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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**[REDACTED] EXHIBITS 1-30b TO
DECLARATION OF MICHAEL
FREEDMAN IN SUPPORT OF
MOTION TO STOP DEFENDANTS
FROM ASSAULTING, ABUSING AND
RETALIATING AGAINST PEOPLE
WITH DISABILITIES AT R.J.
DONOVAN CORRECTIONAL
FACILITY AND EXHIBITS 1-90**

Judge: Hon. Claudia Wilken
Date: May 19, 2020
Time: 2:00 p.m.
Crtrm.: TBD, Oakland

REDACTED

Case No. C94 2307 CW

Exhibit 1



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November 13, 2019

VIA E-MAIL AND U.S. MAIL

<p>PRIVILEGED AND CONFIDENTIAL</p> <hr/> <p>SUBJECT TO PROTECTIVE ORDERS</p>
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Re: *Armstrong v. Newsom/Coleman v. Newsom*:
Staff Misconduct at Richard J. Donovan Correctional Facility
Our File Nos. 0581-03/0489-03

Dear Russa and Nick:

California Department of Corrections and Rehabilitation (“CDCR”) must take immediate steps to put an end to the rampant staff misconduct at Richard J. Donovan Correctional Facility (“RJD”) that violates the Americans with Disabilities Act (“ADA”), the *Armstrong* Remedial Plan, and various court orders in these cases.

As we have noted in dozens of letters and multiple tour reports over the past two-and-a-half years, correctional officers at RJD have systematically brutalized *Armstrong* and *Coleman* class members and other vulnerable individuals. Officers routinely cause significant injuries—broken bones, brain hemorrhages, concussions, and knocked out teeth—without any justification and without, as far as we are aware, facing any meaningful consequences, even when the same officers are involved in multiple incidents. In a number of instances, staff have targeted *Armstrong* and *Coleman* class members because of their disabilities, disability-related requests for accommodations, or complaints about prior staff misconduct. The ever-present threat of violence has created an environment in

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which people with disabilities are afraid to ask for the accommodations to which they are entitled for fear of becoming victims themselves.

Defendants in *Armstrong* and *Coleman* have met our allegations primarily with silence, responding to only 5 of Plaintiffs' counsel's 22 letters requesting investigations.¹ Despite the consistencies among allegations and multiple complaints against the same officers, Defendants have yet to confirm a single violation of policy, suggesting the investigation process is unfairly weighted in favor of exonerating staff and against our clients. Compounding the problem, Defendants routinely fail to include disability-related allegations of staff misconduct on their non-compliance logs, thereby violating the *Armstrong* Court's August 22, 2012 order ("Accountability Order") and undermining Plaintiffs' counsel's ability to access documents underlying Defendants' investigations. And the measures that Defendants have enacted at RJD to attempt to address the problem at staff misconduct have been inadequate; Plaintiffs' counsel continues to receive reports of recent, disturbing incidents.

We will separately be serving discovery requests related to staff misconduct against class members at RJD. Furthermore, unless CDCR agrees by January 1, 2020 to robust remedial steps designed to put an end to the staff misconduct at RJD, we will file a motion to protect our class members' rights.

I. RJD Is Critical to CDCR's Compliance in *Armstrong*, *Coleman*, and Other Lawsuits on Behalf of People Who Have Disabilities and Are Marginalized and Vulnerable

RJD, which houses more than 4,000 individuals on its five yards, has a significant population of people who have disabilities and who are otherwise marginalized and vulnerable. RJD has the second largest population of *Armstrong* class members of any CDCR institution, trailing only CHCF. There were 978 people on RJD's SOMS DECS roster dated October 1, 2019, including 804 people with mobility impairments, 281 people who use wheelchairs, 209 people who are deaf or hard of hearing (including 13 who use sign language as their primary method of communication), and 32 people with

¹ In addition to these five responses, Plaintiffs' counsel has received one "status update letter" in which CDCR partially disposed of one allegation. Notably, Plaintiffs' counsel has not received responses—not even acknowledgment letters—to some staff misconduct allegations raised in advocacy letters as old as March 2, 2018.

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vision impairments (including 16 DPV class members). Nearly every lower bunk placement on a lower tier in the prison is occupied by an *Armstrong* class member.

RJD houses nearly 2,200 *Coleman* class members, including 768 individuals at the EOP level of care. *See Attachment A.* The prison has nearly 100 *Clark* class members with developmental disabilities, including more than 60 individuals designated as DD2 and DD3. *See Attachment B.* Lastly, RJD houses to more than 1,500 incarcerated people who are deemed high risk medical. *See Attachment C.*

What all of these people with disabilities, mental illness, and serious medical conditions share are federally-protected rights to request and receive accommodations, care, and other assistance from staff at RJD. Given CDCR's decision to cluster thousands of its neediest and most vulnerable people at RJD, the institution's staff should be especially sensitive and responsive to these issues. Instead, correctional officers at RJD all too often attack the weak and retaliate against those who ask for help or speak up about misconduct.

II. CDCR Has Known for More Than Two Years that Staff Misconduct at RJD Is Pervasive and Harming *Armstrong* and *Coleman* Class Members

CDCR is well aware of the scope of staff misconduct at RJD. Since May 2017, we have notified the defendants in *Armstrong* and *Coleman*, by letter and in *Armstrong* monitoring reports, of **more than fifty discrete allegations of staff misconduct against *Armstrong* and *Coleman* class members at RJD.** Many of the allegations were also sent to the Office of the Inspector General.

Furthermore, following the August 2018 joint *Armstrong* audit of RJD conducted by CDCR and Plaintiffs' counsel, both our office and CDCR's Office of Audits and Court Compliance ("OACC") independently notified the highest levels of CDCR, including Secretary Diaz, of multiple, serious allegations of staff misconduct. *See Attachments D and E.* OACC notified headquarters that *Armstrong* class members at RJD reported "regular and ongoing incidents of misconduct, including allegations of staff members assaulting inmates The inmates reported allegations about staff members forcefully removing some inmates from wheelchairs; staff members assaulting inmates that were already secured with restraint equipment; and inmates being accused of assaulting officers when, in fact, it was the staff member who had assaulted the inmate. Many of the details of staff misconduct alleged by the inmates were consistent, and some of the inmates specifically identified a small group of second watch staff members primarily responsible for the alleged actions." *See Attachment D* at 1.

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Incarcerated people have also filed at least twenty federal lawsuits alleging serious misconduct by staff at RJD, including at least seven lawsuits in which the individuals are represented by counsel.²

The allegations regarding staff misconduct at RJD follow a few persistent and troubling themes. First, staff are targeting vulnerable and marginalized individuals, including *Armstrong* and *Coleman* class members. A number of the reported incidents are in direct response to individuals asking for help that CDCR is required to provide to people with disabilities. For example, when one DPM class member asked for help carrying a package that he was unable to lift while using his walker, a staff member allegedly discharged an entire can of pepper spray in his face, struck him with the empty can, and then kicked him in the ribs and stomach.³ In another case staff reportedly denied a person with a mobility impairment an extra shower as an accommodation for his disability and, after he filed a grievance regarding the issue, threatened him and ultimately orchestrated an assault on him by other incarcerated people.⁴ One person was allegedly thrown out of his wheelchair and then, while on the ground, was kned in the head by staff so hard it caused bleeding in his brain such that he had to be placed into a

² See, e.g., *Vaughn v. Hampton*, 19-cv-01687-H-KSC (S.D. Cal.) (“*Vaughn*”) (represented by counsel); *Hoyt v. Valdovinos*, 3:19-cv-01553-L-AGS (S.D. Cal.) (“*Hoyt*”) (represented by counsel); *Botts v. Sheppard*, 3:19-cv-01387-DMS-RBM (S.D. Cal.) (“*Botts*”) (represented by counsel); *Tholmer v. Covello*, 19-cv-01091-DMS-JLB (S.D. Cal.) (“*Tholmer*”); *Sidoti v. Solis*, 19-cv-1028-GPS-NLS (S.D. Cal.) (“*Sidoti*”) (represented by counsel); *Ricker v. Salas*, 3:19-cv-00807-DMS-LL (S.D. Cal.) (“*Ricker*”) (represented by counsel); *Garrett v. Diaz*, 3:19-cv-00510-CAB-MSB (S.D. Cal.) (“*Garrett*”); *Garcia v. Kernan*, 3:18-cv-02313-JLS-MSB (S.D. Cal.) (“*Garcia*”); *Vasquez v. Paramo*, 3:18-cv-02097-GPC-MDD (S.D. Cal.) (“*Vasquez*”); *Moody v. California Department of Corrections and Rehabilitation*, 3:18-cv-01110-WQH-AGS (S.D. Cal.) (“*Moody*”) (represented by counsel); *Hagan v. Rutledge*, 3:17-cv-00847-AJB-AGS (S.D. Cal.) (“*Hagan*”) (represented by counsel).

³ See Letter from Godbold to Boyd and Chen, Reports of Abuse of Mobility Impaired Class Member at RJD, Nov. 9, 2018 (“Pepper Spray Letter”).

⁴ See Letter from Godbold to Boyd and Stuter, DPM Class Member, [REDACTED], Experiencing Staff Misconduct at RJD, Feb. 26, 2019 (“[REDACTED] Letter”); Letter from Freedman to Boyd and Stuter, Supplemental Advocacy Letter re DPM Class Member, [REDACTED], Experiencing Staff Misconduct at RJD, Oct. 23, 2019 (“Supplemental [REDACTED] Letter”).

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medically-induced coma.⁵ When a transgender person reported feeling suicidal to an officer, he told her to “go handle your business”; she proceeded to cut herself so badly that she required 31 stitches.⁶ People in prison at RJD report it is common to be mocked by staff for asking for help and to be called disparaging names such “cripple” and “fag” by officers.⁷ CDCR’s own use of force data shows that class members are disproportionately impacted; for the months of May 2018 to May 2019, approximately 89 percent of use of force incidents at RJD involved *Coleman* class members, who make up just over 50 percent of the prison population.⁸

These assaults are often brazen and public, intimidating people in prison from requesting needed help or reporting misconduct. In one attack, five staff members broke a mentally ill person’s arm without any apparent justification for the use of force. Then, staff denied him access to medical care for nearly six hours as he suffered in obvious pain while other incarcerated people pleaded with staff to allow him to be taken to be seen by medical staff.⁹ In another brazen incident that is now the subject of a federal lawsuit, three incarcerated people with disabilities were publicly attacked by multiple officers in the middle of an occupied dayroom for doing nothing more than yelling at those officers to stop beating a fellow prisoner.¹⁰ In the same building, which houses people with the

⁵ See *Sidoti*, *supra*, note 2.

⁶ See Letter from Freedman to Boyd, DPO, EOP Class Member, [REDACTED], [REDACTED], Regarding Staff Misconduct at RJD, June 28, 2019 (“[REDACTED] Letter”).

⁷ See Plaintiffs’ Report re: April 10-12, 2017 Monitoring Tour of R.J. Donovan Correctional Facility, May 26, 2017 (“May 2017 Report”), at 5.

⁸ See COMPSTAT DAI Statistical Report at 195, *available at* https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2019/10/2019_05_DAI-Reception-Centers.pdf?label=Reception%20Centers&from=https://www.cdcr.ca.gov/research/compstat/

⁹ See Letter from Freedman to Boyd, DNH, EOP Class Member, [REDACTED], [REDACTED] Regarding Staff Misconduct at RJD, May 31, 2019 (“[REDACTED] Letter”); Letter from Freedman to Boyd and Stuter, DNH, EOP Class Member, [REDACTED], [REDACTED], Regarding Staff Misconduct at RJD, July 12, 2019 (“Supplemental [REDACTED] Letter”).

¹⁰ See Letter from Godbold to Boyd and Weber, Reports of Abuse of Class Members at RJD, Mar. 2, 2018 (“[REDACTED] et al. Letter”); *Moody*, *supra*, note 2.

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most severe disabilities and mental illness, staff reportedly beat another person unconscious and then openly dragged his unconscious body down a flight of stairs, allowing his head to slam on each step along the way while other incarcerated people watched through their cell windows.¹¹ When an elderly incarcerated person, who uses a walker, reported his intention to go on a hunger strike, an officer slammed him to the ground in the middle of the public recreation yard and then repeatedly jumped on his back, while multiple staff members failed to intervene. According to witnesses, after the attack, one of the officers was overheard stating “Anyone else feel like going on a hunger strike?”¹² There have been multiple reports of staff publicly parading or dragging their victims, some of whom have been stripped to their underwear, across recreation yards in the middle of the day.¹³

Given the fear of staff assault, it is understandable that people at RJD are afraid to speak up about the staff misconduct they are experiencing or witnessing. Officers frequently threaten to or actually assault individuals who complain about staff misconduct.¹⁴ Some officers reportedly pay incarcerated people to carry out violence on

¹¹ See Letter from Godbold to Boyd, Staff Misconduct Allegation from Richard J. Donovan Correctional Facility, Nov. 14, 2017 (“Stairs Letter”).

¹² See Letter from Godbold to Boyd and Stuter, Class Member Experiencing Staff Misconduct at RJD, Feb. 26, 2019 (“Unnamed Class Member Letter”).

¹³ See Letter from Godbold to Boyd, May 24, 2019 (“██████ Letter”); Letter from Freedman to Boyd and Stuter, DPO, EOP, Class Member ██████████, Regarding Staff Misconduct at RJD, July 12, 2019 (“██████ Letter”); Plaintiffs’ Report re: April 10-12, 2017 Monitoring Tour of R.J. Donovan Correctional Facility, May 26, 2017, at 3-4.

¹⁴ See Letter from Godbold to Weber, EOP Class Member, ██████████, Regarding Staff Misconduct at RJD, Oct. 10, 2019 (██████ Letter”); ████████ Letter; Supplemental ████████ Letter; Letter from Godbold to Boyd and Stuter, Advocacy Letter re DNH Class Member ██████████ Experiencing Staff Misconduct at RJD, Feb. 26, 2019 (██████ Letter”); *Vaughn, supra*, note 2; Letter from Godbold to Boyd and Stuter, Staff Misconduct Against Class Member at R.J. Donovan Correctional Facility in Retaliation for Participation in Joint Audit, Jan. 8, 2019 (“██████ Letter”); Stairs Letter; Letter from Godbold to Boyd and Stuter, DNH Class Member, ██████████, Experienced Staff Misconduct at RJD, Apr. 18, 2019 (“██████ Letter”); *Ricker; Botts; Moody*, all *supra*, note 2; ████████ et al. Letter.

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their behalf.¹⁵ Individuals often do not report misconduct or recant allegations due to this omnipresent threat of retaliation.¹⁶ Some staff have reportedly gone so far as to accompany people to medical evaluations following assaults to ensure that individuals do not report the misconduct to the medical providers.¹⁷

To further discourage reporting of misconduct and to discredit victims, staff often falsely accuse their victims of assaulting staff or violating other prison rules.¹⁸ These rule violations almost always result in “guilty” findings that can carry a loss of prison privileges and sentencing credits and can lead to the denial of parole for those people in prison with indeterminate sentences. These false guilty findings occur even when evidence corroborating the incarcerated person’s story exists. In one case, a person at the EOP level of care reported being kicked in the head twice by an officer. A psychologist who observed the incident submitted an incident report that stated that, at the time the officer kicked the incarcerated person in the head twice with “extreme force,” the incarcerated person was not resisting and was compliant on the floor. The incarcerated person complained about the excessive use of force and, in turn, was found guilty of assaulting an officer during the incident. The hearing officer adopted the assaulting officer’s version of events—that the officer slipped on discharged pepper spray, causing him to accidentally strike the incarcerated person with his foot—notwithstanding the psychologist’s report and the fact that other correctional officer witnesses did not

¹⁵ See Letter from Freedman to Boyd and Stuter, DPM Class Member, [REDACTED] [REDACTED] Regarding Staff Misconduct at RJD, July 17, 2019 (“[REDACTED] Letter”); [REDACTED] Letter; [REDACTED] Letter; Supplemental [REDACTED] Letter; [REDACTED] Letter; *Garrett; Ricker; Botts*, all *supra*, note 2.

¹⁶ See Letter from Godbold to Boyd and Stuter, DPM Class Member, [REDACTED], Experiencing Staff Misconduct at RJD, Mar. 28 2019 (“[REDACTED] Letter”); *Hoyt*, *supra*, note 2.

¹⁷ See [REDACTED] Letter.

¹⁸ See [REDACTED] Letter; [REDACTED] Letter; [REDACTED] Letter; Pepper Spray Letter; Letter from Godbold to Boyd and Stuter, DPM Class Member, [REDACTED], Experiencing Staff Misconduct at RJD, Feb. 28, 2019 (“[REDACTED] Letter”); *Garrett*; Letter from Godbold to Weber, EOP Class Member, [REDACTED], Regarding Staff Misconduct at RJD, Oct. 4, 2019 (“[REDACTED] Letter”); [REDACTED] et al. Letter; *Moody; Garcia; Hoyt*, all *supra*, note 2; *Stairs* Letter.

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corroborate the assaulting officer's story.¹⁹ In another incident, a hearing officer reportedly stated that he was going to adopt his officers' version of events and find the class member guilty, regardless of any information presented by the class member.²⁰

Some of the officers have engaged in repeated acts of staff misconduct. For example, Plaintiffs' counsel alone have reported on five separate incidents of staff misconduct involving Officer [REDACTED] including multiple instances in which he allegedly threatened and has acted on threats to hire incarcerated people to attack other incarcerated people.²¹ Plaintiffs' counsel has also reported on three separate incidents involving Sergeant [REDACTED].²² Nine other correctional officers (Officers [REDACTED], [REDACTED], and [REDACTED], and Sergeant [REDACTED]) have each been identified in at least two reported instances of staff misconduct. As far as we are aware, all of these officers continue to work at RJD and to have contact with, control over, and responsibility for providing accommodations to disabled, mentally ill, and vulnerable incarcerated people.

III. CDCR's Efforts to Combat Staff Misconduct at RJD Have Not Solved the Problem

Defendants have provided limited information to Plaintiffs' counsel regarding the results of staff misconduct investigations and the steps taken at RJD to put an end to staff misconduct. From November 14, 2017 to the present, Plaintiffs' counsel has sent the *Armstrong* and *Coleman* defendants 22 letters alleging specific instances of staff misconduct. CDCR has responded to only 5 of those letters. Plaintiffs' counsel also raised a number of allegations of staff misconduct in *Armstrong* monitoring reports, including the most recent report which was issued on May 3, 2019 and to which Defendants have not yet responded. Remarkably, CDCR has not confirmed **any** of the allegations raised by Plaintiffs' counsel.

¹⁹ See [REDACTED] Letter.

²⁰ See Letter from Freedman to Boyd and Stuter, Advocacy for [REDACTED] DPM, DNH, Regarding Staff Misconduct at RJD, Oct. 29, 2019 ([REDACTED] Letter").

²¹ See [REDACTED] Letter; Supplemental [REDACTED] Letter; [REDACTED] Letter; [REDACTED] Letter; [REDACTED] et al. Letter; *Moody*; *Hoyt*, all *supra*, note 2.

²² See Unnamed Class Member Letter; [REDACTED] et. al Letter; *Moody*; *Hoyt*, all *supra*, note 2.

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In a letter dated February 6, 2019 and a telephone call on July 1, 2019, CDCR informed Plaintiffs' counsel that they have taken some steps to attempt to curb staff misconduct at RJD. Defendants informed Plaintiffs' counsel that in December 2018, CDCR conducted interviews with 20 percent of incarcerated people on Facility C and initiated 43 investigations as a result of those interviews. Defendants stated that those investigations had, as of July 1, 2019, led to 59 referrals to the Office of Investigative Affairs, of which 39 were accepted, 15 were rejected, and 5 were pending. Plaintiffs' counsel have not, however, been informed which allegations have been or are being investigated and whether those investigations have confirmed any of the allegations. Moreover, Defendants did inform Plaintiffs' counsel that, as of July 1, 2019, there had been no criminal referrals made to OIA.

In the February letter and July 1, 2019 telephone call, Defendants also informed Plaintiffs' counsel that, as of July 1, 2019: (1) RJD had moved eight staff members from Facility C to the mailroom pending the results of investigations; (2) three staff members had been dismissed for use of excessive force, though it is not clear if any of the dismissals related to any of the incidents that we have raised with CDCR; and (3) RJD had turned on previously-dormant cameras on Facility C that now cover part of the yard and a part of the gym, though no cameras have been activated on any other facilities.

Defendants have not provided Plaintiffs' counsel with any updates regarding the situation at RJD since July 1, 2019. CDCR has not informed Plaintiffs' counsel that any of the officers involved have been disciplined or terminated. Class members report that the vast majority of involved officers, including those with repeated allegations of misconduct, remain at the prison in positions where they interact regularly with class members.

Plaintiffs' counsel continues to receive serious and concerning reports of recent staff misconduct at RJD. These complaints demonstrate that any changes made by CDCR to date have not solved the problem.

IV. The Staff Misconduct at RJD Violates Class Members' Rights

The environment that CDCR has tolerated at RJD—in which staff attack, threaten, harass, abuse, and torture class members and other incarcerated people with impunity—has directly resulted in widespread violations of class members' rights under the ADA and orders issued by the courts in *Armstrong* and *Coleman*.

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First, staff have targeted class members with misconduct because of their disabilities. Our class members report being singled out for attack because they have disabilities and are therefore less of a threat to fight back. Such conduct violates the ADA, its implementing regulations, and portions of the *Armstrong* Remedial Plan with which the *Armstrong* Court has ordered Defendants to comply. 42 U.S.C. § 12132 (“no qualified individual with a disability shall, by reason of such disability, ... be subjected to discrimination by any such entity.”); *Armstrong* Injunction, Jan. 17, 2007, at 9; ARP § I.

Second, the ongoing staff misconduct undermines the fundamental right at the heart of the ADA: the ability to request and receive reasonable accommodations needed to participate in CDCR programs, services, and activities. 28 C.F.R. § 35.130(b)(7)(i) (“A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.”); ARP § II.F. Our clients frequently refrain from requesting accommodations out of fear of becoming a victim of staff misconduct. And, as demonstrated by a number of the incidents discussed above, when class members do request help, they often face retaliation. For Defendants to comply with the ADA, incarcerated people who require accommodations must be able to ask prison staff for help, and prison staff must respond appropriately to those requests. So long as class members fear retaliation for requesting accommodations, RJD will remain in violation of the ADA.

Third, because class members are afraid to ask for help and face retaliation when they do so, CDCR is in violation of the ADA regulations and prior court orders requiring a grievance system that provides prompt and equitable responses to complaints. 28 C.F.R. § 35.107(b); *Armstrong* Injunction, Jan. 17, 2007, at 9; ARP § IV.I.23.

Lastly, CDCR has, in violation of the Accountability Order, refused to log and track instances of staff misconduct against class members on CDCR’s non-compliance logs. The *Armstrong* Court specifically ordered Defendants to establish an accountability system “to ensure that Defendants learned what was taking place in their facilities, in order to find violations, rectify them and prevent them from recurring in the future, without involvement by Plaintiffs’ counsel or the Court.” *See Armstrong*, Dkt. 2180 at 10. In response to 15 recent allegations of misconduct against *Armstrong* class members, Defendants claim that only four allegations “relate” to *Armstrong* and therefore excluded the remaining 11 from the *Armstrong* accountability process. *See Attachment F*. Among the excluded allegations were a claim by one class member that he was assaulted in response to his participation in the *Armstrong* Joint Audit process and an allegation by

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another class member that he was assaulted for asking for help carrying his property because he was unable to do so with his walker. By excluding these and other disability-related allegations from the accountability process, Defendants not only fail to comply with the *Armstrong* Court's order, but also deny Plaintiffs' counsel the court-ordered right to access the documents underlying Defendants' investigations.

V. CDCR Must Take Immediate Steps to End the Violence at RJD

Unless Defendants, by January 1, 2020, devise a reasonable plan to end the systemic staff misconduct at RJD, Plaintiffs will file a motion seeking relief from the illegal conditions at the institution. Defendants' plan should take into account the causes of the misconduct and the barriers to CDCR's ability to control the situation, including, but not limited to: lack of training of staff regarding their obligations under the ADA and the *Armstrong* Remedial Plan; poor culture among staff, including animus toward *Armstrong* and *Coleman* class members and other needy and marginalized incarcerated people; deficiencies in the process for investigating staff misconduct complaints;²³ failures to adequately discipline officers found to have violated CDCR policy or the law; a culture of silence among staff, possibly driven by the "Green Wall";²⁴ and drug and cell phone trafficking by staff, made possible, at least in part, by poor searches of staff coming into the facility.²⁵

²³ See Office of the Inspector General, Special Review of Salinas Valley State Prison's Processing of Inmate Allegations of Staff Misconduct, Jan. 2019, *available at* https://www.oig.ca.gov/wp-content/uploads/2019/05/2019_Special_Review_-_Salinas_Valley_State_Prison_Staff_Complaint_Process.pdf; Testimony of Inspector General Roy Wesley, California Assembly, Budget Subcommittee No. 5 on Public Safety, Audio Recording at 1:54:00, Mar. 4, 2019 ("The [staff misconduct investigation] process appears entirely driven by the purpose to exonerate staff."), *available at* <https://www.assembly.ca.gov/media/assembly-budget-subcommittee-5-public-safety-20190304/audio>.

²⁴ We have been told by multiple people at RJD that some of the violence—especially on the Level IV maximum security facility (Facility C) at RJD—is driven by "Green Wall" officers. We have also been told that some of the officers who are involved in multiple reports of staff misconduct are the same officers who are engaged in other criminal activities on the yard, including the trafficking of drugs and cell phones.

²⁵ The United States Attorney's Office for the Southern District of California has brought a series of cases over the past three years related to drug and cell phone smuggling at

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In light of the complex multitude of factors contributing to the violation of class members' rights, Defendants should consider including the following elements in their plan:

- Full camera coverage of the institution, including on all yards and in all housing and programming spaces
- Mandatory body cameras for all correctional officers
- Expedited implementation at RJD of CDCR's new investigation process
- Disciplining, terminating, and, if warranted, referring for criminal prosecution officers who have violated CDCR policy and/or the law
- Suspending officers who are credibly accused of staff misconduct so that they cannot continue to harass class members during the pendency of investigations

RJD. See Press Release, Department of Justice, <https://www.justice.gov/usao-sdca/pr/former-corrections-officer-inmates-and-others-arrested-drug-smuggling-conspiracy>; Kristina Davis, "Former Donovan prison supervisor charged in cellphone smuggling bribery scheme," *San Diego Union-Tribune*, Feb. 14, 2019, available at <https://www.sandiegouniontribune.com/news/courts/sd-me-prison-cellphones-20190214-story.html>. Recently an incarcerated person was sentenced in federal court to twenty years in prison for his role in a cell phone and drug smuggling ring at RJD in which at least one officer, [REDACTED], participated. See City News Service, "Prison inmate sentenced to 20 years in prison for drug smuggling conspiracy," *San Diego Union - Tribune*, Sep. 24, 2019, available at <https://www.sandiegouniontribune.com/news/public-safety/story/2019-09-24/prison-inmate-sentenced-to-20-years-in-prison-for-drug-smuggling-conspiracy>. Drugs have ravaged RJD, with overdoses at the prison increasing more than 150% from 2017 to 2018. See Megan Cassidy, "Overdoses in California prisons up 113% in three years – nearly 1,000 incidents in 2018," *San Francisco Chronicle*, May 5, 2019, available at <https://www.sfchronicle.com/crime/article/Overdoses-in-California-prisons-up-113-in-three-13819811.php>.

We also note that we have visited RJD many times and are generally shocked with the cursory searches to which staff and official visitors are subject upon entering the facility.

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- The creation of an early warning system that tracks misconduct allegations by officer, shift, unit, etc.
- Improving searches of staff entering the institution to reduce the amount of drugs and cell phones in the prison
- Seeking a court order to suspend state law if any provisions of state law impede Defendants' ability to end staff misconduct at RJD

We will also be serving requests for production and a person-most-knowledgeable deposition notice related to staff misconduct against class members at RJD. These discovery requests are necessary in light of Defendants' near-total failure to provide us information regarding the status and outcome of investigations into staff misconduct at RJD.

We look forward to discussing these issues further with you in the coming weeks.

Very truly yours,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Gay Crosthwait Grunfeld

By: Gay Crosthwait Grunfeld

GCG:cg
Enclosures

cc: *(via email only)*

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Exhibit 2

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : December 10, 2018

To : Kimberly Seibel
Associate Director
Reception Centers Mission
California Department of Corrections and Rehabilitation

Subject: **FINDINGS OF INMATE INTERVIEWS AT RICHARD J. DONOVAN CORRECTIONAL FACILITY, DECEMBER 4-5, 2018**

On December 4-5, 2018, a team was assembled and deployed to Richard J. Donovan Correctional Facility (RJD), with the purpose of conducting a series of inmate interviews in an attempt to find facts related to a serious complaint brought forward by plaintiffs' attorneys during recent tours of the facility. Specifically alleged in that complaint (copy attached) were the following:

- Inmates complaining of inappropriate force being used by staff members.
- Inmates alleging these staff are targeting "vulnerable" inmates for such assaults.
- Inmates alleging that although these incidents of serious force originate with staff, the incidents are turned into allegations by staff that the inmates assaulted staff first, and resulted in disciplinary action against the inmates.
- The above behaviors were largely isolated to RJD's Facility C.

EXECUTIVE SUMMARY

A comprehensive review of the inmate interview results indicated repeated allegations of the following:

- Abuse of authority, and excessive/unnecessary force being used and not reported.
- Custody staff inhibiting all inmate avenues for redress of grievances, filing a staff complaint, or requesting help with a safety concern.
- Unchecked Security Threat Group (STG) activity.
- Mentally disordered offenders, developmentally disabled offenders, sex offenders, and homosexual/transgender offenders being targeted for assault and/or abuse by staff.
- Gang-like activity among custody staff.
- Inadequate, insufficient, and absent supervisory and managerial oversight.
- Physical plant design flaws, contributing to the above problems.

METHODOLOGY

The review team was comprised entirely of experienced custody investigative staff from institutions throughout the Southern region, excluding those presently employed at RJD. Fourteen (14) custody staff, who had completed the Basic Investigator's Course (BIC), were accompanied by seven (7) ombudspersons, under the local coordination of an independent associate warden.

A random selection of inmates from Facility C, RJD, was made targeting 20% of the current population of approximately 730 inmates. The randomized selection of inmates was conducted and certified by the Office of Research (see attached memorandum). The review team interviewed cooperating inmates from this list exclusively.

Inmates were interviewed in locations offering visual and auditory privacy, by teams comprised of two custody interviewers (at least one of which held a rank of sergeant or lieutenant), and one ombudsperson. For this purpose, the interviews took place in RJD's Facility B/C Visiting area, in multiple private office spaces available in that area. The inmate interviews were guided by an interview worksheet (sample copy attached), specifically designed for this review. All inmate interviews were digitally audio recorded, and archived. Likewise, all completed inmate interview sheets were scanned and archived.

Numerous precautions were taken to ensure the best possible chance of cooperation by the inmate population, and mitigate the chance of any inmate or RJD staff member discouraging any inmate's participation in the interview process. These precautions included (1) keeping the nature of the inquiry confidential to all RJD staff with the exception of the Warden and Chief Deputy Warden, (2) ensuring no information of the nature of the inquiry reached any staff outside of a very tight need-to-know circle (even the review team members were not informed of the nature of the inquiry until the first day of interviews), (3) informing each inmate interviewee of the criticality of their input to the success of the inquiry, and soliciting their cooperation in maintaining confidentiality of the process, and (4) utilizing exclusively RJD supervisory custody staff not assigned to Facility C to conduct escorts of inmate interviewees to and from the interview location.

INTERVIEW RESULTS

A total of 150 inmates were identified based on the list provided by the Office of Research (list attached). All 150 inmates were approached by the team of RJD supervisory custody staff, and instructed to accompany them to the interview location. Inmates were informed they did not have the option of refusing to come to the interview, but could refuse to the interview team. Inmates were not made aware of the nature of the interview until they reached the interview room.

Upon completion and review of the interview results by the team lead, the completed interviews were categorized as follows:

0	Hard refusal; inmate did not come to interview
1	Inmate came to interview, learned the nature of the inquiry, then refused
2	Participated, but indicated no substantial problems
3	Participated, and indicated substantial problems, but non-specific
4	Participated, and provided specific, actionable information

Categories 0 and 1 (refusals):

Nineteen inmates refused to come to the interview location altogether. Once at the interview location, an additional 29 inmates were informed of the basis for the inquiry, and still refused to cooperate with the interview process, for a total of 48 refusals. Despite some indication of the inmate population having learned through word of mouth the nature of the inquiry by day 2, there was not a significant increase in refusals on day 2 (i.e., 23 refusals on day 1, and 25 refusals on day 2).

It is notable that the inmates who refused at the interview location were advised of the nature of the inquiry, and the composition of the interview panel, and so can be said to have made an informed refusal. It is also notable that numerous inmates informed the panel that they had initially intended to refuse, and upon being advised of the nature of the inquiry, chose to participate.

Category 2:

Eighteen inmates' interview results fell into category 2, providing no meaningful information in support of the foundational concerns of this review.

Category 3:

Thirty-six inmates provided information alleging substantial problems on Facility C, RJD, but spoke in generalities and were either unable, or unwilling, to cite specific actionable examples for the interviewers. This constitutes approximately 35% of the inmate interviewees who chose to participate (i.e., categories 2-4).

Category 4:

Forty-eight inmates provided specific, actionable information, relevant to the foundational concerns of this review. This constitutes approximately 47% of the inmate interviewees who chose to participate (i.e., categories 2-4).

A total of 84 of the 102 inmates who participated in the interview process, provided meaningful information alleging one or more of the core concerns of this review. Stated another way, over 82% of the inmates who were actually interviewed, spoke of significant problems on Facility C, RJD, similar to the plaintiffs' concerns.

The total number of interview participants (102) remains statistically significant, as it represents approximately 14% of the total population on Facility C, RJD.

Specific Concerns Raised by Interviewees:

The interviewees were asked a patterned series of questions from a standardized worksheet. Some key indicator questions were drawn from this which provide insight into the inmates' experiences on Facility C (please see attached data spreadsheet of interview results). All data provided below is drawn from inmate interview categories 2-4.

When asked to describe how inmates at RJD are treated by other inmates, 51 inmates responded they are treated negatively by other inmates, 26 indicated they are treated positively by other inmates, and 24 inmates were neutral on the matter.

Inmates stating they were treated negatively regularly voiced concerns of inmates "working for" custody staff, assaulting other inmates at the request of custody staff, and of inmates having their property stolen by other inmates with the permission of custody staff. These interviewees also commonly indicated STG, especially the [REDACTED] are employed most frequently by custody staff as their "hit squad." Other references were made to the inmate groups, [REDACTED], [REDACTED] and [REDACTED] all of whom allegedly assault, intimidate and otherwise harass other inmates at the behest of custody staff.

Inmates who provided neutral responses to this question largely made statements such as, "I just keep my head down and don't look for trouble," or "I just do my own time," and several versions of, "I don't care to comment." These statements in and of themselves can indicate a problematic culture.

When asked to describe how inmates at RJD are treated by staff, the numbers shifted toward the negative. Sixty-five inmates indicated they are treated negatively by staff. Twenty-two indicated staff treat them positively, and 14 provided no opinion.

Inmates responding that staff treat them negatively consistently made allegations including, (1) custody staff using STGs to conduct assaults and otherwise harass other inmates, (2) custody staff actively retaliating against inmates for filing appeals or staff complaints, or requesting assistance with safety concerns, (3) custody staff choosing not to respond immediately to fights, and not reporting them when they occur, (4) and custody staff refusing to provide inmates involved in fights access to health care services.

Interviewees alleged custody staff retaliation regularly takes the form of (1) having STG inmates assault other inmates in private locations such as the gym, or "fight alley" which is described as locations of limited visibility (aka: "blind spots") [REDACTED] (2) escorting the victim to a private location where they would be subject to assault by inmates and/or custody staff, and (3) abuse of personal property, such as having victims' cells opened when they were not present, and allowing other inmates free access to take whatever property they wanted.

Interviewees alleged custody staff largely target inmates who are participants in the Mental Health Services Delivery System (MHSDS), inmates who are developmentally

disabled (DDP), inmates who identify as transgender or homosexual, and inmates who have committed sex offenses.

Several indicator questions regarding general inmate observations and experiences are summarized in the table below.

QUESTION	YES	NO	UNK/REF
Do the staff at RJD treat you with dignity and respect?	69 (68%)	31 (31%)	1 (1%)
Do the staff at RJD treat all inmates equally?	34 (34%)	59 (60%)	6 (6%)
Would you say there is a problem at this prison with certain inmates being more vulnerable to mistreatment than others?	58 (58%)	37 (37%)	5 (5%)
Do you feel you are safe living here?	74 (73%)*	26 (26%)	1 (1%)
Have you been the subject of mistreatment by staff at RJD in the last year or so?	31 (31%)	70 (69%)	—
Have you or any inmate you know personally witnessed another inmate(s) mistreated by staff at RJD within the last year or so?	65 (64%)	35 (35%)	1 (1%)

*Numerous inmates who indicated they feel safe living on Facility C, qualified this by (a) stating they keep to themselves and avoid trouble, (b) acknowledging other inmates are in trouble, or (c) stating something to the effect that "If you just do what you're told and don't complain there's nothing to worry about."

Interviewers heard repeated indications of gang-like activity by custody staff. Inmates consistently alleged the problems are largely with custody staff assigned to the yard (i.e., security patrols, yard officers, and search and escort officers) on both second and third watches, but most prominently during third watch. Inmates readily attribute this to a lack of supervisory presence and oversight, which they also claim is pronounced on third watch due to reduced staffing.

Inmates consistently spoke of a core group of anywhere from 4 to 7 officers as the repeat offenders, and provided names of officers they had observed engaging in misconduct. A complete list of these staff names has been provided to RJD's Warden and Chief Deputy Warden for follow-up, including names of staff inmates identified as being "good" or who were known to have tried to stop other staff's negative behaviors in the past. These also would be important to identify for follow-up interviews.

Inmates also identified the yard staff who are problematic identify themselves by the wearing of

(see picture, right). Inmates alleged the [REDACTED] indicates a group of officers who identify as [REDACTED] and [REDACTED] is worn by a group identifying as a custody version of [REDACTED]

Inmates further alleged that the previously-mentioned [REDACTED] is a group of largely [REDACTED] inmates, who follow the orders of the custody officers, and are permitted to wear [REDACTED]

[REDACTED]. Following the team's receipt of this information, I made several walks through the institution, and two tours of Facility C, during which I did not observe either [REDACTED]

[REDACTED] These walks were conducted approximately between the hours of 1000 and 1200.

Inmates stated areas of the yard where problems are most frequent include the front of the dining hall, [REDACTED] and the gym (both inside and [REDACTED])

Inmates also indicated the "tunnels" or sallyport areas in the entryway of each of the 270-design buildings, are confined spaces with limited visibility used for targeted assaults. Inmates often spoke of yard staff using the procession of inmates coming out of the dining hall as a target rich environment to pick victims from and harass them. Interviewees alleged if the inmate chosen by staff is not 100% cooperative with them, or staff perceive any kind of disrespect, the inmate will be assaulted by the officers on the spot, often with excessive force. Inmates stated custody supervisors are rarely present, so many of these incidents go unreported.

Respondents asserted fights between inmates occur regularly, and custody staff are exceedingly slow to respond. Custody staff are alleged to have watched numerous fights proceed long past the point where duty would require them to intervene. Inmates frequently stated custody staff will at some point tell the inmates to "knock off the horseplay." This, according to some inmates, was the cue to stop fighting, or custody staff would begin using force. Inmates largely concurred when custody staff did finally respond to such incidents, their use of force would always be excessive, involving kicking inmates (often in the head and face) who were already prone and compliant. Inmates stated these instances of unnecessary or excessive force were never reported by custody staff, and were alleged to have simply been injuries sustained due to the inmates' combative behavior.

Interviewees made numerous references to inmates being "taken to the gym" or behind the gym by custody staff to fight each other, and the loser of the fight would then be assaulted by custody staff, again with no reporting and no medical attention being provided to the involved/injured inmates. Inmates also told interviewers that if they saw an inmate being escorted alone into the gym, it was because he was going to be assaulted by custody staff. Multiple inmates stated if an alarm was sounded in the gym, medical staff responding to the gym would be held outside the gym by custody staff until the incident was over and all inmates were in restraints, allegedly to prevent them from witnessing any excessive use of force.

Based on the feedback from interviewees regarding the key locations in which these incidents are alleged to be occurring, I personally toured Facility C. I was accompanied by the regularly-assigned 5-day lieutenant on second watch. I observed Facility C is comprised of 5 housing units, of 270-design. Buildings [REDACTED] situated to face toward each other, and are separated from Buildings [REDACTED] by a series of fences running down the center of the yard. Buildings [REDACTED]

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are likewise turned inward to face each other. The result however, is that [REDACTED] are partially obscured from view by [REDACTED]. During times of mass movement, when the control booth staff in these buildings is conducting a release or a recall, they would be [REDACTED]. Therefore, without their attention, and being blocked from view by [REDACTED] there are effectively [REDACTED] substantial blind spots in which violence could occur unobserved.

[REDACTED]

I also observed the area [REDACTED], to be an area of limited visibility due to several combined factors. First, the [REDACTED]

[REDACTED]

Further, the use of force policy

prohibits [REDACTED]

[REDACTED] Combined, these factors make this another area of very high likelihood for altercations to go unobserved, and unchecked.

Additionally I toured the Facility C Gym. Upon entering the gym I observed it vacant of any staff or inmates. In one of many efforts to improve supervisory and administrative presence and accountability on Facility C, the current administration has relocated the Associate Warden over Facility C to an office inside the Facility C gym. I did not go inside the office, but observed [REDACTED]

[REDACTED]

A second office is located [REDACTED]

[REDACTED] According to the lieutenant I toured with, this office had been provided to the yard officers as a place to store their lunch boxes, jackets, etc. Upon touring this office, I noted numerous items of personal property, including banners on the wall, one of which indicated, "Mess with the best, die like the rest," and another with the archtypical coiled serpent, reading "Don't tread on me." I passed these observations on to RJD's Warden and Chief Deputy Warden as potential indicators of the present mindset amongst the staff using that space. I recommended they no longer be allowed to use this space and be assigned another space affording closer supervision.

[REDACTED]

Appeals, Staff Complaints, and Safety Concerns:

Interviewers questioned inmates regarding their confidence in the appeals process and/or that RJD staff would provide them with assistance and protection if requested:

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QUESTION	YES	NO	UNK/REF
Do you believe staff at RJD would assist you if you had a safety concern?	41 (41%)	53 (52%)	6 (6%)
Do you believe staff at this prison would assist you if you reported a concern of staff misconduct?	30 (30%)	62 (61%)	9 (9%)
Have you witnessed any inmate at RJD be the victim of retaliation for [filing a complaint or requesting assistance with a safety concern]?	52 (53%)	44 (44%)	3 (3%)

Inmate interviewees displayed low confidence in bringing complaints and safety concerns forward to staff, the majority plainly stating negative repercussions would come to any inmate who did so:

QUESTION	Positive Response	Negative Response	Neutral
What can an inmate at RJD expect when filing a staff complaint, or coming forward to make an allegation of unnecessary or excessive force?	19 (20%)	66 (70%)*	8 (9%)

**Negative responses encompassed a range of outcomes, anywhere from "nothing will come of it," to indications custody staff will retaliate through cell searches, property seizure, targeting the inmate for assault, and planting a weapon on them or in their property. Inmates who stated they were neutral or refused to answer sometimes stated they would not answer the question for fear of reprisal.*

Many inmates indicated their lack of confidence in the appeals and staff complaint process arises from their belief the appeals process is not confidential. Inmates frequently stated it was difficult even getting an appeal form into the drop box; inmates also stated they had observed custody staff removing appeals from the drop boxes. Inmates also believe the captain's secretary is breaking the confidentiality of the appeals. They alleged within 24 hours of an inmate dropping off an appeal, and it being picked up by the captain's secretary, retaliation begins.

Several inmates alleged a few different types of retaliation they had observed or suffered as a result of having filed an appeal or staff complaint, or having requested assistance with a safety concern. These included such things as (1) having their property seized or damaged by custody staff, (2) custody staff locking them in the shower in handcuffs and announcing to the inmate population in the building that they would receive no program (i.e., no television, no dayroom, no showers, etc.) due to the inmate with safety concerns, (3) and custody staff providing other inmates with confidential details of the case factors of the inmate claiming safety concerns, and forcing the inmate to go back to his cell and suffer potential assault by numerous inmates at a later time.

Inmates also stated in order to escape this cycle of retaliation, they often felt forced to resort to self-injurious behavior to prove suicidality. However, in more than one interview, inmates stated custody staff had informed them that until the injuries were serious enough to be believable, they were not going to call medical or mental health

staff for the inmate. Inmates alleged staff told them, “That’s not enough blood,” or “Show me you’re serious,” or words to that effect.

When asked whether they had witnessed staff use force on another inmate at RJD in the past year or so, that they considered to be unnecessary or excessive, 64 inmates (63%) indicated they had. When asked some follow-up questions, regarding the presence and actions of other staff in the area, other concerns emerge:

QUESTION	YES	NO
Did you observe any staff attempt to intervene?	4	38
Did you observe staff nearby who should have intervened, not do so?	30	9
Did you or any other inmate(s) you know of report the misconduct?	11	26

Notably, numerous inmates indicated the bystanding custody staff who did not intervene often included supervisors.

When asked about their perceptions and observations of custody staff’s use of the inmate disciplinary process, their responses did seem to indicate some support for the plaintiffs’ concerns.

QUESTION	YES	NO
Have you or any other inmate you know received a rule violation report that you know was intentionally falsified?	38 (38%)	61 (61%)
Have you or any inmate you know been charged with resisting or assaulting staff, for simply defending themselves from staff’s unnecessary or excessive force?	44 (44%)	56 (55%)

SUMMARY OF FINDINGS

Facility C, RJD, houses Level IV inmates, with a large EOP population, a significant CCCMS population, is designated for housing developmentally disabled inmates, and is further designated as SNY. Each of these five populations alone carries with it an acknowledged association with an increased rate of disciplinary offenses, appeals, requests for assistance with safety/enemy concerns, and incident reports. With the five combined on a single facility, it is no stretch to imagine the abundance of paperwork being generated on a daily basis by staff, if their duties were carried out according to policy.

When supervisory staff's hours are consumed by processing daily paperwork, little time if any may remain for active supervision. In order to obtain any kind of breathing room in their daily duties, an attitude might develop discouraging custody staff in general against using documentation of inmate behavior as a tool, and encouraging the use of communication and other informal incentives (e.g., preferential treatment) to control behavior. Theoretically, this direction, without the training, oversight, and guidance of active supervisors, can allow negative communication to go uncorrected, and continue to worsen over time.

The inmate allegations, taken as a whole, seem to describe an environment with no relief mechanism for inmates who feel mistreated by custody staff. There are several repeated general claims which form the basis for this alleged environment, including:

- Appeals are not filed, because they are blocked by custody, and inmates are nearly unanimous that retaliation will follow,
- Inmates do not file staff complaints or allege inappropriate use of force, again because of the retaliation,
- Inmates either "hide" within their daily routines and suffer minor abuse in order to avoid greater abuses, or join the ranks of inmates who bully and abuse other inmates at the behest of custody staff, and
- Without inmate appeals being filed, staff complaints being reviewed, incident reports being filed and reviewed, or supervisory oversight on the facility, there is zero accountability.

REVIEW TEAM RECOMMENDATIONS

The review team notes numerous positive changes have already been implemented in recent months by prison administrators to combat these issues. Notably among these has been a complete change in numerous leadership positions including Associate Warden, Captain, ISU Lieutenant, Appeals Coordinator, and Litigation Coordinator. Additionally, the Associate Warden and Captain responsible for Facility C have had their offices relocated to Facility C. The Associate Warden's office is now inside the Facility C Gym. The Warden and CDW are taking an active role in ensuring managerial and supervisory oversight and accountability for Facility C, and are vigorously pursuing any and all information indicating any staff misconduct. The

review team notes the staff at RJD was friendly and welcoming without exception during this review, evidence of a changing culture. The review team recognizes this as a prime example of this administration's leadership.

Nonetheless, the review team has the following recommendations based on the findings of this review in totality:

1. Live feed cameras to be installed in all areas of limited or obstructed visibility, including the blind spots [REDACTED], at the front and rear docks of the Dining Hall, and inside the housing units, to include inside each sallyport. Cameras should be accessible for remote viewing by supervisory and administrative staff at all hours. Cameras should record constantly, such that the digital footage can be extracted for use in evaluation of incidents for use of force review, including inmate and staff discipline, as well as in support of any charges of criminal misconduct by inmates or staff.
2. Prompt review should be made of all actionable information brought forward by inmate interviewees (i.e., category 4). A brief summarized listing of these is provided later in this report, for reference purposes; however the review should include a thoughtful consideration of all information recorded by the interview team (including audio recording of the interviews), and a careful comparison to any existing reports or accounts of these situations to attempt to detect any indication(s) of staff misconduct.
3. The review team urges the Department to provide the resources necessary for a comprehensive STG review to be conducted on Facility C, RJD. This review should include in-depth searches and interviews by trained, experienced institution gang investigation staff, with appropriate follow-up for any inmate having significant ties to STG activity.
4. Increased supervisory and managerial presence on Facility C during all hours, but particularly during non-business hours. Requirement of frequent, unannounced and unscheduled managerial and AOD tours during non-business hours. Requirement for custody supervisors to be present at all times and locations of mass inmate movement.

NOTE: This may warrant further review by PSU to determine whether supervisory staffing supplementation is indicated.

5. Rank-and-file custody staff should be restricted from access to areas of low visibility, by removal of keys and/or changing of locks to ensure supervisors are accountable for staff access to these areas. Custody staff access to the office in the gym currently afforded to them should be discontinued immediately.
6. Custody supervisors should be charged with enforcing uniform policy, to include disallowing non-approved apparel to be worn with the uniform [REDACTED]

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7. Custody staff, including supervisors, should be provided mandatory remedial training on effective communication techniques for mentally disordered and developmentally disabled offenders, and equal employment opportunity policy.
8. The review team recommends changing local practice regarding collection of appeals to require this process to be completed by the Facility Captain or Appeals Coordinator only. Additionally, it is recommended that the institution explore ways the inmate population may submit appeals in a more secure manner, without involving custody staff as a possible barrier to the appeals process.

This information is submitted for your review with the above-noted recommendations. Also, see the attached list of specific recommendations for individualized follow-up.

Should you have any questions or concerns, please contact me at your convenience, at (909) 927-7848, or via email at jason.bishop@cdcr.ca.gov.



J. L. BISHOP
Associate Warden
California Institution for Men

Attachments (4)

1. September 20, 2018 letter, by Rosen Bien Galvan & Grunfeld LLP, to Ralph Diaz, Secretary, CDCR, Re: *Armstrong v. Brown*: Staff Misconduct at RJD
2. December 3, 2018 memorandum, *Data Request 1811-163: Randomized List of 20 Percent of Inmates in Housing Areas 11 through 15 of Facility C at the Richard J. Donovan Correctional Facility as of December 3, 2018*, (with list)
3. RJD Inquiry Inmate Interview Worksheet (blank)
4. Interview Results (Excel Spreadsheet)

SPECIFIC ALLEGATIONS RECOMMENDED FOR IMMEDIATE FOLLOW-UP:

██████████ – Claims to have knowledge of an officer who brings in cell phones and drugs.

██████████ – Provided 3 years of documented daily observations, including numerous accounts of staff misconduct. Recommend thorough review of this record, and follow-up interview.

██████████ – States 2 weeks ago observed a DPW inmate subject to UOF, resulting in a broken neck. Also claims he reported staff unnecessary force 2 days prior, which did result in recorded interview by ISU Sgt.

██████████ – States he observed staff “stomp” a DPW inmate ██████████ in Building 13, cell ██████████. States he knows names of staff involved.

██████████ – States he observed incidents on 3/7/18 and 4/5/18 involving an inmate fight staff did not respond to, and staff striking an inmate with a mop bucket. States specific knowledge of staff providing tobacco to inmates to “remove” an inmate from the facility.

██████████ – States he observed a named officer threaten to hit him during chow, but was stopped by a named lieutenant. Observed other similar incidents involving staff he can name, 3 months ago.

██████████ – States the night before the interview, an inmate in the cell next to him was assaulted by custody staff and dragged down the stairs.

██████████ – Claims an incident of excessive force in July 2018, involving an inmate assaulting him, and the inmate got beat up by officers.

██████████ – Inmate claims he was assaulted by other inmates, as instructed by staff, while staff he had 602'd watched. Also has specific knowledge of an inmate whose property was taken due to having filed a 602.

██████████ Claims officer told him he could get a job with officers for beating up other inmates.

██████████ – Claims specific knowledge of staff allowing STG inmates into another inmate's cell as retaliation. Also has specific knowledge of named custody officer refusing to summon medical assistance for inmate in distress. States 5 months ago, he observed officers stomping an inmate in the chow hall.

██████████ – States a DPW inmate was OC sprayed for a piece of cake.

██████████ – Observed named staff remove an inmate's dreadlocks and spray them with OC pepper spray. States he has information of an inmate who witnessed a gay inmate subject to excessive force by named officers, and had a weapon planted on him by staff, for filing appeals.

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██████████ – States the night before the interview an inmate was “taken out” by staff for filing a citizens complaint. Has information of specific staff using excessive force on an inmate, planting a weapon on the inmate, and a specific officer tried to stop it.

██████████ – States on November 6th he requested to go to ASU, and was beaten up by staff who took him out to the hospital. States staff beat up his named cellmate because he was a child molester, and charged him with staff assault.

██████████ – States her boyfriend got stabbed and kicked in the face by a named officer.

██████████ – States a named inmate got beaten up with a brick by staff 2 months ago, and was left on the yard 30 minutes.

██████████ – Inmate states he is willing to identify specific staff in creating “fight alley.” Also states a specific inmate 4 weeks ago tried to get suicide help, and cut himself too deeply, ending up dying. Has observed specific staff allow other inmates to go into inmates cells to assault them.

██████████ – Has a book with specific dates of incidents, not brought to the interview. Has specific information of staff unnecessary force, unreported. Has names, custody and non-custody “brown card holder.”

██████████ – Observed officers have inmates jump on another inmate. 60-90 days ago observed 5 officers striking an older inmate for disrespect. A couple of days ago, states he observed named officers jump on an EOP inmate in a wheelchair.

██████████ – Names numerous specific staff involved in misconduct, including excessive force against a named DDP inmate. Also states he observed an inmate dragged from one cell into another by specific named staff, after claiming safety concerns. States his cellmate observed misconduct and wrote the state bar.

██████████ – States 1 month ago an inmate walked away from staff and was beat up in the “tunnel” (building sallyport). States he observed 2 officers stomping on one inmate by the handball court.

██████████ – States his cellmate was sprayed and kicked in the face after being handcuffed.

██████████ – Witnessed specific officers assault named inmate and break his jaw.

██████████ – Personal knowledge of specific named staff having inmates beat another inmate up for disrespect. Claims knowledge of staff bringing in contraband for inmates.

██████████ – Personal knowledge of specific staff using unnecessary force, assaulting DPW inmate. Has knowledge of staff planting a weapon in an inmate cell following the inmate testifying on behalf of another inmate. States an officer placed a

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strangle hold on an inmate 1-1.5 years ago over some tobacco, the inmate died. States 2 months ago an inmate was beaten so bad by cops, yelling stop resisting, they broke his back and the inmate died.

██████████ – Names staff who challenged an inmate to fight, then smashed the inmate's TV. States 7-8 months ago a northern inmate said something to an officer, and they sent STGs to beat him up, for being disrespectful. Names specific staff.

██████████ – States May 2018 an inmate was beaten by custody staff for requesting a cell move due to incompatibility with cellmate.

██████████ – States he observed named custody staff beat an inmate in July 2018, knocking inmate's teeth out.

██████████ – Inmate went off interview script and provided meaningful information. Recommend full review of audio recording.

██████████ – States he observed named inmate assaulted 2 months ago in rotunda by specific named staff. States another case of staff abuse of authority on Thanksgiving, which was allegedly video and audio recorded. Specific knowledge of named staff allowing inmates into another inmate's cell to steal property.

██████████ – Claims his cellmate was beaten. Recommend interview of cellmate. Also recommends specific inmate for interview (inmate was on interview list, and provided substantial information).

██████████ – Claims his cousin was getting beaten by custody, he jumped up to stop it and was taken to ASU.

██████████ – States he observed an inmate beaten with baton, and left on EOP yard knocked out, by third watch officers. States he has been given specific "rules" by custody staff that go against the use of force policy, and other policy requirements. Mentions recent incident of this in July 2018 with a sergeant.

██████████ – States the inmate who was killed 2 weeks ago had his property stolen right before he was killed. Also claims he heard an inmate was raped, claims staff were aware and it was not reported. Identifies an inmate with the moniker of ██████████ who is always filing paperwork and getting his property stolen.

██████████ – States he observed named staff kick an inmate 4 or 5 times after he was down. States a named sergeant tried to stop it and ordered staff to stop using excessive force.

██████████ – Observed several incidents, involving named staff assaulting inmates or failing to intervene in assaults.

██████████ – Observed a named inmate beaten up by a named officer while 2 other officers watched. Has knowledge of named staff beating an inmate and then saying the inmate tried to hit them. [Interviewer recommends review of audio recording for more specific, detailed information.]

Richard J. Donovan Correctional Facility – Inmate Interview Findings – December 2018

██████████ – Has knowledge of named staff using force against an inmate in a specific location 2 months ago, and then 4 officers beat the inmate, took him to the gym, and beat him again. Has knowledge of a named inmate beaten, spit mask placed on him, shot and beaten again, in May 2018.

██████████ – Personally witnessed named staff beating up inmates frequently. One occurred in the shower, the inmate never returned.

██████████ – States his cellmate was beaten up 1 month ago at the chow hall. Names staff involved. States cellmate was written up.

██████████ – Names specific staff beating up named inmates without cause. Personal observations of named staff using excessive force, causing SBI. States he observed a sergeant watching, not intervening.

██████████ – Observed incident of excessive UOF by named officer and a supervisor 6 months ago. Inmate did not receive medical attention afterward. Observed an officer remove appeals from the drop box 3 days ago.

██████████ – Observed named inmate arguing with staff in chow hall. After the inmate and staff went into the chow hall, an ambulance arrived.

██████████ – Claims 1.5 months ago, a native American inmate was taken out during first watch for suicide attempt. Walked out that night, but later died.

██████████ – States he was assaulted by named officer a year ago in a building sallyport. States officer stomped on his head. Also states officers are having inmates remove shoes for escorts, walking them through the gravel barefoot.

██████████ – States yesterday he observed staff bully an old black inmate, kicking him and throwing his property away. Knows of an inmate who was assaulted by staff, ducked staff's punch resulting in the officer hitting another officer, and then got beaten worse.

██████████ – Named staff who pulled an inmate out of a wheelchair. The inmate withdrew his staff complaint. There was no video taped interview. *Also states he has knowledge of inmates stopping using the appeals process; now are gathering personal information on staff members for unknown purpose.*

Exhibit 3

State of California

Department of Corrections and Rehabilitation

Memorandum**EMPLOYEE CONFIDENTIAL**

Date : January 26, 2018

To : P. Covello
 Warden (A)
 Richard J. Donovan Correctional Facility

Subject: **Richard J. Donovan Correctional Facility, Facility C, further investigation/referral:**

On Monday, January 14, 2019, I Correctional Sergeant [REDACTED], California Institution for Men, Investigative Services Unit (ISU) along with Correctional Lieutenant [REDACTED] Ironwood State Prison, and Correctional Sergeant [REDACTED] Calipatria State Prison, ISU, were tasked with conducting an inquiry into several staff allegations made on Richard J. Donovan Correctional Facility (RJDCF), Facility C.

Interview with Inmate [REDACTED]:

On Tuesday, January 22, 2019, at approximately 1012 hours, I conducted an interview with Inmate [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding an inmate that was killed. Inmate [REDACTED] was asked to clarify this, and if in fact a homicide or a suicide had occurred. Inmate [REDACTED] stated, "No, he committed suicide, a couple weeks earlier my next door neighbor committed suicide. His name was [REDACTED] ([REDACTED]) DOB [REDACTED], committed suicide on Facility C on 11/10/2018, refer to incident #RJD-CEN-[REDACTED]."

Inmate [REDACTED] was asked if anything happened on the yard the morning before, (January 21, 2019), in the chow hall, he stated, "Well yeah, this guy that always seems to be into some stuff was thrown to the ground and roughed up a little bit."

Inmate [REDACTED] did not know the inmates name or the officers involved, but stated he was a big Hispanic officer that usually works on the yard. Inmate [REDACTED] stated, "I don't know what he said to the officers, but then he laid on the ground, and then he got back up and then he sat on his walker and they (officers) just slammed him." Inmate [REDACTED] stated he saw this personally, outside the chow hall. "I'm not gonna say he was resisting but he's a really stupid guy. They hand cuffed him and took him in a wheelchair, and medical came and they took him to the gym." Inmate [REDACTED] was asked how the officers took him to the ground, he stated, "He was grabbed off his walker and thrown to the ground, but on the other hand this guy has been going through this stuff with them (officers) for weeks, he's on a hunger strike and all that, and he talks shit and he's miserable." Inmate [REDACTED] is referring to incident number RJD-CYD-19-[REDACTED], dated January 21, 2019, involving Inmate [REDACTED] CDCR# [REDACTED].

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It is recommended upon completion of this incident (RJD-CYD-19-[REDACTED]) package being submitted, it be reviewed by the Use of Force Committee (IERC) and refereed to the Office of Internal Affairs for investigation.

Interview with Inmate [REDACTED]

On Tuesday, January 22, 2019, at approximately 0954 hours, I conducted an interview with Inmate [REDACTED], CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding excessive use of force utilized by Officer [REDACTED]. Inmate [REDACTED] stated, "I believe that's when they were kicking on some dude in the chow hall, I think it was around November 2018. It might have been earlier then that I can't remember the exact date, could have been October. The inmate is not here anymore, and I don't remember his name it was a black guy. Officer [REDACTED] stopped as soon as the other officers came in. The inmate didn't do anything; he was kicking him in the side, before he was handcuffed." Inmate [REDACTED] was asked if he saw this happen personally, he stated, "Yeah it happened in the chow hall I was in the chow hall. I don't know what the deal was he wasn't resisting or anything. He was in the food line, I don't know if he said something but they took him down."

I asked Inmate [REDACTED] what he meant by staff use other inmates to assault inmates, "Yeah if an inmate has a sexual crime, or is a weirdo they will have him beat up. The Officer's [REDACTED] and [REDACTED] told Inmate [REDACTED] (Inmate [REDACTED], CDCR# [REDACTED]), to beat someone up. I don't know if I believe it because he is in a walker. He told me the officers told him to do it." Inmate [REDACTED] was asked if he had seen a change in the yard, he stated, "Not really, they just tackled someone the other day, that [REDACTED] guy (incident log #RJD-CYD-[REDACTED]; [REDACTED] tackled him because he is on a hunger strike and asked to speak to the sergeant. So [REDACTED] got mad and threw his walker down, and [REDACTED] body slammed him."

Another Inmate was resisting by the shower, but they beat him up while he was on the ground, in 15 building. This was when I first got here in January or February. Officers [REDACTED] and [REDACTED] were there and a bunch of other officers came in later." Inmate [REDACTED] didn't know the inmates name.

It is recommended upon completion of this incident (RJD-CYD-19-[REDACTED]) package being submitted, it be reviewed by the IERC and refereed to OIA for investigation

Interview with Inmate [REDACTED]

On Tuesday, January 22, 2019, at approximately 1111 hours, I conducted an interview with Inmate [REDACTED], CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding an inmate getting pulled out of his wheelchair and beat up. Inmate [REDACTED] stated, "Yeah that was me, I got beat. I was

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going for me kosher meal and I was told I was going the wrong way, they told me to go the other way. When I was going the other way a CO [REDACTED] was calling me a retard and stuff like that, I told him I was going to report him. He said what did you say, I said I was going to report you, and before the words could even come out of my mouth, I got pepper sprayed in the face and pulled out of my chair, and beat up a little bit. It was Officer [REDACTED] he said he was going to write me up. So I just dropped it, I don't want any problems. I just want to do my program and go home." Inmate [REDACTED] was asked if he filed a 602 inmate appeal, he stated he did and then he withdrew it. Inmate [REDACTED] stated he was put on tape regarding this. Inmate [REDACTED] was asked if there were any inmate witnesses there during the incident he stated there all on the 602. He stated no staff witnesses. (Refer to 602 appeal #RJD-C-[REDACTED] and incident #RJD-CYD-18-[REDACTED]).

Inmate [REDACTED] was involved in incident #RJD-CYD-18-[REDACTED] on February 3, 2018, on March 2, 2018 Inmate [REDACTED] filed a 602 complaint. On March 19, 2018, a video recorded interview was conducted on Inmate [REDACTED] during the interview Lieutenant [REDACTED] stated there was no incident attached to the appeal and furthermore there was no medical evaluation of unusual occurrence (CDCR form 7219) completed on [REDACTED]. During the interview Inmate [REDACTED] stated he wished to withdraw his complaint. The witnesses completed written letters of accounts of things they saw but failed to provide any identifying information for follow up interviews.

It is recommended a follow up interview is conducted with [REDACTED] to try and retrieve the identities of the witnesses and this incident be refereed to OIA for investigation.

Interview with Inmate [REDACTED]:

On Monday, February 4, 2019, at approximately 1037 hours, I conducted an interview with Inmate [REDACTED], CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding an inmate that was beaten up by correctional staff. Inmate [REDACTED] stated, "Oh, you're talking about Inmate [REDACTED], in the kitchen; it was by CO [REDACTED] I was right there. We were in the chow hall and [REDACTED] had some altered pants. [REDACTED] was like get your ass out of the kitchen you can't be in here like that. [REDACTED] was like please I just want to eat I don't have any other pants. [REDACTED] put him on the wall and he said something in his ear, then he threw him on the ground and he slapped him, hit him in the head and kicked him. The other two officers didn't get involved, I don't remember their names it was one short one and one tall. After [REDACTED] got in line to get his food he got his tray and he ate his food, and I was telling him to calm down, but he got his tray threw it down on the ground and ran out the chow hall and they tackled him on the yard. This happened in like November or December, around dinner time." Inmate [REDACTED] stated there was no alarm sounded during the incident until [REDACTED] ran out on the yard. Inmate [REDACTED] was asked to describe [REDACTED]

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and where he lives, [REDACTED] stated, "He's 5'10", black guy, lives in 15 building maybe [REDACTED]. He got Inmate [REDACTED] to write a 602 for him." Inmate [REDACTED] was identified as Inmate [REDACTED] CDCR# [REDACTED], incident number RJD-CYD-18-[REDACTED].

Inmate [REDACTED] claims he was falsely written up for indecent exposure, and placed in administrative segregation (RVR# 00000000 [REDACTED]). Inmate [REDACTED] claims this is false because the nurse that wrote him up stated he was standing up during the incident. [REDACTED] claims he is bound to a wheelchair and every time he tries to stand he falls. According to Inmate [REDACTED] DPP Disabilities Summary, he is a full time wheelchair user.

It was recommended to Inmate [REDACTED] that he wait for the RVR process and plead his case during the RVR hearing. If he dissatisfied with the outcome he can then appeal the decision.

Inmates [REDACTED] and [REDACTED], both recollect a similar incident inside the chow hall, which was not documented by custody staff, if it did occur. It is recommend incident log #RJD-CYD-[REDACTED] be reviewed again.

Interview with Inmate [REDACTED]

On Tuesday, February 5, 2019, at approximately 1106 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview in December of 2018. Wherein he stated his cellmate was beat up in the chow hall. Inmate [REDACTED] stated, "Yeah [REDACTED], he got beat up in the chow hall. He had his pants cut at the bottom, the officers told him not to come in the chow hall like that, and he had been doing it for a couple days. Inmate [REDACTED] yelled at [REDACTED] saying he didn't have any other pants. Officer [REDACTED] grabbed him and threw him up against the wall socked him up a few times threw him on the ground and then socked him a few more times. This was in front of the whole chow hall, everyone seen it. Then he (Officer [REDACTED]) kicked him in the head and then told him to get back in line. He got an RVR for that, because he got mad after he was done eating and he threw his tray at the wall, they came to get him he ran out of chow hall, out to the middle of the field with like 5 or 6 officers chasing him. They threw him in the dirt, threw him on the cart and took him away. They rolled up his property and then they gave him his stuff back and he came back to the building like an hour later." Inmate [REDACTED] was asked if [REDACTED] ever resisted or provoked the incident, he stated no.

Inmate [REDACTED] is describing incident number RJD-CYD-18-[REDACTED]. Inmates [REDACTED] and [REDACTED] both recollect a similar incident inside the chow hall, which was not documented by custody staff, if it did occur. It is recommend incident log #RJD-CYD-[REDACTED] be reviewed again.

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Interview with Inmate [REDACTED]

On Thursday, February 7, 2019, at approximately 1027 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. During the interview I advised Inmate [REDACTED] I was informed he might have been a victim of excessive or unnecessary force, he stated, "Yes, I was hit by an officer. I approached the chow hall, and the guy told me you aren't supposed to be wearing pants like that. The pants were like shorts on me. I cut the pants and made them like shorts. He told me I had to go back to the building, but I refused to go back because I didn't have any other pants to wear. He told me if you don't go back to the building I'm going to hit you, and he hit me and I fell down. Another inmate helped me get up. I was thinking about what happened while I was eating and I got mad and threw the tray up against the wall and I ran out of the chow hall. They chased me out of the chow hall and tackled me down to the ground, and everything else they said was true."

Inmate [REDACTED] was asked who helped him up off the ground he stated, he didn't know his name and he's no longer here. He stated another inmate witnessed it but he passed away, his name was [REDACTED] (Inmate [REDACTED] [REDACTED] DOB [REDACTED] committed suicide on Facility C on 11/10/2018). Inmate [REDACTED] was asked if the officer's exact words were, "If you don't leave the chow hall I'm going to hit you." He stated, "Yes, he told me that in my ear." Inmate [REDACTED] was asked where and how did the officer hit him, and who was the officer, he stated, "It was the same officer that tackled me outside, he punched me in the side of my face. I ran out the chow hall because I was scared, I was going to get hurt again." Inmate [REDACTED] stated he got written an RVR for that, and he couldn't come out to yard. Inmate [REDACTED] stated this was the first time he had issues with staff. Inmate [REDACTED] was asked to describe the officer he described him as Mexican guy with dark brown hair, medium sized. Inmate [REDACTED] was asked what happened after he was tackled on the yard, he stated, "They took me to the gym and I saw the MTA, and they looked at my injuries. They took me to the hospital and they were questioning me about what happened and if I wanted to say anything about it, but I told them I didn't want to talk to anyone because I didn't want to get hurt again." Inmate [REDACTED] was asked if he filed an appeal he stated he didn't because he didn't want to get hurt or anyone else to get hurt. Recommend further action in this case.

Interview with Inmate [REDACTED]

On Tuesday, February 5, 2019, at approximately 1054 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding staff allegations of misconduct. Inmate [REDACTED] stated, "If an officer has an issue with an inmate, they (officers) will tell another inmate, Ill drop your write up (RVR) if you go hit that inmate up (assault). I have seen it happen a lot, I have done a couple things when a CO told me to. The CO told me this guy is the reason your house got hit (cell searched) and what I do, the next day hit him up (assault him). I find out it didn't really happen, but they told me that because they have something

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personal against the inmate." Inmate [REDACTED] was asked who the officers usually use for this type of thing he stated, "The numbers, [REDACTED]." Inmate [REDACTED] stated he has never been a victim of unnecessary or excessive force. Inmate [REDACTED] was asked who the officer was that told him to assault another inmate he was unwilling to provide the name.

Inmate [REDACTED] stated, "The officer sent inmates to beat up Inmate [REDACTED] (Inmate [REDACTED], RJD, C13 [REDACTED]) because the officer felt disrespected. Officer [REDACTED] sent him over there, this happened in November or December. I saw it myself he was all bruised up and had a black eye."

On December 4, 2018 I interviewed Inmate [REDACTED] he was reluctant to speak with me, stating he had a court case, because inmates were sent to beat him up by custody staff. Inmate [REDACTED] self-incriminated himself by stating he had assaulted another inmate on behalf of custody staff.

A secondary interview was conducted with Inmate [REDACTED] on February 7, 2019, during the interview Inmate [REDACTED] was asked about his RVR history and identifies the officer who told him to assault other inmates. Inmate [REDACTED] was asked about RVR's (log #00000000 [REDACTED] battery on a prisoner and 00000000 [REDACTED] battery on a prisoner), regarding fights he had been in, one in which he fought with an Inmate [REDACTED] on May 25, 2017, he stated he was told by Officer [REDACTED] that Inmate [REDACTED] told on him stating he had drugs and cell phones in his cell. The officers came and searched his cell and found nothing. The next day he went and fought Inmate [REDACTED].

Inmate [REDACTED] was asked about his fight with Inmate [REDACTED] on November 2, 2016. Inmate [REDACTED] stated, "Officer [REDACTED] pointed him out to us, he would show us the computer with the inmates information on it, we would look at it through the window, and saw that he was a rapist." Inmate [REDACTED] was asked if he ever suffered from any disciplinary action, he stated, "No, the officer said he was going to make it go away. He (Officer [REDACTED]) even told us look, if I have any issues that I need taken care of, you won't get written up." Inmate [REDACTED] was asked if he would receive any payment for doing the assaults, he stated, "No not really, I would go and beat up the dude while ~~someone stays back and takes all the guys property out of his cell, or just whatever we could come up on while the guy was being rolled up.~~" Inmate [REDACTED] went on to say, "There was another time he (Officer [REDACTED]) had a personal issue with the guy so he told us to go hit him up but he wasn't a rapist." Inmate [REDACTED] had nothing further to add. It is recommended further investigation of Inmate [REDACTED] allegations and Inmate [REDACTED] be interviewed.

Interview with Inmate [REDACTED]

On Monday, February 11, 2019, at approximately 1159 hours, I conducted an interview with Inmate [REDACTED], CDCR# [REDACTED], regarding possible victimization concerns. On December 4, 2018, I attempted to interview Inmate [REDACTED] but he

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was reluctant to speak stating he was assaulted by inmates and had a court case pending. During an interview with Inmate [REDACTED] he stated an officer sent several inmates to beat up [REDACTED] for disrespecting the officer. The information gathered triggered a secondary interview attempt with Inmate [REDACTED]

During the interview Inmate [REDACTED] stated, "I filed a 602, they put me on video camera, but I haven't got a response yet. On that day I got into a fight with two inmates because I filed a 602. I was at the table eating and some guys came at me and asked if I was going to drop the 602, I told them no I'm not, they said it is going to be bad for you. That same day I was coming out from chow and all the officers, like 5 officers were standing there, and there's a blind spot [REDACTED] so the tower didn't see anything. I knew it was going to happen, and they (inmates) assaulted me." Inmate [REDACTED] was asked if he was alleging the officers told the inmates to assault him, he stated, "Yes, Officer [REDACTED] told them to. That same day I had law library and he picked me up from the law library and he asked me for my ID because he wanted to know my first name, I didn't give it to him, I just walked away. Then things started to get serious so I gave him my ID. He warned me, I don't remember his exact words." Inmate [REDACTED] was asked how he knew the inmates were sent by Officer [REDACTED] he stated, "Because the inmates that beat me up told me, they told me in the chow hall. Then they beat me up, and then they asked me in the dayroom if I was going to drop it (602), I told them yeah."

Inmate [REDACTED] was asked to identify the inmates that assaulted him, he stated, "One of the inmates is still here, back when they beat me up he lived in 13 block, [REDACTED]. He's not there anymore though, he got into a fight and he went to the hole (administrative segregation unit), the other guy is still here he's a yard crew worker." I was unable to identify either inmate that assaulted Inmate [REDACTED]

Inmate [REDACTED] was asked the reason for submitting the inmate appeal, he stated, "I was assaulted on August 19th by Officer [REDACTED] while Officer [REDACTED] watched. I was assaulted because I wanted a bed move; I could no longer stay in the cell. They didn't want to give it to me." Inmate [REDACTED] stated the same day he conducted the video recorded interview (October 22, 2018) is the same day he was assaulted by the inmates on behalf of Officer [REDACTED]. Inmate [REDACTED] stated the injuries depicted in the video recorded interview was from the assault.

On Tuesday, February 12, 2019, I reviewed inmate appeal RJD-C-18-[REDACTED], allegation of excessive or unnecessary force submitted by Inmate [REDACTED]. During the videotaped interview, Inmate [REDACTED] had visual injuries to the bridge of his nose, these injuries were never addressed on camera nor was I able to locate a 7219 medical evaluation completed for the purpose of the videotaped interview. In review of the CDCR 3014 page 2, the supervisor states, "A review of the CDCR 7219 revealed that Inmate [REDACTED] had pre-existing injuries during

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the interview." How does the interviewer know these injuries are pre-existing, if they were never addressed on camera? Recommend further follow-up needed.

Conclusion and recommendations:

Throughout this investigation, a common trend has been identified of areas and types of inmates that are being utilized and or subject to harassment or unnecessary or excessive uses of force. It has been determined that the gym, rotundas, chow hall and blind spots [REDACTED] are regularly used for either inmate on inmate assaults or staff on inmates excessive force. Majority of these allegations are being made by the Enhanced Outpatient inmate population or wheelchair designated inmates. Allegations received indicate the existence of a custody gang called [REDACTED] which wears [REDACTED] custody staff utilize either the [REDACTED] gang or [REDACTED] Security Threat Group, to carry out assaults on other inmates for retaliation purposes. This information has not yet been proven, but has been brought up in numerous interviews by different inmates, and even by an inmate who claims to have assaulted inmates on behalf of custody staff. The inmate population appears to be in fear of retaliation when submitting inmate appeals, stating correctional officers have access to the appeal boxes and throw away appeals and retaliate against the submitter. There is also a common trend of inmates either withdrawing appeals or refusing to participate in the videotaped interview process due to fear or being retaliated against.

The following are recommendation for improvement of Facility C:

- Check key access to Appeal boxes.
- Rekey/restrict access to gymnasium
- Job change Facility C management positions
- Place cameras inside buildings and rotundas
- Rehouse or transfer Security Threat Group inmates

Should you have any questions or require additional information I may be contacted via electronic mail at [REDACTED] or by institutional telephone at extension [REDACTED].

[REDACTED]
Correctional Sergeant
Investigative Services Unit
California Institution for Men

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Exhibit 4

State of California

Department of Corrections and Rehabilitation

Memorandum**EMPLOYEE CONFIDENTIAL**

Date : January 26, 2018

To : P. Covello
Warden (A)
Richard J. Donovan Correctional FacilitySubject: **Richard J. Donovan Correctional Facility, Facility C, non-referrals:**

On Monday, January 14, 2019, I Correctional Sergeant [REDACTED], California Institution for Men, Investigative Services Unit (ISU) along with Correctional Lieutenant [REDACTED], Ironwood State Prison, and Correctional Sergeant [REDACTED], Calipatria State Prison, ISU, were tasked with conducting an inquiry into several staff allegations made on Richard J. Donovan Correctional Facility (RJDCF), Facility C.

Interview with Inmate [REDACTED]

On Monday, January 14, 2019, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED] regarding his allegations of staff misconduct.

Inmate [REDACTED] alleges he was assaulted by other inmates, for taking part in an interview with ISU staff, regarding staff allegations. On Wednesday, January 16, 2019, at approximately 1215 hours, we conducted an interview with Inmate [REDACTED]. Inmate [REDACTED] was asked about the incident that occurred on October 14, 2018, on Facility C. Inmate [REDACTED] stated, "A bunch of us got stabbed, here is what happened. On January 28, 2018, Officer [REDACTED] came to my cell while I was on the toilet and told me I want that, (referring to a phone that was in [REDACTED]'s hand), the cell door opens and he reaches into the cell, into my personal space, and says give me what you put right there. I'm not going to give him the phone, it's not my phone to give, I'm going to do what I can to avoid giving him the phone. He reaches for the phone; I put it in my right hand and jumped off the shitter. He (Officer [REDACTED]) had a lock on my long sleeve shirt; he's trying to pull me and the phone out of the cell. So I get out of the shirt, he reaches and grabs my hand; I step back and break the phone, because the SIM card is too hard to get to. I couldn't give him the phone, I know there are some pictures of my cellies old lady on there and I have some pictures on there also. He grabs the phone and throws it over his shoulder. I reach down and grab the dust roll rag, and he says what are you going to do with that, I said I'm gonna put it back by the door. He starts challenging me to try and fight. I know nothing good can come from responding to his challenge, so I tell him just to go away, he finally leaves. I look down at my hand and I see that I'm bleeding. Then I look out my cell and I see Officer [REDACTED] give a black sergeant the cell phone in a bag. I think the black sergeant has a Mexican last name, he had like 4 hash marks, mid 30's, medium build, medium everything. Prior to this about two days before, Officer [REDACTED] jumped on an inmates back for no reason, Inmate [REDACTED]. So I got at

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Officer [REDACTED] and told him this is like the 3rd or 4th time I seen this dude (Officer [REDACTED]) jump on someone, when are you guys going to do something about this, he's a liability, there's only a matter of time before something bad happens, and something bad did happen. An inmate took an officers spray and baton. Officer [REDACTED] said what can we do there's nothing we can do. I think [REDACTED] said something to [REDACTED] and now [REDACTED] is after me. So I waited for my 115 nothing came, initially I was going to file my appeal, but I see how many inmates were getting there asses beat by cops and if not by cops then other inmates mostly the [REDACTED] (SNY, Security Threat Group II). Fast forward a little bit to the Armstrong Audit I had just sent a letter to Michael Bean and Rosen Bean. The Armstrong office asked me if I wanted to file a complaint I told them no I didn't want to. About a month later I was asked to be interviewed by ISU, they take me in a room, and this guy identified himself as the ISU lieutenant, a heavy set Hispanic guy. He was wearing plain clothing, late 40's. The guy told me I got a complaint, a staff complaint this came from the audit. He asked me for my CDC number I told him, and he said well this is a "J" number so it must not be you. He said did you tell anyone you wanted to file a complaint; I said no I didn't tell anyone that, he asked well do you want to file a complaint, I said no. That was that."

Inmate [REDACTED] went on to state, "About a month later there's an incident on the yard, on October 14, 2018, initially it had nothing to do with me or my cellmate ([REDACTED] CDCD# [REDACTED]), that morning I see my cellie getting ready to go to yard, and he puts in his tooth, which is usually sign that he's not coming back, so I ask him what's up? On the way out to yard he runs it down to me, (incident on October 14, 2018, RJD-CYD-18-[REDACTED]), it's with the guy that lives next door to us, [REDACTED] they call him [REDACTED] CDCR# [REDACTED], I say look I know a couple of these guys from the yard, let me talk to them see if I can talk this down. We walk over by the weight pile, and I see the inmates stacked up over in front of the sweat lodge. I tell my cellmate and [REDACTED] to stay back, the idea is to talk this down not up. I asked one of the Indian dudes, what's it going to take to put this to bed? We start to talk but the big mouth kid with the pot leaf on his face, [REDACTED] CDCR# [REDACTED] wouldn't shut up. I tell the other [REDACTED] CDCR# [REDACTED] that isn't helping bro. I ask him what's it going to take to put this to bed, he says one for one (One for one removal from the yard). He tells me what happened a couple days ago, which I wasn't aware of. I tell him [REDACTED] look man I'm not going to do that, and I don't leave here with my integrity, if run you down some bullshit. He says ok let me go talk to these guys. When I walk away some black guy comes up, and the black guy talks to the older [REDACTED], and he's trying to do the same thing I was trying to do, the black guy was part of one of the PC gangs. He's talking to him and it doesn't look like it's going anywhere. I tell [REDACTED] hey look it doesn't look like this is going anywhere they want you gone. [REDACTED] said what did the black guy say, (they call him [REDACTED] unable to identify), there is something going on between [REDACTED] and [REDACTED] [REDACTED] tells me [REDACTED] owes him like \$1,500 bucks, [REDACTED] is not telling everyone that. [REDACTED] is like I'll go round up my people right

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now, he's talking about backing up [REDACTED] I'm like I didn't know [REDACTED] and the black guy are involved with each other. I assume [REDACTED] is not in their gang." Inmate [REDACTED] was asked what the name of this gang was he stated, [REDACTED]. "I tell the black guy, do me a favor, a few years down the road I can't have a bunch of people talking about, [REDACTED] was running with the blacks down in RJD, so can you old off on the jumping in. I still think I can talk to this guy [REDACTED]. So just keep your people out of it. So I walk back over there, and [REDACTED] is standing to my right, and [REDACTED] ([REDACTED] is standing to my left, and [REDACTED] and [REDACTED] or talking and [REDACTED] pulls the thing out of his pants (Knife), and says get him, and I look back and there's a whole shit load of people behind us, they had surrounded us, but the kid with the pot leaf on his face [REDACTED] is right in front of me. So whatever happens, happens so I move off the weight pile and I look up and I see my cellie running and people chasing him and I know me and my cellie don't have knives, so I tell [REDACTED] go help my cellie, and I continue to defend myself. Initially I tried to slide away, but I see my sweatshirt is full of blood, so I take it off but my tank top was full of blood also, so I'm like this isn't going to work. I notice I can't really see out of my right eye, because I had got stabbed in the eye. I look and notice everyone is down except me and [REDACTED], so I go down and I get cuffed up. I get taken to the TTA (Treatment and Triage Area), and I'm on the last gurney and they bring [REDACTED] in and he says, you good? I'm like yeah I'll be alright; he says you know it's just a business deal. After I come back from the hospital, I went to committee, and [REDACTED] is in 6 block and he calls down to me and I can't hear what he's saying, I'm in the cages and one of the other dudes in the cages is like he said, there's more to this then what meets the eye ill run it all down to you later. Well later when I'm on the yard in the cages some other Mexican dude that I don't even know says [REDACTED] said he got a phone out of this. Someone on this yard who wants to remain anonymous for now because he expects to get out in March, apparently saw [REDACTED] (Officer [REDACTED]) give [REDACTED] a phone. So this is how it all comes together this is a month after the interview with ISU. When I filed a complaint she (Armstrong Auditor) specifically asked for the interview to not be done by ISU staff. Just last week I got pulled up by ISU and asked to be interviewed I told them no I don't trust you guys, this is the exact same situation I was put in before."

Inmate [REDACTED] was asked if [REDACTED] himself told him he got a phone from Officer [REDACTED] he stated, "No, the inmate that saw it is on this yard with me now." Inmate [REDACTED] was asked how the culture is here at RJD, he stated, "The culture here is bad. But you have to remember Covello (Warden P. Covello) has taken some pretty positive steps at this prison, but what happens is one bad cop influences the other good cops."

Inmate [REDACTED] was asked what he told the black inmate during the incident, he stated, "I told him to stay out of it, because I didn't want some whites approaching me on the yard, remember just because I'm not part of a gang doesn't mean, I don't have to follow rules as means of survival." Inmate [REDACTED] was asked if he has had issues with Officer [REDACTED] he stated, "Actually

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no, besides this no, it's not like him and I are beefing, he's a bad apple. I have watched from my cell Officer [REDACTED] was on this kids back, some black kid, by the podium in C12 in the morning hours, the dude was already on the floor in hand cuffs when another officer came in and kicked this dude in the face twice. If my phone would have been able to record for longer than 30 seconds I would have recorded it." Inmate [REDACTED] was asked to identify the officer that kicked the inmate he stated, "Officer [REDACTED] big heavy set dude."

Inmate [REDACTED] was asked if he had proof or facts to prove the allegation that Officer [REDACTED] was involved in him being stabbed, he stated, "No, not that I can think of off the top of my head. I watched an officer flip an old black man out of his wheel chair for getting mouthy, that guy was no threat to anyone." Inmate [REDACTED] was asked if he remembered the times or dates that his occurred; he stated no, it was after the [REDACTED] incident. There was another incident where [REDACTED] smashed this guy's head into the podium the guy was like 70 years old. Fortunately there was a black sergeant that responded and it was a rookie tower cop and I'm assuming he told the sergeant what happened. So what happen was [REDACTED] got some time off and he got hit with a bunch of pay."

Inmate [REDACTED] was asked if he had anything further to add. He stated, "I have witnessed a whole bunch of staff misconduct, but no I don't feel like this is going to go anywhere." The interview was concluded at this time.

Inmate [REDACTED]'s recollection of the incident coincides with all documentation presented within the incident package. Located in Inmate [REDACTED]'s confidential file, is a confidential memorandum authored by ISU Officer [REDACTED] within the document there are interviews conducted with Inmate's [REDACTED]. The interviews conveyed that Inmate [REDACTED] stabbed Inmate [REDACTED] CDCR# [REDACTED] on Friday, October 12, 2018, because [REDACTED] owed [REDACTED] \$50 for a drug debt. Inmate [REDACTED] claims he doesn't know who stabbed [REDACTED] but he heard it was a white inmate. Inmates [REDACTED] all identified [REDACTED] as stabbing [REDACTED]. Inmate [REDACTED] showed displeasure with [REDACTED]'s actions, since he as overall authority of the Native American population he confronted [REDACTED] about it, [REDACTED] stated he didn't care and challenged [REDACTED] to one on one fight, to resolve the issues. [REDACTED] agreed and told him to go to the yard. Inmate [REDACTED] and [REDACTED] went to the yard with [REDACTED] so he wouldn't get jumped, and that is when the riot ensued.

Inmate [REDACTED] went out to the yard on October 14, 2018, on his own doing, in an attempt to quell a situation or stop Inmate [REDACTED] from being jumped by the Native Americans, furthermore Inmate [REDACTED] provides no facts or evidence to substantiate his allegation of Officer [REDACTED] being involved in this incident. I recommend no further action necessary in this allegation.

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Interview with Inmate [REDACTED]

On Friday, January 18, 2019, at approximately 1100 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 4, 2018. Inmate [REDACTED] stated, "What I told her is all I had to add, I can't add anything else or take away anything. I told her Officer [REDACTED] was a very good officer, and Officer [REDACTED] is a little aggressive at times. I saw him do somethings he probably shouldn't be doing to an inmate. I remember I just arrived, Christmas of 2016, he said some derogatory comments to me. I really don't want to talk anymore, it doesn't really matter where you guys are from, and this prison has a specific culture of retaliation. But it looks like it is getting better because you guys are swapping the officers out and doing this investigation." Inmate [REDACTED] went on to state, "I observed Officer [REDACTED] beat a guy in the hallway in 12 building, he was a northerner they kicked him in the face and then put him back in his cell, and medical wouldn't take him to medical he was fucked up." Inmate [REDACTED] was asked if he knew the inmates name or if he could describe him, he described him as, "He was a northerner, I know he filed paper work on it, he was 5'5" short guy, brown skin, ex northern rider, Mexican guy he was in C12, [REDACTED] and this happened in 2018 (unable to identify). He said something to the officer they got into it, and they let the [REDACTED] (STG II) beat him up and then they (officers) beat him up." Inmate [REDACTED] was asked what happened between himself and Officer [REDACTED] he stated, "I was going to the law library and I made it outside, and I threw something in the trash and I missed and [REDACTED] was like a motherfucker pick that shit up. I said you don't have to talk to me like that, he said motherfucker this is my building. I started walking away through the hallway and he's trailing me talking shit. We get out to the front of the building and he's tell me to come on challenging me to a fight, I step back and I called other inmates, and I say you guys see this he's challenging me to a fight. The tower cop was watching, some Filipino officer. Then I went to the program office but that didn't work, I told several officers what was going on. I did tell one black officer I can't remember his name. I filed an appeal regarding all this (602 Inmate Appeal # RJD-C-17-[REDACTED])." Inmate [REDACTED] went on to state, "Officer [REDACTED] that dude a brutal I seen him beat an inmate with a flash light right by the program office, a big white dude, he beat him bad. He works in a building now." Inmate [REDACTED] could not remember a time or date of this incident.

Inmate [REDACTED] did file a 602 Inmate Appeal regarding the allegations against Officer [REDACTED]. In reviewing this appeal, several inmate witness as well as officers and Officer [REDACTED] were all interviewed during the appeal inquiry. Officer [REDACTED] stated he didn't see any confrontation between Inmate [REDACTED] and Officer [REDACTED]. Officer [REDACTED] stated he saw Officer [REDACTED] counseling Inmate [REDACTED] and Inmate [REDACTED] was talking back to Officer [REDACTED] causing a confrontation between the two. Officers [REDACTED] told Officer [REDACTED] about this confrontation. Inmates [REDACTED] CDCR# [REDACTED] and [REDACTED] both stated they saw the confrontation between Officer [REDACTED] and Inmate [REDACTED] and they stated Officer [REDACTED] was the aggressor looking as

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if he wanted to fight Inmate [REDACTED]. This inmate appeal was thoroughly investigated, there is not enough evidence to substantiate Inmate [REDACTED]'s allegation, and therefore I recommended no further action necessary.

Interview with Inmate [REDACTED]

On Friday, January 18, 2019, at approximately 1255 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 4, 2018, regarding an inmate getting his teeth knocked out by staff. Inmate [REDACTED] stated, "I can't really remember that, I can't really remember details. I don't even remember how long ago it was." Inmate [REDACTED] was asked if he could remember the inmate's name, he stated, "I just remember he went by a name [REDACTED], he was mixed black and white, he lived in C14, and he's gone now. I don't remember the staff involved." Inmate [REDACTED] was asked if he could remember any recent events on the yard, he stated, "No." Inmate [REDACTED] was asked what led to this incident, he stated, "I think the inmate spit on the officer." Inmate [REDACTED] stated he did not have a good angle to see the incident. [REDACTED] had nothing more to add the interview was concluded. Inmate [REDACTED]'s accounts of the said incidents are either hearsay or in a manner which show lack of evidence to substantiate his claims. It is recommended no further action necessary.

Interview with Inmate [REDACTED]

On Tuesday, January 22, 2019, at approximately 1038 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 5, 2018, regarding his cousin. Inmate [REDACTED] was asked who his cousin was and what happened with him, he stated, "His name is [REDACTED] [REDACTED] we used to live together, is CDC# [REDACTED] is a [REDACTED] number; ([REDACTED] CDCR# [REDACTED]). So what happen, he got knocked out by another inmate, so while he was incoherent, he wasn't listening to orders from the officers, so they (officers) slammed him. He [REDACTED] didn't know what was going on so he was fighting back." Inmate [REDACTED] was asked where this took place at he stated, "In the dayroom of 14 block. He was trying to get up, and the police were telling him to get down but he kept trying to get up, I thought it was a little excessive. But that's when I jumped; they took us both to the hole. I got written up for assault on a peace officer first, but they (custody) dropped it down to behavior which could lead to violence." Inmate [REDACTED] stated, "I believe it was a little excessive, but maybe that's because he is my cousin. He got found guilty of battery on a peace officer and did a SHU term. I don't know if he got written up for the fight." Inmate [REDACTED] was asked who his cousin was fighting with he stated an Inmate [REDACTED]. Inmate [REDACTED] was asked who was present during the incident he stated, "Sergeant [REDACTED] was there [REDACTED] was there [REDACTED] was there." Inmate [REDACTED] was asked if he could see who was using force, he stated he could not because he was in the corner.

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Inmate [REDACTED] was asked when this incident occurred he stated last June I think.

A review of Strategic Offender Management System (SOMS) revealed both inmates received Rule Violation Reports (RVR) and were both placed in ASU for battery on a peace officer resulting in the use of force. The incident described but Inmate [REDACTED] shows that Inmate [REDACTED] was actively resisting and force was used to stop the imminent threat of staff or inmate injuries. It is recommended no further action necessary.

Interview with Inmate [REDACTED]

On Monday, February 4, 2019, at approximately 0933 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview on December 4, 2018, regarding staff misconduct on Facility C. Inmate [REDACTED] stated, "There's a lot of staff, inmate relationship, meaning when an inmate can go up to an officer and ask him if he can stab this other inmate, there is something wrong with that." Inmate [REDACTED] was asked why he was in Administrative Segregation he stated, "Because the police attacked me, on December 30th. Because when we went to the interview with you guys in December, I was just supposed to go in there and refuse but I ended up staying in there to long, and the police was watching us (inmates). On December 30th I was walking to chow, and C.O. [REDACTED] that works in my building pulled me to the side. He grabbed my hand and I asked him please don't grab my hand, my hand is broke. He then slammed me on the ground and cracked my rib by kicking me. Then he said I assaulted him. I'm in the hole (Administrative Segregation) for battery on a peace officer. I got an RVR (Rules Violation Report) for this. A lot of these staff assaults are frivolous, these staff assaults are lies. The Sergeant, Lieutenant, Captain, they're going to back up whatever the officers say. When I went to the cage, I told them there was something wrong with my rib, my hand is messed up, and I need to see the nurse. They told the nurse to put down that I refused treatment. On the 7219 (medical evaluation) I said something was wrong with my rib. On the 7219 I said the dude (officer) whopped my ass." Inmate [REDACTED] was asked if he filed an inmate appeal, he stated no. Inmate [REDACTED] stated, "There's a crew of officers that work over there (C yard) [REDACTED] and [REDACTED] they wear [REDACTED]" Inmate [REDACTED] claims he asked for the cameras to be reviewed for this incident. Inmate [REDACTED] had nothing further to add. Inmate [REDACTED] was advised if he had a complaint to make, it was recommended he file an inmate appeal.

All documents included in incident number RJD-CYD-18-[REDACTED] were reviewed. All documentation seemed to be consistent. Inmate [REDACTED] alleges his injuries were not documented however there is a medical evaluation for this incident wherein Inmate [REDACTED]'s injuries were documented. Officer [REDACTED] states the imminent threat and reasoning for the use of force, which seems reasonable and within policy.

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Interview with Inmate [REDACTED]:

On Wednesday, February 6, 2019, at approximately 1121 hours, I conducted an interview with Inmate [REDACTED] CDCR# [REDACTED]. Inmate [REDACTED] was asked to describe in detail the allegations he made during an interview in December of 2018. [REDACTED] stated he saw his cellmate get beat up by the cops. "He (cellmate) wanted to come inside the building but the tower cop [REDACTED] didn't want to let him in, finally he came inside and went upstairs and threw the trash can into the dayroom, he was pissed. We went to pill call later on and he exploded, he picked up this trash can and hit another inmate in the face with it, he was frustrated, and then [REDACTED] shot him with the block gun. Then like 20 officers came in and they beat him up they kicked him and punched him and all that. They dragged him out he was wearing a spit mask. They call him [REDACTED] really skinny black kid. (unable to identify any inmate with an AKA of "[REDACTED])" [REDACTED] couldn't identify any staff involved. Recommend no further action necessary.

Interview with Inmate [REDACTED]:

Refused to come out for interview

Interview with Inmate [REDACTED]:

Refused to come out for interview

Conclusion and recommendations:

Throughout this investigation, a common trend has been identified of areas and types of inmates that are being utilized and or subject to harassment or unnecessary or excessive uses of force. It has been determined that the gym, rotundas, chow hall and blind spots [REDACTED] are regularly used for either inmate on inmate assaults or staff on inmates excessive force. Majority of these allegations are being made by the Enhanced Outpatient inmate population or wheelchair designated inmates. Allegations received indicate the existence of a custody gang called [REDACTED] which wears [REDACTED] and custody staff utilize either the [REDACTED] gang or [REDACTED] Security Threat Group, to carry out assaults on other inmates for retaliation purposes. This information has not yet been proven, but has been brought up in numerous interviews by different inmates, and even by an inmate who claims to have assaulted inmates on behalf of custody staff. The inmate population appears to be in fear of retaliation when submitting inmate appeals, stating correctional officers have access to the appeal boxes and throw away appeals and retaliate against the submitter. There is also a common trend of inmates either withdrawing appeals or refusing to participate in the videotaped interview process due to fear or being retaliated against.

The following are recommendation for improvement of Facility C:

Check key access to Appeal boxes.
Rekey/restrict access to gymnasium

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Job change Facility C management positions
Place cameras inside buildings and rotundas
Rehouse or transfer Security Threat Group inmates

Should you have any questions or require additional information I may be contacted via electronic mail at [REDACTED] or by institutional telephone at extension [REDACTED]

[REDACTED]
Correctional Sergeant
Investigative Services Unit
California Institution for Men

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Exhibit 5

Filed Under Seal

Exhibit 6

DECLARATION OF

I, _____, 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 5. I am 53 years old.

3. I have been housed at RJD from 2014 to the present. Before being housed on Facility A, Building 5, I was housed on Facilities B and D at RJD.

4. I am an *Armstrong* class member. I am designated as DPO, which means I have a mobility disability and require the use of a wheelchair for distances. I have problems walking because of neuropathy, back issues, and nervous system issues. As accommodations for my disability, I am housed on the ground floor and require a lower bunk, and I use a wheelchair and a walker. I also experience incontinence related to my disability.

5. I am a *Coleman* class member. I am at the CCCMS level of care. I suffer from anxiety. I take Vistaril occasionally to help me sleep.

6. I have a number of serious medical conditions, including chronic kidney disease, acitinic kartosis, and a serious and rare skin condition.

7. I was a victim of staff misconduct at RJD in the first part of 2018. At the time of the incident, I was housed on Facility B in Building 10. On the day in question, at about 11 a.m., I was waiting in line on the yard to receive my mid-day medications. I was using my walker at the time. I was handing out shredded beef and bean burritos, which I had made with ingredients that I had purchased at canteen, to other incarcerated people waiting in line. From time to time, I make food for others to show a little kindness to my fellow prisoners. Officer [REDACTED] did not like what I was doing and told me to stop. I complied with his order. Officer [REDACTED] then said that he wanted to look at the burritos. I

1 told him he could look at them, but asked that he not open them up. He became upset and
2 started yelling at me not to hand out burritos.

3 8. He then told me that he was going to search me. At his direction, I got out of
4 line and walked toward some benches that are at the front of the pill line. He told me to
5 put my hands behind my back so that he could hand cuff me. I told him that I could not do
6 that because I would fall as a result of my disability. I have a chrono for special cuffing in
7 front of my body so that I can always hold on to something to maintain my balance.
8 Without saying another word, Officer [REDACTED] grabbed my left wrist off of my walker using
9 his left hand and pulled it behind my back. He then used his right hand to grab the back of
10 my neck. He then pulled my left arm up behind me and pushed down on my neck,
11 throwing me to the ground. When I fell, he intentionally fell on top of me with most of his
12 body weight. Because of the way that he threw me, I was unable to brace myself. I fell
13 very hard on my left shoulder and body. In addition, the left side of my face near my ear
14 hit the ground with a significant amount of force. It felt like I had been hit in the face
15 really hard with soccer ball.

16 9. Once on the ground, Officer [REDACTED] cuffed me behind my back in violation
17 of my cuffing chrono. The cuffing caused me significant pain, especially because he made
18 the cuffs very tight. Officer [REDACTED] then picked me up off the ground and placed me on
19 the seat of my walker. Officer [REDACTED] then pushed me in my walker to the gym, where he
20 placed me in a holding cage without my walker. My hands were still cuffed behind my
21 back, causing me a lot of pain. I told Officer [REDACTED] that I wanted to speak to a sergeant.
22 He denied my request.

23 10. I sat in the holding cage for about a half an hour. Officer [REDACTED] came back
24 and accused me of acting up. I told him I had not done anything wrong. I asked him why
25 he did not let me talk to a sergeant. He told me that there were not any sergeants available.
26 He then opened the cage, uncuffed me, and escorted me back to pill line so I could get my
27 medications.

11. I was never charged with any rules violations or misconduct as a result of this incident. I am not aware of any paperwork that was filed by staff, including any documentation of the force incident.

12. As a result of the incident, I believe I lost some hearing because of how hard I hit the ground. Before the incident, I had excellent hearing in my left ear. After the incident and up to this day, I hear a ringing in my left ear that makes it harder to hear things. I also had bruises on the left side of my face near my ear for about 10 days.

13. A number of people witnessed this incident. All of the prisoners standing in pill line that day and the pill nurse, who ultimately handed me my medications after the incident, likely saw what happened. There was another officer standing near the pill line who also likely observed the incident.

14. I did not file a staff complaint against Officer [REDACTED] because I was afraid that I would face retaliation if I did so. I previously observed that Officer [REDACTED] was often disrespectful to prisoners. I have seen him give other incarcerated people trouble for the smallest of issues. From my observations of Officer [REDACTED] before the incident and from the incident itself, I feared that he would retaliate against me for filing a staff complaint.

15. In addition, I was afraid of retaliation because of what I have seen happen to other people at RJD. For example, around the same time that I was thrown to the ground by Officer [REDACTED], I saw officers brutally attack a friend of mine named Mr. [REDACTED] who lived in my housing unit. The attack happened near the basketball court on Facility B. Mr. [REDACTED] was sitting on a bench talking to three officers. I saw Mr. [REDACTED] stand up and then I saw one of the officers hit Mr. [REDACTED] with a punch to his face. Mr. [REDACTED] fell to the ground. Mr. [REDACTED] was not fighting back at all. The officers hit him two or three more times and then sounded an alarm. The officer who punched Mr. [REDACTED] then started kneeing him with extreme force in Mr. [REDACTED]'s face. Other officers responded. At one point, I counted more than 20 officers around Mr. [REDACTED]. I saw multiple different officers

1 kick him after he was already on the ground and not resisting. It seemed to me that the
2 officers beat him for about three minutes. Ultimately, staff called an ambulance and Mr.
3 [REDACTED] was taken off of the yard.

4 16. Mr. [REDACTED] was back in the housing unit the next day. His whole face was
5 bruised, he had a torn lip, his eye was red, and he had cuts on his face and forehead. He
6 showed me bruises all over his ribs and chest.

7 17. Mr. [REDACTED] was never the same after that attack. Before the attack, he was
8 just a regular guy. After the attack, it seemed to me like he had suffered some permanent
9 brain injuries. He spoke and moved much slower. He sometimes had trouble
10 understanding things that I told him that he definitely would have understood before the
11 attack. He also forgot about many of the things we talked about before the attack.

12 18. Given what I saw happen to Mr. [REDACTED] and other things that I've seen in
13 prison, I was afraid that if I reported what Officer [REDACTED] did to me, I would be at risk of
14 facing the same types of attacks or other retaliation.

15 19. As far as I am aware, the officers involved in attacking Mr. [REDACTED] did not
16 face discipline for what they had done. I saw many of them working on Facility B after
17 the incident.

18 20. My fear of staff misconduct and retaliation causes problems for me nearly
19 every day. As a prisoner, I need permission from staff to do many things. For example, I
20 cannot get back into my housing unit after going to pill line without an officer opening the
21 housing unit door for me. At many times of day, I also cannot take a shower if I have an
22 incontinence incident unless staff give me permission. I cannot get a wheelchair pusher
23 unless staff calls one for me. Sometimes staff deny me these basic needs and rights. After
24 going to pill line, the control tower officer in Building 5 will sometimes make us wait as
25 long as an hour or more before he or she opens the door to the building; when this
26 happens, I have to stand outside in elements even if it is wet, cold, or very hot.
27 Sometimes, if I ask for a shower after I have soiled myself, staff will ignore me. And
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1 sometimes when I request that staff call for a wheelchair pusher, they do not do it; as a
2 result, I have on occasion missed things that I needed to go to, like meals or pill line.
3 Instead of complaining or filing a grievance about not receiving the help I need, I just stay
4 quiet and suffer because I am afraid that staff will retaliate if I speak up.

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

7 San Diego, California this 8 day of January 2020.

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Exhibit 6a

Filed Under Seal

Exhibit 7

DECLARATION OF

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 E in Building 23. I am 47 years old.

3. I have been housed at RJD from December 20, 2019 to the present.

4. During my time at RJD, I was housed in Building 6 on Facility B from my arrival at RJD to mid-January 2020. Upon my arrival at RJD, I was supposed to be housed on Facility A, but I got beat up by staff on my first day at RJD and then transferred to administrative segregation on December 21, 2019. I was then transferred to Building 23 on Facility E in mid-January 2020.

5. I am an *Armstrong* class member. I am designated as DPH, which means that I am fully Deaf. I became Deaf at age five due to a gun wound to the head in 1977. My primary method of communication is American Sign Language. I learned American Sign Language at age five. I rely on a sign language interpreter (“SLI”) in prison to effectively communicate. Much of my communication is through an SLI. I always use an SLI for any important legal or medical encounters, like doctor’s appointments and Rule Violation Report (“RVR”) hearings and classification committee hearings. I also use written notes to communicate if an SLI is not present.

6. I am a *Coleman* class member. I am at the EOP level of care. I suffer from depression, and often experience auditory hallucinations. My depression sometimes makes me feel very low and suicidal. To manage my mental health symptoms, I take Remeron and Zyprexa. I also go to EOP group programs once or twice a day, and speak with my clinician every two weeks.

1 7. I also have a number of serious medical conditions related to being shot in
2 the head in 1977. I experience seizures and chronic migraines due to brain damage from
3 that injury. I take Dilantin to manage my seizures, and Imitrex to manage my chronic
4 migraines. My understanding is that if I do not take *Dilantin*, I am at risk for severe grand
5 mal seizures. I experience migraines chronically. These migraines make me feel
6 lightheaded, irritable, and cause vomiting. These migraines sometimes last a day or two. I
7 have been taking medication to manage my seizures and chronic migraines since about
8 1983.

9 8. I was a victim of staff misconduct at RJD on December 21, 2019. On
10 December 20, 2019, at around 9:00 p.m., I transferred to RJD from a mental health crisis
11 bed ("MHCB") at California Health Care Facility ("CHCF") where I was housed for ten
12 days because I was feeling suicidal. By the time I arrived at RJD, after fifteen hours of
13 travel, I was feeling just as bad as when I was initially placed in the MHCB. After I was
14 processed through Receiving and Release ("R&R") at RJD, I was supposed to be housed in
15 Building 1 on Facility A.

16 9. At around 1:00 a.m. on December 21, 2019, I was escorted by Officer
17 [REDACTED] to Building 1 on Facility A. I was escorted alongside Mr. [REDACTED] who
18 came with me to RJD from a crisis bed in CHCF. When I arrived in the building, Officer
19 [REDACTED] was the only officer working on the floor of the housing unit. As soon as I got
20 into the building, I walked over to Officer [REDACTED], who was standing nearby the
21 podium. Officer [REDACTED] and Officer [REDACTED] started yelling at me. Because I am
22 Deaf, I could not understand anything they were saying. They looked very angry. I think
23 they were getting angry at me because they thought that I was not listening to them. I
24 could tell they were screaming at me, and they kept pointing in various directions. One of
25 the officers was pointing up, towards the upper tier, which I interpreted as him saying that
26 I was supposed to be housed in a cell on the upper tier. This made me very worried,
27 because I am not supposed to be housed on an upper tier due to my seizure disorder that
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1 puts me at a high risk of falling. At this point, Mr. [REDACTED] had walked away from us, and
2 was standing about fifteen to twenty feet away. I saw him facing towards us and watching
3 what was going on.

4 10. As they yelled at me and pointed all over the place, the officers were only a
5 few feet away from me. Because I did not understand what was going on, I felt so
6 overwhelmed and scared. It felt like utter chaos to me. At the time, I was wearing my
7 hearing impaired vest, which indicates to staff that I have a hearing disability. I wear the
8 vest so staff know that I cannot communicate orally because I am Deaf. I wear my vest at
9 all times in order to avoid any confusion with staff or other incarcerated people. Even
10 though I was wearing my vest, Officers [REDACTED] and [REDACTED] kept yelling at me. In
11 addition to pointing out my vest, I tried to gesture to them that I was Deaf. I pointed to my
12 ears, and I tried to make a writing gesture so that they could get me paper. Instead they
13 just continued to yell at me for a few minutes. I saw Mr. [REDACTED] continue to watch us from
14 a distance.

15 11. Being treated in this way made me feel really bad about my disability. I
16 became scared for my safety at RJD because watching these officers yell at me made me
17 realize that they did not know how to communicate with Deaf people. Because I was
18 scared, I decided to walk away. I didn't want things to get even worse. As I started to
19 walk toward the exit of the building, both of the officers grabbed me from behind. One
20 officer grabbed one of my arms, and the officer grabbed my other arm. I did not see the
21 officers grab my arms, but I felt it. Because I had no idea what was going on, and I was
22 scared, I pulled away as an instinct and moved my body to the left. By pulling away, I was
23 able to break free of their grasp.

24 12. I then turned around to face them, and saw that they were still yelling at me.
25 They were about four to five feet away from me at this point. It looked like they were also
26 starting to yell at each other, as well as me. I saw them pointing, waving their hands
27 around, and facing each other. I interpreted that as them arguing about what they should
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1 do. I was still pointing to my ears, my hearing impaired vest, and making a writing motion
2 with my hand to try to get them to understand that I am Deaf and could not hear them.

3 13. The officers then started getting closer to me. Then, all of a sudden, Officer
4 [REDACTED] took a few steps forward and punched me in the face with his right hand. Right
5 before he punched me, he continued to yell at me and he looked very angry. His punch
6 was extremely forceful. He wound up his arm and closed his right fist when he punched
7 me. His closed fist hit my face in my left cheek. I fell backwards in shock from the punch
8 because I was not expecting it at all. I was so surprised by Officer [REDACTED]'s conduct
9 because I had never experienced this kind of treatment from staff in a prison. He punched
10 me with so much force that my face immediately started hurting. The pain was a sharp,
11 stinging pain.

12 14. Because I was caught off-guard after being punched, Officer [REDACTED] then
13 reached his hands out to grab me in an attempt to bring me to the ground. Instinctively, I
14 pushed his hands away from me. I only pushed away Officer [REDACTED]'s hands because
15 he had just punched me. I had no idea what he was doing because I could not understand
16 him. I was just trying to defend myself. Officer [REDACTED] and Officer [REDACTED] then
17 both charged at me and tackled me to the ground. We all fell down onto the ground, with
18 them falling on top of me. They then turned me over on my stomach, and pinned my back
19 down, using their body weight to hold me to the ground. I felt at least one officer put his
20 knee into my back to pin me down, but I could not see which officer it was. They were
21 restraining me very hard, and it was very painful. I do not know why they were using so
22 much force to pin me down because I was not resisting at all.

23 15. While on my stomach, I looked up to see what was going on. I noticed that
24 another officer had joined Officers [REDACTED] and [REDACTED] in roughing me up on the
25 ground. Before the other officer arrived, I saw a blue light coming from above the
26 podium. Based on my experience in prison, that blue light is activated when there is an
27 incident and staff activate the alarm. Because that light was on, I believe that someone
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1 activated the alarm, which caused the third officer to respond from the yard. They roughed
2 me up on the ground for about thirty seconds before they handcuffed me behind my back.
3 Then, after they handcuffed me, they picked me up, and escorted me to the Treatment and
4 Triage Area ("TTA").

5 16. Once I arrived at the TTA, I was first interviewed by a lieutenant named
6 Lieutenant [REDACTED] I communicated through a Video Relay Interpreting ("VRI")
7 service, with an SLI named Brian. Lieutenant [REDACTED] asked me what had happened
8 and why I was refusing to go to my cell in Building 1. I told him that I did not understand
9 what the officers were trying to tell me. I also told the lieutenant that I believed the
10 officers were trying to force me into a cell on the upper tier. I told him that I have a
11 seizure disorder, and that because of that, I believed that I could not be housed on the
12 upper tier. The entire time, I emphasized that that I wasn't refusing or disobeying their
13 orders. I just simply could not understand what the officers were saying. Lieutenant
14 [REDACTED] then told me that, after being examined by medical staff, I would be
15 returned to Building 1 on Facility A. I protested because I did not want to be housed in the
16 same building where Officer [REDACTED] punched me in the face. Living in Building 1
17 would mean that I would have to interact with Officer [REDACTED] on a daily basis because
18 he worked in Building 1. Instead, I asked to be housed in the administrative segregation
19 unit ("ASU").

20 17. Lieutenant [REDACTED] then tried to negotiate with me, telling me that he
21 would find me a placement in a lower bunk on the lower tier in Building 1. I told him that
22 did not matter to me because I did not want to be on the same yard as Officer [REDACTED]. I
23 was so scared to interact with Officer [REDACTED] again. Based on the expression on his
24 face and what he was saying to me, I felt that Lieutenant [REDACTED] was not taking my
25 concerns seriously. He had this look on his face that made me feel like he thought I was
26 faking my disability and lying about not hearing the officers. The interview lasted about
27 twenty minutes.
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1 18. Then, I was examined by a nurse in the TTA. I communicated with the
2 nurse through VRI. The nurse pulled up my clothes, and examined me for visible injuries,
3 but I did not have any visible ones. I told the nurse that my face was in pain. After being
4 examined in the TTA, I was placed in a holding cell there until about 7:00 a.m.

5 19. While in the holding cell, Lieutenant [REDACTED] came to speak with me [REDACTED]
6 once again sometime in the middle of the night. In this second interview, his expression
7 was very different. This time, it seemed like he was being nicer to me. I assumed that he
8 confirmed that I was Deaf and that maybe he realized that staff had mistreated me.
9 Because he was being so nice to me during this interview, and had been so cold to me just
10 hours before, I became suspicious. I did not feel comfortable telling him about Officer [REDACTED]
11 [REDACTED] punching me because I did not trust him. Also, I wanted to talk to the *Armstrong*
12 lawyers about what had happened to me before talking to anyone else. I was worried that
13 staff at RJD would attempt to cover up Officer [REDACTED]'s assault.

14 20. Toward the end of my interview, Lieutenant [REDACTED] told me that he [REDACTED]
15 would clear me to be housed in the ASU. It felt weird that he would clear me for the ASU
16 now when he had refused to do so hours earlier. It also felt weird that he assured me that I
17 would be placed in the ASU for safety concerns, and not for disciplinary reasons. I
18 assumed that Lieutenant [REDACTED] was doing these things for me now so that I would
19 not report the incident. The second interview lasted only about 15 minutes.

20 21. At around 7:00 a.m., I was then escorted to the ASU in Building 6 on
21 Facility B, and placed in cell [REDACTED]. The next day, still December 21, 2019, I was scheduled
22 for a follow-up medical appointment at the TTA, which I refused. I refused the
23 appointment because I did not want to be bothered by staff anymore, and I just wanted to
24 forget about what had happened to me.

25 22. I believe that I was assaulted because of my disability. The officers involved
26 clearly did not know or care about communicating effectively with me. They did not even
27 try to communicate with me through written notes. I think that the officers believed that I
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1 could hear and that I was intentionally disobeying their orders. Because these officers
2 lacked the skills to properly communicate with Deaf people, I paid the price of being
3 assaulted.

4 23. As a result of this incident, I am still experiencing terrible pain in my lower
5 back. I believe that this pain is the result of one officer forcefully pinning me down with
6 his knee. I never had this pain before the incident. For four days following the incident,
7 my face was still in pain.

8 24. On or around December 26, 2019, I received a Rules Violation Report
9 ("RVR") for resisting a peace officer in the course of his duties. I was found guilty of the
10 RVR. As a result, I lost 90 days of time served from my sentence, which means that I will
11 have to spend 90 additional days in prison. I also lost program access for 30 days. I
12 believe it is unfair that RJD gave me an RVR for this incident because the only reason it
13 happened in the first place was because Officers [REDACTED] and [REDACTED] refused
14 to recognize and accommodate my disability.

15 25. I filed a 602 staff misconduct complaint against Officer [REDACTED] Three
16 days after I filed the 602, and before I even got a form telling me that my 602 had been
17 processed with a log number, I was called to the Administration Office on Facility E.
18 There, Sergeant [REDACTED] and SLI [REDACTED] took me into an office to interview me about my
19 602. Sergeant [REDACTED] said that he wanted to conduct a video interview into my
20 allegations of staff misconduct. I refused the interview because I had never done a video
21 interview before, and I wanted to speak with the *Armstrong* attorneys before doing a video
22 interview. I have not received a response to my 602 - [REDACTED]

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24
25 26. Being assaulted by staff at RJD has made it harder for me to program at RJD.
26 It is already hard enough being Deaf in prison. There is no one to talk to at a place like
27 RJD. Because I am Deaf, I feel that few people here understand me as a person. Few
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1 people have the patience to talk with me through written notes, and so I don't interact with
2 anyone except for the four other Deaf people on Facility E who speak sign language. This
3 incident also made my mental health much worse. This incident has made me suspicious
4 of all staff at RJD, including my mental health team, which makes it harder for me to
5 manage my depression and talk freely with my clinician.

6 27. In my time at RJD, there have been many times that I needed help but didn't
7 ask for it because I was afraid of what would happen to me. Because I am Deaf, I need
8 people to be patient with me so I can communicate with them effectively. I usually only
9 get an SLI for important medical or legal appointments. For the majority of my daily life
10 at RJD, I do not have access to an SLI, which means that written notes are my only form of
11 communication with the world. For example, when I have to interact with staff in my
12 housing unit, I need to be able to write notes back and forth with them. After being
13 assaulted by Officer [REDACTED], I am now scared to ask staff for writing supplies so I can
14 communicate with them.

15 28. I rely on officers for the same things everyone else in prison relies on: basic
16 information, soap, clothing, grievance and appeal forms, my mail, and other things. The
17 difference is, because I am Deaf, it is already harder for me to ask staff for these things
18 because I cannot just speak with them. Being assaulted because of my disability makes me
19 feel nervous and reluctant to ask staff for anything, including the writing supplies that I
20 depend on to communicate. I am worried that staff will assault me because I am too much
21 trouble in their eyes, because it takes so much more time to communicate with me than
22 hearing people. I would much rather go without something I need than to ask staff for help
23 because I am afraid that I will be assaulted again.

24 29. Because I cannot ask staff for help, it is harder for me to get the things I need
25 in prison. For example, because I am in the EOP program, I often need to ask staff for
26 information regarding my mental health groups, like the time or location of a group. That
27 information is usually announced over the PA system, but I cannot hear announcements so
28

1 I need to be able to get that information from staff. Because I am scared to ask staff for
2 help, I sometimes miss my mental health groups because I don't know the time or location
3 of my groups.

4 30. Although I have not been housed at RJD for long, my experience with staff
5 misconduct here tells me that staff do not care about the needs of people with disabilities.
6 After all, I was assaulted simply because I am Deaf.

7 31. I have been in CDCR prisons for about 25 years of my life. I've been
8 housed in a number of different CDCR prisons, including Substance Abuse Treatment
9 Facility, CHCF, California Medical Facility, Deuel Vocational Institute, and RJD. The
10 staff misconduct at RJD is much worse than at any other prison in which I have been
11 incarcerated. At these other prisons, it would have been crazy for staff to punch an
12 incarcerated person, let alone a Deaf person. To this day, I am still so surprised by what
13 happened to me on my first day at RJD because I have never been treated anywhere close
14 to that at other prisons.

15 32. I believe the reason there is so much staff misconduct at RJD is because staff
16 have no respect or compassion for people who have disabilities. The whole staff culture at
17 RJD seems to not care about people with disabilities. If staff at RJD, including the higher-
18 ups, really cared about the needs of Deaf people, then there would be better training and I
19 never would have been assaulted by Officer [REDACTED]. I also get the feeling that a lot of
20 staff believe that I am "faking" my disability. People with disabilities in prison, especially
21 Deaf people, already have an extremely hard time. It is so much harder when staff abuse
22 people rather than help them.

23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct, and that this declaration is executed at
25 SAN DIEGO, California this 31 day of January, 2020.

Exhibit 8

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 Health Care Facility ("CHCF") on Facility 4BA in the Psychiatric Inpatient Program ("PIP"). I am 46 years old.

3. I was incarcerated at Richard J. Donovan Correctional Facility from September 5, 2019 to January 31, 2020. When I was at RJD, I was housed in the C14 Unit, the B7 Administrative Segregation Unit ("ASU"), and the Mental Health Crisis Bed ("MHCB") unit.

4. I am an *Armstrong* class member. I am designated as DPM which means I have a mobility disability. I have low bunk and low tier accommodations and I use a walker and a cane to get around. I also have a waist-chain chrono, because I cannot be cuffed behind my back due to my disability. If I am put in handcuffs behind my back and my hips give out, I fall over and hurt myself. I need these accommodations due to an old injury from 1992, when I was slammed onto a curb, damaging my legs.

5. I am a *Coleman* class member. I am at the acute level of care. I have recently engaged in acts of self harm, including swallowing some plastic and razor blades. I have also recently been banging my head against the wall of my cell due to my frustration and suicidal thoughts. These thoughts were caused by what happened to me at RJD. I have struggled with chronic thoughts of suicide since I entered prison in 1995. Most of the time, I can manage my thoughts without hurting myself. Due to the staff misconduct that I experienced at RJD, though, I couldn't cope with how I was feeling. I began to cut myself and swallow razors, so my mental health treatment team at RJD transferred me to the PIP for inpatient treatment.

1 6. I am also diagnosed with exhibitionism. CDCR staff diagnosed me with
2 exhibitionistic disorder in 2005. I have struggled with my exhibitionism for years now. I
3 really try not to act on my urges to exhibit myself. Sometimes I try to harm myself to
4 redirect my focus so I don't act on these urges. I struggle with them a great deal. Despite
5 my diagnosis, CDCR has no treatment for me. They don't give me any ways to prevent
6 my urges and only punish me for acting out.

7 7. I was a victim of staff misconduct at RJD. On January 13, 2020, at
8 approximately 6:30 pm, I was in my cell in the C14 Unit at RJD. I acted on an
9 exhibitionistic urge to masturbate. After noticing me, the tower officer yelled at me to
10 stop, so I stopped. There were no officers on the dayroom floor at the time.
11 Approximately half an hour later, the floor officers, Officers [REDACTED], [REDACTED], and
12 [REDACTED], came back into the unit. Shortly after entering the unit, the officers came up
13 to my cell. Officer [REDACTED] told the tower officer to open up my cell door. Officer [REDACTED]
14 then told me to step out and put my hands against the wall. I did so. As he searched me,
15 he told me "You were exposing yourself to the tower." After searching me, he walked into
16 my cell. As he walked in, he told me "this is the third or fourth time that you've been
17 exposing yourself to other female officers." He then began trashing my cell with the other
18 two officers. As I stood with my hands against the wall, I heard the officers throw my
19 property onto the floor of my cell. They trashed my cell for approximately five minutes.

20 8. Officer [REDACTED] then stepped out of my cell holding an extension cord from
21 my cell. I protested about him taking my property. He replied that the cord was scratched
22 up. I believe that Officer [REDACTED] was confiscating my property in retaliation for my
23 behavior earlier. I felt angry and panicked. I told him that I felt suicidal. He responded
24 "No, you're not." After he said this, I did not know what to do at that time and felt like I
25 was grasping at straws. I then told him I had safety concerns. In response, Officer [REDACTED]
26 told me to cuff up, so I placed my hands in front of me for him to put the handcuffs on. He
27 told me, "No, cuff up in the back." I told him that I have a cane and a walker and pointed
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1 at my cane in the doorway of my cell. He told me again "cuff up in the back." I again told
2 him that I had a cane and a walker and that I had a waist-chain chrono.

3 9. Officer [REDACTED] then grabbed my right wrist and put one of his feet in front of
4 my feet. He tripped me and slammed me into the ground. I hit my head on the ground and
5 blacked out.

6 10. When I woke up, the officers were punching and kicking me in the head,
7 ribs, and legs. As they hit me, the officers were yelling "Stop Resisting! Stop Resisting!"
8 I was not resisting at all. I could hear other incarcerated people kicking their doors and
9 yelling "that's enough, that's enough!" as the officers beat me. The officers assaulted me
10 for around a minute. I felt one of the officers put his knee in my back and press my body
11 hard into the ground.

12 11. One of the officers on top of me then cuffed me behind my back. Another
13 officer then pulled me forcefully to my feet. The officers then walked me out of the unit
14 without my cane or walker. I was struggling to walk without my assistive devices. I could
15 also feel the bruises covering my body. The officers brought me out of the unit and placed
16 me against the wall outside. A psychiatric technician that worked in the C14 Unit came up
17 to me. He asked me if I had any injuries. I told him I had bruises on my head and that my
18 ribs hurt. I also told him that I was suicidal and that I wanted an excessive use of force
19 interview. He did not reply and walked back into the C14 Unit.

20 12. The officers then escorted me to the C-Yard gym. On the way across the
21 yard, I was limping and struggling not to fall without my cane or walker. The officers
22 were holding me up forcefully.* They took me into the gym and put me into a holding
23 cage. I was then evaluated by mental health and medical staff and sent to UC San Diego
24 Hospital for evaluation.

25 13. After I got back to RJD, I was sent to the ASU and put on suicide watch. I
26 felt out of it. I was in a very dark place. The next day, I tried to hang myself, but the nurse
27 watching me yelled for custody officers. The officers ran into my cell and stopped me

28 *As they walked me, a sergeant told me "you're lucky, in the past we would
have been dragging your ass across the yard."
[3499151.1] 3

Initials [REDACTED]

1 from hanging myself. After this suicide attempt, staff brought me to the hospital again.
2 Once I got back to RJD, I was admitted to the MHCB. I stayed in the crisis bed for
3 approximately two weeks. After two weeks, I was still suicidal, so my treatment team told
4 me that they were going to send me to the PIP for inpatient mental health care.

5 14. In the days after the incident, I had really bad headaches and blurry vision in
6 my right eye. Because I was knocked out during the assault, I believe that I sustained a
7 concussion from officers' use of force. I still have headaches.

8 15. Officers did not conduct an excessive use of force interview with me until I
9 had been transferred to CHCF. On February 2, 2020, two lieutenants came to my unit in
10 the PIP and conducted a videotaped use of force interview with me. By that point, my
11 physical injuries had faded. During the interview, the lieutenants asked me what had
12 happened and whether I had any witnesses to support my allegations. I gave them a list of
13 witnesses who were in the C14 Unit that day. They told me that they would send the
14 videotape of the interview to RJD staff to investigate the incident.

15 16. The officers' assault on me has made me very afraid to go back to RJD. I'm
16 afraid that if I am sent back to RJD, Officer [REDACTED] or other officers may assault me or pay
17 another incarcerated person to assault me. I have seen officers use incarcerated people to
18 hurt people before. I fear for my life and my safety if I was to return to RJD.

19 17. If I was sent back to RJD, I would be very afraid to ask officers to front-cuff
20 me after what they did to me. I am afraid that if I asked for that accommodation, officers
21 would beat me again. I would also not ask officers for other disability accommodations. If
22 my walker was broken, I wouldn't tell officers and ask them to fix it. I would be too afraid
23 that they would beat me up again for asking.

24 18. If I was sent back to RJD, I would be afraid to file an 1824 requesting a
25 disability accommodation because of what officers might do to me. To be honest, if I was
26 sent back to RJD, I would be afraid to file any appeal asking for anything at all. I would
27 be afraid to use the appeal process in any way, shape, or form if I was sent back to RJD.

1 19. In my opinion, the corruption at RJD is so overwhelming that it scares all the
2 incarcerated people out of asking for help. It is a very corrupt place. Custody officers use
3 fear to control the prison. They beat up incarcerated people who ask for help or pay other
4 incarcerated people to do their dirty work for them. This scares anyone else from speaking
5 out.

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 Stockton,
8 California this 18 day of February, 2020.

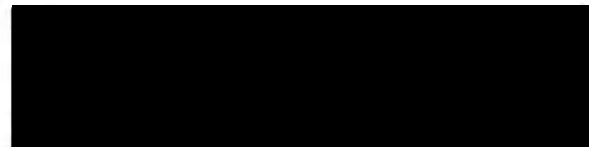
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Exhibit 8a

Filed Under Seal

Exhibit 9

1 **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 in Building 1. I am 47 years old.

8 3. I most recently transferred to RJD on October 27, 2019. I had previously
9 experienced safety concerns with RJD staff, so I asked for a Mental Health Crisis Bed
10 ("MHCB") placement after I arrived. I was sent to a MHCB at Chino that same day, and
11 returned to RJD on November 4, 2019. I was initially placed in a MHCB, where I stayed
12 for about two weeks. I was then moved to the Administrative Segregation Unit ("ASU"),
13 Building B6, because of my safety concerns. I was discharged from the ASU on around
14 December 6, 2019 but was briefly sent back to the ASU on around December 8 for several
15 days before I was released again. Since then, I have been housed in Building A1.

16 4. I am an *Armstrong* class member. I am designated as DNH, which means
17 that I am hard of hearing and use hearing aids. Until two days ago, I was also designated
18 as DPW, which means that I use a wheelchair fulltime. On January 27, 2019, my
19 wheelchair and DPW code were taken away, and I no longer have a mobility DPP code.
20 Although I am not paralyzed and am able to stand and take several steps, I do have a
21 mobility disability that makes it very difficult for me to walk. I have chronic back
22 problems due to two ruptured discs and severe weakness in my left leg from arthritis, as
23 well as neuropathy of my feet. I also experience urinary incontinence related to my
24 disability and have been diagnosed with a seizure disorder.

25 5. I am a *Coleman* class member at the EOP level of care. I suffer from
26 depression, anxiety, and paranoid thinking, and I have been diagnosed with depressive
27 disorder and schizophrenia in the past, for which I have been prescribed psychotropic
28

1 medications. I had a traumatic childhood, and have struggled at times with suicidal
2 thoughts while in prison. I also experience frequent auditory hallucinations.

3 6. I was a victim of staff misconduct at RJD. On November 27, 2019, while I
4 was housed in cell [REDACTED] of the ASU in Building B6, Officer [REDACTED] came to my cell door at
5 around 9:00 am to deliver my weekly incontinence supplies, including diapers, wipes,
6 chucks, a condom catheter, and garbage bags. Officer [REDACTED] had me face away from the
7 cell door with my hands behind my back so that he could handcuff me before opening the
8 door. He reached through the food port and placed the handcuffs on my wrists, so that I
9 was handcuffed behind my back while seated on my wheelchair. Officer [REDACTED] opened the
10 cell door and dropped the incontinence supplies on my lap. He then closed the door,
11 leaving me handcuffed. I called out that I was still handcuffed, and Officer [REDACTED]
12 responded that he would be "right back." But he did not return, and I was left handcuffed
13 in my cell for more than two full days, until midday November 29, 2019.

14 7. Whenever I heard officers and other staff passing by my cell door, I called
15 out that I was handcuffed and asked to be released, but nobody did anything. In the ASU,
16 staff pass the cell doors all the time—officers conduct welfare checks every 30 minutes,
17 medications are passed out four times day, meals are passed out twice a day, staff come by
18 daily to offer showers and yard, and staff pass by for individual ducats all the time—and I
19 would call out every time I heard someone near my cell door, but nobody helped me.

20 8. Most people walked by without acknowledging me at all, but several people
21 responded, "I don't want to get involved." During one of the meal passes while I was
22 handcuffed, I called out to Officer [REDACTED] help, but he simply responded, "don't file
23 PREA reports." Officer [REDACTED] also responded to me at one point by telling me not to file
24 PREA reports. Based on these comments, I believe that I was intentionally left handcuffed
25 in my cell for days in retaliation for having filed PREA reports against RJD staff members.

26 9. After I had been left in handcuffs for about an hour, I began trying to
27 maneuver my body to move my arms from behind my back to the front. To do so, I had to
28 get out of my wheelchair and onto the cell floor. It took a long time, but I was eventually

1 able to move my arms under my buttocks and my legs so that my cuffed arms were no
2 longer behind my back, and then crawled back up onto my wheelchair.

3 10. While my hands were no longer trapped behind my back, I was still stuck in
4 the handcuffs and nobody was responding to my calls for help. I began having panic
5 attacks when I realized that nobody was coming back to unlock the handcuffs. Eventually,
6 I had to go to the bathroom, and was forced to soil myself and sit in a filthy diaper. It took
7 me several hours to be able to remove my clothing while handcuffed and clean myself and
8 remove the diaper, but I was not able to put on a new diaper, and so I was forced to urinate
9 and defecate in my clothing again during this more than two-day ordeal.

10 11. By around midday on November 29, 2019, it was apparent to me that the
11 only way I would be released was if I could get the attention of a Lieutenant by covering
12 my cell window with paper, which is against the rules. I was able to reach some papers in
13 my cell and wrote on them that I had been left handcuffed for more than 48 hours. In the
14 early afternoon, I taped the papers to the cell window, with the words pointing outwards.
15 Soon afterward, I saw that there were multiple officers outside the door, so I removed the
16 papers from the window. I saw Sergeant [REDACTED] outside my cell and explained to him
17 that I had been handcuffed since the morning of November 27, 2019. He asked to see and
18 I showed him the handcuffs. Sergeant [REDACTED] left and brought Lieutenant [REDACTED] to
19 my cell. I was then escorted to a holding cell in the ASU dayroom, still in the handcuffs.

20 12. Lieutenant [REDACTED] told me that they needed to do a video interview with me,
21 but I refused unless someone from Internal Affairs was present because I was concerned
22 that if I there was nobody present from outside RJD, they might try to hide what happened.
23 Lieutenant [REDACTED] left and returned about 30 minutes later. He told me that the Warden
24 had told him that the Watch Commander would interview me. I again asked to be
25 interviewed with someone from Internal Affairs present, but eventually agreed to be
26 interviewed by the Watch Commander. Throughout this time, I remained handcuffed. At
27 my request, Lieutenant [REDACTED] took a photograph of the handcuffs before removing them,
28

1 as I wanted to make sure that it was documented that these were Officer [REDACTED]'s handcuffs
2 that should have been returned at the end of his shift on November 27, 2019.

3 13. Later that day, I was briefly interviewed by the Watch Commander, who told
4 me that an ISU supervisor would be investigating and would interview me about what had
5 happened to me. The Watch Commander told me that Lieutenant [REDACTED] had reported to
6 him that at the end of the Second Watch shift on November 27, 2019, RJD staff realized
7 the handcuffs were missing and they conducted search for them of all the cells in the ASU.
8 That did not happen. Not only were cell searches not conducted, but everyone who passed
9 by my cell knew that I was handcuffed since I was calling out to them and asking for help.
10 The Watch Commander told me that he had checked the video footage and confirmed that
11 the ASU cells had not been searched, and that when he confronted Lieutenant [REDACTED] with
12 this information, Lieutenant [REDACTED] admitted that he had not checked himself, and that he
13 had relied on Sergeant [REDACTED]'s report to him about cell searches on November 27,
14 2019. The Watch Commander assured me that the staff responsible would be held
15 accountable.

16 14. It has been two months, however, and I still have not heard anything more
17 about the investigation into this incident, and nobody from ISU has interviewed me to
18 learn what happened. I filed a 602 about the staff misconduct on November 29, 2019, and
19 on January 27, 2020, I finally received a response, which simply stated that there was a
20 pending ISU investigation.

21 15. When I left the ASU, the Warden assured me that I would not be retaliated
22 against for reporting what had happened to me. While I believe he was being sincere, I am
23 afraid for my safety at RJD. I am afraid out on the yard, and I try to avoid going places
24 where I am not visible to a large number of people, as I fear I will either be attacked by
25 custody staff or by another incarcerated person at the direction of the officers in retaliation
26 for having reported staff misconduct. I am afraid walking to the chow hall and of waiting
27 in the pill call line, because I might be assaulted. The experience has exacerbated my
28 mental health symptoms, including my anxiety and paranoia.

1 16. Based on my observations, RJD staff target people with mental illness and
2 disabilities with staff misconduct. It appears that the officers see people with mental
3 illness and disabilities as easy targets, and recognize that they will not get in trouble or be
4 held accountable for their actions.

5 17. I have been in CDCR prisons for almost 22 years of my life. I've been
6 housed in a number of different CDCR prisons, including Salinas Valley, CSP-
7 Sacramento, High Desert, and Kern Valley. The staff misconduct at RJD is the worst that
8 I have seen. This is the most dangerous prison that I have ever been housed in.

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 San Diego,
11 California this 29 day of January, 2020.

12 
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14

Exhibit 10

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 B in Building 8. I am 56 years old.

3. I have been housed at RJD several times over the past few years. I was at RJD from December 2016 until July 30, 2019, when I was transferred to California State Prison, Lancaster ("LAC"). I transferred back to RJD on September 26, 2019, and I have been housed at RJD ever since. Before I transferred to LAC, I was housed in Building 3 on Facility A. Since returning to RJD, I have been housed in Building 8 on Facility B.

4. I am an *Armstrong* class member. I am classified as DPM, which means that my mobility disability makes it hard for me to use stairs. Due to my chronic lower back and knee problems, I use a four-wheeled seated walker and a cane to get around. As accommodations for my disability, I am also housed on the ground floor in a lower bunk, and use knee braces, a wrist brace, and orthotic shoes. I also have a mobility vest because it is hard for me to get down on the ground during alarms because of my disability.

5. I am a *Coleman* class member at the CCCMS level of care. I have been diagnosed with anxiety and depression, and am prescribed Visaril for my anxiety.

6. I was a victim of staff misconduct at RJD. On July 14, 2019, at around 8:30 am, my name was announced over the A Yard PA calling for me to report to the Facility A Program Office. At the time, I was wearing shorts and a t-shirt. As I was walking out of my housing unit, one of the Building A3 floor officers, Officer [REDACTED], told me to put on my blues. I responded that I did not need to put them on since I was just going to a 602 hearing at the Program Office, and Officer [REDACTED] told me that he was going to tell the Sergeant that I refused to go. I was frustrated and responded, "Tell him whatever you want, this is how broads act." Officer [REDACTED] became very upset and asked me, "Are you

1 calling me a bitch?" I denied this and tried to deescalate the situation by walking away,
2 but Officer [REDACTED] and Officer [REDACTED] followed me very closely, invading my personal
3 space. I asked Officer [REDACTED] to give me a few feet of space because he was acting so
4 aggressively towards me. Instead, Officer [REDACTED] yelled, "You put a hit on me!" I
5 understood him to be accusing me of calling him out for attack by other incarcerated
6 people, but I was confused about the accusation and why he thought I had anything against
7 him. I told Officer [REDACTED] that I did not know what he was talking about, and denied
8 putting a hit on him. Officer [REDACTED] responded by getting even closer to me, and I again
9 asked him to give me a few feet.

10 7. Officer [REDACTED] walked away from me and paced back and forth by the
11 podium. He picked up the phone and briefly talked with someone. A few minutes later,
12 Officer [REDACTED] approached me again and told me he wanted to talk with me outside. I
13 asked [REDACTED] CDCR number [REDACTED] to come outside with me and Officer [REDACTED]
14 to listen to our conversation. As Officer [REDACTED] escorted me towards the door, [REDACTED]
15 [REDACTED] followed. Officer [REDACTED] stopped him at the housing unit door and told him that he
16 could not come outside. I heard Officer [REDACTED] say to [REDACTED] that I had called
17 Officer [REDACTED] a "bitch" and that he was going to fight me. While Officer [REDACTED] was
18 talking with [REDACTED] I continued walking out the door and went to the Facility A
19 Program Office. At the Program Office, I was interviewed by Sergeant [REDACTED] and
20 Lieutenant [REDACTED] about a 602 staff complaint I had previously filed.

21 8. At around 11:20 am that same day, after yard recall, I returned to Building
22 A3. As soon as entered, another incarcerated person told me he saw Officers [REDACTED] and
23 [REDACTED] go into my cell. I looked into my cell, and saw that it had been trashed and was in
24 complete disarray. My property was thrown all over the floor, including my legal mail,
25 headphones, and CD player. At the time, I had been using an extra mattress as an
26 accommodation for my mobility disability. One of my mattresses had been thrown off my
27 bunk and was on the cell floor, and the other was missing.

1 9. Officers [REDACTED] and [REDACTED] were standing on dayroom floor near the podium.
2 I walked over to them and asked them to give me their badge numbers and cell search
3 receipt, but they refused. I then asked to speak with a Sergeant, but they refused again. I
4 was frustrated and wanted to speak with a Sergeant about how I believed that Officers
5 [REDACTED] and [REDACTED] had trashed my cell in retaliation for the argument with Officer [REDACTED]
6 that morning. I walked over to the rotunda door in front of the sally port gate and sat down
7 on my walker seat facing the podium to wait for a Sergeant. Officer [REDACTED] ordered me to
8 return to my cell and "lock up," but I told him that I would not move until I spoke with a
9 Sergeant. I asked, "If you guys haven't done anything wrong, why won't you let me speak
10 to a Sergeant?" Officer [REDACTED] replied, "You gonna go snitch on me?"

11 10. At that point, the sally port gate opened to allow other incarcerated people to
12 enter building A3, so I stood up to get out of the doorway, using my walker for support.
13 After the sally port was cleared, Officers [REDACTED] and [REDACTED] walked over to me and asked
14 me to enter the sally port rotunda with them, out of view of the dayroom. I refused
15 because I was afraid that they would beat me up in the rotunda where I could not be seen
16 by the people in the dayroom. When I refused, Officer [REDACTED] suddenly grabbed my right
17 arm hard and told me to turn around to be handcuffed behind my back. I told Officer
18 [REDACTED] that I have a special cuffing chrono and am not supposed to be handcuffed from
19 behind because of my disability. I did not pull away from Officer [REDACTED] or resist him in
20 any way. I worry about falling because I have difficulty balancing due to my disability, so
21 I am very careful not to pull away from officers.

22 11. When I told Officer [REDACTED] about my special cuffing chrono, he tightened his
23 grip on my right arm and suddenly body-slammed me onto the ground. It happened so
24 fast. I was in the air and could see my feet going over my head, and then hit the ground
25 hard, landing on the back of my neck and upper back. The back of my head then hit the
26 concrete floor, and I was knocked unconscious for several seconds.

27 12. When I came to, I was lying on my back on the housing unit floor, and
28 Officer [REDACTED]'s knee was on my throat with so much force that I could not breathe.

1 Officer [REDACTED] still had a tight grip on my right arm, holding it down and twisting it
2 painfully. I tried to use my left arm to push his knee off my throat so I could breathe. As
3 soon as I was able to get Officer [REDACTED]'s knee off my throat and take a breath, he began
4 kneeling me repeatedly in the face, busting open my lip. I thought Officer [REDACTED] was
5 going to kill me on the dayroom floor in front of all the incarcerated people and officers in
6 the housing unit.

7 13. Officer [REDACTED] stopped kneeling me in the face and handcuffed my arms in
8 the front so tightly that I lost circulation in both arms. After I was handcuffed, another
9 officer—I could not tell who—flipped me over with a lot of force, smashing the right side
10 of my face into the concrete floor. I lay on the ground for several minutes. I was feeling
11 woozy, had lost feeling in my fingers and hands, and felt a burning pain from my head to
12 my hands and my feet. The pain was so bad that I could not move. At some point, I saw
13 that Sergeant [REDACTED] was nearby, and I asked him to loosen the handcuffs. Sergeant [REDACTED]
14 [REDACTED] walked by and replied, “Fuck him, leave him like that.”

15 14. Medical staff arrived soon after that, put a collar on my neck, and took me by
16 gurney to the Triage and Treatment Area (“TTA”), where I had to wait more than four
17 hours before I was taken to the hospital. At the TTA, they had to cut the handcuffs off my
18 wrists with a bolt cutter because of how tightly Officer [REDACTED] had put them on me. While
19 I was waiting, there were about ten custody officers there who were ridiculing me, telling
20 me that I had deserved what happened to me. Officer [REDACTED] said to me, “that’s what
21 happens when you mess with us.” While I was waiting, officers would periodically come
22 into the room, taunting me, pulling on my legs, and twisting me onto my side without
23 holding my neck in place. Registered Nurse (“RN”) Bradley was also mocking me, asking
24 me, “what are you, crippled now?” At one point, Officer [REDACTED] was begging RN
25 Bradley to give me a shot, which was scary since I had no idea what he was trying to inject
26 me with. She told him that she could not without my permission. I was so frightened that
27 I kept my eyes closed much of those hours in the TTA, as I was scared about what the
28 officers would do to me next. At one point, I lost control of my bladder and urinated on

1 myself. I felt humiliated and could not believe that none of the medical staff told the
2 officers to stop mistreating me, and that RN Bradley even joined in taunting me. I felt as if
3 I was not even seen as a human being by any of the custody or medical staff who were
4 present, and that I was being treated as someone without any dignity or value.

5 15. When the ambulance finally arrived to take me to the hospital, the driver
6 grabbed my neck and twisted it, telling me, "you ain't crippled, you're faking it. We hear
7 all the time about how you guys do this to try to get money." I was taken to Sharp
8 Memorial Hospital, where I told the hospital staff about how the officers had taken me to
9 the ground and hurt me. Doctors at the hospital diagnosed me with multiple contusions of
10 the head, neck and back. When I was discharged several hours later, the transportation
11 officers arrived without an accessible van. I was released from the hospital in a wheelchair
12 because of my injuries, but the transport officers made me walk up the steps into the van
13 with my walker, which was very difficult and painful. I could not climb into the van, so
14 two transport officers and a nurse carried me into the van. When we arrived back at the
15 TTA, one of the transport officers told RN Bradley that I needed a wheelchair, but she
16 responded, "Fuck him, make him walk." I was then forced back into the van without a
17 wheelchair, and taken to the Administrative Segregation Unit ("ASU").

18 16. I was given a Rules Violation Report ("RVR") for Battery on a Peace Officer
19 based on this July 14, 2019 incident. On July 17, 2019, Officer [REDACTED] visited me in the
20 ASU and told me that he was my Investigative Employee for the RVR. I asked Officer
21 [REDACTED] to interview the incarcerated people in building A3 who had witnessed the assault,
22 but he said that this could not be done unless I identified each witness by name or CDCR
23 number, which was impossible for me to do—the attack on me had happened so quickly
24 and had been so severe that I could not say which of the incarcerated people in my
25 building had seen what happened. I was attacked in the dayroom right after a number of
26 people had entered building A3, and I could hear people yelling from their cells during the
27 attack, so there is no doubt that there were many witnesses who could easily have been
28 identified. Instead, Officer [REDACTED] refused to do anything to find out who had seen what

1 happened. When I realized that Officer [REDACTED] was not going to help, I ended the interview
2 and told him I was going on a hunger strike. I stayed on the hunger strike for 32 days.

3 17. I filed a 602 staff complaint against Officer [REDACTED] on July 21, 2019, which
4 was rejected by RJD because I had included too many issues. On July 30, 2019, while the
5 RVR was still pending, I was transferred to LAC, where I remained until September 26,
6 2019, when I returned to RJD. On August 12, 2019, I filed a narrower 602, which was
7 processed as a staff complaint. After filing the 602, I was interviewed at LAC on video.
8 In early October 2019, shortly after I transferred back to RJD, I was interviewed by an ISU
9 Officer whose name I do not recall. The interview lasted only about five minutes and took
10 place in a non-confidential location, on the yard outside the Facility B Program Office.
11 The ISU Officer mostly asked questions about my missing property, and did not seem
12 interested in the assault by Officer [REDACTED]. I still have not gotten any response to the 602.

13 18. The hearing on my RVR was postponed for several months because RJD
14 filed battery charges against me with the District Attorney, who decided to drop the
15 charges. On October 19, 2019, I was found guilty of the RVR based on the July 14, 2019
16 incident, and was punished with a loss of 150 days of credit. Officer [REDACTED], Officer
17 [REDACTED], and Officer [REDACTED] all filed statements falsely accusing me of attacking Officer
18 [REDACTED], which they claimed justified the force used against me. None of the incarcerated
19 people who witnessed what actually happened were called to testify.

20 19. On November 23, 2019, I filed a 602 appealing the RVR, which was denied
21 on January 6, 2020, because they claimed my due process right to call witnesses was not
22 violated because I had not requested any witnesses. This is not true. Again, my
23 Investigative Employee, Officer [REDACTED], refused to do anything to identify any of the
24 incarcerated people who witnessed the assault.

25 20. I am still feeling the physical effects of the assault by Officer [REDACTED] and the
26 other officers today. The chronic nerve pain I suffer due to my mobility disability has
27 worsened, and I experience more severe pain in my legs, arms, back, and neck. I am also
28 more hesitant to ask for help from medical staff because of how I was treated at the TTA

1 after the assault, and I have difficulty trusting them because I do not know whether they
2 are willing to honestly assess my medical needs.

3 21. From what I have observed, custody staff at RJD engage in misconduct
4 against people with physical disabilities and mental health issues more frequently than
5 against other incarcerated people. For example, on many occasions, I have seen custody
6 officers close cell doors on people with mobility disabilities who are moving slowly and
7 have not made their way all the way into their cells. The officers act as if they believe that
8 there will no consequences for them from their supervisors no matter what they do, so they
9 treat us without any respect.

10 22. I have been in CDCR prisons for about nine years of my life. I have been
11 housed at several prisons, including Ironwood, CRC, and Chino. The staff misconduct at
12 RJD is much worse than at any other CDCR prison where I have been housed.

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 29 day of January 2020.

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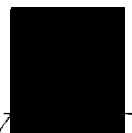
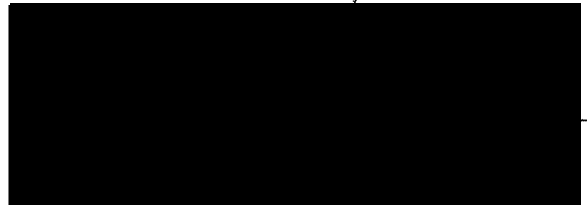


Exhibit 10a

Filed Under Seal

Exhibit 11

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 Medical Facility ("CMF") in the N2 Unit. I am 60 years old.

3. I was housed at Richard J. Donovan Correctional Facility ("RJD") from October 2015 through September 13, 2019. On September 13, 2019, I was transferred to CMF and housed in N2 after a short layover at California Institution for Men ("CIM").

4. During the entire time I was housed at RJD, I was housed in Building 2 on Facility A in cell [REDACTED].

5. I am an *Armstrong* class member. I have serious spinal and back problems, as well as knee problems. I have had surgery on my knee. I am designated as DPM. I cannot walk up any stairs, so I am issued a lower bunk and lower tier chrono. As accommodations for my disability, I have a back brace, a knee brace, a walker, a wheelchair, and a mobility impaired vest. I also experience urinary and bowel incontinence related to my disability; I am provided with supplies to help me manage my incontinence. I also have a restriction on lifting, a no rooftop or hazardous work restriction, as well as a special cuffing restriction that requires me to be cuffed in front, rather than behind my back. My disability was worsened by being assaulted by staff at RJD in September 2018.

6. I am a *Coleman* class member. I am at the EOP level of care. I have depression and anxiety, and often experience paranoia and visual and auditory hallucinations. To manage my mental health symptoms, I take Aripiprazole, which is an antipsychotic medication. I also go to EOP group programming daily and speak with clinician and psychiatrist frequently. While housed at RJD, my mental health symptoms were about the same as they are now.

1 7. I have a number of serious medical conditions. I have glaucoma, cataracts,
2 GERD, ulcerative colitis, and hyperlipidemia. I am classified as high risk medical. I am
3 also a chronic care patient, which means that my medical issues are closely monitored by
4 medical staff.

5 8. I was a victim of staff misconduct at RJD on multiple occasions. On or
6 around September 27, 2018, I was in the dining hall on Facility A during breakfast. At the
7 time of the incident, I used a walker to get around and did not need to use a wheelchair. I
8 walked over to the tray window and got a tray of food. As I was walking away from the
9 tray window, I realized that the shell on my hard-boiled egg had been cracked. I then went
10 back to the food window and requested another egg, but the server denied me. So, I
11 grabbed a replacement egg from another tray that was at the window, put my cracked,
12 original egg on that tray, and then walked back to my seat.

13 9. As I was sitting down and eating, I observed an Investigative Services Unit
14 ("ISU") officer, whose name I did not know, walk to the tray window and speak with the
15 server. I knew that he was an ISU officer because he was wearing a black patch, which is
16 only worn by ISU officers. After speaking with the server for a second, he walked over to
17 my table and asked me, "Who do you think you are? I would have eaten that egg at
18 home." I responded to him by saying, "I'm not at home, I am in prison." The ISU officer
19 then ordered me to get up and put my hands behind my back.

20 10. I got up and tried to put some paperwork I was holding into my pockets so I
21 could be cuffed. Before I could do so, the ISU officer pushed me against the wall. He
22 used one of his hands to slam my head against the wall, face first, and used his other hand
23 to push me in my back, forcing my body into the wall. I tripped and began to fall on the
24 floor, but caught myself before falling all the way to the ground. In the course of the
25 incident, I twisted my right ankle badly.

26 11. As I was bent over in pain, the ISU officer began trying to cuff me behind
27 my back even though I had my walker with me at the time and I have a chrono which
28 requires me to be cuffed in the front of my body because of my disability. Before the ISU

1 officer could cuff me, other officers in the dining hall approached him and told him that he
2 could not cuff me behind my back because I used a walker and needed to be cuffed in the
3 front. The ISU officer then fashioned a front cuff by linking two sets of regular handcuffs
4 in front of me. He then forced me to walk to the mental health building on Facility A.

5 12. The mental health building is about 100 yards from the dining hall. The ISU
6 officer let me use my walker while escorting me, but he would not allow me to stop to
7 catch my breath or rest my ankle. My ankle was throbbing with pain, and I could hardly
8 put it down on the ground. As we began walking, I told the ISU officer that I was in
9 serious pain because of my injured ankle. The ISU officer told me to shut up and
10 continued escorting me. When we arrived at the mental health building, he placed me into
11 a holding cage.

12 13. Approximately ten minutes later, a sergeant asked the ISU officer what
13 happened. The ISU officer then took the sergeant to the side, out of earshot, and spoke
14 with him. Then, the sergeant came over to me, and I told him what happened. In
15 response, he told me, "you know, we can write you up [i.e., issue me a Rules Violation
16 Report] for taking that egg." I then told the sergeant that I was in pain, and I showed him
17 my swollen ankle and knee. He then went away for a moment. Once he came back, he
18 told the ISU officer, "we're going to let this go, send him back to his building." I was then
19 released back to my housing unit.

20 14. After I walked back to my housing unit, I sat in my cell and went about my
21 day. When I came back to my cell after dinner, I noticed that there were a few large blood
22 stains in my boxers. I told housing unit staff, nurses then took my vitals in the unit, and
23 then they took me to the Treatment and Triage Area ("TTA"). After they performed tests,
24 they determined that there was no blood in my urine. I told medical staff at the TTA that I
25 had been assaulted by the ISU officer. Because the doctors did not think the blood came
26 from my urine, I believe that I was bleeding in my groin due to being assaulted earlier.

1 15. I was never issued a Rules Violation Report (“RVR”) in connection with the
2 incident. I think that staff did not issue me an RVR because they were in the wrong and
3 they did not want the truth to come out.

4 16. About a month later, I filed a 602 staff misconduct complaint about the
5 incident. A few days after I filed it, a lieutenant, a sergeant, and another staff member
6 interviewed me on video-camera in the Lieutenant’s Office on Facility A. The interview
7 lasted about 20 to 25 minutes. As part of the interview, they recorded that my ankles and
8 feet were still swollen from the incident.

9 17. A few days after the first video interview, I was called back to the
10 Lieutenant’s Office to conduct a second video interview. It went the same as the first
11 interview, but it was slightly shorter, around 15 minutes. I do not know why they
12 conducted a second interview with me.

13 18. I received a response to my 602 in January, 2020. From the time I submitted
14 the 602 until I received a response, RJD sent me eleven letters notifying me that they
15 needed more time to respond to my 602 due to the “complexity of the decision, action, or
16 policy.” When I received the final response, I learned that RJD had concluded that staff
17 had not violated CDCR policy.

18 19. As a result of this incident, my disability became a lot worse than it was
19 before the assault. After the incident, on October 22, 2018, medical staff changed my
20 disability code from DPM, meaning I could walk using an assistive device like a walker, to
21 DPO, meaning that I required a wheelchair to get around outside of my cell. I needed a
22 wheelchair because, after the incident, I could no longer get to the areas of the prison that I
23 needed to access with just a walker. After the incident, I needed a special transport vehicle
24 with a lift because I could not climb into a transport van on my own. Before the incident, I
25 could walk about a lap on the track, slowly but without pausing. After the incident, I could
26 not even walk half a lap at any pace. It was even hard for me to walk from Building 2 to
27 the dining hall. As a result of swelling in my feet and ankle, which lasted for a very long
28 time after the incident, I also had to go from a size 14 shoe to a size 15 shoe for a while

1 after the incident. Although I have now been changed back to DPM, my disability is a lot
2 worse than when I was classified as DPM before the incident. I still use a wheelchair
3 sometimes. I use a wheelchair around two times a month, when my leg is especially
4 painful. My knees now just give out randomly when walking. I experience so much pain
5 in my feet that I sometimes cannot stand. All of these issues appeared after and because of
6 the assault. I would be moving around much better now if I had never been assaulted.

7 20. In another instance of staff misconduct, I was trapped in my cell door by
8 Officer [REDACTED], who was working in the tower of Building 2 on Facility A. On June 4,
9 2019, at approximately 7:15 p.m., Officer [REDACTED] announced over the PA system that he
10 was releasing everyone for evening yard. The cell doors in Building 2 slide open and
11 closed. The officer in the control tower (in this case, Officer [REDACTED]) controls when the
12 doors open and close. After my cell door opened, I left my cell, but then turned around
13 and returned to my cell because I realized that I had forgotten my glasses. As I attempted
14 to leave my cell for the second time, my cell door started closing on me while I was in the
15 doorway. My right shoulder and arm were trapped between the door and the wall for
16 about two to four minutes. During that entire time, I was screaming for staff to open the
17 door, but they did not respond. After I was released, I told the floor officer that I had been
18 trapped in the door. The officer just walked away from me.

19 21. While I was trapped between the door and the wall, I saw Officer [REDACTED] at
20 his post in the control tower looking at me and laughing. In addition, even though I was
21 screaming the whole time and I am certain he could hear me, it took a number of minutes
22 for him to finally open the door. For these reasons, I believe that Officer [REDACTED] closed
23 the cell door intentionally on me or, at a minimum, intentionally delayed in opening the
24 door once he saw and heard that I was trapped. Officer [REDACTED] was known in Building 2
25 to close the cell doors intentionally on people.

26 22. I reported this incident by filing a form 22 addressed to the Program Office.
27 In my 22, I wrote that Officer [REDACTED] intentionally shut the cell door on me. I never got a
28 response to my 22. I have not heard of any investigation into my allegation. I also filed a

1 602-HC health care grievance form regarding pain related to being shut in the cell door.
2 After I told my doctor, Doctor Shakiba, about the incident, he told me, "We get a lot of
3 those complaints [i.e., cell door closures] about [REDACTED]."

4 23. Having the door closed on me by Officer [REDACTED] severely worsened my
5 back and shoulder. To this day, there are times where I cannot move my shoulder because
6 it is so stiff. When sleeping, I cannot stay in one position for too long because my
7 shoulder pain is so severe. These problems all started when the cell door closed on me.

8 24. I have also witnessed staff engage in misconduct against other people at
9 RJD. On or around November 18, 2018, when I was housed in Building 2 on Facility A, I
10 witnessed staff assault a person named Mr. [REDACTED]. Sometime in the evening, I was
11 speaking to Mr. [REDACTED] and another incarcerated person during evening dayroom. I was in
12 my cell, and he was talking to me through the cell door. All of a sudden, the floor officer
13 shined a flashlight in my direction. I then observed Mr. [REDACTED] walk over to the podium and
14 tell the floor officer, "Don't shine the flashlight in my face." I heard them argue for a bit.
15 I then saw Mr. [REDACTED] put his water bottle on the podium, and then fold his hands. An alarm
16 sounded; I presume the officer standing at the podium hit his personal alarm. About thirty
17 seconds later, I saw an officer rush into the housing unit from the yard and charge at Mr.
18 [REDACTED] punch him in the face, and tackle him to the ground, like a football linebacker. I saw
19 Mr. [REDACTED]'s head hit the concrete, and then his body went limp. A whole group of officers
20 then came into the building. They kicked, hit, and stomped on Mr. [REDACTED] as he lay on the
21 floor.

22 25. The officers then put him in handcuffs, and dragged him to the sally-port by
23 his handcuffs. They stopped in the sally port, dropped him, and continued beating him in
24 the sally-port. I then saw the floor officer that activated the alarm run into the building and
25 grab someone's wheelchair. The officers then picked up Mr. [REDACTED] and placed him in the
26 wheelchair. They then wheeled him out of the building.

27 26. At no point did housing unit staff call the nurses – who were in the building
28 at the time, in the nursing station – for medical attention.

1 27. A couple of days after the incident, I spoke with two clinicians and told them
2 about the assault. I expressed to them that I was concerned that Mr. [REDACTED] had died due to
3 the assault. One of the clinicians assured me that he was still alive.

4 28. After speaking with clinicians, I was interviewed about the incident by a
5 sergeant, who spoke with me in my building. He talked to me in the office in the building,
6 with the door open. The sergeant did not ask me many questions. The interview only
7 lasted five minutes. Because of that, I feel that he did not care about what had happened to
8 Mr. [REDACTED] and that he was just going through the motions.

9 29. When Mr. [REDACTED] returned to RJD about two weeks later, he told me that he
10 was found guilty of an RVR, and the hearing officer told him something to the effect of,
11 "I'm not gonna believe anything you say, I believe my officers."

12 30. On April 24, 2019, I was getting ready to go from my housing unit, Building
13 2, to the dining hall for dinner. Officer [REDACTED], who was the tower officer at the time, let
14 everyone out for chow except one person, Mr. [REDACTED]. As I left the housing
15 unit, I heard Mr. [REDACTED] yell to Officer [REDACTED] to open up his cell. I remember thinking
16 at the time that it was very strange that Officer [REDACTED] had let everyone out for dinner
17 except for one person. Then, I walked to the dining hall and waited in the back of the line
18 to get food. About fifteen to twenty minutes after I had arrived, Mr. [REDACTED] approached
19 me and said that staff had attacked him in the sally-port and that he could not move his
20 arm. I observed that Mr. [REDACTED] had blood coming out of his mouth, and I saw that there
21 were many bruises, welts, and knots, on his head.

22 31. During evening dayroom, two other incarcerated people, Mr. [REDACTED]
23 [REDACTED] and Mr. [REDACTED] and I tried to help Mr. [REDACTED] obtain medical
24 attention for his obvious injuries. We asked custody staff to call for medical staff; but the
25 custody officers refused. I also asked medical staff at the nursing station in the building to
26 try to get him help. Staff ignored my requests. In fact, Officer [REDACTED], who was
27 working in the building, accused Mr. [REDACTED] of inciting a riot because we were trying to
28

1 get him medical attention. I heard people say that Officer [REDACTED] even aimed his gun at
2 Mr. [REDACTED] while we were trying to get him medical attention.

3 32. Eventually, a nurse came to examine Mr. [REDACTED]. Then, an officer came to
4 escort him to the TTA but I heard Mr. [REDACTED] say, "I'm not going anywhere with you."
5 Mr. [REDACTED] later told me that the officer was one of the staff members who had assaulted
6 him.

7 33. It is my understanding and belief that Mr. [REDACTED] suffered a broken arm
8 from the incident. For a couple of months after the incident, I saw him walk around with a
9 cast on his arm.

10 34. After the incident, I was interviewed by an ISU sergeant in an ISU office.
11 He asked me about what happened, and I told him. The interview lasted about ten to
12 fifteen minutes. I do not know about the status of the investigation.

13 35. Prior to the incident involving Mr. [REDACTED] I had observed Officer [REDACTED]
14 engage in misconduct on numerous occasions. For example, he commonly used the "n"
15 word on the PA system, as well as other obscenities. He would often deny people access
16 to the building and their cells for no reason. This was especially dangerous during the
17 summer because Building 2 is an EOP building, and a lot of people who are EOP take
18 medications that can cause them serious problems if they get too hot. During hot days in
19 the summer in San Diego, the inside of the building is typically much cooler than outside
20 the building. It is my understanding that, on these hot days when Officer [REDACTED] denied
21 access into the building to certain people on medications, he was placing them at great
22 risk. He would also incite fights, saying things like, "You don't want no problem with me,
23 meet me out on the yard." I interpreted this as him saying that he was willing to fight
24 incarcerated people for fun. Officer [REDACTED] was the worst officer I experienced in my
25 time at RJD. He would even say things over the PA system like, "I can't go nowhere.
26 They can't fire me, so I'm staying here."

27 36. Up until my transfer in September, 2019, Officer [REDACTED] was working
28 regularly in Building 2 as the tower officer. Up until my transfer from RJD, Mr. [REDACTED]

1 would often point out to me the officers who assaulted him while we were on the yard. He
2 did this about once a week. I do not know the names of these officers, but I saw them
3 working on the yard up until my transfer from RJD.

4 37. In my time at RJD, there were a few times that I needed help but didn't ask
5 for it because I was afraid of what would happen to me. Most of the time I asked for help
6 related to my disability, custody staff at RJD would deny me. Because I knew that they
7 would most likely deny my requests for help – like extra toilet paper to manage my
8 incontinence – I often didn't ask because I didn't want to risk getting hurt if I knew they
9 were going to deny me in the first place.

10 38. After living at RJD and seeing what the staff there are capable of, I don't feel
11 safe. At RJD, I felt that staff could do something to me and they could get away with it.
12 In fact, that is exactly what happened to the ISU officer who he hurt me badly for no
13 reason but then was found not have violated any policies. I still feel like a sitting duck due
14 to my age and my disability.

15 39. In my opinion, staff at RJD target people who cannot help themselves,
16 especially people with mental illness and disabilities. I think that staff target those people
17 because they believe there won't be consequences for assaulting them. In my
18 observations, people with mental illness, elderly people, and people with disabilities were
19 beat up much more often by staff at RJD than young, healthy people. Young, healthy
20 people can advocate for themselves and physically fight back, which is why staff do not
21 target them. I also think that staff trivialize the needs of incarcerated people who have
22 disabilities and mental health needs. For example, I overheard staff say to each other that
23 they should never believe something an incarcerated person says. This sort of attitude
24 discouraged me from asking for help because even if I asked staff for help, I knew they
25 wouldn't accommodate me.

26 40. I have been in CDCR prisons for about 17 years of my life. I've been
27 housed in a number of different CDCR prisons, including CMF, CSP – Solano, CSP – Los
28 Angeles County, Pleasant Valley State Prison, California Health Care Facility, and Folsom

1 State Prison. The staff misconduct at RJD is just about the worst I have experienced,
2 except for at PVSP, where things were about as bad as RJD. Staff assaults occurred at
3 RJD more frequently than at other institutions. Staff misconduct also occurred out in the
4 open more often at RJD than at other institutions in which I have been incarcerated.

5 41. I believe there are a few reasons there is so much staff misconduct at RJD.
6 One, there is a lot of racial tension. Staff, who are overwhelmingly Latino, seem to target
7 African American people, as evidenced by Officer [REDACTED]'s calling African American
8 people the "n" word. On Facility A, things were especially racially imbalanced among
9 staff and the incarcerated population, and I think that led to a lot of conflict and
10 misconduct. I also think staff misconduct is so bad at RJD because staff never face
11 consequences. I have personally made several complaints against Officer [REDACTED]. Yet,
12 he kept working regularly in the control tower of Building 2 until at least the time that I
13 left RJD in September 2019. If there are no consequences for bad behavior, then staff have
14 no reason to follow policy and procedures.

15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct, and that this declaration is executed at

17 Vacaville, California this 25th day of January, 2020.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

Exhibit 11a

Filed Under Seal

Exhibit 11b



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www.rbgg.com

Michael Freedman
Email: MFreedman@rbgg.com

July 12, 2019

VIA ELECTRONIC MAIL ONLY

<p>PRIVILEGED AND CONFIDENTIAL</p> <hr/> <p>SUBJECT TO PROTECTIVE ORDERS</p>
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Russa Boyd
Ursula Stuter
CDCR Office of Legal Affairs
rusa.boyd@cdcr.ca.gov
ursula.stuter@cdcr.ca.gov

Re: *Armstrong v. Newsom; Coleman v. Newsom*: Advocacy Letter re: DPO,
EOP Class Member, [REDACTED] [REDACTED] Regarding Staff Misconduct
at RJD
Our File No. 0581-03, 0489-03

Dear Russa and Ursula:

I write regarding [REDACTED] [REDACTED] an *Armstrong* and *Coleman* class member who reports two serious incidents of staff misconduct against him at Richard J. Donovan Correctional Facility ("RJD"). [REDACTED] is DPO and is a participant in the EOP. As set forth more fully below, we request that CDCR investigate both incidents.

The first incident of staff misconduct occurred in the Facility A dining hall on or around September 27, 2018 during breakfast. At the time of the incident, [REDACTED] was DPM and used a walker. [REDACTED] obtained a tray of food, but saw that the shell on his hard-boiled egg had been cracked. He went back to the food window to request another egg, but the server said no. [REDACTED] grabbed a replacement egg off of another tray, put his original egg on the other tray, and returned to his seat.

An unknown ISU officer ("the ISU Officer") then went to speak with the server. After speaking with the server, the ISU Officer approached [REDACTED] and stated "Who do you think you are? I would have eaten that egg at home," or words to that effect. [REDACTED] responded, "I'm not at home, I'm in prison." The ISU Officer then said, "Since you're so funny, put your hands behind your back," or words to that effect. [REDACTED]

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Russa Boyd
 July 12, 2019
 Page 2

had some pieces of paper in his hand that he then tried to put in his pocket prior to complying with the order. The ISU Officer said again, "Put your hands behind your back." The ISU Officer then proceeded to push ██████ against the wall, forcing his head against the wall with one hand and pushing him in the back with his other arm. As a result of this use of force, ██████ tripped and twisted his ankles.

The ISU Officer then began cuffing ██████ behind his back, even though ██████ used a walker. Other officers in the dining hall approached the ISU Officer and told him that, because of ██████ disability, he needed to cuff ██████ in front. After fashioning a front cuff by linking five regular hand cuffs, the ISU Officer escorted ██████ to the mental health care building, which is a significant distance from the dining hall. ██████ informed the ISU Officer that he was in serious pain because of his injured ankles. The ISU Officer told ██████ to "Shut up." The ISU Officer then placed ██████ in one of the cages in the PSU. Approximately twenty minutes later, an unknown Sergeant told ██████ "We're going to let this go," and released him back to his unit.

The incident caused ██████ significant injury. Prior to the incident, ██████ was DPM. Following the incident, on October 22, 2019, medical staff reclassified him as DPO because he was no longer able to stand and pivot even with staff assistance and could not access a regular transport vehicle. His medical records are consistent with a staff assault occurring on September 27, 2019 and with his complaints of ankle pain following the incident.

██████ filed a 602 about this incident, Log No. 18-██████. RJD has sought eight extensions of its deadline to answer the 602, indicating each time that an extension was necessary due to the "complexity of the decision, action, or policy." As of July 2, 2019, RJD still had not provided a response to ██████ has submitted two Form 22s requesting a copy of the 602, to which he has received no response. Subsequently, he filed a 602 requesting a copy of the original 602, to which, as of July 2, 2019, he had not yet received a response.

██████ reports that he was previously interviewed by ISU staff as part of an investigation into the incident with the ISU Officer.

The second incident of staff misconduct occurred on June 4, 2019 in Building 2. At approximately 7:15 p.m., Officer ██████ who was working in the tower of Building 2, announced evening yard. ██████ left his cell, but then went back into his cell because he forgot his glasses. When he then tried to exit his cell, Officer ██████ closed the cell door on him. ██████ reports that he was trapped between the door and the

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Page 3

wall for two to three minutes, during which time he attempted to gain the attention of staff without success. Having the door closed on [REDACTED] has caused him significant and lasting back pain that persists up to the present. Documents in [REDACTED] medical file are consistent with him having the cell door closed on him by Officer [REDACTED] and with him suffering injuries following the incident.

Plaintiffs' counsel have repeatedly reported on the problem of staff at RJD closing doors on *Armstrong* class members, including a prior incident in which staff closed a door on [REDACTED]. See March 2019 Report at 4-5; November 2017 Report at 3-4; September 2016 Report at 3; March 2016 Report at 25; March 2015 at 10; November 2014 Report at 12; February 2014 Report at 11. Officer [REDACTED] is also one of the officers implicated in the staff misconduct allegation regarding [REDACTED] about which Plaintiffs' counsel sent CDCR a letter on May 31, 2019.

Plaintiffs' counsel requests that these serious allegation of misconduct be investigated by investigators from outside of RJD. This request is particularly important for any investigation into the first allegation of misconduct, which implicates an ISU officer.

If ISU staff at RJD are not yet aware of the allegations, no ISU staff member at RJD should be notified of these allegations or be involved in any action that is taken in response to these allegations. Class members continue to report that ISU staff members at RJD are closely aligned with officers committing misconduct at that prison and that being identified for interview by the ISU places them at great risk of retaliation from staff. Every effort should be made to identify all witnesses to these incidents who might be willing to participate in an investigation including any incarcerated people, non-custody staff members, or others who may have witnessed the incidents. In addition, all evidence should be obtained and preserved immediately for review. Plaintiffs' counsel request that staff do not engage in retaliation, including against [REDACTED] and any witnesses, in response to these allegations.

In addition, we reiterate our request that, pending a thorough investigation, immediate action be taken to place Officers [REDACTED] on administrative time off. At a minimum, Officer [REDACTED] should not be permitted to occupy any positions in which he has contact with or can impact the lives of incarcerated people, especially *Armstrong/Coleman/Clark* class members. Plaintiffs' counsel is aware that, notwithstanding the allegations of Officer [REDACTED]'s involvement in the April 24, 2019 incident involving [REDACTED] Officer [REDACTED] continues to regularly work in the tower in Building 2.

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Page 4

Plaintiffs' counsel also requests that Defendants produce (1) 602 log number 18-██████; (2) the 602 in which ██████ seeks a copy of 18-██████ (3) the Form 22s filed by ██████ seeking copies of 18-██████; (3) any photographs or videos of ██████ injuries taken by medical or custody staff; (4) any 7219 forms completed as a result of the incidents; (5) any video of interviews with ██████ regarding these incidents; and (6) any rule violation reports associated with these incidents. We also request a detailed explanation regarding the eight extensions RJD has sought to respond to 18-██████

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Michael Freedman

By: Michael Freedman

MLF

cc: Ed Swanson	Jerome Hessick	Laurie Hoogland
Nicholas Weber	Tyler Heath	Kristin Moose
Sharon Garske	Damon McClain	Elise Thorn
Jay Russell	Roy Wesley	Office of Inspector General
Adriano Hrvatin	Melissa Bentz	Coleman Special Master Team
CDCR OLA Armstrong	Dillon Hockerson	Prison Law Office

Exhibit 11c

OFFICE OF LEGAL AFFAIRS

Jennifer Neill

General Counsel

P.O. Box 942883

Sacramento, CA 94283-0001



January 23, 2020

VIA EMAIL ONLY

Michael Freedman

Rosen, Bien, Galvan & Grunfeld

MFreedman@rbgg.com

RE: *ARMSTRONG V. NEWSOM; COLEMAN V. NEWSOM: ADVOCACY LETTER*
RE: [REDACTED]

Dear Mr. Freedman:

I write in response to your July 12, 2019, letter regarding *Armstrong* and *Coleman* class member [REDACTED]. Mr. [REDACTED] reported to you that, after a verbal altercation with an officer, he was pushed and he tripped, fell, and twisted his ankles. Mr. [REDACTED] also reported he was handcuffed using a makeshift front cuff by using multiple regular cuffs, and that he was escorted some distance without his walker on or about September 27, 2018, while housed at Richard J. Donovan Correctional Facility (RJD). [REDACTED] asserts that he had blood in his urine as a result of the force he alleged was used upon him.

Prior to the receipt of your letter, an inquiry into the allegations of staff misconduct was completed¹. [REDACTED] submitted a 602 Inmate Parolee Appeal Form, which was received October [REDACTED], 2018, [REDACTED] and several staff members were interviewed in October of 2018. Mr. [REDACTED] was able to identify one witness, a staff member, who was interviewed at that time. Multiple staff members report that Mr. [REDACTED] was "double cuffed" to the front and was using his walker on the date in question. Staff also reported that Mr. [REDACTED] was yelling profanities throughout the interaction. Medical staff who were interviewed report that Mr. [REDACTED] presented with blood in his urine and was subsequently treated for a

¹ DAI and delegated RJD staff conducted the fact-finding inquiry into the allegations identified in this letter in accordance with the Department's Operations Manual, Article 22. The Department is currently in the process of revising that policy and, once approved and adopted, future fact-finding inquiries will comply with the new policy.

Mr. Freedman

Page 2

Urinary Tract Infection (UTI) on September [REDACTED], 2018, a day prior to the alleged incident. The inquiry and review resulted in no findings to support Mr. [REDACTED]'s claim of staff misconduct.

As to the second allegation of staff misconduct raised, which is the closing of a cell door on Mr. [REDACTED], your letter connects it with an allegation related to another inmate, Inmate [REDACTED]. As stated in a letter dated December 30, 2019, the allegation of improperly closing a cell door and other associated allegations is under investigation by the Office of Internal Affairs. Since the investigation is open, CDCR is unable to provide a finding at this time.

As to your request to place an officer on administrative time off (ATO) solely on the basis of an allegation of misconduct, I must inform you that the instances in which ATO is applied are limited to specified occurrences, including but not limited to Deadly Force or an emergency event. ATO may also be applied if discipline is pending an investigatory finding. Should CDCR determine that discipline is warranted, then ATO and/or appropriate removal of the employee would occur.

Please also note that the 602, log number [REDACTED] is included with this response.

After review, CDCR considers the first allegation of staff misconduct closed. The second allegation has been included in an open investigation and CDCR will provide further information as it becomes available.

Sincerely,

/s/ Ursula Stuter

URSULA STUTER
Attorney
Office of Legal Affairs

Attachment(s): 602 Inmate Parolee Appeal Form

Date mailed/delivered to appellant / /

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
 CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

Inmate/Parolee Signature: _____ Date Submitted: _____

G. Third Level - Staff Use Only

This appeal has been:

- ☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____ Date: _____
- ☐ Cancelled (See attached letter) Date: _____
- ☐ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☐ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only

Date mailed/delivered to appellant ____/____/____

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because: State reason. (If withdrawal is conditional, list conditions.)

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
 CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	FOR STAFF USE ONLY		

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

[REDACTED]	CDC Number:	Unit/Cell Number:	Assignment:
	[REDACTED]	[REDACTED]	EOP

A. Continuation of CDCR 602, Section A only (Explain your issue): *Twisted my right arm behind my back. and pushed my head hard against the wall. to get handcuffs on me behind my back. why doing this it's was hard for me to stand up. [REDACTED] attitude and his mis conduct, toward me because i had taking and feel egg that was busted wide open, and Trade it for another egg. That night i had to be taking to T.T.A to have a check up on my private part due to a lots of blood spot's was in the front of my boxer. which came from the Excessive use of force by [REDACTED] Toward me which also has cause me to suffer from adverse effect on me, iam following the rules and Regulation's, i respect everyone, and for staff to reprisals against me, for doing the things that i have a right to do so. iam not able to program*

Inmate/Parolee Signature: [REDACTED] Date Submitted: 10-22-2018

STAFF USE ONLY

B. Continuation of CDCR 602, Section B only (Action requested): *happen to me on 9-28-2018, do know That iam file legal action on this matter. and they name will be an add on to it.*

Inmate/Parolee Signature: [REDACTED] Date Submitted: 10-22-2018

Side 2

Inmate/Parolee Signature:

Date Submitted:

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):

Inmate/Parolee Signature:

Date Submitted:

Exhibit 12

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 4. I am 60 years old.

3. I have been housed at RJD since around June 2019 to the present.

4. During my time at RJD, I was housed on Facility B, Building 9, from June, 2019 through September 25, 2019. I have been housed in Facility A, Building 4, since September 25, 2019.

5. I am an *Armstrong* class member. I am designated as DPO. This means that I have a mobility disability and I use a wheelchair for long distances. As accommodations for my disability, I am housed on the ground floor and in a lower bunk and I have a wheelchair, cane and walker to ambulate.

6. I have a number of serious medical conditions. I have history of atrial fibrillation. I also have emphysema, sciatica, low back problems, a herniated spinal cord, vertigo, seizures, and a crushed heel on my left foot. I also have a split in my abdominal wall. I am classified as high risk medical.

7. I have witnessed staff engage in misconduct against other people at RJD.

8. On or about June 21, 2019 I witnessed an incident with Officer [REDACTED] and a prisoner named Mr. [REDACTED]. While in cell [REDACTED] in housing unit B-9 I observed Mr. [REDACTED] laying on the floor of the dayroom. I did not see what caused Mr. [REDACTED] to go "man down" but I saw Officer [REDACTED] and a female officer, whose name I do not know, approaching him. I saw Officer [REDACTED] nudging Mr. [REDACTED] with his foot and yelling at him, "Get up, get up, I know you are faking it." They encouraged him to get up for a few minutes.

During that time they never sounded an alarm or sought medical attention for him. Then, I

1 saw the officers physically sit Mr. [REDACTED] up to an upright position. I saw that Mr. [REDACTED]
2 was completely limp and appeared unconscious. Then the officers just dropped his body.
3 I saw his head hit the concrete floor with extreme force. This occurred across the
4 dayroom from my cell but I had a clear line of sight from my cell window. It was the first
5 time I realized what I was in for at RJD – that I would be witnessing staff member's
6 engaged in horrific violations of people's rights.

7 9. Officer [REDACTED] was a serious problem on Facility B while I was housed
8 there. He was a regular floor officer in my housing unit during second watch in
9 Building 9. Frequently, he would arrive for his post and, as soon as it came time to run
10 prisoner programs such as opening the cell doors for showers and dayrooms, he would
11 lock the building and leave. This would happen multiple days a week. The prisoners in
12 my unit would be left, locked in our cells, for hours during the time when we were
13 supposed to be allowed out of our cells to go to dayroom. Because of this we would miss
14 showers, phone calls, and out of cell time that is extremely important to us. The control
15 tower officer remained in the gun tower of our unit while Officer [REDACTED] was out. The
16 tower officer would only allow certain prisoners, those that were favored by staff, out of
17 their cells for showers and phone calls while there was no floor officer in the unit. The rest
18 of us remained locked up. Everyone disliked Officer [REDACTED] and the rumor was that he
19 had been moved to our unit from Facility C as a result of misconduct allegations on
20 Facility C.

21 10. The fact that Officer [REDACTED] is still here makes me think that, even when
22 CDCR knows about misconduct, they don't do anything about it. Moving a problem
23 officer to another yard does not fix the problem if he is still coming in to contact with
24 incarcerated people.

25 11. I have also experienced misconduct at RJD. On July 27, 2019, on Facility B
26 in Building 9, staff denied me access to a shower during my typical time slot in the
27 morning. When my cell door opened later that day, I approached a floor officer to let him
28

1 know I needed to take a shower. The officer started running towards me and screaming,
 2 "Get back in your fucking cell!" I stopped in my tracks. I attempted to explain to him that
 3 I wanted to take a shower. He stated that I was not getting a shower that day and ordered
 4 me back to my cell. I told him that I thought he was in violation of policy. Next, he
 5 started yelling at me, "You don't fucking know who you are dealing with! You are on my
 6 list now! I am going to fuck you up!" I feared for my safety.

7 12. Later, multiple prisoners in my housing unit told me that I was very lucky
 8 that he didn't attack me because they had witnessed the same officer break a transgender
 9 prisoner's leg during an assault in the sally-port of B-9. As a result, I became even more
 10 fearful of this officer's threat. * [REDACTED]

* Within a
 couple weeks,
 I received an
 RVR for
 disrespect.

11 13. On about December 5, 2019, I asked for access to the library. An officer
 12 who was standing in a doorway yelled at me and said, "Get the fuck out of my doorway
 13 this is not the library!" I was just trying to go to the library. I do not know this officer's
 14 name.

15 14. Because of the incidents above, I do not feel comfortable asking staff for
 16 help. For example, because of my disability, I cannot get down on the ground to clean my
 17 cell or clean my floors. But, I will not ask for help from staff because I don't know if it is
 18 going to result in a violent altercation with an officer. I do not want to risk getting in a
 19 fight with an officer because I am scared of what might happen. I am also scared of staff
 20 coming in to my cell because I have seen staff take property from other prisoners. So, I do
 21 not feel like I can ask staff for help and, even though hygiene is important to me, I just
 22 have to live with a dirty cell.

23 15. I have observed that staff at RJD act like they do not want to be bothered by
 24 incarcerated people. If you bring something to them that requires their attention, they get
 25 angry. I have been told by multiple officers to "go away" and to "stop making trouble"
 26 when I have simple questions or need help. People with disabilities need to ask for staff
 27 help so, I have seen that people that ask for things from staff are subsequently targeted
 28 [REDACTED]



1 by staff. You are better off at RJD if you can avoid staff all together. But if you have
2 disabilities and need help, that is not always possible.

3 16. I have been in CDCR prisons for about 13 years. I've been housed in a
4 number of different CDCR prisons. RJD is one of the worst prisons I have ever been in.
5 The level of misconduct and lack of safety feels like High Desert State Prison back
6 between 2005-2010 during a time when staff were setting up prisoners to have them killed.
7 As an old man I am really scared about what will happen to me here.

8 17. I am not part of prison gang activity. But I have observed so much heroin
9 and methamphetamines present on my prison yard right now, that it must be entering the
10 prison in large quantities. I have not seen how it would be possible for prisoners alone to
11 get that quantity of drugs in to the prison. Prisoners are searched repeatedly, especially
12 coming in and out of visiting. Also, even if a prisoner wasn't searched in visiting, based
13 on the amount of drugs I have observed in the prison, the quantity of drugs any one
14 prisoner would have to carry on their body from the visiting room, across the plaza, back
15 to the prison yard, would be completely obvious. I believe that staff are bringing these
16 drugs in to the prison. I also believe that the officers are actively working with prison
17 gangs inside of prison to distribute these drugs on the prison yard. I know who the
18 prisoners are who sell the drugs and I see that they get extra privileges from staff such as
19 extra time to eat during meals, extra food, their choice of cellmates, and other favors that
20 have value in prison. I have also seen staff members on the yard turn a blind eye when
21 walking by incarcerated people using drugs openly on the yard. Sometimes they will say
22 something like, "hey, put it away." I have never seen staff actually take drugs away from
23 prisoners or write prisoners up for drugs. I think this is because staff are working in
24 conjunction with prison gangs to facilitate the drug trade at RJD.

25 ///

26 ///

27 ///

28

1 18. It makes me feel helpless to know that the staff who are responsible for
2 watching over us and protecting us in prison are facilitating criminal activity that is making
3 us less safe 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

6 San Diego, California this 07 day of January, 2020.

7 
8
9

Exhibit 13

DECLARATION OF

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 C in Building 13. I am 74 years old.

3. I have been housed at RJD from November 2014 to the present. During my time at RJD, I was housed on Facility C, in building 14 until around March 2015. I have been housed in building 13, cell [REDACTED] since March 2015.

4. I am an *Armstrong* class member. I am designated as DNM and DNH. I am housed on the ground floor and in s lower bunk, and I have hearing aids and a back brace. I am 74 years old. I have a slipped disc in my back and I am starting to lose my hearing.

5. I was a victim of staff misconduct at RJD.

6. In August 23, 2018, I believe that Officer [REDACTED] was involved with other incarcerated people in taking my property while I was at a medical appointment. After I returned from my appointment, my T.V., radio, and about \$1,000 in other property was missing. My cell-mate told me that Officer [REDACTED] had paid him in heroin to take my things and sell them to other incarcerated people.

7. That same day, when I discovered my property was missing, I immediately filed a 602 staff misconduct complaint against Officer [REDACTED]. My complaint was denied. RJD concluded that no violation of policy had occurred.

8. Since I filed that 602, I have experienced retaliation.

9. A few weeks after I filed the 602 I saw Officer [REDACTED] hand a note to another incarcerated person, [REDACTED]. [REDACTED] put the note on my door. The note said, "You have 48 hours to leave the unit or else...." I interpreted the note as a threat from Officer [REDACTED] because I had seen Officer [REDACTED] hand the note to

1 him. But I didn't leave the unit because I didn't do anything wrong so, I did not believe it
2 was right.

3 10. About three weeks later while I was in the shower, [REDACTED] opened the
4 shower door and sucker punched me in the face. He said, "This is from [REDACTED]" I went
5 to the Triage and Treatment Area ("TTA") at RJD to be evaluated. Medical staff at the
6 TTA then sent me to UC San Diego Medical Center for further examination. I was
7 diagnosed with a tear in my cornea. I had a black eye, with significant bruising and
8 swelling. It was extremely painful.

9 11. [REDACTED], like my cell-mate, was a heroin user and I saw him use drugs.
10 Because he is a known heroin user, and my cell-mate told me that Officer [REDACTED] paid him
11 in heroin, I believe that [REDACTED] too was working with Officer [REDACTED] under similar
12 terms as my cell-mate.

13 12. Officer [REDACTED] harassed me in other ways as well. For example, he would
14 make me stand up every time when he was performing "count," even though I have
15 mobility impairment that makes it difficult to stand during count and I did not see him
16 make other people stand up. Count is the process that staff use to account for every
17 prisoner multiple times during a day.

18 13. On Tuesday, April 23, 2019, at around 5:30 pm I looked out of my cell
19 window in Building 13 and I saw Officer [REDACTED] arguing with an incarcerated person in the
20 dayroom. I did not know the prisoner's actual name, but knew him by his nickname,
21 [REDACTED]. While [REDACTED] and Officer [REDACTED] were arguing, I left the building for dinner. When
22 I came back about 20 minutes later, they were still arguing. I entered my cell and
23 continued to watch their argument. At this point [REDACTED] was standing outside of his cell.
24 About seven officers started to surround him. All off a sudden, I saw all of the officers
25 attack [REDACTED]. They threw him to the floor. They immediately handcuffed him with his
26 arms behind his back. Even once he was cuffed, they continued to beat him. The officers
27 punched and kicked him all over his body for about three or four minutes.

1 14. Next, I saw Officer [REDACTED] enter the housing unit. Officer [REDACTED] went
2 right over and kicked [REDACTED] in the middle of his face three times. Then I saw him stomp
3 on [REDACTED]'s on the head, smashing his head on the floor. He stomped on his head at least
4 two more times. The other officers continued to punch and kick [REDACTED] during this time.
5 The whole attack lasted about 15 minutes. [REDACTED] was handcuffed and not resisting the
6 entire time. By the end of the attack, I counted 17 officers around [REDACTED]

7 15. I saw them take [REDACTED] out of the housing unit on a gurney. They wheeled
8 him past my cell. They had a mask on his face so I could not see his face. But he had a
9 towel around his neck and it was covered in blood.

10 16. The rumor is that staff beat up [REDACTED] because [REDACTED] spit on one of the
11 officers. I watched the encounter closely and I never saw him spit on staff. I heard from
12 other incarcerated people that [REDACTED] later died.

13 17. Officer [REDACTED] was back to work on Facility C two or three days after the
14 incident, working as a floor officer in Building 13. I was so upset that he had not been
15 punished for what he did to [REDACTED]; it didn't seem right to me after what I saw him do that
16 he would be back at work and in the same housing unit.

17 18. Two or three weeks later he was moved out of the unit. I saw him walking
18 around and he had a different patch on which I understand to mean that he was working for
19 the investigative services unit at RJD.

20 19. Later, I saw him in plain clothes working as a counselor on Facility A.
21 Becoming a counselor is considered a promotion. Because of what happened with Officer
22 [REDACTED] after the attack on [REDACTED], we incarcerated people at RJD joke that you can beat up
23 or kill prisoners and the result is that you get a better job.

24 20. Also, during dinner one night, probably around December of 2018, I was in
25 the dining hall with another incarcerated person named [REDACTED]. Out of
26 nowhere I saw Officer [REDACTED] come over and take [REDACTED]'s tray and threw it against the
27 wall. Officer [REDACTED] then left the chow hall. [REDACTED] went and got another food tray.

1 A few minutes later, Officer [REDACTED] walked back in to the chow hall and saw that [REDACTED]
2 had another food tray. Officer [REDACTED] took his baton out and started beating [REDACTED]. He
3 hit him in the head, kicked him, and beat him from one end of the chow hall all the way to
4 the exit. He was beating him for a about five minutes. Once they reached the exit to the
5 dining hall, there was another officer, I don't know his name, standing by the door. I
6 thought that maybe the officer would stop the fight or try to intervene. Instead, that officer
7 joined in and started beating [REDACTED] alongside Officer [REDACTED]. I saw [REDACTED] three or four
8 days later. [REDACTED] said that Officer [REDACTED] had claimed that the attack was justified
9 because [REDACTED] had resisted. I did not see [REDACTED] resist in any way.

10 21. After that incident Lieutenant [REDACTED] interviewed me about what happened to
11 [REDACTED]. I told him that, "[REDACTED] beat the shit out of [REDACTED] for no reason" because
12 that is what it looked like to me.

13 22. I believe that staff target people who have disabilities, people with mental
14 health issues, or people who are transgender because those prisoners are considered weak
15 or timid. I repeatedly see officers assaulting these people but I never see staff pick on
16 anyone who is going to fight back or people who are known gang members.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct, and that this declaration is executed at

19 San Diego, California this 8 day of January, 2020.

Exhibit 13a

Filed Under Seal

Exhibit 14

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 on Facility E in Building 24. I am 85 years old.

3. I have been housed at RJD from [REDACTED] around the end of 2010 or the start of 2011 [REDACTED]. During my time at RJD, I have been housed on both Facility B and Facility E. I was housed on Facility B in Building 9 starting at around the end of 2010 or the beginning of 2011. I was housed there until around January 2017, when I was transferred to Facility E.

4. I am an *Armstrong* class member. I am designated as DPW and DPV. I am a full-time wheelchair user and rely on my wheelchair to get everywhere. As accommodations for my disabilities, I am housed in a wheelchair accessible cell on the ground tier. I am blind in my right eye due to injuries I suffered during the Bosnian war in the early 1990s, where I was confined as a prisoner of war by Serbian forces. I cannot see anything on the right side of my visual field. I also suffer from disability-related incontinence.

5. I receive mental health treatment at the CCCMS level of care, which helps me cope with my PTSD related to my experiences as a prisoner of war during the Bosnian war. While I was held as a prisoner of war, I was sexually assaulted and tortured by Serbian soldiers. Ever since that experience, I have been very sensitive to triggers that remind me of my time in Bosnia. For example, loud and unexpected noises remind me of bombs that exploded in and around the prison camp in Bosnia. To help cope with my symptoms of mental illness, I participate in the Paint Project, which is working on painting a mural for the yard of E Facility. I have found it very therapeutic to participate in this group, and it has helped to give my life purpose while dealing with the struggles of incarceration.

1 6. I have a number of serious medical conditions. I am classified as high risk
2 medical, and I am a chronic care patient, which means that I have to be seen frequently to
3 monitor my ongoing medical issues. I have a number of cardiovascular disorders,
4 including coronary artery disease, and I have suffered five heart attacks in the past ten
5 years. I also suffer from GERD, hyperlipidemia, and macular degeneration. I am also
6 experiencing trouble with my kidneys that my doctors have not yet diagnosed. I am
7 prescribed Lyrica for pain and nerve issues, and I keep a strict gluten free diet because I
8 have celiac disease.

9 7. I was a victim of staff misconduct at RJD. Sometime in the months between
10 June and August 2019, I was coming through the sally-port in my wheelchair from the
11 yard of Facility E on my way back to my cell in Building 24. The sally-port refers to the
12 entrance/exit sections of the housing units, which are all mechanically operated by the
13 housing officers. The officers working in Building 24 that day were Officer [REDACTED] and
14 Officer [REDACTED]. As I wheeled myself into the sally-port, I was facing Officer [REDACTED], who
15 was sitting in the control booth, which is located just across the entrance to the building.
16 As I made eye contact with Officer [REDACTED], the sally-port door started closing on me.

17 8. When the sally-port door closes, it makes a terrible, loud clanking noise. As
18 I heard that loud and mechanical noise, I was terrified that the door was going to hit me,
19 and, in the moment, all I could imagine was being crushed by the door. Having the door
20 nearly closed on me made me feel very frightened and powerless. Intrusive thoughts of
21 having the door closed on me played in my mind again and again for days after the
22 incident because certain sounds are a trigger for hypervigilance associated with PTSD.
23 This incident triggered me in such a way that I cannot even fully explain; but the best way
24 I can describe it is feeling that my insides were being twisted. This incident brought back
25 a lot of bad trauma related to my experiences in Bosnia. I have seen terrible stuff in my
26 life, and it is hard to un-see things like the incident Officer [REDACTED] subjected me to.

27 ///

28 ///

1 9. Although I was not physically injured as a result of the door closing, I
2 believe that Officer [REDACTED] closed the sally-port door on me because he knew it would
3 trigger my PTSD and exacerbate my mental health issues. After the door started to close,
4 making the terrible clanking noise, Officer [REDACTED] immediately stopped its movement. As
5 this was happening, I looked up and saw Officer [REDACTED] laughing at me right after he had
6 started to close the door on me. I also observed that Officer [REDACTED] had put her head
7 down while this was all happening, as if she intentionally did not want to see what Officer
8 [REDACTED] was doing. The fact that Officer [REDACTED] was laughing at me, combined with the fact
9 that he immediately stopped the door from closing after it made a terrible noise, makes me
10 believe that he closed the door on me on purpose.

11 10. After I cleared the sally-port, I got up partially from my chair, and I lost my
12 temper, yelling at Officer [REDACTED] that he was a "fucking son of a bitch." In response to
13 observing him laughing, I asked him, "What the hell is so funny?" Officer [REDACTED]
14 responded, saying, "[REDACTED] shut up, you shouldn't be yelling at me like that." In response, I
15 yelled back, "you shouldn't be playing with me like that, I have PTSD and you just
16 triggered me." I believe that Officer [REDACTED] partially closed the sally-port door on me to
17 intimidate and terrorize me.

18 11. Officer [REDACTED] and I had a fractured relationship long before the incident in
19 which he tried to push my buttons by closing the cell door on me. Before this incident
20 occurred, I told Officer [REDACTED] that I have PTSD and I am generally sensitive to things like
21 unexpected movements and noises. I generally tell people whom I interact with on a daily
22 basis about my mental health issues so I can avoid any situations that might have negative
23 effects on my mental health. After I told Officer [REDACTED] about my mental health issues, he
24 would harass me often. For example, he would commonly come up behind me from my
25 right side – which is my blind side – and do things to startle me, like clapping and yelling
26 at me. He thought that it was funny to harass me in that way. When he would do these
27 things, he would laugh at me. When I asked him why he was doing these things to me, he
28 wouldn't answer me, and he would order me to go back to my cell. Based on the fact that

1 he laughed at me in that way, and continued to intentionally trigger me after I told him
2 about my PTSD, I think that he enjoyed seeing me get upset at his conduct.

3 12. I believe that Officer [REDACTED] targeted me because he considers me someone
4 who causes trouble in the building by filing 1824s and 602s related to my disability. For
5 example, I have complained multiple times about Officer [REDACTED] failing to give me
6 supplies, like toilet paper, when I have asked for them. After trying, but failing, to get
7 incontinence supplies from Officer [REDACTED] and Officer [REDACTED], I talked to Sergeant
8 [REDACTED] about the issue, and he told me that I was entitled to things like extra toilet paper
9 as a reasonable accommodation for my disability. Even after my conversation with
10 Sergeant [REDACTED], Officer [REDACTED] still refused to give me toilet paper. In fact, after I talked
11 with Sergeant [REDACTED], Officer [REDACTED] put a sign up on the podium, that said "no partials
12 [i.e., no partial rolls of toilet paper] and no soap." As soon as I saw the sign, I continued to
13 complain because I need extra soap and toilet paper to clean myself after accidents. Due to
14 my history with Officer [REDACTED], I believe that he used his control over the sally-port door to
15 terrorize me and trigger my PTSD.

16 13. Other officers have harassed me in a similar way as well. On December 10,
17 2019, a day after I first spoke with the *Armstrong* monitors about my experiences with
18 staff at RJD, I was on the yard painting the mural with my friend in the Paint Project, Mr.
19 [REDACTED], who is housed in Building 23. I was talking to Mr. [REDACTED] about something he was
20 painting, when, all of a sudden, I heard a deafening noise coming from the right side of
21 me, which is the blind side. It sounded like a clap, but I can't be sure because it was so
22 loud that it made both of my ears ring. As the sound of the clap was ringing through my
23 ^{ears,} I heard someone scream from behind me, "Wake up, [REDACTED]" I turned to my right
24 side, and I saw Officer [REDACTED] laughing at me. Officer [REDACTED] was standing with a group
25 of eight to ten people, including the Associate ADA Warden at RJD, Mr. [REDACTED]. I then
26 asked Officer [REDACTED], "Who told you to do that? Your friend [REDACTED]?" Officer [REDACTED] said
27 nothing in response. He just kept laughing at me as he walked away from me.
28

1 14. I believe that Officer [REDACTED] and Officer [REDACTED] are friends because I see
2 them talking and laughing together when they work on the same third watch shift, which is
3 about once or twice per week. I believe that Officer [REDACTED] told Officer [REDACTED] to harass
4 me because of the fact that they are friends, and because Officer [REDACTED] is the only staff
5 member who knows that my PTSD is triggered by loud noises, like clapping.

6 15. I have also witnessed staff engage in misconduct against other people at
7 RJD. In approximately June or July of 2019, I was in the yard of E Facility, near the
8 handball and softball court. About 100 feet away from me, I saw Mr. [REDACTED] sitting in his
9 wheelchair alone in the middle of the yard. Although I am blind in one eye, I was wearing
10 my glasses at the time, and I was able to recognize Mr. [REDACTED] by his grey hair and his
11 large wheelchair. I knew of Mr. [REDACTED] because he lived in the pod next to me in
12 Building 24 at the time. All of sudden, I saw a younger incarcerated person approach Mr.
13 [REDACTED] and start punching him. Mr. [REDACTED] fell out of his chair, and the assailant
14 continued to kick and punch him, beating him in the face, as he lay on the ground. I
15 observed Mr. [REDACTED] bleeding everywhere, and a pool of blood developing from his head.
16 He bled so badly that, after the fact, people in hazmat suits had to clean up the scene.

17 16. While all of this transpired, I also saw four correctional officers standing
18 right outside the program office and watching the violence transpire. I saw them observing
19 the fight breaking out. I do not know the names of the officers who were watching the
20 assault because they were too far away. I saw them go inside the program office as the
21 fight was still ongoing. Even though I saw officers witness the start of the incident, no
22 alarm was sounded until about ten minutes after the fight started. Then, the ambulance
23 came and emergency personnel loaded Mr. [REDACTED] onto it. Mr. [REDACTED] came back to the
24 yard about six weeks later after a period of hospitalization. Based on my observations, it
25 seems that staff were totally indifferent to the fact that Mr. [REDACTED] was being beaten so
26 badly by another incarcerated person. I do not know why staff acted in that manner, but
27 the fact that they watched the fight for a few minutes, and then waited ten minutes before
28 sounding the alarm suggests to me that they did not care about Mr. [REDACTED]'s suffering and

1 need for medical attention. After the assault on Mr. [REDACTED], other incarcerated people
 2 informed me that staff had given the "green light" for gang members to assault Mr. [REDACTED]
 3 because of his commitment offense. Based on staff's failure to intervene in the brutal
 4 attack, I have come to the same conclusion that staff allowed the attack to occur.

5 17. Witnessing the assault on Mr. [REDACTED] made me feel terrible because I am
 6 also elderly and confined to a wheelchair, just like him. After the incident, I worried that it
 7 just as easily could have been me getting beat up if staff wanted to allow it. This
 8 realization made me very scared.

9 18. I still see the officers that were involved in the staff misconduct against me
 10 every day. Officer [REDACTED] works the Second Watch shift in Building 24 every day of the
 11 week. I no longer interact with him because, after he intentionally closed the door on me, I
 12 do not want anything to do with him. I do not want to give him any reason to write me up
 13 or cause trouble for me.

14 19. In my time at RJD, there have been a number of issues that I needed help
 15 with but I did not ask because I was afraid of what would happen to me. For example, I no
 16 longer feel comfortable asking Officer [REDACTED] for incontinence supplies or an extra shower
 17 to wash myself off after an accident. I do not like him at all, and so I do not want to cause
 18 further trouble with him. I cannot go to him for help because he did these things to me,
 19 and so I have to go to his partner, Officer [REDACTED], who is easier to deal with. The fact
 20 that I cannot ask him for help makes it harder for me to manage incontinence related to my
 21 disability. If Officer [REDACTED] is not around, I do not ask for help in my housing unit
 22 because I do not feel comfortable asking Officer [REDACTED] for help. For example, on Officer
 23 [REDACTED]'s days off, I am afraid to ask housing staff for anything.

24 20. In my opinion, staff at RJD tend to target people with mental illnesses. I see
 25 staff verbally harass people who are mentally ill at a higher rate than people without
 26 mental illnesses. Staff members like Officer [REDACTED] harass and abuse people with mental
 27 illness, and seem to think that it is funny.

1 21. Staff also are disrespectful to people with disabilities. For example, staff
2 have told me and I have heard staff tell other people in wheelchairs, that we are “faking.”
3 They have said things to me, like, “you can get up [REDACTED], if you want.” Comments like this
4 suggest to me that staff believe that I do not have a disability, and that they do not take me
5 seriously.

6 22. I have been in CDCR prisons for about 11 years of my life. I have been
7 housed in a few other CDCR prisons, including Deuel Vocational Institution. The staff
8 misconduct at RJD is worse than at other CDCR institutions in which I have been housed.
9 I believe part of the reason that there is so much staff misconduct at RJD is that there is no
10 accountability for staff who break the rules. The officer who almost closed the door on me
11 still works in my housing unit. I also think that staff misconduct is prevalent at RJD
12 because so many vulnerable people are housed there. As discussed above, staff target
13 people with disabilities and mental illness. CDCR filled this place with dying men in
14 wheelchairs, yet the staff do not demonstrate an understanding of disabilities or mental
15 illness.

16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct, and that this declaration is executed at San Diego,
18 California this 06 day of January, 2020.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

Exhibit 14a

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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 California Medical Facility ("CMF") in the L1 Unit, which is a Psychiatric Inpatient Program ("PIP") housing unit. I am 36 years old.

3. I was housed at Richard J. Donovan Correctional Facility ("RJD") from March 2018 to mid-September 2019. In mid-September 2019, I was transferred from RJD to a mental health crisis bed at California State Prison – Corcoran ("COR") because the staff misconduct I experienced at RJD led to me experiencing a mental health crisis. In mid-October 2019, I was transferred from COR to CMF because I was still so unstable I needed inpatient mental health care.

4. During my time at RJD, I was housed on Facility A in Buildings 1, 4, and 5 during the period from March 2018 to December 2018. I was then transferred to Building 16 on Facility D from December 2018 to March 2019. Then, I was housed in Building 10 on Facility B from March to July 2019, before being transferred to Building 6.

5. I am a *Coleman* class member. I am at the inpatient intermediate level of care at the CMF PIP. I often struggle with thoughts of suicide and harming myself, and often hear voices that make fun of me and tell me to do things that I do not want to do. My current clinician and psychiatrist have diagnosed me with Bipolar Disorder, depressive type. I manage my mental health symptoms with several psychiatric medications, including Abilify, Vistaril, Zyprexa, Depakote, and Remeron. I also attend mental health groups one to two times per day, and speak with a clinician about once a week. The mental health care I currently receive has helped me to recover mentally from the severe trauma that happened to me at RJD.

6. I was a victim of staff misconduct at RJD on two distinct occasions. On September 6, 2019, I fell unconscious in my cell in Building 6 on Facility B. For about a

1 week prior to that fall, I had been experiencing strange bouts of dizziness and losses of
2 consciousness due to changes in my medication. Once they examined me, medical staff at
3 RJD sent me UCSD Health for further examination. I was escorted to the hospital in an
4 ambulance by RJD transport staff, Officer [REDACTED]. Officer [REDACTED] was part of my
5 escort, but he drove to the hospital in a separate car. When I was admitted to the hospital, I
6 was put in a hospital room. A nurse gave me a call button, which she told me that I should
7 push if I needed her.

8 7. Soon after she left, I began to feel dizzy, so I pushed the call button. No one
9 responded for a few minutes so I pressed the call button again. At the time of the first
10 incident, Officer [REDACTED] and [REDACTED] were seated right outside of my room. I was
11 handcuffed to the bed, with a privacy curtain separating me from the other patient in the
12 room. I was restrained in waist-chains and ankle chains. After I had pressed the button a
13 few times, Officer [REDACTED] came inside, and we got into a verbal altercation. Officer
14 [REDACTED] tried to grab the TV remote from my hands, and in the process of ripping it out of
15 my hands, the TV remote flung and hit me in the ^{CHIN} head. I sat up defensively. I made a
16 sound in my throat like I was preparing to spit on Officer [REDACTED], but then decided not to.
17 After I stopped making sounds in my throat, Officer [REDACTED] stood very close over and
18 said, "Do it." I interpreted his comment as provoking me to spit on him so he could assault
19 me. Without me saying or doing anything else, Officer [REDACTED] used both of his hands to
20 choke me around the front of my neck. He choked me for about ten seconds. He choked
21 me so hard that I struggled to breathe. I felt myself starting to lose consciousness. I tried
22 fighting him off with my hands and arms, but I had trouble because I was handcuffed. As
23 soon as I was able to get a breath, I yelled for help.

24 8. In response to my cries for help, three nurses and a security guard rushed
25 into the room. By the time they entered the room, Officer [REDACTED] was no longer choking
26 me, but he was still hovering over me in a menacing way. The nurses instructed Officer
27 [REDACTED] to leave the room so that they could examine me. After he left the room, I told
28 them that Officer [REDACTED] had choked me. The nurse told me that my neck was red.

1 9. Once I was discharged and transported back to RJD, I was taken to the
2 Triage and Treatment Area ("TTA"), which is the central clinic at RJD. Medical staff
3 completed a 7219 form to document my injuries. During that evaluation, I told them that
4 RJD transport staff had used excessive force against me at the hospital.

5 10. I received a Rules Violation Report ("RVR") in connection with that incident
6 for "obstructing an officer." In the RVR, Officer [REDACTED] never mentioned the fact that he
7 choked me. Instead, he claimed that he pushed me because he was cornered and couldn't
8 avoid my spit if I tried to spit on him. His version of events was not true. He was standing
9 on the side of my hospital bed and he could have easily taken a step back if he worried that
10 I was going to spit at him. In addition, I was fully restrained at the time. He did not have
11 to use any force on me, let alone choke me.

12 11. Four days after that incident, I was again assaulted by RJD staff. On
13 September 10, 2019, at around 2:30 p.m., while I was being escorted to my cell in the
14 administrative segregation unit from the medical clinic on Facility B, I began to feel dizzy
15 again. I was in waist chains, with my hands in cuffs and connected to the waist chains. I
16 told the officer escorting me that I worried I was going to pass out and asked him to take
17 me to see medical staff. He denied my request. I then walked into my cell, and sat on the
18 toilet because I was so dizzy. The officer stood outside of my cell and told me to get up
19 and turn around so he could take the cuffs off. In the administrative segregation unit,
20 handcuffs and waist chains are taken on and off through a port in the cell door, with the
21 cell door itself closed. I told him that I couldn't stand up because I was going to pass out.
22 He then left without un-cuffing me. I then sat down on the floor, in waist chains and
23 handcuffs, to avoid falling if I passed out.

24 12. About ten minutes later, Sergeant [REDACTED], Officer [REDACTED], and Officer
25 [REDACTED] arrived at my cell. I thought that they had arrived to provide me medical
26 attention. Instead, Sergeant [REDACTED] and Officer [REDACTED] entered my cell while Officer
27 [REDACTED] stood outside holding a blocker. A blocker is a big shield that officers use to
28 subdue people who are resisting a cell extraction. Officer [REDACTED] was standing in front

1 of the cell, facing into the cell, using the blocker to block the line of sight into the cell.
2 After Sergeant [REDACTED] and Officer [REDACTED] entered my cell, they both began kicking me in
3 the head. I was laying on the ground, in restraints, not resisting at all. Because I was in
4 restraints, I could not block their kicks to my head. I just had to lay there and take the
5 beating. About ten seconds later, I lost consciousness. The last thing I remember is being
6 kicked in the head over and over again.

7 13. For the next few hours, I remained on the floor of my cell, bleeding and
8 drifting in and out of consciousness. I remember hearing my neighbors calling out to me
9 and asking if I was alright. I told them I was not, and that I needed them to help me get
10 medical attention. My neighbors start yelling out to Officer [REDACTED] that he should check
11 on me, and that I was still handcuffed. In response, I heard Officer [REDACTED] say, "He
12 doesn't want to be un-cuffed."

13 14. I was found on my cell floor in restraints by housing staff nearly five hours
14 after I had been assaulted, at around 7:30 p.m. It is my understanding that officers have to
15 patrol the administrative segregation unit every 30 minutes according to CDCR policy.
16 Other incarcerated people told me that Officer [REDACTED] had been doing 30 minute checks
17 for the five hours I was lying on the floor of my cell. I believe that Officer [REDACTED] did
18 not call for medical attention because he was trying to cover up the fact that he assaulted
19 me.

20 15. When I finally became fully conscious and aware of what was going on
21 around me, I was at Sharp Hospital in Chula Vista and it was about 10:00 p.m.. I told
22 emergency room doctors there that I remembered being stomped on the chest and kicked in
23 the head by officers before losing consciousness. I was diagnosed with a forehead
24 hematoma, abrasions, and a probable concussion. I had redness and bruises on my chest. I
25 had a large bump on my forehead that was red and slightly open. At the hospital, I was
26 diagnosed with a probable concussion, loss of consciousness, and head trauma. I was then
27 discharged from the hospital.

1 16. I returned to RJD at around midnight and was then taken to the TTA. There,
2 I asked mental health staff to help me speak with a sergeant so I could report that I had
3 been assaulted. In response, mental health staff placed me on 1:1 suicide watch
4 observation. I do not know exactly why I was placed on 1:1 observation. I never
5 expressed to mental health staff that I was feeling suicidal, or that I wanted to hurt myself.
6 Mental health staff claimed that they were putting me on suicide watch for my safety. I
7 believe that they put me on 1:1 to delay me in reporting the misconduct to a supervisor. I
8 believe this because mental health staff initially denied my request to conduct a 7219 to
9 document my injuries. Because they did not want to document my injuries, and because
10 they placed me on suicide watch when I asked them to speak with a supervisor about the
11 misconduct, I feel that they were also trying to cover-up the assault on me.

12 17. I was on 1:1 suicide watch until around 8:30 a.m., when a clinician cleared
13 me after I told the clinician that I wasn't going to hurt myself. I was then released to
14 Building 6, where I promptly reported the misconduct to a mental health clinician. That
15 must have sparked something because, later that morning, two sergeants, including SERGEANT
16 Sergeant , came to speak to me. They video-recorded an interview with me in the
17 sergeant's office in Building 6. I told them exactly what happened. I first explained the
18 September 6, 2019 incident and then explained the September 10, 2019 incident. They
19 documented my injuries on video. I even pulled up my shirt to show them my bruises and
20 redness. I also requested that they preserve the video footage from Building 6 for the day
21 in question.

22 18. Right after this interview, the same sergeants conducted a second interview
23 with me about the September 6, 2019 incident. That interview was the same as the first
24 one. It lasted about five minutes, they recorded my statements on video, and they video-
25 recorded the injuries on my neck. They also told me that I didn't have to file a 602 staff
26 misconduct complaint because they were planning to launch their own investigation, and
27 they were going to request the video footage.

1 19. I do not feel that the sergeants who interviewed me really cared about my
2 allegations. Each interview lasted only about five minutes. In fact, they started the
3 interviews by telling me to not take too long because they wanted them to be quick. I have
4 not heard anything regarding my request for the video footage. I have also not received
5 any updates on the status of either investigation into my allegations.

6 20. A few weeks later, I filed a 602 staff misconduct complaint regarding the
7 second incident of staff misconduct. I did not file a 602 about the first incident because the
8 sergeants told me that I did not need to. I only filed a 602 about the second incident
9 because a friend advised me to. I have not yet received a response to my 602. I have
10 received at least two notices that RJD needs more time to respond to my 602.

11 21. These incidents made me feel so degraded. Being treated by staff in this way
12 made me feel like staff didn't care about my life, and that they wanted me to die. These
13 incidents made my mental health much worse. A couple of days after the second incident,
14 I attempted suicide in front of custody and mental health staff by swallowing an overdose
15 of my psychiatric medication. The trauma from the incidents gave me nightmares for
16 weeks. To this day, I am still paranoid that, if I look at an officer the wrong way, they will
17 beat me up.

18 22. After the incidents, staff at RJD continued to give me trouble. For example,
19 when I would return to my cell after seeing my clinician, the contents of the cell, including
20 my property, would be scattered all over the cell. When I asked one of the officers why
21 they were harassing me, he said, "Because of you, something is going to happen to Officer
22 [REDACTED], and that's messed up because he's a good guy." Because of that statement, I
23 feel that staff at RJD were retaliating against me for reporting misconduct.

24 23. I witnessed officers neglect the needs of incarcerated people on many
25 occasions. For example, while housed on Facility A, I saw officers ignore violence many
26 times. I saw officers literally turn their back and walk away as a person lay on the ground
27 bleeding from their stomach after a stabbing. Officers on Facility A would commonly say
28 things like, "No attacks in the building, handle all that on the yard." I interpreted this as

1 staff not caring about people's safety and encouraging to fight on the yard. Seeing so
2 much violence, and staff encouraging it, made me very depressed.

3 24. While on Facility A, I overheard Officer [REDACTED] tell people that, "If you
4 don't take your medication, I'll have the inmates go into your cell and fuck you up." It
5 was well known that Officer [REDACTED] worked with incarcerated people to assault other
6 incarcerated people. It is my understanding that he paid people by giving them stolen
7 canteen items. On multiple occasions, I also saw Officer [REDACTED] give incarcerated people
8 extra privileges, like extra dayroom access and more phone access, in exchange for
9 assaulting other incarcerated people for him.

10 25. I often heard Sergeant [REDACTED] threaten and intimidate incarcerated people on
11 Facility B. He would say things like, "You want boots? We'll give you boots. Watch
12 when you get to the yard, I got something for you!" I interpreted this as him saying that he
13 was willing to stomp on incarcerated people with his boots.

14 26. Up until my transfer in September, 2019, I would see Sergeant [REDACTED],
15 Officer [REDACTED], and Officer [REDACTED] nearly every day because they regularly worked
16 Third Watch from 2:00 p.m. to 10:00 p.m. in Building 6 on Facility B, where I was
17 housed. I had to interact with them nearly every day even after I accused them of staff
18 misconduct. Officer [REDACTED] commonly denied me access to the phone even though I was
19 in administrative segregation with non-disciplinary status, meaning that I should have had
20 access to the phone. It seems that those officers spread the word that I had reported them,
21 because I was threatened before leaving RJD. A few days before my transfer, an officer
22 who worked on the yard told me, "You know what's going to happen if you come back,
23 don't come back here."

24 27. In my opinion, staff at RJD target people with mental illnesses. I believe that
25 staff target people with mental illnesses because they aren't able to advocate for
26 themselves due to their mental illnesses. Officer [REDACTED], for example, did not like people
27 who were in the EOP. I heard him say, "I won't do anything for an EOP inmate." He
28 would commonly allow non-EOP people to move cells in the building, but he never

1 allowed an EOP person to do that. I think that staff harass people with mental health
2 issues because they make their jobs more difficult, and the staff do not understand mental
3 illness very well.

4 28. It's my opinion that a lot of the staff misconduct at RJD is because of drugs
5 and cell phones that staff and incarcerated people bring into RJD and sell. Drugs were a
6 big problem at RJD. I personally witnessed overdoses on the yard about two to three times
7 per week. When there are drugs, people act out, and staff respond by using force when
8 they don't need to.

9 29. I have been in CDCR prisons for about 20 years of my life. I've been
10 housed in a number of different CDCR prisons, including CMF, RJD, COR, CSP – Los
11 Angeles County, California Rehabilitation Center, Pleasant Valley State Prison, and North
12 Kern State Prison. The staff misconduct at RJD is worse than at any other institution,
13 except for COR. At RJD, the staff misconduct happened more frequently, and more out in
14 the open – like in the yard, or in the dayroom – than at other institutions. Staff just seemed
15 to be very quick to use excessive force. At other institutions, I also never saw staff allow
16 and encourage people to assault other people. That conduct was unique to RJD.

17 30. I believe one of the reasons there is so much staff misconduct at RJD is
18 because there is no accountability for staff. They didn't even care about investigating my
19 allegations; they spent only five minutes speaking with me about my serious allegations
20 and injuries. At RJD, supervisory staff, including sergeants like Sergeant [REDACTED] who
21 assaulted me on September 10, 2019, are also involved in misconduct. In my opinion, the
22 involvement of supervisory staff makes it even harder for there to be accountability.

23 I declare under penalty of perjury under the laws of the United States of America
24 that the foregoing is true and correct, and that this declaration is executed at
25 Vadaville CMF, California this 24 day of January 2020.

Exhibit 15a

Filed Under Seal

Exhibit 15b



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October 10, 2019

VIA ELECTRONIC MAIL ONLY

<p>PRIVILEGED AND CONFIDENTIAL</p> <hr/> <p>SUBJECT TO PROTECTIVE ORDERS</p>
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Nicholas Weber
CDCR Office of Legal Affairs
nicholas.weber@cdcr.ca.gov

Re: *Coleman v. Newsom*: Advocacy Letter re EOP Class Member,
[REDACTED] Regarding Staff Misconduct at RJD
Our File No. 0489-03

Dear Nick:

I write regarding [REDACTED] a *Coleman* class member who reports that staff at Richard J. Donovan Correctional Facility (“RJD”) assaulted him on two separate occasions. [REDACTED] is at the EOP level of care, and he is currently housed at CSP—Corcoran.

I. Summary of September 6, 2019 Incident

On September 6, 2019, [REDACTED] reports that he was found unconscious in his cell by housing staff in Facility B6 around the time of morning pill call. At the time, he reports, he was experiencing bouts of dizziness and loss of consciousness due to changes in his medication. After encountering him unconscious on the floor, staff then sent [REDACTED] to a health care provider outside of the prison, UCSD Health. Officer [REDACTED] rode along with [REDACTED] in the ambulance, and Officer [REDACTED] met the ambulance at the hospital.

[REDACTED] was admitted to UCSD Health. He reports that his nurse, Alyssa, instructed him to use the call button if he needed medical attention. After doctors performed a number of tests on him, [REDACTED] reports that he began to feel dizzy again, as if he was about to lose consciousness. He reportedly activated the call button. After minutes had passed without any response, he reportedly hit the call button again.

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A verbal altercation then ensued between [REDACTED] and Officer [REDACTED] over [REDACTED] pressing the call button. Officer [REDACTED] reportedly yelled at [REDACTED] multiple times to “stop pressing that fucking button.” Next, Officer [REDACTED] reportedly grabbed the TV remote from [REDACTED]’ hand, and hit him in the head with it; in reaction, [REDACTED] raised his body defensively, which Officer [REDACTED] perceived as a threat.

Officer [REDACTED] then moved closer to [REDACTED]—reportedly hovering over him as [REDACTED] lay handcuffed to his hospital bed—and egged him on, asking him “what are you gonna do, huh?” [REDACTED] replied, “I’m not gonna do nothing man, get out of my face.” Officer [REDACTED] then asked [REDACTED] again “what are you gonna do,” and [REDACTED] again denied that he was threatening him, saying “I’m not gonna do shit, I have handcuffs on.” After saying that, Officer [REDACTED]—who had been observing the altercation from the corner of the room—closed the door. Officer [REDACTED] then reportedly proceeded to choke [REDACTED] while Officer [REDACTED] looked on. [REDACTED] struggling to breath and attempting to fight off Officer [REDACTED], then yelled for help.

When three nurses and an unknown security guard responded to [REDACTED]’ cries for help, Officer [REDACTED] had already stopped choking him but reportedly remained hovering over [REDACTED]’ bed in a threatening manner. One of the nurses named Alyssa started arguing with Officer [REDACTED] telling him that he needed to step away from the patient. Eventually, according to [REDACTED], the nurses made Officer [REDACTED] leave the room so they could examine him. [REDACTED] then proceeded to report the incident to the nurses, telling them that he had been choked by Officer [REDACTED]. Nurse Alyssa then conveyed that, because she had not seen the choking, she could not make a report about that allegation, but reportedly confirmed that there was visible redness around his neck.

Upon returning to RJD, [REDACTED] reports that Sgt. [REDACTED] in the TTA ordered a 7219 form to be completed which reportedly noted injuries on the back of [REDACTED]’ neck and also included Mr. [REDACTED]’ statement that he had been assaulted by an officer. Plaintiffs’ counsel confirmed that, according to his health care record, a 7219 was completed and new injuries were identified. Plaintiffs’ counsel request a copy of the 7219 that was generated in response to this incident. A copy of the note from his health care record confirming that a 7219 was completed is attached as **Exhibit A**.

[REDACTED] reports that he ultimately received an RVR in connection with this incident for “delaying a peace officer in the course of his duties.” According to [REDACTED], Officer [REDACTED] alleged that [REDACTED] delayed him in his duties because he

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had to prevent [REDACTED] from pressing the button.¹ Plaintiffs' counsel request a copy of the 115 and all supporting documents.

II. Retaliation and Additional Assault on September 10, 2019

[REDACTED] reports that he was assaulted by officers at RJD just days after the first incident. He believes this second attack was in retaliation for reporting the staff misconduct against Officers [REDACTED] and [REDACTED] on return to RJD. On September 10, 2019, around 2:30 p.m., [REDACTED] reports being escorted to his cell from the ASU yard in waist-chains. As he walked to his cell, he told the escorting officer, whose name he could not recall, that he was feeling unwell, and that he needed medical attention because he was afraid that he was about to lose consciousness again.

The officer let [REDACTED] into his cell without further comment. [REDACTED] proceeded to walk into his cell, with waist-chains still on, and sat down on the floor. He reports that after about 10 minutes, and while he was still feeling dizzy, Sergeant [REDACTED] Officer [REDACTED], and Officer [REDACTED] arrived at his cell front. [REDACTED] believed at the time that they intended to provide him medical attention. Instead, Sergeant [REDACTED] and Officer [REDACTED] entered his cell while Officer [REDACTED] stood at his cell front with a blocker—a device, [REDACTED] states is commonly used in cell extractions and which can be used to obstruct the cameras. After the two officers entered his cell, [REDACTED] reports that Sergeant [REDACTED] and Officer [REDACTED] began kicking him in the head while he was on the ground and still in restraints. [REDACTED] reportedly lost consciousness soon after the beating began, and could not recall how long the assault lasted.

[REDACTED] does not believe any alarm was sounded in response to this incident until [REDACTED] was found by housing staff on a different shift around 7:30 p.m.—nearly five hours later. Officers patrolling the ASU every 30 minutes—pursuant to CDCR policy—failed to respond to [REDACTED]. During that five hour period, [REDACTED] reported that he remained on the floor of his cell in waist-chains, drifting in and out of consciousness, and bleeding.

The timeline presented in [REDACTED]'s allegations are consistent with his medical records. On the date in question, a First Medical Responder report indicates that [REDACTED] was found unresponsive on the floor of his cell at 7:34 p.m. and sent to the

¹ Note that this is a consistent pattern that has been reported by multiple *Armstrong* and *Coleman* class members over the past two years—that when class members are assaulted by staff at RJD, staff in turn write the class members up. See **Exhibits E through I**. This pattern is also alleged in our recent advocacy letter on behalf of [REDACTED]

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TTA. *See Exhibit B.* He was then sent to Sharp Chula Vista Medical Center, and was admitted at 10:18 p.m. *See Exhibit C.* He reported to emergency room doctors that he remembered being “stomped on the chest ... [and] kicked in the head” around 3:00 p.m. by custody officers before he lost consciousness. *Id.* at 1. The ER intake notes state that he had an apparent forehead hematoma with an abrasion, and a probable concussion. *Id.* at 2 and 3.

Once he was discharged from Sharp, early the next morning, [REDACTED]’ returned to RJD and asked to speak with a sergeant to report the incident. Note that, disturbingly, mental health staff document that, in response to the allegation that he was assaulted by staff, he should be placed on 1:1 suicide watch observation because, “if sent to his housing unit, he might injure himself intentionally and claim the injury was from staff beating him up.” *See Exhibit D.* In other words, mental health staff in this case appear to be primarily concerned with protecting custody staff from assault charges, rather than documenting the patient’s injuries or assisting him in managing the trauma from the assault.

[REDACTED] reported the incident, and reported that he was video-interviewed by officers in the ASU as part of the investigation into his allegations, as required by DOM Section 51020.17.2. In his interview, he requested that the footage from B6 on the day in question be preserved, but he has not heard back regarding his request or the status of the investigation. In addition, the initial response should have included completion of a CDCR Form 3013-1 and/or 3013-2. Plaintiffs’ counsel request copies of these forms and a copy of the videotape. [REDACTED] never received any documentation of this incident, and it does not appear that any incident report was generated by the officers involved. If there was any such paperwork, Plaintiffs’ counsel request complete copies.

III. Conclusion

The allegations raised by [REDACTED] are consistent with both his medical records and the patterns found in allegations raised by other class members reporting staff misconduct at RJD. In particular, we have received reports of staff assaulting class members in response to legitimate requests for accommodations or medical attention. Many class members—even those who have not been the victims of staff assaults—also believe that staff members assault class members in retaliation for filing staff misconduct grievances. These patterns have been reported by Plaintiffs’ counsel on many different occasions, and yet, they persist.

Plaintiffs’ counsel requests an update on the status of the investigation into these two allegations of staff misconduct by [REDACTED]. Plaintiffs’ counsel also requests that

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both of these serious allegations of misconduct be reviewed by investigators from outside of RJD. In the interim, the named officers should not be permitted to have contact with [REDACTED]

Plaintiffs' counsel also requests that the investigators determine whether the use of force discussed above complied with Defendants' policies developed in response to the Coleman Court's Apr. 10, 2014 order and approved by the Coleman Court. *See* April 10, 2014 Order, ECF No. 5131; Defs.' Aug. 1, 2014 Policies ECF No. 5190; Aug. 11, 2014 Order Approving Policies, ECF No. 5196. Specifically, Plaintiffs request a determination regarding whether a choke hold was used in [REDACTED]'s case as use of force protocols forbid the use of choke holds in any case except where deadly force is warranted. *See* DOM § 51020.5. Given that [REDACTED] reported the assault and health care records indicate that [REDACTED] sustained serious bodily injury under DOM Section 51020.4—loss of consciousness and a forehead hematoma with an abrasion, and a probable concussion—Plaintiffs' counsel request confirmation that a Departmental Executive Review Committee was timely completed. *See* DOM § 51020.4. Please confirm that the required video interview of [REDACTED] was conducted timely—within 48 hours—and documented his injuries and his statement. *See* DOM § 51020.17.3.

Every effort should be made to identify all witnesses to this incident who might be willing to participate in an investigation including any incarcerated people, non-custody staff members, or others who may have witnessed the assault that occurred on September 10, 2019, and/or its aftermath. In addition, all evidence, including photographs and videos of [REDACTED]' injuries and video footage of the event itself, should be obtained and preserved immediately for review.

In total, Plaintiffs' counsel also requests that Defendants produce the following documents: (1) any 602s filed by [REDACTED] in relation to these events; (2) any 7219s generated in relation to these events; (3) any memoranda regarding these incidents drafted by UCSD staff or RJD medical staff; (4) any 115s received by [REDACTED] on or within three days of the above incidents; (5) any Serious Bodily Injury worksheet, Form 3013-1; (6) any Inmate Interview for Allegation worksheet, Form 3013-2; 7) any CDCR 3014 Report of Findings of Inmate Interview; and (8) any CDCR Form 837-C Staff Crime Incident Reports generated in response to both incidents.

Plaintiffs' counsel request that staff do not engage in retaliation, including against [REDACTED] and any witnesses, in response to these allegations.

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We look forward to your prompt response regarding these serious allegations.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Penny Godbold

By: Penny Godbold
Of Counsel

PG:JRG:cg

Enclosures (Exhibits A-I)

cc: Ed Swanson
Co-Counsel
Roy Wesley
Coleman Special Master Team
Armstrong Plaintiffs
Coleman DAG Team
Armstrong CDCR OLA
Coleman CDCR OLA

Exhibit 15c

OFFICE OF LEGAL AFFAIRS

Jennifer Neill

General Counsel

P.O. Box 942883

Sacramento, CA 94283-0001



October 30, 2019

VIA EMAIL ONLY

Penny Godbold

Rosen, Bien, Galvan & Grunfeld

Pgodbold@rbgg.com

RE: *COLEMAN V. NEWSOM*: ADVOCACY EMAIL RE: [REDACTED]

Dear Ms. Godbold:

I write in response to your October 10, 2019 letter regarding *Coleman* class member [REDACTED]. Mr. [REDACTED] reported to you that he was “choked” by a staff member on or about September 6, 2019, while awaiting medical care at an outside medical provider. [REDACTED] also reported a second incident occurred in the ASU on September 10, 2019. [REDACTED] reported to you that he believed the second incident was in retaliation for reporting the earlier misconduct.

Prior to the receipt of your letter, a thorough inquiry was already completed.¹ The inquiry included a review of all available incident reports (CDCR 837), a review of the Medical Report of Injury or Unusual Occurrence (CDCR 7219), and the Strategic Offender Management System and Richard J. Donovan (RJD) ASU Sign In/Out Logs.

As to the September 6 allegation, a review of the 7219, Medical Report of Injury or Unusual Occurrence, showed [REDACTED] exhibited no injuries consistent with his allegation of choking on or about September 6, 2019. Two interviews with [REDACTED] resulted in contradictory testimony. When [REDACTED] was undergoing a post incident medical evaluation, he stated that the nursing staff at the outside medical provider had witnessed the alleged assault. Later, during an

¹ DAI and delegated RJD staff conducted the fact finding inquiry into the allegations identified in this letter in accordance with the Department’s Operations Manual, Article 22. The Department is currently in the process of revising that policy and, once approved and adopted, future fact finding inquiries will comply with the new policy.

CONFIDENTIAL: FOR ATTORNEYS’ EYES ONLY

SUBJECT TO PROTECTIVE ORDERS

Ms. Penny Godbold
Page 2

interview, [REDACTED] admitted no nursing staff was present in the room during the alleged altercation. Additionally, a review of all sources and documents pertaining to the allegation of unnecessary/excessive use of force was conducted. Multiple contact attempts to interview the external medical provider nursing staff were not successful due to the external medical staff not returning calls to the investigator. Upon completion of the review, there is insufficient information to support a finding of excessive or unnecessary use of force.

As to the September 10, 2019, allegation, the matter has been referred to the Office of Internal Affairs (OIA) for an administrative investigation.

As such, your request for investigatory documents related to the described incidents is denied pending the outcome of an investigation. Documents that are available to [REDACTED], such as any 115 issued or 602 filed by him related to these events, can be released to him directly, or to you, with an appropriate signed authorization that identifies you as counsel of record for these non-class action allegations. It is CDCR's position that the allegations you raised in your letter are not within the scope of the *Coleman* case and, therefore, you are not entitled to them as class counsel.

In summary, after a review of the available records and testimony, the allegations made by [REDACTED] have been addressed individually. CDCR considers the September 6 inquiry closed. The September 10 inquiry has been referred to OIA for further investigation.

Sincerely,

/s Ursula Stuter

URSULA STUTER
Attorney
Office of Legal Affairs

Cc: Nick Weber, Attorney III
Melissa Bentz, Attorney

Exhibit 16

DECLARATION OF [REDACTED]

I, [REDACTED] declare:

1. I am a party in the above-entitled action. 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.

3. I was housed at Richard J. Donovan Correctional Facility (RJD) for approximately three years, from mid-2016 until September 2019. I do not recall the exact dates.

4. During my time at RJD, I was housed in Building 2 on Facility A.

5. I am a *Coleman* class member. I am at the EOP level of care. I have depression, though I am feeling much better now that I am not at RJD.

6. While at RJD, I witnessed events related to a serious act of staff misconduct. On April 24, 2019, I witnessed Mr. [REDACTED], another person incarcerated in my building, being kept in his cell by the officers, while everyone else from Building 2 was released for chow. I saw this because I stayed in the building during dinner that night. I saw that Mr. [REDACTED] was released from his cell only after everyone else had either left the building for dinner or had, like me, been locked into their cells. I watched through the crack between the cell door and the door frame as Mr. [REDACTED] walked from his cell to the exit for the building.

7. I did not see Mr. [REDACTED] until he came back into the unit some time later in the day. He told me that three officers then entered the sallyport from outside of the building, trapping him between the closed gate and the officers. He told me that the officers then attacked him. Mr. [REDACTED] looked like the officers had beaten him very badly. He was still bleeding from his head and his face was bruised and swollen. His arm looked broken between his wrist and elbow. He looked like he was in a lot of pain.

1 8. Mr. [REDACTED] told me that he had been assaulted by multiple staff members
2 in the sallyport, which is a small hallway that goes in between the inside of the housing
3 unit and the outside yard. The sallyport has two gates, one at each end of the hallway, that
4 are controlled by the tower officer. Mr. [REDACTED] told me that after he passed through the
5 first gate in the sallyport (the gate closest to the inside of the building) on the way to
6 dinner, the tower officer, Officer [REDACTED], closed the gate behind him.

7 9. Though I did not see Mr. [REDACTED] being assaulted, I did see two of the
8 officers who Mr. [REDACTED] said had assaulted him—Officers [REDACTED] and [REDACTED]—inside
9 Building 2 shortly after Mr. [REDACTED] went into the sallyport.

10 10. When Mr. [REDACTED] returned to the building, I tried to help him get some
11 medical attention. I talked to both the nurse in the unit, Nurse Sanchez, and Officer
12 [REDACTED]. They both refused to call for medical help or to have Mr. [REDACTED] transported
13 to the TTA clinic.

14 11. Finally, a male nurse in the building, who refused to give me his name,
15 documented Mr. [REDACTED]'s injuries. He also refused to call for additional medical
16 attention. He said "I made the documentation, that's all I can do."

17 12. Instead of getting him help, Officer [REDACTED] made Mr. [REDACTED] return to
18 his cell. At this point, other incarcerated people in the unit were starting to get upset about
19 how bad Mr. [REDACTED]'s injuries looked and that he was not able to get any help from staff.
20 Officer [REDACTED] said that Mr. [REDACTED] was inciting a riot so he couldn't be out of his cell.

21 13. Officer [REDACTED] said he thought Mr. [REDACTED] was disrespecting him
22 because he muttered under his breath with he tried to talk to him. Later, I explained to
23 Officer [REDACTED] that Mr. [REDACTED] was not being disrespectful. I explained that
24 Mr. [REDACTED] is mentally ill and that he always talks to himself. Officer [REDACTED] finally
25 relented and got Mr. [REDACTED] some help. At this point Mr. [REDACTED] had gone hours
26 without medical attention.

1 14. I have observed many other incidents of staff misconduct at RJD. I have
2 been in prison 33 years, and RJD is the worst prison I've been in because of the way
3 officers treat people and the number of incidents of staff misconduct. It is a huge problem
4 because it continues to happen without anything changing. CDCR just lets it happen and
5 so staff keep doing it.

6 15. On one occasion, I saw Mr. [REDACTED] get beaten badly by multiple custody staff.
7 I was in the day room and I saw custody staff beating him outside of his cell so badly that
8 he they appeared to knock him unconscious. Even after he appeared to be unconscious,
9 the officers continued to beat him up. I heard from other prisoners that the officers beat
10 him so badly that Mr. [REDACTED] was in a coma. I heard that staff beat him because he had a
11 verbal altercation with Officer [REDACTED].

12 16. On more than one occasion, Officer [REDACTED], who regularly works in the
13 tower in Building 2, joked over the intercom about the number of write ups for staff
14 misconduct he has gotten. He said things like, "I just got write up 89. Yay! CCPOA
15 baby. I've been fired three times and they still can't get rid of me. If you are planning to
16 write me up just make sure you spell my name right."

17 17. That same officer, Officer [REDACTED], when people ask him for help, would say
18 over the intercom statements like, "Get out of here with that bullshit or someone is going
19 to get shot today. I feel like shooting someone today." When he said things like that, I
20 feared for my life.

21 18. In my opinion, staff at RJD seem to especially harass people who are EOP. I
22 believe this happens because the staff believe people with mental illness are weak. I
23 definitely saw people with mental illness who were treated with less respect from staff.
24 Mr. [REDACTED] being unable to get medical attention because he had muttered under his
25 breath is just one example.

26 19. The lack of respect by staff at RJD caused me to feel suicidal. One night I
27 remember feeling suicidal because I had heard staff call someone a "nigger" multiple times
28

1 over the course of the day. That just really got to me and I started to feel really bad about
2 myself. It made me lose hope of feeling like a human being in prison. I do not remember
3 the date that happened. But staff disrespecting people happened very often.

4 20. The way the officers treat people made me not want to ask for help from
5 staff.

6 21. In my opinion and given my experiences, the staff misconduct at RJD causes
7 people to become more mentally ill.

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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 Soledad,
11 California this 18 day of December, 2019.

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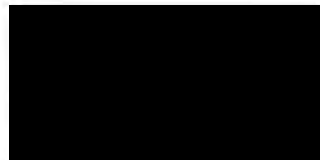
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Exhibit 16a

Filed Under Seal

Exhibit 17

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 D in Building 20. I am 78 years old.

3. I have been housed at RJD from August 2012 to the present. During my time at RJD, I have been housed in the D20, D17, and D5 Units.

4. I am an *Armstrong* class member. I am designated as DPM and DNH. As accommodations for my disability, I am housed on the ground floor and on a lower bunk, and I use a walker and cane to ambulate. I damaged my back in a series of automobile accidents while working as a truck-driver before I came to prison. I have had three laser surgeries on my back to correct injuries from these accidents. I now have bad back problems and easily lose my balance when walking without support, so I use a walker for stability. Due to my age, I also have progressive hearing loss, so I use hearing aids to help me hear.

5. I have a number of serious medical conditions. I have been diagnosed with diabetes for the last twenty years. I am prescribed a medical diet for my diabetes. I also have peripheral neuropathy as a result of my diabetes, which makes me lose sensation in my feet. I need orthotic shoes as a result of the diabetes. I also have high blood pressure and heart spasms. The doctor has prescribed me anti-hypertensive medications to keep my blood pressure low. I am classified as high risk medical.

6. I was a victim of staff misconduct at RJD. Staff have repeatedly hit me with my cell door. As a recent example, on December 9, 2019, at approximately 7:00 p.m., my cell door opened for dayroom. I started to exit my cell to go to dayroom. Because I keep my walker outside of my cell, I have to hold onto the cell walls and door as I slowly exit the cell. As I was slowly moving through the cell door, the cell door began to close on me.

1 In my panic, I fell against the wall, banging my shoulder hard against the wall. As I fell, I
2 yelled "Wait up! Hold up!" and propped myself up against the wall. Another incarcerated
3 person, [REDACTED], also yelled at the tower officer "Old and Slow!" to make it clear
4 that I needed more time. The tower officer then opened up the door again and let me out
5 of my cell. As I left my cell, I could see that the officer working in the tower that day was
6 a new officer. [REDACTED]

7 7. Staff have closed my cell door on me multiple times in the past. For
8 example, an incident similar to the one described above occurred on December 8, 2019. I
9 would estimate that staff endanger me by closing the cell door while I am still in the
10 doorway a few times a week. I have been regularly bruised from falling down due to staff
11 closing my cell door on me. Time and again, I tell staff that I need more time to get into
12 and out of my cell, but they do not always listen. Due to the frequency of these incidents, I
13 have learned how to fall against my cell wall as safely as possible, because I know that
14 staff will not give me enough time to get into or out of my cell.

15 8. I have also had serious problems with Officer [REDACTED], who has frequently
16 closed the door on me while working as the control tower officer in my unit. After this
17 happened multiple times in May 2019, I filed a staff misconduct complaint against him. I
18 later talked to a sergeant and lieutenant about my concerns. I told them about my
19 problems getting into and out of my cell and how officers frequently did not give me
20 enough time due to my mobility impairment. After this conversation with supervising
21 officers, I ceased having problems with Officer [REDACTED]. However, whenever a new officer
22 begins working in the tower, similar problems occur.

23 9. I have also seen officers close the door on other incarcerated people with
24 disabilities in my unit. I have frequently heard other elderly incarcerated people yell for
25 more time as they rush to get into and out of their cells without having the door closed on
26 them. Many officers in my unit seem indifferent to the needs of elderly incarcerated
27 people with disabilities. For example, I heard Officer [REDACTED] tell another elderly
28 incarcerated person, "Don't you die on my shift, why don't you go down a different time."

1 10. I still see the officers that were involved in the staff misconduct against me
2 and other incarcerated people every day. For example, Officer [REDACTED] still works in my
3 unit, as do the other officers who have closed the door on me.

4 11. In my time at RJD, there have been many times that I did not ask for help I
5 needed because I was afraid of what would happen to me. Rather than talking to officers
6 about my needs, I just wait and hope for someone to notice my needs and assist me. For
7 example, I frequently feel pain in my chest, but do not tell officers or report my concerns
8 because I believe they will not care about what I am going through and will not provide me
9 with the help I require.

10 12. In my opinion, staff target elderly incarcerated people with staff misconduct.
11 I feel that officers target elderly people because we are higher needs and officers do not
12 want to have to work harder to take care of people who need more assistance. In
13 particular, officers do not want to have to complete paperwork on their shifts, so they will
14 often ignore the needs of people with disabilities who may need assistance.

15 13. I have been in CDCR prisons for about 13 years of my life. I have been
16 housed in a number of different CDCR prisons, including RJD, California Correctional
17 Institution, CSP – Corcoran, CSP – Los Angeles County, and Pleasant Valley State Prison.
18 The conditions at RJD are some of the worst I have ever experienced. The staff at RJD are
19 mean, cold, and do not care one whit about people incarcerated here – particularly elderly
20 prisoners who have disabilities.

21 ///

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1 14. I believe the reason there is so much staff misconduct at RJD is because the
2 supervising staff do not effectively control and monitor officers under their watch. From
3 what I have experienced, supervisory staff do not care enough to make sure that officers
4 follow the rules and take care of incarcerated people at RJD.

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

7 San Diego, California this 07 day of January, 2020.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

Exhibit 17a

INSTITUTION (Staff use only) <i>RJDCF</i>	LOG NUMBER (Staff Use Only) <i>RJD-D-19-</i>	DATE RECEIVED BY STAFF: Received FEB 06 2019 RJDCF Appeals
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*****TALK TO STAFF IF YOU HAVE AN EMERGENCY*****

DO NOT use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDC 7362 or a CDCR 602-HC

INMATE'S NAME (Print) [REDACTED]	CDCR NUMBER [REDACTED]	ASSIGNMENT <i>Porter</i>	HOUSING <i>020</i>
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INSTRUCTIONS:

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.
- If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or CDCR 602-HC if you are disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM?

*I have Trouble getting out of the cell for day room and yard.
I am mobility impaired and need more time to get up and out.*

WHY CAN'T YOU DO IT?

The Control Tower does not give consideration to the old and mobility impaired. He shuts the door before I can get out.

WHAT DO YOU NEED?

I need more time to exit, at least 2 minutes.

(Use the back of this form if more space is needed)

DO YOU HAVE DOCUMENTS THAT DESCRIBE YOUR DISABILITY?

Yes ☒ No ☐ Not Sure ☐

List and attach documents, if available:

Chrono's on file

I understand

Signature to cooperate may cause this request to be disapproved.

2-5-19
DATE SIGNED

Assistance in completing this form was provided by:

Last Name

First Name

Signature

Exhibit 18

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 Facility B in Building 2.

3. I was housed at Richard J. Donovan Correctional Facility ("RJD") from June 24, 2017 until September 11, 2019. During my time at RJD, I was housed in the A1 Unit and the B7 Administrative Segregation Unit ("ASU") Building.

4. I am an *Armstrong* class member. I am designated as DLT. My left knee goes all the way out when I walk due to a torn lateral meniscus and chronic arthritis, meaning that I need help from a walker, cane, or other assistive device in order to walk and function in the prison. As accommodations for my mobility impairment, I have chronos for a lower bunk on a lower tier, a knee brace, a walker, and a mobility impaired vest. My disabilities, limitations, and accommodations were the same during the time that I was at RJD.

5. I am also a *Coleman* class member. I am currently at the CCCMS level of care. Previously, including for the time that I was at RJD, I was at the EOP level of care. I suffer from severe depression and anxiety. At times, I have struggled with major depression. I have been prescribed Remeron, an anti-depressant, for my depression. The anti-depressants I take help to stabilize my mood.

6. I was a victim of staff misconduct at RJD. On June 7, 2018, I was stabbed in the dayroom of Building 1 on Facility A at RJD with a nail by another prisoner named [REDACTED]. It is my belief and understanding that Mr. [REDACTED] was paid in tobacco by staff at RJD to attack me.

7. That day, I was walking to dinner in my housing unit when Mr. [REDACTED] came up behind me and stabbed me on my left side, under my armpit, with the nail. Once he

Initials: [REDACTED]

1 stabbed me, I jumped back and grabbed my side. At the time, Officer [REDACTED] and Officer
2 [REDACTED] were standing twenty feet away. The two officers ran towards us, but did not
3 immediately hit their alarms in spite of the fact that I was bleeding and Mr. [REDACTED] was still
4 holding the weapon in his hand. For several minutes, Mr. [REDACTED] and I were facing each
5 other, squared off without any intervention from custody staff. Finally, Officer [REDACTED]
6 yelled out from the control tower, "You're either going to fight, go to chow, or go to your
7 cell." Several more minutes elapsed before the alarm was activated.

8 8. I was then taken to the gym and put into a holding cage. After twenty
9 minutes in the cage, I asked Mr. [REDACTED] who was in a holding cage near me, why he had
10 assaulted me. He told me that the officers had paid him in tobacco to assault me.

11 9. After about 45 minutes in the cage, a nurse arrived to conduct a 7219
12 medical evaluation. I showed her my wound, she documented the injury, and then left the
13 gym. Officer [REDACTED] arrived roughly ten minutes later to tell Mr. [REDACTED] that he was being
14 charged with battery on a prisoner with a weapon. He then left the gym. Meanwhile, I
15 was still sitting in the holding cage, bleeding from the wound to my side.

16 10. I stayed in the holding cage for about another hour before Officer [REDACTED]
17 returned. Officer [REDACTED] told Mr. [REDACTED] that he was now only being charged with
18 possession of an inmate-made weapon. Officer [REDACTED] then left again, leaving me still
19 bleeding in the holding cage.

20 11. Roughly ten minutes later, a lieutenant and a sergeant came into the gym.
21 They told me and Mr. [REDACTED] to sign a document called a "marriage chrono" stating that we
22 agreed that we could be safely housed together on the yard. Both of us refused to sign the
23 marriage chrono. The lieutenant and the sergeant then left the building. I was still in the
24 holding cage.

25 12. Approximately one hour later, after I had been in the cage for about four
26 hours, a sergeant told officers to take my bloody clothes and give me a new clean change
27 of clothes. By this point, my wound had stopped bleeding. I was taken to the CTC, where
28 I was seen by a nurse. The nurse cleaned up my wound and bandaged it, and then got onto

1 the phone and talked to the doctor. After speaking to the doctor, I was cleared by medical
2 staff be housed.

3 13. I then told the nurse and the CTC officers that I wanted to go to the ASU
4 building due to safety concerns. I was afraid that if I went back to Facility A, officers
5 would have another incarcerated person attack me.

6 14. I believe the officers wanted to assault me because I frequently helped others
7 file 602s about harassment and other staff misconduct. I also frequently filed my own
8 602s about issues at RJD. One of the issues I had filed a 602 about was not being able to
9 get a job because I was EOP. It was not until I filed this appeal that I was able to get my
10 clerk position.

11 15. When I asked to go to the ASU, I was asked why, and I told them about my
12 safety concerns. The sergeant and lieutenant told me that I could not go to ASU for safety
13 concerns against staff. I was told that if I refused to go back to my housing unit, I would
14 be sent to the ASU for refusing to house. Because I refused to house, I was then taken to
15 ASU. I was given three write-ups: two for "Refusal to Accept Assigned Housing" and
16 another for "Behavior that Could Lead to Violence."

17 16. The next day, while in ASU, my wound began to bleed again. At around
18 8:30 A.M. that morning, a nurse walked by my cell and I showed him my bleeding wound.
19 I was then taken to see Dr. Lee in the medical building. The doctor told me that I might
20 have internal injuries, so I was taken to get an X-Ray and prescribed a painkiller and
21 antibiotic. The doctor also used a liquid glue to stitch my side back together. I was then
22 returned to ASU.

23 17. After returning to the ASU, I wrote a 602 against the officers in the A1 Unit
24 for what had happened to me. The officers working in the ASU refused to take the form.
25 In protest, I went on a hunger strike for twelve days. While I was on a hunger strike, I
26 refused all food and only drank water. Going on a hunger strike made me feel dizzy,
27 nauseated, and sick, but I felt it was the only way to make my voice heard.
28

1 18. Several days later, while I was still on a hunger strike, I was taken to Sharp
2 Hospital because of my high blood pressure due to my hunger strike. While at the
3 hospital, I received a series of tests on my heart and was transferred to Tri-City Medical
4 Center for further care. After a day at Tri-City Medical Center, a CDCR employee –
5 whose name I do not know – came to my hospital bed and asked me why I was on a
6 hunger strike. I told him about how staff had paid another incarcerated person to attack me
7 and how staff had refused to process my 602 on the issue. He told me that if I stopped my
8 hunger strike, he would make sure my appeal was filed. Based on his promise, I agreed to
9 stop my hunger strike. Due to the amount of time I went without eating, I was kept in the
10 hospital for another four days to recover.

11 19. I was then sent back to RJD and returned to the ASU. In early August 2018,
12 I went to the Institutional Classification Committee (“ICC”) and was told that I would be
13 sent to Building 15 on Facility C at RJD. At that time, I still had safety concerns about
14 RJD officers attacking me or having another incarcerated person attack me. At that time, it
15 was also my understanding that no investigation into my allegations regarding the June 7,
16 2018 attack had been conducted. I had also not received any response to the 602 I filed,
17 nor had staff interviewed me as a result of my appeal. Because of my fears for my safety, I
18 told the ICC that I would refuse to transfer out of the ASU to Building 15. I was then
19 written up for “Refusing to Accept Assigned Housing” by the ICC and returned to my
20 ASU cell.

21 20. On Saturday, August 3, 2018, at around 11:00 A.M. ASU officers arrived at
22 my cell to take me to C15. I told them that I still had concerns about my safety, so they
23 took me out of my cell to talk to them about my concerns. They told me that I would be
24 taken to R&R, but once we left the building they took me to C-Yard. At the time, I was
25 using a wheelchair, so officers wheeled me towards C-Yard. Upon entering C-Yard, I
26 spoke briefly with a C-Yard sergeant, who told me that I had been improperly removed
27 from the ASU and would be sent back there. I was then taken to the C-Yard gym and
28 placed into a holding cage.

1 21. I was left in the holding cage for approximately three hours. By the time
2 officers came to get me, the shifts had changed. Third Watch Officers [REDACTED], [REDACTED], and
3 [REDACTED] came up to my holding cage at around 3:00 P.M. and told me to come out of the
4 cage. They escorted me out of the gym. As we left the gym, I told them that I had been
5 told by a sergeant that morning that I would be returned to ASU. Officer [REDACTED]
6 responded, "We don't know nothing about that. We've been told that you're going to a
7 cell in C15. You're going there no matter what." As he said this, Officer [REDACTED] took out
8 his pepper-spray and began vigorously shaking the can, as if he was preparing to use it on
9 me.

10 22. Due to Officer [REDACTED]'s threat, I complied as the officers then wheeled me to
11 the C15 Building. As we approached the unit, I told the officers that I was feeling very
12 anxious due to my safety concerns and asked to talk to a clinician. They ignored my
13 request. I continued to plead with them to let me talk to mental health staff before housing
14 me as we entered the C15 sally port. The sally port was a small hallway between the
15 outside of C15 and the dayroom of C15 that has gates on either end that are controlled by
16 the officer in the C15 tower.

17 23. Once we entered the C15 sally port, an officer suddenly hit me twice in the
18 back of the head with a closed fist. The other two officers then started to attack me as
19 well. I curled my body up into a ball in the wheelchair, covering my head with my hands,
20 as the three officers hit me. I was punched by the officers roughly a dozen times before
21 the assault suddenly stopped. I had no warning that I was about to be assaulted and to this
22 day do not know why this assault took place. After the officers stopped punching me, I
23 heard one of them say something in Spanish to the others. I was then wheeled to a cell in
24 the C15 unit and roughly pushed into the cell.

25 24. After I was assaulted, I had multiple bruises and cuts to my head. My left
26 knee, which has a torn meniscus and persistent arthritis, became inflamed and increasingly
27 sensitive as a result of the assault. My injury to my knee made it hard for me to walk. The
28

1 assault exacerbated my existing knee injury, causing prolonged inflammation, requiring
2 me to use a wheelchair to get around.

3 25. Due to my safety concerns and fear of being in C-15 , I swallowed a razor
4 approximately four hours later in front of a sergeant during dinner time. At the time, I felt
5 panicked and like I had no other options to get out of RJD, where I felt my life was in
6 danger. I was then taken and put into one of the showers and handcuffed, where I was left
7 for around two hours.

8 26. I was then transferred to the CTC Building, where I received no medical
9 treatment and was told by medical staff that it "will pass." I suffered from abdominal pain
10 and discomfort as a result of swallowing the razor blade. After being discharged from the
11 CTC, I was sent to a crisis bed at California Institution for Men (CIM), where I stayed for
12 around ten days. While in the crisis bed, I received treatment for my severe depression and
13 anxiety. I was discharged and returned to the ASU at RJD. Ultimately, I was transferred
14 to California Substance Abuse Treatment Facility (SATF) so that I did not have to be
15 housed at RJD.

16 27. What happened to me at RJD made me more reluctant to file 602s and speak
17 out about my disability-related needs. After the incidents at RJD, I struggle to sleep. My
18 anxiety has worsened. I am afraid I will be attacked or set up with a charge in retaliation
19 for what had happened to me, and I still experience such fears. For months, I got only
20 three to four hours of sporadic sleep a night due to my fears of being attacked by officers
21 in retaliation for filing 602s and a lawsuit regarding the incident and other staff misconduct
22 at RJD. My experiences at RJD made me afraid that if I ask for help or challenge the
23 conditions in prison, staff will retaliate against me and maybe even try to have me killed.
24 To this day, I feel that if I speak out or advocate for myself, staff may attack me without
25 warning and without fear of being held accountable by prison administrators. It is
26 terrifying to feel that any day violent retaliation may be just around the corner and that I
27 could be attacked by staff again.

28

1 28. I have been in CDCR prisons for many years of my life. I have been housed
2 in a number of different CDCR prisons, including CIM, LAC, SATF, RJD, and Salinas
3 Valley State Prison. The staff misconduct I experienced at RJD was far worse than what I
4 have experienced at any other CDCR prison. I believe that one of the reasons staff attack
5 incarcerated people is to keep people from filing grievances, including staff complaints. I
6 believe the first attack against me was motivated, at least in part, by the fact that I had filed
7 a 602 complaining about my inability to get a job assignment at RJD because of my mental
8 illness. And I believe that the second attack against me was in retaliation for the staff
9 complaint I filed regarding the first attack against me.

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 5 day of January, 2020.



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17 Note: This is a condensed version of the
18 totality of what transpired outsetting
19 on 6-7-18. I am in total
20 agreement with this description
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Exhibit 18a

Filed Under Seal

Exhibit 19

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 C, in Building 12, cell [REDACTED]. I am 52 years old.

3. I have been at RJD since July 28, 2017.

4. During my time at RJD, I have been housed in C-14 until May 2019 and I have been in C-12 since then.

5. I am a *Coleman* class member. I am at the CCCMS level of care. I have anxiety, depression, and an adjustment disorder. I have a long history of mental illness in my family. My dad and my mom both committed suicide. My little cousin, who I helped raise, just committed suicide last month. Sometimes I feel like I'm destined to kill myself, but I am trying hard to live. *I was at the EOP level of care until May 2019.*

6. Sometimes it feels like there is death all around me at RJD so it is very [REDACTED] difficult for me and my mental health.

7. In November 2018 my friend [REDACTED], an incarcerated person who lived on my yard, in housing unit C-15, died. Everyone in my mental health group who lived in his housing unit said that, before he died, he was trying to get help from staff. They talked about how he was yelling that he cut himself, and they said that staff just ignored him in his cell.

8. About a month later, Mr. [REDACTED] in C-13 died. Prisoners I know that live in that unit told me that he was in his cell blinking his light trying to get Officer [REDACTED] to help him. They said they could hear him yelling that something was wrong. The prisoners said the officer just ignored him and boarded up the window in her office.

///

9. The next day Officer [REDACTED] worked on the floor in my building. I was in the day room and I overheard her talking to the other officers and other prisoners. I heard her say that she was working in C-13 and found Mr. [REDACTED] non-responsive in his cell, so she hit her alarm. Then she joked, while walking around like a zombie with her arms straight out in front of her, "I see dead people." She was laughing and mocking his death. I didn't think that was funny at all because he was a friend of mine.

10. When staff at RJD make fun of people dying, it makes me feel like staff are pushing people to kill themselves. I do not feel like I can get help from staff with my own mental health needs when I have seen them make fun of people who have died.

11. When I see misconduct, I have to write it up. Trying to help people helps me feel better with my depression. I have written up staff members multiple times. It does not help my situation because staff retaliate against me. Staff constantly tell me that I'm difficult and that I need to stop putting in paperwork on issues. On October 11, 2019, staff put an incarcerated person named Mr. [REDACTED] in my cell. Mr. [REDACTED] told me that officers told him to cell up with me and that if he fights me, he can have my property. I believe staff put Mr. [REDACTED] in my cell in retaliation for writing up staff. * * *

12. I have been in CDCR prisons for about 25 years. I've been to approximately 30 different prisons in CDCR. I have known of about 15 people who have died over the last two years at RJD. It's hard being at a prison where so many people die. These are people that I walk with, talk to, laugh with. And then staff laugh about it. It is hard if you have mental health issues to get through that.

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 Diego, California this 8 day of January, 2020.

* Officer [REDACTED] told both of us, "You all either f--- or fight."

* * A day later, I filed a 602 staff complaint against Officer [REDACTED] regarding the placement of Mr. [REDACTED] in my cell. On January 7, 2020, I received a response to my 602. Later that day, Officer [REDACTED] approached me. He said, "That 602 you filed, go-tching on me, may called me about it. Just for that, now it is personal. I'm gonna write you up. I'm gonna start searching

your cell and property. I'm coming after you."

Exhibit 20

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 D in Building 16. I am 62 years old.

3. I have been housed at RJD from November 15, 2018 through the present. Prior to being housed at RJD, I was incarcerated at California Correctional Institution from March, 2018 to November, 2018 and California State Prison – Lancaster from July, 2017 through March, 2018.

4. During my time at RJD, I have been housed in Building 16 on Facility D.

5. I am a *Coleman* class member. I am at the CCCMS level of care. I have depression and anxiety. I take Zoloft and Vistaril, which help me with anxiety and problems sleeping. I also talk to a mental health clinician about twice per month.

6. I have a number of serious medical problems. I have COPD, coronary artery disease, hypertension. [REDACTED] I had a heart attack about three years ago. I am classified as a chronic care patient, which means that my medical conditions are monitored regularly by medical staff. I am also classified as high risk medical. I take medication to manage my blood pressure and cholesterol medication.

7. I was a victim of staff misconduct at RJD. On May 30, 2019, around 5:25 p.m., I was in the Facility D dining hall. I saw that everyone had received hot links for dinner. For some reason, when I received my tray of food, I was given a hot dog, instead of a hot link. I asked one of the servers, who people call [REDACTED], whether I could get a hot link instead of a hot dog. He said no, claiming *that what was on my tray was a hot link*. I then talked with the kitchen officer, who also refused to give me a hot link. [REDACTED] Instead, the officer told me that I could either accept the hot dog, or refuse the tray and go

1 back to my housing unit. I told him that I didn't want to argue with him further, and that I
2 would resolve it with other officers in the dining hall.

3 8. I walked over to two officers who were standing a few feet away. I asked
4 them to help me get a hot link. Instead of helping, one of the officers asked if I was
5 refusing my tray. I explained that I wanted to eat, but felt like I should get a hot link like
6 everyone else. One of the officers then told me that I was refusing my tray, and ordered
7 me to leave the dining hall. I said, "I don't wanna argue with you guys over this stupid
8 shit. You can do whatever you want with this tray, I'm gonna get another one."

9 9. I walked over to the food window and asked for another tray. Without
10 warning, the two officers I had just been talking with charged at me from behind, grabbed
11 my hands, and pulled both of my hands and arms high up behind my back. They lifted my
12 hands and arms so high that I had to go on my tiptoes. They then forcefully escorted me to
13 the exit of the dining hall. Although I was in pain from the way they positioned my arms, I
14 was not resisting at all. Nonetheless, they yelled at me to stop resisting.

15 10. When we reached the door, they used their control over my body to slam my
16 head against the door frame twice, once on each side of the door frame. They then led me
17 for a few steps out of the doorway. All of the sudden and without any warning, they lifted
18 me by my arms, which were still held behind my back, completely off the ground. One of
19 the officers then began yanking and twisting my left arm until I heard a snap and felt
20 something pop in my forearm. I felt an excruciating, sharp pain. I knew the officer had
21 just broken my arm.

22 11. I yelled out, "You broke my arm!" Without saying anything, the two
23 officers threw me forward and let go of their grip on my arms. I landed hard on the
24 concrete with the wrist of my already-broken left arm. My wrist and arm exploded in pain.
25 I laid on the ground on my stomach, unable to move.

26 12. Officer [REDACTED] approached me and yelled, "Stop resisting!" I responded,
27 "How can I resist when my arm is broken?" Without saying anything, Officer [REDACTED]
28 jumped onto my back, landing with all of his weight on the middle of my back with his

1 knee. After he had jumped on my back, he applied force with his knee, pinning my body
2 to the ground. Officer [REDACTED] got off of my back after I yelled at him.

3 13. Another officer then walked over to handcuff me. I begged him not to. My
4 arm was deformed and twisted out of place in multiple places. I believe it was obvious to
5 anyone who saw me that my arm had been broken. He started grabbing my arms anyway.
6 He only stopped attempting to cuff me when another officer told him that he couldn't
7 because my arm was broken. Officers then picked me up to my feet. I had to cradle my
8 left arm with my right arm because the pain was unbearable and my arm was limp.

9 14. I was then escorted to the gym and placed in a holding cage, where I was
10 seen by medical staff. I told them that officers had beaten me up and broken my arm.
11 After they briefly examined my arm, they took me to the Treatment and Triage Area
12 ("TTA"), which is a clinic inside the prison. Later, I was taken to Sharp Memorial
13 Hospital in Chula Vista in an ambulance.

14 15. Medical staff at the hospital did x-rays and told me I had two, serious
15 fractures, one in each of the bones in my forearm. Both of the fractures were near my
16 wrist. The doctor at the hospital attempted to set my arm back into place. The doctors also
17 told me that I should see an orthopedic specialist as soon as possible. I was then
18 discharged from the hospital and returned to RJD.

19 16. The next morning, I was interviewed by two sergeants on video in the
20 Facility D program office about what had happened to me. I explained that an officer
21 whose name I did not know had broken my arm. I asked the sergeants to provide me with
22 the name of the officer who had broken my arm. They refused. The interview lasted
23 approximately 20 to 30 minutes.

24 17. Two days later, on June 2, 2019, I was still having terrible pain in my arm. I
25 also believed that my arm had become infected; there was bloody puss oozing out of it
26 from under the cast. I went "man down" on the yard – which means that I lay on the
27 ground and yelled "man down!" in order to get emergency medical help. I was then taken
28 to the TTA. Staff at the TTA then sent me to Alvarado Hospital.

1 18. At Alvarado, doctors determined that the arm was not set properly on the day
2 I injured it. The doctors attempted to re-set the arm, but could not do so, because it was so
3 badly broken and so much time had already passed since the injury. They recommended
4 that I see an orthopedic specialist as soon as possible because they thought I needed
5 surgery.

6 19. For the next two days, I was in excruciating pain. At one point, I tried to go
7 man down near the medication distribution line on the yard. One of the medication line
8 officers – an officer whose last name started with an “█” – told me, “You can’t go man
9 down because this isn’t life threatening.” I laid down on the floor all the same. Some
10 nearby medical staff then came over to check on me. Officer █ got in their way and
11 ordered them not to check on me because I was “faking.” Medical staff listened to the
12 officer and did not check on me.

13 20. I tried to go man down every day for about two more days. Each time,
14 officers would tell medical staff that I did not need help. On or around June 4, 2019, I
15 went man down at around 10:00 p.m. This time, I told officers that I was experiencing
16 chest and arm pain. Because I was complaining about chest pain – I have had heart attacks
17 in the past – staff decided to take me to the TTA. Medical staff at the TTA sent me to
18 Scripps Hospital. There, doctors examined my arm and then returned me to RJD.

19 21. RJD did not arrange for me to be seen by an orthopedic specialist until July
20 9, 2019 – more than five weeks after staff broke my arm and doctors at Sharp Hospital and
21 Alvarado Hospital recommended I see a specialist.

22 22. A week later, on July 16, 2019, I had surgery on my arm. My doctors told
23 me that the surgery was really hard because, given the time that had passed from the
24 incident, my bones had started healing in the wrong place. The doctors told me that they
25 had to install a plate with ten screws to hold the bones in the right place. The doctors have
26 also told me that my arm will never heal completely because it was broken so badly. They
27 told me that one of my bones was almost an inch out of place.

1 23. Even though I am nearly six months away from surgery, I have trouble using
2 my arm and hand. I can no longer wring out my laundry, which is something I need to be
3 able to do frequently. I cannot play sports, like baseball or handball, that I used to play all
4 the time. In fact, most exercise has now become very hard and painful. A few days ago, I
5 tried to do push-ups using a bar and I could only do five before the pain in my arm became
6 too much. Before the attack, I could easily do ten sets of twenty push-ups in a single
7 workout. Because I have been unable to use my arm, I can feel my muscles are starting to
8 get weaker. I worry that I will never be able to regain full function in my arm.

9 24. I received a Rules Violation Report ("RVR") for the incident for delaying an
10 officer in the performance of his duties. The RVR submitted by Officer [REDACTED] alleged
11 that, as I was being escorted out of the dining hall, I tripped over my own feet, stumbled
12 backwards, and fell. The RVR does not even mention any use of force by the officers or
13 that I broke my arm.

14 25. At the hearing on the RVR, the hearing officer asked me how I wanted to
15 plead. I pled not guilty, and told him they broke my arm! I argued with the officer about
16 my meal, but that's my right." The hearing officer said, "Yes, but you went about it the
17 wrong way." I was frustrated, so I told him, "Fuck it, you're going to find me guilty
18 anyway." He then told me, "Yes, I will find you guilty either way." Because I knew there
19 was nothing I could do, I pled guilty. The hearing officer punished me with a 60-day loss
20 of credit, meaning that I will have to stay in prison for 60 days longer.

21 26. I filed a 602 about the incident on June 27, 2019. In response, I was
22 interviewed by two members of the Investigative Services Unit ("ISU"). They showed me
23 a picture of an officer and asked me whether it was the officer who assaulted me, and I told
24 them it was not. I asked them to show me the assignments for the day I was assaulted, so I
25 could determine the names of the officers involved, but they refused to do so. I also
26 provided the ISU officers with the names of people in the dining hall at the time who had
27 witnessed the assault. I have appealed my 602 up through the third level of administrative
28 review. The third level response to my 602, dated December 30, 2019, notes that my

1 allegations had been referred to the Office of Internal Affairs for further investigation. I
2 have not heard anything further about the investigation.

3 27. Since the incident and to this day, I have had traumatizing, recurring
4 nightmares. In my nightmares, I am released for the yard by myself. When I walk out of
5 the building, there are twenty officers waiting for me. The cops pile on me and beat me
6 up, and then put me up against the wall and shoot me over and over again with their guns.
7 I have this same dream about three to four times per week. Before the assault, I never had
8 dreams like this about officers hurting me.

9 28. The assault has made me terrified of staff. I do not want to be around them.

10 29. My mental health has gotten much worse because of the assault. My mental
11 health level of care may have to be raised to EOP and doctors prescribed me a new
12 medication for anxiety, Vistaril, and then increased the dose on my Zoloft. I have become
13 much more paranoid. I do not feel safe anymore, and often feel that everyone, even other
14 incarcerated people, is trying to set me up to get hurt. I keep to myself more and more, and
15 participate in programs less and less.

16 30. I have seen some really scary and terrible things in my life, especially when I
17 *Joined in the military in Korea in the 1970s.* I am more terrified now than I have
18 ever been in my whole life.

19 31. I still see the officers that were involved in the staff misconduct against me.
20 I see two of the officers, Officer [REDACTED], and one of the officers who was involved in the
21 breaking of my arm, nearly every day. My interactions with Officer [REDACTED] are terrible.
22 He often harasses me, saying things like "oh, your arm is still broke?" while smiling in a
23 mean way. I try not to talk to any of the officers involved because I have nothing to say to
24 them, and I don't want to start anything. I try not to make eye contact because I don't
25 want to get hurt again.

26 32. I think that staff at RJD beat weak people up because they can get away with
27 it. For example, I think that staff target people who are mentally ill and uneducated, like
28 myself, because staff knows that it won't cause a problem for them. People who are weak

1 and uneducated can't file paperwork and advocate for themselves, and custody staff know
2 that, so they are quicker to use physical violence with people who are weak.

3 33. I have been in CDCR prisons for about 16 to 17 years of my life. I've been
4 housed in a number of different CDCR prisons, including California Correctional
5 Institution ("CCI"), the Security Housing Unit ("SHU") at CSP – Corcoran, Pelican Bay
6 State Prison, CSP – Lancaster, California Men's Colony, and Calipatria State Prison. The
7 staff misconduct at RJD is worse, in my experience, than at any other institution except for
8 maybe CCI. Staff misconduct at RJD is even worse than the Corcoran SHU, where staff
9 would throw me up against the wall and threaten to kill me.

10 34. I believe the reason there is so much staff misconduct at RJD is that the staff
11 think they can get away with anything. It does not appear to me that there is any
12 accountability for officers who hurt and take advantage of incarcerated people. It also
13 seems to me that the investigations are always found in favor of staff.

14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct, and that this declaration is executed at
16 San Diego, California this 8 day of January, 2020.

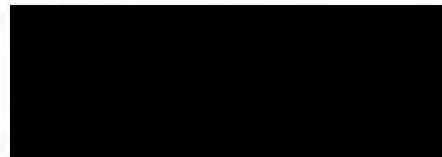
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Exhibit 20a

Filed Under Seal

Exhibit 21

11/11/2016

I, [REDACTED]

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 ("KVSP") on Facility D in Building 8. I am 58 years old.

3. I was housed at Richard J. Donovan Correctional Facility ("RJD") from September, 2016 to December, 2018. Before being transferred to KVSP, I was incarcerated at California State Prison – Sacramento ("SAC") and California State Prison – Corcoran ("COR").

4. I am an *Armstrong* class member. I am designated as DPM, which means that I have a serious mobility impairment that prevents me from walking 100 yards or more without pause. As accommodations for my disability, I am housed on the lower tier and in a bottom bunk, and I have a no stairs restriction. I use a walker to get around, and have a mobility impaired vest. Additionally, I have a no rooftop or hazardous work restriction, a lifting restriction, and I am required to be cuffed in my front due to my disability. When I was housed at RJD, my disability was just as bad as it is now.

5. I am a *Coleman* class member. I am at the CCCMS level of care. I suffer from depression and occasionally experience psychotic symptoms. I manage my mental health symptoms by speaking with a clinician whenever my mental health gets overwhelming. My mental health has not substantially changed since when I was housed at RJD.

6. I have a number of serious medical conditions. I have glaucoma, cirrhosis of the liver, esophageal varices, and blood pressure issues. I take Spironolactone to manage my blood pressure, Protonix for my esophageal problems, and Furosemide. I am classified as high risk medical, and I am in the chronic care program, meaning that my medical issues are monitored closely by medical staff.

1 7. I was a victim of staff misconduct at RJD. On or around August 21, 2018, I
2 was told by staff to go to Officer [REDACTED] at work change to pick up my mail. When I
3 arrived to work change, I was provided with a heavy box of legal mail that my trial
4 attorney had sent me. As mentioned before, I have a lifting restriction due to my
5 disability, and I am not supposed to lift heavy objects.

6 8. I then told Officer [REDACTED] that I was unable to lift the box because of my
7 disability, and I asked him why it had not been delivered directly to my housing unit. It
8 was my understanding and belief that staff commonly delivered ^{all legal mail and} large packages directly to [REDACTED]
9 the housing unit, and I had observed staff do so before this incident. A verbal altercation
10 then ensued between me and Officer [REDACTED].

11 9. At one point in our argument, I told Officer [REDACTED] that I planned to file a
12 staff misconduct complaint against him for failing to help me bring the box to my housing
13 unit. In response, Officer [REDACTED] yelled at me, "Get down on the ground you crippled
14 motherfucker," and then he proceeded to pepper-spray me in the face. After spraying me
15 in the face, Officer [REDACTED] then swung his canister of pepper spray at my face, striking me
16 in the left side of my face. I was thrown to the ground by the impact of the hit. While I
17 lay on the ground, Officer [REDACTED] began kicking me in the right side of my ribs, and in my
18 stomach, and then he started stomping on my back and my neck. While he was beating me
19 he knocked off and broke my glasses.

20 10. Later, I heard a Sergeant question Officer [REDACTED] about the incident, and I
21 overheard Officer [REDACTED] claim that I had spit on him. I told the Sergeant that I had never
22 spit on Officer [REDACTED], but I was nevertheless issued a Rules Violation Report ("RVR") for
23 assault based on the 115 issued by Officer [REDACTED] and pictures of spit on his arm. I was
24 found guilty of the RVR, and given a SHU term.

25 ///

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1 11. I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct, and that this declaration is executed at

3 Kern Valley State Prison this 7 day of February, 2020.

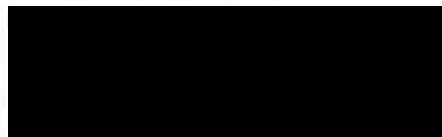
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Exhibit 21a

Filed Under Seal

Exhibit 21b



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Penny Godbold
Email: pgodbold@rbgg.com

November 9, 2018

VIA ELECTRONIC MAIL

<p>PRIVILEGED AND CONFIDENTIAL</p> <hr/> <p>SUBJECT TO PROTECTIVE ORDERS</p>
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Russa Boyd
Joanne Chen
CDCR Office of Legal Affairs
Russa.Boyd@cdcr.ca.gov
Joanne.Chen@cdcr.ca.gov

Re: *Armstrong v. Brown*: Reports of Abuse of Mobility Impaired
Class Member at RJD
Our File No. 581-3

Dear All:

I write regarding allegations of abuse and excessive force against an *Armstrong* class member at Richard J. Donovan Correctional Facility (“RJD”).

██████████ a DPM class member with a walker, back brace, and orthopedic shoes, reported to that he was assaulted on August 21, 2018 by Officer ██████████. He stated that, on that day, he was told to pick up his mail from Officer ██████████ in work change. When he arrived, ██████████ reported that he was provided with a heavy box of legal mail that was sent from his trial attorney. ██████████ reported that he was unable to carry the heavy box as a result of his disability. He reportedly asked why, since the box was so heavy, it was not delivered directly to his housing unit which he stated is the common practice with large mail deliveries. ██████████ reported that a verbal altercation with Officer ██████████ ensued at which point ██████████ claims that he told Officer ██████████ he planned to write him up. ██████████ stated that Officer ██████████ then yelled, “Get down on the ground you crippled mother fucker,” and that Officer ██████████ then sprayed him in the face with pepper spray. ██████████ reported that Officer ██████████ next swung the canister of pepper spray towards him and struck him in the left side of the face, knocking him to the ground. He reported that Officer ██████████ began kicking him in the right side of his ribs and his stomach. ██████████ stated that the officer then

CONFIDENTIAL – LEGAL MAIL

Russa Boyd
Joanne Chen
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Page 2

stomped on his back and neck. During this incident, [REDACTED] glasses were reportedly knocked off and broken.

[REDACTED] reported that a Sergeant questioned Officer [REDACTED] about the incident at which point Officer [REDACTED] stated that [REDACTED] had spit on him. [REDACTED] stated that he did not spit on Officer [REDACTED] but reports that he was nevertheless given an RVR and is facing a SHU term as a result. He explained that he was found guilty of Battery on an Officer based on the written 115 and pictures of spit on Officer [REDACTED] s arm.

[REDACTED] allegation of staff assault in this case is consistent with those reported by other *Armstrong* class members including in Plaintiffs' prior monitoring reports of April 2017 and October 2017 and in letters dated March 1, 2018, and September 20, 2018. Specifically, he alleges that the assault was a result of his disability (stemming from his need for an accommodation to carry the heavy mail box), that force was used by the officer, that it was extreme and continued despite the fact that he was on the ground and not resisting, that he was badly beaten by the officer, and that he received a serious 115 for an assault on the officer as a result of the incident.

[REDACTED] states that he is willing to cooperate in an investigation of the incident. We request an investigation into the alleged incident of assault on [REDACTED], including any prisoners or staff that may have witnessed this incident who may be willing to cooperate in an investigation. Consistent with our September 20, 2018 letter, we request that this serious allegation be investigated by staff members outside of RJD and not by ISU officers at RJD. The allegation regarding [REDACTED] should be handled pursuant to the *Armstrong* accountability protocols because this allegation arose as a result of his need for a disability accommodation.

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CONFIDENTIAL – LEGAL MAIL

Russa Boyd
Joanne Chen
November 9, 2018
Page 3

██████████ reports that he is in great fear of his safety if he is sent back to Facility C. He states that he is worried he will be attacked again as retaliation for reporting the incident. Plaintiffs request that ██████████ not be housed on Facility C at RJD and that his safety be ensured wherever he is housed.

Please provide an update regarding the findings of the investigation in to this allegation and on plans to safely house ██████████. We look forward to receiving your response.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Penny Godbold

Penny Godbold
By: Of Counsel

PG:MB:cg

cc: Ed Swanson	Jay Russell	Kelli Abernathy
Nicholas Meyer	Adriao Hrvatin	Laurene Payne
Patricia Ferguson	Kelly Mitchell	Cesar Aguila
Tamiya Davis	Teauna Miranda	CCHCS Accountability
Mark Navarro	Georgia Johas-Darnell	Cindy Flores
Erin Anderson	Laurie Hoogland	Joseph Williams
OLA <i>Armstrong</i>	Steven Blum	Cathy Jefferson
Sharon Garske	Bruce Beland	Samantha Chastain
Annakarina	John Doveya	Olga Dobrynina
De La Torre-Fennell	Vincent Cullen	
Robert Henkels	Donald Meier	

Exhibit 21c

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : December 5, 2018

To : Georgia Johas-Darnell
Correctional Administrator
Class Action Management UnitSubject: **RESPONSE TO ADVOCACY REQUEST REGARDING** [REDACTED]

This memorandum is in response to the advocacy letter, dated November 9, 2018, from Rosen Bein Galvan and Grunfeld LLP (RBGG) regarding allegations of abuse and excessive force at Richard J. Donovan Correctional Facility ("RJD") against [REDACTED] a DPM Armstrong class member with a walker, back brace, and orthopedic shoes.

The RBGG letter indicates [REDACTED] reported to RBGG that he was assaulted on August 21, 2018 by Officer F. [REDACTED] [REDACTED] stated to RBGG that, on November 9, 2018 he was told to pick up legal mail from Officer [REDACTED] in work change. [REDACTED] reported that he was provided with a heavy box of legal mail. [REDACTED] reported that he was unable to carry the heavy box as a result of his disability. He reportedly asked why, since the box was so heavy, it was not delivered directly to his housing unit which he stated is the common practice with large mail deliveries. [REDACTED] reported that a verbal altercation with Officer [REDACTED] ensued at which point [REDACTED] claims that he told Officer [REDACTED] he planned to write him up. [REDACTED] stated that Officer [REDACTED] then yelled, "Get down on the ground you crippled mother fucker," and Officer [REDACTED] then sprayed [REDACTED] in the face with pepper spray. [REDACTED] reported that Officer [REDACTED] next swung the canister of pepper spray towards him and struck him in the left side of the face, knocking him to the ground. He reported that Officer [REDACTED] began kicking him in the right side of his ribs and his stomach. [REDACTED] stated that the officer then stomped on his back and neck. During this incident, [REDACTED]'s glasses were reportedly knocked off and broken.

[REDACTED] reported that a Sergeant questioned Officer [REDACTED] about the incident at which point Officer [REDACTED] stated that [REDACTED] had spit on him. [REDACTED] stated that he did not spit on Officer [REDACTED] but reports that he was nevertheless given an RVR and is facing a SHU term as a result. He explained that he was found guilty of Battery on an Officer based on the written Rules Violation Report (RVR) and pictures of spit on Officer [REDACTED]'s arm.

RBGG states [REDACTED] allegation of staff assault in this case is consistent with those reported by other Armstrong class members included in Plaintiffs' prior monitoring reports of April 2017 and October 2017 and in letters dated March 1, 2018, and September 20, 2018. Specifically, [REDACTED] alleges that the assault was a result of his disability, and force used by Officer [REDACTED] was extreme and continued despite [REDACTED] was on the ground and not resisting. That [REDACTED] was badly beaten and received a serious RVR for an assault on Officer [REDACTED]

Page 2 of 2

Jorge Santana

Response to Advocacy Request Regarding [REDACTED]

[REDACTED] states that he is willing to cooperate in an investigation of the incident. RBGG request an investigation into the alleged incident of assault on [REDACTED], including any prisoners or staff that may have witnessed this incident who may be willing to cooperate in an investigation. Consistent with the RBGG September 20, 2018 letter, RBGG requests that this serious allegation be investigated by staff members outside of RJD and not by ISU officers at RJD.

[REDACTED] submitted a California Department of Corrections and Rehabilitation (CDCR) form 602 Inmate/Parolee Appeal dated August [REDACTED], 2018, received by RJD Inmate Appeals Office (IAO) on September 9, 2018 and given Log # [REDACTED] and processed as a Staff Complaint. [REDACTED] also submitted 1824 Reasonable Accommodation Request Log Number: [REDACTED] dated October [REDACTED] 2018, received by the RJD IAO on October 9, 2018 and reviewed by the Reasonable Accommodation Panel (RAP) on October [REDACTED], 2018. Due to the severity of the allegations the RAP response referred to the Staff Complaint as a higher level of review noting the RVR Log Number: [REDACTED] for 3005(d)(1)-[30]-Battery on a Peace Officer and the incident [REDACTED]. [REDACTED] was found guilty as charged of the RVR on September [REDACTED], 2018 and was informed he has the right to appeal the RVR findings. [REDACTED] filed a Second Level Disciplinary Appeal Log Number [REDACTED] and it was denied and advised he may submit for Third Level Review.

There are inconsistencies in [REDACTED] accounts of the incident. Nevertheless, the allegations regarding [REDACTED] are very serious and if true are serious violations of CDCR policy and State law. RJD is conducting a fact finding on the allegations made by [REDACTED] and reported by RBGG; these claims are being reviewed and addressed. [REDACTED] did not identify Inmate witnesses. Interviews of various inmates housed on Facility C, (approximately 50 inmates) that may be potential witnesses (ADA Class-members and non-class-members), were conducted by trained investigators not employed at RJD. The fact finding is ongoing, potential witnesses are cooperating with the process and this fact finding may be referred for further investigation.

I hope this addresses all of the concerns mentioned in the advocacy letter. Please contact me via email at Jorge.Santana@CDCR.CA.Gov or at my RJD cell phone [REDACTED] if you require additional information.



JORGE J. SANTANA
Associate Warden
Americans with Disabilities Act
Richard J Donovan Correctional Facility
California Department of Corrections and Rehabilitation

Exhibit 22

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 68 years old.

3. I have been housed at RJD from approximately August of 2018 to the present.

4. During my time at RJD, I have been housed on Facility A, in Building 2, cell [REDACTED] and in Building 1, cell [REDACTED]. I am 68 years old.

5. I am an *Armstrong* class member. I am designated as DLT. As accommodations for my disability, I am housed on the ground floor and in a lower bunk.

6. I am a *Coleman* class member at the EOP level of care. I have had depression since I was a child.

7. I have a number of serious medical conditions. I have prostate cancer and am currently receiving chemotherapy. I also have high blood pressure and kidney disease. I am classified as high risk medical.

8. I have witnessed staff engage in misconduct against other people at RJD. In early August, 2019, I witnessed a transgender prisoner, I now know her name is [REDACTED] coming out of the Facility A mental health treatment building. An officer came up behind her, yelled, "hey you!" and told her to put her hands behind her back. Then the officer threw her to the ground violently. Next I saw another officer kick her with his boot in her face. I don't know the names of the officers but they work in the mental health department regularly.

9. Sergeant [REDACTED] walked up right after this incident happened. I reported to him that I had just seen the officers slam the prisoner to the ground and kick her in the

1 head. Based on what I saw, I did not believe the prisoner deserved the force that she
2 received and I told the sergeant. Sergeant [REDACTED] stated, "Why are you being a
3 troublemaker?" I apologized and stated that I was not trying to make trouble but explained
4 that I was upset by what I had seen.

5 10. After the incident I returned to my housing unit, B-1. Officer "[REDACTED]" in my
6 housing unit, who was not involved in the incident, approached me as soon I as entered the
7 building and asked me why I was always running my mouth in everyone's business. He
8 stated that I shouldn't care about the other prisoner, that I didn't know her and that it didn't
9 matter. He said, "You should be careful, or things could happen to you." I took this as a
10 direct threat. In response to this threat I did not write up this incident and report the
11 misconduct because I was scared of what might happen to me. I have been staying out of
12 the way of officers since then and I am scared to file paperwork or appeals on any officers.

13 11. Officer [REDACTED] works in our unit every Sunday. Every Sunday he enters our
14 housing unit and says, "It's football Sunday. I don't want anyone making trouble or
15 disturbing me today or I will come in and break your T.V." I have seen this officer break
16 T.V.'s and cut the cords on incarcerated people's T.V.'s multiple times. One time I
17 witnessed Officer [REDACTED] throw a T.V. off the second tier on to the dayroom floor. From
18 the time he walks in to our housing unit until the time he leaves his shift he yells
19 aggressively at and repeatedly threatens incarcerated people. Multiple people in my
20 housing unit have told me that, before I moved in to the unit, Officer [REDACTED] was
21 responsible for the deaths of two incarcerated people in unit A-1. Most recently, I was
22 told, incarcerated people in the unit saw him take a prisoner in to the sally port – the
23 hallway in between the housing unit day room and the exit to the yard – on July 17, 2018
24 and choke the person until the person died. I do not know the name of the person who died
25 but, as a result, I am very fearful of Officer [REDACTED].

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1 12. I have seen Officer [REDACTED] respond to prisoners who are having trouble with
2 other incarcerated people by stating, "I don't care, go kick his ass."

3 13. I would never ask Officer [REDACTED] for any kind of help if I needed it.

4 14. I have also been the target of staff misconduct at RJD. The problems started
5 after I filed a staff misconduct complaint against Officer [REDACTED]. I heard her telling
6 other prisoners that I was "homosexual," a label that places you in great danger in prison.
7 Then, one morning I saw her talking to another prisoner, Mr. [REDACTED], at the podium in
8 the dayroom. I heard what they were saying because my cell is close by. I heard Officer
9 [REDACTED] tell Mr. [REDACTED] that I was a child molester and that I should be attacked.
10 Then, Mr. [REDACTED] approached my cell door and, through the cell door window, I saw
11 him pull back his sleeve to reveal a shiny metal object which I believe was a knife in his
12 hand. I took this action as a threat by Mr. [REDACTED].

13 15. In February 2018, I filed a staff misconduct lawsuit against Officer [REDACTED]
14 [REDACTED]. After I filed that lawsuit, an incarcerated person named [REDACTED] who was a friend of
15 mine, told me that Officer [REDACTED] was offering \$1000 to anyone who would attack me.
16 [REDACTED] stated that he was present when money was offered to incarcerated people on the
17 yard who were known to engage in such attacks on behalf of staff members. [REDACTED] also
18 stated that he was present when two incarcerated people who agreed to work for Officer
19 [REDACTED] directed others to orchestrate an attack on me because I was "homosexual."

20 16. After [REDACTED] told me that information, I lived in fear that any day my cell
21 door would be popped open by staff and incarcerated people would be let in to attack me.

22 17. I have seen officers at RJD look the other way and allow incarcerated people
23 to attack other incarcerated people without intervening to stop the violence.

24 18. I feared for my life so I sought protection from a former well known gang
25 leader who I knew who was also incarcerated on the same yard at RJD. He protected me
26 and I am deeply indebted to him. I owe him my life. On a daily basis I see what happens
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1 to other people who do not have the benefit of having this kind of protection in prison.

2 They are regularly attacked by other incarcerated people and suffer grave consequences.

3 19. As a result of the misconduct I have witnessed, my fear of staff harassment
4 and fear of being attacked by other prisoners at the request of staff, it has been impossible
5 for my mental health problems to get better at RJD. The stress is so great here that it has
6 started cause me to act out and to get in further trouble. I am trying my best, but I do not
7 have a healthy outlet for all of the stress and anxiety caused by the environment at RJD. I
8 feel like staff took away my sense of safety and my piece of mind. Staff have thrown my
9 sense of right and wrong off balance because the very people who took an oath to protect
10 me are the ones causing so much harm to me and others. It has made it hard to be a good
11 person. For me, I have been working hard to be a better person but I have to have dignity
12 to do that. Staff here take your dignity away so I sometimes feel lost. I believe if you let
13 staff take your dignity and you hate yourself, you will hate others. I worry that we are
14 turning a lot of people on to the streets from RJD who are filled with hate and that is not
15 rehabilitation.

16 20. At RJD it is impossible to turn to staff to ask for help. There have been
17 times when I would like to turn to staff and tell them what I am struggling with, to get
18 mental health help. But the possibility of getting help from staff at RJD does not exist.
19 Staff will not help you and they do not seem to care.

20 21. I think staff target people with mental health issues. I don't think they like
21 people with mental health problems because we are "difficult" and need help.

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1 22. I have been in CDCR prisons for about 20 years of my life. I've been
2 housed in a number of different CDCR prisons. RJD is the most violent prison I have been
3 in. It does not seem like there is any accountability and no structure for watching over
4 what happens with staff here. The difference with other prisons is that at RJD it does not
5 feel like there is any code of ethics followed by staff so you never know what to expect
6 from them.

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
9 San Diego, California this 8 day of January, 2020.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

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Initials [REDACTED]

Exhibit 22a

Encrypted Message

ggonzalez@rbgg.com

Sign Out



[encrypt] ,Coleman v. Newsom: Notification of a Class Member Death



Grigoryan, Harutyun@CDCR <Harutyun.Grigoryan@cdcr.ca.gov>

Today, 12:15 PM

Donald Specter <dspecter@prisonlaw.com>; Elise Thorn <Elise.Thorn@doj.ca.gov>; Greg Gonzalez <ggonzalez@rbgg.com>; 1+21 more

Reply all



This message was sent with high importance.

Dear Special Master Lopes:

I write to inform you of a class member's death. The class member was housed at the Richard J. Donovan Correconal Facility (RJD).

Inmate [REDACTED] was a 68-year-old African-American male. On February 4, 2020, he was admitted to the Tri City Medical Center (TCMC). His health deteriorated and on February 19, 2020, he was pronounced deceased at 0106 hours by a TCMC physician. The death is being investigated as a Homicide.

[REDACTED] was a participant in the Mental Health Services Delivery System at the Enhanced Outpatient Program level of care.

Harutyun (Eric) Grigoryan

Suicide Response Unit

Statewide Mental Health Program,

Division of Health Care Services

Harutyun.Grigoryan@cdcr.ca.gov**CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES**

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Exhibit 22b

Filed Under Seal

Exhibit 23

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 E in Building 23. I am 63 years old.

3. I have been housed at RJD from 2012 to 2014, and most recently, from April, 2017 to the present. From late November, 2018 to early December, 2018, I was transferred to a mental health crisis bed at California Men's Colony ("CMC") due to a mental health crisis related to my being assaulted by staff at RJD.

4. During my time at RJD, I was housed on Building 1 on Facility A from 2012 to 2014. I was then transferred to California Health Care Facility ("CHCF") in Stockton. I returned to RJD in April, 2017, and was housed in Building 2 on Facility A until October, 2019. I have been housed in Building 23 on Facility E since October, 2019.

5. I am an *Armstrong* class member. I am designated as DLT. I have arthritis in my feet and my knees, which causes me great pain and makes it difficult for me to walk around. I cannot walk up more than five or six stairs. As accommodations for my disability, I use a cane to get around, and I am housed on the ground floor and on a bottom bunk.

6. I am a *Coleman* class member. I am at the EOP level of care. I primarily suffer from depression. Somedays, my depression is so bad that I don't even leave my bed. On those particularly bad days, I feel that I would prefer to be in administrative segregation because I just want to be alone. I manage my mental health symptoms with hydroxyzine, an anti-depressant, but I still have serious mental health issues.

7. I have a number of serious medical conditions. I suffer from degenerative disk disease, diabetes, hypertension, glaucoma, cataracts, and hyperlipidemia. I am

1 classified as a chronic care patient, which means that my health conditions are closely
2 monitored by medical staff. I am classified as high risk medical as well.

3 8. I was a victim of staff misconduct at RJD. I had previously asked Officer
4 [REDACTED] multiple times to please not shine his flashlight in my eyes to get my attention. The
5 intense bright beam from his tactical light is painful, headache-inducing, and blinding due
6 to my glaucoma and cataracts. Nevertheless, on or around November 18, 2018, while I
7 was standing in the dayroom of Building two talking to [REDACTED] and one
8 other incarcerated person, between cell 113 and 114, Officer [REDACTED], started flashing his
9 flashlight in my direction. . The brightness of the light shocked me so much that it
10 physically startled me, causing me to jump behind the incarcerated people I was talking to.
11 I was temporarily blinded by the light for a few seconds. I then walked over to the podium
12 and said to Officer [REDACTED], "Look, my name is [REDACTED]. If you want to talk to me, just call me
13 by my name. You don't have to flash a light in my eyes." I was frustrated because, I had
14 told Officer [REDACTED] on numerous occasions that the light was painful.. Officer [REDACTED]
15 responded by saying that he wasn't flashing the light at me, and that he was instead
16 flashing it at someone else on the upper tier to get that person's attention. I then told him,
17 "Man, you know I got glaucoma and cataracts, and those lights blind my eyes." Officer
18 [REDACTED] didn't seem to care, and all he said was, "It was supposed to be for the upper tier."

19 9. At this point, our argument became heated because I was frustrated that
20 Officer [REDACTED] was not taking my needs seriously. Officer [REDACTED] then ordered me to lock-
21 up. Because I had asked Officer [REDACTED] to not shine the light in my direction so many times,
22 I decided to escalate the issue, and I said, "I'm tired of this happening to me, please call a
23 Sergeant." Then, Officer [REDACTED] activated his alarm.

24 10. At the time, I was about eight feet away from Officer [REDACTED] who was still at
25 the podium. I heard the alarm start going off, so I folded my arms across my chest because
26 I wanted to prevent him from later making a false claim that my body was positioned in a
27 threatening way. All of a sudden, about thirty seconds after the alarm started, Officer
28 [REDACTED] rushed in from the yard and charged at me, punching me in my jaw with his closed

1 fist. Officer [REDACTED] never told me to turn around to submit to handcuffs, and he said
2 nothing to me before hitting me.

3 11. The last memory I have after being punched in the jaw is of falling, and
4 hitting the concrete on my face with the bridge of my nose. After that, everything went
5 black. Once I regained consciousness, I was being carried in the rotunda, and there were
6 about eight officers surrounding me. The doors of the rotunda were both open, so the
7 tower officer, Officer [REDACTED], must have opened them because he had full control over
8 the entrance and exit to the building. I also noticed that my eyes were burning and tearing
9 up. Although I do not remember being pepper-sprayed, I believe that I had been pepper-
10 sprayed after losing consciousness because I have been pepper-sprayed before, and this felt
11 the exact same. Four or five officers were carrying me, *while I was in handcuffs and leg restraints* with a few officers pulling my arms
12 and the others carrying me by my legs. Once we arrived in the rotunda, Officer [REDACTED] –
13 who was part of the group of eight officers – told the officers carrying me to, “Put him
14 down right there.” The officers lowered me to the ground, and as soon as I hit the ground,
15 Officer [REDACTED] starts kicking me in my ribs. Officer [REDACTED] kicked me twice with
16 extreme force, winding back her leg for each kick.

17 12. After Officer [REDACTED] kicked me, other officers picked me up, and placed
18 me in a wheelchair that they took from the building. They then escorted me to the mental
19 health building on Facility A, and placed me in a cage. In the cage, I was bleeding terribly
20 from the bridge of my nose, and blood got all over my shirt. While I was sitting in the
21 cage, the eight officers involved were standing outside of the cage. Sergeant [REDACTED] then
22 entered the unit, and told the nearby officers, “If you had anything to do with this, get
23 away from him.” I interpreted his comment as attempting to help these officers cover up
24 the fact that they assaulted and knocked me out. After Sergeant [REDACTED] said that, Officer
25 [REDACTED] who was standing behind the cage, told me, “If you say anything, we can turn this
26 into a fucking staff assault.” I interpreted this as a threat to write me up for a false charge
27 if I reported him for misconduct.
28

1 13. Then, a nurse, Mr. Alan, came to the cage to examine my injuries. I told Mr.
2 Alan that I had been sprayed and beat up by officers, and it seemed to me that Mr. Alan
3 wrote a report because he was writing down what I was saying.

4 14. I was then transported to the Triage and Treatment Area ("TTA") by
5 wheelchair with two officers, including Officer [REDACTED]. At the TTA, they put me on a
6 table and a different nurse washed my eyes and sinuses out. The nurse then told Officer
7 [REDACTED] and another officer, "You have to take these cuffs off so we can examine him."
8 In the presence of the nurse, Officer [REDACTED] then told me, "If you try anything, we'll beat
9 your ass," before taking off my cuffs. Nursing staff then cleaned and bandaged the
10 lacerations on my face, and put me in a holding cell in the TTA.

11 15. I was placed in the holding cell for about three hours, during which I
12 experienced a mental health crisis. I started feeling suicidal, and began banging my head
13 against the wall, telling staff, "Come on, just kill me. You started it, now finish it." I do
14 not know exactly what caused me to start banging my head against the wall. I was so
15 angry at how I had been treated and the incident made me feel so powerless. Staff are
16 supposed to protect you and keep you safe, but they did so much damage on me. I think
17 that I became suicidal because staff made me feel so powerless and angry, and those
18 emotions just overwhelmed me.

19 16. After making those statements and banging my head against the wall, I was
20 moved to "alternative housing" in Building 7 on Facility B. It is my understanding that
21 "alternative housing" is like suicide watch. I was placed in a cage, my clothes were taken
22 off, I was given a safety smock, and then, I was placed in an empty cell for about three
23 hours. Staff then transferred me to California Men's Colony ("CMC") East for placement
24 in a mental health crisis bed ("MHCB").

25 17. Upon being received at CMC, I was seen by nursing staff, who documented
26 my injuries. The next day, I spoke with a mental health clinician at CMC. I told the
27 clinician about what had happened to me: that staff had thrown me to the ground, knocking
28 me out, and then kicked me in the rotunda. The clinician then brought over a sergeant and

1 a lieutenant to interview me about what had happened at RJD. These staff interviewed me
 2 on camera in a cage, and took pictures of the lacerations and injuries on my face, as well as
 3 my swollen hands from being carried *while in handcuffs.* [REDACTED]

4 18. After the video-interview finished, I continued talking to the clinician about
 5 what had happened. At some point, the clinician told me that staff misconduct seems to be
 6 an ongoing problem at RJD. He stated that there were a number of people in the CMC
 7 MHCB population who were alleging the same things as me: that staff had assaulted them,
 8 causing them to become suicidal and leading to their transfer to a CMC MHCB.

9 19. About 15 days after being admitted to the MHCB, I returned to RJD. Upon
 10 my return to RJD, staff attempted to transfer me to Building 1 on Facility A. *When I arrived*
 11 *in Building 1, I saw one of the officers who assaulted me in the rotunda*
 12 *working in the building.* I went to a nurse and expressed that I needed to speak with my
 13 clinician because I was feeling unsafe. I was then taken to the mental health services
 14 building, where I talked to my clinician, Ms. Bolton. I told Ms. Bolton about staff
 15 assaulting me. Ms. Bolton told me that she had heard about it from her other patients, and
 16 she told me, based on what she had heard, she thought that my head had cracked open.
 17 After talking to Ms. Bolton, a sergeant, Sergeant [REDACTED], proceeded to interview me.
 18 Like Ms. Bolton, Sergeant [REDACTED] already knew about the incident because other people
 19 had told him while I was housed at CMC. Sergeant [REDACTED] told me that, "If I was there,
 20 that [i.e., the assault] would not have happened." He didn't mention anything about an
 21 investigation.

22 20. When I returned to my original housing unit, Building 2, other incarcerated
 23 people told me that they thought I had died during the incident because I was beaten so
 24 badly by Officer [REDACTED] *on the ground unconscious.* while I lay The witnesses include Mr. [REDACTED] Mr.
 25 [REDACTED], Mr. [REDACTED], Mr. [REDACTED], and persons
 26 nicknamed [REDACTED] and [REDACTED].

27 21. While I was housed in the MHCB at CMC, I received a Rules Violation
 28 Report ("RVR") for resisting an officer in the course of his duties. The narrative in the

1 RVR claimed that Officer [REDACTED] attempted to grab me, but I resisted by backing up, and so
2 he slammed me to the floor because I was resisting. I believe that Officer [REDACTED] is about 5'
3 7", and 150 pounds, and I am 5' 9", and 240 lbs. I do not believe Officer [REDACTED] would be
4 capable of slamming me to the ground. Once I read the report, I started laughing at how
5 incredible it was. When I went to the hearing for my RVR, the hearing officer, Lieutenant
6 [REDACTED] told me, "I believe my staff, and I'm gonna find you guilty." When I asked to bring
7 witnesses to the hearing, he replied, "What can they tell me that I don't already know?
8 You're guilty." I was ultimately found guilty, and I was sanctioned with 90 days of credit
9 loss.

10 22. I filed a 602 staff misconduct complaint about three weeks after the incident
11 occurred by putting a completed 602 into the appeals box in Building 2. In order to ensure
12 that my appeal would be processed, I attached a Form 22 to the 602, and asked a staff
13 member to sign it, but after reading it, he refused. I then wrote on it, "staff refused to
14 sign," and placed the 602 and the attached 22 into the appeals collection box. I have not
15 received a log number, let alone a response, to my 602. I do not know the status of the
16 investigation into my allegations of staff misconduct.

17 23. I have also witnessed staff engage in misconduct against other people at
18 RJD. In April, 2019, I was leaving my cell in Building 2 on Facility A for chow.
19 Everyone else had been let out of the building except for two incarcerated people, Mr.
20 [REDACTED] and the building clerk, Mr. [REDACTED]. As I walked outside of the
21 building, I saw Officer [REDACTED] and another officer standing outside of the building. I didn't
22 know what they were up to at the time, but it struck me as strange that they were standing
23 there. Usually, officers only stand outside of the buildings when they're preparing to
24 conduct a security check or searches.

25 24. After I returned from chow, I asked Mr. [REDACTED] what had happened, and he
26 told me, "Man, ~~staff~~ jumped me, they broke my arm." As the day went on, everything [REDACTED]
27 started to unfold. Later that day, I heard a staff member talking to another staff member in
28

1 the housing unit, saying that if a certain officer wasn't in the housing unit at the time,
2 "Officer [REDACTED] would have shot [REDACTED]"

3 25. I have observed Officer [REDACTED] threatening incarcerated people with
4 violence on a number of occasions. In one instance, I heard Officer [REDACTED] tell a person
5 over the loud speaker, "Man, I'll be at work at 2 p.m. tomorrow. Be on the yard then." I
6 interpreted this as Officer [REDACTED] expressing his intention to fight the person.

7 26. It is my understanding and belief that CDCR knows that Officer [REDACTED] is a
8 serious problem but they do not do anything about him. I once told a staff member that
9 RJD needs to fire Officer [REDACTED] for misconduct, only to have that staff member reply,
10 "They fired him twice already, but he's got good lawyers."

11 27. Up until my transfer to Facility E, all the officers who assaulted me except
12 for Officer [REDACTED] were still working on Facility A. I was told by a staff member that
13 Officer [REDACTED] was moved to a different yard, but not because of allegations of staff
14 misconduct against him. Because I was housed in Building 2, I interacted with Officer
15 [REDACTED] every day in order to go in and out of the building. Up until my transfer to
16 Facility E, Officer [REDACTED] still worked on the yard, and I had to interact with her nearly
17 every day, as she often checked people's IDs on the way into the chow hall. Similarly,
18 Officer [REDACTED] was still working on Facility A up until my transfer to Facility E.

19 28. In my opinion, staff seem to target people with mental illness with staff
20 misconduct. It does not appear to me that staff understand how to interact with people
21 who have mental health needs. I have not seen staff de-escalate people who are
22 undergoing crisis, and instead I have seen them end up using force against people who are
23 mentally ill. There are so many elderly people with disabilities and mental health issues at
24 this prison, yet staff run it like it is full of young, fit, prisoners rather than what it feels like
25 which is a hospital with very needy people. For example, people with disabilities require
26 special treatment and sensitivity, but I have observed staff become irritated because it
27 makes their jobs more difficult. It would be easier if they could just be rough with
28

1 everyone. I have often heard staff say things like, "He doesn't need a walker, he's faking
2 it." Staff even accused me once of "faking" my disability.

3 29. I have been in CDCR prisons for about 33 years of my life. I've been
4 housed in a number of different CDCR prisons, including Old Folsom, CSP – Sacramento,
5 San Quentin, Soledad, CMC, California Correctional Institution, and Solano. The staff
6 misconduct at RJD is worse than at any other place in which I have been incarcerated.

7 30. The leadership at RJD does not appear to take any action that I have seen in
8 response to the bad apples. For example, I once overheard a sergeant tell Officer [REDACTED]
9 "Man, I can write you up and get you fired with the shit you're doing." Officer [REDACTED]
10 responded by threatening him, saying, "Get the fuck out of here, I'll beat your ass." That
11 comment made me think that the supervisors at RJD do not have a lot of power over the
12 staff they are supposed to be supervising.

13 31. I declare under penalty of perjury under the laws of the United States of
14 America that the foregoing is true and correct, and that this declaration is executed at
15 SAN Diego, California this 08 day of January, 2020.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

Exhibit 23a

Filed Under Seal

Exhibit 24

I, [REDACTED], declare:

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 69 years old.

4. I am an *Armstrong* class member. I am designated as DPM. I have serious back problems and have trouble walking. I suffer from pain in my back and in both hips, legs, and feet. I cannot stand or sit for long periods of time. I also sometimes lose my balance. As accommodations for my disability, I am housed on the ground floor and require a lower bunk, and I walk using a walker or a cane. I also have a mobility-impaired vest.

5. I am a *Coleman* class member at the EOP level of care. I am currently diagnosed with anxiety, depression, and a mood disorder. I am frequently sad and often experience hopelessness. My mood also changes from happy to sad or angry very quickly. I have long periods of depression where I cannot motivate myself to go about my daily life including, for example, getting out of bed, reading, or making phone calls. I take Vistaril and Zoloft to treat my conditions. I go to group therapy six days a week, see a clinician once every two weeks, and see a psychiatrist once a month.

6. I also suffer from a number of serious medical conditions. I have been diagnosed with fibromyalgia. I also have high blood pressure. I am classified as high-risk medical.

1 7. I witnessed events relevant to officers assaulting [REDACTED] on
2 April 24, 2019. At the time of the incident, I was assigned to work as a clerk in Building
3 2. One of the tasks for my job was to hand out ducats, which are slips of paper that
4 indicate that an incarcerated person has an appointment the following day. Officer [REDACTED]
5 one of the regular floor officers on Third Watch (2 p.m. to 10 p.m.) in Building 2, usually
6 provides me with the ducats to hand out around dinner time.

7 8. On April 24, 2019, at around 5 p.m., the control tower officer, Officer
8 [REDACTED], released my section of Building 2 to go to dinner. The control tower officer
9 controls the opening and closing of the cell doors in the unit. I decided that I was not
10 going to go to dinner that night because it was macaroni chili, which I did not want to eat.
11 Instead of going to dinner, I went looking for Officer [REDACTED] to get the day's ducats from
12 him. I asked Officer [REDACTED], who was a floor officer that day, where Officer [REDACTED] was.
13 Officer [REDACTED] said that Officer [REDACTED] was outside. I walked outside the building with
14 people who were heading to dinner. Once I got outside of the building, I did not see
15 Officer [REDACTED]. I did, however, see two officers—Officer [REDACTED] and another officer—
16 standing in the dirt just to the side of the front door to Building 2.

17 9. Since I had not found Officer [REDACTED] I walked back into Building 2. I sat
18 down at one of the tables in the dayroom to wait for Officer [REDACTED]. I was the only person
19 in the dayroom. As far as I could tell, all of the cell doors in the building were closed.
20 Officer [REDACTED] was in the office of the unit.

21 10. Officer [REDACTED] then announced over the loud speaker that I needed to either
22 go to dinner or to go back into my cell. This order was very unusual. There have been
23 many, many evenings, including evenings where Officer [REDACTED] was working in the
24 control tower, where I did not go to dinner and I would wait in the dayroom at a table for
25 an officer to bring me the ducats so I could perform my work responsibilities. In any
26 event, I decided that I would go to dinner so that I would not be stuck in my cell for
27 approximately two hours until evening dayroom.

1 11. I walked back out of Building 2. Officer [REDACTED] and the other officer were
2 still standing in the dirt by the front of the building.

3 12. I walked up the sidewalk away from Building 2 until I reached the track on
4 Facility A. I turned left on the track and walked toward a walkway that cuts across the
5 yard directly to the dining hall. However, before I had moved away from the front of
6 Building 2, I heard keys jangling. In prison, that sound is very distinctive and means that
7 staff is running somewhere to respond to an incident. In my experience, staff do not
8 typically run unless something urgent is happening. In addition, typically when something
9 urgent is happening, an alarm will sound. When an alarm sounds all incarcerated people,
10 except those with disability vests, are required to stop where they are and sit down on the
11 ground. People with disability vests, like me, must also stop where they are, but are not
12 required to get down on the ground.

13 13. When I heard the keys jangling, I turned around to see who was running and
14 what was going on, but only saw an officer's back as he entered Building 2. I stopped in
15 place expecting an alarm to sound. At the time, I was wearing my mobility-impaired vest
16 underneath my jacket, so I unbuttoned my jacket to display the vest so that when an alarm
17 sounded officers would know that I was unable to get down on the ground. I waited in
18 place for a minute or so. When no alarm sounded, I continued walking to the dining hall.
19 I spent about 15 minutes in the dining hall.

20 14. I then returned to Building 2. When I got back to Building 2 after dinner,
21 other incarcerated people told me that staff had beaten up Mr. [REDACTED]. I then went over
22 to Mr. [REDACTED]'s cell—cell [REDACTED]. He told me that he was the last one let out the building to
23 dinner that night and that officers, including Officer [REDACTED], trapped him in the sally port [REDACTED]
24 and beat him up. He indicated that his arm was swollen. I saw that *in his cell, there were clothes*
25 covered in blood, that his face was bruised, and that his arm was swollen. I told him to
26 make sure that staff took pictures of his clothes because they were evidence of what
27 happened to him.

1 15. I've seen Officer [REDACTED] multiple times on Facility A and in Building 2 since
2 the attack on Mr. [REDACTED]. Officer [REDACTED] still generally works five days per week in the
3 control tower in Building 2, during Third Watch (which is from 2 p.m. to 10 p.m.).

4 16. The attack on Mr. [REDACTED] made me very angry because, based on my
5 observation of Mr. [REDACTED] after the incident, it appears that the officers involved hurt
6 him badly and without suffering any consequences for their conduct. I feel like they got
7 away with it because they all still have jobs at RJD. I am not aware of any staff member
8 who was disciplined because of the incident.

9 17. The attack on Mr. [REDACTED] also made me fearful. I have filed a number of
10 grievances in the past. Seeing what happened to Mr. [REDACTED] made me worry that officers
11 might attack me. If they could do this to Mr. [REDACTED] in broad daylight, what would stop
12 them from attacking me? The attack on Mr. [REDACTED] also made my anxiety worse, as I
13 began worrying that I would be next.

14 18. Officer [REDACTED] often gives incarcerated people trouble in Building 2. I
15 remember one incident with a prisoner named Mr. [REDACTED] in around September or October
16 2019. It was around dinner time and Mr. [REDACTED] was in cell [REDACTED] at the time. I saw Officer
17 [REDACTED] trap Mr. [REDACTED]' arm in the cell door. Mr. [REDACTED]' body was inside the cell, but his
18 arm from about the elbow was trapped between the door and the door frame. I stood right
19 in front of the tower and yelled to Officer [REDACTED]: "[REDACTED], [REDACTED], [REDACTED], you've got his
20 arm in the door." Officer [REDACTED] responded "Shut up and go to chow." Hearing him say
21 this made me realize that he knew that he trapped Mr. [REDACTED]' arm in the door but did not
22 care. I was so angry that I walked out of the building. [REDACTED]

23 19. I have been in CDCR prisons for about 35 years of my life. I've been
24 housed in a number of different CDCR prisons, including Folsom State Prison, California
25 State Prison – Sacramento, California State Prison – Los Angeles County, California
26 Correctional Institution, California State Prison – Solano, Wasco State Prison, and RJD.
27 In my experience, the staff misconduct at RJD is more in your face and in the open than at
28

1 the other institutions I have been at, including Level IV maximum security yards. At RJD,
2 staff do not even hide their misconduct. They openly beat up prisoners on the yard in the
3 middle of the day.

4 20. I think part of the reason that staff misconduct occurs at RJD is because
5 when officers assault prisoners, they get away with it and do not face punishment. For
6 example, the assault on Mr. [REDACTED] could not have happened without Officer [REDACTED]
7 keeping Mr. [REDACTED] in his cell and clearing the building for chow. Yet, Officer [REDACTED]
8 is still working at RJD in the same position in the tower for Building 2, exercising control
9 over myself and Mr. [REDACTED]. Every time I see Officer [REDACTED] in the tower or hear his
10 voice over the PA system, it makes me feel that the entire system is unfair and corrupt. I
11 also feel afraid about what might happen if Officer [REDACTED] decided that he should beat me
12 up.

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 07 day of January 2020.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

Exhibit 25

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 C in Building 13. I am 47 years old.

3. I have been housed in Building 13, cell [REDACTED] since I arrived at RJD on June 19, 2018.

4. I am an *Armstrong* class member. I am designated as DPO and DNH. I also have a learning disability that is not yet verified by CDCR. As accommodations for my mobility and hearing disabilities, I am housed on the ground floor and in lower bunk, and I have a wheelchair, a cane, a walker, and hearing aids. I also experience incontinence related to my disability.

5. I am a *Coleman* class member. I am at the CCCMS level of care. I have had depression since about 2001 and currently take medication for depression.

6. I have a number of serious medical conditions. I am classified as high risk medical. I have a seizure disorder, asthma, and severe problems with my spine. In February 2015 I suffered damage to my spine when I fell from a moving golf cart while handcuffed during prison transport at Pleasant Valley State Prison. I have degenerative disc problems and spinal cord compression and have been using a wheelchair since that time.

7. I have been a victim of staff misconduct at RJD. Officers have closed cell doors on me multiple times. I have seen staff close cell doors on other incarcerated people many times. Sometimes I have seen staff laugh at incarcerated people when this happens.

8. The cell doors in Building 13 slide open and closed. It is my understanding that staff in Building 13 open and close the doors using a control panel located in the

1 control tower of the unit. The doors, which move mechanically, are made of metal and are
2 very heavy and powerful. As a result, it is very dangerous for a person to get stuck
3 between a closing door and the door frame.

4 9. On October 24, 2018, Officer [REDACTED] closed me in the cell door. He was
5 working the tower during second watch (6 a.m. to 2 p.m.). That day, Officer [REDACTED]
6 opened the door just far enough for me to start to exit my cell and then he closed the door
7 on me. Because I had turned my body sideways to exit the partially opened cell door, I
8 was pinned sideways in the door when he closed it. I screamed. Then the door opened
9 slightly, enough for me to start to wiggle free, and then it shut on me again. I was pinned
10 in the metal door for about 30 seconds until he finally opened the door to release me. I
11 believe Officer [REDACTED] intentionally closed the door on me because he started to let me go
12 and then pinned me in the door again.

13 10. After this incident, I had pain in my chest and back as a result. I did not seek
14 medical attention at that time because I was already seeing the doctor regularly about my
15 ongoing spinal problems.

16 11. On April 6, 2019, while in my cell in Building 13, A section, the officer in
17 the tower, Officer [REDACTED], opened my cell door half-way. I went to the door to find out
18 why my door was opened. At a Level IV prison it is concerning when your door opens at
19 an unexpected time because others can enter your cell and attack you or take your
20 property. I yelled out from my cell trying to get the attention of Officer [REDACTED] to get him
21 to close my door or explain why he had opened it. I could see him in the tower, but he was
22 not looking in my direction; he was looking in the opposite direction at the C Section of
23 the building. In order to get his attention, I stuck my body out of my cell as far as I could
24 without exiting the cell. All of a sudden, he started shutting the door on me. I got my
25 body out of the way but my right hand was stuck between the closing door and the door
26 frame. I started screaming from the pain. My hand was stuck in the door for about a
27
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to two minutes
 1 minute until he finally opened the door and I could free my hand. I couldn't move my
 2 fingers.

3 12. I do not believe Officer [REDACTED] shut my hand in the door intentionally. But,
 4 immediately after it happened, I reported the incident to the two floor officers, Officer
 5 [REDACTED] and [REDACTED] and I requested medical attention. They refused to let me go to
 6 medical. I told them my hand got stuck in the door. Instead, Officer [REDACTED] said, "I'm not
 7 sending you to medical for a bruise on your hand." I continued to try to get them to send
 8 me to medical and they continued to refuse. *

9 13. Later that afternoon, when I informed Officer [REDACTED] that I was going to
 10 write him up for denying me access to medical attention, he told me it was Sergeant [REDACTED]
 11 that told him to not allow me to go to medical.

12 14. I finally was able to see medical staff the next day when the nurse in the pill
 13 line, LVN Hawthorn looked at my hand and sent me to the triage and treatment area.

14 15. My hand was not broken but I continue to have pain and swelling and
 15 difficulty using my hand. I have difficulty writing. The injury is on my right hand and I
 16 am right handed.

17 16. *About a month* later, after I found another incarcerated person who would help
 18 me write, I filed a 602 about this incident, alleging that multiple staff members refused to
 19 provide me with medical attention in violation of policy. RJD denied my 602, concluding
 20 that there was no indication that I needed medical attention. RJD also concluded that staff
 21 had not violated any policies.

22 17. After I filed the 602, a series of little incidents occurred that cause me to
 23 believe that that staff were retaliating against me. First, right after I had my hand slammed
 24 in the door, I heard one officer, Officer [REDACTED]. I am not sure of the exact spelling of his
 25 name, called me a snitch.

26 ///

27 ///

1 18. Staff also do little things to make my life more difficult like deny me access
2 to wheelchair pushers when I ask for them. This still happens at least a few times a week.

3 *After I filed the staff complaint, staff made it even more difficult for me to get*
4 *a wheelchair pusher when I asked for one.*

5 19. I have great rapport with some staff members here. But, these little acts of
6 retaliation by other staff members makes me feel like less than a human at RJD.

7 20. I have also witnessed staff engage in misconduct against other people at
8 RJD.

9 21. On or around April 23, 2019, during third watch after diabetic dinner was
10 served, I observed five or six officers in a ring around an incarcerated person I knew as
11 "██████" I was in cell ██████ at the time and this happened so I could see this occurring
12 outside of cell ██████. ██████ was on the ground in fetal position, cuffed behind his back.
13 Even though he was cuffed, staff were kicking him in the head, beating him with batons,
14 and punching him. The beating lasted for at least three minutes until the Sergeant
15 ██████ showed up. During the time he was being beaten, it looked to me like he was
16 knocked unconscious because his body went limp and he wasn't moving. I specifically
17 remember Officer ██████ kicking ██████ in the head with his heavy boots trying to wake
18 ██████ up. I recognized Officer ██████, Officer ██████ and Officer ██████ as officers who
19 participated in beating up ██████. I did not recognize the other officers involved.

20 22. *spoke with ██████ for a moment*
After Sergeant ██████, I saw some of the officers *pick*
21 *up.* ██████ was covered in blood.

22 23. Later that next day, while I was standing in pill line, I heard a staff member
23 talking about the incident with ██████. I heard that officer brag that ██████ was "as good as
24 dead too." I took this to mean that the officer was stating that staff killed yet another
25 inmate on Facility C.

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1 24. Months later, I was in my cell listening to CBS news on the radio and I heard
2 a report that an incarcerated person from RJD who was assaulted in April 2019 had died
3 after being in a coma at a hospital for a long time. I do not know whether the person
4 referred to on the news was [REDACTED] but the timing matches my observation of staff
5 assaulting [REDACTED]

6 25. Officer [REDACTED] still works at RJD. It is my understanding from other
7 incarcerated people that have seen him at the prison still, that he works as a counselor on
8 Facility A. It is my understanding that being a counselor is considered a promotion from
9 being a deputy officer. Given what I saw Officer [REDACTED] do to [REDACTED] it seems wrong to
10 me that he would still work at RJD, let alone that he would be promoted to being a
11 counselor.

12 26. Officer [REDACTED] also still works at RJD. I saw him recently working in a
13 mental health unit. I said, "Hi, how have you been? How'd you fare on that?" referring to
14 the misconduct incident with [REDACTED] He responded saying, "Oh yeah, I've been cleared,
15 I'm all good."

16 27. The idea that Office [REDACTED] is still working at RJD, coming in to contact with
17 incarcerated people, makes me sick mentally and physically. The attack on [REDACTED] brought
18 back horrible memories that I have from when I was hog tied and beaten by officers when
19 I was incarcerated in a juvenile facility. From what I saw, he was not resisting or even
20 moving on the ground. Once he was on the ground and cuffed, the whole incident should
21 have been over. The officers should not have continued to beat him while he was cuffed
22 and unconscious.

23 28. Because of what I have seen, I am fearful that if I say or do the wrong thing
24 at RJD, staff will do to me as they did to [REDACTED] I do not want to ask any officers for help
25 because I am worried that something bad will happen to me. For example, when staff deny
26 me access to a wheelchair pusher, I do not complain to staff in person or file grievances. I
27 just wait and hope some other incarcerated person will help me.

1 29. In my opinion, staff target people who are slow or have disabilities or have
2 sex offense cases with staff misconduct. I think staff are targeting these people because
3 those are the people that I see getting assaulted most often. From my perspective staff
4 antagonize those people, hoping to get a reaction that will provide a justification for staff
5 to beat them up. In my experience, people with disabilities do not fight back as much as
6 those without disabilities. For this reason, I believe that staff see people with disabilities
7 as easy targets to abuse.

8 30. I believe one of the reasons there is so much staff misconduct at RJD is
9 because we are so far away from CDCR headquarters in Sacramento. From inside the
10 prison it seems like staff abuse prisoners without facing any real consequences. It feels
11 like no one is watching staff here to hold them accountable. One staff member said to me
12 when I arrived here, "You will see, we do not do things the CDCR way here, we do things
13 the RJD way." I took that to mean that staff at RJD do not care if they follow CDCR
14 policy.

15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct, and that this declaration is executed at

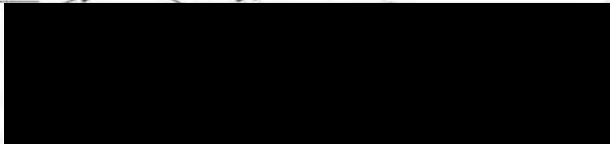
17 San Diego, California this 08th day of January, 2020.
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Exhibit 25a

Filed Under Seal

Exhibit 26

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 B in Building 8. I am 52 years old.

3. I have been housed at RJD since March 6, 2019. I was initially housed on Facility A in Building 5, until I was put into the Administrative Segregation Unit ("ASU") in Building 6 on Facility B on July 1, 2019, after I was assaulted by RJD staff. I was sent to Salinas Valley State Prison from July 25, 2019 to September 16, 2019, and then returned to RJD, where I was placed back into ASU in Building 7 on Facility B. On October 10, 2019, I was returned to general population and moved to Building 8 on Facility B.

4. I am an *Armstrong* class member. I am designated as DPM. My mobility has been impaired ever since I had a stroke and dislocated my hip in 2009. For years I used a walker to get around, but several years ago, my mobility improved enough where I can use a cane. I still have equilibrium issues that make it hard for me to balance, and I have diabetic neuropathy in my feet that makes it painful to walk. As accommodations for my disability, I am housed on the ground floor in a lower bunk, and I use a cane and orthopedic shoes with inserts. I also have a mobility vest because it is hard to get down on the ground during alarms because of my disability.

5. I am a *Coleman* class member at the CCCMS level of care. I am prescribed Cymbalta and Vistaril for my anxiety and depression.

6. I was a victim of staff misconduct at RJD. On July 1, 2019, I was leaving my housing unit, Building 5 on Facility A, at around 8:30 pm to get my medications for the night from pill call. Before exiting the building, I showed my ID to the floor officer, Officer [REDACTED], at the sally port gate. When I came outside the building with the other inmates going to pill call, I saw Officer [REDACTED] standing to my left. I knew that she had

1 a reputation among inmates for causing trouble for people with disabilities, so I tried to
2 walk towards pill call without interacting with her. As I walked by, Officer [REDACTED] saw
3 me and asked me for my ID. I told her that I had just shown my ID to Officer [REDACTED]
4 in the sally port and continued walking towards pill call.

5 7. Officer [REDACTED] yelled out, "Stop him!" to another officer, Officer [REDACTED],
6 who was standing with two other female officers on the patio between my housing unit and
7 the pill call. Officer [REDACTED] asked me to stop, and I complied. Officer [REDACTED] then
8 pointed to ground in front of her and called me to come over to her, as if she were calling a
9 dog, so I refused. Officer [REDACTED] walked over to where I was standing by Officer
10 [REDACTED] and yelled at me, "Turn around!" I asked her "for what," as I did not understand
11 why she was escalating the situation so quickly. Officer [REDACTED] told Officer [REDACTED] to
12 call an alarm, and Officer [REDACTED] called in on the radio "Code 1" and said, "we have a
13 resistive inmate." Officer [REDACTED] told me to turn around again, and I realized that she
14 was going to handcuff me behind my back, even though I have a special cuffing chrono
15 because of my disability and I am not supposed to be cuffed behind my back. I was
16 confused why Officer [REDACTED] felt it was necessary to cuff me, but I complied with her
17 order, putting my arms behind my back.

18 8. Officer [REDACTED] grabbed my left arm and yanked it hard behind my back
19 while Officer [REDACTED] took away my cane and held my right arm behind my back with
20 both her hands. Officer [REDACTED] put the handcuff around my left wrist and clamped it so
21 tight on my wrist that it painfully squeezed the bone in my wrist and hand. It was so
22 painful in that moment that I yelled out, "bitch," which I acknowledge was disrespectful. I
23 did not resist or try to stop the officers from cuffing me. I stood with my arms behind my
24 back and bent over with my legs spread open to try to keep my balance while they held my
25 arms. While Officer [REDACTED] had my right arm secured behind my back, Officer [REDACTED]
26 started to put the right handcuff on my wrist while still holding my left arm. While she
27 was cuffing my right hand, Officer [REDACTED] was pushing me hard from my left side
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1 towards the ground. It felt like she was trying to push me hard onto the ground as she was
2 cuffing me.

3 9. Officer [REDACTED] kept saying "stop resisting" while she was shoving me hard
4 towards the ground, even though I was not resisting at all. I did my best to stay balanced
5 and keep myself from falling face first into the ground, and it is possible that in moving my
6 feet to avoid falling, I stepped on Officer [REDACTED]'s foot accidentally. But I was not
7 struggling at all or trying to resist while Officers [REDACTED] and [REDACTED] cuffed me behind
8 my back. It seemed like Officer [REDACTED] was saying "stop resisting" to try to justify how
9 much force she was using against me.

10 10. Because Officer [REDACTED] had called an alarm, Officer [REDACTED] and Officer
11 [REDACTED], the floor officers in my building, ran out of the building while Officer [REDACTED]
12 was shoving me hard towards the ground with my hands cuffed tightly behind my back, in
13 violation of my special cuffing chrono. Officer [REDACTED] walked toward us and was
14 calling out to Officer [REDACTED], trying to calm the situation, and once he got closer, she
15 finally stopped shoving me. Officer [REDACTED] then said, "get him the hell out of here," and
16 two male officers escorted me in handcuffs to the mental health building and put me in a
17 holding cage. Sergeant [REDACTED] came over and asked me if I wanted to sign a paper, but
18 I was not sure what it was so I refused. Later that night, at around 11:00 pm, I was moved
19 to the ASU on Facility B.

20 11. I received a false RVR from Officer [REDACTED] for this incident. I was
21 charged with battery on a peace officer. Officer [REDACTED] claimed that I battered her and
22 Officer [REDACTED] by allegedly elbowing them in their upper torsos while they forcefully
23 handcuffed me and while she pushed me towards the ground. She claimed that she had
24 soreness because I had elbowed her. This is untrue. I did not elbow Officer [REDACTED] or
25 Officer [REDACTED], and I was not resisting them.

26 12. I was sent to Salinas Valley State Prison ("SVSP") for my hearing on the
27 RVR, which happened on August 6, 2019. Lieutenant [REDACTED] was the hearing officer.
28 Before the hearing, I asked my assigned Investigative Employee ("IE") at SVSP find

1 witnesses for me—including the many prisoners who had left my building at the same time
2 as I did to go to pill call and saw me being assaulted by Officer [REDACTED]—but I was told
3 my witnesses were “not relevant” so they were not allowed to testify about what they saw.
4 There is also a camera on building A5 that is pointed towards the yard, so I believe there
5 should be video footage of incident, but when I asked the IE to present the video as
6 evidence, he told me that the request was denied because there was supposedly no video
7 footage. When I raised this at the hearing, Lieutenant [REDACTED] said he did not see a
8 request for video surveillance in the paperwork. I also asked for the floor officer, Officer
9 [REDACTED], as a witness, but because the hearing was at SVSP, the hearing officer relied
10 only on Officer [REDACTED]’s statement. The hearing lasted less than five minutes, and it felt
11 like the outcome was already determined against me.

12 13. I was found guilty of the RVR and received a loss of 150 days of credits, and
13 a referral to the District Attorney for criminal prosecution. I told the Lieutenant that I
14 believed that the hearing was unfair and that he was not being impartial, and asked why
15 my witnesses were deemed irrelevant. Lieutenant [REDACTED] just told me to file a 602.

16 14. On October 1, 2019, I filed a 602 appealing the violation of my due process
17 rights at the hearing on the false RVR. On October 21, 2019, my appeal was partially
18 granted. The appeal response agreed that it was wrong that none of my questions for
19 witnesses were deemed relevant and none of my questions were asked, and granted my
20 request that the RVR be reheard. However, they denied my request that the RVR be
21 dismissed and refused to restore my credits. I am currently facing criminal charges in San
22 Diego County based on the false report of battery by Officer [REDACTED].

23 15. I have appealed the partial denial of my 602 to the third level, but have not
24 yet received a response. The rehearing on my RVR has also not happened yet.

25 16. On October 21, 2019, I filed a 602 against Officer [REDACTED] for the excessive
26 use of force against me and the false RVR she gave me. The Appeals Coordinator
27 screened out the 602 on the ground that the 602 was untimely. The reason I did not file the
28 602 earlier is that I have been in the ASU since the incident on July 1, 2019 until I was

1 finally released on October 11, 2019. I asked for 602 forms from the Officers in the ASU
2 but they refused to provide them to me. As soon as I was released, I got the paperwork
3 together to file the 602.

4 17. I have not been housed on A Yard since the July 1, 2019 incident, so I have
5 not seen Officer [REDACTED] on duty, but on October 4, 2019, I saw Officer [REDACTED] walking
6 towards Facility A while I was in Receiving and Release being processed after returning
7 from court. It is my understanding from speaking with Officer [REDACTED] that she is still
8 working on A Yard even after what she did to me.

9 18. From what I have observed, staff at RJD target people with disabilities and
10 elderly prisoners. For example, the cell doors are controlled by the tower officer in the
11 housing units often close the cell doors on people who are unable to move as quickly. On
12 October 21, 2019, the tower officer in Building B8, Officer [REDACTED], closed the cell door
13 while I was trying to enter my cell. I was able to keep myself from being trapped in the
14 door by putting out my cane to keep the door from completely closing on me.

15 19. It seems like the staff at RJD are impatient and so they are more likely to get
16 angry at people with disabilities who are unable to move as quickly, or are more likely to
17 ask for help or file forms. I have been yelled at a lot to move more quickly, and I have
18 seen other people with disabilities experience the same treatment.

19 20. The staff also protect each other. You can be "red flagged" if you file a 602,
20 where you face reprisals, such as having your cell tossed without leaving a cell receipt and
21 having your property thrown around, and filing false RVRs on people like the one I
22 received on July 1, 2019.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 21. I have been in CDCR prisons for more than twelve years of my life. I've
2 been housed in a number of different CDCR prisons, including Ironwood, Chuckawalla,
3 and Sierra Conservation Center. This is the worst prison I have ever been at. The
4 correctional staff at RJD can be cutthroat and ruthless.

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

7 R.J.D Correctional, this 7 day of January, 2020.
8 facility 

Exhibit 27

DECLARATION OF [REDACTED]

I, [REDACTED], declare:

1. I am a party in the above-entitled action. 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 on Facility D in Building 2. I am 58 years old.

3. I was housed at RJD from mid-2010 until June 23, 2018.

4. During my time at RJD, I was first housed in the C14 building. I was later moved to the C13 building, where I stayed for a few years before getting moved into the ASU building for roughly four months. I left the ASU and was moved to the C12 Unit in October 2017. I stayed in the C12 Unit for the rest of my time at RJD.

5. I am an *Armstrong* class member. I am designated as DLT and DNH. I have terrible arthritis in both of my knees. I have had two back operations in order to correct problems with my lower back that was caused by a blood infection I contracted years ago. I need a cane and a walker in order to get around. It is difficult for me to stand for more than fifteen or twenty minutes without experiencing any pain. I struggle to go up any stairs without pain. As accommodations for my disabilities, I am provided with lower bunk, lower tier housing, a walker, a cane, hearing aids, and hearing/mobility impaired vest. I had the same disabilities, limitations, and accommodations during the time that I was at RJD.

6. I am a *Coleman* class member. I am at the EOP level of care. I was also at the EOP level of care during the time that I was housed at RJD. I struggle with bad anxiety, which often makes me scratch at my hands uncontrollably in order to calm down my panicked thoughts. I take Buspar and other psychiatric medications to help me feel more stable and less anxious. I also like to participate in drawing classes and groups, which help me feel relaxed and cope with my anxiety.

Initials [REDACTED]

1 7. I have a number of serious medical conditions. I have end-stage liver
2 cirrhosis, which makes me feel very tired. Often, due to my cirrhosis, my legs get very
3 swollen, which makes it harder to walk. Every six months, I go to the doctor to receive an
4 ultrasound to check in on my liver to see if I have developed cancer in my liver. I also
5 have esophageal varices, which cause me to have varicose veins in my throat. Every
6 ninety days, I have to go to a specialist to get surgery on my varicose veins so that they do
7 not get worse. I have high blood pressure, for which I take medication three times a day,
8 and anemia, for which I get a blood test every six months to check on my iron levels. If
9 my iron levels are low, I have to get an infusion of liquid iron to improve my anemia. I am
10 classified as high risk medical.

11 8. I was a victim of staff misconduct at RJD on May 1, 2018. On that day, I
12 was walking through the dayroom in Building C12, when Officer [REDACTED] told me to
13 drop contraband that I was holding in my hand. His partner, Officer [REDACTED], grabbed
14 my arm before I could drop the contraband and did not let go. I tried to, but could not,
15 comply with Officer [REDACTED]'s order because Officer [REDACTED] had grabbed my
16 hand, pinning the contraband between my cane and my hand. Officer [REDACTED] then
17 grabbed my other arm and roughly twisted it behind my back. I told Officer [REDACTED]
18 that she had to loosen her grip so that I could drop the contraband. Once she did so, I
19 dropped the contraband and Officer [REDACTED] suddenly grabbed my other arm and
20 twisted it behind my back as well. When he grabbed my arm, I dropped my cane. Officer
21 [REDACTED] then cuffed me up with my arms behind my back.

22 9. Officer [REDACTED] then lifted up my arms behind me. This caused me to
23 lean forward. As this was happening, it was very hard to keep my balance without my
24 cane. Then, all of a sudden, I felt Officer [REDACTED] grab the back of my head. He then
25 slammed my face into the edge of a wooden table near the podium in the dayroom. Officer
26 [REDACTED] then jumped on top of my back and told me to "Be Still!" While I was on the
27 ground, Officer [REDACTED] repeatedly tried to tear off my jacket, which wrenched my
28

1 entire torso around because I was still handcuffed. A sergeant then came over and Officer
2 [REDACTED] pulled me up by my handcuffs.

3 10. I was then escorted to the clinic by Officer [REDACTED] and the sergeant to
4 have my injuries evaluated. From being slammed into the table, I had a black eye and a
5 large contusion on my forehead above my right eye. I felt dizzy and had a headache.

6 11. While we were walking to the medical building, Officer [REDACTED] told me
7 that if I reported to medical staff that my injuries had been caused by him, he would issue
8 me a Rules Violation Report (RVR) accusing me of assaulting him. Officer [REDACTED]
9 also told me that if I did not tell medical staff about how I got injured, he would not charge
10 me with any RVR, including possession of contraband.

11 12. We eventually arrived at the medical building and I was taken into an
12 examination room to be evaluated by medical staff. Officer [REDACTED] came into the
13 examination room with me. He stood a few feet away from me for the entire time I was
14 being evaluated and questioned about my injuries. I told medical staff that I accidentally
15 hit my head on a locker in my cell. I did not tell medical staff that Officer [REDACTED]
16 had assaulted and injured me because I was afraid of what he would do to me if he knew
17 that I had reported him.

18 13. I was then returned to my cell. I did not receive a write-up for the
19 contraband or any other part of the incident.

20 14. Over the next few weeks, I had persistent headaches. The headaches made it
21 very hard for me to sleep. I felt tired and irritable. It is my belief that I sustained a
22 concussion from the incident.

23 15. I did not report the incident with Officer [REDACTED] during the time that I
24 was at RJD.

25 16. I have also witnessed staff engage in misconduct against other people at
26 RJD. While I was at RJD, I frequently saw officers assault prisoners on the yard and then
27 claim that the prisoners had started the altercations. I also frequently saw Officer [REDACTED]
28 [REDACTED] assault prisoners with disabilities. A few months before Officer [REDACTED]

1 assaulted me, I saw him dump another prisoner out of his wheelchair and slam him into the
2 ground.

3 17. In my experience, incidents like this were common at RJD. The prisoners
4 who staff assaulted were almost always taken off of the yard after the assault. I usually did
5 not see them again. From my experience, officers appeared to target incarcerated people
6 with mental illnesses or those who had filed appeals or lawsuits about conditions at RJD.

7 18. It revolted me to see officers assault defenseless prisoners. These incidents
8 made me feel angry and distressed about the problems at RJD. Frequently, these incidents
9 made my anxiety worse. The incidents also made me want to get out of RJD as fast as I
10 could.

11 19. At the time that I was transferred from RJD in June 2018, the officers I had
12 seen assault prisoners, including Officer [REDACTED], were still working there and still
13 interacting with prisoners every day.

14 20. In my time at RJD, there were a few times that I needed help but did not ask
15 for it because I was afraid of what would happen to me. For example, after the incident, I
16 never asked Officer [REDACTED], who was one of the regular officers in my housing unit
17 on second watch when I was in Building 12, for any help because I did not want to get
18 assaulted again. I tried to stay as far away as I could from Officer [REDACTED] and the
19 other officers I had seen hurt prisoners.

20 21. I have been in CDCR prisons for about thirty-five years of my life. I've been
21 housed in a number of different CDCR prisons, including RJD, LAC, California Institution
22 for Men, California Training Facility, Pelican Bay State Prison, Deuel Vocational
23 Institution, California Medical Facility, California State Prison – Corcoran and several
24 others. The staff misconduct I saw and experienced at RJD was far worse than what I have
25 seen at any other prison. In my experience, officers assaulted prisoners more frequently at
26 RJD than at other places I have been incarcerated. Staff assaults seemed to happen a few
27 times a month and were disturbing to see.

28 I declare under penalty of perjury under the laws of the United States of America that

1 the foregoing is true and correct, and that this declaration is executed at Lancaster, California
2 this 17 day of December, 2019.

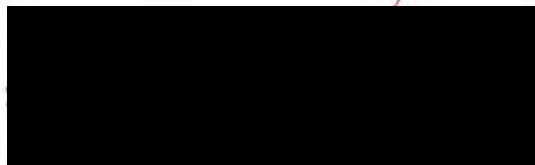
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Exhibit 27a

Filed Under Seal

Exhibit 27b



**ROSEN BIEN
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April 18, 2019

VIA ELECTRONIC MAIL ONLY

<p>PRIVILEGED AND CONFIDENTIAL</p> <hr/> <p>SUBJECT TO PROTECTIVE ORDERS</p>
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Russa Boyd
Ursula Stuter
CDCR Office of Legal Affairs
Russa.Boyd@cdcr.ca.gov
Ursula.Stuter@cdcr.ca.gov

Re: *Armstrong v. Newsom*: Advocacy Letter re DNH Class Member, [REDACTED]
[REDACTED], Experienced Staff Misconduct at RJD
Our File No. 581-3

Dear All:

I write regarding Mr. [REDACTED], a 59 year old *Armstrong* class member at LAC who reports that he was assaulted by Officer [REDACTED] at RJD in June or July of 2018. As you know, Officer [REDACTED] is the same officer alleged to have ordered inmates to attack an *Armstrong* class member as raised in our staff misconduct complaint of January 8, 2019. Officer [REDACTED] is also the subject of an April 2018 incident where he was alleged to have “aided and encouraged” a similar attack by inmates against another prisoner. (See **Exhibit B** to the January 8, 2019, letter.) Lastly, Officer [REDACTED] was subject of multiple misconduct complaints made by *Armstrong* class members during the Joint Audit at RJD August 27-30, 2019. Multiple, consistent allegations against this same officer have been well documented over the last six months. These allegations raise serious misconduct concerns that, according to Government Code Section 19572, would be grounds for adverse action against this employee based on unlawful discrimination against persons with disabilities and unlawful retaliation against those who report unlawful behavior. (See Departmental Operation Manual Section 33030.9.)

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Russa Boyd
 April 18, 2019
 Page 2

In this case, [REDACTED] states that Officer [REDACTED] ordered him to drop the contraband from his hand. [REDACTED] reports that he attempted to comply, offering the contraband to Officer [REDACTED], but instead Officer [REDACTED] reportedly grabbed his hand with the contraband and with his cane in it, and started to shake his arm violently causing him to be unsteady. Officer [REDACTED] yelled at him repeatedly to drop the contraband. [REDACTED], attempted to explain that he could no longer drop it because, with Officer [REDACTED] holding and shaking his hand, the contraband was reportedly pressed in between his hand and the cane. Next, [REDACTED] reports, Officer [REDACTED] then grabbed [REDACTED] unexpectedly by the back of the head and slammed his head, face first, in to the edge of a wooden table by the podium. [REDACTED] reports that he suffered head and facial injuries as a result of the assault. He reports that Officer [REDACTED]'s partner, Officer [REDACTED], had to intervene and told Officer [REDACTED] to stop.

[REDACTED] reports that he was escorted to medical by Officer [REDACTED]. He states that on the way Officer [REDACTED] threatened him, stating that he would write him up for a staff assault, if [REDACTED] reported where his injuries came from. [REDACTED] further states that Officer [REDACTED] told him that, in exchange for keeping quiet, he would not be written up for the contraband. [REDACTED] reports that he was examined by medical staff and that Officer [REDACTED] remained in the room, approximately two feet away at all times, while his injuries were being examined and while he was being questioned. [REDACTED] stated that he told medical staff that he accidentally hit his head on a locker in his cell. He did not report that Officer [REDACTED] caused his injuries out of fear of retaliation and because Officer [REDACTED] was sitting there listening. [REDACTED] is willing to report the incident now, however, because he is no longer housed at RJD.

We ask that this allegation be investigated by staff from outside of RJD and that immediate action be taken to limit Officer [REDACTED]'s contact with all people in prison, especially *Armstrong/Coleman/Clark* class members, pending a thorough investigation that takes in to consideration multiple reports of misconduct against this officer. No ISU staff member at RJD should be notified of these allegations or be involved in any action that is taken in response to these allegations. Class members who remain at RJD should not be contacted by ISU staff members nor taken to the ISU complex for questioning by any staff member regarding these allegations. Immediate action should be taken to stop these incidents. Please ensure that staff do not engage in retaliation in response to these allegations.

In addition, [REDACTED] is identified in DECS as DNH. However, DECS also states that he has cane, walker, and ground floor/no-stairs housing restrictions. [REDACTED] states that during the time he was at RJD he was housed upstairs, in cell [REDACTED]

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Page 3

█, despite having a walker, a cane, and no-stairs restrictions. Please investigate the allegation that █ was inappropriately housed while at RJD. Please also confirm whether he requires a mobility code given his DME and housing accommodations.

We look forward to hearing back from you.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Penny Godbold

Penny Godbold
By: Of Counsel

PMG:hw

cc: Ed Swanson
Sharon Garske
Annakarina De La Torre-Fennell
Office of the Inspector General
Co-counsel

Exhibit 27c

OFFICE OF LEGAL AFFAIRS

Jennifer Neill

General Counsel

P.O. Box 942883

Sacramento, CA 94283-0001



July 25, 2019

VIA EMAIL ONLY

Penny Godbold

Rosen, Bien, Galvan & Grunfeld

Pgodbold@rbgg.com

Re: *Armstrong V. Newsom*: Advocacy Letter Re DNH Class Member, [REDACTED]

Dear Ms. Godbold:

I write in response to your April 18, 2019 correspondence regarding DNH¹ class member [REDACTED]. [REDACTED] reported that he was assaulted by an RJD staff member in June or July of 2018. You report that [REDACTED] states that he was ordered to drop contraband from his hand by a specific officer, and that, when he attempted to comply, the officer grabbed [REDACTED] hand and shook it violently, causing [REDACTED] to become unsteady. [REDACTED] then claims he was unable to comply with the officer's request, which resulted in the officer grabbing [REDACTED] unexpectedly by the back of the head and slamming him into the edge of a wooden table near a podium. [REDACTED] reports another officer intervened to stop the first officer's actions.

Your letter further describes [REDACTED] being "escorted to medical" for an evaluation of head and facial injuries he states were sustained as a result of the assault.

Following the Armstrong Compliance Audit in August of 2018, and well before you reported [REDACTED] account of what he claims to have transpired, a thorough inquiry was completed.² The inquiry included a review of the Strategic Offender Management System (SOMS), the Electronic Records Management System (ERMS), the Daily Information Reporting System (DIRS), and [REDACTED] medical records, with a particular emphasis on medical visits and treatment in June and July 2018. Of note, [REDACTED] account of facial and head injuries significant enough to elicit an enquiry by medical staff as to how the injuries occurred was not

¹ DNH means HEARING IMPAIRMENT NOT IMPACTING PLACEMENT.

² DAI and delegated RJD staff conducted the fact finding inquiry into the allegations identified in this letter in accordance with the Department's Operations Manual, Article 22. The Department is currently in the process of revising that policy and, once approved and adopted, future fact finding inquiries will comply with the new policy.

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Page 2

corroborated by a review of his medical records from that time period. Nor did [REDACTED] when interviewed by telephone (utilizing a Staff Assistant), confirm that he reported an incident or that there was an incident that led to injury. To the contrary, [REDACTED] denied knowledge of any incident that involved him and an excessive use of force by any officer at RJD. He did, however, acknowledge he had received disciplinary write-ups for drug possession, which was independently corroborated through SOMS and ERMS.

Mr. [REDACTED] medical records and SOMS reveal the following:

- On June 21, 2018, [REDACTED] was moved to Ad Seg pending transfer to CIM for treatment in a mental health crisis bed. He transferred to CIM on June 22, 2018 and never returned to RJD. Therefore, any allegation of staff misconduct related to RJD must have occurred prior to June 22, 2018.
- [REDACTED] was seen on June [REDACTED], 2018, complaining of mid-back pain and history of osteomyelitis, and requested to see a neurosurgeon. He has a history of L4-L5 lumbar fusion. There was no report of or documentation of facial injuries consistent with an assault.
- [REDACTED] had four mental health therapeutic intervention groups from June 1 – June 21, 2018, and progress notes for those do not indicate any injury or staff assault.
- [REDACTED] was seen on June 16, 2018 for shoulder pain. He denied trauma but reported the pain was exacerbated with active movement. There was no report of or documentation of facial injuries consistent with an assault. The physician provided him a shoulder sling and topical lidocaine.
- [REDACTED] received x-rays of his shoulder on June 18, 2019. The findings indicated no acute fracture or dislocation but found moderate joint arthropathy and mild glenohumeral joint arthritis. This finding is not consistent with injuries associated with an assault.
- On June 21, 2018, [REDACTED] was seen in the TTA for follow-up. During this encounter he was informed that his repeat bloodwork showed an elevated viral load of 99, which indicated that his hepatitis C may have returned. There was no report of or documentation of facial injuries consistent with an assault. Later that day, [REDACTED] reported suicidal ideations and was seen by a mental health clinician, who ordered treatment in a mental health crisis bed. [REDACTED] reported that he received “bad news” at his earlier medical appointment and stated “They just told me my Hep C is back, so it doesn’t even matter anyway...” [REDACTED] did not report an assault by staff and staff did not document facial injuries consistent with an assault. He transferred to CIM the next day.

Also of note, [REDACTED] was not the subject of any CDC 7219 Medical Report of Injury/Unusual Occurrence during the claimed time period. A 7219 would be customary in response to an injury or unusual occurrence. While it is unfortunate that [REDACTED] claims to

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Page 3

have suffered harm from being physically assaulted, there are no records, testimonial, custodial, or medical, to support his claims as credible. Defendants consider the allegation of excessive force by an officer closed.

Finally, your letter stated that, when [REDACTED] was housed at RJD, he was inappropriately housed upstairs. After a review of [REDACTED]'s housing restrictions and disability codes, and in response to your request for evaluation for a mobility code, [REDACTED] has now been given a mobility code of DLT which should afford him ground floor and lower bunk housing.

Sincerely,

/s Ursula Stuter

URSULA STUTER
Attorney
Office of Legal Affairs

cc: Russa Boyd, Attorney IV
Tamiya Davis, Attorney III

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Exhibit 27d

CONFIDENTIAL

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : January 30, 2019

To : [REDACTED]
Investigative Services Unit Lieutenant
Richard J. Donovan Correctional FacilitySubject : **STAFF MISCONDUCT ALLEGATION INQUIRY****SYNOPSIS:**

On August 27 and 28, 2018, the Richard J Donovan Correctional Facility (RJDCF) participated in an Armstrong Compliance Audit. During the course of this audit, inmates were interviewed. Subsequently, the Armstrong compliance Audit team identified inmate [REDACTED] (incorrect CDC#) as making third party allegations of staff misconduct. The Office of Inspector General contacted the RJDCF Investigative Services Unit (ISU) and requested clarification/update regarding the third party allegation by inmate [REDACTED] of staff misconduct. The allegation identified inmate [REDACTED] as being involved in an incident in which staff utilized excessive and/or unnecessary force on him.

EFFECTIVE COMMUNICATION:

Inmate [REDACTED] has a Test Adult Basic Education (TABE) score of 9.8. Inmate Hendon is a participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Out-Patient (EOP) level of care. I explained to inmate [REDACTED] what the interview entailed. Effective communication was accomplished by speaking slowly, using basic English and requesting that he repeat back the subject matter of the interview in his own words as he understood it. Due to inmate [REDACTED]'s mental health level of care, Correctional Sergeant [REDACTED] served as his staff assistant. Inmate [REDACTED] understood, had no questions and agreed to participate with the interview.

INTERVIEW, INMATE [REDACTED]:

On Monday, January 28, 2019, I conducted a telephonic interview with inmate [REDACTED] who was housed at California State Prison Los Angeles (LAC) on Facility D2-[REDACTED]. I advised inmate [REDACTED] that I was conducting an inquiry on allegations which were reported by interviewers during the Armstrong Compliance Audit at the RJDCF. I advised inmate [REDACTED] he had been identified by the compliance team as being involved in an incident in which staff utilized excessive and or unnecessary force on him. Inmate [REDACTED] stated, "I don't know anything about what you are talking about. I haven't been involved in any incident with staff." I asked inmate [REDACTED] had he ever been involved in any incident involving a use of force where a third party could have perceived the force utilized as excessive and/or unnecessary. Inmate [REDACTED] stated, "Hell no! The only thing you guys got me with at RJD was dope. You guys got me and my cellie with some dope. I never put my hands on a C/O or them on me."

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STAFF MISCONDUCT ALLEGATION INQUIRY

Page 2

I asked inmate [REDACTED] if he had any additional information regarding this investigation. Inmate [REDACTED] stated, "No."

With no further information provided by inmate [REDACTED], I concluded the interview.

CONCLUSION:

This investigator conducted a review of the Strategic Offender Management System (SOMS), Electronic Records Management System (ERMS), Daily Information Reporting System (DIRS) and inmate medical records in an attempt to ascertain validity in the allegation involving inmate [REDACTED]. This investigator concludes the following:

There is no documented evidence to substantiate the allegation of force being utilized on inmate [REDACTED]. All documentation reviewed discredits the third party allegation made by inmate [REDACTED]. Furthermore, inmate [REDACTED] addementaly denied ever being involved in any type of physical incident with staff.

Based on the interview conducted with inmate [REDACTED] and the documentation reviewed in this investigation, this investigator concludes this allegation to be unfounded. This investigator recommends that this investigation be considered closed with no further action required.

[REDACTED]
Correctional Sergeant
Investigative Services Unit
Richard J. Donovan Correctional Facility

[REDACTED]
Correctional Lieutenant
Investigative Services Unit
Richard J. Donovan Correctional Facility

APPROVED DISAPPROVED

CONFIDENTIAL

Exhibit 28

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 D in Building 20. I am 58 years old.

3. I have been housed at RJD from April 16, 2019 to the present. During my time at RJD, I have been housed in the D16 and D20 Units.

4. I am an *Armstrong* class member. I am designated as DPM and DNH. When I was on death row, I shattered my tibia and fibula after my leg repeatedly struck a metal rod in my cell during a seizure. After this accident, I had a titanium rod surgically placed into my bone to stabilize my leg. This accident also caused a pilonidal cyst on the end of my spinal cord, which I had removed through several surgeries. The surgeries have led to incontinence problems, for which I need frequent showers, diapers, and clean linens. As accommodations for my mobility disabilities, I am housed on the ground floor and in a lower bunk, and I use a walker and cane to ambulate.

5. When I was a child, I was slapped repeatedly in my ears, which has caused ruptured ear drums. Due to my ruptured ear drums, I am slowly going deaf. I use hearing aids as an accommodation for my hearing impairment.

6. I have a number of serious medical conditions. I have been diagnosed with diabetes, for which I am treated with insulin. Due to my diabetes, I have been diagnosed and am currently being treated for peripheral neuropathy. I have also had two discectomies to trim herniated discs in my back. I am classified as high risk medical.

7. I have witnessed staff engage in misconduct against other people at RJD. On May 30, 2019, at approximately 6:00 p.m., I was in the line at the front of chow hall when I saw two officers, *Officers 1 and 2*, escort an elderly incarcerated [REDACTED] individual, [REDACTED], out of the chow hall. Mr. [REDACTED] is an elderly man

1 who I know to have severe medical problems. As they approached the door to the chow
2 hall, the officers slammed Mr. [REDACTED] into each side of the door frame, knocking his body
3 hard against the door. As the officers hit him against the wall, Mr. [REDACTED] turned to
4 Officer [REDACTED] and asked "What is your name?" After he asked this question, the officers
5 lifted Mr. [REDACTED] high up in the air and slammed him to the ground. Mr. [REDACTED] started
6 rolling around on the ground face down. I could see that his left arm appeared broken in
7 several places. As far as I could see (and I had a very clear view of the incident), Mr.
8 [REDACTED] did not do anything to justify the use of any force, let alone enough force to break
9 Mr. [REDACTED]'s arm.

10 8. Another officer, Officer [REDACTED], approached Mr. [REDACTED] and straddled his
11 back. Officer [REDACTED] began to cuff Mr. [REDACTED] behind his back. Officer [REDACTED] only
12 stopped when a Sergeant told him that Mr. [REDACTED]'s arm was broken.

13 . After Mr. [REDACTED] was taken away, I saw officers
14 gather in a circle and talk among themselves. I heard multiple officers saying "he
15 resisted." I yelled "Bullshit! That's excessive force!" Other incarcerated people were
16 also loudly yelling at the officers about what they had just done.

17 9. The next day, Mr. [REDACTED] was brought back into my housing unit and
18 returned to his cell. I went over and talked to him, and he told me that he had gone to the
19 hospital, where he had been diagnosed with a broken arm in three different places. As I
20 talked to him, I noticed that his arm was in a ^{wrap} [REDACTED].

21 10. In September 2019, I was again in the line at the dining hall waiting for
22 dinner. I saw Officer [REDACTED] approach another incarcerated person in the line and punch
23 him in the face. Prior to the punch, Officer [REDACTED] did not say anything to the
24 incarcerated person and the incarcerated person did not say anything to Officer [REDACTED].
25 From what I could tell, there was absolutely no reason for Officer [REDACTED] to interact with
26 this person, let alone assault him.

27 11. On December 7, 2019, I witnessed a fight on the dayroom of my unit. The
28 fight happened right before the shift change between the second and third watches at

1 2:00 p.m. Because it happened right before the shifts changed, the officer on duty had to
2 stay late to write a report about the incident. After the two people who had fought were
3 taken out of the unit, I saw *Officer* [REDACTED] go into one of [REDACTED]
4 their cells and trash it, throwing the belongings on the floor and stomping on them. It
5 appeared to me that the officer trashed the incarcerated person's cell in retaliation for the
6 officer being forced to stay late and complete additional work related to the fight.

7 12. These incidents have made me understand that if I get into an altercation
8 with an officer – particularly an officer who is known to hurt incarcerated people without
9 justification or retaliate against incarcerated people – I could be in serious danger and
10 could be seriously beaten myself.

11 13. I still see the officers who I saw engage in staff misconduct nearly every day.
12 [REDACTED] Officer [REDACTED] still works on D-Yard. [REDACTED]

13 14. In my opinion, staff target people with mental disabilities. Staff appear to
14 target people with mental disabilities because such incarcerated people cannot control their
15 emotions and are more prone to erratic behavior that could lead to a beating from staff.

16 15. There are a lot of drugs, cellphones and other contraband on Facility D at
17 RJD. The situation has gotten so bad that I often see people shooting drugs on the yard. In
18 my opinion, the only way there could be so much contraband available on Facility D is
19 with the officers' knowledge of or active participation in trafficking.

20 16. I have been in CDCR prisons for about 30 years of my life. I have been
21 housed in a number of different CDCR prisons, including Death Row on San Quentin,
22 Correctional Training Facility, California Medical Facility, California Men's Colony,
23 Salinas Valley State Prison, and RJD. The staff misconduct at RJD is far worse than I
24 have witnessed at any other prison. In my opinion, the problems at RJD stem from the fact
25 that bad-acting officers are allowed to assault incarcerated people and smuggle contraband
26 into the prison without any fear of being found out. For example, the two incidents I
27 witnessed in the dining hall and that I discuss above were two of the most blatant instances
28 of unjustified force that I have seen in prison. Yet all of the officers involved continue, as

1 far as I am aware, to work at RJD and interact with incarcerated people every day. As far
2 as I am aware, none of the officers involved faced any discipline related to the incidents.
3 The fact that officers hurt people and get away with it creates an environment that is far
4 worse than anywhere else I have ever been.

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

7 San Diego, California this 07 day of January 2020.



Exhibit 29

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 incarcerated at Salinas Valley State Prison ("SVSP") in the TC2 Unit.

3. I was incarcerated at RJD from July 27, 2017 to March 22, 2019. During this period, I was housed in the C15 Unit at the Enhanced Outpatient ("EOP") level of mental health care.

4. I am a *Coleman* class member. I am currently at the intermediate care facility ("ICF") level of care in the Psychiatric Inpatient Program ("PIP") at SVSP. In March 2019, I was struggling with severe suicidal thoughts and so staff transferred me from RJD to the ICF unit at California Medical Facility ("CMF"). I stayed at CMF until July 3, 2019, when I was transferred to the ICF unit at SVSP for further care. Although I've been at the ICF level of care for 11 months, I'm still struggling with severe suicidal thoughts. Many of my mental health issues have been caused by what happened to me and what I witnessed during my time at RJD.

5. I have struggled with depression since I was a kid, when I was the victim of severe emotional and physical abuse. Due to my childhood, my clinicians have diagnosed me with post-traumatic stress disorder. I also struggle with major depressive disorder. I take *Lexapro* [REDACTED] to help me with my depression.

6. I witnessed numerous staff misconduct incidents while I was at RJD. During my time there, I kept a log of what I witnessed to record officers' repeated use of force against incarcerated people with disabilities and mental illnesses. I also often witnessed officers ignore assaults on incarcerated individuals by other incarcerated individuals. I

have described some of the worst incidents below. *A true and correct copy of the log I kept is attached hereto as Exhibit A. I would write down each incident in my log as soon as I got back to my cell. I would record these incidents within an hour of witnessing the officers' misconduct.*

Initials: [REDACTED]

1 7. On December 29, 2017, at approximately 6:30 pm, I was in my cell, C15-
2 [REDACTED] when I heard an alarm in the C15 dayroom. I looked out my cell door window and
3 saw an incarcerated person lying on his stomach near the officers' podium. His hands
4 were handcuffed behind his back. As I watched, Officer [REDACTED] ran into the dayroom from
5 outside the building. I saw him run up to the man on the floor and violently kick him in
6 the head as he lay in handcuffs. Another officer who was already in the unit, Officer
7 [REDACTED], then kicked the person in the shoulder. Another officer then sprayed a long blast
8 of pepper-spray into the man's face. Then Officer [REDACTED] dropped his knee into the
9 incarcerated person's back and punched him in the head twice. The officers then picked
10 up the incarcerated person and marched him from the dayroom to the rotunda and front
11 door area. From my cell, I could tell that he was bleeding profusely and struggling to
12 walk. The officers escorted him into the sallyport. After the officers escorted him into the
13 sallyport, I heard him yell out in pain and then heard what sounded like officers hitting him
14 again. From what I saw, the incarcerated man never resisted officers or presented any
15 threat to them during their use of force.

16 8. On January 2, 2018, at approximately 9:00 pm, I was in my cell and heard an
17 alarm in the C15 Unit. I looked out of my cell door and Officer [REDACTED] and another
18 floor officer were approaching cell [REDACTED]. Officer [REDACTED] was in the control tower and
19 opened the cell door. One incarcerated person then came out of his cell and lay prone on
20 his stomach on the floor. Officer [REDACTED] placed the incarcerated person in handcuffs
21 behind his back. The search and escort officers then entered the building and one heavy-
22 set officer dropped his knee hard onto the back of the man's head. The other two officers
23 began kicking the incarcerated man as he lay on the floor of the dayroom. Another
24 incarcerated person, who was housed in the lower C-Section of the unit, yelled out that he
25 was going to write the officers up for excessive use of force. After this man yelled out of
26 his cell, Officer [REDACTED] yelled out of the tower that the whole lower C-Section was going to
27 "get hit" tomorrow because he had yelled that he would write up the officers. To "Get hit"
28 means that an officer will search your cell and trash all of your belongings.

Initials: [REDACTED]

1 9. On April 5, 2018, I witnessed officers assault three different incarcerated
2 individuals in quick succession. At approximately 7:30 pm that day, I got into line outside
3 of the dining hall for dinner. Officers [REDACTED], [REDACTED], and [REDACTED] were in the dining hall by
4 one of the exits. As I got in line, another incarcerated individual, Mr. [REDACTED] said
5 something to Officer [REDACTED] in the entranceway. From where I was, I could not hear what
6 he said. Officers [REDACTED], [REDACTED], and [REDACTED] immediately walked outside and Officer [REDACTED]
7 told Mr. [REDACTED] "Get on the wall." Mr. [REDACTED] turned to the wall on the outside of the
8 dining hall and put his arms on the wall. As he did so, he said "I was just clowning
9 around." Officer [REDACTED] then came up next to Mr. [REDACTED] put his face next to Mr. [REDACTED]'s
10 ear, and yelled "Do I look like I want to fucking clown with you, bitch?" As he said this,
11 Officer [REDACTED] began kicking Mr. [REDACTED]'s leg and then grabbed Mr. [REDACTED]'s head and
12 slammed his face into the wall. The officers then walked away and went back into the
13 chow hall. I looked over to Mr. [REDACTED], who had a large lump on his cheek and was
14 spitting blood from his mouth.

15 10. I then entered the dining hall, got my dinner, and sat down to eat. Shortly
16 after I sat down, I heard something in the yard outside the hall. Everyone eating jumped
17 up to see what was happening. I went to the windows of the dining hall and saw five
18 officers on top of an incarcerated individual in a mobility-impaired vest. I watched several
19 officers punching and kicking this individual in the head, back, face, legs, and stomach for
20 a period of several minutes. I saw Officer [REDACTED] lie down in the gravel next to the
21 individual, grab his throat, and punch him repeatedly in the face. Officer [REDACTED] then
22 grabbed the man's face, pushed it directly into the gravel, and held his face in the gravel
23 for several minutes while the other officers continued to repeatedly punch and kick him. I
24 felt sick to my stomach and couldn't watch any more. I got up from the window and went
25 back to my table to finish my dinner so that I could leave.

26 11. After I finished eating, I went to the doorway, but the assault was still going
27 on. I saw Officer [REDACTED] kick the incarcerated individual in the face five to six times. I
28 then saw Officer [REDACTED] drop knees into his neck, back, and head, and then punch him in

Initials: [REDACTED]

1 the head and back several times. I also saw Officer [REDACTED] punch the man several times in
2 the back of the head, lower back, and legs. I saw Officer [REDACTED] then stand up and kick the
3 individual three times in the stomach on the lower side area. Other officers were involved
4 as well. Officer [REDACTED] stomped on the man's ankle, then stood on his ankle and bounced
5 up and down on it, and then hit his ankle with a baton.

6 12. After this assault – which lasted for at least five minutes – the officers put a
7 spit mask on the incarcerated individual and brought him to the gym. The whole time,
8 Sergeant [REDACTED] stood watching, doing nothing.

9 13. As the officers took the man with the mobility vest to the gym, I saw two
10 officers go over to another incarcerated man who was lying prone on the yard. They
11 cuffed him up and started to bring him to the gym as well. As the officers walked him to
12 the gym, either Officer [REDACTED] or Officer [REDACTED] walked up to him and punched him in the
13 face for no apparent reason. The officers then took him to the gym as well.

14 14. After witnessing these assaults, I went back to my housing unit. Some
15 officers were packing some property belonging to one of my friends, Mr. [REDACTED]
16 ([REDACTED]), into a box labeled "Staff Assault." I realized that Mr. [REDACTED] was the man who
17 officers had severely beaten on the yard in front of the dining hall earlier.

18 15. In the morning of April 6, 2018, I was in my cell when Mr. [REDACTED] came up
19 to me. He told me that the institution was conducting an excessive use of force
20 investigation into what had happened to him the previous evening. He asked me if I would
21 serve as a witness for him. I told him yes.

22 16. The next day, April 7, 2018, at approximately 7:45 pm, my cell door opened.
23 As I looked out, Sergeant [REDACTED] called me out of my cell to the office. I walked down to
24 the office, where Sergeant [REDACTED] and Officer [REDACTED] were standing. In the office,
25 Sergeant [REDACTED] asked me if I wanted to be a witness for Mr. [REDACTED]. I told her I would. I
26 then told her what I had seen outside the dining hall. After I had reported what I had seen,
27 I asked Sergeant [REDACTED] to keep what I had said confidential from the officers involved in
28 the excessive force. She told me that she was just doing the report and it was out of her

Initials: [REDACTED]

1 hands whether it remained confidential or not. As I exited the office to return to my cell,
2 Officer [REDACTED] began yelling my cell number in the dayroom. It is my belief that he was
3 trying to draw attention to the fact that I was leaving the office. As I was walking to the
4 stairs to return to my cell, I heard Officer [REDACTED] say to Officer [REDACTED] "Snitches get
5 stitches, don't they?" and heard Officer [REDACTED] laugh. Later that day, at approximately
6 9:15 pm, Officer [REDACTED] came by my cell for count. He stopped at my cell and glared at
7 me for a minute, then shook his head at me and walked away.

8 17. On May 7, 2018, at approximately 8:00am, I was leaving the dining hall after
9 breakfast and saw three officers berating another incarcerated individual, Mr. [REDACTED]
10 ([REDACTED]) in the center of the dining hall. Mr. [REDACTED] is a wheelchair user. I heard one of
11 the officers, Officer [REDACTED] accuse Mr. [REDACTED] of taking an extra breakfast tray. Officer
12 [REDACTED] then grabbed Mr. [REDACTED]'s bag lunch off his lap in the wheelchair, ripped it open,
13 and spilled the lunch over the dining hall floor. I heard Officer [REDACTED] say "you wanna steal
14 trays, you ain't getting no lunch, you piece of shit!" Mr. [REDACTED] protested and said he
15 had a right to have a lunch. Officer [REDACTED] ordered him to leave the dining hall. Mr.
16 [REDACTED] protested again and asked for his lunch back. I then saw Officer [REDACTED] grab the
17 armrest of Mr. [REDACTED]'s wheelchair and tip it over sideways, knocking Mr. [REDACTED] to
18 the floor. Multiple officers then responded, cuffed Mr. [REDACTED] up, and took him out of
19 the dining hall.

20 18. On August 25, 2018, at approximately 5:45 pm, I was exiting the dining hall
21 after dinner and saw Officers [REDACTED] and [REDACTED] standing on the East Yard exercise slab. As
22 I started walking up the sidewalk leading towards the C15 Unit, I saw two incarcerated
23 individuals wearing orange ADA worker vests assaulting another incarcerated individual,
24 Mr. [REDACTED]. As the two men repeatedly kicked and punched him, Mr. [REDACTED] lay on the
25 ground and cried out for help. Officer [REDACTED] stood and watched as the assault occurred
26 and did nothing to intervene. Eventually, the two assailants stopped beating Mr. [REDACTED] and
27 walked back to the dining hall. Mr. [REDACTED] eventually stood up and staggered back to the
28 C15 Unit. I could see that he was bleeding from several wounds to his face. As I walked

Initials: [REDACTED]

1 up the sidewalk to the C15 Unit, I looked back and saw Officer [REDACTED] and [REDACTED] walk over
2 to the area where the assault had occurred and kick dirt onto the sidewalk with their boots
3 to cover up the pools of blood on the sidewalk.

4 19. On September 6, 2018, I filed a federal civil rights complaint in the Southern
5 District of California, [REDACTED] v. *R. J. Donovan Correctional Facility et al* (3:18-cv-
6 [REDACTED]-AJB-WVG), about the lack of programming opportunities for EOP incarcerated
7 individuals at RJD. In my complaint, I wrote that RJD staff had denied me equal access to
8 programming due to my mental disability. I filed this case because staff at RJD had
9 repeatedly told me that I could not take college classes at RJD because I was EOP.

10 20. While working on my own case, I continued to witness frequent serious staff
11 misconduct on C-Yard. On September 7, 2018, at approximately 5:50 pm, I left my cell in
12 the C15 Unit to go to dinner and saw a female nurse or psychiatric technician enter the
13 building from outside and walk up to Officer [REDACTED] and Officer [REDACTED] and tell them
14 "You got a body laying outside the building. He's knocked the fuck out. I'm serious.
15 He's all fucked up and not moving." The two officers then left the building. I followed
16 them on my way to dinner. As I left the building, I saw another incarcerated individual,
17 Mr. [REDACTED] lying against the chain link fence next to the EOP building security gate on
18 his stomach, with his head at an awkward angle against the ground. Mr. [REDACTED] was
19 clearly unconscious and had numerous wounds on his face. I saw that he had blood
20 coming out of his eyes and nose. Officer [REDACTED] walked over slowly and looked at Mr.
21 [REDACTED]. He said to Officer [REDACTED] "It's one of ours, we're going to have to put the yard
22 down." Officer [REDACTED] then called into his radio for a "Code One" and told all of the
23 incarcerated people on the sidewalk to "Get down."

24 21. As I sat down on the sidewalk, I looked towards the dining hall and saw
25 Officers [REDACTED] and [REDACTED] walk over to the sidewalk where Mr. [REDACTED] was lying. Officer
26 [REDACTED] came up to Mr. [REDACTED] and kicked him in his stomach and legs while laughing and
27 saying "What the fuck are you sleeping here for?" All three of the other officers were
28 laughing as well. Mr. [REDACTED] began to come to, so Officer [REDACTED] ordered him to sit up. I

Initials: [REDACTED]

1 saw Mr. [REDACTED] struggle to sit up, but fail to do so. Officer [REDACTED] then grabbed him by the
2 arm and pulled him sideways into a sitting position, with his back against the fence.
3 Officer [REDACTED] then bent over forwards with his face next to Mr. [REDACTED], called him a
4 "fucking piece of shit," and told him to tell him what had happened. Mr. [REDACTED] was
5 clearly still out of it and did not respond. Officer [REDACTED] then began slapping him in the
6 side of the head and yelling "I asked you a fucking question, bitch!" The officers then
7 forced Mr. [REDACTED] to stand up and handcuffed him behind his back. Officer [REDACTED] pushed
8 Mr. [REDACTED]'s face into the chain link fence. The officers then held him there, with his face
9 pressed into the fence, until an ambulance arrived approximately four minutes later.

10 22. On September 30, 2018, at approximately 7:30am, I was sitting in front of
11 the west yard dining hall waiting to push a wheelchair user into the dining hall when I
12 heard an officer in the dining hall telling someone to "Get up and leave" the dining hall.
13 Approximately a minute later, I saw Officer [REDACTED] bring an incarcerated individual, Mr.
14 [REDACTED] out of the dining hall. Mr. [REDACTED] is an elderly man. I heard Mr. [REDACTED] tell Officer
15 [REDACTED] "Man, tell her I work in there! I'm working right now! I haven't eaten yet!" Officer
16 [REDACTED] told Mr. [REDACTED] "Go home! Just go home!" Mr. [REDACTED] protested again, "I haven't
17 eaten yet!" I then saw Officer [REDACTED] use both of his hands to shove Mr. [REDACTED] in the chest,
18 knocking him over backwards to the ground, and then say "Motherfucker, I said go home!
19 You're not eating!" A few other incarcerated people helped Mr. [REDACTED] get up and
20 supported him as he walked back to his housing unit.

21 23. On October 24, 2018, at approximately 5:30 pm, I was in the dining hall
22 eating dinner when I saw another incarcerated individual, Mr. [REDACTED], talking to Officer
23 [REDACTED] and Officer [REDACTED]. I then saw Officer [REDACTED] suddenly push Mr. [REDACTED] to the
24 ground and kick him twice in the head. The force of the blows was so loud that I could
25 hear them across the dining hall and over the din of all the incarcerated people talking and
26 eating. As this occurred, several other incarcerated people stood up and began yelling at
27 the officers that it was "fucked up" what Officer [REDACTED] had done. One of them yelled,
28

Initials: [REDACTED]

1 "This shit is going to stop motherfuckers!" Officer [REDACTED] ignored them and walked out of
2 the dining hall.

3 24. When officers began releasing us from dinner, I walked up to Officer
4 [REDACTED] and told him that he was a witness to the use of excessive force by Officer
5 [REDACTED]. I told him that he had a duty to report Officer [REDACTED]. Officer [REDACTED] just
6 replied, "I didn't see anything. Get out of my face!" I was scared about what could
7 happen to me if I repeated what I said, so I walked out of the dining hall and towards the
8 chapel for a self-help group that I had joined. As I was walking by the Native American
9 Sweat Lodge area in front of the West Yard dining hall, I heard something happening
10 behind me. I turned around and saw Mr. [REDACTED] sprinting down the sidewalk towards the
11 C14 building. Officer [REDACTED] and another officer were chasing him. They caught up with
12 Mr. [REDACTED] in the middle of the yard and tackled him to the ground. As I watched, they
13 began beating him severely. Other officers then responded, cuffed him up, and brought
14 him to the gym.

15 25. As I sat on the sidewalk watching officers escort Mr. [REDACTED] to the gym, I
16 saw a sergeant exit the program office and walk up the sidewalk towards the dining hall. I
17 motioned for the sergeant to come over to me and told him that I witnessed the whole
18 incident and wanted to report it. He replied, "How can you be a witness? You're all the
19 way over here. Shut up!" The sergeant then walked over to the dining hall, talked to the
20 officers standing there briefly, and then walked back towards me. As he walked by me, I
21 again motioned for him to come over. I asked him his name and again told him that I was
22 a witness to the incident. He just ignored me. He then approached Lieutenant [REDACTED], who
23 was standing near the program office. They then walked together towards the dining hall.
24 I called out to Lieutenant [REDACTED] that I had witnessed the whole incident and wanted to
25 report it. She ignored me as well.

26 26. These are only some of the nearly countless times I saw officers engage in
27 serious staff misconduct at RJD. By December 2018, I had had enough of the endless
28 violence and misconduct. Finally, I was given an opportunity to report what I had

1 witnessed. On December 5, 2018, I was in my cell at approximately 9:00 am when my cell
2 door opened. I looked out of my cell and saw Officer [REDACTED] a search and escort officer,
3 motion from the dayroom for me to come down to the dayroom floor. I walked out of my
4 cell. Officer [REDACTED] told me there were people who wanted to talk to me. He told me I
5 had a visit and asked me if I wanted to go to it. I told him yes. Officer [REDACTED] then
6 escorted me to the visiting area, where he placed me into a holding cage with a number of
7 other incarcerated individuals who were waiting as well.

8 27. I waited in the holding cage for approximately an hour before an officer
9 came in and took me into another room. There were three people in the room. One of the
10 people introduced himself as Scott Jacobs from the Ombudsmen's Office. The other two
11 introduced themselves as investigators with the CDCR Office of Correctional Safety
12 ("OCS") in Sacramento. They asked me if I had filed a civil complaint about problems at
13 RJD. I told them that I had. They asked me if I would be willing to talk to them about
14 staff misconduct I had witnessed on C-Yard. I told them yes, and then told them about the
15 incidents I had witnessed. One of the OCS investigators told me "We're going to look into
16 this. We might call you back at a later date for more information." They then released me
17 back to the yard.

18 28. Over the next few weeks, other incarcerated people told me that two other
19 incarcerated people who had talked to the investigators had been assaulted by either
20 officers or other incarcerated people. Although I did not witness these incidents myself, I
21 grew more and more concerned that my safety was in danger for talking to the
22 investigators.

23 29. I also continued to witness staff engage in serious staff misconduct. On
24 January 21, 2019, at approximately 7:00 am, I was pushing an incarcerated person in a
25 wheelchair to the dining hall when I observed Officers [REDACTED] and [REDACTED] talking to
26 another incarcerated person, Mr. [REDACTED]. Mr. [REDACTED] is housed in my unit. He uses a
27 walker. I heard Mr. [REDACTED] tell the officers that he needed medical attention and that C15
28 Unit officers had given him permission to go to the C-Yard clinic. I heard the officers tell

Initials: [REDACTED]

1 him to go back to his housing unit. He repeated that he needed medical treatment.
2 Suddenly, out of nowhere, Officer [REDACTED] punched him in the face, knocking him to
3 the ground. Officer [REDACTED] and Officer [REDACTED] then attacked him on the ground, kicking
4 and punching him repeatedly. Officer [REDACTED] grabbed Mr. [REDACTED]'s arm and wrenched
5 it behind his back, and then began kneeling him in the lower back and kidneys. Mr. [REDACTED]
6 screamed in pain. Officer [REDACTED] kept saying "You had enough treatment? You ready
7 to go back to your building now?" The officers then put Mr. [REDACTED] in handcuffs and
8 forced him to his feet. From what I could see, he could not stand up straight and could
9 barely walk. I watched as officers forced him to try to walk to the gym. He made it as far
10 as the Education Compound gate before he collapsed. The officers forced him to get back
11 to his feet and walked him to the gym. I never saw him again.

12 30. On February 11, 2019, I went to talk to my clinician in the morning in the
13 mental health trailer by the C15 Unit. After speaking with her, I left the trailer and walked
14 outside. I could hear officers broadcasting my name and CDCR number over the intercom
15 for an attorney visit. The officer on the intercom was instructing me to walk to the gate for
16 my visit. It made me apprehensive and concerned that officers were telling everyone I had
17 another appointment. I walked over to the gate, past all of the officers standing by the
18 canteen. I felt very nervous and uncomfortable. I could see all of the officers looking at
19 me. I walked past Officer [REDACTED], who started following me, three feet behind me, all the
20 way to the plaza gate. When I got to the plaza gate, there was an Investigative Services
21 Unit ("ISU") officer standing on the other side of the plaza gate next to the plaza gate
22 officer. As I walked up, the plaza gate officer asked Officer [REDACTED] if he was escorting
23 me to my visit. Officer [REDACTED] saw the ISU officer, said "No", and then watched as the
24 ISU officer escorted me through the plaza to the visiting unit.

25 31. The ISU officer escorted me to the same visiting area where investigators
26 interviewed me in December 2018. After waiting for approximately an hour, one of the
27 ISU officers brought me to an interview room. One of the sergeants from OCS was there,
28 along with another man who introduced himself as a lieutenant with the OCS. The

Initials: [REDACTED]

1 lieutenant had notes that he told me were from my first interview. He asked me to repeat
2 my allegations against officers on C-Yard. After I did so, the lieutenant told me "You've
3 given us pretty much all we need. We're going to go back to Sacramento. We're going to
4 recommend a full internal affairs investigation." They asked me if I was willing to testify
5 and serve as a witness against officers in the investigation. I told them that I was. They
6 also asked me if, given the details I had given them, I had been documenting what I was
7 witnessing. I told them that I had kept a journal of officers' misconduct. They told me to
8 continue to do so.

9 32. After the interview ended, the officers released me, so I walked back to the
10 plaza gate by myself. The plaza gate officer let me onto the yard and I walked back to the
11 C15 Unit. By this time, it was approximately 12:00 pm. As I entered the unit, there were
12 either six or seven officers standing at the podium in the middle of the dayroom. ^{one} of
13 them ^{was} [REDACTED] Officer [REDACTED] As I walked through the dayroom past
14 them, Officer [REDACTED] saw me and called out "Hey [REDACTED] how was your attorney visit?"
15 As he said "attorney visit", he made an air quote sign with his fingers. I stopped, worried
16 about what was about to happen. Officer [REDACTED] said "We already know that you weren't
17 out there talking to your attorney. You were talking to OIA." He then ran his finger along
18 his badge and said "Did you spell my name right?" All of the officers laughed. I was
19 terrified.

20 33. Officer [REDACTED] then started asking me what the investigators wanted to know
21 and what I told them. One of the other officers said "Oh he don't want to talk about that,
22 that's confidential" and they all laughed again. Officer [REDACTED] then asked me, mockingly,
23 "Are you wearing a wire right now? Are you mic'd up right now? Should we be careful
24 what we say around you now? Did they promise to take time off your sentence for talking
25 to them?" There were other incarcerated people standing around watching by now. I was
26 scared out of my mind. I had seen what these officers were doing, beating people bloody
27 for next to nothing, and what I had just done to report them was serious. I didn't know
28 what to say. I just told them that I didn't tell them anything and went to my cell.

Initials: [REDACTED]

1 34. The next day [REDACTED] I left my cell to go to dinner at approximately 5:00
2 pm. As I walked by the podium, I walked past Office [REDACTED] and Officer [REDACTED]. I
3 heard Officer [REDACTED] tell Officer [REDACTED] that I had been "out there talking to the ISU
4 yesterday." I looked back and saw them looking straight at me.

5 35. I returned back to the C15 Unit after dinner. As I started to walk to my cell,
6 Officer [REDACTED] motioned at me to come over. Officer [REDACTED] demanded to know what I
7 had told the investigators. He asked me "What did they want to know, what were they
8 asking?" I was not sure what to say and just stammered out that I hadn't said anything.
9 Officer [REDACTED] asked "Just tell me, what did they want to know?" Under pressure, I told
10 him that they wanted to know about staff misconduct on C-Yard. He asked me "What did
11 you tell them?" I told him that I told them nothing. Officer [REDACTED] then told me "Go back
12 to your cell." As I started walking away, he said "Stop. Are you coming out for dayroom
13 later?" I told him I was. He then told me to go back to my cell.

14 36. At approximately 7:00 pm that night, I came out for dayroom. I went to a
15 table and sat down to tutor another incarcerated person. Almost immediately, someone
16 came up behind me and began striking me in the head with his fists, knocking me to the
17 floor. As I fell on the ground, [REDACTED] ^I was
18 repeatedly ^{kicked} [REDACTED] and ^{stomped} [REDACTED] in the head. I blacked out.

19 37. I woke up in an ambulance. I remember being asked the day and year and
20 not being able to tell the EMTs either. The ambulance brought me to the TTA and from
21 there to the Scripps Mercy Hospital emergency room. At the hospital, I had emergency
22 surgery on my right eye to repair a fractured orbital socket and displaced eye. Bruises,
23 abrasions, and multiple bleeding wounds covered my ^{upper} body.

24 38. A year later, I still suffer from double vision, dizziness, and headaches from
25 the assault. I have frequent flashbacks in which I see myself getting assaulted again and
26 again. I have also had trouble hearing from my right ear.

1 39. I stayed in the hospital for two days before I returned to RJD. When I came
2 back to the prison, my face was badly numb and nursing staff noticed my face was
3 drooping. Medical staff sent me back to the hospital, where I stayed for another day.

4 40. After I returned from the hospital the second time, another incarcerated
5 person, Mr. [REDACTED], came up to me in my unit. He told me that he had seen Mr. [REDACTED]
6 talking to Officer [REDACTED] and Officer [REDACTED] immediately before the officers let us out
7 for dayroom. He told me that he saw the officers hand Mr. [REDACTED] a pair of black
8 gloves. He said it looked like they were giving Mr. [REDACTED] some sort of instructions.
9 He told me that he then saw Mr. [REDACTED] pacing back and forth in the dayroom, swinging
10 his arms and throwing punches in the air in an apparent attempt to warm up. It is my belief
11 that officers asked or ordered Mr. [REDACTED] to assault me.

12 41. In the weeks after Mr. [REDACTED] assaulted me, I grew increasingly depressed
13 and suicidal. I slept all day. I rarely left my cell. I began missing showers, meals, and
14 laundry exchange. I felt anxious whenever I left my cell and went onto the dayroom floor.
15 I couldn't get the assault out of my head.

16 42. On March 5, 2019, I went to a treatment team meeting with my clinician and
17 other mental health staff. She told me that she was referring me to the PIP because she
18 was concerned about how I was doing. I was seriously depressed and just wanted to die. I
19 had been to the PIPs before, but had been locked down all of the time and received little
20 treatment, so I did not want to be transferred. Later that month, staff transferred me
21 involuntarily to the CMF PIP because I was so unstable.

22 43. To the best of my knowledge, supervisors at RJD never disciplined or
23 reassigned any of the officers I saw engage in staff misconduct. As far as I know, the
24 officers continue to work at RJD in the same units and continue the same misconduct that
25 they have engaged in for years.

26 44. In my time at RJD, there have been many times that I needed help but didn't
27 ask for it because I was afraid of what would happen to me. I felt like I could not ask for

28 * He also told me that Mr. [REDACTED] was the man
who assaulted me in the dayroom. [REDACTED]

Initials [REDACTED]

1 help from clinical staff, officers, or anyone else. I worked hard to avoid all of the officers
2 in my unit and not ask them for anything because of what I experienced and witnessed.

3 45. After what happened to me at RJD, I don't want to be alive anymore. I have
4 severe anxiety being around inmates who are gang members. I can't function around
5 them. I can't wrap my mind around going back to EOP from the PIP. My treatment team
6 at SVSP keep telling me that they're going to send me back to RJD after I get discharged
7 from inpatient care. Every time I have to think about going back I relapse and hurt myself.
8 I lie in bed all day, all twenty-four hours. I've lost all muscle tone in my body because I
9 have no motivation to exercise. I take the medications and they don't do anything. I have
10 no future. I can't focus on programming to get a job or doing anything to make my life
11 better because I can't get out of bed and stop thinking about ending my life.

12 46. My experiences have affected my ability to talk to officers. Some of the
13 officers in the PIP trigger me. I feel severe anxiety around any officer who has a shaved
14 head or acts tough. When they walk behind me, my skin is crawling. I can't walk around
15 the dayroom anymore. I get uncomfortable.

16 47. After what happened to me, I won't report any abuse or anything that could
17 be potentially dangerous to me. I would not talk to the OIA or OCS again.

18 48. I would never file an 1824. When I was at RJD, I *at RJD anymore. only filed 1824s under*
extreme fear of what would happen to me.

19 *I was very scared*
20 *to risk the wrath of officers. If I was returned to RJD, I would*
never file another 602 or 1824.
21 *I still am scared of filing 1824s at SVSP.*

22 49. Every time I think about going back to RJD, I fall apart. My anxiety is so
23 bad that it overwhelms me. I think of killing myself. The only way I can function is to tell
24 myself that I'm never going back there.

25 50. I have been in prison nearly continuously since I was 15. I have been
26 incarcerated in CDCR for the last 27 years. Before that, I was incarcerated in Washington
27 State prisons. I have been housed in a number of different CDCR prisons, including San
28 Quentin, Pelican Bay State Prison ("PBSP"), High Desert State Prison ("HDSP"), Pleasant

1 Valley State Prison, California Substance Abuse Treatment Facility and State Prison, CSP
2 - Corcoran, SVSP, Mule Creek State Prison, and RJD. The staff misconduct at RJD is the
3 worst that I have ever experienced, and I have been in some of the worst prisons in
4 California at their worst. I was in the PBSP Psychiatric Services Unit for seven years in
5 the late nineties and early 2000s. I was in the Corcoran Security Housing Unit ("SHU") in
6 1997 when the FBI was investigating allegations that officers set up gladiator fights
7 between incarcerated people. I was sent to SVSP when it opened. In 1996, I was sent to
8 HDSP when the first 180 Level IV yard opened. All of the most dangerous incarcerated
9 people were sent there then, especially if you had just been let out of the SHU. RJD is
10 worse than all of them at their worst.

11 51. RJD is like a prison run with a trustee system, where officers use trusted
12 incarcerated people to do their dirty work for them. The officers use incarcerated people to
13 police the prison, to come against anyone who speaks out against them in the slightest
14 way.

15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct, and that this declaration is executed at Soledad,
17 California this 10th day of February 2020.

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Initials: 

Exhibit A

12/26/17 Saw inmate in cell [REDACTED] assault inmate in cell [REDACTED] in dayroom. C/O [REDACTED] told C/O [REDACTED] to put both inmates back in their cell. No alarm. No incident report.

12/27/17 I was in A-upper shower when a fight broke out in cell [REDACTED] or [REDACTED]. C/O [REDACTED] sprayed O/C all over the inmates. C/O [REDACTED] opened the cell door before [REDACTED] sprayed. One of the inmates came out on the tier and refused to lay down, he was standing directly in front of A-upper shower. [REDACTED] pointed the mini-14 gun at both of us and threatened to shoot if we didn't get down. I had to prone out inside the shower, naked and wet. I had soap and O/C all over me and I was coughing and sneezing. The Sergeant responding to the alarm came to the shower and ordered me to return to my cell without being allowed to wash off the soap and O/C.

12/29/17 At approx. 1830 hrs, I heard an alarm in the C15 dayroom. I looked out my cell door window and saw a black inmate laying on his stomach in handcuffs behind his back near the officer's podium. I saw C/O [REDACTED] run into the day room from outside the building. I saw him approach the inmate and violently kick him while he was laying on the floor. I saw C/O [REDACTED] kick the inmate right after C/O [REDACTED]. I saw another C/O spray a long blast of O/C into the inmate's face. Then I saw C/O [REDACTED] drop his knee into the inmate's back and saw him punch the inmate in the head twice. The C/Os then picked up the inmate and marched him from the dayroom to the rotunda and front door area. The inmate's face was bleeding profusely and he was staggering. I continued to hear a scuffle occurring in the rotunda for a short while. (I later learned from other inmates who had witnessed the same C/Os assaulting the inmate in the rotunda. I also later learned that the incident was caused because the inmate, a new arrival, had been asking for a mattress all day and the staff would not give him one. He refused to return to his cell ~~at that~~ and was assaulted. Based on information and belief.)

1/1/18 At approx. 1120 hrs, I heard an alarm in the C15 dayroom. I looked out my cell window and I saw a naked white inmate assaulting a black inmate, who was laying on the floor in front of cell C15-[REDACTED]. C/O [REDACTED] was standing next to them spraying them with O/C. After the white inmate stopped hitting the black inmate and layed down, both inmates were handcuffed by responding C/Os. The white inmate was picked up and marched from the building to the Gym stark naked.

1/2/18 At approx. 2050 hrs, I heard an alarm in Bldg C15. I looked out the cell door and C/O [REDACTED] and the other floor officer were approaching cell [REDACTED] C/O [REDACTED] was in the tower and opened the cell door. One inmate came out of the cell and laid prone on his stomach on the floor. C/O [REDACTED] placed the inmate in handcuffs behind his back. The Search and Escort officers entered the building and one heavy set officer did a knee drop on the back of the inmate's head. Then two other officers began kicking the inmate in the head and in the ribs. The inmate did nothing to provoke this attack, he was just laying on the floor. Some inmates in C-Lower section began yelling out their cell doors telling the guards he was going to write them up for excessive force. C/O [REDACTED] yelled out of the tower that the whole C-Lower section was going to "get hit" (searched) tomorrow for the one inmate who was yelling.

1/8/18 At approx. 0700 hrs, I witnessed an assault on the sidewalk near C15 Bldg. My neighbor, [REDACTED], was assaulted by a Mexican inmate ([REDACTED]). The officers responded by walking slowly across the yard, and then sprayed both of them with O/C.
Note: (Both inmates were later returned to their assigned cells in C15 Building)

1/11/18 (At afternoon yard, there was a four-on-one assault by the "25er" gang members against some other inmate on the C yard. on info and belief)

1/31/18 Morning yard. Inmate [REDACTED] assaulted my neighbor in cell C15-[REDACTED]. He came up behind him and punched him in the back of the head, knocking him unconscious. Then he stomped on him and kicked him repeatedly as he lay on the ground.
Note: (I saw [REDACTED] had an extensive history of violence and assaults, yet he was being allowed to be housed in the C15 DDP building. on info and belief)

4/23/18 0700 hrs. Cell feeding in dayroom due to foglines. I was walking down B-upper section tier. My neighbors said good morning to me behind me and I turned my head back to say good morning to him. As I turned my head, my other neighbor (who was in front of me on the tier) crashed into me, knocking me backwards. I looked in front of him and I saw inmate [REDACTED] my other neighbor assaulting my other next door neighbor, [REDACTED]. (The same inmate who assaulted [REDACTED] on 1/8/18)
The officers in the dayroom yelled up to [REDACTED] and just told him: "Stop that shit!" If you guys are going to fight, take it outside!" They didn't hit the alarm or cuff them up or anything.

Notes: Statements enclosed in brackets have been added to original journal entries for clarification purposes. Statements in parentheses are based on information and belief

4/5/18 7:30 p.m. Tonight at dinner, I witnessed three assaults on inmates by the officers. The first one occurred as I was standing in line outside the dining hall. C/Os [REDACTED] and Sagala came out of the dining hall and ordered Inmate [REDACTED] to "get on the wall." C/O [REDACTED] started yelling at him for making a comment. Inmate [REDACTED] said: "I was just clowning around." [REDACTED] said: "Do I look like I want to fucking clown with you bitch?!" As he said this, C/O [REDACTED] was kicking [REDACTED] in the legs. Then [REDACTED] grabbed [REDACTED] by the back of the head and slammed his face into the wall. Later, I saw [REDACTED] with a big lump on his cheek and he was spitting out blood from his mouth.

The second assault occurred a few minutes after the first one. I was sitting inside the dining hall when everyone jumped up from where they were sitting and went to look out the dining hall windows. I did as well. As I looked out the window, I saw five officers on top of an African American inmate in a mobility impaired vest (I was later informed that it was I/M [REDACTED], No. [REDACTED]). I observed several officers punching and kicking I/M [REDACTED] in the head, back, face, legs, and stomach for a period of several minutes. I saw C/O [REDACTED] laying on the ground in the gravel directly in front of I/M [REDACTED]. [REDACTED] was grabbing [REDACTED] by the throat and was punching him in the face. He punched him 6-7 times. Then he pushed [REDACTED]'s face directly into the gravel and held it there for several minutes while the other officers were assaulting [REDACTED]. I saw C/O [REDACTED] kick [REDACTED] in the face 5-6 times. I also saw [REDACTED] drop knees to [REDACTED]'s neck, back, and head. I also saw [REDACTED] punch [REDACTED] in the side of the head, back of the head, and lower back several times. I also saw C/O [REDACTED] punching [REDACTED] several times in the back of the head, lower back, and legs. I also saw him stand up and kick [REDACTED] three times in the stomach and lower side area. I also saw C/O [REDACTED] stomp on [REDACTED]'s ankle. Then he stood on his ankle and kind of ~~bounced~~ bounced up and down on it, then he hit his ankle with his baton.

Afterwards, the other guards came and put a spit hood on [REDACTED] and escorted him to the gym. At that point, the officers turned their attention to a Mexican inmate laying nearby who had witnessed the assault and had been telling the guards to stop. They put him in handcuffs and was escorting him to the gym. As the two guards were escorting him down the sidewalk, C/O [REDACTED] or [REDACTED] came up behind them and circled around to the side of them and punched the inmate really hard in the face for no reason.

I saw several other officers assaulting [REDACTED] as well, but I don't know their names. I also saw Sergeant [REDACTED] standing a few yards away from the pile of officers while they were assaulting [REDACTED]. She just stood there and watched as the assault took place and she did nothing to intervene or stop it from happening.

Inmate [REDACTED] was not resisting during the assault either.

4/7/18. I was asked by I/m [REDACTED] to be a witness to the excessive force incident involving C/o's [REDACTED], [REDACTED], and [REDACTED] on 4/5/18. At approx. 7:45 p.m., Sergeant [REDACTED] called me out of my cell to the CIS Building Counselor's office. She asked if I wanted to be a witness for [REDACTED] and I said I would. C/o [REDACTED] [one of the CIS Bldg floor officers] was also in the office at the time. I told [REDACTED] that I was concerned about the C/o's retaliating against me for cooperating with the investigation and asked for confidentiality. She said C/o [REDACTED] was my "staff assistant" because I was EOP. I told her I didn't need a staff assistant, so she asked C/o [REDACTED] to leave the office. After I reported what I witnessed [on 4/5/18], I again asked [REDACTED] to keep what I said confidential from the officers involved in the excessive force. She told me that she was just doing the report and it was out of her hands whether it remained confidential or not.

As I exited the office to return to my cell, C/o [REDACTED] began yelling my cell number in the dayroom to draw attention to the fact that I was exiting the office after speaking to Sgt. [REDACTED]. As I was walking towards the stairs to return to my cell, I heard C/o [REDACTED] say to C/o [REDACTED]: "Snitches get stitches, don't they?" And I heard C/o [REDACTED] laugh. Later, at 9:15 p.m., C/o [REDACTED] did count and stopped at my cell door and glared at me for a minute. I asked him what was the matter. He just shook his head up and down [as if to say "okey, it's like that"] and then walked away.

4/7/18, 0330 hrs. I was sleeping when the fire/safety alarm started blaring in the building. I just layed there trying to ignore it and go back to sleep, but then I heard someone yelling that they were going to kill themselves and I smelled smoke. I got up to see what was happening and I saw two guards marching Inmate [REDACTED], No. [REDACTED], Cell C15-[REDACTED], down the tier to the C-upper shower. They had him bent over with his arms raised straight up in the air behind his back. They threw him in the shower and started yelling at him to "strip out" [remove his clothes for a body search]. C/O [REDACTED] was yelling at him: "We are going to fuck your ass up! Watch! Just watch! We're going to fuck you up!"

I went and layed back down and tried to go back to sleep, but the officers had turned off the ventilation in the building and I smelled smoke really bad. The whole dayroom was filled with smoke. I heard one of the guards laughing and joking about [REDACTED] setting a book on fire. He said: "Worst book I ever read. Sat it on fire!" Ha Ha I got up and plugged in my fan and layed back down to sleep. [Inmate [REDACTED] was not placed in Ad-seg or Mental Health Crises Bed. He was just placed back in his ~~cell~~ another cell [C15-[REDACTED]]

5/2/18 0030 hrs. I heard footsteps running up the stairs in the dayroom. I got up to see. I saw C/O [REDACTED] approaching Cell [REDACTED], occupied by Inmate [REDACTED]. There was smoke filling the dayroom area in A section from cell 213. Another guard came and they pulled [REDACTED] out and placed him in the A-Lower section shower and went back to search his cell. After about 3-5 minutes, C/O [REDACTED] returned [REDACTED] to his cell. C/O [REDACTED] then proceeded to go door-to-door, banging his flashlight on each door repeatedly and yelling at each cell's occupants to wake up. C/O [REDACTED] was yelling over and over: "Everybody is waking up! You can thank [REDACTED] in [REDACTED]! He's burning shit in his cell! Everyone wake up! All night at One, Three, and Five everyone is waking up for count! You can thank [REDACTED] later! Burning shit in his cell!" As he passed my cell, he stopped at cell C15-[REDACTED] and spoke to [REDACTED] and his cellmate. He said to them: "You guys better get that fucker or you ain't going to be getting any sleep! He's over there burning shit in his cell, acting like a fucking kid!"

5/3/18 2230 hrs. Heard the industrial fan kick on in the dayroom. Got up to see why. [REDACTED] had set another fire in cell C15-[REDACTED]. The whole dayroom was filled with thick white smoke. [REDACTED]'s cell door was wide open and smoke was billowing out of the cell. There were 5-6 guards in the dayroom. The fire Department came to the building and hooked up another fan. It took an hour to clear the smoke from the building. [REDACTED] was sent to Administrative Segregation.]

4/24/18 0700 cell feeding in dayroom due to fog lines. In my cell, I hear a tray slam on the dayroom floor and hear a scuffle and ^{voices} yelling. I jump up to the door ~~to~~ and see two black inmates assaulting a Mexican inmate in the dayroom. C/O [REDACTED] runs up, screams at them to get down, and begins spraying them in the face with O/C. [REDACTED] handcuffs the Mexican, jerks off his shoes and leaves them in the dayroom, picks up the inmate by the handcuffs, and takes him out of the building somewhere.

4/28/18 2030 hrs. Pili call. I was looking out of my cell door window and I observed C/O's [REDACTED] and [REDACTED] standing in front of the officer's podium in the dayroom, shoulder to shoulder. When, all of a sudden, I saw two inmates involved in a violent altercation appear from around the corner in the dayroom near the Rotunda, directly beneath the gun tower and approx. ~~ten~~ (10) feet in front of C/O's [REDACTED] and [REDACTED]. The inmates were [REDACTED] (C15- [REDACTED]) and [REDACTED] (C15- [REDACTED]). I/M [REDACTED] was punching [REDACTED] in the face and head area with both fists as [REDACTED] backpeddled away from the assault. [REDACTED] tripped and fell over backwards and [REDACTED] jumped on his chest in a seated position, grabbed him by the throat with one hand, and began punching him in the face area with his other hand several times. C/O [REDACTED] and [REDACTED] just stood there and watched the assault occur. After [REDACTED] struck [REDACTED] several times, he stopped with his fist raised to strike again and he said something to C/O [REDACTED]. [REDACTED] said something back. [REDACTED] relented and stood up off of [REDACTED]. [REDACTED] staggered up the stairs and returned to his cell. [REDACTED] told [REDACTED] to return to his cell too. The alarm was not activated, [REDACTED] was not prevented from assaulting [REDACTED] he was not issued a Rules Violation Report, nor was there an Incident Report written documenting this assault.

4/30/18 At 10:00 A.M. check in group, I reported what I had seen with [REDACTED] and [REDACTED] to my Clinician, Dr. Marquez. She said she was going to document it on a Memorandum and send it "up the Chain of Command." She also said she had been getting lots of similar reports from other inmates on her caseload.

5/7/18 0800 Dining hall. As I was exiting the dining hall after breakfast, I observed officer [REDACTED] and two other C/O's accost Inmate [REDACTED] No. [REDACTED] an ADA, wheel chair bound inmate. C/O [REDACTED] accused [REDACTED] of getting an extra breakfast tray. [REDACTED] grabbed [REDACTED]'s bag lunch off his

lap in the wheel chair, tipped it open, and spilled the lunch all over the dining hall floor.

█████ said: "You wanna steal trays, you ain't getting no lunch, you piece of shit!"

█████ protested and said he ~~was~~ had a right to have his lunch. █████ ordered ~~to~~ him to leave the dining hall. █████ again protested and asked for his lunch. At that point, I observed █████ grab the armrest of the wheel chair and violently tipped it over sideways, spilling █████ to the floor.

8/12/18 Breakfast. I reported to work, ate breakfast, and went outside the dining hall over to 12 building to push an ADA inmate in a wheelchair. As I approached the handball court, a group of four inmates (three-on-one) began fighting each other right in front of me. I was ordered to prone out by the responding officers and was then strip searched for weapons after the officers had escorted the fighting inmates to the gym. After we resumed program, I went and sat on the exercise Slab on the EOP side of the yard and waited to push some other ADA wheelchair inmate. As I sat there, my neighbor in cell C15-█████ (█████) was attacked and assaulted by Inmate █████ (C15-█████) right in front of me on the sidewalk going towards C15 building. The guards responded and handcuffed █████ behind his back as he lay prone on the ground. While he was laying face down on the ground, one of the guards, for no reason whatsoever, walked over to █████ and sprayed him directly in the face with O/C pepper spray.

8/16/18 A.M. Yard. Inmate █████ (C15-█████) was assaulted by another inmate (maybe I/m █████ building C14, cell █████?) on the outside exercise yard in front of C15 building. I/m █████, a mobility impaired person with a cane, was beaten in the head and face area with his own cane. [I/m █████ sustained serious bodily injuries. The rumor was that █████ was a convicted child molester and █████ assaulted him randomly for his commitment offenses.] (I later found out that this assault was witnessed by Dr. Marquez. She had been heading into Building C15 to see one of her patients and said to me that the assault occurred right in front of her. She said when the assault occurred, the C-Yard Tower officer got on the Public Address system over by the dining hall and yelled: "Quit horseplaying!" Both inmates were later allowed to return to their assigned cells. [I didn't personally witness this assault and these reports are based on information and belief, which came from numerous sources who did witness the assault and corroborated those statements])

8/21/18 C Yard Work change gate, 1530 hrs. I was getting my legal mail. I saw an inmate from C13 building speaking to C/O [REDACTED] and three other guards outside the work change area. The inmate was asking [REDACTED] to call his housing unit to verify what he was saying was true. [REDACTED] was telling the inmate that he was not going to call and was ordering him to return to his housing unit. I got my legal mail and walked away, when suddenly I heard raised voices behind me and I heard C/O [REDACTED] yelling: "Get down! Stop resisting!" I turned around and I saw the C/Os had jumped on the inmate and they were punching and kicking him as he lay face down on the sidewalk. [REDACTED] I later found out from a friend in C13 Building that the inmate who got beat up was imminently going to be assaulted by other inmates in his housing unit. He found out about it and he was asking C/O [REDACTED] to put him in Ad-Seg for safety reasons.]

8/25/18 1745 hrs. After exiting the dining hall after dinner, I saw C/Os [REDACTED] and [REDACTED] standing on the East Yard exercise slab [which was about 25 feet away from the sidewalk leading towards Building C15]. As I started walking up the sidewalk, I noticed two inmates with orange ADA worker vests on were assaulting a third inmate ([REDACTED] C15-[REDACTED]) (I believe [REDACTED] was a developmentally disabled and mentally ill person). C/O [REDACTED] was looking directly at the assault and was doing nothing to stop it. [REDACTED] was laying on the ground calling for help as the two inmates [who I was later told were "25er gang members" who had stolen ADA worker vests] stood over him and beat him in the head and face area for several minutes. Everybody was just standing there watching. After the two assaulting inmates finished, they just walked away back to the dining hall area. [REDACTED] stood up wobbly and staggered up the sidewalk to C15 Building. He was bleeding from several areas all over his face. As I walked up the sidewalk towards C15 building, I turned back around and I observed that C/Os [REDACTED] and [REDACTED] had walked over to the area where the assault occurred and they were kicking dirt up and onto the sidewalk with their boots to cover up the pools of blood on the sidewalk.

8/31/18 2000 hrs. C15 Building day room. I was standing at a table in the dayroom trying to see who I was going to play in the spades tournament. Inmate [REDACTED] No. [REDACTED], who was running the tournament, was arguing with Inmate [REDACTED]. Inmate [REDACTED] came up to us and was looking at the tournament list of players. He told Inmate [REDACTED] that someone's name was on the list twice. [REDACTED] told him: "I don't give a fuck! I'm running this shit, not you!" [REDACTED] started to walk away and [REDACTED] said: "Yeah, you better walk away!" [REDACTED] turned

back towards [REDACTED] and [REDACTED] said: "What?! You got something to say?! What you want to do?!" Then [REDACTED] punched [REDACTED] in the mouth. They started fighting right next to me. [REDACTED] got hit multiple times and got knocked over backwards, almost losing consciousness. [REDACTED] was bleeding profusely from his head all over the floor. C/O's [REDACTED] and [REDACTED] saw the whole incident but they didn't try to stop it. Afterwards, they walked over to the table we were at and told [REDACTED] and [REDACTED] to return to their cells. They didn't activate the alarm or cuff up either inmate. (They didn't write them Rules Violation Reports, nor did they write Incident Reports. Based on info & belief)

9/7/18 1750 hrs. As I was exiting the CIS Building to go to dinner, a female Psych Tech or nurse entered the building from outside and walked up to C/O's [REDACTED] and [REDACTED]. She said: "You got a body laying outside the building. He's knocked the fuck out. I'm serious. He's all fucked up and not moving." I exited the building right behind C/O's [REDACTED] and [REDACTED] and walked down the sidewalk towards the dining hall. Right next to the EOP Building security gate, I saw Inmate [REDACTED] laying up against the chain link fence on his stomach, with his head kinked sideways. He was clearly unconscious and had numerous wounds on his face and he was bleeding from his eye and nose. C/O [REDACTED] walked over slowly and looked at [REDACTED]. He said to [REDACTED]: "It's one of ours, we're going to have to put the yard down." [REDACTED] called on the radio for a "Code one" and told all the other inmates on the sidewalk to get down.

I looked towards the dining hall and I observed C/O's [REDACTED] and [REDACTED] standing down by the dining hall, looking up the fence line towards us. After the Code was called over the public Address, [REDACTED] and [REDACTED] walked slowly up the sidewalk to where [REDACTED] was laying. I observed [REDACTED] begin using his foot to kick [REDACTED] in the side of his body and legs. He was laughing and saying "What the fuck are you sleeping here for?" All four guards were laughing. As [REDACTED] began coming to, [REDACTED] ordered him to sit up. [REDACTED] couldn't sit up, so [REDACTED] grabbed him by the arm and pulled him up sideways into a sitting position, with his back against the fence.

[REDACTED] was bent over forward with his face next to [REDACTED] and he was calling [REDACTED] a "fucking piece of shit," and was ordering [REDACTED] to tell him what happened. [REDACTED] was unable to respond, so [REDACTED] began hitting him in the side of the head and telling him: "I asked you a fucking question, bitch!" Then [REDACTED] said: "Stand the fuck up! Turn around! Get on the fence!" Then [REDACTED] placed [REDACTED] in handcuffs behind his back and used the palm of his hand to push [REDACTED]'s face into the chain link fence. They forced him

to stand there for approximately four minutes until the ambulance arrived from the TTA and took him away.

[After we resumed program, I went to the dining hall and ate dinner. I asked Inmate [REDACTED] if he had seen what happened and he said that three white inmates from C12 Building wearing orange ADA worker vests were lying in wait in front of C15 Building and they all attacked [REDACTED] when he came out of the building.] [It should be noted that this was the second time [REDACTED] was assaulted by three other inmates within a couple months or so. He told me prior to this second assault that he had had an altercation with c/o [REDACTED] in the dining hall over a tray. [REDACTED] told him he was going to have him jumped. [REDACTED] told me that when he was living in Building C12, three other inmates assaulted him at the same time. They told him that the guards had told them that [REDACTED] had raped his cellmate. Also should be noted that, after the second assault on 9/7/18, when [REDACTED] returned from the hospital, he was assaulted a third time by a group of inmates and had his canteen stolen. He was finally placed in Ad-seg.]
(Based on info and belief)

9/23/18 0730 hrs. Dining hall. I was sitting on the East Yard exercise compound area when C14 Building began being released from the dining hall to return to their housing unit. C/o [REDACTED], [REDACTED], and several other C/o's were all in front of the dining hall. C/o [REDACTED] was directly beside the exit door. As I looked on, a black inmate walked out of the dining hall and was followed by another black inmate (Maybe [REDACTED] or [REDACTED]). I saw [REDACTED] raise an orange meal tray over his head and he struck the other inmate in the back of the head, causing a loud "bang" sound that caused the pigeons to all fly away at once. [REDACTED] dropped the tray and the two inmates began to fight with their fists. [REDACTED] told everyone to "get down!" Everyone complied except for the two inmates fighting. One of them said to C/o [REDACTED]: "Man, let us finish this shit and get it over with!" (Meaning the fist fight). C/o [REDACTED] stated: "Handle your business then." Both inmates resumed the fight. C/o [REDACTED] was standing directly beside them with his O/C pepper spray can in his hand and was watching them fight. Inmate [REDACTED] picked up the other inmate and body slammed him to the concrete, jumped on his chest in a sitting position, and began striking him in the face with both fists. After a few moments, he stopped punching him and grabbed him in a front head lock and began choking him out. At that point, C/o [REDACTED] told [REDACTED]: "Alright, that's enough. Stop now or I'm going to spray you." [REDACTED] complied and both inmates were placed in handcuffs while they lay on their stomachs. Sergeant [REDACTED] walked up from the Program Office area. She said to the inmates laying on the ground: "You guys don't look like you got it all out. You want to go finish it in the gym?" The inmates both said "yes." So Sgt. [REDACTED] instructed C/o [REDACTED] and another officer to escort them to the gym and let them finish their fight.

As the yard resumed, the C14 Building inmates walked up the fence line towards C15 Building. Within a few minutes of the [REDACTED] fight, another fight broke out between two more black inmates in front of C15. They fought for several minutes before the guards in front of the dining hall even noticed that they were fighting. No guards were even in view of the fight. C/o [REDACTED] walked out of C15 Building, saw the fight, and told both inmates to stop fighting and to take it back to their housing unit. (They were not issued any Rules violation Reports, no alarm, no handcuffs, no Incident Report. Based on info and belief)

9/30/18 0730 Dining hall. I was sitting in front of the West Yard dining hall at my staging area waiting to push an ADA wheelchair inmate in the dining hall. I heard C/o [REDACTED] inside the dining hall screaming

at an inmate () to "get up and leave" the dining hall. A minute later, I saw C/O ushering out of the dining hall door. I heard telling: "Man, tell her that I work in there! I'm working right now! I haven't eaten yet!" (was an assigned ADA worker like me). C/O was telling: "Go home. Just go home!" said again: "I haven't eaten yet!" used both hands to shove in the chest, violently knocking him over backwards to the ground (was an elderly inmate; sixty-plus years old). said "Motherfucker, I said go home! You're not eating!"'s friends picked him up off the ground and helped him back to his housing unit.

10/1/18 0730 C12 Building & dining hall. I was working, sitting in front of C12 Building when I witnessed an assault occurring across the yard in front of C15 Building. I saw two inmates assaulting a third inmate. "Yard down!" was called by C/O over the P.A. system. The guards responded and just escorted the inmates back into C14 Building. A few minutes later, the ambulance came on the yard and went to C14 Building and was there for about 15-20 minutes. Then left to return to the TTA with its lights flashing.

When they resumed program, about a half hour after the assault, I proceeded to push an ADA wheel chair inmate to the dining hall. As I approached the dining hall, the C12 Block inmates who had already eaten were being released from the dining hall. I witnessed five inmates attack a sixth inmate on the sidewalk heading towards the program office. The five-on-one was really violent and went on for about 30 seconds or so before the guards even noticed and called "Yard down!" The inmates continued fighting for a few more seconds, then the five attackers ran down the sidewalk towards the program office area and sat down amongst the other C12 inmates, to try to get away. The guards went and got them all and took them to the gym, then they just resumed program.

10/8/18 0700 C14 Building. I was at work, sitting at the picnic table in front of C14 Building. Two black inmates began fighting about 8-10 feet in front of me. They both fell to the ground as one got the other in a headlock and was punching him repeatedly in the side of the head. At that point, the C-Yard Tower officer said over the P.A. system: "Stop horseplaying!" Both inmates broke apart, stood up, and squared off in fighting stances. They

rushed each other again and began punching each other in the head and face areas. The Tower officer said again over the P.A.: "Stop horseplaying! Stop horseplaying!" (Despite it clearly being a mutual combat, no alarm was sounded, no Rules Violation Reports were issued, no Incident Report. Based on info and belief)

10/12/18 1800 hrs. C-Yard Chapel. I was in the Chapel for the Defy Ventures RAC program. An officer entered the Chapel and summons^d Inmate [REDACTED] who was sitting next to me. Both of them left the chapel. Approximately thirty minutes later, [REDACTED] returned to the Chapel. He went to the podium and he announced to the Defy inmates that he had just been required to go clean up blood on the sidewalk in front of the Chapel (he was assigned as a Clinic janitor). (He said the c/o's (including [REDACTED]) had informed him that another inmate had just been stabbed and had been taken to the hospital; and the guards wanted [REDACTED] to get rid of the blood evidence. He told us there was a substantial amount of blood. He said: "It looks like they got him good. He was poked full of holes and was leaking pretty bad." Based on info and belief)

10/18/18 p 730 and 1730 hrs. In front of CIS Building/dining hall. At breakfast, I overheard Inmate [REDACTED] (CIS-[REDACTED]) tell Inmate [REDACTED] (CIS-[REDACTED]): "[REDACTED], if you don't get my money today, I'm fucking your ass up! I'm serious [REDACTED], you better pay me today." (It should be noted that [REDACTED] was severely mentally ill, schizophrenic, and several black inmates, including [REDACTED] were pressuring him for his canteen every month. They would sell him a shot of coffee for a jar or two jars of coffee in return over the month. Then when canteen time came, they would take his whole canteen (up to \$220⁰⁰) for repayment.) Based on info and belief)

Later that day, at afternoon yard, I was waiting in line to go to canteen and [REDACTED] was standing next to me. I again heard Inmate [REDACTED] threaten to assault [REDACTED] if he didn't pay him. [REDACTED] never made it to the canteen.

At dinner release, I exited the CIS Building and I observed I/m [REDACTED] approach c/o's [REDACTED], [REDACTED], and [REDACTED]. They spoke for a couple minutes and then [REDACTED] proceeded to the dining hall, and c/o's [REDACTED], [REDACTED], and [REDACTED] walked down to the East Yard exercise slab and stood in the same spot they had been in when Inmate [REDACTED] was assaulted a couple months earlier.

Inside the dining hall, I saw Inmate [REDACTED] in conversation with another black inmate. As they began releasing us from the dining hall, I/m [REDACTED] walked up to I/m [REDACTED] and said: "[REDACTED], you better watch out, they are going to fuck your ass up right now when you go outside! They

are going to fuck you up! Don't go out there!" At that point, the guards closed the dining hall door right before [REDACTED], [REDACTED], and I were about to walk out the door. The guards kept us inside for about ten minutes while C/O's [REDACTED] and [REDACTED] went to C15 Building to deal with another unrelated incident. After the guards began to release us again from the dining hall, I exited the dining hall and saw C/O's [REDACTED], [REDACTED], and [REDACTED] in the same position on the exercise slab. As I approached the gate, I saw Inmate [REDACTED] ([REDACTED]'s cell mate in C15 - [REDACTED]) approach I/M [REDACTED] and state: "They said hold off right now 'cuz [REDACTED] and [REDACTED] are coming out of 15 Building right now." I looked over at C/O [REDACTED] and he had his hand up and was pushing it forward in a "stop" motion, ~~then~~ and was looking right at I/M [REDACTED]. Then C/O [REDACTED] turned and looked at 15 Building and towards C/O's [REDACTED] and [REDACTED]. All the inmates proceeded back to C15 housing unit without incident. ([REDACTED] made it to the canteen the next day and [REDACTED] took it all from him. Based on info and belief)

10/24/18 At 1045 hrs on the East Yard, I was sitting on the base of the light pole near the basketball court when I observed C/O [REDACTED] and I/M [REDACTED] come together for a conversation. I saw [REDACTED] talking to [REDACTED] animatedly for a couple minutes and he kept gesturing towards C14 Building. C/O [REDACTED] spoke to [REDACTED] for a minute or so and then they dispersed.

Later that same day, at 1430 hours, I exited the education compound and I overheard it announced over an officer's radio: "There is a body lying over there in front of 14 Building. Put the yard down." The Tower officer put the yard down and the ambulance was summoned. It spent approx. 15-20 minutes on the yard and then drove rapidly away. C/O [REDACTED] was standing on the driver's door side foot panel. (I later found out that a black inmate known as " [REDACTED]" was beaten unconscious in front of C14 Building by an "unknown" assailant. Based on info and belief)

10/24/18 1730 hrs. Dining hall. Later that same day, I was sitting in the dining hall eating ~~dinner~~ dinner when I noticed a commotion near the entry door. I observed Inmate [REDACTED] speaking to C/O's [REDACTED] and [REDACTED]. I then observed C/O [REDACTED] violently push I/M [REDACTED] to the ground and then he kicked him ~~over and over~~ twice. The force of the blows were so loud, I could hear the thumps across the dining hall and over the din of all the inmates talking and eating. Several black inmates in the dining hall jumped

to their feet and began yelling at C/O's [REDACTED] and [REDACTED] and began to approach them. They were saying that it was "fucked up" what [REDACTED] had done and that "this shit is going to stop Motherfuckers!" C/O [REDACTED] exited the dining hall to go stand with the other officers outside. When they began releasing us from the dining hall, I approached C/O [REDACTED] and told him that he was a witness to the excessive force by [REDACTED], and I reminded him that he had a duty to report C/O [REDACTED]. C/O [REDACTED] said: "I didn't see anything. Get out of my face!"

I then exited the dining hall and proceeded towards the Chapel for my Criminals and Gangs Anonymous (CGA) group. I got as far as the Native American Sweat Lodge area [which was in front of the West Yard dining hall area] when I heard a commotion behind me. I turned around and I saw Inmate [REDACTED] run through the East Yard gate and headed across the yard at a full sprint towards C14 Building. He was being pursued by C/O [REDACTED] and another officer I couldn't identify. They caught up with [REDACTED] in the middle of the yard and tackled him to the ground. They began beating him and put him in restraints, as about ten officers converged from all directions across the yard from C13, C14, C15, and the dining hall area. They brought a golf cart and transported I/m [REDACTED] to the gym.

As I was sitting by the Sweat Lodge during the code one, I observed an African American Sergeant exit the Program Office and walk up the sidewalk towards the dining hall. I hailed the Sergeant and stated that I was a witness to the whole incident and wanted to report it. He said: "How can you be a witness? You're all the way over here [near the Sweat Lodge]. Shut up!"

After the Sergeant spoke to the officers in front of the dining hall, he proceeded back to the Program Office area. As he walked back by me, I again hailed him, asked him his name, and again stated that I was a witness to the whole incident. He just ignored me.

I saw him approach Lieutenant [REDACTED] near the Program Office and speak to her. Then they both proceeded to walk back to the dining hall. As they passed by me, I again hailed Lt [REDACTED] and stated that I was a witness to the whole incident and wanted to report what I saw. She just ignored me. I saw her go speak to C/O's [REDACTED] and [REDACTED] together and then individually, but with each the other standing within 5-6 feet and able to overhear what the other told Lt. [REDACTED]. She then proceeded back towards the Program Office area. I again hailed her by name and again stated I was a witness and wanted to report what I had seen. She still continued to just ignore me.

10/26/18 1400 hrs CIS Dayroom. (Inmate [REDACTED] (CIS-[REDACTED]) approached the CIS Building officers and notified them that he was in danger and needed protective custody. [Note: A few day earlier, he told me that he was being pressured by I/M's [REDACTED], [REDACTED] and [REDACTED] (CIS-[REDACTED]). He told me he had sent \$100.00 to [REDACTED] and [REDACTED] to get him a gram of "speed." They gave him a "quarter gram" in return and told him that he owed them another \$100.00 for it. He was complaining to me that it wasn't right because it was his money ~~he~~ they had used to buy the drugs with. The officers refused to protect him. Another inmate (in cell CIS-[REDACTED]) overheard [REDACTED] trying to "lock it up" (go to Ad-Seg). He followed [REDACTED] away from the officer's podium and attacked him by the C-Lower section shower. [REDACTED] was seriously injured and was knocked unconscious. Based on information and belief.)

11/2/18 Sergeant [REDACTED] called me from my cell to the CIS Building Counselor's office for ADA appeal interview. He asked if I had my hearing aids [Note: I'm hearing impaired and am designated ~~deaf~~ DNH]. I told him no, but that I could hear him enough to do the interview without them. I explained the situation why I was asking for a Reasonable Accommodation job change from ADA worker to Literacy Tutor. I explained that all the violence that I was witnessing while working on the yard was triggering my PTSD. I explained that the tutor job would be better for me because I would be inside working in a classroom away from the violence on the yard. He told me he wouldn't include any of that in the appeal response because it was "not new information and was already written in the appeal." I returned to my cell.

Later Sgt. [REDACTED] called me back to the Counselor's office and presented to me a typed statement ^{saying} that he had established Effective Communication with me during the ADA appeal interview and stated that I had not added any new information. I told him I didn't want to sign it because I felt I had added additional information. He became angry and said: "I'm not trying to jerk you over on your 602, just sign it!" There were three other officers present and I became anxious about it and just signed the statement. I again returned to my cell.

A few hours later, I was summonsed by the ADA Coordinator (ADAC), Associate Warden Santana, to the picnic table in front of CIS Building. He was angry and stated that Sgt. [REDACTED] had messed up on the Effective Communication. He said I could waive the primary method (hearing aids) but not the secondary method (written notes). He was angry because he had to come and do the interview all over himself. He told me to write down my questions, which I did. However, we continued to speak to each other as well. He told me he was not going to approve the job change requested in my appeal because I was "not on the Tutor Waiting List." He said I would have to wait

until my Annual Review (in February) to be approved by Classification Committee for a tutor assignment. He said that he was giving me a Reasonable Accommodation in that I would be allowed to perform my ADA worker duties only in the CIS Building dayroom, away from the violence on the yard. He said he had already spoken to the officers to notify them of this accommodation.

This conversation/interview was witnessed by C/O's [REDACTED] and several other Search and Escort officers who were all milling around nearby the picnic table and intently observing the interview.

11/3/18 0800 [the next morning] My cell door opened for breakfast and I started to exit my cell. C/O [REDACTED] yelled out the CIS Tower window at me: "They called and they want you to go to work." I put on my orange ADA worker vest and left for work. As I neared the dining hall, I observed C/O's [REDACTED] and several other officers outside the dining hall. There were NO OTHER inmates around, nor any other ADA workers. I entered the dining hall and to the tray window. I immediately noticed that the food on my tray was raw and frozen. I asked the workers for a different tray and they said: "You get that one. Don't be a bitch about it." I asked to see the Culinary free staff. They asked: "Why? So you can write us up too?"

I exited the dining hall and spoke to C/O [REDACTED] about the tray and stated I wanted to speak to the free staff person. C/O [REDACTED] asked: "Did you tell them that you are white?" I asked him: "What does that have to do with anything?" He said: "Go tell them you're white, see if that works." All the officers started laughing. [Note: Most of the officers were Hispanic and all of the inmate kitchen workers were African American]

C/O [REDACTED] then followed me back into the dining hall and looked at the tray. He asked the kitchen workers about it and they told him that was my tray. [REDACTED] said: "I can't force them to give you a different tray. You can either accept it or handle your business. Do whatever you gotta do. You want to get down with them?" I said that I was not going to be fighting anyone. [REDACTED] said: "Then quit crying and just eat it." Then he walked back out of the dining hall. The inmate workers began threatening me, saying that if I didn't leave the tray window they were going to come out and assault me. I returned to my cell without eating.

11/26/18 1030 hrs. (An inmate was assaulted on the C Facility West yard by unknown assailants. He was taken to the hospital and yard "resumed". No investigation. Based on info ^{believed})
(1115 hrs. At "Yard Recall" Inmate [REDACTED], CIS-[REDACTED] was assaulted by an

African American inmate [REDACTED] who lived in C12 Building. This assault occurred in front of C15 Building and Summe shouldn't have even been on the East Yard. There were no officers on the yard at the time. The assault was witnessed by inmates [REDACTED] (C15-[REDACTED]) and [REDACTED] (C15-[REDACTED]). They later told me that [REDACTED] was struck in the head with a large rock and his head was "split open really bad." [Note: [REDACTED] also suffered a broken ankle in the attack and had to be hospitalized.] Inmate [REDACTED] had to enter C15 Building and summons Sergeant [REDACTED] and C/o's [REDACTED] and [REDACTED] to bring it to their attention that [REDACTED] was laying out in front of the building unconscious. (Based on information and belief.)

11/27/18 1745 hrs. Dining hall. As I was walking down the aisle of tables with my dinner tray to go to my seat to eat, I witnessed an assault right in front of me. Inmate [REDACTED] (C15-[REDACTED]) assaulted Inmate [REDACTED] (C15-[REDACTED]) for no reason whatsoever. After [REDACTED] struck him several times in the face with his fists, [REDACTED] jumped up and squared off with [REDACTED]. He asked [REDACTED]: "Why did you hit me?" As [REDACTED] advanced towards the much smaller [REDACTED] (who may have been developmentally disabled), officer [REDACTED] approached them and just told them to sit back down. They complied. No Code. No written reports.

11/30/18 0700 hrs. Dining hall. I was sitting at a table with inmates [REDACTED], [REDACTED] and [REDACTED]. When out of the blue, [REDACTED] punched [REDACTED] in the face, knocking him over backwards off the stool and onto the floor. [REDACTED] jumped up and started yelling at [REDACTED] and they both squared off to fight. C/o's [REDACTED], [REDACTED], and [REDACTED] other officers approached them and ordered them to sit back down. [REDACTED] told the officers that [REDACTED] had just punched [REDACTED] in the face for no reason.

[REDACTED] told [REDACTED]: "Well, handle your business then. Go over there in the corner and fight if you want." And he pointed to the corner of the dining hall. [REDACTED] and [REDACTED] squared off to fight again, when [REDACTED] grabbed his breakfast tray off the table and started to use it as a weapon. Officer [REDACTED] said: "Whoa, Whoa, Whoa! Don't be hitting nobody with your tray!" [REDACTED] said: "Just wait until we release you guys [from the dining hall to return to C15 housing unit]. You can take it outside and get it on out there."

Approximately 5-10 minutes later we were released back to the housing unit. [REDACTED] and [REDACTED] were still standing near the inmates when [REDACTED] said to [REDACTED]: "Come on Motherfucker, it's on!" Both inmates walked out of the dining hall exit. They immediately engaged in mutual combat in front of the dining hall, as [REDACTED] and [REDACTED] stood at the door watching and laughing. Sergeants [REDACTED] and [REDACTED], who were in front of the dining hall,

put the yard down. (They had [redacted] and [redacted] cuffed and escorted back to C15 Building and placed in the showers. Sgt [redacted] had them sign "Barney" chronos [saying that they weren't enemies and could get along with each other]. And they were allowed to return to their cells. Inmate [redacted], though, was later sent to Ad-Seg. Based on info and belief)

12/10/18 0700 Dining hall. I was sitting at a table eating breakfast when a black inmate sitting next to me at the table began punching another black inmate across the table from me. He knocked him off his stool and onto his back on the floor. Then he grabbed his tray and began striking the other I/m on his raised legs. The tray sprayed out meal and food all over the table, myself, and other inmates. The officers walked over and told them to stop, cuffed them up, and escorted them back to C15 Building. (They were both allowed to return to their cells. Based on information and belief)

12/10/18 (0845 hrs. C Facility Exercise yard. A "major brawl" (as was later reported on the local news) broke out on the exercise yard between the "25ers" and the "Northern Riders" Security Threat Groups. Approximately 25 inmates were involved. Two were reportedly stabbed numerous times and seriously injured. There was "No Program" for the rest of the day; however, program resumed the next morning. Based on information and belief)

12/12/18 0700 hrs. Dining hall. Inmate [redacted] had returned from Ad-Seg in the middle of the night and was placed back in C15 housing unit. He entered the dining hall, got his tray, sat down at the table next to mine, then almost immediately attacked an EOP inmate sitting next to him for no reason. He was standing up punching the inmate, when Inmates [redacted] (C15-[redacted]) and [redacted] (the inmate [redacted] had assaulted days before) jumped up and went to the aid of the inmate being assaulted by [redacted]. Officer [redacted] came over and began spraying all of them with OC pepperspray. OC filled the dining hall and all the inmates had to stop eating and "prone out" on the floor. Our breakfast trays were contaminated with OC and were not replaced. Sergeant [redacted] came into the dining hall and announced over the radio that the incident was a "two-on-two" mutual combat. No alarm. However, Inmate [redacted] was taken back to Ad-Seg and did not return again.

12/30/18 0800 East Yard. As I was working, pushing an ADA wheelchair inmate up the sidewalk towards C15 Building, a melee between eight (8) black inmates broke out in front of us in the corner near the fence and C15 Building. The inmates fought each other for a couple minutes before the

officers, who were all back down in front of the dining hall, even noticed that there was a melee occurring. The Yard Tower officer called "Yard down" and the officers in front of the dining hall walked casually across the yard towards the inmates as they continued to fight each other. They took six (6) of the inmates to the gym and then resumed "normal program."

11/1/19 0800 Dining hall. An inmate from C12 Building was stabbed by another inmate as he exited the dining hall to return to his building. I was out there working, but I was on the other side of the yard at the time of the stabbing.

11/13/19 0630. C15 Building. As I exited C15 housing unit and walked towards the dining hall, I heard running footsteps behind me. I turned back around and I saw a black inmate ([REDACTED], C15- [REDACTED]) attack a white inmate ([REDACTED], C15- [REDACTED]) with a knife. [REDACTED] stabbed him in the torso area ^{several} ~~two~~ times. [REDACTED] fell to the ground, but got back up and charged [REDACTED]. [REDACTED] punched Lewis in the head and face area. At that point, three other black inmates ([REDACTED], C15- [REDACTED]; [REDACTED], C15- [REDACTED], and I believe [REDACTED], C15- [REDACTED]) attacked [REDACTED] and began hitting him altogether in the head and face area. This went on for about a minute or two. There were **No** officers on the outside yard watching us go to breakfast. Eventually, the fight broke up and we proceeded to the dining hall. (Except, [REDACTED] returned to C15 Building and collapsed in the dayroom from his stab wounds. The ambulance was summoned and he was transported to the hospital. Based on information and belief.)

Then the officers entered the dining hall and began ordering the inmates to exit the dining hall four at a time to be strip searched outside. They took the four black inmates ([REDACTED], [REDACTED], and ~~another~~ [REDACTED], [REDACTED]) to the holding cages in the gym because they had marks and blood all over them. [REDACTED] had cut his hand with the knife as well.

When it was my turn, I exited the dining hall and was told to strip off my clothes by C/O [REDACTED]. I told [REDACTED] that I would comply, but I complained that it would n't have been necessary if the officers had been posted on the yard watching us walk to breakfast, like they were supposed to. I said that if they had been in proper position, they would have seen who was involved in the fight/assault.

At that point, C/O [REDACTED] became belligerent and started cursing at me. He started telling me that they could do whatever they wanted to do, and told me to shut up and get on the wall. I complied, but said I would be putting

it on an Inmate Appeal. C/o [REDACTED] then said to [REDACTED]: "Fuck it, he's getting hostile. He's a suspect. Look, he's got blood on his pants." [Which I didn't] I was cuffed up ~~and~~, my lunch was taken from me, and I was escorted to the gym along with the other, real suspects. I sat in the gym for approximately three hours until I was taken to the Program Office to be interviewed by Sergeants [REDACTED] and [REDACTED]. I told them everything that I had witnessed during the assault. Including that Inmates [REDACTED], [REDACTED], and I believe [REDACTED] had all assaulted [REDACTED] after he had been stabbed.

The Sergeants took my report and then allowed me to return to my housing unit. Unbelievably, they also allowed Inmates [REDACTED], [REDACTED], and [REDACTED] to also return to their cells - even though I told the Sergeants what they had done and had said I would cooperate at their hearings.

1/21/19 0700 Dining hall. I was pushing a wheelchair inmate into the dining hall when I observed C/o's [REDACTED] and [REDACTED] confronting Inmate [REDACTED] (C15-[REDACTED]), an ADA mobility impaired person with a walker, on the sidewalk in front of the dining hall. [REDACTED] was telling the C/o's that he needed medical attention and had received approval by the C15 Building officers to go to the C-Yard Clinic. The C/o's were ordering him to return to his housing unit. He said he needed medical treatment. C/o [REDACTED] then punched him in the face, knocking him to the ground. Then [REDACTED] and [REDACTED] attacked him on the ground; kicking and punching him. [REDACTED] grabbed his arm and wrenched it up behind his back and began kneeling him in the lower back and kidney area. [REDACTED] began screaming in pain. [REDACTED] kept saying: "You had enough treatment? You ready to go back to your building now?" No alarm was activated.

The officers placed [REDACTED] in handcuffs and forced him to his feet. He couldn't even stand up straight and could barely even walk. The officers forced him to try to walk to the gym. He made it as far as the Education Compound gate and then collapsed. The ambulance was summoned, but (incredibly) they refused to take [REDACTED] to the hospital. Instead, he was forced back to his feet and forced to walk to a holding cage in the gym. I never saw him again.

NOTE: This is not an exhaustive, complete list of incidents that occurred and/or that I witnessed during this time period. Many more such incidents like these also occurred. However, I did not witness them all and couldn't verify what had happened through other inmates or staff, or I was just too overwhelmed and traumatized to record what I saw.

Exhibit 29a

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Exhibit 30

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 E in Building 23. I am 55 years old. [REDACTED] approximately August [REDACTED]

3. I have been housed at RJD from [REDACTED] 2016 to the present.

4. During my time at RJD, I have been housed in a number of locations. Sometime in 2008 or 2009, I was housed on Facility A of RJD for about four months. After that, I was housed at California State Prison – Lancaster ("LAC") and California Men's Colony ("CMC") for a number of years. I returned to RJD around August or September of 2016, and was housed on Facility A. I was then moved to Facility E in either December 2016 or January 2017.

5. I am an *Armstrong* class member. I am designated as DPM. As accommodations for my disabilities, I am housed on the ground floor and in a lower bunk, and I use a walker to ambulate. I have trouble walking up stairs and I am unable to stand for more than about five minutes. I have fallen quite a few times due to my disability, and I always need something to support my weight while standing. I also have chronos for special cuffing, no rooftop or hazardous work, and a lifting restriction. My disability has gotten worse due to the staff misconduct of which I was a victim at RJD.

6. I am a *Coleman* class member. I am at the EOP level of care. I suffer primarily from schizophrenia, depression, and anxiety. I am prescribed Risperdal to help manage my psychotic symptoms and Prozac for my anxiety and depression. I commonly experience auditory hallucinations of voices that demean and insult me. Psychiatric medication, as well as EOP programming, have helped me learn to deal with the voices in my head. While my mental health is currently stable, I have struggled with depression, anxiety, and hallucinations for most of my adult life, including all of my time at RJD.

1 7. I have a number of serious medical conditions. I am classified as high risk
2 medical. I suffer from degenerative spondylosis, which makes it difficult for me to use my
3 back, end-stage liver disease and fatty liver disease, and left ventricular
4 hypertrophy. I have recently been experiencing chest pains.

5 8. I was a victim of staff misconduct at RJD. On or around April 14, 2018, I
6 was in my cell – cell [REDACTED] of Section B in Building 25 on Facility E – getting ready to be
7 released for breakfast at the dining hall. Because I was (and still am) on a Kosher diet, I
8 was supposed to be released for the dining hall before the rest of my unit. Generally, the
9 yard officers on Facility E call the housing unit officers every morning to release people on
10 special diets before releasing the rest of the sections. This practice is meant to allow
11 people on special diets to get their meals before a large line develops. Sergeant [REDACTED]
12 and Officer [REDACTED], the yard officers, did not call for special diets on the day in question.

13 9. After the building was released, I walked from my cell to the dining hall. At
14 the time, I was designated as DLT, and I was able to get around without a walker.
15 Lieutenant [REDACTED] – the Lieutenant on duty at the time – and Sergeant [REDACTED] and
16 Officer [REDACTED] were standing right outside the dining hall talking amongst themselves. I
17 approached Officer [REDACTED] and asked him, “How come you didn’t call special diets first?”
18 Officer [REDACTED] then claimed that he had called special diets first. I then turned to Sergeant
19 [REDACTED] and asked him why they didn’t call special diets first. Sergeant [REDACTED] replied,
20 “[REDACTED] already called for special diets.” Then, Lieutenant [REDACTED] said to me, “Just go
21 eat, and I’ll talk to you when you’re done.” I then got my food, and went back outside to
22 speak with Lieutenant [REDACTED], but only Officer [REDACTED] and Sergeant [REDACTED] were
23 standing there.

24 10. As I approached them, I said, “excuse me, [REDACTED],” and Sergeant [REDACTED]
25 began walking away from me into the dining hall. I followed him through the dining hall,
26 and I continued calling for him as he walked into the kitchen. He then went into the office
27 in the kitchen, and before he could close the office door, I opened the kitchen door and
28 again called for him. I was standing in the doorway of the kitchen, and Sergeant [REDACTED]

1 then stepped out of the office, faced me, and *said* "lock *him* up," meaning that *officers*
 2 *handcuff me.* Officer [REDACTED] and another officer assigned to the dining hall,

3 Officer [REDACTED] then approached me from behind and cuffed me behind my back.

4 11. After they cuffed me, the three officers escorted me to the program office.
 5 During the escort, they roughed me up. They lifted my arms up, which were handcuffed
 6 behind my back, in order to inflict pain. I was not resisting in any way, but they kept
 7 raising my arms up, causing pain in my shoulders and making it difficult for me to breathe.

8 During the escort, we ran into Officer [REDACTED], who pulled out his baton, and asked them,
 9 "Do you need any help?" One of the officers responded, "Nah, we got it from here."

10 12. Once we arrived at the program office, they pushed me inside and Officers
 11 [REDACTED] and [REDACTED] then slammed me against the wall. Officer [REDACTED] pinned my left
 12 shoulder to the wall as Officer [REDACTED] applied force to my right side. Sergeant [REDACTED]
 13 was pressing his hand on the center of my back. They applied so much force to my
 14 shoulders that they smashed my face against the wall. As they had me pinned to the wall,
 15 they were saying things to me like, "Who they hell do you think you are?" I think that
 16 they were talking about the fact that I asked why people with special diets weren't called
 17 for breakfast first. At some point, Sergeant [REDACTED] said, "You don't talk to my officers
 18 like that [referring to me asking about my privileges]."

19 13. After a few minutes of pressing me up against the wall and threatening me,
 20 Officer [REDACTED] released the pressure from my left side, and opened the door of the holding
 21 cell in the program office. Keeping me pinned to the wall, Officers [REDACTED] and [REDACTED]
 22 slid me across the wall and into the holding cell. They dragged me across the wall for a
 23 couple of feet until I was in the doorway of the cell, at which point I felt a punch in the
 24 back of my head. Although I did not see Officer [REDACTED] punching me, I believe that it was
 25 him because I was punched on the left side of my head, where Officer [REDACTED] was
 26 standing. Officer [REDACTED] hit me so hard that I started seeing stars. As soon as I got
 27 punched, I lost my balance and fell forward, hitting the concrete head-first and impacting
 28 with my chin. The officers then slammed the door of the cage shut.

1 14. My chin immediately broke open from the impact, and blood started pouring
2 out on my clothes. I tried to roll over to the side, and, after a few tries, I was able to do it.
3 I crawled toward the door, and I then started kicking the door, screaming at the officers,
4 "I'm bleeding, I need medical attention." The officers left me bleeding for a couple of
5 minutes, ignoring my cries for help. After a few minutes had elapsed, Officer [REDACTED]
6 entered the program office, and saw me lying in the holding cell through the glass window.
7 After Officer [REDACTED] saw me, I heard him tell Sergeant [REDACTED], Officer [REDACTED], and
8 Officer [REDACTED] that I was bleeding and in need of medical attention. The three of them
9 then approached me and look at me through the glass window. Officer [REDACTED] then said,
10 "stop beating your head on the floor, what did you do to yourself?" I replied, "I didn't do
11 nothing, this is from you punching me in the back of the head." I interpreted Officer
12 [REDACTED]' remark as suggesting that I had injured myself, and I believe that he made that
13 remark in order to cover up the fact that he assaulted me.

14 15. A few minutes later, Lieutenant [REDACTED] arrived at the program office, and
15 immediately asked the officers to call medical staff. Lieutenant [REDACTED] then ordered them
16 to call a nurse to fill out a 7219. Although I did not know this at the time, the 7219 is a
17 CDCR form used to document injuries sustained by people who are injured in altercations
18 or other unusual circumstances.

19 16. After a few more minutes – and about twenty minutes after I had been
20 punched by Officer [REDACTED] – a Psychological Technician, Ms. Withers, came into the
21 program office. Lieutenant [REDACTED] was still in the office, along with the other three
22 officers, but Officer [REDACTED] was no longer there. Ms. Withers asked to examine me, but I
23 refused to move and kept my head down on the floor because I wanted the Lieutenant to
24 take pictures of me in the condition that the officers left me in. Ms. Withers was holding a
25 clipboard and writing things down. I saw a diagram of a person's body on a page in her
26 clipboard, and I saw her note something on the chin of the body on the paper. She asked
27 me if I was hurt, and I told her that I was, and that I needed to speak with the lieutenant
28 because I had been assaulted by staff. As this was all happening, Sergeant [REDACTED] and

1 Officer [REDACTED] were saying similar things to the nurse as before, like "he beat his face on
2 the ground, he did this to himself."

3 17. After Ms. Withers left, Lieutenant [REDACTED] approached me and told me to
4 clean up and move to the next cell. Officer [REDACTED] helped me to my feet, and brought me
5 to the next holding cell. Ten minutes later, Lieutenant [REDACTED], accompanied by Sergeant
6 [REDACTED] and Officer [REDACTED], came back to get me and took me to a private office in the
7 program office. Lieutenant [REDACTED], alongside another Lieutenant, then filmed me as I
8 described the assault. The other Lieutenant took pictures of my face and chin, as well as
9 my bloody shirt. After completing this interview, I went back to the yard. [REDACTED]

10 18. As soon as I arrived back on the yard, I walked straight back to Building 23.
11 I was still bleeding from my chin. Once I entered the building, an officer said to me,
12 "Damn [REDACTED], what the hell happened to you?" I told him I was assaulted, and he
13 replied, "You need medical, go man down." So, I sat on the ground and went man down,
14 which means that I got down on the ground and started calling out "man down!" in order
15 to get medical attention. A few minutes later, Ms. Withers and another female nurse
16 arrived, gave me a brief examination, and then called for me to be transported to the TTA
17 to receive stitches on my chin. Once I got to TTA, Dr. Guldseth stitched up my chin. He
18 put three or four sutures in my chin, and then released me back to my housing unit.

19 19. That night, around 4:45pm, I was experiencing terrible pain related to the
20 assault. My back, shoulder, and the lower part of my face were killing me with a pain so
21 sharp that I could barely move my shoulders. I was in so much pain that I had to lie on my
22 back on the floor. As I was writhing in pain on the floor, I called out for help, yelling,
23 "man down!" One of my dorm-mates, [REDACTED], beat on our cell door and called "man
24 down" with me. Despite our cries, Officer [REDACTED], the floor officer at the time, refused
25 to call for medical assistance. Two or three times, Officer [REDACTED] came to the door of
26 my dorm and told me, "You can't go down man, come on, you're really gonna' put me
27 through this?" I believe that Officer [REDACTED] was referring to the extra paperwork he
28 would have to do if I went man down. The third time Officer [REDACTED] came around to our

1 dorm, he said that the Sergeant told him that I had to wait until the morning to get medical
2 attention. I was on the floor waiting for so long that I urinated on myself twice.

3 20. Because I was worried about my safety, I took matters into my own hands. I
4 plugged in my hot pot without water, and set off the unit's smoke alarm with the burning
5 plastic. A few minutes later, a Lieutenant, a Sergeant, and a woman from the Fire
6 Department entered the housing unit. I continued screaming man down, and eventually,
7 transportation arrived for me to be taken to the TTA. After I was examined in the TTA, I
8 thought that I was going to be released to my housing unit. Instead, medical staff sent me
9 to "alternative housing." From what I know, alternative housing is like suicide watch; in
10 alternative housing, they put me in a cell with nothing else, and had a nurse monitoring me
11 outside of the door all the time. I believe that medical staff sent me to alternative housing
12 because they thought I was suicidal because I set the hot pot on fire.

13 21. After talking to psychologists, I was then released to administrative
14 segregation on B Facility, where I was housed for about eight hours. While in
15 administrative segregation, my neighbor said to me, "Don't tell me you're coming here
16 from E Facility." I told him that I was, and that I had been assaulted by officers there, and
17 he then told me that there were, at the time, four or five people housed in administrative
18 segregation after they had been assaulted by staff from Facility E. I stopped the
19 conversation, and did not ask him about their names or the names of officers involved
20 because I was scared and I didn't want to cause any further trouble for myself. After about
21 eight hours in administrative segregation, the captain came to my cell and approved my
22 release to my housing unit. This whole ordeal started on Saturday around breakfast, and
23 ended Sunday afternoon when I was transferred back to the yard.

24 22. I never received a Rules Violation Report ("RVR") in connection with the
25 incident. I found it strange that I never received an RVR, especially because I caused the
26 fire department and a lieutenant to respond to the fire alarm I triggered. I believe that I did
27 not get an RVR because the staff who assaulted me were trying to cover up what they did.
28

23. On May 5, 2018, I filed a 602 staff misconduct grievance against Sergeant [REDACTED] and Officers [REDACTED] and [REDACTED]. About a month after I filed a 602, I was interviewed by two officers. I believe that these officers didn't care much about investigating my allegations because the interview only lasted four to five minutes, and it was conducted *at the podium* of Building 23, right out in the open. I did not feel comfortable sharing details about what happened to me due to the public setting of the interview. A month or two after my interview, I received a response to my 602. After their investigation, RJD found that the officers involved did not violate policy.

24. A day after the assault, I was seen by Doctor Guldseth at TTA, and my disability code was upgraded to DPO, and I was issued a wheelchair to use intermittently. Although my disability code was later changed to DPM, a downgrade in the level of disability from DPO, this incident made my disability a lot worse. Now, I have to use a walker in order to get around, and it is difficult for me to stand without it. This incident worsened the condition of my back and knees as well. Were it not for the assault, I believe that I would have a much easier time getting around and standing for long periods of time.

25. In between when I filed my grievance and I got the response back, Officer [REDACTED] saw me walking with another incarcerated person, Mr. [REDACTED] who is Lieutenant [REDACTED]'s clerk. Mr. [REDACTED] and I were on our way to the dining hall. As we were walking, Officer [REDACTED] looked at me and smiled in a way that made me feel threatened. He then motioned for Mr. [REDACTED] to come to talk to him, and they exchanged a few words that I could not hear. While they were talking, I saw Officer [REDACTED] point at me. After the interaction, Mr. [REDACTED] told me that Officer [REDACTED] had stated to him, "you see that over there [pointing to me in a walker], I did that." I interpreted this exchange as Officer [REDACTED] bragging that he had assaulted me and made my disability worse.

26. I think that Sergeant [REDACTED] and Officers [REDACTED] and [REDACTED] assaulted me because I was asking for something. The whole incident stemmed from me asking Sergeant [REDACTED] for access to my Kosher meal before everyone else crowded the dining hall.

27. I have also witnessed Officer [REDACTED] and Officer [REDACTED] engage in misconduct against other people at RJD. Sometime in early 2018 – before the incident in which I was assaulted – a person with mental health issues was asked by Officer [REDACTED] and Officer [REDACTED] to take his hat off in the dining room. *After he refused in a disrespectful way,* I observed the officers slam him against the wall of the dining hall, and drag him to the program office, just like in my case. I did not see what happened after that.

28. Observing Officers [REDACTED] and [REDACTED] rough that person up made me feel uncomfortable at the time because it very well could have happened to me. That person didn't do anything wrong; he was guilty of the crime of wearing a hat, and then he got assaulted. Eventually, I was assaulted for just asking for my meal.

29. I frequently saw Officers [REDACTED] and [REDACTED] and Sergeant [REDACTED] hanging out together on the yard, and laughing and joking with each other. Mr. [REDACTED] told me that he believed that they're part of a "Southsider" gang, meaning that they're associated with a Southern Mexican gang. It seemed to me that whenever something went down or someone got beat up by staff on Facility E, I would notice that they were the ones responsible. I also heard from people that they liked to brag about their misconduct – like what Officer [REDACTED] did with Mr. [REDACTED].

30. For months, following the assault, I would regularly see Officers [REDACTED] and [REDACTED] and Sergeant [REDACTED]. I saw the officers that assaulted me nearly every day, even after I accused them of staff misconduct. Every time I ran into Officer [REDACTED] and Sergeant [REDACTED] they would stare me down and look at me in a very hostile manner. Although they never verbally threatened me, they made me feel very uncomfortable with their stares.

31. In my time at RJD, there have been a few times that I needed help but I did not ask for it because I was afraid of retaliation. I am generally not a complainer because I do not want to give staff any reason to assault me again. Before this incident, I never had a problem with staff. However, after this incident, I felt a lot differently about staff. If, for example, housing officers were to deny me access to my Kosher meal, I do not think that I

1 would complain about that issue. I would not ask them for help because getting the help
2 and privileges I deserve is not worth being assaulted by staff.

3 32. On Facility E, I saw, and I continue to see, staff treat people differently
4 because of their mental illness. Staff commonly harass people with mental illness. For
5 example, staff demean people over the PA system, telling people mockingly that it is “time
6 for EOPs to get your skittles [i.e., medication].” Staff address us as “EOPs”, and they say
7 things like, “yo, that guy is acting EOP.” Expressions like that make me feel bad about
8 myself. Staff just don’t seem to care about the mental health needs of the people they’re
9 supposed to take care of.

10 33. I have been in CDCR prisons for about 11 years of my life. I have been
11 housed in a number of different CDCR prisons, including California Men’s Colony and
12 CSP – Lancaster. The staff misconduct at RJD seems worse to me than at other
13 institutions. This is the only prison where I have seen officers group up – like they are in
14 gangs – and beat people up. At other prisons, people got assaulted less often than at RJD.
15 Even though most officers at RJD do not engage in assaults against prisoners, it does not
16 appear that much is done about officers that do. I have heard from other incarcerated
17 people that multiple prisoners have complained about the officers that assaulted me.

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1 34. I believe the reason there is so much staff misconduct at RJD is because the
2 people in authority – like Sergeant [REDACTED] – are also involved in assaulting people with
3 disabilities and people with mental illness. The investigators who interviewed me didn't
4 really take me seriously, and only spent about five minutes talking to me. I have never
5 heard of anyone winning a 602 staff misconduct grievance, and I think that is because
6 allegations of staff misconduct are not taken seriously by RJD.

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
9 SAN DIEGO, California this 06 day of January, 2020.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

Exhibit 30a

Filed Under Seal

Exhibit 30b

Report of Findings – Inmate Interview

REVIEW OF EVIDENCE AND CONCLUSION		Yes	No	N/A
1.	Was the injury consistent with the reported force? If no, explain in the Conclusion below.	<input type="radio"/>	<input checked="" type="radio"/>	
2.	Check the following items that were reviewed and considered: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div><input type="checkbox"/> Incident Video Recording</div> <div><input type="checkbox"/> Staff Reports</div> <div><input type="checkbox"/> Photograph(s)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div><input type="checkbox"/> Use of Force Videotape</div> <div><input checked="" type="checkbox"/> CDCR 7219</div> <div><input type="checkbox"/> CDCR 602</div> </div> <div style="margin-top: 5px;"><input checked="" type="checkbox"/> Other (Describe Below)</div>			
3.	Summarize the source of injury, other items reviewed and considered and any other circumstances regarding the allegation. Conclusion: A review of the Medical report of injury or Unusual Occurrence CDCR 7219 was reviewed indicating Abrasion/Scratch/Dried blood/cut/laceration/slash to chin area, swollen area to right wrist, dried blood on chest area. In addition, on the brief statement made by [REDACTED] indicated, "No comment" per inmate. Review of the holding cell log indicated at 0725 hours, [REDACTED] was kicking door, banging himself against the door, see attached holding cell log. 0740 hours, I conducted a brief interview with Inmate [REDACTED]. During the interview with Inmate [REDACTED] he started saying Officer [REDACTED] punched him in the face. I explained to Inmate [REDACTED] I had to stop the interview and conduct a video interview with him, he said ok, however Inmate [REDACTED] started talking again, stating, "Sergeant [REDACTED] didn't do anything, Office [REDACTED] punched me." I told him to stop until I conducted a video interview. I asked him if he had any safety or enemy concerns if he was to return to his assigned housing, Inmate [REDACTED] stated, "No, I just wanted my special meal they wouldn't give me, I am hungry." I explained to him that his special meal was outside the wet cell and that he would get it when he returns to his cell. Inmate [REDACTED] was escorted back to the wet cell, pending video interview. Prior to the video interview was about to commence, Inmate [REDACTED] made a statement that Sergeant [REDACTED] jacked (pushed) him against the wall, therefore, I asked [REDACTED] to leave the room, Correctional Lieutenant [REDACTED] took his place as the video camera operator. Mental Health referral was submitted by medical during the CDCR 7219.			

ALLEGATIONS		Yes	No	N/A
1.	Check the following to indicate what items are attached with this review as it relates to the allegation: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div><input checked="" type="checkbox"/> Injury Video Recording</div> <div><input checked="" type="checkbox"/> CDCR 7219</div> <div><input type="checkbox"/> Photograph(s) of Injury(s)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div><input type="checkbox"/> CDCR 602</div> <div><input checked="" type="checkbox"/> Other (Describe Below)</div> </div>			<input type="checkbox"/>
2.	Provide any other information not previously documented in this review regarding the allegation. Comments: After review of the FLSA there was no Officer [REDACTED] assigned to Facility E. A check of Tele Staff revealed there are three Officer [REDACTED] on duty. Officer [REDACTED] was assigned to Housing Unit 3 Floor, Officer [REDACTED] was assigned to B/C visiting, and Officer [REDACTED] was assigned to Facility C Security Patrol #1.			

RECOMMENDATIONS					
1.	Check the following to indicate the Custody Supervisor's recommended actions: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div><input checked="" type="checkbox"/> No Further Action Recommended</div> <div><input type="checkbox"/> Further Action Recommended</div> </div> Comments: After review of all pertinent information in regards to the allegations made by Inmate Holloway, it appears he was upset because he was released late for chow. A review of the CDCR 7219 and the injuries Inmate [REDACTED] sustained, it is conceivable that he possibly caused his own injury, and the statement Inmate [REDACTED] made to me (Lieutenant [REDACTED] prior to the video interview, it is determined there is no substantiating evidence of any unnecessary or excessive force allegations made against Officers [REDACTED]. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%; border: none;">Custody Supervisor's Name (Printed Name [REDACTED])</td> <td style="width: 20%; border: none; text-align: center;">Date</td> </tr> <tr> <td style="border: none;">[REDACTED]</td> <td style="border: none; text-align: center;">4/17/2018</td> </tr> </table>	Custody Supervisor's Name (Printed Name [REDACTED])	Date	[REDACTED]	4/17/2018
Custody Supervisor's Name (Printed Name [REDACTED])	Date				
[REDACTED]	4/17/2018				
2.	Check the following to indicate the Manager's recommended actions:				

Report of Findings – Inmate Interview

☒ No Further Action Recommended☐ Further Action Recommended

Comments:

Date

5/29/18

actions:

☒ No Further Action Recommended☐ Further Action Recommended

Comments:

Associate Warden's Name (Printed Name and Signature)

Date

J. J. WAREZ

5/30/18

It should be noted that [REDACTED] filed an appeal on this same issue after this original inquiry was complete. The appeal (Log # RD-E-18-[REDACTED]) was received 5/7/2018. Issues not related to the allegation are being addressed via the appeal ~~process~~ process.

**Institutional Executive Review Committee
Allegation Review**

INCIDENT SITE/LOCATION	INCIDENT/APPEAL/FACT-FINDER LOG #
Facility E Program Office	APPEAL LOG# RJD-E- [REDACTED]
DESCRIPTION OF THE INCIDENT	INCIDENT DATE
Allegation of Excessive Force/Unnecessary Force	4/14/2018

(Complete the items below)		Yes	No	N/A
1. Person making allegation:	Name: INMATE [REDACTED] ID Number: [REDACTED]			
2. Allegation was made via: (Check all that apply)				
<input checked="" type="checkbox"/> CDCR 602	<input type="checkbox"/> Use of Force Interview	<input checked="" type="checkbox"/> CDCR 7219		
<input type="checkbox"/> Video Recording	<input type="checkbox"/> Written Statement	<input type="checkbox"/> Other (Describe in Comments)		
3. Were witnesses named?		<input checked="" type="radio"/>	<input type="radio"/>	
4. Were all witnesses interviewed		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
or a CDCR 837 received?		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5. What documents were reviewed by the Fact Finding Official?: (Check all that apply)				
<input type="checkbox"/> Use of Force Video Recording	<input type="checkbox"/> Incident Video Recording	<input checked="" type="checkbox"/> CDCR 7219		
<input type="checkbox"/> Photographs	<input checked="" type="checkbox"/> Staff Reports	<input checked="" type="checkbox"/> CDCR 602		
<input type="checkbox"/> Other (Describe in Comments)				
6. What other information was considered if different from above? (Describe in Comments)				
(Complete the items below)		Yes	No	N/A
7. Was the Report of Findings completed thoroughly?		<input checked="" type="radio"/>	<input type="radio"/>	
a. If "no," provide date it was sent back for completion: Date:				
b. What was requested due date: Date:				
8. Has the case been referred for further investigation?		<input type="radio"/>	<input checked="" type="radio"/>	
9. Does the IERC concur with the Fact Finder's conclusions?		<input checked="" type="radio"/>	<input type="radio"/>	
a. If "no," what action was taken?: (Check all that apply)				
<input type="checkbox"/> Informal Training	<input type="checkbox"/> Documented OJT	<input type="checkbox"/> Progressive Discipline		
<input type="checkbox"/> Submission to Office of Internal Affairs	<input type="checkbox"/> Policy Revision/Review	<input type="checkbox"/> Other (Describe in Comments)		

Comments: The allegation was made verbally to [REDACTED] on April 14, 2018. A CDCR 602 was received by the Appeals Office on May 17, 2018.

An Appeal Inquiry (Appeal # RJD-E-[REDACTED]) was completed on May 26, 2018, pending IERC review and Hiring Authority determination.

The Allegation Interview was conducted within the 48 hour time frame.

Other information considered: 3013-2 and 3014 Report of Findings: Inmate [REDACTED] was interviewed on April 14, 2018.

It is noted that the fact finders Report of Findings – Inmate Interview CDCR 3014 indicates the incident occurred on April 14, 2018. A CDCR 7219, Medical Report of Injury or Unusual Occurrence was completed on the same day of the incident at 0830 hours noting the following injuries; Abrasion/Scratch to the chin, Dried Blood on the chin area, Cut/Laceration/Slash on the chin area, Dried Blood on the chest area and Swollen Area to the left wrist. A review of the Holding Cell Log noted Inmate Holloway was kicking the door and banging himself against the

Analyst (Printed Name and Signature)	Title	Date Prepared
Stephanie Harden <i>[Signature]</i>	SSA	7/12/2018

IERC Chairperson (Printed Name and Signature)	Title	Date Reviewed
Daniel Paramo <i>[Signature]</i>	Warden	7/13/2018