control officer denied him to have his cell cleaned and he is mobility impaired.	██	████			8/1/2019	████	Associate Warden	8/28/2019	Not Confirmed	No Action
ALTS-00009883	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or gladdes knee brace or support stockings.	████	████	91586	Sergeant	8/19/2019	████	Lieutenant	8/22/2019	Confirmed	LOI - Letter of Instruction
ALTS-00009885	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate █████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMS.	████	████	113439	Officer	8/19/2019	████	Lieutenant	9/4/2019	Confirmed	Training
ALTS-00010585	DPP (Armstrong)	DNH; DPO	9/10/2019	DME / Property	Internal	Inmate █████ arrived at SAC without his foot orthoses C with his Foot Orthoses	██	████			9/18/2019	██	Captain	10/18/2019	Confirmed	No Action
ALTS-00010754	DPP (Armstrong)	DLT	9/18/2019	Other	Internal	Inmate arrived on 9/17/19 from CMF and no initial housing review was done.	████	████	28950	Lieutenant	9/25/2019	████	Associate Warden	10/25/2019	Confirmed	Training
ALTS-00010756	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	████	████	41413	Sergeant	9/25/2019	████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record
ALTS-00011475	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	████	████	80185	Officer	9/25/2019	████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record
ALTS-00011476	DPP (Armstrong)	DNH; DPM	9/17/2019	DME / Property	Inmate	Inmate alleges CSP-LAC custody staff lost prescribed DMES specifically hearing aids.	████	████	104275	Officer	9/25/2019	████	Associate Warden	10/25/2019	Confirmed	ECR - Employee Counselling Record
ALTS-00011479	DPP (Armstrong)	DNM	10/24/2019	DME / Property	Internal	Inmate █████ transferred from LAC to CHCF without his AFO/KAFO brace as indicated on his SOMS Accommodation Summary	████	████			10/31/2019	████	Associate Warden		Pending	
ALTS-00011611	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lowe/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	██	████			10/31/2019	████	Associate Warden		Pending	
ALTS-00011616	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or gladdes knee brace or support stockings.	████	████	94666	Sergeant	8/19/2019	████	Lieutenant	8/22/2019	Confirmed	LOI - Letter of Instruction

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ALTS-00011617	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate [REDACTED] arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMs.	[REDACTED]	[REDACTED]	105414	Officer	8/19/2019	[REDACTED]	Lieutenant	9/4/2019	Confirmed	Training
ALTS-00011750	DPP (Armstrong)	DLT; TABE4	7/25/2019	DME / Property	Internal	Inmate [REDACTED] arrived to CHCF from LAC without his eye glasses as indicated in SOMs.	[REDACTED]	[REDACTED]	90173	Officer	7/30/2019	[REDACTED]	Associate Warden	8/12/2019	Confirmed	Training
ALTS-00011855	DPP (Armstrong)	DPW	11/1/2019	Housing	Third Party	Inmate [REDACTED] is DPW however he was housed in a non DPW bed	[REDACTED]	[REDACTED]			11/12/2019	[REDACTED]			Pending	
ALTS-00011856	DPP (Armstrong)	DPW	11/7/2019	DME / Property	Third Party	Inmate transferred to CHCF from LAC 10/16/19 directly from the hospital and arrived without his DME's specifically wheelchair, walker, prescription glasses, and C-pap machine.	[REDACTED]	[REDACTED]			11/12/2019	[REDACTED]	Associate Warden		Pending	

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LAC - California State Prison,	ALTS-0000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	████	████			9/13/2018	████	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00009418	DPP (Armstrong)	DNM	7/30/2019	Other	Inmate	Inmate alleges control officer denied him to have his cell cleaned and he is mobility impaired.	████	████	Unknown	Unknown	8/1/2019	████	Associate Warden	8/28/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00009883	DPP (Armstrong)	DNH	8/13/2019	DME / Property	Inmate	Inmate alleges he does not have hearing aids, vest or gladdes knee brace or support stockings.	████	████	91586	Sergeant	8/19/2019	████	Lieutenant	8/22/2019	Confirmed	LOI - Letter of Instruction
LAC - California State Prison, Los Angeles	ALTS-00009885	DPP (Armstrong)	DLT; TABE4	8/19/2019	DME / Property	Internal	Inmate █████ arrived to CHCF from LAC without his back brace and eye glass frames as indicated in SOMS.	████	████	113439	Officer	8/19/2019	████	Lieutenant	9/4/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00011479	DPP (Armstrong)	DNM	10/24/2019	DME / Property	Internal	Inmate █████ transferred from LAC to CHCF without his AFO/KAFO brace as indicated on his SOMS Accommodation Summary	████	████	Unknown	Unknown	10/31/2019	████	Captain	12/5/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00011611	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	████	████	35404	Officer	10/31/2019	████	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison,	ALTS-00011855	DPP (Armstrong)	DPW	11/1/2019	Housing	Third Party	Inmate █████ is DPW however he was housed in a non DPW bed	████	████	97037	Sergeant	11/12/2019	████	Sergeant	12/3/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00011856	DPP (Armstrong)	DPW	11/7/2019	DME / Property	Third Party	Inmate transferred to CHCF from LAC 10/16/19 directly from the hospital and arrived without his DME's specifically wheelchair, walker, prescription glasses, and C-pap machine.	████	████			11/12/2019	████	Sergeant	12/19/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012494	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	████	████	33289	Officer	10/31/2019	████	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012495	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	████	████	97776	Sergeant	10/31/2019	████	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012496	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	████	████	40523	Officer	10/31/2019	████	Sergeant	12/10/2019	Confirmed	Training

California Department of Corrections and Rehabilitation

Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

December 2019

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Last name	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00012497	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, lower/bottom bunk only however was moved to a lower bunk upper tier on 10/18/19	█	█	85975	Sergeant	10/31/2019	█	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012642	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges he cannot get ADA workers to clean his cell, because the workers often refuse to help him and officers do not require ADA workers to help him or other prisoners with disabilities with cell cleaning.	█	█			12/20/2019	█	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00012643	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges that he has to repeatedly ask officers for an ADA worker in the mornings before he can be let out of his cell with assistance	█	█			12/20/2019	█	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00012644	DPP (Armstrong)	DNM; DPV	12/16/2019	Other	Third Party	Inmate alleges that he often does not get let out of his cell by officers and has to yell at the tower officer in order to be let out.	█	█			12/20/2019	█	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00012645	DPP (Armstrong)	DNH; DPO	12/16/2019	Other	Third Party	Inmate alleges officers in the ASU building refuse to assist him with cell cleaning when he requests help.	█	█			12/20/2019	█	Associate Warden		Pending	

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	████	████			9/13/2018	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00011611	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, low/bottom bunk only however was moved to a lower bunk upper tier on	████	████	35404	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00011856	DPP (Armstrong)	DPW	11/7/2019	DME / Property	Third Party	Inmate transferred to CHCF from LAC 10/16/19 directly from the hospital and arrived without his DME's specifically wheelchair, walker, prescription glasses, and C-pap	████	████			11/12/2019	Sergeant	12/19/2019	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012494	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, low/bottom bunk only however was moved to a lower bunk upper tier on	████	████	33289	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012495	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, low/bottom bunk only however was moved to a lower bunk upper tier on	████	████	97776	Sergeant	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012496	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, low/bottom bunk only however was moved to a lower bunk upper tier on	████	████	40523	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012497	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs, low/bottom bunk only however was moved to a lower bunk upper tier on	████	████	85975	Sergeant	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012642	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges he cannot get ADA workers to clean his cell, because the workers often refuse to help him and officers do not require ADA workers to help him or other prisoners with disabilities with cell	████	████			12/20/2019	Sergeant	1/17/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012643	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges that he has to repeatedly ask officers for an ADA worker in the mornings before he can be let out of his cell with assistance	████	████			12/20/2019	Sergeant	1/10/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012644	DPP (Armstrong)	DNM; DPV	12/16/2019	Other	Third Party	Inmate alleges that he often does not get let out of his cell by officers and has to yell at the tower officer in order to be let out.	████	████			12/20/2019	Sergeant	1/17/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012645	DPP (Armstrong)	DNH; DPO	12/16/2019	Other	Third Party	Inmate alleges officers in the ASU building refuse to assist him with cell cleaning when he requests help.	████	████			12/20/2019	Sergeant	1/20/2020	Not Confirmed	No Action

California Department of Corrections and Rehabilitation
 Disability Placement Program (DPP) - Armstrong
 Allegation of Noncompliance
 January 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00013221	DPP (Armstrong)	DPO	1/7/2019	Other	Inmate	Inmate alleges all wheelchair inmates are being forced to go to chow hall with early workers to eat not considering any of his ADA living issues and if he does not make it he can't go to	█	█			1/17/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00013223	DPP (Armstrong)	DLT	1/15/2020	Housing	Inmate	Inmate alleges he cannot access the showers in the mornings on Thursdays and Fridays when he has incontinence accidents during	█	█			1/17/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00013478	DPP (Armstrong)	DPM	1/29/2020	Other	Third Party	Inmate █ alleges Counselor denied him assistance to writing 1824's and other CDCR	█	█			1/29/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00013480	DPP (Armstrong)	DPW	1/29/2020	DME / Property	Internal	DME Eggcrate Cushion was not with inmate when transferred to VSP from LAC on 1/29/2020	█	█						Cancelled: Entered in Error	

California Department of Corrections and Rehabilitation

Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

February 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00000653	DPP (Armstrong)	DNH; DPM	9/13/2018	DME / Property	Other	Transferred without Hearing Aids	████	████	Unknown		9/13/2018	Lieutenant	9/24/2018	Pending	
LAC - California State Prison, Los Angeles	ALTS-00011611	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs,	████	████	35404	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012494	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs,	████	████	33289	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012495	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs,	████	████	97776	Sergeant	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012496	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs,	████	████	40523	Officer	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012497	DPP (Armstrong)	DLT	10/22/2019	Housing	Internal	Inmate has a housing restriction of ground floor limited stairs,	████	████	85975	Sergeant	10/31/2019	Sergeant	12/10/2019	Confirmed	Training
LAC - California State Prison, Los Angeles	ALTS-00012642	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges he cannot get ADA workers to clean his cell, because the workers often refuse to help	████	████	Unknown		12/20/2019	Sergeant	1/17/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012643	DPP (Armstrong)	DPW	12/16/2019	ADA Workers	Third Party	Inmate alleges that he has to repeatedly ask officers for an ADA worker in	████	████	Unknown		12/20/2019	Sergeant	1/10/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012644	DPP (Armstrong)	DNM; DPV	12/16/2019	Other	Third Party	Inmate alleges that he often does not get let out of his cell by officers and	████	████	Unknown		12/20/2019	Sergeant	1/17/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00012645	DPP (Armstrong)	DNH; DPO	12/16/2019	Other	Third Party	Inmate alleges officers in the ASU building refuse to assist	████	████	Unknown		12/20/2019	Sergeant	1/20/2020	Not Confirmed	No Action

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Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

February 2020

Location of Allegation	ALTS: Case Number	Type of Allegation	DPP (Armstrong) Codes	Date of Discovery	Overall Category of Allegation	Source of Allegation	Allegation Description	Offender's last name	CDC_number	Allegation Employee's PERNR	Allegation Employee's Classification	Date Inquiry Initiated	CDCR Inquiry Supervisor Classification	Date Inquiry completed	Inquiry Outcome	Action Taken
LAC - California State Prison, Los Angeles	ALTS-00013221	DPP (Armstrong)	DPO	1/7/2019	Other	Inmate	Inmate alleges all wheelchair inmates are being forced to go to chow hall with early	█	█	Unknown		1/17/2020	Sergeant	2/13/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00013223	DPP (Armstrong)	DLT	1/15/2020	Housing	Inmate	Inmate alleges he cannot access the showers in the mornings on	█	█	Unknown		1/17/2020	Sergeant	2/17/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00013478	DPP (Armstrong)	DPM	1/29/2020	Other	Third Party	Inmate █ alleges Counselor	█	█	Unknown		1/29/2020	Sergeant	2/18/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00014102	DPP (Armstrong)	DPO	2/11/2020	Housing	Inmate	Inmate alleges he is unable to clean his soiled bed sheets/blankets or	█	█	37754	Officer	2/13/2020	Associate Warden	2/26/2020	Not Confirmed	No Action
LAC - California State Prison, Los Angeles	ALTS-00014248	DPP (Armstrong)	DPO	2/10/2020	DME / Property	Third Party	Inmate alleges that after a recent trip to the hospital, he lost all of his property. He states he submitted	█	█	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014249	DPP (Armstrong)	DNH; DPM; TABE4	2/10/2020	ADA Workers	Third Party	Inmate alleges that he needs help from ADA workers with carrying his laundry but he has been	█	█	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014250	DPP (Armstrong)	DNH; DPM	2/10/2020	Housing	Third Party	Inmate alleges that he only gets to shower once a week because the	█	█			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014253	DPP (Armstrong)	DPW; TABE4	2/10/2020	Housing	Third Party	Inmate alleges that he only showers once to two times a week because officers do not	█	█			2/18/2020	Associate Warden	2/18/2020	Pending	
LAC - California State Prison, Los Angeles	ALTS-00014255	DPP (Armstrong)	DPW	2/10/2020	Housing	Third Party	Inmate alleges that he doesnt shower because nondisabled people use the ADA shower	█	█	Unknown		2/18/2020	Associate Warden		Pending	

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LAC - California State Prison, Los Angeles	ALTS-00014256	DPP (Armstrong)	DPW; TABE4	2/10/2020	Housing	Third Party	Inmate alleges that officers refuse to give him new linens or changes of clothes after accidents and a result he has to	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014257	DPP (Armstrong)	DNH; DPM; TABE4	2/10/2020	Housing	Third Party	Inmate alleges he is unable to get showers or	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014259	DPP (Armstrong)	DPM	2/10/2020	Housing	Third Party	Inmate alleges that he has trouble getting linens and clean clothing after incontinence accidents. He reported that	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014260	DPP (Armstrong)	DPO	2/10/2020	Facilities	Third Party	Inmate alleges that he only gets one roll of toilet paper a week and that when he asks	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014262	DPP (Armstrong)	DPW	2/10/2020	Housing	Third Party	Inmate alleges that officers who work on second watch in B1 unit	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014263	DPP (Armstrong)	DNV; DPM	2/10/2020	Housing	Third Party	Inmate alleges that Officer who works the tower on the weekends in his	██████	██████			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014276	DPP (Armstrong)	DPO	2/10/2020	Housing	Third Party	Inmate alleges that he asked officer for a shower on June 1, 2019 and he told him "no, no you cant come out." He	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014277	DPP (Armstrong)	DPO	2/10/2020	Housing	Third Party	Inmate alleges that Officer doesn't let him or incarcerated	██████	██████			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014278	DPP (Armstrong)	DPW; TABE4	2/10/2020	Housing	Third Party	Inmate alleges he has been unable to get a single change	██████	██████	Unknown		2/18/2020	Associate Warden		Pending	

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Disability Placement Program (DPP) - Armstrong

Allegation of Noncompliance

February 2020

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LAC - California State Prison, Los Angeles	ALTS-00014279	DPP (Armstrong)	DPW; TABE4	2/10/2020	ADA Workers	Third Party	Inmate alleges Officer makes it difficult for ADA workers to	█	█			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014280	DPP (Armstrong)	DPM	2/10/2020	Other	Third Party	Inmate alleges he leaves his wheelchair outside his cell and then she falsely claims other incarcerated	█	█			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014282	DPP (Armstrong)	DPW	2/10/2020	Housing	Third Party	Inmate alleges he has ongoing difficulties	█	█			2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014284	DPP (Armstrong)	DPO	2/10/2020	ADA Workers	Third Party	Inmate alleges he is assigned as an ADA worker even though he is in a wheelchair.	█	█	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014285	DPP (Armstrong)	DLT	2/10/2020	DME / Property	Third Party	Inmate alleges that he is assigned as a porter, and he was told by his supervisors that he can't	█	█	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014286	DPP (Armstrong)	DPW	2/10/2020	Discrimination / Retaliation	Third Party	Inmate alleges he was unassigned from his kitchen job	█	█	Unknown		2/18/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014371	DPP (Armstrong)	DPO	2/10/2020	Discrimination / Retaliation	Third Party	Inmate alleges Officers cuffed him with handcuffs and then let his wheelchair roll	█	█	Unknown		2/24/2020			Pending	
LAC - California State Prison, Los Angeles	ALTS-00014390	DPP (Armstrong)	DLT	2/10/2020	Discrimination / Retaliation	Third Party	Inmate alleges that Officer forces him to strip out every day before yard. He states she also deliberately	█	█			2/25/2020	Associate Warden		Pending	

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Disability Placement Program (DPP) - Armstrong

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LAC - California State Prison, Los Angeles	ALTS-00014391	DPP (Armstrong)	DPW	2/10/2020	Discrimination / Retaliation	Third Party	Inmate alleges that Officer selectively strips out Armstrong class members before and	█	█			2/25/2020	Associate Warden		Pending	
LAC - California State Prison, Los Angeles	ALTS-00014453	DPP (Armstrong)	DPO	2/11/2020	Housing	Inmate	Inmate alleges he is unable to clean his soiled bed sheets/blankets or	█	█	92863	Officer	2/13/2020	Associate Warden	2/26/2020	Not Confirmed	No Action

EXHIBIT 77

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