

MANUEL REYNA CHAVEZ

FULL NAME

SAME AS ABOVE

COMMITTED NAME (if different)

CALIFORNIA STATE PRISON - SACRAMENTO

FULL ADDRESS INCLUDING NAME OF INSTITUTION

P.O. Box 290066, REPRESA, CALIF

C.D. CR # AT 9338

PRISON NUMBER (if applicable)

-95671-0002-

FILED
CLERK, U.S. DISTRICT COURT

APR - 6 2015

CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTYUNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

ED CV 14-02378-MMM-KK
To be supplied by the Clerk
SECOND AMENDED

MANUEL REYNA CHAVEZ

PLAINTIFF,

v.
UNGUREANU, REYNOS, O,
SANCHEZ Et, al.

DEFENDANT(S).

CIVIL RIGHTS COMPLAINT
PURSUANT TO (Check one)☒ 42 U.S.C. § 1983☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☒ Yes ☐ No
2. If your answer to "1." is yes, how many? (1) ONE

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

ON THE NIGHT OF JANUARY 1ST 2013, APPROXIMATELY 9: P.M. I WAS SEVERELY BEATEN BY SAN BERNARDINO POLICE DEPARTMENT OFFICERS. I WAS BRUTALLY BEAT WITH NIGHT STICKS, HANDS AND FEET, BY POLICE OFFICER GERALDO OROZCO, POLICE OFFICER MARK BLACKWELL, AND POLICE OFFICER NICK MARTIN OF THE SAN BERNARDINO POLICE DEPARTMENT. BREAKING MANY OF MY BONES. I SUFFERED A BROKEN NOSE, A BROKEN LEFTHAND, A BROKEN LEFT ANKLE, AND LEAVING ME PERMANENTLY SCARRED ON THE RIGHT SIDE OF MY CHEEK BONE. WHICH I WAS HOSPITALIZED AT ARROWHEAD REGIONAL MEDICAL CENTER HOSPITAL. AND PLACE IN A WHEEL CHAIR FOR ABOUT A YEAR. I ALMOST LOST MY LIFE, BY THE HANDS OF SAN BERNARDINO POLICE DEPARTMENT OFFICERS.

11/16 - 10001121



- a. Parties to this previous lawsuit:
Plaintiff

MANUEL REYNA CHAVEZ

Defendants S.B.P.D OFFICERS, GERALDO OROZCO, MARK BLACK-
WEIL AND NICK MARTIN et, al.

- b. Court UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFOR-
NIA 312 NORTH SPRING STREET, ROOM G-8 L.A, C.A 90012
- c. Docket or case number CV-02172-MMM-KK
- d. Name of judge to whom case was assigned KENY KIYA KATO
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it
appealed? Is it still pending?) IT IS STILL PENDING
- f. Issues raised: EXCESSIVE FORCE OF A POLICE BRUTALITY BEATING
By SAN BERNARDINO POLICE OFFICERS.
- g. Approximate date of filing lawsuit: OCTOBER 16TH 2014
- h. Approximate date of disposition PENDING

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint
occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☐ Yes ☒ No

If your answer is no, explain why not I WAS COMPLETELY DENIED TO PURSUE
MY GRIEVANCE PROCEDURES, ANY FURTHER, BY DEPUTIES
AT WEST VALLEY DETENTION CENTER COUNTY JAIL.

4. Please attach copies of papers related to the grievance procedure. COPIES ATTACHED, AND
SO I WROTE TO INTERNAL AFFAIRS EXHIBITS A-G.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff

MANUEL REYNA CHAVEZ

(print plaintiff's name)

who presently resides at

C.S.P-SACRAMENTO, P.O. Box 290066, REPRESA, CALIF.

(mailing address or place of confinement)

-95671-0002-

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

(WEST VALLEY DETENTION CENTER) COUNTY JAIL IN SAN BERNARDINO COUNTY.

(institution/city where violation occurred)

on (date or dates) MAY 27TH 2013, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant UNGUREANU - (W.V.D.C) resides or works at
(full name of first defendant)
9500 ETIWANDA AVE RANCHO CUCAMONGA, CALIF 91739
(full address of first defendant)
DEPUTY AND SHERIFF OF WEST VALLEY DETENTION CENTER. COUNTY JAIL
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law: DEPUTY UNGUREANU TOOK ME OFF MY WHEEL CHAIR, AND SIAMMED ME ON THE WAIL AND PUT HIS HAND REAL HARD UP MY RECTUM AND STARTED FINGERING MY RECTUM WITH HIS FINGERS OVER MY JAIL HOUSE CLOTHING. WHILE I AM RECOVERING FROM

2. Defendant REYNOSO - (W.V.D.C) resides or works at
(full name of first defendant)
9500 ETIWANDA AVE RANCHO CUCAMONGA, CALIF 91739
(full address of first defendant)
DEPUTY AND SHERIFF OF WEST VALLEY DETENTION CENTER. COUNTY JAIL
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law: DEPUTY REYNOSO THREATENED MY LIFE. STATING; IF I DIDNT SHUT THE F--- UP! HE WAS GOING TO PUSH MY GLASSES INTO MY FACE, WHERE THEY ARE GOING TO BECOME MY EYEBALLS. WHILE I WAS RECOVERING FROM RECENT INJURIES IN A WHEEL CHAIR.

3. Defendant SANCHEZ - (W.V.D.C) resides or works at
(full name of first defendant)
9500 ETIWANDA AVE RANCHO CUCAMONGA, CALIF 91739
(full address of first defendant)
DEPUTY AND SHERIFF OF WEST VALLEY DETENTION CENTER. COUNTY JAIL
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law: DEPUTY SANCHEZ PHYSICALLY ASSAULTED ME. BY ATTEMPTING TO BREAK MY LEFT ARM, WHILE I WAS IN A WHEEL CHAIR. RECOVERING FROM RECENT INJURIES.



4. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

14 / 16 - 10001121



D. CLAIMS*

CLAIM I

The following civil right has been violated:

8TH AMENDMENT RIGHT TO BE FREE OF CRUEL AND UNUSUAL PUNISHMENT BY EXCESSIVE/UNNECESSARY FORCE AND OR VIOLENCE UNDER THE COLOR OF LAW.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each

DEFENDANT (by name) did to violate your right.

ON MAY 27TH 2013, APPROXIMATELY 8:40 P.M., IN WEST VALLEY DETENTION CENTER COUNTY JAIL, DEF.#1 UNGUREANU TOOK ME OFF MY WHEEL CHAIR, AND SLAMMED ME ON THE WALL. AND THEN HE PUT HIS HAND REAL HARD UP MY RECTUM, AND STARTED FINGERING MY RECTUM WITH HIS FINGERS OVER MY JAIL HOUSE CLOTHING. WHILE I WAS RECOVERING FROM RECENT INJURIES, OF A "POLICE BRUTALITY."

DEF.#2 REYNOSO THREATENED MY LIFE, STATING; IF I DIDN'T SHUT THE F--- UP! HE WAS GOING TO PUSH MY GLASSES INTO MY FACE, ^{WHERE} MY GLASSES ARE GOING TO BECOME MY EYEBALLS. WHILE I WAS IN MY WHEEL CHAIR RECOVERING FROM RECENT INJURIES, OF A "POLICE BRUTALITY."

DEF.#3 SANCHEZ: PHYSICALLY ASSAULTED ME BY ATTEMPTING TO BREAK MY LEFT ARM. WHILE I WAS IN MY WHEEL CHAIR RECOVERING FROM RECENT INJURIES, OF A "POLICE BRUTALITY."

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

15/16 - 10001121



E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

- #1). ~~#~~ FOR PAIN AND SUFFERING: COMPENSATORY DAMAGES OF TWENTY MILLION U.S. DOLLARS [\$20,000,000.00] AGAINST EACH DEFENDANT, INDIVIDUALLY, ACCORDING TO PROOF SUBMITTED AT TRIAL.
- #2). FOR PAIN AND SUFFERING: PUNITIVE DAMAGES OF TWENTY MILLION U.S. DOLLARS [\$20,000,000.00] AGAINST EACH DEFENDANT, INDIVIDUALLY, ACCORDING TO PROOF SUBMITTED AT TRIAL.
- #3). LIFE TIME COMPENSATION "SEPARATE" FROM #1 AND #2 ABOVE FOR: PAST, PRESENT, AND FUTURE MEDICAL AND PSYCHOLOGICAL NEEDS.
- #4). PRETRIAL INTEREST AT NOT-LESS-THAN 22.5% AND 10.5% PER DAY COMPOUNDED DAILY, COMPOUNDED MONTHLY, COMPOUNDED ANNUM.

3/29/15
(Date)

Manuel Reyna Chavez
(Signature of Plaintiff)

16/16 - 10001121



EXHIBIT COVER PAGE

A

EXHIBIT

Description of this exhibit:

INMATE GRIEVANCE OF 5/27/13
AND
RESPONSE OF 6/20/13

Number of pages to this exhibit: 2 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☒ UNITED STATES SUPREME COURT
- ☐ GRAND JURY

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
Detention and Corrections Bureau

☐ INITIAL INMATE GRIEVANCE

☐ **GRIEVANCE APPEAL**

- ☐ ADC
- ☐ CDC
- ☐ GHRC
- ☒ WVDC
- ☐ Type I Jail

Inmate's Name _____ Booking # _____

Housing Location _____ Date of Complaint _____

Date of Incident 11/11/2017 Time of Incident 12:00 PM Location of Incident 10000 1st St, San Diego, CA 92106

EXPLAIN YOUR COMPLAINT (include dates, times and names of persons involved)

(ATTACH ADDITIONAL PAGES IF NEEDED)

Inmate Signature [Signature] Date 6-17-13

DO NOT WRITE BELOW THIS LINE - STAFF USE ONLY.

Received By _____ Date _____ Time _____
Employee's Name (please print)

Grievance # _____ Date _____ Assigned to _____

Original: Inmate's Booking Jacket

Copy: Inmate

Copy: Administration

I MADE COPIES OF THIS GRIEVANCE AND THE # IS 1334G05215.

THANK YOU!

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
DETENTION AND CORRECTIONS BUREAU



- ☐ ADC
- ☐ CDC
- ☐ GHRC
- ☒ WVDC
- ☐ Type I Jail

INMATE GRIEVANCE INVESTIGATION

Date 06/20/13

Grievance # 1334G05215

Inmate's Name Chavez, Manuel Reyna

Booking # 1301340140

Investigation Conducted By A. Castillo

Employee # C1641

SUMMARY OF COMPLAINT AND FINDINGS

COMPLAINT- Chavez alleges Deputy Sanchez attempted to break his left arm. He claims this occurred when Sanchez reached over Chavez left shoulder and attempted to retrieve an item out of Chavez shirt pocket. He also alleges when Deputy Reynoso and Deputy Ungureanu arrived Reynoso threatened him and Ungureanu searched him inappropriately. Chavez alleges Ungureanu penetrated his rectum with his finger during a search.

FINDINGS- Sgt. Yost was the supervisor that dealt with this incident. Yost found there was not a use of force and personnel involved dealt with the incident appropriately. I interviewed Chavez and deduced the deputies involved in the incident handled the situation appropriately. Chavez described his actions in response to the deputies' actions and attempted to justify his lack of cooperation with deputies based on a negative experience he allegedly had with the San Bernardino Police Department. Per his statements, it's apparent he failed to follow verbal commands, refused/resisted to comply with a deputy's attempt to place him in a department approved control hold and his challenge of a random search of his person within a jail facility was not reasonable. Deputy Reynoso states he never threaten Chavez during the incident.

ACTION TAKEN

The search of Chavez by Ungureanu was within department search procedures and his allegation that Ungureanu penetrated his rectum "over his jail clothing" is impossible. Its apparent Chavez is fabricating the allegations in preparation for a lawsuit. This complaint is UNFOUNDED.

ACTION TAKEN: Deputy Reynoso, Sgt. Yost and inmate Chavez were interviewed.

Reviewed By

[Signature]
Duty Lieutenant

Approved By

[Signature]
Facility Administrator

Written reply given to inmate on

6-21-13

Date

At

0915

Time

By

R. Brien

Print Name

This complaint has been discussed with me and I have been advised of the findings.

Inmate Signature

Date

☒ Original: Inmate's Booking Jacket

☐ Copy: Inmate

☐ Copy: Administration

EXHIBIT COVER PAGE

B

EXHIBIT

Description of this exhibit:

GRIEVANCE APPEAL OF 4/7/14
AND
RESPONSE OF 4/17/14

Number of pages to this exhibit: 2 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
Detention and Corrections Bureau

☐ **INITIAL INMATE GRIEVANCE**
☒ **GRIEVANCE APPEAL**

☐ ADC
☐ CDC
☐ GHRC
☐ WVDC
☐ Type I Jail

Inmate's Name _____ Booking # _____

Housing Location _____ Date of Complaint _____

Date of Incident _____ Time of Incident _____ Location of Incident _____

EXPLAIN YOUR COMPLAINT (include dates, times and names of persons involved)

You have 10 days from the day the incident occurred to submit your grievance. You do not have a time limit if the grievance is used to report a sexual assault.

[Handwritten text describing the grievance: I am writing this grievance because I was sexually assaulted by an inmate in the jail. The incident occurred on 1/15/14 at approximately 10:00 PM in the recreation yard. The inmate's name is [redacted]. I was alone at the time and was forced into sexual intercourse. I reported this to the staff immediately, but no action was taken. I am now being threatened by the inmate and his associates. I am in fear for my safety and the safety of my family. I am requesting that you investigate this matter and take appropriate action to protect me and other inmates.]

(ATTACH ADDITIONAL PAGES IF NEEDED)

Inmate Signature _____ Date _____

DO NOT WRITE BELOW THIS LINE – STAFF USE ONLY

You have 10 days from the date indicated below to complete the grievance investigation and return it to the inmate.

Received By G. [redacted] Date 1/16/14 Time 1:00
Employee's Name (please print)

Grievance # _____ Date _____ Assigned to _____

Original: Inmate's Booking Jacket

Copy: Inmate

Copy: Administration



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
DETENTION AND CORRECTIONS BUREAU

- ☐ ADC
☐ CDC
☐ GHRC
☒ WVDC
☐ Type I Jail

INMATE GRIEVANCE INVESTIGATION

Date 04/17/2014

Grievance # 1334G05215 (1)

Inmate's Name Chavez, Manuel Reyna

Booking # 1301340140

Investigation Conducted By A. Castillo

Employee # C1641

SUMMARY OF COMPLAINT AND FINDINGS

COMPLAINT-

Chavez claims he is not pleased with the initial grievance investigation completed June 20, 2013 and would like to appeal the investigation findings.

FINDINGS-

The inmate had a 10 day time period to submit a grievance appeal but did not. According to grievance policy and procedure, the inmate has exhausted the grievance procedure. This information is broadcast daily to all inmates via the televisions in each unit and this is explained in the Inmate Rules & Regulations pamphlet each inmate receives at the time of booking. Any additional grievances received on this matter will lead to disciplinary action.

ACTION TAKEN

This grievance was rejected and this matter will not be investigated any further.

Reviewed By [Signature]
Unit Lieutenant

Approved By [Signature]
Facility Administrator

Written reply given to inmate on _____ At _____ By _____
Date Time Print Name

This complaint has been discussed with me and I have been advised of the findings.

Inmate Signature

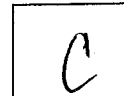
Date

☒ Original: Inmate's Booking Jacket

☐ Copy: Inmate

☐ Copy: Administration

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

INMATE GRIEVANCE INVESTIGATION
FOR FURTHER INVESTIGATION OF 6/24/14

Number of pages to this exhibit: 1 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
DETENTION AND CORRECTIONS BUREAU

- ☐ CDC
☐ GHRC
☐ HDDC
☒ WVDC
☐ Type I
☐ Work Release

INMATE GRIEVANCE INVESTIGATION

Date 06/26/2014

Grievance # 1334G05215

Inmate's Name Chavez, Manuel

Booking # 1301340140

Investigation Conducted By Cpl. Castillo

Employee # C1641

SUMMARY OF COMPLAINT AND FINDINGS

COMPLAINT REJECTION-

Chavez' complaint was previously investigated (June 20, 2013) and was determined to be UNFOUNDED. Additionally, he failed to submit a grievance appeal in a timely manner. Chavez was informed to contact the San Bernardino Police Department regarding his allegations of abuse by San Bernardino Police Officers.

He was warned of potential grievance abuse violations on or about April 17, 2014. Since this complaint was submitted to Internal Affairs and was not placed on a grievance, it will not trigger a disciplinary action. Any additional correspondence sent to Internal Affairs will be treated like a grievance complaint. Any additional grievances on this matter will lead to disciplinary action.

ACTION TAKEN

None-The grievance is unfounded and no further investigation is needed.

INMATE COPY PLEASE DELIVER

Reviewed By

[Signature] - M4338
Duty Lieutenant

Approved By

[Signature]
Facility Administrator

Written reply given to inmate on

7-2-14
Date

At

0957
Time

By

Petersen
Print Name

This complaint has been discussed with me and I have been advised of the findings.

Inmate Signature

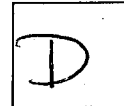
Date

☐ Original: Inmate's Booking Jacket

☐ Copy: Inmate

☐ Copy: Administration

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

CLAIM AGAINST COUNTY OF SAN
BERNARDINO OF 4/7/14.

Number of pages to this exhibit: 1 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY

117211

CLAIM AG. NST COUNTY OF SAN E RNARDINO

(CLAIM FORM MUST BE FILLED OUT PROPERLY OR CLAIM WILL BE RETURNED WITHOUT FILING)

DATE: April 7th 2014

Claim is hereby made against the treasury of the County of San Bernardino, State of California, as follows:

- Less than \$10,000 – State the total amount claimed \$ _____
- More than \$10,000 – Check one of the boxes:
 - ☒ Municipal Court Jurisdiction (\$10,000 - \$25,000)
 - ☐ Superior Court Jurisdiction (\$25,001 and up)

Claimant makes the following statements in support of the claim:

1. Name of Claimant: MANUEL REINA CHANEZ (702) 764-2374
First Middle Last (Area Code and Phone No.)
2. Address of Claimant: 9500 EDWANDA AVE. SAN BERNARDINO, CALIF. 91739.
Street City Zip Code
3. Notices concerning claim should be sent to:
MANUEL R. CHANEZ 9500 EDWANDA AVE. SAN BERNARDINO, CALIF. 91739.
Name Address Zip Code (Area Code and Phone No.)
4. Circumstances giving rise to claim are as follows: DEPUTY SANCHEZ ATTEMPTED TO BREAK MY LEFT ARM WHILE I WAS IN MY WHEELCHAIR. I WAS SEVERELY THREATENED BY DEDITO REUNOSO: STEINHA HE WILL MAKE MY GLASSES BECOME MY EYE BALL. I WAS IN MY WHEELCHAIR. DEPUTY UNQUREANU AND DEPUTY REUNOSO TOOK ME OFF MY WHEELCHAIR AND SLAMMED ME AGAINST THE WALL AND DEPUTY UNQUREANU SEARCHED ME IN AN APPROPRIATE MANNER BY PENETRATING MY RECTUM WITH HIS FINGER, OVER MY CLOTHING, WHICH I WAS SEXUALLY ASSAULTED.
5. Date, Time and Place (city, street, cross-street) damage occurred and nature thereof: MAY 27th 2013
APPROXIMATELY 8:30 A.M. AT WESTVALE DETENTION CENTER COUNTY VAL. IN THE MAINTAKE UNIT WHERE THEY DO INTERVIEWS FOR INMATES. THIS INCIDENT TOOK PLACE IN THE HALLWAY RIGHT BY THE INTERVIEW ROOMS. THERE IS A CAMERA IN THE HALLWAY YOU SHOULD LOOK AT...
6. Public property and/or public officers or employees causing injury, damage or loss: DEPUTY SANCHEZ, DEPUTY REUNOSO, AND DEPUTY UNQUREANU. THESE ARE WESTVALE DETENTION CENTER COUNTY VAL DEPTITIES
7. Name, address and telephone number of witnesses: THERE WAS 4 OTHER DEPUTIES THAT WAS THERE AT THE TIME OF THE INCIDENT. I DON'T KNOW THEIR NAMES? THE HALLWAY CAMERA WILL TELL YOU WHO WAS THERE AND WHAT HAPPENED TO ME??
8. Basis of computation of claimed amount is as follows:

Medical expenses to date _____
 Estimated future medical expenses _____
 Other expenses _____
 Other damages MENTAL SUFFERING \$25,000.00

Loss wages _____
 General damages \$25,000.00
 Property damage _____

COUNTY OF SAN BERNARDINO
 RISK MANAGEMENT/LIABILITY Claimant or Representative (Signature)

RETURN COMPLETED FORM TO:

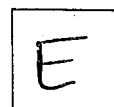
APR 16 2014

Risk Management Division – County of San Bernardino, State of California
 222 W. Hospitality Lane, 3rd Floor
 San Bernardino, CA 92415-0016

Office: (909) 386-8631
 Fax: (909) 382-3212

I AMENDED MY CLAIM FOR \$10,000,000

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

RESPONSE TO MY CLAIM FROM
DEPARTMENT OF RISK MANAGEMENT
OF 6/10/14.

Number of pages to this exhibit: 2 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY

under investigation and we will provide you with the findings of that investigation and Richard Castanon is the adjuster handling the case.

On file number 117211 date of loss 06-20-2013 you allege that W.V.D.C. left you in a cast to long and also alleges that Arrowhead Regional Medical Center did not provide you proper care for your injury. The County rejected the claim, since you filed your late and after the Statute of Limitation has expired.

On file number 117418 with date of loss of 05-03-2014 alleging lack of treatment at A.R.M.C. regarding your injures is being investigated by me and I will report our findings to you when the investigation has been completed.

This notice is being given pursuant to Government Code Section 910.8. In accordance with said Section, the County of San Bernardino is precluded from taking any action for a period of fifteen (15) days after such notice is given.

Claimant is asked to amend the Claim so as to correct the insufficiencies noted above. The amendment should be directed to the County of San Bernardino.

John R. Collier

John R. Collier

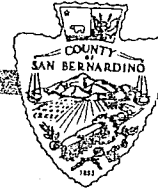
Liability Claim Rep III

DEPARTMENT OF RISK MANAGEMENT

(909)386-8630

Insufficiency

DEPARTMENT OF RISK MANAGEMENT



COUNTY OF SAN BERNARDINO

222 West Hospitality Lane, Third Floor • San Bernardino, CA 92415-0016 • (909) 386-8655
Fax (909) 386-8711 – Workers' Compensation
Fax (909) 382-3212 – Liability
Fax (909) 382-3212 – Risk Control
Fax (909) 382-3211 – Administration

HUESTON WHITESIDE
Director of Risk Management

June 10, 2014

Manuel Chavez Facility D Bldg. 6 Cell 134 AT 4286
Wasco State Prison
P. O. Box 7700
Wasco, CA 93280

RE: Claimant..... Manuel Chavez
Date of Loss..... 05/03/2014
Amount of Claim..... Undetermined
Our File..... 117419

Notice is hereby given that the claim which you presented to the County of San Bernardino on <<Date>> is insufficient on one or more of the following grounds:

____ Claim lacks the name and address of the claimant;

____ Claim lacks the post office address to which the person presenting the claim desires notices to be sent;

____ Claim lacks date, place and other circumstances of the occurrence or transaction which gave rise to claim against the County of San Bernardino;

____ Claim lacks general description of indebtedness, obligation, injury, damage or loss incurred so far as it may be known;

____ Claim lacks the name or names of the public employee or employees or department causing injury or damage;

____ Claim lacks amount of claim or whether jurisdiction rests with the Municipal or Superior Court.

REASON: Mr. Chavez, I am answering your letter to Richard Castanon regarding the many claims you have filed against the County of San Bernardino and the action the County has taken or plans to take on your claims.

On file number 117419, I will be the adjuster on your claim regarding your left hand and claim that your hand was left in a cast to long. I am attaching our insufficient letter that was sent to your last known address that was returned to us. You need to act on the request.

On file number 114143 with date of loss of 01-01-2013 regarding your arrest by San Bernardino City Police Department. You received notice that we have no control over the City Police Department and you need to file your claim with them and we will take no further action on that claim.

On file number 117074 with date of loss of 03-16-2014 I will be handling the claim and the case deals with you alleging additional injuries from deputies at W. V. D. C. and the claim is

EXHIBIT COVER PAGE

F

EXHIBIT

Description of this exhibit:

NEWSPAPERS Clippings
IN SUPPORT OF MY CLAIM
AGAINST SAN BERNARDINO
SHERIFF ^{DEPARTMENT} DEPUTIES FROM 1/1/13
TO MARCH OF 2014.

Number of pages to this exhibit: 11 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY

LAW ENFORCEMENT

FBI probes alleged abuse at Rancho jail

(EX.F-1-2 CF 13)

By Joe Nelson
and Doug Saunders
Staff Writers

RANCHO CUCAMONGA » The FBI is investigating the alleged abuse of inmates at the West Valley Detention Center involving at least three San Bernardino County deputies no longer working for the Sheriff's Depart-

ment, officials said Friday.

Sheriff John McMahon ordered an administrative investigation after allegations surfaced March 5 by his ranking commanders about the possible abuse of inmates at the jail, according to a sheriff's news release.

"I will not tolerate any misconduct by department personnel," McMahon

ABUSE » PAGE 4

C6 | Business A16 | Nation A17 | MediaNews Group



IN SUPPORT OF MY CLAIM IN A
42 U.S.C. 1983 CIVIL RIGHTS
COMPLAINT AGAINST S.B.S.D
DEPUTIES.

Abuse

FROM PAGE 1

said in a statement. "These allegations are being taken very seriously and this department is determined to get answers."

During its internal investigation, the Sheriff's Department learned the

FBI had received a similar tip about the alleged abuse.

Both agencies are cooperating with each other to ensure a comprehensive investigation, according to a sheriff's news release.

As of Thursday, the three deputies assigned to the jail were no longer employed by the department. No other information was disclosed

about them.

Sheriff's Cpl. Randy Naquin said the FBI is conducting the criminal investigation.

The FBI is investigating possible civil rights violations of inmates at the jail in March, FBI spokeswoman Laura Eimiller said.

She said the case will ultimately be submitted to the

U.S. Attorney's Office in Los Angeles for consideration of criminal charges.

Naquin could not say how extensive the investigation will be or if any other deputies or jail staff had been accused of similar conduct.

"We want to make sure the integrity of the investigation is intact," Naquin said.

The news comes in the wake of a jail abuse scandal in Los Angeles County in which 18 current or former sheriff's deputies have been accused of abusing inmates at the Men's Central Jail. U.S. Attorney Andre Bortte Jr. said the alleged incidents did "not occur in a vacuum" and that the pattern of behavior of which the defendants are accused had be-

come "institutionalized."

In 2008, a grand jury investigation revealed dysfunction and disarray at Orange County's Theo Lacy Jail, where a deputy exchanged text messages and watched the television show "Cops" as a 41-year-old inmate was beaten to death by other inmates over a 50-minute period, according to published reports.

West Valley focus of inquiry

Sheriff says that if similar allegations surface at other county jails, they will be investigated

By Joe Nelson

joe.nelson@langnews.com

@SBCountyNow on Twitter

Federal and local law enforcement officials on Monday said they were unaware of any other allegations of inmate abuse by deputies in San Bernardino County jails, and that pending criminal and administration investigations are exclusive to West Valley Detention Center in Rancho Cucamonga.

"The only investigation we're commenting on is an investigation going on at the West Valley Detention Center, and that's the only investigation we're aware of," San Bernardino County sheriff's Cpl.

Randy Naquin said Monday.

Sheriff John McMahon said in a phone interview Sunday that West Valley Detention Center is the main focus of the investigation but depending on if similar allegations surfaced at other local jails it will be followed up on as well.

On Friday, the FBI announced it was investigating possible civil rights violations of inmates at the jail, and the Sheriff's Department announced it was conducting an administrative investigation. A document obtained by this newspaper — minutes from a Sheriff's Department staff meeting distributed on April 9 — indicated one department employee had resigned, at least three others were to be fired and several others were under investigation.

In its announcement Friday, the Sheriff's Department said three deputies were no longer working for the department.

TO DASTY CELL # 11 THANK YOU!

Abuse

FROM PAGE 1

FBI spokeswoman Laura Eimiller said Monday the criminal investigation will go wherever the evidence leads.

"Until and unless charges are filed, we'll investigate any leads that come our way," Eimiller said.

Authorities would not discuss specifics of the investigation or the nature of the alleged abuse.

Inmate-on-inmate and inmate-on-deputy violence in the county jail system has become epidemic since prison realignment took effect in October 2011, increasing 50 and 100 percent, respectively, from October 2011 through April 2013, according to Sheriff's Department figures.

Board of Supervisors Chairwoman Janice Rutherford said Monday she has been in communication with sheriff's deputies regularly in the past two years about the issue, and said it can be factored into what is occurring now.

The jails are now packed with a more violent, institutionalized breed of criminal, officials say.

"We have real hardened

prisoners who have spent time in prison who have learned all the tricks of the bad guy trade," Rutherford said.

Still, that doesn't excuse inmate abuse, she said.

"Mistreatment of inmates will not be tolerated, and we're committed to finding out what happened," Rutherford said.

The investigation has not prompted any policy or procedural changes within the county jails, Naquin said.

"We don't see any reason to change what we're doing at this point, not until the investigation is complete," Naquin said.

Upon completion of the administrative and criminal investigations, the Sheriff's Department will conduct an assessment of its jail system to determine what policies and procedures, if any, need to be added or changed, Naquin said.

As of Monday, there were no new developments in the case, but that could change, Eimiller said.

"It would be premature to say how many individuals could be implicated. But we'll follow the evidence," she said.

Staff writer Doug Saunders contributed to this report.

EXCLUSIVE REPORT

(EX.F.5-6 OF 13)

FBI investigating more deputies

Document: Several other jail employees under scrutiny for alleged inmate abuse in county jail

By Doug Saunders
and Joe Nelson
Staff Writers

SAN BERNARDINO » In addition, a document obtained Saturday by four sheriff's deputies who already have lost their jobs at the West Valley Detention Center in Rancho Cucamonga, the FBI and

sheriff officials are investigating several other deputies in the San Bernardino County jail system for alleged inmate abuse, according to a document obtained Saturday by this newspaper.

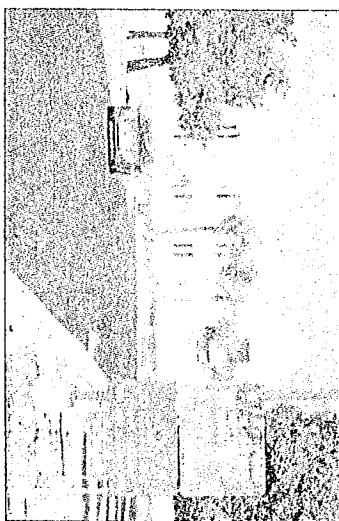
The document, consisting of minutes from an internal Sheriff's Department staff meeting distrib-

uted Wednesday, revealed that one employee had resigned, two or three were going to be terminated as a result of an FBI investigation, and several other deputies were still under investigation.

The FBI is investigating possible civil-rights violations of inmates at the jail in March, FBI spokeswoman Laura Eimiller said Friday.

She said the case will ultimately be submitted to the U.S. Attorney.

ABUSE » PAGE 4



West Valley Detention Center in Rancho Cucamonga. Several sheriff's deputies are under investigation by the FBI for alleged abuse of inmates.

STAFF FILE PHOTO

Abuse

(EX.F.5-6 OF 13)
FROM PAGE 1

ney's Office in Los Angeles for consideration of criminal charges.

As of Thursday, three deputies assigned to West Valley Detention Center were no longer employed by the department, but according to the document, several more employees also may be terminated, pending the outcome of the investigation by the FBI and Sheriff's Department.

Sheriff's spokesman Randy Naquin said Saturday he couldn't comment due to the nature of the in-

vestigation.

"The Sheriff commended the fine work 99 percent of our employees are doing," according to the document.

On Saturday, sheriff's officials declined to comment on allegations of misconduct at the other county jails.

"What was indicated in the press release is all the information we have," Naquin said. "We currently have no information about incidents occurring at any other facility."

Sheriff John McMahon ordered an administrative investigation after allegations surfaced March 5 about the possible abuse of inmates at the Rancho Cucamonga jail, according to a sheriff's news

release on Friday.

"I will not tolerate any misconduct by department personnel," McMahon said in a statement. "These allegations are being taken very seriously and this department is determined to get answers."

The news comes in the wake of a jail abuse scandal in Los Angeles County in which 18 current or former sheriff's deputies have been accused of abusing inmates at the Men's Central Jail.

U.S. Attorney Andre Birtote Jr. said the alleged incidents did "not occur in a vacuum" and that the pattern of behavior of which the defendants are accused had become "institutionalized."

EXCLUSIVEREPORT

(EX.F.7-8 OF 13)

Inmates detail alleged abuse

Claim repeated shocks by stun guns from two rookie deputies

By Joe Nelson

joe.nelson@sanbernardino.com
 @SSBCountyNow on Twitter


Online: View previous stories about the West Valley Detention center. sssun.com

RANCHO CUCAMONGA » In the middle of the night, San Bernardino County sheriff's deputies Brock Teyechea and Andrew Cruz would enter the cells of inmates at the West Valley Detention Center and awaken them with electric shocks

from their stun guns, laughing out loud while inmates screamed in pain and begged for them to stop, inmates said.

And in what was described by inmates as a brutal hazing ritual, the two deputies, fresh from the

training academy and not even employed with the Sheriff's Department a year, would randomly shock inmate chow servers with their stun guns, the price the inmates had to pay for the privilege of being food servers, which brought with it lengthy time out of their cells.

"You never knew when to expect it," said inmate John Hanson, 40, INMATES » PAGE 7



The lawsuit filed names eight San Bernardino County sheriff's deputies.

PHOTO BY
PATRICIA
BARNES
FOR THE SUN

during an interview Thursday at the jail, where he has spent the last 16 months on a pre-arrest charge and is one of six plaintiffs named in a federal lawsuit filed Wednesday in U.S. District Court in Riverside, alleging civil rights violations by Teycheva, Cruz and six other deputies at the jail.

The lawsuit also names defendants Sheriff John McMahon and Sgt. Jeff Rose, the commander of the jail. McMahon on Thursday said he could not comment on the lawsuit, but said the alleged misconduct appears to be isolated to a few individuals in a certain area of the jail.

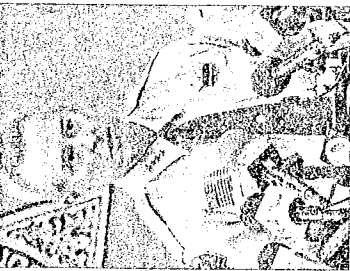
"We have found no information in our investigation to suggest that this is institutionalized," McMahon said, adding that his department and the FBI continue cooperating with one another in their administrative and criminal investigations, respectively.

Neither McMahon nor the FBI could comment on the status of the pending investigations, which were announced publicly in April. The abuse allegations surfaced in early March, authorities said.

"We take these allegations very seriously, and we are doing a detailed investigation inside the facility," McMahon said.

But Hanson said Thursday that he one from the Sheriff's Department has talked to him or other inmates alleging the abuse. McMahon said he could not comment on that.

The lawsuit, which may not be the last to be filed, alleges Hanson and inmates Edgar, Brandon Schilling, Michael Mesa and Christopher Sly were subjected to acts of torture from July 2002 through March 2011. They were shocked with



Sheriff John McMahon

"We take these allegations very seriously, and we are doing a detailed investigation inside the facility."

the allegations that his client had been abused by inmates while he was housed at West Valley.

Eric Smith, 27, of Hospieta, was the first to report the abuse allegations to authorities and suffered the brunt of the abuse. He was transferred to the Central Detention Center in San Bernardino shortly after reporting the alleged abuse to authorities, inmates said.

Smith, who is in custody for robbery, declined to comment Thursday during an attempted visit at the jail.

Following his "initiation" as a chow server, Hanson said he was often teased. He said he was subjected to repeated slapping by Teycheva and Cruz. One time he said he was getting supplies

from a utility closet when Cruz stuck up behind him and started turning him in the neck, back and legs.

Inmates said the conduct wasn't exclusive to Teycheva and Cruz. Other deputies at the jail engaged in similar conduct, and their supervisors turned a blind eye to the alleged activity.

In addition to administrators McMahon and Rose, the lawsuit identified eight deputies, including Teycheva and Cruz, and two civilian custody specialists.

Sheriff's spokeswoman Cindy Buchanan on Thursday identified the other defendants as deputies Nicholas Oakley, Robert Escamilla, Robert Morris, Daniel Strayfielder, Russell Kopasz and Eric Sinale and civilian custody specialist Brandon Stockman.

The Sheriff's Department had no record of another defendant, last name "Neil," working or having worked at the jail, Buchanan said.

She said Teycheva, Cruz and Oakley are no longer working for the department, but all the other employees named in the lawsuit remain on active duty.

According to the San Bernardino County Safety Employees Association newsletter,

ter, "Star & Shield," Teycheva became a sworn deputy and union member in June 2003, followed by Oakley and Cruz in October 2003. Union president Laren Leichter said the three came to the department right out of the sheriff's training academy in Devore.

From the time he entered the jail, Teycheva's conduct escalated, inmates said.

Inmate Lamar Graves, a plaintiff in the federal lawsuit filed Wednesday, said that on one occasion, Teycheva handcuffed another inmate to the stairwell and was yelling, "Who's your master?" and "Whose house is this?" at the inmate.

"He was a sick trip," said Graves, 41. "He let that power go to his head. He wasn't like that when he first came in."

On another occasion, Graves said he was serving food when Teycheva came up behind him and punched him in the buttocks, making him drop a stack of trays.

"He yelled, 'Hurry up, Graves!'" Graves said, adding that he too was subjected to Taser gun abuse by Teycheva and Cruz in the middle of the night as he slept. He said he has a hip deformity and has metal screws in his hips, which made the electric

shocks even more painful. Trinidad Macias, 32, of Colton, said he made the mistake of wearing two white T-shirts prior to a court appearance, a violation of jail policy.

He said Teycheva conducted a body cavity search without cause, handcuffed him then slammed him to the concrete floor in a breezeway inside the jail where about a dozen other inmates were waiting to get on a bus to go to court. Macias said Teycheva pulled his arms up behind his back and was yelling, "Whose house is this, bitch?"

"I gave up and said, 'Ok, it's your house,'" said Macias, interviewed outside his house on Wednesday. He was released from jail on Monday, May 5, and is being represented by Victorville attorneys Stanley Hodge and Jim Terrell.

Terrell said Thursday the alleged conduct by deputies at the jail was sanctioned, and they were rewarded for such conduct.

"The system encouraged this type of aggressive behavior and the incentive programs actually encouraged this type of action," Terrell said in an e-mail.

OPINION

Tuesday, April 15, 2014 » MORE AT FACEBOOK.COM/SBSUN AND TWITTER.C

Editorial

Sheriff cannot allow a culture of jail abuse

San Bernardino County Sheriff John McMahon must do better than declare he won't "tolerate" abuse of inmates under his supervision — he must prevent it from ever happening.

The Sheriff's Department was rocked this past weekend by reports that four unnamed deputies who no longer work for the department are under investigation by the FBI for allegedly abusing inmates at the West Valley Detention Center in Rancho Cucamonga. The Sheriff's Department apparently began its own investigation into possible inmate abuse in early March, but news of the allegations did not surface until Friday.

In a written statement, McMahon said the "allegations are being taken very seriously and this department is determined to get answers."

Meanwhile, the FBI is conducting a criminal investigation into the allegations that the deputies violated the civil rights of inmates, and a report is expected to be filed with the U.S. Attorney's Office.

FBI officials have not offered specifics on the types of abuses they are investigating, but the allegations apparently involve additional deputies who have not been named.

The investigation in San Bernardino County comes just months after the FBI announced indictments in a jail abuse scandal in Los Angeles County, where 20 former and current deputies have been accused of beating inmates and their visitors, making unlawful arrests, falsely accusing victims of attacking them and other abuses under the color of authority.

The scope of the San Bernardino investigation is limited to West Valley, according to sheriff's and FBI officials, but it may mean the resignation or termination of an unspecified number of additional employees.

And it should mean an unflinching examination of department policies that made these kinds of allegations possible.

In his statement, McMahon said he would "not tolerate any misconduct by department personnel." But a U.S. attorney familiar with the case called the deputies' behavior "institutionalized."

If that's so, then McMahon's response must extend beyond disciplinary actions against those named in the investigation to the root of what may be proven a cultural problem within his department.

The scandal is a test of McMahon's leadership that he should embrace in an attempt to quiet critics who opposed his appointment following the retirement of former sheriff Rod Hoops.

It would be a grave mistake to attempt to excuse these allegations as the natural consequence of the additional pressures on local jails since the implementation of Assembly Bill 109 — commonly known as inmate realignment — which diverted some state prisoners to San Bernardino and other counties for supervision.

Yes, realigning the prison population likely has made for more difficult working conditions within local jails. But the public has a right to expect that those who wear a badge will adhere to the highest professional and ethical standards, and when they fall short, as it appears some in the San Bernardino County Sheriff's Department have done, that leaders in those agencies will work to ensure that such behavior is eradicated.

Deputies' attorneys question lawsuit

(EX. F. 10-11 of 13)

Representatives wonder whether inmates sought resolution before suing

By Joe Nelson

joe.nelson@lanternnews.com
@SBCountyNow on Twitter

Attorneys for defendants in a federal lawsuit alleging deputies at West Valley Detention Center in Rancho Cucamonga tortured inmates in a Taser gun hazing ritual are poised to challenge the merits of the case, questioning whether inmates sought resolution at the administrative level before suing.

But first, attorneys for the plaintiffs have requested that attorneys for six inmates at the jail amend their initial complaint, which they have agreed to do by Wednesday.

Jim Terrell, the lead attorney for the plaintiffs in the case, said he will be revising language in

LAWSUIT » PAGE 4

Lawsuit

FROM PAGE 1

the lawsuit, initially filed on May 7 in U.S. District Court in Riverside, to make the allegations more specific.

In the lawsuit, inmates John Hanson, Lamar Graves, Brandon Schilling, Michael Mesa, Christopher Sly and Eddie Caldera allege they were physically tormented by deputies from Jan. 1, 2013 through March 2014. The inmates claim the deputies tortured them with Taser guns, held shotguns to their heads, digitally sodomized them during violent pat down searches, and pulled their arms up behind their backs while handcuffed, among other things.

The lawsuit, one of two federal lawsuits filed in the last month alleging systematic abuse and civil rights violations of inmates at the jail, names as defendants Sheriff John McMahon,

West Valley commander Capt. Jeff Rose, former deputies Brock Teycechea, Andrew Cruz, and Nicholas Oakley, current deputies Robert Escumilla, Robert Morris, Russell Kopasz, Daniel Stryfeler and Eric Smale, and civilian custody specialist Brandon Stockman.

All the defendants, with the exception of rookie deputies Teycechea, Cruz and Oakley, remain on active duty. Teycechea, Cruz, and Oakley had been with the department for less than a year before they were fired in the wake of a criminal FBI probe and an internal affairs investigation by the Sheriff's Department launched in March. Both investigations are still pending.

In a stipulation agreement filed in federal court on June 3, Teycechea's attorney, Susan Coleman, said attorneys for both sides met and agreed to stay the proceedings until an amended complaint is filed, which will be on or

before Wednesday, according to the court filing.

Attorneys for the defendants, according to the filing, are questioning whether the inmates exhausted all their "administrative remedies" prior to filing the lawsuit.

In other words, attorneys for the defendants want to make sure that the inmates filed grievances or attempted to file grievances at the jail prior to filing the lawsuit.

The Prison Litigation Reform Act of 1996 was adopted as a mechanism to deter the filing of frivolous lawsuits by prisoners. It mandates that prisoners "exhaust all administrative remedies" before seeking justice through the courts.

Most of the inmates making the allegations say they were either flat-out denied grievance forms when they asked for them or were grilled by deputies when they tried to ask for a form, according to current and former inmates and their attorneys.

Attorneys for the defendants have until July 11 to respond to the allegations after the amended complaint is filed.

Meanwhile, they are gathering information to try and ascertain whether the inmates did in fact try and resolve the issue at the jail before getting an attorney and filing the lawsuit, said Teycechea's attorney, Susan Coleman.

"That's why we got the extension," said Coleman, deferring further comment to county spokesman David Wert.

Wert said in an e-mail that attorneys representing the county in the lawsuits did not have enough information as of yet to respond to the allegations.

"The county can't react to something it hasn't seen or has had less than a week to review. Then there's the matter of the ongoing federal investigation, which could affect the cases," Wert said. "So, it's way too soon for the county to address any of the allegations."

Inmate alleges five years of abuse

Attorneys: Wrongdoing was widespread

(EX. F. 12-13) OF 13)

By Joe Nelson

joe.nelson@langnews.com

@SBCountyNow on Twitter

A former inmate and chow server at West Valley Detention Center in Rancho Cucamonga said he was subjected to five years of Taser gun abuse by at least a dozen deputies who stunned him more than 80 times.

Allegations by David Brian Smith, 26, of Covina and attorneys who represent him and nearly a dozen other inmates in federal lawsuits contradict claims by San Bernardino County Sheriff John McMahon that alleged abuse at the jail involves only three rookie deputies, since fired, over the past year. The allegations, which surfaced in March, have prompted

a criminal probe by the FBI and an internal affairs investigation by the Sheriff's Department, both of which are ongoing.

Attorneys and inmates continue to allege inmate abuse was much more widespread than McMahon has acknowledged.

"I think he (McMahon) wishes that were the truth, and I think he's probably been told that by his captain and the other deputies there," said Victorville attorney Jim Terrell, who along with attorneys Stanley Hodge and Sharon Brunner are representing inmates in federal lawsuits alleging civil rights violations at San Bernardino County's most bustling jail.

Hodge said Tuesday that the alleged

SCANDAL - PAGE 5

"I don't think those deputies are acting in a vacuum. I don't think they would ever dare to act the way they did, with impunity, if they didn't think that the sheriff's management would look the other way, if not passively approve."

— Peter Schlueter,
Eric Smith's attorney

Scandal

FROM PAGE 1

abuse, which includes inmates being repeatedly shocked with Taser guns as part of a hazing ritual involving mainly chow servers, has been going on for years and is indicative of a long-standing culture condoned by the rank and file and administrators, including the sheriff himself.

"I think there is a culture that has developed over the terms of several sheriffs, including this one," Hodge said.

McMahon was out of town and unavailable for comment Tuesday. Sheriff's Department spokeswoman Cindy Bachman said the department was not at liberty to comment on the allegations due to the pending criminal and administrative investigations.

The allegations stem from a unit at the jail where inmates are segregated from the general population because they are more vulnerable to abuse by other inmates due to the crimes they are charged with or other extenuating circumstances.

Smith is a suspect in a high-profile murder case involving the execution-style rifle and shotgun slayings of a teen-age couple in an abandoned Air Force bunker near Barstow in January 2008. He awaits trial.

Terrell said Smith signed on as a plaintiff in the litigation last Saturday and that a separate lawsuit will be filed on Smith's behalf.

"Of all the people, this is the worst one," Terrell said of Smith's alleged abuse.

"It's the most amazing and intriguing story of all."

Smith said his alleged abuse began in 2009, when he became a food server. Food servers, referred to as "chow servers," receive special privileges including more time out of their cells to prepare and serve food to other inmates.

Smith said about a dozen deputies stunned him with their Taser guns at least 80 times over a five-year period. All the alleged abuse occurred in what he calls the "G room," a common area of the jail where food is prepared for inmates. The room also houses the visitor's area, a nurse's office and hair cutting room.

The worst incident, Smith said, occurred in the last six months, when three deputies sat him in a chair and all three stunned him at the same time with their Taser guns.

When the deputies were finished they did the same thing to two other inmates, Smith said.

"It's like a game to them. They do it for fun," Smith said during an interview at the High Desert Detention Center in Adelanto on June 5. He was transferred from West Valley to the High Desert jail following completion of its expansion.

Smith declined to name the deputies who allegedly abused him because, he said, he is cooperating with the FBI in the criminal investigation, and investigators asked him not to talk to anyone about the case.

Two lawsuits filed in U.S. District Court in Riverside on May 7 and May 28 by a total of 10 inmates allege 10 different deputies repeatedly subjected them to Taser gun torture, which

included deputies entering their cells at night while they slept and stunning them with Taser guns.

Inmate John Hanson, a plaintiff in the first lawsuit, said during an interview at the jail he would awaken in the middle of the night to the ear-piercing sound of a police siren, followed by the theme from the television reality series "Cops" blaring over the intercom. Deputies Brock Teyechea and Andrew Cruz, two of the three rookie deputies who were fired in the wake of the allegations, would run into his cell laughing, stunning him and his cell mate, Michael Mesa, with their Taser guns.

Teyechea, Cruz and another deputy, Nicholas Oakley, were fired in the wake of the allegations. All three had been with the department less than a year.

Other inmates allege they had shotguns placed to their heads, had their hands handcuffed behind their backs and their arms pulled up, a practice known as "chicken winging," and were subjected to searches in which they were digitally sodomized.

The inmates said they were either denied grievance forms or questioned as to why they wanted them when they asked. Some were threatened with physical violence, the lawsuits allege.

Hodge said Tuesday that he plans to call a "legion of witnesses" to testify at trial.

"We will have dozens, if not more, current and former prisoners to testify as to the lack of bonafide, legitimate grievance procedure," Hodge said.

McMahon said during a

previous interview that his department follows proper procedure regarding inmate grievances and adheres to Title 15 of the U.S. Code, which addresses the prisoner grievance and redress process.

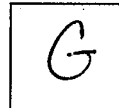
Smith and other inmates alleging abuse said Eric Smith (no relation to David Smith), suffered the brunt of the abuse and was the first to come forward with the allegations that prompted the criminal and internal affairs investigations. During an interview in May at the Central Detention Center in San Bernardino, Eric Smith of Hesperia said he had Taser gun scars all over his body and constantly feared for his safety.

Eric Smith has since been sent to North Kern State Prison in Delano, where he is serving a sentence after being convicted for an assault with a deadly weapon. His attorney, Peter Schlueter, said his client endured two years of physical and psychological torture at the hands of deputies, and that the alleged conduct could not have occurred over such a long period unless it was learned and institutional.

"I don't think those deputies are acting in a vacuum. I don't think they would ever dare to act the way they did, with impunity, if they didn't think that the sheriff's management would look the other way, if not passively approve," Schlueter said. "They must believe their supervisors don't care, and that becomes a driving force behind the cruelty."

Sheriff McMahon has said there is no evidence to prove that.

EXHIBIT COVER PAGE



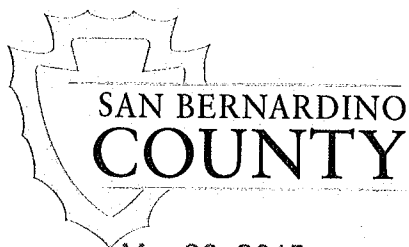
EXHIBIT

Description of this exhibit: CLAIM # 117418, 117419 & 117074
DEPARTMENT OF RISK MANAGEMENT LETTER AND
RESPONSE, AFTER I ASK DEPARTMENT OF RISK MANAGE-
MENT WHAT ARE THE RESULTS OF MY CLAIMS... AS OF
MARCH 20, 2015.

Number of pages to this exhibit: 1 pages.

JURISDICTION: (Check One Only)

- ☐ MUNICIPAL COURT
- ☐ SUPERIOR COURT
- ☐ APPELLATE COURT
- ☐ STATE SUPREME COURT
- ☒ UNITED STATES DISTRICT COURT
- ☐ STATE CIRCUIT COURT
- ☐ UNITED STATES SUPREME COURT
- ☐ GRAND JURY



Department of Risk Management

Kenneth L. Hernandez
Director

Mar 20, 2015

Manuel Reyna Chavez
California State Prison-Sacramento
P. O. Box 290066 AT-9338 A-3-122
Represe, CA 95671

RE Date of Loss: 05/03/2014
Out Claim #: 117418, 117419 & 117074

Dear Mr Chavez:

Please be advised that we have completed our inquiry in response to the claim's against the County that you filed.

At this time, we are denying liability for the following reason: The time period to bring suit has expired on each of the cases and we have closed our files.

The purpose of this letter is to advise you of our findings and is not intended to waive or extend the statutory period as defined in the rejection notice dated.

Sincerely,

John R. Collier

DEPARTMENT OF RISK MANAGEMENT

(P)

BOARD OF SUPERVISORS

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County Executive Office

PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, MANUEL REYNA CHAVEZ, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

MANUEL REYNA CHAVEZ CDCR# AT-9338
CALIFORNIA STATE PRISON-SACRAMENTO
P.O. Box 290066
REPRESA, CALIFORNIA 95671-0002

On, MARCH 29, 2015, I served the following documents:

1983 CIVIL RIGHTS COMPLAINT AND EXHIBITS A-G.

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Represa, California, with postage fully prepaid thereon, addressed as follows:

1. <u>UNITED STATES DISTRICT</u>	2. _____
<u>COURT CENTRAL DISTRICT</u>	_____
<u>OF CALIFORNIA</u>	_____
<u>312 NORTH SPRING STREET</u>	_____
<u>Room G-8, L.A., C.A</u>	_____
<u>= 90012 =</u>	

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

Executed this 29 day of MARCH, 2015, at California State Prison - Sacramento, Represa, California.

(Signature) Manuel Reyna Chavez