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6 09/03/2024

7 **United States District Court**

8 Dennis Allums,
9 Plaintiff,
10 v.
11 City of Oakland et al,
12 Defendants.

13 Case:
14

15 **CIVIL RIGHTS COMPLAINT:**

16 This is a a 42 U.S.C. § 1983 Lawsuit from the Federal Statute Under Which Such Lawsuits Are
17 Commonly Filed, Section 1983 of Title 42 of the United States Code: Including Arguments For
18 "Continuing Harm" and Request For a "Summary Verdict"

19
20 **Introduction**

21 On January 24, 2022, the plaintiff and numerous other African Americans were the victims of a
22 HATE CRIME whereas before the violence occurred, the suspect insulted the plaintiff, talked
23 about his hatred of "blacks" and when the African American librarian confronted him, he called
24 her a "black bitch" initiating the series of events that would occur soon after. He then threatened
25 only black males from the 85-year-old male who was trying to back him out the library while
26 holding a chair for his protection to the plaintiff who tricked him to come out front with him to
27 protect the female librarians. Two more black males were confronted outside the library later.
28 The last two men who pretty much had nothing to do with the incident became the main victims
29 of the assault despite the plaintiff being the only one the suspect would try to stab (again, not in
30 the police report).

31 What made matters worse and is almost a bigger claim is when the Oakland Public Library staff
32 locked him, the hero of the day outside with the suspect as this was immediately followed by the
33 suspect lunging at the plaintiff four consecutive times and then chasing the plaintiff to the edge
34 of a cliff with a final lung by the suspect forced him to jump off a 7-foot cliff where his initial
35 physical injuries to both his feet and his back occurred.

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NORTHERN DISTRICT OF CALIFORNIA

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1 The police report should have read that the Oakland Public Library Staff called the police about
2 the plaintiff, the hero of the day who got the suspect to come outside of the library with him to
3 protect the library staff. Little did he know that the library staff would lock the door and the
4 derange racist suspect would soon try to kill him. Immediately upon going outside, the library
5 security, who had “stood down”, “stood back up” and locked the door (None of this is in the
6 police report). Since he could not get back in, he tried to have a cordial conversation with the
7 suspect to calm him down as he waited for the police to arrive. The Oakland public library staff
8 had made an original call earlier, no one responded. Suddenly and unprovoked, the deranged
9 suspect lunged at the plaintiff out front with a large knife causing the staff to scream in horror
10 initiating the phone call that resulted in suddenly over a dozen OPD officers became
11 miraculously available and showing up in less than two minutes. One call they did not come and
12 another call in which they reported the plaintiff being stab, they replied in minutes, yet
13 amazingly, he is not on the police report.

14 During the event and days after the plaintiff tried to get police to respond, first, the police
15 officers superiors and finally the Oakland City Council regarding the event, all were non-
16 responsive. He contacted anyone and everyone but suddenly he fell ill and didn't know why.
17 This was followed by some form on amnesia as he no longer had any memory of the event. Then
18 darkness.

19 In May 2024, after numerous medical operations, months of hospitalizations at the university of
20 California Intensive care unit he began to read documents that appeared foreign to him.
21 Documents that indicated that he had filed a lawsuit against the City of Oakland for an event he
22 had no memory of. As his memory gradually returned, the plaintiff became increasingly
23 distressed and sought to obtain a copy of the incident report and officer footage from the
24 Oakland Police Department. His suspicions grew more intense when the department failed to
25 respond to public records requests within the legally required timeframe. Eventually, he obtained
26 a copy of a video showing the incident—an event he still cannot fully recall. Outraged, the
27 plaintiff uploaded the video to YouTube under the title “Oakland Police File False Police
28 Reports,” where the video provides a detailed account of the incident. An account that left him
29 and his family stunned at the police departments and city council, still, refusing to take action to
30 correct a wrong.

31 After six months of rehabilitation, he is now able to walk a block but still struggles to climb a
32 single flight of stairs. During this period, the plaintiff was incapacitated and unable to manage
33 his legal affairs as a pro se plaintiff. He has since been legally diagnosed as disabled, with his
34 heart functioning at less than 50% capacity. The plaintiff is scheduled for another major surgery
35 in September of 2024 at John Muir Hospital to address ongoing health issues resulting from the
36 January 24, 2022, incident. The severity of the plaintiff's condition is corroborated by the
37 enclosed letter from his primary care physician, Dr. Andrea Sandler, dated April 9, 2024

38 The City Council, Oakland Public Library, Oakland Police Department and numerous officers
39 deprived the plaintiff of his civil rights when it refused interview him and repeatedly walked past
40 him on that day and now in the past 2+ years, have yet to place him, the main victim of a hate
41 crime, on the police report as recent as last month. He is still not on it. Thus, an Oakland Police
42 Department known for its abuses of African Americans and is currently being investigated by the

1 Federal Bureau of Investigation has denied an unmatched African American hero his most basic
2 of civil rights, equal representation under the law.

3 The plaintiff continues to seek justice for the severe and ongoing injustices he has suffered.
4 Despite being the primary victim of a racially motivated hate crime, he remains denied access to
5 victim services due to the refusal of the Oakland Police Department and the City of Oakland to
6 acknowledge his victimhood in the police report. As all other avenues, including emails and
7 letters, have been exhausted with no response from the Oakland Police Department and the City
8 of Oakland, this lawsuit is being filed.

9 **Timeline of Events:**

- 10 A) In January of 2022, the plaintiff was the victim of a major hate crime in which upon
11 arrival, the police repeatedly refused to take a police report of him as the main victim of
12 the assault.
- 13 B) Days later, the plaintiff immediately made a complaint and not a claim to detective
14 Officer Colin Cameron, for he just wanted the immediate problems remedied, ala being
15 placed on the police report so he could get aid. He was not interest in money or anything
16 else, just assistance getting better. Something that necessitated being put on the police
17 report.
- 18 C) Officer Cameron, when contacted immediately laughed and said, "What do you want to
19 do, sue him?". A response in which was representative of all entities associated with the
20 city of Oakland.
- 21 D) Officer Cameron, the Oakland Police Department and City council, refused to place the
22 plaintiff on the police report for two + years. To this day he and the OPD still refused to
23 correct their error as the police report is knowingly a false report.
- 24 E) The civil rights violation at issue occurred outside the Oakland Public Library on January
25 24, 2022. The initial case, No. 22-cv-03955-TLT, was filed on August 9, 2022. However,
26 due to severe and well-documented health issues requiring hospitalization and multiple
27 surgeries, the plaintiff was unable to continue with the prosecution. As a result, the case
28 was dismissed without prejudice on March 21, 2023, for "failure to prosecute."
- 29 F) Within six months his health was atrocious as he didn't even have any memory of the
30 January 2022 assault and by 2023, he was slowly dying.
- 31 G) In June of 2023, while under medical care, he suffered one cardiac arrest at the Oakland
32 kaiser hospital and then three more at the University of San Francisco medical facility
33 within 24 hours of arrival.
- 34 H) He spent two months at University of San Francisco medical facility's Intensive Care
35 Unit, from June 2023 to August 22, 2023, going through numerous surgeries to save his
36 life and from august 2023 to September 2023 at the Elmwood Rehabilitation Center
37 where he recovered and learned to walk again.
- 38 I) In September of 2023 he was allowed to go home after three months, and seven
39 operations necessitated to keep him alive.
- 40 J) For months after he was released he was still very sick as he was taken by ambulance to
41 the hospital for reoccurring ailments as illustrated by physicians' Andrea Sandler's letter
42 for the court.
- 43 K) In August of 2023 he files a motion to reinstate case but is denied

- 1 L) In August of 2023 he discovers an article indicating that Oakland police officers tried to
2 bribe him. He had not mentioned it in his motion because he did not know of it until after.
3 Since he had not recognized this as ever occurring, he realized he had brain damage from
4 the multiple cardiac arrests (lack of air to the brain) and has recently requested the local
5 neurology department to give a new assessment of his brain.
- 6 M) In august he submitted himself to the West contra county behavioral department where
7 after learning self-medication through alcohol was dangerous to his heart and needs to
8 deal with the many mental setbacks through psychology and therapy and not via being
9 permanently sedated through alcohol.
- 10 N) As outlined in the accompanying documents, the plaintiff experienced numerous serious
11 medical conditions, including multiple strokes, immediately following the 2022 felony
12 assault. His health deteriorated to the point where he believed he was near death, leading
13 to an emergency admission to the University of San Francisco Medical Center in late
14 June 2023. Within the first 24 hours of his arrival, the plaintiff suffered three cardiac
15 arrests and subsequently spent two months in the Intensive Care Unit at the University of
16 California Medical Facility. After his ICU stay, he underwent a month of rehabilitation at
17 Berkeley's Elmwood Rehab Center, where he was confined to his room except for
18 surgeries.
- 19 O) Following his release from the rehabilitation center, the plaintiff experienced numerous
20 setbacks, requiring multiple emergency medical interventions where 911 calls were made
21 as ambulances repeated came to take him to the hospital. He has only recently regained
22 sufficient health to file this complaint against the Oakland Police Department, the City of
23 Oakland, and other associated entities whom he holds responsible for the severe medical
24 issues he has endured. It is important to note that the plaintiff had previously enjoyed 35
25 years of relatively good health before the sudden and catastrophic medical events that
26 followed the incident on January 24, 2022. Since the physical ailments occurred that day
27 and mental setbacks within days, he blames it by inductive reasoning on the January 24,
28 2022, event.

29 **General Overall Claim - Summarized:**

30 The plaintiff, along with several other African Americans, was the victim of a hate crime. Before
31 the violent incident, the suspect directed racist insults at the plaintiff, making derogatory remarks
32 specifically targeting African Americans. When an African American librarian intervened, the
33 suspect escalated his behavior, verbally assaulting her with a racial slur. The suspect then
34 proceeded to threaten multiple African American males, including an 85-year-old man who
35 attempted to de-escalate the situation, as well as two others outside the library.

36 The situation further escalated when the suspect attempted to stab the plaintiff four times outside
37 the library, despite the plaintiff's efforts to calm him down. The suspect then chased the plaintiff
38 to the edge of a cliff, forcing him to jump off in a desperate attempt to save his life.

39 The Oakland Police Department violated the plaintiff's civil rights by repeatedly refusing to
40 assist him at the scene, despite him being the primary victim. Moreover, the department has
41 consistently refused to include him in the police report for over two years. Despite ongoing
42 efforts to seek justice, the plaintiff has faced persistent resistance from a police department with

1 a documented history of mistreating African Americans. The department's refusal to recognize
2 the incident as a hate crime and its failure to provide any meaningful support to the primary
3 African American victim have necessitated this legal action.

4

5 **Itemized Claims Against the City:**

- 6 1. **Endangerment by the Oakland Public Library:** The Oakland Public Library locked
7 the plaintiff outside while he was attempting to de-escalate a situation involving a
8 deranged individual armed with a knife. This action left the plaintiff vulnerable to assault
9 and potential death.
- 10 2. **Delayed Police Response and Neglect:** The police initially failed to respond in a timely
11 manner, only arriving after the plaintiff had been assaulted with the knife. Upon arrival,
12 the officers refused to speak with the plaintiff, despite his numerous documented attempts
13 to communicate with them.
- 14 3. **Omission from the Police Report:** The plaintiff was deliberately excluded from the
15 initial police report, despite being the primary victim of the assault.
- 16 4. **Continued Exclusion from the Police Report:** Even two years later, the plaintiff has
17 still not been included in the official police report, perpetuating the injustice.
- 18 5. **Lack of Assistance Post-Incident:** After the police departed, the injured plaintiff was
19 left without assistance. He was forced to limp to the BART station and make his way
20 home alone, despite being the true victim and hero of a hate crime.
- 21 6. **Severe Emotional and Physical Impact:** The stress from the incident, compounded by
22 the callous actions of the authorities, led to severe emotional distress. This distress
23 contributed to depression and multiple medical conditions, including several strokes
24 within days of the incident.
- 25 7. **Failure to Charge the Assailant:** The authorities failed to charge the assailant with the
26 assault on the plaintiff, who was the primary victim of the attack.
- 27 8. **Failure to Charge the Assailant With a Hate Crime:** Despite clear evidence, the
28 authorities refused to charge the assailant with a hate crime.
- 29 9. **Neglect in Charging Multiple Hate Crimes:** The suspect was not charged with the
30 multiple hate crimes he committed during the incident.
- 31 10. **Inadequate Police Training:** Despite decades of complaints, the Oakland Police
32 Department continues to inadequately train its officers, particularly in incident reporting
33 and investigative procedures, leading to ongoing failures in justice.
- 34 11. **Historical Neglect of Librarian Calls:** According to librarians, the Oakland Police
35 Department has a history of neglecting their calls for assistance. This neglect prompted
36 the plaintiff, a retired community patrol officer, to intervene to protect the female
37 librarians, leading to his being locked out and subsequently becoming the victim of an
38 attempted murder as the suspect chased and attempted to slash him.
- 39 12. **Refusal to Administer Aid:** The police refused to provide aid to the plaintiff, the main
40 victim of a violent assault, forcing him to hobble to the 12th Street BART station and
41 return home alone.
- 42 13. **Inappropriate Conduct by Officer Collin Cameron:** Officer Collin Cameron, the lead
43 investigator, mocked the plaintiff by saying, "What are you going to do, sue him?" when

1 the plaintiff requested to be included in the police report. This conduct is utterly
2 unacceptable and unprofessional.

3 **14. Evasive Behavior by Officer Da Sean Spencer:** On March 22, 2022, in response to the
4 plaintiff's complaint, Officer Da Sean Spencer appeared to protect Officer Collin
5 Cameron by being evasive and unresponsive to the plaintiff's concerns. In the end he did
6 absolutely nothing.

7 **15. Attempted Bribery by Oakland Police:** Perhaps the most egregious abuse by the
8 Oakland Police Department was the attempted bribery of the plaintiff. After being
9 repeatedly transferred between different investigators, each of whom the plaintiff
10 identified as corrupt, he was eventually assigned to Officer Ron Moore. Initially, Officer
11 Moore seemed genuinely concerned and took steps to obtain video evidence showing the
12 misconduct of over twelve officers. However, Officer Moore suddenly attempted to bribe
13 the plaintiff, suggesting that the video would be provided only if the plaintiff dropped his
14 complaint against Officer Collin Cameron, the original investigator. Officer Moore
15 stated, "If we give you the tape, then there is no need for the complaint against Officer
16 Cameron, right?" Recognizing this as a bribe, the plaintiff ended the interaction. Despite
17 his efforts, the plaintiff never received the video, which was unrelated to his complaint
18 against Officer Cameron, as that incident occurred two days later.

19 **16. Continued Neglect of Women and Children:** The city of Oakland has a history of
20 failing to protect women and children. It is no surprise that the predominantly female
21 library staff, who had repeatedly complained about the officers' lack of response to their
22 calls for assistance, faced ongoing neglect.

23 **Injuries Sustained on January 22, 2022:**

- 24 1. **Two fractured feet.**
- 25 2. **Herniated disc**, with physical evidence still visible.

26 **Injuries, Ailments, and Complications Due to Stress and Depression:**

- 27 1. **Heart surgery**, including the repair of multiple holes in the heart.
- 28 2. **Aortic valve replacement.**
- 29 3. **Replacement of an additional heart valve** (specific name currently unavailable).
- 30 4. **Insertion of Pace Maker.**
- 31 5. **Management of diabetes**, with initial blood sugar levels so high they were
32 unmeasurable.
- 33 6. **Critically elevated blood pressure**, also unmeasurable at its peak.
- 34 7. **Kidney failure** requiring dialysis.
- 35 8. **Two blood clots in the legs.**
- 36 9. **One blood clot in the neck.**
- 37 10. **Lung damage**, resulting in difficulty climbing even a single flight of stairs.
- 38 11. **Multiple strokes**, beginning shortly after the January 2022 assault at the Oakland Public
39 Library, with physical evidence still visible.
- 40 12. **Permanent disability diagnosis** by Dr. Cho, a cardiologist at West Contra Costa Health.
- 41 13. **One cardiac arrest** at Oakland's Kaiser Hospital.

1 14. **Three additional cardiac arrests** within the first 24 hours of admission to the University
2 of San Francisco Medical Center.

3 15. **Neurological analysis** by the University of San Francisco initially concluded no brain
4 damage due to lack of oxygen. However, recent evidence suggests otherwise, as the
5 plaintiff experienced memory loss related to a significant event concerning his claims
6 against the Oakland Police Department, indicating the presence of brain damage.

7 **Summary of Plaintiffs Medical Conditions Due To Civil Rights Violations**

8 The civil rights violation at issue occurred outside the Oakland Public Library on January 24,
9 2022. The initial case, No. 22-cv-03955-TLT, was filed on August 9, 2022. However, due to
10 severe and well-documented health issues requiring hospitalization and multiple surgeries, the
11 plaintiff was unable to continue with the prosecution. As a result, the case was dismissed without
12 prejudice on March 21, 2023, for “failure to prosecute.”

13 Following his release from the rehabilitation center after three months, the plaintiff experienced
14 numerous setbacks, requiring multiple emergency medical interventions. He has only recently
15 regained sufficient health to file this complaint against the Oakland Police Department, the City
16 of Oakland, and other associated entities whom he holds responsible for the severe medical
17 issues he has endured. It is important to note that the plaintiff had previously enjoyed 35 years of
18 relatively good health before the sudden and catastrophic medical events that followed the
19 incident on January 24, 2022. The plaintiff clearly has a medical exception to the 2-year time
20 limit to file a civil rights lawsuit.

21 **Requirement to File a Claim:**

22 There was no requirement to file a claim against the city as this is a civil rights lawsuit. We say
23 this because the Defendants denied the claim which was a courtesy to discuss. However, the
24 following points are relevant:

- 25 1. The city denied the plaintiff’s claim, alleging it was not filed within the required
26 timeframe, even though no such claim was necessary in this context.
- 27 2. Moreover, given the continuing harm and the city’s failure to correct the police report,
28 issue an apology, or address the alleged violations, the denial of the claim was
29 unjustified.
- 30 3. It is important to emphasize that the initial claim was not required. The plaintiff
31 originally filed a complaint, seeking only for the city to rectify the wrongs committed
32 without any demand for financial compensation. His primary concern was justice, not
33 monetary gain. Despite this, the city’s lack of response and subsequent actions, including
34 alleged bribery, have exacerbated the grievances in this case.

36 **Claims and Time Limits:**

1 Under 42 U.S.C. § 1983, which governs federal civil rights claims, there is no requirement to file
2 a claim with a government entity or exhaust administrative remedies before initiating a lawsuit.
3 This contrasts with certain state law claims, where filing an administrative claim may be
4 necessary before proceeding with a lawsuit.

5 For a § 1983 claim, you can directly file a lawsuit in either federal or state court without the need
6 to first submit a claim to the government.

7 **Statute of Limitations for Civil Rights Lawsuits**

8 The statute of limitations for filing a civil rights lawsuit under 42 U.S.C. § 1983 is generally
9 determined by the state's statute of limitations for personal injury cases. In California, where
10 Oakland is located, the statute of limitations for personal injury claims—and therefore for § 1983
11 claims—is two years.

12 **TOLLING**

13 **Legal Basis for Tolling the Statute of Limitations Due to Medical Incapacity**

14 The medical exception to the statute of limitations allows for the tolling (or pausing) of the
15 limitations period when a plaintiff is **incapacitated** due to a **medical condition**. This exception
16 is significant because statutes of limitations are generally strict, and missing the deadline usually
17 bars the claim. However, courts recognize that certain circumstances, **like severe medical**
18 **conditions**, may justify extending the deadline to file a lawsuit.

19 The legal concept behind this exception is often rooted in state tolling statutes and doctrines of
20 equitable tolling. The specifics can vary depending on the jurisdiction, but the general principles
21 include:

- 22 1. **State Tolling Statutes:** Many states have statutes that allow for the tolling of the statute
23 of limitations if a person is legally incapacitated at the time the cause of action accrues.
24 Medical incapacitation is often considered a form of legal incapacity.

25 For example, under California law, **Cal. Code Civ. Proc. § 352** provides that if a person
26 entitled to bring an action is “insane” at the time the cause of action accrues, the statute of
27 limitations is tolled until the disability is removed. The term “insane” is often interpreted
28 broadly to include conditions that severely impair one’s ability to function, **including**
29 **serious medical conditions**.

- 30 2. **Federal Law and Equitable Tolling:** In federal civil rights cases, such as those brought
31 under **42 U.S.C. § 1983**, courts may apply the doctrine of equitable tolling, which allows
32 the statute of limitations to be extended when the plaintiff, through no fault of their own,
33 is unable to file the lawsuit within the statutory period. The U.S. Supreme Court has
34 recognized that equitable tolling is appropriate in certain circumstances, including serious
35 medical conditions that prevent the plaintiff from managing their legal affairs.

1 In **Irwin v. Department of Veterans Affairs, 498 U.S. 89 (1990)**, the Supreme Court
2 held that equitable tolling is available in suits against the government when a plaintiff is
3 prevented from asserting their rights in some extraordinary way. While Irwin was not a
4 medical tolling case, the principles it established have been applied in cases involving
5 medical incapacitation.

6 3. **Case Law Examples:** Courts have applied these principles in various contexts. For
7 instance, in **Cohen v. Board of Trustees of the Univ. of the District of Columbia, 722**
8 **F.2d 29 (D.C. Cir. 1983)**, the court allowed tolling of the statute of limitations where the
9 plaintiff's mental and physical incapacitation due to a severe stroke prevented timely
10 filing.

11 Similarly, in **Canales v. Sullivan, 936 F.2d 755 (2d Cir. 1991)**, the court recognized that
12 equitable tolling might apply if a plaintiff's medical condition made it impossible for
13 them to file within the limitations period.

14 To successfully invoke the medical exception, a plaintiff typically must demonstrate:

- 15 • **Severe Incapacity:** The medical condition must be so severe that it renders the plaintiff
16 unable to manage their legal affairs.
- 17 • **Causation:** There must be a causal connection between the medical condition and the
18 failure to file the lawsuit within the statute of limitations.
- 19 • **Prompt Filing After Recovery:** The plaintiff must file the lawsuit within a reasonable
20 time after the incapacity ends.

21 **The medical exception to the statute of limitations is a critical protection for plaintiffs who**
22 **are genuinely incapacitated due to severe medical conditions.** Legal practitioners must
23 carefully assess the applicability of this exception in light of the specific facts of the case and the
24 relevant jurisdiction's laws.

25 **Medical Exception - Documented Medical Illness**

26 The plaintiff experienced a significant decline in health immediately following the January 2022
27 incident, leading to hospitalization. His condition worsened considerably, resulting in his
28 hospitalization from June 28, 2023, to August 23, 2023, in the Intensive Care Unit at the
29 University of San Francisco Medical Center, where he underwent multiple life-saving surgeries.
30 After his discharge, he continued his recovery at Elmwood Rehabilitation from August 23, 2023,
31 to September 22, 2023. Despite these efforts, the plaintiff faced severe health setbacks, requiring
32 emergency room visits on September 16, 2023, September 21, 2023, October 6, 2023, October
33 10, 2023, November 14, 2023, and November 17, 2023.

34 . 35 **Concept of Continuing Harm**

1 While the plaintiff clearly qualifies for a legal medical exception, we also submit this complaint
2 under the principle of “continuing harm,” which, in conjunction with the medical exception,
3 extends the time allowed to file. This principle, commonly known as the “continuing violation
4 doctrine,” applies in situations where the harm or wrongful conduct is ongoing, rather than a
5 single, isolated event, as is the case in this complaint.

6 The concept of “continuing harm” (or “continuing violation”) in legal terminology refers to
7 circumstances where a wrongful act, particularly a violation of someone’s rights, persists over
8 time rather than being confined to a single incident. This doctrine can significantly impact the
9 statute of limitations, potentially allowing a plaintiff to bring a claim even after the typical
10 limitations period would have expired.

11 In this case, the Oakland Police Department not only neglected the plaintiff on the day of the
12 incident but has repeatedly refused to correct the deficiency in the police report, where the
13 plaintiff was the primary victim. Despite having over two years to address this issue, the
14 department has failed to rectify the error, despite assurances that they would do so. This ongoing
15 neglect has caused the plaintiff unimaginable stress and depression, leading to catastrophic
16 consequences in his life.

17 The immediate impact of the department’s inconsideration was evident when the plaintiff was
18 initially denied medical assistance or an ambulance. As days, weeks, and months passed, his
19 health continued to deteriorate, with his body failing to function as it had for 35 years before the
20 incident in question. The ongoing harm caused by the department’s failure to act has had severe
21 and lasting personal consequences for the plaintiff.

22 **Legal Explanation**

23 **1. Continuing Violation Doctrine:**

24 The continuing violation doctrine allows plaintiffs to seek relief for a series of unlawful
25 acts that extend over time, even if some of those acts fall outside the statutory limitations
26 period. This doctrine is particularly relevant in civil rights, employment discrimination,
27 and environmental law contexts.

28 **Key Case Law:**

- 29 ○ **Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982):** The U.S. Supreme
30 Court held that a “continuing violation” occurs when the plaintiff is subjected to a
31 series of discriminatory acts, even if the initial act falls outside the statutory
32 period. The court reasoned that each act constitutes a separate violation that
33 restarts the limitations period.
- 34 ○ **National Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002):** This case
35 refined the doctrine, distinguishing between discrete discriminatory acts (which
36 must be challenged within the statutory period) and hostile work environment
37 claims, which may be considered a continuing violation if part of the same
38 unlawful employment practice.

1 2. **Application in Civil Rights Cases:**

2 In the context of civil rights, the continuing violation doctrine is often invoked when a
3 plaintiff experiences ongoing discrimination or harassment. For instance, in employment
4 discrimination under **Title VII of the Civil Rights Act of 1964** or in cases brought under
5 **42 U.S.C. § 1983** for constitutional violations by state actors, courts may recognize a
6 continuing violation if the plaintiff can show that the discriminatory practices are part of
7 an ongoing policy or practice.

8 **Citation:**

- 9 ○ **Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007):** While the
10 Supreme Court in this case limited the application of the continuing violation
11 doctrine for pay discrimination claims, it affirmed that in other contexts, the
12 doctrine could apply if the plaintiff can show an ongoing unlawful practice.

13 3. **Elements of a Continuing Violation:**

14 To successfully claim a continuing violation, plaintiffs generally must establish:

- 15 ○ **Ongoing Wrongful Acts:** The harm must result from continuous or repeated
16 conduct, not merely the lingering effects of a single act.
17 ○ **Part of a Pattern:** The conduct must be part of an ongoing pattern or practice,
18 rather than isolated or sporadic incidents.
19 ○ **Linkage of Acts:** Each act within the continuing violation must be sufficiently
20 related to constitute a single, ongoing violation.

21 4. **Impact on Statute of Limitations:**

22 The primary legal significance of the continuing harm doctrine is its effect on the statute
23 of limitations. When a continuing violation is established, the statute of limitations may
24 be tolled, or effectively extended, allowing the plaintiff to recover for the entirety of the
25 wrongful conduct, not just those acts occurring within the statutory period.

26 **Case Law Example:**

- 27 ○ **Tolbert v. State of Ohio Dept. of Transp., 172 F.3d 934 (6th Cir. 1999):** The
28 court explained that under the continuing violation doctrine, a plaintiff could
29 challenge not just the most recent discriminatory act but also earlier acts as long
30 as they are part of the same discriminatory practice and at least one act falls
31 within the limitations period.

32 5. **Limitations of the Doctrine:**

33 Courts are cautious in applying the continuing violation doctrine to avoid undermining
34 the purpose of statutes of limitations, which is to ensure claims are brought in a timely
35 manner. The doctrine typically does not apply to:

- **Discrete Acts:** Specific, isolated incidents that are independently actionable (e.g., a single discriminatory firing) do not fall under continuing violations.

The continuing harm doctrine provides a vital legal mechanism for plaintiffs to address ongoing or cumulative rights violations. By allowing claims for continuous or repeated wrongful conduct, this doctrine helps ensure that individuals subjected to prolonged harm can seek redress, even when some of the conduct occurred outside the traditional limitations period. However, its application is limited to cases where the harm is ongoing and not just the effect of a past act.

Plaintiff In Historical Context:

From Berkeley (1990's) to Oakland (2022) Plaintiff Has Provided 35 Years of Protecting Over a Thousand Women and Children.

In the mid-1990s, the plaintiff, an African American male, began intervening in incidents of assault against University of California, Berkeley female students, particularly targeting young women. These were by graduates of a local high school. As a dedicated volunteer, the plaintiff, along with other recent graduates, patrolled the area, identified potential threats, and intervened when necessary to stop attacks.

On a Wednesday evening in the mid-1990s, following the close of a popular event known as “Funk Night” at Larry Blakes, a local club, the plaintiff observed two males behaving suspiciously. Instead of leaving, he stayed to monitor them. He witnessed one of the males grab a blonde student by her buttocks, who appeared to be a member of a sorority and a swimmer on the UCB team. Despite the female and her male companion’s protests, the aggressor did not relent until the plaintiff appeared and stared him down. The plaintiff’s mere presence initially calmed the situation, but the aggressor, a well-known former star linebacker from the local high school, became hostile.

As the situation escalated, the plaintiff was surrounded by over a dozen males, four of whom closed in tightly and trapped him. When the aggressors tightened their circle, the plaintiff remarked, “Come on, what, four against one?” Suddenly, they all attacked. In a matter of seconds, the plaintiff knocked two of them unconscious and said, “Now that’s better odds. Two against one, okay, we can fight now,” prompting the remaining attackers to flee as the plaintiff chased.

The chaotic brawl drew a large crowd, including his then-close friend J. Allee, a former basketball star from the same high school, who astonishingly defended the attackers by getting in front of him and saying, “Hey man, these are my friends.” The plaintiff, undeterred, struck Allee, causing him and the others to fall as the crowd erupted in approval. Just as the plaintiff prepared to take on the rest of the attackers, his best friend, Steve Bolden (now deceased), stepped in. Knowing the plaintiff’s capabilities, Bolden used a martial arts move to pin his arms to his side and lift him away from the crowd, while Allee calmed his friends, telling them that the plaintiff was his friend, effectively defusing the situation.

1 When the police arrived, they initially attempted to arrest the plaintiff, mistaking him as the
2 instigator due to the number of teens he injured. However, one male fraternity member and the
3 two female victims quickly came to his defense, loudly declaring him the hero of the incident.
4 The police, now recognizing the truth, backed down and merely took his identification before
5 leaving the scene.

6 This event marked the beginning of the plaintiff's long-standing commitment to protecting the
7 vulnerable, particularly women and children, in Berkeley. Over the next 30 - 35 years, he
8 documented his protection of over a thousand individuals, repeatedly stepping in where local law
9 enforcement was absent.

10 The culmination of his 35-year career as a protector occurred at the Oakland Public Library in
11 2022, just months after he officially retired. Ironically, his retirement took place near the
12 University of California, Berkeley campus, where his first act of heroism occurred, only a block
13 away from Larry Blakes. On that occasion, he intervened once again when two U.C. Berkeley
14 female freshmen were attacked by a transient/homeless African American male. True to form,
15 the plaintiff jumped out of his car, exchanged verbal threats with the aggressor, and prepared to
16 defend the women. The situation de-escalated when another male joined the plaintiff, prompting
17 the attacker to back down. The plaintiff later tracked down the suspect and recorded his
18 confession on video, but, as was often the case, the UCB police did nothing and refused or were
19 unable to prosecute.

20 This history of selfless intervention underscores the plaintiff's dedication to protecting others,
21 particularly when official authorities failed to act. His actions over the past 35 years reflect a
22 deep commitment to ensuring the safety of those around him, often at great personal risk but just
23 like in the mid 90's, 35 years of heroic acts, still, police still refuse to place him on the police
24 reports. All of his evidenced at his new website ArchitectsofFear.com

25 . **WHAT IS A HATE CRIME:**

26 The legal terminology for a hate crime can vary depending on the jurisdiction, but generally, a
27 "**hate crime**" is legally defined as a **criminal act** that is committed against a person, group, or
28 property and is motivated by **bias or prejudice** against a protected characteristic of the victim(s).
29 These characteristics typically include, but are not limited to:

- 30 • **Race**
- 31 • **Ethnicity**
- 32 • **National origin**
- 33 • **Religion**
- 34 • **Sexual orientation**
- 35 • **Gender identity**
- 36 • **Disability**

37 **Legal Definitions and Terms Associated with Hate Crimes:**

- 1 1. **Bias-Motivated Crime:** Another term for a hate crime, emphasizing the perpetrator's
2 bias as the motivating factor behind the criminal act.
- 3 2. **Bias Crime:** Similar to a bias-motivated crime, this term highlights that the crime was
4 committed because of the perpetrator's prejudice against the victim's protected
5 characteristic.
- 6 3. **Aggravated Offense:** In some jurisdictions, a crime motivated by bias may be
7 considered an "aggravated" offense, leading to enhanced penalties.
- 8 4. **Hate-Motivated Crime:** This term is also used interchangeably with "hate crime" and
9 emphasizes that the crime was specifically motivated by hatred towards a particular
10 group or characteristic.
- 11 5. **Civil Rights Violation:** Hate crimes can also be prosecuted as civil rights violations,
12 particularly when the crime infringes on the victim's federally protected rights.
- 13 6. **Enhanced Penalties:** In many jurisdictions, laws provide for "sentence enhancements"
14 when a crime is found to be motivated by bias or prejudice. This means the perpetrator
15 can face harsher penalties than they would for the same crime without the hate
16 motivation.
- 17 7. **Protected Classes/Protected Characteristics:** These are the specific attributes or
18 characteristics (e.g., race, religion, sexual orientation) that hate crime laws protect.
19 Crimes committed against individuals or groups because of these characteristics may be
20 prosecuted as hate crimes.

21 **Example of Legal Language:**

22 Under federal U.S. law, for example, the **Matthew Shepard and James Byrd, Jr. Hate Crimes**
23 **Prevention Act** (2009) defines hate crimes as "willfully causing bodily injury to any person, or
24 attempting to do so through the use of fire, a firearm, a dangerous weapon, or an explosive or
25 incendiary device because of the actual or perceived race, color, religion, or national origin of
26 any person." The law also extends protections to crimes motivated by bias against a person's
27 gender, sexual orientation, gender identity, or disability.

28 In summary, a hate crime is a criminal offense committed against a person or property that is
29 motivated by bias against certain protected characteristics. The terminology may vary, but the
30 underlying legal concept revolves around the perpetrator's prejudiced motivation.

31

32 **Penalty For Covering Up a Hate Crime**

33 When police officers refuse to classify an obvious hate crime as a hate crime, the consequences
34 can be significant, both for the officers involved and the police department. These consequences
35 can range from legal action to loss of public trust. Here's an overview of potential penalties:

36 **1. Internal Disciplinary Action**

- 37 • **Investigation and Review:** The department may launch an internal investigation to
38 determine why the crime was not properly classified. If the investigation finds that the

1 officers deliberately failed to label the crime as a hate crime, they could face disciplinary
2 actions.

- 3 • **Reprimand, Suspension, or Termination:** Depending on the severity of the misconduct,
4 officers may receive a formal reprimand, be suspended, or even terminated. This could
5 also lead to loss of promotion opportunities and other career setbacks.

6 **2. Legal Consequences**

- 7 • **Civil Rights Violations:** If the refusal to classify the crime as a hate crime is tied to
8 discriminatory practices, affected individuals could file a lawsuit alleging civil rights
9 violations. This could result in the officers and the department being held liable for
10 damages.
- 11 • **Obstruction of Justice:** In extreme cases, if the refusal is seen as an attempt to obstruct
12 justice, the officers could face criminal charges for hindering the investigation or
13 prosecution of the crime.

14 **3. Federal and State Intervention**

- 15 • **DOJ Investigation:** The U.S. Department of Justice (DOJ) could investigate the police
16 department if there is a pattern of failing to properly classify hate crimes. This could lead
17 to federal oversight, consent decrees, or mandated reforms.
- 18 • **State Attorney General Action:** State authorities, such as the Attorney General, could
19 also intervene, especially if there is evidence of systemic issues. This might involve state-
20 level investigations, mandates, or penalties.

21 **4. Civil Liability**

- 22 • **Lawsuits:** Victims of hate crime or civil rights organizations can sue the police
23 department and the officers for failing to recognize and classify the crime properly. These
24 lawsuits could result in financial damages awarded to the victims.
- 25 • **Class-Action Lawsuits:** If the refusal to classify hate crimes is part of a broader pattern,
26 it could lead to class-action lawsuits, further increasing the financial and legal
27 repercussions for the department.

28 **5. Loss of Public Trust and Reputation**

- 29 • **Community Backlash:** Failure to classify a hate crime as such can lead to significant
30 backlash from the community, particularly from minority or marginalized groups who
31 may feel that their concerns are being ignored. This can erode public trust and harm the
32 relationship between the police and the community.
- 33 • **Media Scrutiny:** The incident could attract negative media attention, further damaging
34 the reputation of the officers involved and the department. This can lead to increased
35 scrutiny and calls for reform.

36 **6. Political and Administrative Consequences**

- 1 • **Calls for Resignation:** In high-profile cases, there may be public or political pressure for
2 the resignation of the police chief or other senior officials within the department.
- 3 • **Increased Oversight:** Local government bodies, such as city councils or civilian
4 oversight boards, may impose additional oversight or review procedures on the
5 department to ensure that hate crimes are properly classified and investigated in the
6 future.

7 **7. Training and Policy Reforms**

- 8 • **Mandatory Training:** As a corrective measure, the department may be required to
9 implement mandatory training for officers on hate crime recognition and classification.
10 This could be part of a broader effort to address the underlying issues that led to the
11 misclassification.
- 12 • **Policy Changes:** The incident could lead to changes in department policies, ensuring that
13 hate crimes are identified and handled according to the law. This might include
14 establishing clear guidelines and procedures for officers to follow.

15 **8. External Reviews and Audits**

- 16 • **Independent Audits:** The department may be subject to independent audits or reviews
17 by external organizations to assess its handling of hate crimes and make
18 recommendations for improvement.
- 19 • **Civilian Oversight:** Increased involvement from civilian oversight bodies might be
20 imposed to monitor the department's classification and investigation of hate crimes.

21 **9. Impact on Criminal Prosecution**

- 22 • **Impact on Prosecution:** Misclassifying a hate crime can impact the prosecution of the
23 case. Prosecutors may have to address the issue, potentially leading to a reclassification
24 of the crime in court, which could complicate the legal proceedings.

25 The failure to properly classify a hate crime can have wide-ranging consequences, both legally
26 and in terms of public trust. These penalties are intended to hold officers and departments
27 accountable and to ensure that hate crimes are properly recognized and addressed according to
28 the law

29 **Violated Police Procedure After Receiving a Call for Service**

30 The procedure that police officers typically follow receiving a call for service (often referred to
31 as a "dispatch" call) generally involves several key steps. These steps may vary slightly
32 depending on the jurisdiction, the nature of the call, and specific department policies, but here is
33 a general overview:

34 **1. Receiving the Call**

- 1 • **Dispatch:** A call is received by a 911 operator or police dispatcher, who gathers critical
2 information, such as the nature of the incident, the location, the number of people
3 involved, and any immediate threats (e.g., weapons).
- 4 • **Priority Assignment:** The dispatcher prioritizes the call based on its urgency. For
5 example, a call involving a violent crime in progress will receive a higher priority than a
6 non-urgent matter.

7 2. Dispatching Officers

- 8 • **Officer Assignment:** The dispatcher assigns the call to the closest available officers or
9 those specifically designated for that type of incident (e.g., domestic violence units).
- 10 • **Communication:** Officers are informed of the call via radio or a mobile data terminal
11 (MDT) in their patrol vehicle. They receive details such as the address, the nature of the
12 incident, and any pertinent information (e.g., suspect descriptions).

13 3. En Route

- 14 • **Response Mode:** Officers decide whether to respond with lights and sirens (Code 3) or
15 without (Code 1 or 2), depending on the urgency and potential danger involved.
- 16 • **Coordination:** While en route, officers might coordinate with each other and the
17 dispatcher. They may request backup or additional resources, such as K-9 units or
18 specialized teams, if necessary.
- 19 • **Planning:** Officers may also start planning their approach, considering factors like how
20 to safely enter the scene, where to position their vehicles, and how to handle potential
21 threats.

22 4. Arrival on Scene

- 23 • **Assessment:** Upon arrival, officers assess the situation. This includes observing the scene
24 for immediate dangers, such as visible weapons or aggressive behavior, and determining
25 the best course of action.
- 26 • **Securing the Scene:** Officers may secure the scene by controlling the flow of people,
27 establishing perimeters, and ensuring the safety of themselves, any victims, and
28 bystanders.
- 29 • **Engagement:** Officers engage with the individuals involved, which could include
30 separating parties in a dispute, rendering aid to injured persons, or initiating contact with
31 suspects.

32 5. Investigation

- 33 • **Fact-Finding:** Officers gather information by interviewing witnesses, victims, and
34 suspects. They may also collect evidence, take photographs, or canvass the area for
35 additional witnesses.
- 36 • **Documentation:** Officers document their observations, actions taken, and any evidence
37 collected. This may involve writing a detailed incident report or filling out specific forms
38 required for certain types of incidents.

- 1 • **Decision-Making:** Based on the information gathered, officers decide on the appropriate
2 action, such as making an arrest, issuing a citation, or resolving the matter informally.

3 **6. Follow-Up Actions**

- 4 • **Arrest or Detention:** If an arrest is made, officers will transport the suspect to a police
5 station or jail, where they will complete the necessary booking procedures.
6 • **Medical Assistance:** If there are injuries, officers may coordinate with emergency
7 medical services (EMS) and ensure that the injured parties receive medical attention.
8 • **Report Filing:** Officers complete and submit their reports to their superiors. These
9 reports may be reviewed by detectives, prosecutors, or other relevant parties for further
10 action.

11 **7. Communication and Updates**

- 12 • **Updates to Dispatch:** Officers keep the dispatcher updated on the status of the situation,
13 including when they arrive on scene, when the situation is under control, and when they
14 clear the scene.
15 • **Incident Closure:** Once the situation is resolved and any necessary actions are taken, the
16 call is closed out in the system, and officers may return to service or proceed to their next
17 call.

18 **8. Post-Incident Review**

- 19 3. **Supervision and Review:** In certain cases, especially those involving use of force or
20 significant incidents, a supervisor may review the officers' actions to ensure they were
21 appropriate and in line with department policies.
22 4. **Further Investigation:** If the incident requires further investigation, such as a serious
23 crime, detectives or specialized units may take over the case from the responding
24 officers.

25 **9. Community Engagement (If Applicable)**

- 26 • **Communication with the Public:** In some cases, officers may engage with community
27 members after the incident to provide information, reassurance, or advice to prevent
28 future issues.

29 **This Is Standard Procedure – Much of This Was Not Followed!**

30
31 **The Dangers of Stress and Depression:**

32

1 **A. Stress and Depression Can Cause Multiple Ailments**

2 Stress and depression can lead to multiple ailments simultaneously, affecting both mental and
3 physical health. The interplay between stress, depression, and various health conditions is
4 complex, and these mental health issues can exacerbate or contribute to the development of
5 multiple ailments at once. Here's how:

6 **1. Cardiovascular Issues**

- 7 • **Hypertension:** Chronic stress and depression can lead to high blood pressure, increasing
8 the risk of heart disease and stroke.
- 9 • **Heart Disease:** Stress and depression are risk factors for heart disease, and they can
10 worsen existing cardiovascular conditions.

11 **2. Gastrointestinal Problems**

- 12 • **Irritable Bowel Syndrome (IBS):** Stress and depression can trigger or worsen IBS
13 symptoms, leading to abdominal pain, diarrhea, and constipation.
- 14 • **Gastroesophageal Reflux Disease (GERD):** Stress and depression can exacerbate
15 GERD symptoms, leading to chronic heartburn and digestive issues.

16 **3. Immune System Suppression**

- 17 • **Increased Susceptibility to Infections:** Chronic stress and depression can weaken the
18 immune system, making the body more susceptible to infections such as colds, flu, and
19 other illnesses.
- 20 • **Autoimmune Diseases:** Stress may contribute to the exacerbation of autoimmune
21 diseases, such as lupus or rheumatoid arthritis.

22 **4. Musculoskeletal Pain**

- 23 • **Chronic Pain Syndromes:** Conditions like fibromyalgia and chronic lower back pain
24 can be triggered or worsened by stress and depression, leading to widespread pain and
25 discomfort.
- 26 • **Tension Headaches and Migraines:** Stress is a common trigger for tension headaches
27 and migraines, which can be frequent and debilitating.

28 **5. Endocrine and Metabolic Disorders**

- 29 • **Diabetes:** Stress and depression can worsen blood sugar control in individuals with
30 diabetes, leading to complications.
- 31 • **Weight Gain or Loss:** Depression and stress can lead to changes in appetite and weight,
32 either contributing to obesity or unhealthy weight loss.

33 **6. Respiratory Issues**

- 1 • **Asthma:** Stress can trigger asthma attacks or worsen asthma symptoms.
- 2 • **Chronic Respiratory Infections:** Depressed immune function due to stress and
- 3 depression can lead to more frequent respiratory infections.

4 **7. Mental Health Complications**

- 5 • **Anxiety Disorders:** Stress and depression often coexist with anxiety disorders, leading to
- 6 panic attacks, social anxiety, or generalized anxiety.
- 7 • **Sleep Disorders:** Stress and depression can cause insomnia or hypersomnia, further
- 8 exacerbating physical and mental health problems.
- 9 • **Substance Abuse:** Individuals may turn to drugs or alcohol as a coping mechanism,
- 10 leading to substance use disorders.

11 **8. Reproductive Health Issues**

- 12 • **Menstrual Irregularities:** Stress and depression can disrupt hormonal balance, leading
- 13 to irregular menstrual cycles or worsening premenstrual syndrome (PMS).
- 14 • **Sexual Dysfunction:** Both stress and depression can contribute to sexual dysfunction,
- 15 including loss of libido and erectile dysfunction.

16 **9. Cognitive Impairments**

- 17 • **Memory and Concentration Problems:** Chronic stress and depression can lead to
- 18 difficulties with memory, concentration, and decision-making, potentially impacting
- 19 daily functioning.

20 **10. Skin Conditions**

- 21 • **Eczema and Psoriasis:** Stress and depression can exacerbate skin conditions like eczema
- 22 and psoriasis, leading to flare-ups and increased discomfort.
- 23 • **Acne:** Stress can worsen acne by increasing the production of hormones like cortisol,
- 24 which can lead to skin breakouts.

25 **11. Psychosomatic Disorders**

- 26 • **Somatic Symptom Disorder:** Stress and depression can manifest as physical symptoms
- 27 without a clear medical cause, leading to conditions like somatic symptom disorder,
- 28 where an individual experiences significant distress over these symptoms.

29 **12. Fatigue and Chronic Fatigue Syndrome**

- 30 • **Fatigue:** Persistent fatigue is a common symptom of both stress and depression, and it
- 31 can be severe enough to interfere with daily life.
- 32 • **Chronic Fatigue Syndrome (CFS):** In some cases, stress and depression might
- 33 contribute to the development of chronic fatigue syndrome, a condition characterized by
- 34 extreme tiredness that doesn't improve with rest.

1 The impact of stress and depression on the body is far-reaching, and they often contribute to a
2 vicious cycle where physical ailments exacerbate mental health issues and vice versa. Managing
3 stress and depression through therapy, lifestyle changes, and, if necessary, medication can help
4 reduce the risk of developing these multiple ailments.

5 **B. Stress and Depression Can Cause Mental Disorders**

6 Stress and depression are mental health conditions themselves, but they can also contribute to the
7 development or exacerbation of other mental disorders. Here's how:

8 **1. Anxiety Disorders**

- 9 • **Generalized Anxiety Disorder (GAD):** Chronic stress and depression can lead to
10 excessive worry and anxiety, potentially contributing to the development of GAD.
- 11 • **Panic Disorder:** High levels of stress can trigger panic attacks, which, over time, can
12 develop into panic disorder.

13 **2. Substance Use Disorders**

- 14 • **Alcohol and Drug Abuse:** People may turn to substances as a way to cope with stress
15 and depression, leading to substance use disorders. These can further exacerbate mental
16 health issues.

17 **3. Post-Traumatic Stress Disorder (PTSD)**

- 18 • **Trauma-Related Disorders:** Severe or chronic stress, especially when related to
19 traumatic events, can lead to PTSD. Depression often co-occurs with PTSD, worsening
20 the condition.

21 **4. Obsessive-Compulsive Disorder (OCD)**

- 22 • **Exacerbation of OCD Symptoms:** Stress can worsen symptoms of OCD, and in some
23 cases, it can contribute to the onset of the disorder, particularly in individuals who are
24 predisposed.

25 **5. Bipolar Disorder**

- 26 • **Mood Episodes:** Stress can trigger mood episodes in people with bipolar disorder,
27 including both depressive and manic phases.

28 **6. Eating Disorders**

- 29 • **Anorexia, Bulimia, and Binge-Eating Disorder:** Stress and depression can contribute to
30 the development of eating disorders as individuals may attempt to exert control over their
31 eating habits in response to emotional distress.

1 7. Sleep Disorders

- 2 • **Insomnia or Hypersomnia:** Depression and chronic stress are closely linked to sleep
3 disturbances, which can develop into sleep disorders over time.

4 8. Personality Disorders

- 5 • **Exacerbation of Symptoms:** Stress and depression can exacerbate symptoms in
6 individuals with personality disorders, such as borderline personality disorder or avoidant
7 personality disorder.

8 9. Psychotic Disorders

- 9 • **Increased Risk of Psychosis:** Severe depression, particularly if accompanied by intense
10 stress, can sometimes lead to psychotic symptoms, such as delusions or hallucinations.

11 10. Somatic Symptom Disorder

- 12 • **Physical Symptoms:** Stress and depression can contribute to the development of somatic
13 symptom disorder, where psychological distress manifests as physical symptoms.

14 11. Cognitive Disorders

- 15 • **Memory and Concentration Issues:** Chronic stress and depression can impair cognitive
16 functions, leading to difficulties with memory, concentration, and decision-making.

17 12. Adjustment Disorders

- 18 • **Response to Life Changes:** Stressful life events can lead to adjustment disorders, where
19 individuals have difficulty coping, resulting in emotional or behavioral symptoms.

20 While stress and depression are themselves mental health issues, they can also be significant
21 contributing factors to the development of other mental disorders. Managing stress and
22 depression is crucial in preventing the onset or worsening of other mental health conditions. If
23 you or someone you know is struggling with these issues, it's important to seek support from a
24 mental health professional.

25 C. Stress and Depression Can Cause Blood Clots

26 Stress and depression are not direct causes of blood clots, but they can contribute to factors that
27 increase the risk of developing them. Here's how:

- 28 1. **Inflammation:** Chronic stress and depression can lead to increased levels of
29 inflammation in the body. Inflammation can contribute to conditions that favor the
30 formation of blood clots.

- 1 2. **Increased Blood Pressure:** Stress often causes temporary spikes in blood pressure. Over
2 time, chronic stress and the associated increase in blood pressure can damage blood
3 vessels, making them more prone to clot formation.
- 4 3. **Lifestyle Factors:** People experiencing stress or depression might engage in unhealthy
5 behaviors such as smoking, poor diet, lack of physical activity, or excessive alcohol
6 consumption. These behaviors can increase the risk of blood clots.
- 7 4. **Medication:** Some medications used to treat depression, particularly certain
8 antidepressants, may have side effects that increase the risk of clotting. It's essential to
9 discuss these risks with a healthcare provider.
- 10 5. **Immobilization:** Depression can sometimes lead to prolonged periods of inactivity or
11 immobilization, such as when someone remains in bed for extended periods. Lack of
12 movement is a known risk factor for blood clots, especially deep vein thrombosis (DVT).

13 While stress and depression do not directly cause blood clots, they can create conditions that
14 increase the risk. If you have concerns about blood clots, it's important to talk to a healthcare
15 provider, especially if you're experiencing symptoms like swelling, pain, or changes in skin
16 color in a limb.

- 17 1. **Cortisol Production:** Chronic stress leads to the prolonged release of cortisol, a stress
18 hormone. While cortisol has some anti-inflammatory effects in the short term, chronically
19 elevated levels can suppress the immune system, making it less effective at fighting off
20 infections.
- 21 2. **Immune Response Suppression:** Chronic stress can reduce the production and function
22 of white blood cells (lymphocytes), which are crucial in defending the body against
23 pathogens, including bacteria that cause gum disease (periodontitis).
- 24 3. **Increased Inflammation:** While the immune system is suppressed, chronic stress also
25 promotes inflammation throughout the body. In the gums, this can exacerbate the
26 inflammatory response, leading to worsening of gum disease.
- 27 4. **Delayed Healing:** Stress can impair the body's ability to heal wounds, including those in
28 the mouth. This means that if you have gum disease or oral injuries, they may take longer
29 to heal under chronic stress, increasing the risk of complications.
- 30 5. **Bacterial Growth:** Stress can also alter the balance of bacteria in the mouth, potentially
31 increasing the levels of harmful bacteria that cause gum infections.

32 Chronic stress not only weakens the immune system but also creates a more favorable
33 environment for infections to thrive, particularly in the gums. This is why managing stress is
34 important for maintaining both overall health and oral health.

35 **D. Stress and Depression Can Cause a Stroke**

36 Chronic stress and depression can contribute to an increased risk of stroke. Here's how:

- 37 1. **Stress:** Chronic stress can lead to high blood pressure, a major risk factor for stroke.
38 Stress also increases the likelihood of unhealthy behaviors like poor diet, physical
39 inactivity, and smoking, which further elevate stroke risk. Additionally, stress triggers the

1 release of stress hormones like cortisol, which can contribute to inflammation and
2 damage blood vessels over time.

- 3 2. **Depression:** Depression is associated with increased inflammation, changes in blood
4 clotting, and a higher likelihood of developing cardiovascular diseases, all of which are
5 risk factors for stroke. Depression can also lead to unhealthy lifestyle choices, such as
6 poor diet, lack of exercise, and substance abuse, which further increase stroke risk.

7 Managing stress and depression through healthy lifestyle choices, therapy, and, when necessary,
8 medication can help reduce the risk of stroke. If you have concerns about your mental health or
9 stroke risk, it's important to speak with a healthcare provider for personalized advice and
10 treatment.

11 E. Stress and Depression Can Cause Heart Problems

12 Stress and depression are increasingly recognized as significant risk factors for heart disease. The
13 relationship between these psychological conditions and heart disease can be understood through
14 several mechanisms:

15 1. Impact on the Autonomic Nervous System:

- 16 • **Chronic Stress:** Chronic stress leads to prolonged activation of the sympathetic nervous
17 system, which increases heart rate, blood pressure, and the release of stress hormones like
18 cortisol. Over time, this can contribute to the development of hypertension,
19 atherosclerosis, and other cardiovascular issues.
20 • **Depression:** Depression can dysregulate the autonomic nervous system, leading to a
21 decrease in heart rate variability (HRV), which is associated with a higher risk of
22 cardiovascular events.

23 2. Inflammation:

- 24 • Both stress and depression are associated with increased levels of inflammatory markers,
25 such as C-reactive protein (CRP). Chronic inflammation can damage the endothelial
26 lining of the arteries, leading to atherosclerosis and increasing the risk of heart disease.

27 3. Behavioral Factors:

- 28 • Individuals experiencing stress and depression are more likely to engage in unhealthy
29 behaviors, such as smoking, poor diet, lack of exercise, and substance abuse. These
30 behaviors further elevate the risk of heart disease.

31 4. Platelet Activation:

- 32 • Stress and depression can increase platelet aggregation, which can lead to the formation
33 of blood clots. These clots can obstruct blood flow, potentially causing a heart attack or
34 stroke.

1 **5. Endothelial Dysfunction:**

- 2 • Stress and depression can impair the function of the endothelium, the inner lining of
3 blood vessels. This dysfunction reduces the ability of blood vessels to dilate, leading to
4 increased vascular resistance and a higher risk of cardiovascular events.

5 **6. Changes in Sleep Patterns:**

- 6 • Both conditions can lead to sleep disturbances, including insomnia and sleep apnea. Poor
7 sleep quality is a known risk factor for heart disease, as it can lead to increased blood
8 pressure, obesity, and diabetes.

9 **7. Metabolic Effects:**

- 10 • Chronic stress and depression are linked to metabolic changes, including insulin
11 resistance and dyslipidemia (abnormal levels of lipids in the blood), both of which are
12 significant risk factors for heart disease.

13 **8. Reduced Heart Health Compliance:**

- 14 • Depression can lead to poor adherence to medication and other heart-healthy behaviors,
15 exacerbating existing conditions and increasing the risk of heart disease.

16 The interplay between stress, depression, and heart disease is complex and multifaceted.
17 Managing stress and depression is crucial not only for mental well-being but also for
18 cardiovascular health. Interventions such as stress management techniques, therapy, physical
19 activity, and medication can help mitigate these risks.

20

21 **Past Penalties For Multiple Civil Rights Violations**

22

23 **A. Penalty For Filing False Police Report:**

24 The penalty for a police officer who knowingly files a false police report can vary significantly
25 depending on the jurisdiction and the specific circumstances of the case. Generally, the penalties
26 may include:

- 27 1. **Criminal Charges:** The officer may be charged with a crime, such as perjury,
28 obstruction of justice, or filing a false report. These charges can result in fines,
29 imprisonment, or both. The severity of the charge can vary depending on the nature of the
30 false report and the harm it caused.

- 1 2. **Termination of Employment:** The officer may be fired from their position. Filing a false
2 report is a serious breach of trust and integrity, and most police departments have strict
3 policies against such conduct.
- 4 3. **Loss of Certification:** The officer may lose their law enforcement certification, which
5 would prevent them from working as a police officer in the future.
- 6 4. **Civil Liability:** The officer could be sued by the victim of the false report. This could
7 result in the officer being required to pay damages to the victim.
- 8 5. **Disciplinary Action:** If the false report does not result in criminal charges, the officer
9 may still face internal disciplinary action from their department, which could include
10 suspension, demotion, or other penalties.

11

12 **B. Penalty For Refusing to Correct a False Police Report**

13 The penalties for a police department that refuses to change and correct a false police report can
14 vary based on the legal jurisdiction, the circumstances of the case, and the impact of the false
15 report. Here are potential consequences:

- 16 1. **Civil Liability:** The police department could be sued for civil rights violations, including
17 false arrest or malicious prosecution, if the false report leads to someone's wrongful
18 conviction or detention. Victims may seek damages, and the department could face
19 significant financial penalties.
- 20 2. **Federal Investigation and Intervention:** If a pattern of misconduct, such as refusing to
21 correct false reports, is identified, federal agencies like the Department of Justice (DOJ)
22 might investigate the department. This could lead to a consent decree, requiring the
23 department to implement specific reforms under federal oversight.
- 24 3. **State-Level Oversight or Penalties:** State governments might impose penalties, conduct
25 investigations, or take corrective action against the department. In some cases, state
26 agencies might step in to enforce changes, particularly if the issue involves violations of
27 state law.
- 28 4. **Loss of Public Trust and Reputation:** Although not a legal penalty, refusal to correct
29 false reports can lead to a significant loss of public trust. This can result in community
30 backlash, increased scrutiny, and long-term damage to the department's reputation.
- 31 5. **Internal Disciplinary Action:** In some cases, higher-ranking officials within the
32 department might be disciplined, reassigned, or removed from their positions if they are
33 found responsible for refusing to correct false reports.
- 34 6. **Criminal Charges Against Responsible Individuals:** In extreme cases, individuals
35 within the department who refuse to correct a false report might face criminal charges if
36 their actions are deemed to obstruct justice or violate specific laws.

37 **C. Penalty For Not Properly Training Police Officers:**

38 When a police department fails to properly train its officers, the consequences can be severe,
39 both legally and operationally. The penalties and repercussions may include:

1 **1. Civil Liability:**

2 **Lawsuits:** If improper training leads to misconduct, excessive force, or other civil
3 rights violations, the department can be sued. Plaintiffs may claim that the
4 department's failure to train its officers adequately led directly to the harm they
5 suffered.

6 **Monetary Damages:** Courts may award significant monetary damages to victims.
7 In some cases, this can result in millions of dollars in settlements or judgments
8 against the department.

9 **2. Federal Intervention:**

10 **Department of Justice (DOJ) Oversight:** The DOJ may investigate and impose
11 federal oversight on a police department found to have systemic training
12 deficiencies. This could result in a consent decree, requiring the department to
13 adopt specific reforms, including improved training programs.

14 **Civil Rights Violations:** Under federal law, a police department can be held
15 accountable for civil rights violations stemming from inadequate training. This
16 can lead to penalties and mandatory corrective actions.

17 **3. State and Local Penalties:**

18 **State Investigations:** State authorities might investigate the department, and
19 state-level penalties or mandates for reform could be imposed.

20 **Loss of Funding:** State or federal grants and funding could be withheld or
21 revoked if a department is found to be non-compliant with required training
22 standards.

23 **4. Criminal Charges:**

24 While rare, if a lack of training leads to criminal behavior by officers, individuals
25 in the department responsible for the inadequate training might face criminal
26 charges, especially if there was gross negligence involved.

27 **5. Loss of Accreditation:**

28 Many police departments are accredited by national or state bodies that set
29 training standards. Failure to meet these standards could result in the loss of
30 accreditation, which can impact the department's reputation and funding
31 opportunities.

32 **6. Reputational Damage:**

1 A failure to properly train officers can severely damage the department's
2 reputation, leading to a loss of public trust, increased scrutiny from the media, and
3 strained relations with the community.

4 **7. Internal Consequences:**

5 High-ranking officials, such as police chiefs or training supervisors, might be
6 disciplined, demoted, or removed from their positions if it is found that they failed
7 to ensure proper training.

8 **D. Penalty for Cities/Police Who Violate Citizens Civil Rights:**

9 When a police officer or police department violates a citizen's civil rights, the penalties can be
10 severe, both legally and administratively. These penalties are designed to hold both the
11 individual officer and the department accountable. Here's an overview of potential consequences:

12 **For the Police Officer:**

13 **1. Criminal Charges:**

14 **Federal Charges:** The officer can face federal criminal charges under statutes
15 such as 18 U.S.C. § 242, which makes it a crime to willfully deprive someone of
16 their rights under the Constitution or U.S. law. Convictions can result in
17 imprisonment, fines, or both.

18 **State Charges:** Depending on the state laws, the officer might also face state
19 criminal charges, such as assault, battery, false imprisonment, or manslaughter.

20 **2. Civil Liability:**

21 **Personal Liability:** The officer may be personally sued under 42 U.S.C. § 1983, a
22 federal statute that allows individuals to sue state actors for civil rights violations.
23 If found liable, the officer could be responsible for paying damages, though in
24 many cases, the city or department may cover these costs.

25 **3. Termination or Disciplinary Action:**

26 The officer may be terminated from their position or face other disciplinary
27 actions such as suspension or demotion. This could also include the loss of law
28 enforcement certification, preventing future employment in law enforcement.

29 **4. Loss of Pension and Benefits:**

30 Depending on the outcome of the criminal or civil cases, the officer could lose
31 pension benefits and other entitlements.

1 **For the Police Department:**

2 1. **Civil Liability:**

3 **Monetary Damages:** The department can be sued for failing to adequately train,
4 supervise, or discipline officers, leading to civil rights violations. Successful
5 lawsuits can result in the department (or the city it serves) being required to pay
6 significant monetary damages to the victim.

7 **Class Action Lawsuits:** If the violation is part of a broader pattern of misconduct,
8 the department might face class action lawsuits, which can result in large
9 settlements and extensive court-ordered reforms.

10 2. **Federal Oversight and Consent Decrees:**

11 **DOJ Investigation:** The Department of Justice may investigate the police
12 department for systemic civil rights violations. If problems are found, the DOJ
13 may impose a consent decree, which is a court-enforced agreement that requires
14 the department to implement specific reforms, often under federal oversight.

15 **Pattern or Practice Lawsuits:** Under 34 U.S.C. § 12601, the DOJ can sue a
16 department for a pattern or practice of conduct that deprives people of their rights.
17 This can lead to federal mandates for reform.

18 3. **Loss of Funding:**

19 Federal and state funding might be withheld or revoked if a department is found
20 to be violating civil rights systematically. This can have a significant impact on
21 the department's operations and resources.

22 4. **Reputational Damage:**

23 Civil rights violations can severely damage the department's reputation, leading to
24 a loss of public trust, increased scrutiny, and strained relations with the
25 community. This can also result in increased oversight from local government or
26 civilian review boards.

27 5. **Internal Reforms:**

28 The department may be required to implement internal reforms, such as revised
29 training programs, new policies on use of force, or enhanced oversight
30 mechanisms, often as a result of legal settlements or federal intervention.

31 6. **Criminal Prosecution of Supervisors:**

1 In extreme cases, if supervisors or other higher-ranking officials are found to have
2 been complicit in or deliberately ignored the civil rights violations, they too could
3 face criminal charges or civil liability.

4 E. Penalty For Failing to Respond to Civil Rights Violation

5 When a city council fails to respond appropriately to a civil rights complaint, the consequences
6 can be significant, both legally and politically. The specific penalties or repercussions will
7 depend on the nature of the complaint, the legal framework, and the level of governmental
8 oversight. Here are potential consequences:

9 1. Legal Consequences

- 10 • **Civil Lawsuits:** The city itself can be sued by the individual(s) whose civil rights were
11 allegedly violated. If the city council's inaction is seen as contributing to the violation or
12 failing to remedy it, the city could face significant financial liability, including damages,
13 attorney fees, and court costs.
- 14 • **Federal Intervention:** If the civil rights complaint involves violations of federal law,
15 such as the Civil Rights Act or the Americans with Disabilities Act (ADA), the
16 Department of Justice (DOJ) may step in. The DOJ can initiate an investigation, and if
17 the city council's failure to act is seen as contributing to systemic violations, it could
18 result in federal oversight, including consent decrees that mandate specific reforms.
- 19 • **State-Level Legal Action:** State attorneys general may also intervene if there is evidence
20 that the city council's inaction constitutes a violation of state civil rights laws. This could
21 lead to state-mandated reforms or other legal penalties.

22 2. Loss of Federal or State Funding

- 23 • **Withholding of Grants:** If the city is found to be in violation of civil rights laws due to
24 the council's inaction, it could lose eligibility for certain federal or state grants. This loss
25 of funding could impact a wide range of city services and projects.
- 26 • **Fines and Penalties:** In some cases, federal or state authorities may impose fines or other
27 financial penalties on the city for failing to address civil rights complaints.

28 3. Political and Public Repercussions

- 29 • **Loss of Public Trust:** Failure to respond to civil rights complaints can lead to significant
30 public outrage, resulting in protests, media scrutiny, and a loss of trust in the city council
31 and local government as a whole.
- 32 • **Elections and Political Fallout:** Council members may face political repercussions,
33 including loss of re-election bids, resignations, or recall efforts initiated by the public.
34 The failure to address civil rights concerns can be a significant issue during election
35 campaigns.

36 4. Increased Oversight and Mandates

- 1 • **Judicial Orders:** Courts may issue orders compelling the city council to take specific
2 actions to address the civil rights complaint. This could include mandating policy
3 changes, requiring training for city officials, or implementing oversight mechanisms.
- 4 • **Independent Monitoring:** In some cases, a court or federal agency may appoint an
5 independent monitor to oversee the city's response to civil rights issues, which can lead to
6 further scrutiny and mandated reforms.

7 **5. Community Impact**

- 8 • **Heightened Community Tensions:** A city council's failure to address civil rights
9 complaints can exacerbate tensions within the community, particularly among
10 marginalized or minority groups. This can lead to ongoing conflicts, protests, and a
11 breakdown in relations between the community and local government.
- 12 • **Increased Activism and Legal Advocacy:** Community organizations, civil rights
13 groups, and legal advocacy groups may increase their efforts to hold the city accountable,
14 leading to more legal challenges, public campaigns, and demands for systemic change.

15 **6. Criminal Investigations (in extreme cases)**

- 16 • **Federal or State Investigations:** If the failure to act is part of a broader pattern of
17 intentional misconduct or corruption, it could trigger criminal investigations into the city
18 council members or other city officials. This is particularly likely if there is evidence of
19 willful neglect, discrimination, or other illegal activities.

20 The penalties for a city council's failure to respond to a civil rights complaint can be significant,
21 involving legal, financial, political, and reputational consequences. These consequences aim to
22 ensure accountability and encourage proper responses to civil rights issues within local
23 government.

26 **F. Penalty For Police Officers Who Offer a Bribe.**

27 The legal penalties or repercussions for police officers who offer a bribe can be severe, as
28 bribery is considered a serious offense. The specific penalties vary depending on the jurisdiction,
29 but generally include the following:

30 **1. Criminal Charges**

- 31 • **Bribery:** Police officers can be charged with bribery, which is typically a felony. The
32 severity of the charge can depend on the amount of the bribe and the circumstances
33 surrounding the offense.
- 34 • **Corruption:** In some cases, the officer might face additional charges related to
35 corruption, such as misconduct in office or abuse of power.

1 **2. Imprisonment**

- 2 • If convicted, the officer could face a significant prison sentence. In many jurisdictions,
3 the sentence for bribery can range from a few years to decades in prison, depending on
4 the severity of the offense.

5 **3. Fines**

- 6 • Convicted officers may also face substantial fines, which can be in addition to or instead
7 of a prison sentence.

8 **4. Termination of Employment**

- 9 • Police officers found guilty of offering a bribe will almost certainly be dismissed from
10 their job. They may also lose any pension or retirement benefits.

11 **5. Loss of Law Enforcement Certification**

- 12 • Many jurisdictions will revoke the officer's law enforcement certification, effectively
13 banning them from working in law enforcement again.

14 **6. Civil Penalties**

- 15 • In addition to criminal penalties, officers may also face civil lawsuits from the parties
16 involved. This could lead to additional financial penalties.

17 **7. Reputation and Career Damage**

- 18 • Beyond legal penalties, being convicted of bribery will almost certainly destroy the
19 officer's reputation and career, not just in law enforcement but in any field where trust
20 and integrity are important.

21 **8. Probation or Parole**

- 22 • Depending on the jurisdiction and the specifics of the case, the officer might be placed on
23 probation or parole after serving part of their sentence, which would involve strict
24 supervision and restrictions.

25 **9. Community Service**

- 26 • In some cases, especially if the bribery was on a smaller scale, the officer might be
27 sentenced to community service as part of their punishment.

1 The exact repercussions depend on the laws of the country or state in which the bribery occurred
2 and the specifics of the case, including whether the officer has a prior criminal record or if the
3 bribery had particularly egregious consequences.

4 5 6 **G. Penalty When Police Officers and First Responders Fail to** 7 **Administer Assistance to Injured Victims of Crimes**

8 When police officers or first responders fail to administer assistance to an injured person,
9 especially if they are legally required to do so, the consequences can be serious and multifaceted.
10 The specific penalties or repercussions will depend on the jurisdiction, the circumstances of the
11 incident, and the severity of the harm caused by their inaction. Here are the potential penalties:

12 **1. Criminal Charges**

- 13 • **Neglect of Duty:** Police officers and first responders may face criminal charges for
14 neglect of duty if their failure to render aid constitutes a breach of their responsibilities.
15 This can result in misdemeanor or felony charges, depending on the jurisdiction and
16 severity of the case.
- 17 • **Manslaughter or Criminally Negligent Homicide:** If the failure to provide assistance
18 leads to the death of the injured person, the officers or first responders could be charged
19 with manslaughter or criminally negligent homicide. These charges carry serious
20 penalties, including imprisonment.
- 21 • **Misconduct in Office:** In some jurisdictions, failing to perform duties, such as providing
22 necessary assistance, can lead to charges of official misconduct, which could result in
23 fines, imprisonment, or both.

24 **2. Civil Liability**

- 25 • **Wrongful Death Lawsuit:** If the injured person dies due to the failure to provide
26 assistance, the victim's family may file a wrongful death lawsuit against the officers, first
27 responders, or the employing agency. This could result in significant monetary damages
28 being awarded to the family.
- 29 • **Personal Injury Lawsuit:** If the injured person survives but suffers additional harm due
30 to the lack of assistance, they may sue for personal injury. This could also result in
31 financial compensation for medical expenses, pain and suffering, and other damages.
- 32 • **Civil Rights Violations:** If the failure to assist is linked to discrimination or other civil
33 rights violations, the injured person or their family might file a lawsuit under federal or
34 state civil rights laws.

35 **3. Disciplinary Action**

- 1 • **Internal Investigation:** The police department or first responder agency will typically
2 conduct an internal investigation. If the officers or first responders are found to have
3 violated department policies, they could face disciplinary action.
- 4 • **Suspension or Termination:** Depending on the severity of the misconduct, officers or
5 first responders may be suspended, demoted, or terminated from their positions. Loss of
6 employment might also lead to the loss of professional certification or licensing,
7 preventing future employment in law enforcement or emergency services.
- 8 • **Reprimand and Retraining:** In cases where the failure to assist is not egregious, officers
9 or first responders might receive a formal reprimand and be required to undergo
10 additional training to prevent future occurrences.

11 **4. Loss of Certification**

- 12 • **Decertification:** For police officers or licensed emergency medical personnel, failure to
13 provide assistance can result in the loss of their professional certification or licensure.
14 This would prohibit them from working in their field in the future.
- 15 • **Licensing Board Actions:** Medical personnel, such as paramedics, might face
16 disciplinary actions from their licensing boards, which could include suspension or
17 revocation of their licenses.

18 **5. Reputational Damage**

- 19 • **Public and Media Scrutiny:** Failure to render aid can lead to significant negative
20 publicity, both for the individuals involved and their respective agencies. This can result
21 in a loss of public trust and credibility.
- 22 • **Community Relations:** The incident could strain relations between the police or first
23 responder agencies and the community, particularly if the failure to assist is perceived as
24 part of a broader pattern of misconduct or neglect.

25 **6. Civil Rights and Federal Investigations**

- 26 • **DOJ Investigation:** If the failure to assist is part of a larger pattern of civil rights abuses,
27 the Department of Justice (DOJ) may investigate the agency. This could result in federal
28 oversight, consent decrees, or other mandated reforms.
- 29 • **Civil Rights Lawsuits:** Victims or their families might pursue civil rights lawsuits if the
30 failure to assist is linked to discriminatory practices or other rights violations. These
31 lawsuits can lead to significant financial penalties and mandated changes within the
32 department.

33 **7. Inquests and Public Inquiries**

- 34 • **Coroner's Inquest:** In the event of a death, a coroner's inquest may be held to determine
35 the cause of death and whether the failure to render aid contributed to it. The findings
36 could lead to further legal action.

- 1 • **Public Inquiries:** In high-profile cases, there may be a public inquiry or commission set
2 up to investigate the incident, which could lead to recommendations for systemic changes
3 or reforms within the involved agencies.

4 **None of these were followed!!**

5

6 **Can Police Legally Correct a False Police Report?**

7 Yes, a police officer can correct an accidentally wrong police report later,

8 **Substantial Errors:** These might include significant factual errors, incorrect
9 descriptions of events, or misidentification of individuals involved.

10 **1. Correcting the Report:**

11 **Supplemental Report:** The most common method for correcting an error is for
12 the officer to file a supplemental report. This additional report explains the error
13 and provides the correct information. The original report is not usually altered, but
14 the supplemental report is attached to it.

15 **Amendment Procedures:** Some departments have specific forms or procedures
16 for amending a report. The officer may need to fill out an amendment form and
17 have it approved by a supervisor.

18 **Legal Proceedings:** If the report is part of an ongoing investigation or legal
19 proceeding, it's important to correct errors promptly to ensure the accuracy of the
20 information used in court.

21 **2. Notifying Affected Parties:**

22 **Prosecutors and Defense Attorneys:** If the report is part of a criminal case, the
23 prosecutor and the defense attorney should be notified of the correction.

24 **Other Parties:** In civil cases or administrative matters, other relevant parties
25 should also be informed.

26 **3. Internal Review:**

27 **Supervisory Approval:** Often, corrections need to be reviewed and approved by
28 a supervisor or higher authority within the police department.

29 **Internal Affairs:** In cases of significant errors, an internal review or investigation
30 might be conducted to understand how the error occurred and to prevent similar
31 issues in the future.

1 The Requirement of a City to Protect Its Citizens Civil Rights

2 The legal requirements to discipline a city council and police department that fail to protect
3 citizens' civil rights are generally based on federal and state laws, constitutional protections, and
4 legal precedents. Here's an overview of the mechanisms and legal frameworks that can be used
5 to address such failures:

6 1. Federal Civil Rights Laws

- 7 • **42 U.S.C. § 1983 (Civil Action for Deprivation of Rights):** This federal statute allows
8 individuals to sue state and local government officials, including city councils and police
9 departments, for violations of constitutional rights. If a court finds that officials or
10 departments have violated civil rights, it can impose remedies, including monetary
11 damages, injunctions, and other forms of relief. This can lead to disciplinary actions
12 against those responsible, though these are typically implemented by the governing body
13 or through court orders.
- 14 • **Title VI of the Civil Rights Act of 1964:** This law prohibits discrimination by
15 government agencies that receive federal funds. If a city council or police department is
16 found to be engaging in discrimination or failing to protect civil rights, the federal
17 government can withhold funding and require corrective actions. In extreme cases, the
18 DOJ can file lawsuits to enforce compliance.
- 19 • **The Violent Crime Control and Law Enforcement Act of 1994:** Under 42 U.S.C. §
20 14141, the DOJ has the authority to investigate and bring lawsuits against police
21 departments that engage in a "pattern or practice" of conduct that deprives individuals of
22 their constitutional rights. This can lead to consent decrees or other forms of federal
23 oversight, requiring the department to implement reforms.

24 2. State-Level Oversight and Penalties

- 25 • **State Civil Rights Laws:** Many states have their own civil rights statutes that mirror
26 federal protections. Violations of these laws can lead to lawsuits, fines, and state-imposed
27 sanctions against city councils and police departments. State attorneys general can also
28 bring lawsuits or intervene in cases involving civil rights violations.
- 29 • **Attorney General Investigations:** State attorneys general often have the authority to
30 investigate and take action against local governments and police departments that violate
31 civil rights. This can include filing lawsuits, negotiating settlements, or imposing
32 reforms.

33 3. Judicial Remedies

- 34 • **Injunctions and Court Orders:** Courts can issue injunctions to prevent ongoing civil
35 rights violations. For example, a court might order a police department to change its
36 practices, mandate training, or implement new policies. Failure to comply with such
37 orders can lead to contempt of court charges, further legal penalties, or increased
38 oversight.

- 1 • **Consent Decrees:** In cases where a pattern of civil rights violations is identified, federal
2 or state authorities may enter into a consent decree with the city or police department.
3 This is a court-ordered agreement that requires the department to implement specific
4 reforms, often under the supervision of a monitor appointed by the court.

5 **4. Federal Government Sanctions**

- 6 • **Department of Justice (DOJ) Actions:** The DOJ can investigate and bring lawsuits
7 against local governments and police departments that violate civil rights. The DOJ can
8 also impose sanctions, such as withholding federal funds or requiring the department to
9 enter into a consent decree to implement reforms.
10 • **Office for Civil Rights (OCR):** The OCR within the DOJ or Department of Education
11 can investigate complaints of civil rights violations and impose penalties, including loss
12 of federal funding, if the violations are not addressed.

13 **5. Political and Administrative Measures**

- 14 • **Removal or Recall of Elected Officials:** In some cases, citizens can initiate recall
15 petitions or other efforts to remove city council members who fail to protect civil rights.
16 This is a political remedy, but it can be effective in holding elected officials accountable.
17 • **Disciplinary Action by Governing Bodies:** If a city council or police department fails to
18 protect civil rights, higher levels of government (such as state governments or federal
19 agencies) may impose disciplinary actions, such as removing officials, placing
20 departments under receivership, or appointing special administrators to oversee
21 operations.

22 **6. Community Oversight and Civilian Review Boards**

- 23 • **Civilian Oversight Bodies:** Some cities have established civilian oversight boards that
24 have the authority to review police practices and recommend disciplinary actions. These
25 boards can be empowered to investigate civil rights complaints and hold departments
26 accountable.
27 • **Public Advocacy and Litigation:** Civil rights organizations and community groups can
28 exert pressure through litigation, public advocacy, and organizing efforts to hold local
29 governments accountable for civil rights violations.

30 **7. Criminal Charges**

- 31 • **Criminal Prosecution:** In extreme cases where civil rights violations are egregious,
32 criminal charges could be brought against individual officers or city officials under
33 federal or state law. This could include charges of conspiracy to deprive someone of their
34 civil rights, which carries significant penalties, including imprisonment.

35 The legal framework for disciplining city councils and police departments that fail to protect
36 civil rights involves a combination of federal and state laws, judicial oversight, and community
37 and political pressure. The specific remedies depend on the severity of the violations and the

1 willingness of higher authorities to take action. These mechanisms are designed to ensure
2 accountability and uphold the constitutional rights of citizens.

3 **Landmark Cases Illustrating The Importance to Protect Citizens** 4 **Civil Rights:**

5 There are several landmark legal cases and statutes that illustrate the obligation of a city and its
6 officials, including police departments, to protect the civil rights of its citizens. Here are some of
7 the best legal citations:

8 **1. Monell v. Department of Social Services, 436 U.S. 658 (1978)**

- 9 • **Summary:** The U.S. Supreme Court held that municipalities and local governments can
10 be sued under 42 U.S.C. § 1983 for civil rights violations resulting from official policies,
11 customs, or practices. This case established that a city could be held liable for civil rights
12 violations if the deprivation of rights was due to a policy or custom of the city.
- 13 • **Significance:** This case is critical because it confirmed that cities and local governments
14 are not immune from lawsuits under federal civil rights laws and that they have an
15 obligation to protect citizens' civil rights.
- 16 • **Citation:** *Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978).*

17 **2. City of Canton v. Harris, 489 U.S. 378 (1989)**

- 18 • **Summary:** The U.S. Supreme Court held that a municipality can be held liable under 42
19 U.S.C. § 1983 for failing to train its employees, such as police officers, if that failure
20 constitutes "deliberate indifference" to the rights of individuals with whom the employees
21 come into contact.
- 22 • **Significance:** This case established that inadequate training of city employees, including
23 police officers, that results in civil rights violations can lead to municipal liability. It
24 emphasizes the city's responsibility to ensure that its employees are adequately trained to
25 respect and protect civil rights.
- 26 • **Citation:** *City of Canton, Ohio v. Harris, 489 U.S. 378 (1989).*

27 **3. Owen v. City of Independence, 445 U.S. 622 (1980)**

- 28 • **Summary:** The U.S. Supreme Court ruled that municipalities do not have qualified
29 immunity from liability under 42 U.S.C. § 1983, meaning they can be held accountable
30 for damages even if the officials acted in good faith, as long as they violated an
31 individual's civil rights.
- 32 • **Significance:** This decision underscores the accountability of municipalities in protecting
33 civil rights, as it eliminates a significant defense (qualified immunity) that could shield
34 cities from liability.
- 35 • **Citation:** *Owen v. City of Independence, 445 U.S. 622 (1980).*

36 **4. Zuchel v. City and County of Denver, 997 F.2d 730 (10th Cir. 1993)**

- 1 • **Summary:** The Tenth Circuit Court of Appeals held that the City and County of Denver
2 could be held liable under 42 U.S.C. § 1983 for failing to adequately train its police
3 officers in the use of deadly force, which led to a fatal shooting. The court found that the
4 city's failure to train its officers amounted to "deliberate indifference" to the rights of its
5 citizens.
- 6 • **Significance:** This case is a key example of how a city's failure to train police officers
7 can result in a violation of civil rights and municipal liability.
- 8 • **Citation:** *Zuchel v. City and County of Denver*, 997 F.2d 730 (10th Cir. 1993).

9 **5. DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189**
10 **(1989)**

- 11 • **Summary:** The U.S. Supreme Court ruled that the government does not have a
12 constitutional duty to protect individuals from private violence unless a "special
13 relationship" exists (e.g., when the government has taken custody of the individual).
14 While this case primarily limits the circumstances under which the government must
15 protect individuals, it underscores the importance of situations where government failure
16 to protect can lead to liability, especially under § 1983 if other rights are violated.
- 17 • **Significance:** Although the ruling limited the government's liability, it also clarified the
18 contexts in which municipalities are required to protect individuals' civil rights.
- 19 • **Citation:** *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189 (1989).

20 **6. Graham v. Connor, 490 U.S. 386 (1989)**

- 21 • **Summary:** The U.S. Supreme Court established that claims of excessive force by police
22 officers should be analyzed under the Fourth Amendment's "objective reasonableness"
23 standard. This case is fundamental in assessing whether a police department or city has
24 violated an individual's civil rights through the actions of its officers.
- 25 • **Significance:** This case is crucial for understanding how courts assess the reasonableness
26 of police conduct in civil rights cases, impacting how cities and police departments must
27 train and supervise officers.
- 28 • **Citation:** *Graham v. Connor*, 490 U.S. 386 (1989).

29 **7. Brown v. Board of Education, 347 U.S. 483 (1954)**

- 30 • **Summary:** The U.S. Supreme Court declared state laws establishing separate public
31 schools for black and white students to be unconstitutional. This landmark case affirmed
32 the principle that state and local governments, including cities, must not violate the civil
33 rights of individuals, particularly in contexts of discrimination.
- 34 • **Significance:** Although primarily about educational segregation, this case set a precedent
35 for the broader requirement that all levels of government, including cities, must protect
36 the civil rights of their citizens.
- 37 • **Citation:** *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

1 These cases collectively emphasize the responsibility of cities and local governments to protect
2 civil rights and outline the legal consequences of failing to do so. They illustrate the principles
3 and legal standards that guide the protection of civil rights at the municipal level.

4 **Supreme Court Cases:**

5 There are several landmark legal cases and statutes that illustrate the obligation of a city and its
6 officials, including police departments, to protect the civil rights of its citizens. Here are some of
7 the best legal citations:

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- 9 • **Summary:** The U.S. Supreme Court held that municipalities and local governments can
10 be sued under 42 U.S.C. § 1983 for civil rights violations resulting from official policies,
11 customs, or practices. This case established that a city could be held liable for civil rights
12 violations if the deprivation of rights was due to a policy or custom of the city.
- 13 • **Significance:** This case is critical because it confirmed that cities and local governments
14 are not immune from lawsuits under federal civil rights laws and that they have an
15 obligation to protect citizens' civil rights.
- 16 • **Citation:** *Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978).*

17 **2. City of Canton v. Harris, 489 U.S. 378 (1989)**

- 18 • **Summary:** The U.S. Supreme Court held that a municipality can be held liable under 42
19 U.S.C. § 1983 for failing to train its employees, such as police officers, if that failure
20 constitutes "deliberate indifference" to the rights of individuals with whom the employees
21 come into contact.
- 22 • **Significance:** This case established that inadequate training of city employees, including
23 police officers, that results in civil rights violations can lead to municipal liability. It
24 emphasizes the city's responsibility to ensure that its employees are adequately trained to
25 respect and protect civil rights.
- 26 • **Citation:** *City of Canton, Ohio v. Harris, 489 U.S. 378 (1989).*

27 **3. Owen v. City of Independence, 445 U.S. 622 (1980)**

- 28 • **Summary:** The U.S. Supreme Court ruled that municipalities do not have qualified
29 immunity from liability under 42 U.S.C. § 1983, meaning they can be held accountable
30 for damages even if the officials acted in good faith, as long as they violated an
31 individual's civil rights.
- 32 • **Significance:** This decision underscores the accountability of municipalities in protecting
33 civil rights, as it eliminates a significant defense (qualified immunity) that could shield
34 cities from liability.
- 35 • **Citation:** *Owen v. City of Independence, 445 U.S. 622 (1980).*

36 **4. Zuchel v. City and County of Denver, 997 F.2d 730 (10th Cir. 1993)**

- 1 • **Summary:** The Tenth Circuit Court of Appeals held that the City and County of Denver
2 could be held liable under 42 U.S.C. § 1983 for failing to adequately train its police
3 officers in the use of deadly force, which led to a fatal shooting. The court found that the
4 city's failure to train its officers amounted to "deliberate indifference" to the rights of its
5 citizens.
- 6 • **Significance:** This case is a key example of how a city's failure to train police officers
7 can result in a violation of civil rights and municipal liability.
- 8 • **Citation:** *Zuchel v. City and County of Denver*, 997 F.2d 730 (10th Cir. 1993).

9 **5. DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189** 10 **(1989)**

- 11 • **Summary:** The U.S. Supreme Court ruled that the government does not have a
12 constitutional duty to protect individuals from private violence unless a "special
13 relationship" exists (e.g., when the government has taken custody of the individual).
14 While this case primarily limits the circumstances under which the government must
15 protect individuals, it underscores the importance of situations where government failure
16 to protect can lead to liability, especially under § 1983 if other rights are violated.
- 17 • **Significance:** Although the ruling limited the government's liability, it also clarified the
18 contexts in which municipalities are required to protect individuals' civil rights.
- 19 • **Citation:** *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189 (1989).

20 **6. Graham v. Connor, 490 U.S. 386 (1989)**

- 21 • **Summary:** The U.S. Supreme Court established that claims of excessive force by police
22 officers should be analyzed under the Fourth Amendment's "objective reasonableness"
23 standard. This case is fundamental in assessing whether a police department or city has
24 violated an individual's civil rights through the actions of its officers.
- 25 • **Significance:** This case is crucial for understanding how courts assess the reasonableness
26 of police conduct in civil rights cases, impacting how cities and police departments must
27 train and supervise officers.
- 28 • **Citation:** *Graham v. Connor*, 490 U.S. 386 (1989).

29 These cases collectively emphasize the responsibility of cities and local governments to protect
30 civil rights and outline the legal consequences of failing to do so. They illustrate the principles
31 and legal standards that guide the protection of civil rights at the municipal level.

32 **City of Oakland's Repeated Abuses Against Its Citizens Requires** 33 **Punitive Relief.**

34 The Oakland Police Department (OPD) has been involved in several high-profile cases related to
35 civil rights violations over the years. These cases have led to significant legal consequences and
36 reforms. Here is a list of some key cases:

37 **1. Riders Scandal (Delphine Allen v. City of Oakland, 2000)**

- 1 • **Summary:** This was a class-action lawsuit filed against the City of Oakland and its
2 police department, alleging widespread civil rights abuses by a group of officers known
3 as "The Riders." These officers were accused of kidnapping, beating, and planting
4 evidence on residents, primarily in West Oakland.
- 5 • **Outcome:** The case resulted in a \$10.9 million settlement and the imposition of a consent
6 decree, known as the Negotiated Settlement Agreement (NSA). The NSA required
7 extensive reforms within the Oakland Police Department, including changes in policies
8 related to use of force, internal affairs investigations, and officer supervision.
- 9 • **Citation:** *Delphine Allen, et al. v. City of Oakland, et al., No. C00-4599 TEH (N.D. Cal.*
10 *2003).*

11 2. Occupy Oakland Protests (*Campbell v. City of Oakland, 2011*)

- 12 • **Summary:** This case arose from the OPD's response to the Occupy Oakland protests.
13 The plaintiffs alleged that the police used excessive force, including tear gas and rubber
14 bullets, to disperse peaceful protesters, resulting in serious injuries.
- 15 • **Outcome:** The case led to a settlement where the City of Oakland agreed to pay \$1.17
16 million to the injured protesters and implement new crowd control policies to prevent the
17 excessive use of force in future protests.
- 18 • **Citation:** *Campbell v. City of Oakland, No. 3:11-cv-05498-EMC (N.D. Cal. 2013).*

19 3. Oscar Grant Case (*Johannes Mehserle Conviction, 2009*)

- 20 • **Summary:** Oscar Grant, an unarmed Black man, was fatally shot by BART (Bay Area
21 Rapid Transit) police officer Johannes Mehserle in Oakland. Although not directly
22 involving the Oakland Police Department, the case had significant implications for the
23 city, sparking protests and leading to broader scrutiny of police practices in the region.
- 24 • **Outcome:** Mehserle was convicted of involuntary manslaughter. The incident led to civil
25 lawsuits, resulting in settlements with Grant's family and increased demands for police
26 accountability in Oakland.
- 27 • **Citation:** *People v. Mehserle, No. BA353334 (L.A. Sup. Ct. 2010).*

29 4. Occupy Oakland Police Brutality Lawsuits (*Tikka v. City of Oakland, 2012*)

- 30 • **Summary:** This case involved allegations of police brutality during the Occupy Oakland
31 protests. Plaintiffs claimed that Oakland police officers used excessive force in violation
32 of their civil rights.
- 33 • **Outcome:** The City of Oakland settled the lawsuit for \$1 million. The settlement also
34 required additional reforms to the department's use of force policies.
- 35 • **Citation:** *Tikka v. City of Oakland, No. 12-cv-03970 (N.D. Cal. 2012).*

36 5. Scott Olsen Case (*Olsen v. City of Oakland, 2012*)

- 1 • **Summary:** Scott Olsen, a Marine Corps veteran, was critically injured during an Occupy
2 Oakland protest when he was struck by a projectile fired by the Oakland Police
3 Department. The incident led to widespread condemnation of the department's tactics.
- 4 • **Outcome:** The City of Oakland agreed to a \$4.5 million settlement with Olsen. This case
5 further pressured the department to overhaul its policies on the use of force during
6 protests.
- 7 • **Citation:** *Olsen v. City of Oakland, No. 12-cv-06330 (N.D. Cal. 2014).*

8 **6. Celeste Guap Scandal (Settlements in 2016-2017)**

- 9 • **Summary:** This scandal involved allegations that multiple Oakland police officers
10 sexually exploited a teenager known as Celeste Guap. The case exposed serious
11 misconduct within the department and led to the resignation of multiple high-ranking
12 officials.
- 13 • **Outcome:** Several lawsuits were filed against the City of Oakland, resulting in
14 settlements totaling nearly \$1 million. The scandal also led to calls for greater
15 accountability and reform within the department.
- 16 • **Citation:** Settlements were reached out of court, so specific case citations are not
17 publicly available.

18 **7. Doomed Oversight: Federal Monitoring and Failure to Comply with Reforms** 19 **(2003 - Present)**

- 20 • **Summary:** Since the Riders Scandal, the OPD has been under federal oversight due to its
21 failure to comply with the terms of the Negotiated Settlement Agreement. Despite years
22 of federal monitoring, the department has struggled to implement the required reforms,
23 leading to ongoing legal battles and court interventions.
- 24 • **Outcome:** The continued federal oversight illustrates the systemic challenges within the
25 OPD and the legal requirement for the department to comply with civil rights protections.
- 26 • **Citation:** Ongoing federal oversight, case references include *Delphine Allen v. City of*
27 *Oakland.*

28 These cases illustrate significant civil rights violations by the Oakland Police Department and the
29 subsequent legal actions that have been taken to address these issues. The ongoing reforms and
30 federal oversight highlight the challenges of ensuring that a police department upholds the civil
31 rights of its citizens. Due to the lack of responsible change we request punitive damages!!

32 **Relief Requested:**

- 33 1. **Retraining of Oakland Public Library Staff and Security:** Implement mandatory
34 retraining to ensure that staff and security personnel do not lock out the public in
35 situations that could potentially endanger lives.
- 36 2. **Retraining of Police Officers:** Conduct comprehensive retraining of police officers on
37 responding to violent incidents, with a focus on adherence to basic police procedures.

- 1 3. **Timely Provision of Police Reports:** Establish a standard for providing police reports
2 promptly upon request, with a time frame significantly shorter than the two-plus years
3 experienced in this case.
- 4 4. **Penalties for Delayed Police Reports:** Impose penalties on the department for failing to
5 provide police reports within a reasonable time frame, such as within one year.
- 6 5. **Mandatory Victim Assistance:** Require officers and first responders to assist all crime
7 victims, including conducting visual inspections to ensure no injured or hobbling victims,
8 such as the plaintiff, are overlooked.
- 9 6. **Penalties for Negligence:** Introduce penalties for the city and police department when a
10 lack of care and action results in severe emotional and physical harm to victims.
- 11 7. **Mandatory Charging of Assailants:** Ensure that assailants are charged for their crimes,
12 particularly in cases involving obvious hate crimes.
- 13 8. **Hate Crime Charges:** Mandate that the city charge the assailant in this case with a hate
14 crime, as the evidence clearly supports such a charge.
- 15 9. **Multiple Hate Crime Charges:** Require that suspects who commit multiple hate crimes
16 be charged accordingly for each offense.
- 17 10. **Comprehensive Officer Retraining:** Demand immediate retraining of all officers,
18 emphasizing the importance of basic police procedures and proper conduct.
- 19 11. **Response to All Calls for Assistance:** Enforce a policy requiring police officers to
20 respond to all calls for assistance, ensuring that situations like the neglect of Oakland
21 librarians' calls are never repeated.
- 22 12. **Prohibition of Refusal to Assist Injured Victims:** Prohibit officers from refusing to
23 respond to injured victims, particularly in hate crime cases.
- 24 13. **Disciplinary Action Against Officer Collin Cameron:** Discipline Officer Collin
25 Cameron and remove him from investigative duties due to his demonstrated unfitness for
26 police duties.
- 27 14. **Disciplinary Action Against Officer Da Sean Spencer:** Discipline Officer Da Sean
28 Spencer for failing to provide proper assistance and for allowing corruption to persist.
- 29 15. **Termination of Officer Brown:** Terminate Officer Brown for attempting to bribe a
30 crime victim to protect a fellow officer.
- 31 16. **New Administrative Procedures for Calls from Women and Children:** Implement
32 new procedures emphasizing compassion and responsiveness in handling calls from
33 women and children.
- 34 17. **Financial Compensation for the Plaintiff:** Provide whatever financial compensation to
35 the plaintiff court feels fair for all physical pain and suffering (including four cardiac
36 arrest), as well as mental anguish related to the stress and depression he has endured due
37 to event.

38

39

40 **Complaint Conclusion**

41 The impact of prolonged police harassment on mental and physical health has been extensively
42 studied, with findings consistently demonstrating significant negative outcomes. When police

1 harassment is pervasive and systematic, it can lead to chronic stress, anxiety, and depression. If
2 left untreated or compounded by continued harassment, these mental health issues can escalate
3 into more severe conditions such as post-traumatic stress disorder (PTSD) and other anxiety
4 disorders.

5 A notable study examined the experiences of Black men subjected to repeated police harassment
6 and found a strong correlation between these experiences and the onset of mental health
7 disorders like depression and anxiety. The study highlighted how the constant fear and stress
8 associated with police encounters can induce a state of hypervigilance, contributing to long-term
9 psychological distress. This distress often manifests in physical ailments, such as hypertension,
10 cardiovascular issues, and a weakened immune system, further exacerbating health disparities
11 within these communities.

12 Additionally, the intersection of police harassment with other forms of violence and
13 discrimination compounds the negative health outcomes. Marginalized groups, including
14 LGBTQ+ individuals who experience both police harassment and community violence, often
15 face heightened levels of mental health issues, such as increased substance use and suicidal
16 ideation. This is directly linked to the compounded stress from multiple sources of discrimination
17 and violence.

18 Overall, these studies underscore that police harassment is not only a civil rights issue but also a
19 significant public health concern, contributing to both mental and physical health disparities in
20 marginalized communities.

21 **Plaintiff's Request for Summary Judgment and Immediate Relief**

22 Under Federal Rule of Civil Procedure 60(b), this Court has the discretion to relieve a party from
23 a final judgment, order, or proceeding for reasons including "mistake, inadvertence, surprise, or
24 excusable neglect," or "any other reason that justifies relief." The plaintiff's hospitalization
25 constitutes excusable neglect, and upon recovery, the plaintiff acted diligently to address the
26 status of the case.

27 When local police and city government have been unresponsive to a resident's complaint
28 regarding civil rights violations for an extended period—such as two years—the following legal
29 principles and concepts are particularly relevant in seeking a summary judgment:

- 30 1. **Excusable Neglect:** The plaintiff's inability to pursue the case due to severe health issues
31 falls under excusable neglect, warranting relief from the final judgment.
- 32 2. **Systematic Harassment:** The pervasive nature of the harassment endured by the plaintiff
33 justifies immediate judicial intervention to prevent further harm.
- 34 3. **Public Health Impact:** The cumulative mental and physical toll on the plaintiff, as
35 supported by extensive research, emphasizes the urgency of addressing the civil rights
36 violations through a summary judgment.

1 In light of these factors, the plaintiff respectfully requests that the Court grant summary
2 judgment and immediate relief to rectify the ongoing violations and mitigate the long-term harm
3 caused by the defendants' actions.

4 **SUMMARY JUDGEMENT**

- 5 1. **Summary Judgment:** A summary judgment is a procedural device in civil litigation
6 where one party seeks to have the court decide the case (or a specific issue) in their favor
7 without a full trial. It is granted when there is no genuine issue of material fact, and the
8 moving party is entitled to judgment as a matter of law.
- 9 2. **Failure to Exhaust Administrative Remedies:** In cases involving government entities,
10 courts often require plaintiffs to exhaust all available administrative remedies before
11 seeking judicial relief. However, if the city and police have been unresponsive to
12 requests, this could potentially be argued as constructive exhaustion or futility of
13 pursuing further administrative remedies.
- 14 3. **Unreasonable Delay (Laches):** The doctrine of laches may apply if the city's failure to
15 respond timely has caused harm to the plaintiff's case. The plaintiff could argue that the
16 city's inaction or delay constitutes an unreasonable delay that justifies immediate judicial
17 intervention.
- 18 4. **Due Process Violation:** The resident may argue that the city's nonresponse to requests
19 violates procedural due process rights, as guaranteed by the Fourteenth Amendment. The
20 lack of any meaningful opportunity to be heard or receive a resolution could be seen as a
21 denial of due process.
- 22 5. **Municipal Liability (Monell Claim):** Under *Monell v. Department of Social Services*, a
23 city can be held liable for civil rights violations if the plaintiff can prove that the violation
24 was caused by a municipal policy, custom, or practice, or a failure to train its employees.
25 Being nonresponsive over two years indicate a policy of ignoring complaints.
- 26 6. **Injunctive Relief:** The resident might seek injunctive relief as part of the summary
27 judgment motion, requesting the court to compel the city to act or cease certain conduct.
28 If the city's inaction is causing ongoing harm, this might be a strong argument.
- 29 7. **Summary Judgment on Grounds of No Genuine Issue of Material Fact:** If the facts
30 are undisputed—specifically, the city's nonresponse to complaints—the resident may
31 argue that there is no genuine issue of material fact requiring a trial, and they are entitled
32 to a judgment as a matter of law.
- 33 8. **Constructive Denial:** If the city's failure to respond is effectively a denial of the
34 resident's rights or requests, the resident could argue that the prolonged inaction
35 constitutes a constructive denial, making further administrative steps futile.
- 36 9. **Equitable Tolling:** If there are statutory deadlines for bringing certain claims, the
37 plaintiff might argue for equitable tolling due to the city's inaction, meaning that the
38 clock on the statute of limitations should be paused due to the city's lack of response.
- 39 10. **Civil Rights Act (42 U.S.C. § 1983):** Under this statute, a person can sue for violations
40 of constitutional rights by government actors. If the city's nonresponse is tied to a
41 broader pattern of civil rights violations, this could form the basis for a summary
42 judgment under § 1983.

1 These terms and concepts Support a motion for summary judgment when the city and local
2 police have been nonresponsive to a resident's complaints over an extended period. THIS IS
3 THE CASE HERE. Respectfully; plaintiff request the Judge to act accordingly.

4

5 Respectfully submitted,

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8 El Cerrito, California, 94530
9 DennisAllums@gmail.com
10 510-730-5424

11

12

13

Dennis Allums
9-5-2024

JS-CAND 44 (Rev. 10/2020)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS DENNIS BRUCE ALLUMS</p> <p>(b) County of Residence of First Listed Plaintiff <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Pro Per</p>	<p>DEFENDANTS CITY OF OAKLAND ET ALL</p> <p>County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i> Unknown</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability			400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	LABOR	PROPERTY RIGHTS	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	710 Fair Labor Standards Act	820 Copyrights	430 Banks and Banking
151 Medicare Act	340 Marine	720 Labor/Management Relations	830 Patent	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	751 Family and Medical Leave Act	840 Trademark	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	790 Other Labor Litigation	880 Defend Trade Secrets Act of 2016	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	791 Employee Retirement Income Security Act	SOCIAL SECURITY	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice		861 HIA (1395ff)	490 Cable/Sat TV
196 Franchise	CIVIL RIGHTS	IMMIGRATION	862 Black Lung (923)	850 Securities/Commodities/Exchange
	<input checked="" type="checkbox"/> 440 Other Civil Rights	462 Naturalization Application	863 DIWC/DIWW (405(g))	890 Other Statutory Actions
REAL PROPERTY	441 Voting	465 Other Immigration Actions	864 SSID Title XVI	891 Agricultural Acts
210 Land Condemnation	442 Employment		865 RSI (405(g))	893 Environmental Matters
220 Foreclosure	443 Housing/Accommodations			895 Freedom of Information Act
230 Rent Lease & Ejectment	445 Amer. w/Disabilities—Employment		FEDERAL TAX SUITS	896 Arbitration
240 Torts to Land	446 Amer. w/Disabilities—Other		870 Taxes (U.S. Plaintiff or Defendant)	899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	448 Education		871 IRS—Third Party 26 USC § 7609	950 Constitutionality of State Statutes
290 All Other Real Property				

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
 This is a 42 U.S.C. § 1983 Lawsuit from the Federal Statute Under Which Such Lawsuits Are Commonly Filed, Section 1983 of Title 42
 Brief description of cause:
CITY OF OAKLAND VIOLATED THE CIVIL RIGHTS OF PLAINTIFF

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER N/A (ONLY DISMISSED CASES)

IX. DIVISIONAL ASSIGNMENT *(Civil Local Rule 3-2)*
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 09/04/2024 SIGNATURE OF ATTORNEY OF RECORD *Dennis Allums*