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COUNTY OF SAN MATEO and
CHRISTINA CORPUS

Electronically
FILED
by Superior Court of California, County of San Mateo
ON 11/8/2023
By /s/ Ashlee Nelson
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

(Exempt from Filing Fees pursuant to Government Code §6103)

A.B.O. COMIX, KENNETH ROBERTS, ZACHARY GREENBERG, RUBEN GONZALEZ-MAGALLANES, DOMINGO AGUILAR, KEVIN PRASAD, MALTI PRASAD, and WUMI OLADIPO,

Plaintiffs,

v.

COUNTY OF SAN MATEO and CHRISTINA CORPUS, in her official capacity as Sheriff of San Mateo County

Defendants.

Case No. 23-CIV-01075

Assigned for All Purposes to:
Hon. V. Raymond Swope, Dept. 23

DECLARATION OF CRISTOFER SERRANO AS CUSTODIAN OF RECORDS PURSUANT TO CALIFORNIA EVIDENCE CODE SECTION 1561(a), FILED IN RELATION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Date: ~~December 4, 2023~~ 3/4/2024
Time: 2:00 PM
Dept.: 23

Action Filed: March 9, 2023
Trial Date: None Set

I, Cristofer Serrano declare as follows:

1. I am the Administrative Classification Sergeant for the San Mateo County Sheriffs' Office. One of my job duties is to ensure proper care and custody of inmates housed in the County's adult jails. I am also a custodian of records for Sheriff's Corrections. I have held this position since October 15, 2023. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify thereto.

2. I am over the age of 18 and not a party to this action.

3. In my capacity as Administrative Classification Sergeant, I am the duly authorized custodian of records for grievances filed by inmates incarcerated in San Mateo County's two adult jails. I am the person most qualified to testify as to how these records are created and maintained.

4. My business address is 300 Bradford Street, Redwood City, CA 94063 .

5. On October 18, 2023, Deputy County Attorney Tara Heumann provided me with a black and white copy of a grievance form that Zachary Greenberg, an inmate formerly incarcerated in San Mateo County's jails, purportedly filed on October 20, 2022. On October 31, 2023, Ms. Heumann also provided me with a color photograph of Mr. Greenberg's purported October 20, 2022, grievance.

6. A true and correct copy of the black and white copy of the purported grievance that Ms. Heumann provided to me is attached hereto as **Exhibit 1**.

7. A true and correct copy of the color photograph of the purported grievance that Ms. Heumann provided to me is attached hereto as **Exhibit 2**.

8. For the reasons explained below, the County has no record of receiving this grievance and I cannot confirm its authenticity.

9. The mode of preparation of the records is, as follows: Pursuant to 15 C.C.R. § 1073, the San Mateo County Sheriff's Office has established a grievance policy (hereinafter the "Grievance Policy"). The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement, including mail procedures. A true and correct copy of the Grievance Policy is attached hereto as **Exhibit 3**.

10. If an inmate wishes to file a grievance, the inmate must complete an inmate grievance form. The inmate must file the grievance form, by giving it to a staff member, within 14 days of the date the complaint or issue occurred.

11. This Grievance Policy dictates that upon receiving a completed inmate grievance form, a staff member shall acknowledge receipt of the grievance by signing the form and giving a copy to the inmate. The staff member receiving the form shall gather all associated paperwork and

reports and immediately forward it to a supervisor. The Grievance Policy further dictates that upon receiving a completed inmate grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Division Commander.

12. The supervisor shall assign the investigation of the grievance to the manager in charge of the department the inmate is grieving. There is an appeals process to the Division Commander, who "should maintain a grievance log in a central location accessible to all supervisors." "A copy of each grievance should be filed in the inmate's official record and maintained throughout the inmate's period of incarceration." The grievance must be filed and a copy maintained, independent of the outcome of the grievance.

13. The Grievance Policy dictates that the original copy of all inmate grievances filed under the policy will be retained in a file maintained by the Division Commander, or an authorized designee of the Division Commander. The Grievance Policy further commands that copies of all grievances submitted under the policy shall be maintained in accordance with established records retention schedules. This is not conditioned on the outcome of the grievance. Further, a Supervisors' Response shall be provided to every inmate grievance submitted, regardless of the merits. And such a response shall be provided, even if it is determined that the subject of the inmate's grievance is outside of the Grievance Policy. Records of all inmate grievances shall be maintained by the Division Commander, even if it is determined that the subject of the inmate's grievance does not lie within the jurisdiction of the Grievance Policy.

14. As explained above, on October 18, 2023, Deputy County Attorney Tara Heumann provided me with a copy of the document attached hereto as **Exhibit 1**. The document purports to be a grievance form that Zachary Greenberg, an inmate formerly incarcerated in San Mateo County's jails, claims to have filed on October 20, 2022.

15. This document is consistent with the inmate grievance forms provided to inmates pursuant to the Grievance Policy. If it were truly filed on October 20, 2022, a copy should have been maintained in the jail's files, as described above, and a Supervisor's Response should have been provided as described above, regardless of the outcome of the grievance.

16. I thoroughly reviewed the grievance records maintained for Zachary Greenberg, however, there is no copy of this purported grievance in the jail's files. I searched diligently in any location (physical and digital) where a copy of this grievance might be found but I did not locate it. As a result, I can neither confirm the authenticity of this purported grievance, nor can I definitively conclude that it is a forgery.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on this 2nd day of November 2023 in Redwood City, California.

CRISTOFER SERRANO

EXHIBIT 1

San Mateo County Jail Facilities
Inmate Grievance Form

Routing: Staff Only
- ☒ Administration
- ☐ Other
- ☐ Classification
- ☐ Medical
- ☐ Food Service

Received: Staff Only
Date
Time
Facility
Deputy

To: (Shift Sergeant) Cathright ~~Lieutenant (Commander)~~ **Date**

From: (Inmate's Name) **Id#** **Cell**

Grievance (Please be specific: time, date, etc.)

Note: Upon signing this form take GOLD copy. It contains the grievance procedures.

Inmate's Signature:

Supervisor's response:

Signature: **Date:**

White: *Administration* Yellow: *Response to Inmate* Pink: *Staff* Gold: *To Inmate*

Revised 5/15/17

EXHIBIT 2

San Mateo County Jail Facilities
Inmate Grievance Form

Routing: Staff Only
- ☒ Administration
- ☐ Other
- ☐ Classification
- ☐ Medical
- ☐ Food Service

Received: Staff Only
Date 10/20/22
Time 02
Facility MSFC
Deputy KRUMSING

To: (Shift Sergeant) ~~Loobat (or next duty Commander)~~ Cathright **Date** 10/20/22

From: (Inmate's Name) Zachary Greenberg **Id#** 1234307 **Cell** 1M3

Grievance (Please be specific: time, date, etc.) I have been denied personal Mail addressed to me while incarcerated at this facility San Mateo County Jail from family, loved ones and other personal correspondents for the past 18 months in violation of my Constitutional Rights Under 8th Amendment not to be subject to cruel and unusual punishment, and under the 14th Amendment not to be deprived of property. As of April 18, 2022 Myself and other inmates were forced to accept personal mail being sent to "San Mateo Jail Mail" and Scanned, then shredded. Inmates were told via tablet and Kiosk login that "This facility will no longer act as a mail receiving agent for regular Mail and not providing acknowledgement may result in this mail being returned to Senders. I am once forced under this policy to accept letters from loved ones being sent to Florida, and then shredded, or take out having any access (digital only) to such mail/property sent via U.S. Postal Service. This is cruel and unusual punishment. The facility in the same period began rejecting all books from Amazon in violation of PC 2601. I hereby withdraw consent to the Policy and request to directly receive all Mail. **Inmate's Signature:**

Note: Upon signing this form take GOLD copy. It contains the grievance procedures.

Supervisor's response:

Signature: **Date:**

White: *Administration* Yellow: *Response to Inmate* Pink: *Staff* Gold: *To Inmate*

Revised 6/15/17

EXHIBIT 3

Inmate Grievances

612.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

612.2 POLICY

It is the policy of this office that any inmate may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures and allegations of sexual abuse (15 CCR 1073).

Grievances will not be accepted if they are challenging the rules and policies themselves, state or local laws, court decisions and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

612.3 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the inmate’s file. If there is no resolution at this level, the inmate may request a grievance form.

The inmate should be advised to complete the form and return it to any staff member. A grievance should be filed by an inmate within 14 days of the complaint or issue.

Inmates cannot file a grievance on behalf of another inmate but an inmate may assist another inmate in the preparation of a grievance. Custody staff may take reasonable steps to assist the inmate in the preparation of a grievance if requested.

Upon receiving a completed inmate grievance form, the staff member shall acknowledge receipt of the grievance by signing the form and giving a copy to the inmate. The staff member receiving the form shall gather all associated paperwork and reports and immediately forward it to a supervisor.

612.3.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Inmates may request to submit the grievance directly to a supervisor or mail it directly to the Division Commander if they reasonably believe the issues to be grieved are sensitive or that their safety would be in jeopardy if the contents of the grievance were to become known to other inmates.

Inmates with limited access to mail privileges, who are in segregation units or are indigent may deposit their grievances in the locked grievance box within their housing unit or place their grievance in a sealed envelope labeled “Grievance” and deposit it in the regular mail boxes. These envelopes will be delivered directly to the Division Commander and not forwarded to the United States Postal Service.

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612.3.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Division Commander. The supervisor shall assign the investigation of the grievance to the manager in charge of the department the inmate is grieving.

Grievances related to medical care should be investigated by the medical staff or the authorized designee. The findings of that investigation, along with any recommendations, shall be forwarded to the sergeant. Any appeals of the findings of the medical staff shall be forward to the Division Commander as the final level of appeal.

Grievances about food-related matters should be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be forwarded to the sergeant. Any appeals shall be forwarded to the Division Commander as the final level of appeal.

Other grievances relating to programs or other services provided by the Office shall be investigated by the custody staff with the assistance of the supervising employee in charge of those services. Findings relating to the investigation will be forwarded to the sergeant. Any appeals shall be forwarded to the Division Commander as the final level of appeal.

612.3.3 APPEALS TO GRIEVANCE FINDINGS

Inmates may appeal the finding of a grievance to the Division Commander as the final level of appeal within five days of receiving the findings of the original grievance. The Division Commander will review the grievance and either confirm or deny it. If the Division Commander confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal.

Appeals related to sexual abuse allegations shall be confirmed or denied by the Division Commander within 10 calendar days.

612.3.4 RECORDING GRIEVANCES

The Division Commander should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance, along with its finding, on the grievance log. Periodic reviews of the log should be made by the Division Commander or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the inmate’s official record and maintained throughout the inmate’s period of incarceration.

The original grievance should be retained in a file maintained by the Division Commander or the authorized designee, and shall be retained in accordance with established records retention schedules.

612.3.5 FRIVOLOUS GRIEVANCES

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, he/she shall be informed that continued behavior may result in disciplinary action.

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612.4 GRIEVANCE AUDITS

The Division Commander should perform an annual audit of all inmate grievances and complaints filed the previous calendar year. The Division Commander should forward a memorandum to the Sheriff detailing the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Sheriff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Training Manager, who will be responsible for ensuring all necessary and required training is scheduled and completed.

612.5 TRAINING

The Training Manager shall ensure that all custody staff receive initial and periodic training regarding all aspects of this policy. All training delivered should include testing to document that the employee understands the subject matter.

612.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52; 15 CCR 1029):

(a) Inmates may submit a grievance regarding an allegation of sexual abuse at any time.

(b) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing such grievances and to file such grievances on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff members who receive a grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and shall document the inmate's decision.

(c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint

(d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Watch Commander for investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.

(e) The Watch Commander shall ensure that grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. The Watch Commander may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the inmate shall be notified in writing and provided a date by which a decision will be made.

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(f) At any level of the process, including the appeal, if the inmate does not receive a response within the allotted time, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

(g) Inmates may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

612.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Watch Commander, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).

612.7 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal.

Inmates will receive information concerning the grievance procedure during the orientation process. Information will also be contained in the inmate handbook. Information regarding the grievance process will be provided to inmates in the language they understand.

The information will include (15 CCR 1073(a) and (b)):

(a) A grievance form or instructions for registering a grievance.

(b) Instructions for the resolution of the grievance at the lowest appropriate staff level.

(c) The appeal process to the next level of review.

(d) Written reasons for denial of a grievance at each level of review.

(e) A provision of required timeframes for responses.

(f) A provision for resolving questions of jurisdiction within the facility.

(g) Consequences for abusing the grievance system.

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