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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 JOHN ARMSTRONG, et al.,

14 Plaintiffs,

15 v.

16 GAVIN NEWSOM, et al.,

17 Defendants.
18

Case No. CV 94-2307 CW

**COURT EXPERT'S QUARTERLY
REPORT ON INVESTIGATIONS AND
DISCIPLINE**

19 Beginning in fall 2020, the Court ordered CDCR to implement reforms to the staff
20 complaint, investigation, and discipline process at six prisons and ordered the Court Expert to
21 issue quarterly reports on CDCR's implementation of these reforms. The parties have since
22 largely finalized a new process for investigation and discipline of staff misconduct. The parties
23 have reached agreement on implementation dates for this new process, which will be operational
24 at the six subject prisons (RJD, LAC, COR, SATF, CIW, and KVSP) in September 2022 and
25 system-wide in June 2023. *See* Dkt. 3371. Because the new process has not been implemented,
26 however, the Court Expert is not yet able to update the Court on "Defendants' implementation of
27 the Investigation and Discipline Section of the Five Prisons Remedial Plan." Dkt. 3218, 5. The
28 Court Expert can report, however, that the parties have come to agreement on several matters

1 that remained outstanding at the time of the Court Expert’s last update. Specifically, the parties
2 have agreed on timelines for investigation, finalized the Investigation Assignment Index, and
3 determined the composition of the post-investigation review panel. *See* Remedial Plans, Dkt.
4 3393.

5 The parties, together with the Court Expert, continue to meet and confer on two issues:
6 the parameters of the Early Warning System and the guidelines that will govern post-
7 investigation review by OIA, EAPT, and hiring managers. *See* RJD Remedial Plan, 12
8 (describing Early Warning System); *id.* at 6 (“CDCR will develop a tool for investigation
9 managers, vertical advocates for designated cases, and hiring authorities to use to determine
10 whether investigations are comprehensive and unbiased.”). The Court Expert will continue to
11 work with the parties on these matters.

12 In previous filings, the Court Expert has reported on CDCR’s implementation of both
13 body-worn cameras (BWCs) and audio-visual surveillance systems (AVSS). Plaintiffs have
14 raised new concerns regarding the deployment of the BWCs based on their review of quarterly
15 productions from CDCR. *See* Dkt. 3218, 6 (requiring CDCR to produce “all documents related
16 to . . . staff misconduct complaints in which the alleged victim is a qualified inmate with a
17 disability and alleges violations of his or her rights under the ARP or ADA”). Specifically,
18 plaintiffs’ review indicates that staff members may be deactivating BWCs for reasons not
19 allowed under the Remedial Plans, including possibly to prevent detection of misconduct.
20 Defendants and the Court Expert are meeting and conferring regarding these issues, and the
21 Court Expert will continue to update the Court in his quarterly reports.

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23 Dated: March 31, 2022

Respectfully submitted,

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25 /s/
Edward W. Swanson
26 SWANSON & McNAMARA LLP
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