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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SONOMA – UNLIMITED JURISDICTION**

14 MARCUS HOLTON,

15 Plaintiff,

16 vs.

17 COUNTY OF SONOMA; and DOES 1-10
18 inclusive,

19 Defendants.

Case No. 25CV08535

COMPLAINT

1. Unlawful Employment Discrimination Because of Race (Cal. Gov. Code § 12940(a));
2. Unlawful Failure to Take All Reasonable Steps Necessary to Prevent Employment Discrimination Because of Race (Cal. Gov. Code § 12940(k));
3. Unlawful Harassment Because of Race (Cal. Gov. Code § 12940(j));
4. Unlawful Failure to Take All Reasonable Steps Necessary to Prevent Harassment Because of Race (Cal. Gov. Code § 12940(k)); and
5. Unlawful Retaliation (Cal. Gov. Code § 12940(h)).

[DEMAND FOR JURY TRIAL]

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION1

II. PARTIES4

III. JURISDICTION AND VENUE6

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES / NO PREEMPTION6

V. CONTINUING VIOLATIONS 6

VI. FACTUAL ALLEGATIONS 7

A. Overview Of Sonoma County And Its Sheriff’s Office7

 1. **Sonoma County**7

 2. **Sonoma County Government**7

 3. **The Structure Of The Sheriff’s Office** 7

B. The History Of Racial Issues Involving The Sheriff’s Office 9

 1. **The Sonoma County Grand Jury’s 1998 Report Regarding The Sheriff’s Office** 10

 2. **The United States Commission On Civil Rights’ California Advisory Committee’s 2000 Report Regarding the Sheriff’s Office** 10

 3. **The Sonoma County Civil Grand Jury’s 2002-2003 Report Regarding the Sheriff’s Office** 11

 4. **The 2005 Federal Lawsuit Alleging Discrimination, Harassment and Retaliation Within The Sheriff’s Office**14

 5. **“The ‘Good Old Boys Club’ Mentality”** 16

 6. **The Sonoma County Independent Office Of Law Enforcement Review And Outreach (“IOLERO”) Findings And Interactions With The Sheriff’s Office**16

C. Dysfunction And Intimidation Regarding Oversight And Accountability For The Sheriff’s Office20

 1. **Violence And The Sonoma County Sheriff’s Office**22

D. Overview Of Plaintiff’s Employment In Law Enforcement 24

 1. **Plaintiff’s Excellent Written Performance Evaluations** 26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. **The Evaluations Are Accurate And Can Be Relied Upon** 26
 - i. **2022 – 2024: “Exceeds Standards”** 27
 - ii. **2021 – 2022: “Outstanding”** 28
 - iii. **2020 – 2021: “Outstanding”** 28
 - iv. **2019 – 2020: “Exceeds Standards”** 29
 - v. **2018 – 2019: “Exceeds Standards”** 30
 - vi. **2016 – 2018: “Exceeds Standards”** 30
 - vii. **2014 – 2016: “Exceeds Standards”** 31
 - viii. **2012 – 2014: “Exceeds Standards”** 33
 - ix. **2009 – 2011: “Exceeds Standards”** 34
 - x. **2005 – 2008: “Exceeds Standards”** 36
 - xi. **2004 – 2005: “Standard”** 37
- E. **Promotional Processes Over Many Years are Infected by Racism, Bias, Discrimination, Harassment and Retaliation** 37
 - 1. **Specific Promotional Processes of Note** 39
 - a. **“Black People Can’t Swim,” And That is “Science”** 41
 - b. **The Role of Sheriff Eddie Engram** 42
- F. **Other Notable Instances And Indicators Of Racism** 45
 - 1. **“I Hate Women And Minorities”** 45
 - 2. **“Wow, The Sheriff’s Office Has Really Changed”**45
 - 3. **A White Male Physically Assaults Plaintiff, And Is Insubordinate To Plaintiff, And Plaintiff Is The One That Is Disciplined**46
 - 4. **Plaintiff Has Nothing To Offer Engram And Will Pay The Price**50
 - 5. **Where’s the File?**51
 - 6. **“I’m Not Done With You”**52
 - 7. **“They’re Not Going To Let Me Pick You”** 53
 - 8. **“What Did You Expect?”** 53
 - 9. **“Tends To Get Easily Upset When He Perceives That A Trainee Challenges His Authority” And “Body Posture”**54

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10. **“Rumor and Speculation”** 55

11. **“Lazy” / “Porch Monkey” / An Astounding Lack Of Follow-Up Questions** 56

12. **Use of N-Word in One or More Briefing Meetings** 58

13. **“I’m Directing You To Not Be Offended”** 58

14. **The “I Can’t Breathe” Trophy Sign Sits In The Briefing Room For Weeks** 59

15. **“I’ll Stop Using It When They Stop Using It In Songs”** 60

16. **“Hey Eddie”** 60

17. **“Ghost Stops”** 60

18. **“They Could Never Prove It Was Me”** 61

19. **Plaintiff Is Physically Assaulted Twice / “You’re Always Strutting Around Like This”** 62

 a. **Assault #1** 63

 b. **Assault #2** 63

20. **Efforts To Undercut Plaintiff’s Firearms Training Role** 64

21. **“You Can’t Shoot Black People Anymore”** 65

22. **The Investigation Is Essentially Non-Existent Or Goes Nowhere**..... 65

23. **“Next Thing He’ll Say Is He Can’t Breathe”** 65

24. **Shunning** 65

25. **Déjà vu – Investigations Going Nowhere** 67

G. **Constructive Termination / Discharge** 68

H. **28 Days** 69

I. **Continued Harassment And Intimidation From Sonoma’s Lawyers** 71

J. **Damages** 72

VII. **LEGAL VIOLATIONS** 75

1 Plaintiff Marcus Holton (“Plaintiff”), through his counsel of record, alleges and avers the
2 following based on personal knowledge as to the facts known to him, and upon information and
3 belief as to all other matters, against Defendants COUNTY OF SONOMA; and DOES 1-10
4 inclusive, as follows:

5 **I. INTRODUCTION**

6 1. This is an employment case regarding the County of Sonoma’s unlawful
7 discriminatory, harassing, and retaliatory conduct toward Plaintiff Marcus Holton. Mr. Holton,
8 age 53, is an African American, and worked as a Deputy Sheriff in the Sonoma County Sheriff’s
9 Office for more than 20 years between 2003 and 2025. In 2025, he retired due to intolerable and
10 hostile working conditions described herein.

11 2. This case concerns the Sheriff’s Office “Law Enforcement Division” in which
12 Plaintiff worked. The sworn law enforcement personnel in the Law Enforcement Division are
13 overwhelmingly white males, and it has always been so. That is not accidental, and is by design.
14 Management personnel in the Sheriff’s Office are overwhelmingly white males, and it has always
15 been so. That is not accidental, and is by design.

16 3. During Plaintiff’s time with the Sheriff’s Office, he endured a continuous pattern
17 and practice of blatant, sickening racism from Sheriff’s Office personnel that negatively affected
18 Plaintiff’s working conditions, his economic opportunities, and ultimately his physical and mental
19 well-being.

20 4. For **22 years**, from the day he began working for the Office, until the day he left,
21 Plaintiff remained in the “Deputy Sheriff II” position. He never once received a promotion.

22 5. On seven occasions throughout his career, when openings for Sergeant positions
23 arose, Plaintiff applied. Sergeant was just the next rank up from the lowest level of Deputy
24 Sheriff. The ranks within the Office, in ascending order, are: Deputy, Sergeant, Lieutenant,
25 Captain, Assistant Sheriff, and Sheriff. Plaintiff was denied the position each time, and less
26 qualified white males were promoted. Many of them were so ill-equipped for the roles that they
27 were either demoted, resigned, or forced out. But no matter, there were always more white males
28 to re-fill the positions. But never Plaintiff.

1 6. Moreover, since 2014, Plaintiff on six occasions applied for various “specialty
2 assignments” also known as “collateral assignments.” These are assignments such as working in
3 the Office’s Helicopter Unit, for which Plaintiff applied three times. Despite being more
4 qualified than the white male applicants, Plaintiff was denied each time. The others selected over
5 him were all eventually released or voluntarily left the program.

6 7. Specialty assignments are very important to promotional prospects. Holders of
7 those positions gain valuable experience that help qualify them for future promotions. Office
8 management parcels out those assignments to favored white male candidates. Failure to get
9 opportunities in terms of assignments cascades. Through allocation of these specialty
10 assignments, Office managerial personnel “control the résumé” of their employees. Those who
11 are favored and given the opportunity to work a special assignment have a boost in their
12 qualifications. Those who are denied the opportunities start off any attempt to gain a promotion
13 on a lower rung.

14 8. Throughout his career, while still remaining a Deputy, Plaintiff served in
15 numerous roles, including eight years on the SWAT Team, 11 years as a Field Training Officer
16 (“FTO”), and 19 years as a Firearms Instructor. That included work as an active shooter
17 instructor, providing active shooter training to members of the Office, as well with a team
18 teaching active shooter training to smaller surrounding law enforcement agencies.

19 9. As an Field Training Officer, Plaintiff trained many dozens of white deputies,
20 several of whom were then eventually promoted to be Plaintiff’s supervisors.

21 10. In 2015, the Office initiated a body-worn camera program. Plaintiff volunteered to
22 be one of the first Deputies to wear the body-worn camera on patrol. When the program was
23 implemented Office-wide, Plaintiff volunteered to be an instructor for the body-worn cameras,
24 and provided instruction to his co-workers and trainees on their proper use.

25 11. As the written performance evaluations discussed herein overwhelmingly indicate,
26 Plaintiff was very good at his job and in these roles. Any objective analysis would indicate that
27 he had earned a promotion to Sergeant, a very logical progression in accord with many of the
28 things that he was already doing – training and overseeing dozens of people.

1 12. But Plaintiff never even received the opportunity to work as a Sergeant. And that
2 is all he ever wanted, just an *opportunity*. Plaintiff did not want any special preference, just to be
3 evaluated in an objective and impartial way, and without regard to race. That never happened.

4 13. This is not just a case about the Office’s conscious, illegal, incredibly long-term
5 refusal to promote Plaintiff. Plaintiff herein presents a variety of alarming materials necessary to
6 understand the racist Office culture in which Plaintiff began his employment, a culture that was
7 very consciously perpetuated and reinforced by the Office over Plaintiff’s 22 years there.

8 14. Many of these items are in the public record. Separately, Plaintiff presents herein
9 many wildly racist, discriminating, harassing and retaliatory statements and actions that he has
10 experienced, heard, and seen within the Office. They are extremely painful and uncomfortable to
11 revisit and present. But they are necessary to understanding how it is that Plaintiff could on the
12 one hand be trusted to do extremely important things for the Office and for the benefit of the
13 community, and receive two decades’ worth of excellent written evaluations, but on the other
14 hand never advance *just one basic rung up in the Office’s hierarchy for more than 20 years*.

15 15. Exemplars detailed herein include the following statements directed at, about, or
16 around Plaintiff:

- 17 • *“I hate women and minorities”*
- 18 • *“Black people can’t swim,” and that is “science”*
- 19 • [Referring to the N-word] *“I’ll stop using it when they stop using it in songs”*
- 20 • *“You can’t shoot black people anymore”*
- 21 • *“Next thing he’ll say is he can’t breathe”* [comparing Plaintiff to George Floyd]

22 16. Plaintiff also was the victim of three racially-motivated physical assaults at the
23 hands of Office personnel, as detailed herein. There was a culture of violence within the Office,
24 and Plaintiff was a target and repeat victim.

25 17. Moreover, Sonoma currently has an African American Sheriff, Eddie Engram,
26 elected by the residents of the County. But he has played an active role in the discrimination
27 against Plaintiff due to a racially-based grievance that is more than 10 years old, and to appease
28 the very powerful racist faction within the Office.

1 employed by Defendant COUNTY OF SONOMA in its Sheriff's Office for more than 20 years
2 until April 2025.

3 24. Defendant COUNTY OF SONOMA ("Sonoma") is a governmental entity located
4 within the State of California, with its principal operations located at 575 Administration Drive,
5 Santa Rosa, California 95403. The Sonoma County Sheriff's Office is a law enforcement agency
6 and department within Sonoma.

7 25. One or more of Sonoma's supervisory and managerial personnel, in the regular
8 course and scope of their employment, engaged in acts of discrimination, harassment, and
9 retaliation toward Plaintiff. Sonoma's supervisory and managerial personnel additionally failed
10 to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from
11 occurring. By law, Sonoma is responsible for the acts and omissions of its supervisory and
12 managerial personnel.

13 26. Plaintiff is unaware of the true names and capacities of the Defendants sued herein
14 as DOES 1 to 10, inclusive, and therefore sues those Defendants by such fictitious names.
15 Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.

16 27. Plaintiff is informed and believes, and thereon alleges, that Defendants and each of
17 them are responsible under the law in some manner for the unlawful actions and unlawful
18 practices complained of herein.

19 28. Plaintiff is informed and believes, and thereon alleges, that at all times material
20 hereto and mentioned herein, each Defendant sued (both named and DOE Defendants) was the
21 successor in interest, predecessor in interest, agent, servant, employer, joint-employer, joint
22 venturer, contractor, contractee, partner, division, alias and/or alter ego of and/or with each of the
23 remaining Defendants and was, at all times, acting within the purpose and scope of such agency,
24 servitude, employment, contract, ownership, subsidiary, alias and/or alter ego and with the
25 authority, consent, approval, control, influence and ratification of each remaining Defendant sued
26 herein.

27 29. Plaintiff is informed and believes, and thereon alleges, that each and all of the acts
28 and omissions alleged herein were performed by, and/or are attributed to, all Defendants, each

1 acting as agents, employees, and/or co-conspirators, and/or under the direction and control, of
2 each of the other Defendants; and that these acts and failures to act were within the course and
3 scope of the agency, employment, conspiracy and/or direction and control.

4 **III. JURISDICTION AND VENUE**

5 30. Jurisdiction is proper pursuant to Government Code section 12965(c)(3) and Code
6 of Civil Procedure section 410.10. Venue is proper pursuant to Government Code section
7 12965(c)(3) because Sonoma’s unlawful practices were committed in this County, Sonoma
8 County is a public entity headquartered in this County, and records relevant to Sonoma’s
9 unlawful practices are maintained and administered in this County.

10 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES / NO PREEMPTION**

11 31. Plaintiff has exhausted any applicable administrative remedy. On December 12,
12 2025, prior to filing this Complaint in Court, Plaintiff timely filed a written Complaint against
13 Sonoma with the State of California’s Civil Rights Department (“CRD”) (formerly known as the
14 Department of Fair Employment and Housing (“DFEH”)) pursuant to California law and
15 covering the matters detailed herein. On that same date, Plaintiff requested and received a “Right
16 to Sue” notice, CRD Case ID No. 202512-32626212, thus authorizing Plaintiff to timely file the
17 present Complaint, which Plaintiff has done within the applicable limitations periods. A copy of
18 the Right to Sue notice is attached hereto as Exhibit A. Plaintiff has satisfied any and all
19 prerequisites to the institution of this action.

20 32. This action is not preempted by the California Workers’ Compensation Act
21 because the matters complained of herein are not risks or conditions of employment under that
22 Act. This action is not preempted by operation of federal law (or any other law).

23 **V. CONTINUING VIOLATIONS**

24 33. Sonoma’s wrongful acts and omissions giving rise to Sonoma’s liability in this
25 action commenced at the onset of Plaintiff’s employment with Sonoma County (though not
26 overtly apparent and obvious to Plaintiff at the time) and continued through the time of the filing
27 of this Complaint, and very likely beyond. Sonoma’s wrongful acts and omissions constitute a
28 pattern, practice and course of unlawful conduct, and constitute continuing violations of the

1 sections of the State of California’s Fair Employment and Housing Act (“FEHA”) detailed herein.

2 34. Sonoma’s unlawful acts and omissions that took place outside of the applicable
3 statutes of limitations periods are sufficiently linked to its unlawful conduct that occurred within
4 the limitations periods. Sonoma’s actions and omissions inside and outside of the limitations
5 periods are sufficiently similar in kind, occurred with sufficient frequency, and had not acquired a
6 significant degree of permanence until Plaintiff made the decision to resign / retire in April 2025
7 due to intolerable working conditions.

8 **VI. FACTUAL ALLEGATIONS**

9 35. Plaintiff incorporates by reference into this section the facts and allegations stated
10 above, including in the Introduction, and further alleges the following:

11 **A. Overview Of Sonoma County And Its Sheriff’s Office**

12 **1. Sonoma County**

13 36. Sonoma County is the largest of the 9 San Francisco Bay Area counties in terms of
14 geographic size, and has a current population estimated at approximately 500,000. Sonoma states
15 on one of its websites that it “is a large, urban-rural county encompassing 1,575 square miles.”
16 Its “residents inhabit nine cities and a large unincorporated area, including many geographically
17 isolated communities. The majority of the county’s population resides within its cities, the largest
18 of which are clustered along the Highway 101 corridor.”

19 37. Sonoma further states that “With over 1,600 square miles of rolling hills and
20 staggering coastline, you could spend a lifetime exploring everything that Sonoma County has to
21 offer. Whether you explore wineries and epicurean delights, or our uncharted expanses of
22 backcountry wilderness, our 300 plus days of sunshine will provide the perfect setting for the
23 lifestyle you’ve always wanted.”

24 38. The Sheriff’s Office’s expertly manicured, big-budget recruiting website (available
25 at <<https://joinsonomasheriff.com/>>) features a dazzling array of exciting video footage of its
26 personnel doing things in uniform in the beautiful and well-known areas of the County such as
27 flying and descending from a helicopter on a cliff with ocean waters in the background,
28 navigating a boat through beautiful waters at sunset, ripping around on jet skis, riding

1 motorcycles through scenic hills, and patrolling among the race cars at the well-known Sonoma
2 Raceway (formerly known as Sears Point Raceway and Infineon Raceway).

3 39. Plaintiff's actual experiences in the Office were far from the Hollywood
4 production strategically crafted for public consumption and enticing recruits.

5 **2. Sonoma County Government**

6 40. Sonoma County government is composed of more than 4,000 employees. Its
7 "Board of Supervisors sits as the governing board of Sonoma County and of various special
8 jurisdictions such as the Sonoma County Water Agency, the Agricultural Preservation and Open
9 Space District, County Sanitation Districts, and the Community Development Commission. The
10 Board is composed of five supervisors elected from supervisorial districts for four year terms."
11 On its website, Sonoma lists more than 60 Departments, Agencies, Divisions and Offices.

12 **3. The Structure Of The Sheriff's Office**

13 41. On its website, Sonoma states that the Sheriff's Office is a part of Sonoma's
14 "Department of Justice Services," and that "Since 1850, the Sonoma County Sheriff's Office has
15 been providing law enforcement, court security services, and detention services to the people of
16 Sonoma County. The Sheriff's Office is comprised of over 650 employees and approximately 100
17 volunteers. Servicing a county of over 1,600 square miles and population of over 500,000 people,
18 the Sheriff's Office is responsible for primary law enforcement services of the unincorporated
19 area, the Town of Windsor, and the City of Sonoma."

20 42. The Sheriff's Office is led by an Sheriff elected by the County's residents, and the
21 Administration currently includes two Assistant Sheriffs and four Captains. The Office is
22 organized into multiple Divisions, Bureaus and Units with distinct responsibilities, including the
23 Law Enforcement Division, and the Detention Division.

24 43. Within the Law Enforcement Division, there are the following Bureaus:
25 Investigations; Patrol; Court Security; Central Information; Civil; Special Services; Technical
26 Services; Personnel; Telecommunications / Radio; and Dispatch.

27 44. The Patrol Bureau includes the following: Helicopter Unit; Canine Unit (K-9);
28 Special Operations Unit (SWAT); Marine Unit; Motorcycle Unit; Bomb Squad (EOD) Unit; and

1 Tactical Team. The Sheriff's Office states that "The Patrol Bureau is responsible for providing
2 law enforcement and crime prevention services to the residents of the unincorporated area of
3 Sonoma County. There are approximately 140 deputies assigned to our Patrol Bureau and patrol
4 the larger portion of 1,604 square miles of land and the 63 miles of the Pacific shoreline that
5 make up the County of Sonoma. Approximately 500,000 people live in Sonoma County with
6 nearly a third residing in the unincorporated cities."

7 45. The Sheriff's Office continues: "Most deputies assigned to the Patrol Bureau
8 operate out of the main office located in Santa Rosa. The remaining deputies are assigned to one
9 of the two sub-stations that are located in Guerneville and Sonoma Valley. In addition three
10 'resident deputies' are assigned along the Pacific Coastline. One sergeant is assigned to the
11 Helicopter Unit and two deputies and a sergeant are in the Marine Unit."

12 46. The Investigations Bureau includes the following: Domestic Violence/Sexual
13 Assault Investigations Unit; Property Crimes / Narcotics Investigations Unit; Violent Crimes
14 Investigations Unit; and Crime Scene Investigations Unit.

15 **B. The History Of Racial Issues Involving The Sheriff's Office**

16 47. According to Sonoma County's "Independent Office of Law Enforcement Review
17 and Outreach" ("IOLERO"), "The 1960s brought the hiring of the first women and the first
18 African American by the Sheriff's Office." (2016-2017 Annual Report). The Sheriff's Office on
19 its website states, regarding the 1960s: "It was also at this time that the racial line was crossed
20 and then eliminated. The first African American hired by the Sheriff's Office, and probably the
21 first in law enforcement in the county was Jim Brown. He was hired around 1962-63. College
22 educated, he was at first a jailer then made sergeant. He eventually made lieutenant and was
23 night watch commander." Since the early 1960s, very little has changed within the Sheriff's
24 Office in regard to sworn African American personnel, as discussed below, including
25 management-level positions.

26 48. Approximately 20 years ago, a Native American in the Sonoma County Sheriff's
27 Office told a group of trainees including Plaintiff's now-wife, that when he first joined the Office,
28 a white male Deputy said to him "*We don't hire [family last name]s, we beat them.*" This is

1 similar to an alleged quote from a Sheriff's Office Deputy years later, discussed herein, where a
2 complainant alleged that when asked why the [detention facility] module had no Black workers, a
3 [Sheriff's Office] deputy stated "*they would rather keep Blacks in their cells.*"

4 49. The Native American individual retired from the Office in 2013, and was
5 referenced and quoted in a 2022 news article: "As an insider at the department himself, he has
6 experienced racism and learned, '*I had to be twice as good as the next person, I had to be better
7 than them, in order to be equal to them.*'" This reflects Plaintiff's experience as well.

8 1. **The Sonoma County Grand Jury's 1998 Report Regarding**
9 **The Sheriff's Office**

10 50. In 1998, the Sonoma County Grand Jury, in response to officer-involved
11 shootings, issued a report that stated in regard to all law enforcement agencies in the county, "all
12 departments are not doing enough to recruit women and minorities."

13 2. **The United States Commission On Civil Rights' California Advisory**
14 **Committee's 2000 Report Regarding The Sheriff's Office**

15 51. In May 2000, the California Advisory Committee to the United States Commission
16 on Civil Rights issued a report titled "Community Concerns About Law Enforcement in Sonoma
17 County" (the "Report").¹ It is a detailed, 86 page document which the Committee termed a
18 "factfinding report" as part of an "effort to collect information on the concerns of citizens of
19 Sonoma County regarding law enforcement practices and allegations of excessive use of deadly
20 force." (Report, at 1, and Letter of Transmittal, at 1).

21 52. The Report included the following based on data from 1998:

22 "Table 8 provides a breakdown of the sheriff's department's 248 sworn personnel.
23 The department has one American Indian male and one white female above the
24 rank of deputy, both at the sergeant rank." (Ch. 3, pg. 17).

25 53. Table 8 showed 7 African American sworn personnel, all with the rank of Deputy,

26 ¹ The Report states: "The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957,
27 and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency
28 of the Federal Government." (pg. 1). "An Advisory Committee to the United States Commission on Civil Rights has
been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights
Act of 1957 and section 3(d) of the Civil Rights Commission Amendments Act of 1994." (*Id.*).

1 the lowest listed rank. The listed ranks above those, in ascending order, were Sergeant (with 26
2 white males), Lieutenant (with 8 white males), Captain (3 white males), Assistant Sheriff (1 white
3 male), and Sheriff (1 white male).

4 54. The Report quoted a January 26, 1998 press release from the Sheriff as stating:

5 “While this department has succeeded in increasing the number of female and
6 minority employees overall, I am aware that *we need more women and minorities*
7 *in law enforcement as patrol deputies*. I intend to find women and minority law
8 enforcement officers at work in other agencies around California and recruit them
9 to work here.” (Ch. 3, pg. 18) (emphasis added).

10 Very notably, the Sheriff in his quote focused on the very lowest rung in terms of rank. (Of note,
11 25 year later, the 2023-24 Sheriff’s Office included this from the Sheriff: “The inclusion of more
12 women and bilingual deputies in *the next generation of deputy sheriffs* and correctional deputies
13 is a testament to our commitment to diversity and to the value we place on every member of our
14 team.”) (emphasis added). Nothing changed in those 25 years. The expectation was that
15 minorities would serve as Deputy Sheriffs, not as management or anything above entry-level
16 positions.

17 55. Additional statements in the 2000 Report included:

18 “The Advisory Committee found negligible representation of race, gender, and language
19 diversity at middle and upper levels of the departments.” (Ch. 5, pg. 1).

20 “Recommendation 1.1 The departments must continue efforts to increase gender and
21 ethnic diversity within their ranks.” (Ch. 5, pg. 1).

22 **3. The Sonoma County Civil Grand Jury’s 2002-2003 Report** 23 **Regarding The Sheriff’s Office**

24 56. In 2002-2003, right around the time that Plaintiff joined the Sheriff’s Office, the
25 Sonoma County Civil Grand Jury studied the Sheriff’s Office pursuant to the Grand Jury’s charter
26 to periodically review county government’s operations.² In its 2002-2003 report, titled

27 ² Sonoma County recently reinforced the important work of its Civil Grand Jury. See Press Release, March 11, 2025,
28 “Sonoma County highlights essential work of civil grand juries, urges residents to volunteer for service” available at
< <https://sonomacounty.gov/sonoma-county-highlights-essential-work-of-civil-grand-juries-urges-residents-to-volunteer-for-service>> (last visited Nov. 15, 2025) stating: “The Sonoma County Board of Supervisors today honored the important work of civil grand juries, which investigate and report on local government to ensure it is operating efficiently, honestly and in the best interest of the public . . . `Civil grand juries make our community

1 “Investigating the Investigators,” the Grand Jury “chose to focus on the Detective Bureau
2 (Investigations/Coroner) of the Sheriff’s Department.” In its “Findings” section, the Grand Jury
3 stated: “The detective selection process has allowed several detectives to be appointed who were
4 found not capable of meeting their job requirements.” (Report, at 2).

5 57. The Grand Jury continued: “When asked, employees frequently mentioned the
6 following as ways to improve the operation of the Bureau: . . . 6. **Base promotion on ‘what you
7 know not whom you know.’**” (Report, at 2) (emphasis added).

8 58. The Grand Jury continued: “A few detectives have been selected who did not
9 perform to the high standards expected of Bureau staff. This was verified by observations from
10 within the Bureau and alluded to in accusations in citizen complaints. It is the Jury’s opinion that
11 more rigorous entrance tests **likely would have enhanced the objectivity and success of the
12 hiring process.**” (Report, at 3) (emphasis added).

13 59. In its “Recommendations,” section, the Grand Jury included: “Overhaul and
14 strengthen tests (add written component) and **apply objective criteria** to determine how well
15 suited an applicant is for detective work.” (Report, at 3). The Grand Jury continued: “**Establish
16 and implement objective promotion standards.**” (Report at 3). These findings and
17 recommendations indicate that the Grand Jury believed that subjective criteria and favoritism
18 impacted promotional decisions in the Office. Nothing has changed to this day, particularly in
19 regard to race-based decisions.

20 60. The Sheriff was defiant on the topic of promotions in his response to the Civil
21 Grand Jury. In a letter dated September 3, 2003, he wrote among other things: “We believe the
22 current system of promotion is merit based.” and “The results of the interview, along with the
23 evaluations, reports, and supervisor’s recommendation are used to select the best suited
24 applicants.” (Letter, at 2-3).

25 61. In response to the Grand Jury’s recommendation to “overhaul and strengthen tests
26 (add written component) and apply objective criteria . . .” the Sheriff responded: The

27 _____
28 better by holding local government to high standards for efficiency, effectiveness and integrity,’ said Supervisor
Lynda Hopkins, chair of the Board of Supervisors.”

1 recommendation will be not implemented because it is not warranted.” (Letter, at 3). He
2 continued: “We believe the current system of promotion is objective and merit based.” The
3 Sheriff further stated that “The reason for the selection process is to select the most qualified for a
4 particular position.” (*Id.*).

5 62. Sonoma County’s Director of Human Resources weighed in with a separate
6 response dated September 4, 2003. Therein, he opined even beyond just the Investigations unit,
7 and wrote: “we believe the current system of promotion to specialty assignments within the
8 Sheriff’s Department is objective and merit based.” (Response, at 3).

9 63. This illustrates other branches of Sonoma County’s government enabling and
10 blindly supporting the Sheriff’s Office, conditions which to this day have allowed discrimination
11 and racism to flourish in regard to employment-related decisions.

12 **4. The 2005 Federal Lawsuit Alleging Discrimination, Harassment**
13 **and Retaliation Within The Sheriff’s Office**

14 64. In 2005, after Plaintiff had been working in the Sheriff’s Office for a few years,
15 two female employees, Lauren Ferrara and Robin Smith, filed a federal lawsuit against the Office.
16 The First Amended Complaint, filed by the former Deputy Sheriff and former Sergeant, contains
17 numerous allegations regarding the Office’s sexist, racist, and homophobic environment that had
18 affected assignments and promotions. The plaintiffs claimed that the Office allowed a “sexist,
19 racist, homophobic, intimidating and abusive environment to exist” and retaliated against those
20 who complained.

21 65. Specifically, the allegations included the following:

22 ***“For at least the past decade . . . Defendant Sheriff’s Department has . . . [been]***
23 ***allowing a . . . racist . . . intimidating, and abusive environment to exist . . .”*** (¶¶16-17).

24 ***“FERRARA was forced to listen to male Deputies racially profile and make racist***
25 ***remarks about African-American and Mexican-American citizens.”*** (¶37).

26 ***“After FERRARA identified a male Training Officer who had engaged in racial profiling***
27 ***and racist remarks to Defendant Edmonds, and the Deputy informally responded that***
28 ***FERRARA had “misinterpreted” his comments, Defendant Edmonds asked FERRARA if***
she was “too sensitive” about race, told her she should “reconsider” doing police work,
and told her that a memo about the incident would be “sent up the chain of command and
put in [her] file.” (¶38) (underlining in original).

1
2 “FERRARA is informed and believes that the male Training Officer who she
3 identified as engaging in racial profiling and racist remarks, in violation of Department
4 policy, was never disciplined for his conduct.” (¶40) (underling in original).

5 “Some of the above-described adverse treatment was due to the fact that FERRARA had
6 broken the police officer “Code of Silence” by reporting the Training Officer for racism
7 and he was one of the most popular members of the Windsor Substation all-male Deputy
8 team.” (¶42).

9 “FERRARA was forced to listen to male Deputies make *racist comments and jokes*
10 *about minority citizens . . .*” (¶61).

11 “In or about March 2004, FERRARA told Defendant Jail Captain Linda Suvoy in
12 confidence that she was very upset at work because of *all the sexism, racism, and*
13 *homophobia she saw and heard on a daily basis*. Defendant Suvoy told her that she had
14 *heard similar reports from other female patrol Deputies.*” (¶62).

15 “In or about March 2004, FERRARA attended a mandatory Racial Profiling class. When
16 FERRARA told the instructor after the class that she appreciated it, he indicated that it
17 was a difficult class to teach at Defendant Department *because of the number of verbal*
18 *arguments and physical fights that broke out as a result of disputes over the subject*
19 *matter.*” (¶63).

20 “The same day, FERRARA attended a mandatory Domestic Violence class. In the
21 class, the male Deputy she had reported for racist comments yelled during a video
22 depicting a black couple physically fighting, “*Yeah, grab him by his nappy ass!*” A
23 Lieutenant and Sergeant of Defendant Department who were present during this outburst
24 did nothing.” (¶64).

25 66. It bears noting and reiterating that the plaintiffs stated that “*physical fights*”
26 “*broke out*” over training about racial profiling. Additional incidents of intra-departmental
27 violence, including as directed at Plaintiff, as detailed herein.

28 67. In 2022, just a few years ago, more details publicly-emerged about the matters
described in the Ferrara and Smith Complaint due to the involvement of one of the initial
defendants from the Sheriff’s Office in a 2022 Sheriff election process. A 2022 news article
stated that in 2002: “[Plaintiff Ferrara] she told him [her supervisor] about a night in Windsor,
when her field training officer told her that if she saw a Black person on a porch, ‘I was to
immediately call for backup, stop the patrol car, exit, find cover and draw my handgun.’
Ferrara said the officer told her, ‘*Black people should not be in the town of Windsor. If they*

1 *were in the area, they were there to commit crimes and were from places like Oakland,*
2 *Richmond or Vallejo.’ ”*

3 **5. “The ‘Good Old Boys Club’ Mentality”**

4 68. A 2022 news article about a Sheriff’s Office Captain who retired in 2013 after
5 being a Captain for 8 years, and a Lieutenant and Sergeant for many years before that, stated the
6 following: “He has a reputation for being a bully as a supervisor and manager and for
7 *perpetuating the ‘good old boys club’ mentality,*” said Cody Ebert, president of the Deputy
8 Sheriffs’ Association, the union representing sworn employees of the office.”

9 **6. The Sonoma County Independent Office Of Law Enforcement Review And Outreach’s**
10 **(“IOLERO”) Findings And Interactions With The Sheriff’s Office**

11 69. In 2015, the Sonoma County Board of Supervisors established the “Independent
12 Office of Law Enforcement Review and Outreach” (“IOLERO”). IOLERO describes itself as “an
13 independent, non-police *county agency*. IOLERO’s mission is to strengthen the relationship
14 between the Sheriff’s Office and the community it serves.” (emphasis added)³ It describes its
15 primary functions as including “reviewing complaints against the Sheriff’s Office, community
16 outreach, and making policy recommendations to the Sheriff’s Office.”

17 70. In IOLERO’s 2016-2017 Annual Report, it stated:

18 “The Law Enforcement Division of the Sheriff’s Office currently employs 220 Deputy
19 Sheriffs and Sergeants, 10 Lieutenants, 2 Captains, and one Assistant Sheriff. Among the
20 220 Deputy Sheriffs and their supervising Sergeants, those primarily responsible for
21 patrolling the streets of Sonoma County, the workforce remains overwhelmingly male and
22 White. For this group, 86.8% are White, while 9.5% are Latinx/Hispanic, 1.3% are
Black/African-American, 0.9% are Asian and 0.9% are American Indian/Alaskan Native.
Among the same group, 94.1% are male and 5.9% are female.” (Report, at 11).

23 “Among the 13 leadership positions within the Law Enforcement Division, including
24 Lieutenants, Captains, and the Assistant Sheriff, all are male. Of the 10 Lieutenants, 7 or
25 70% are White, 2 or 20% are Latino/Hispanic, and 1 or 10% is Black/African-American.
The two Captains and the Assistant Sheriff are all White.” (Report, at 11).

26
27
28 ³ < <https://sonomacounty.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-review-and-outreach/who-we-are>> (last visited November 11, 2025).

1 “Overall it is a fair characterization to say that the Sheriff’s Office workforce is less
2 diverse than Sonoma County as a whole, and with the exception of the Detention
3 Division, employees are more likely to be white and male.” (Report, at 14).

4 71. In IOLERO’s 2017-2018 Annual Report, it stated:

5 “The Law Enforcement Division of the Sheriff’s Office currently employs 216 Deputy
6 Sheriffs and Sergeants, 10 Lieutenants, 2 Captains, and one Assistant Sheriff. Among the
7 216 Deputy Sheriffs and their supervising Sergeants, those primarily responsible for
8 patrolling the streets of Sonoma County, the workforce remains overwhelmingly male and
9 White. For this group, 86.6% are White, while 9.3% are Latinx/Hispanic, 1.9% are Asian,
0.9% are Black/African-American and 0.5% are American Indian/Alaskan Native. Among
the same group, 93.1% are male and 6.9% are female.” (Report at 19).

10 “Among the 13 leadership positions within the Law Enforcement Division, including
11 Lieutenants, Captains, and the Assistant Sheriff, all are male. Of the 10 Lieutenants, 5 or
50% are White, 4 or 40% are Latino/Hispanic, and 1 or 10% is Black/African-American.
12 The two Captains and the Assistant Sheriff are all White.” (Report, at 19).

13 “Overall it is a fair characterization to say that the Sheriff’s Office workforce continues to
14 be less diverse than Sonoma County as a whole, and employees are much more likely to
be white and male, although less so in the Detention Division.” (Report, at 23).

15 72. In IOLERO’s 2020-2021 Annual Report, it stated it had “received two, separate
16 anonymous complaints about offensive postings on social media made by a SCSO [Sonoma
17 County Sheriff’s Office] deputy. SCSO received a third complaint about one of the same
18 postings.” (Report, at 23). The “*Deputy’s social media comments focused on Jews and*
19 *African-Americans.*” “SCSO determined that the deputy violated policy for posting content that
20 had “strong racial undertones” but noted that he may not have intended it as racist content.”

21 73. IOLERO concluded that it “agreed with the sustained finding, but disagreed with
22 the reasoning, concluding that *the deputy’s conduct was blatantly racist, anti-Semitic and*
23 *extreme.* IOLERO also opined that the investigation was incomplete because further action is
24 required to hold the deputy accountable for his/ her actions.”

25 74. IOLERO continued that “Based on the totality of the evidence, IOLERO did not
26 find the deputy’s explanations for his/her posting to be credible, and concluded that the deputy
27 was dishonest during his/her interview with the SCSO.”
28

1 75. IOLERO continued that it “conducted a thorough review of SCSO policies, First
2 Amendment and statutory law, and concluded that the SCSO is legally justified under First
3 Amendment case law to take a stronger stand against extremism among its employees. This legal
4 and policy information was provided to the **CAC [IOLERO’s Community Advisory Council]**
5 **who is interested in further investigating extremism within the SCSO.**”

6 76. IOLERO recommended: “**SCSO should consider adopting a policy disavowing**
7 **white supremacy and extremism and prohibiting employee speech and association that**
8 **promotes racist or extremist ideology.**” It bears noting again the IOLERO is a County agency
9 making this statement.

10 77. IOLERO’s Community Advisory Council (“CAC”), Ad Hoc Committee on
11 Extremism, stated the following in a Report dated June 6, 2023 regarding the situation discussed
12 above in the 2020-2021 Annual Report: “The SCSO has not apparently taken additional steps
13 since the IOLERO audit was completed and the annual report published.”

14 78. In a news article dated November 9, 2021, IOLERO’s Director from 2016-2019,
15 who also has served as the Chair of the Sonoma County Commission on Human Rights, stated
16 that “I think [the then-Assistant Sheriff]’s primary allegiance, as I see it, is to the **Sheriff’s Office**
17 **union and culture** as that exists currently. **And that culture is tied to white supremacy in the**
18 **county.**” To reiterate, this is the former Director of a County agency making this statement.

19 79. In its 2022-2023 Annual Report, IOLERO included the following in a letter from
20 its Community Advisory Council (CAC) Chair and Vice-Chair:

21 “The Ad Hoc Committee on Extremism issued its report and **recommendations that the**
22 **Sheriff’s Department take measures for rooting out extremism in the Sheriff’s**
23 **Department . . . The Sheriff has agreed to require Sheriff’s sworn personnel *sign an***
24 ***attestation that they continue to abide by the Sheriff’s policies aimed at preventing***
extremism in the force.” (Report, at 5).

25 80. In its 2023-2024 Annual Report, IOLERO provided updated demographic
26 information regarding the Sheriff’s Office as of March 22, 2024. There were 271 “Sworn Patrol,”
27 out of which there were 2 African Americans (0.7%). There were 23 “Sworn Management,” out
28

1 of which there were 2 African-Americans (8.7%).

2 81. Additionally, in that Report, IOLERO analyzed an issue in which a “Complainant
3 alleged that *when asked why the [detention facility] module had no Black workers, a [Sheriff’s*
4 *Office] deputy stated they would rather keep Blacks in their cells.*” (emphasis added).

5 82. IOLERO continued that the alleged statement “is objectively derogatory and an
6 inmate, staff, vendor or visitor could reasonably take offense regardless of whether it was directed
7 at them personally. Such a statement would also reasonably support a conclusion that the speaker
8 had a more generalized racial animus, which could raise significant questions about that deputy’s
9 motivations when taking any actions with regard to persons of a certain race.”

10 83. IOLERO continued: “More perniciously, if it were shown that the speaker made
11 the statement, not in jest or as banter, but rather with a malicious intent to denigrate the addressee,
12 the statement would likely reflect an overall unfitness to perform the heightened obligations of a
13 correctional deputy.”

14 84. Amazingly, “SCSO did not analyze this issue. The investigator asked the deputy
15 about this alleged statement and the deputy denied making it. However, the investigator did not
16 ask complainant about this alleged statement.” (underline in original). Additionally, “SCSO did
17 not look at whether the deputy had been accused of making racially charged statements in other
18 instances. Because racial animus involves a state of mind, a person’s broader pattern of conduct is
19 often evidence of whether a statement is a one-off event or is reflective of broader animus.”

20 85. IOLERO continued: “The lack of conclusiveness in this record is not because the
21 complainant was too vague; it is the result of the investigation not asking the question at all.”

22 86. Even more stunning, the Sheriff’s Office submitted a written response to
23 IOLERO’s 2023-2024 Report, and responded to numerous issues (such as ones about “Canine
24 Policy,” “Telephone Access,” and “Telephone Signage” in detention facilities), *but did not*
25 *respond to, reference, or even acknowledge in any way the racial issues discussed above.*

26 87. In its 2024-2025 Annual Report, IOLERO provided an updated demographic
27 analysis of the Sheriff’s Office, with the figures as to African American sworn employees
28 unchanged from the 2023-2024 analysis.

1
2 **C. Dysfunction And Intimidation Regarding Oversight And Accountability**
3 **For The Sheriff's Office**

4 88. Various developments help illustrate the extreme dysfunction within Sonoma
5 County regarding the oversight of, and accountability of, the Sheriff's Office. One agency within
6 the County – IOLERO – has tried mightily to regulate the Sheriff's Office's conduct, and met
7 significant resistance to say the least. Other departments appear to be a combination of feckless,
8 intimidated, and/or apathetic in regard to the Sheriff's Office. This is directly illustrated in the
9 experiences of Plaintiff detailed herein, including in regard to County Counsel's Office.

10 89. These internal dynamics with the County help explain how the blatant
11 discrimination against Plaintiff could be allowed to fester unchecked for so long.

12 90. A news article dated May 17, 2024 discussed the role of the County's Human
13 Resources Department in regard to the Sheriff's Office, and quoted IOLERO's Director as
14 stating: "No ding to people at HR, but I think *supervising or overseeing a sheriff's office is*
15 *highly specialized work, and it's quite different from what HR units do,*" he said. "That's why a
16 lot of places have a civilian oversight agency instead of having HR do that work."

17 91. The Sheriff's Office has long bristled regarding IOLERO's oversight. This
18 conflict has recently spilled out into numerous forums, including legal action and other related
19 proceedings.

20 92. In 2025, the Sheriff's Office, via the Sheriff, decided that *it will begin reviewing*
21 *IOLERO*. In a document titled "Response to FY 24-25 IOLERO Annual Report," dated
22 September 19, 2025, the Sheriff's Office stated: "[O]nce again, the legal issues identified with
23 Measure P and *continued inaccuracies of IOLERO statements pose significant challenges in*
24 *moving forward with constructive and collaborative conversations regarding law enforcement*
25 *accountability.*"

26 93. The Sheriff's office wrote: "**SHERIFF'S OFFICE RECOMMENDATIONS**
27 **FOR IOLERO**" (all caps, bold, and misspelling in original): These "Recommendations" included
28 that IOLERO should "Engage In Honest Interactions with Members of the Sheriff's Office" and that
"IOLERO should comply with the Operational Agreement."

1 94. The Sheriff’s Office’s conduct in this regard is highly concerning. It attempted a
2 somewhat similar tactic in 2019 and was soundly rebuked by IOLERO.⁴

3 95. A news article dated September 26, 2025 referred to a pending “whistleblower
4 investigation launched by the county’s civilian watchdog agency overseeing the Sheriff’s Office.”
5 The article continued that “The probe — the first of its kind for the county’s Independent Office
6 of Law Enforcement Review and Oversight, or IOLERO – has been tied up in a court battle over
7 the extent of the watchdog’s independent investigative authority.” The article further stated that
8 newly-released documents “revealed IOLERO investigators requested a variety of records related
9 to hiring and promotions, performance evaluations, time off and internal disciplinary proceedings
10 for multiple Sheriff’s Office employees.”

11 96. Another article dated September 26, 2025 quoted IOLERO’s Director as stating:
12 “We’ve learned at IOLERO that in shooting cases, the Sonoma County Sheriff’s Office
13 historically does not interview their own deputy sheriffs. This is unlike almost every other
14 agency in California, which does their own administrative interview to check to see if there are
15 policy issues or violations or even strategic or tactical improvements that could be made.” The
16 Director continued: “I don’t see how any law enforcement employer, like the Sonoma County
17 Sheriff’s Office, could follow up on their duty to impose discipline where appropriate, put people
18 on a Brady list or notify POST of misconduct if they’re not doing interviews of the personnel
19

20
21 ⁴ In 2018, IOLERO issued a “Report on Recommendations to Sonoma County Sheriff: Policies & Practices Related
22 to Administrative Investigations and Audits of Investigations” dated July 25, 2018. The Sheriff’s Office then issued
23 a “Response to IOLERO’s Report on Recommendation to Sonoma County Sheriff’s Office” dated August 27, 2018.
Therein, the Sheriff’s Office stated that the length of time that IOLERO was taking to do audits was causing a
“*disservice to the community*” and took offense that IOLERO was “*re-investigating* the complaints [regarding
Sheriff’s Office personnel alleged misconduct], not auditing.”

24 IOLERO then issued a “Comments on Sheriff’s Responses to IOLERO Recommendations . . .” dated September 27,
25 2018. In its “Comments” IOLERO stated: “Many of the recommendations were first made in an audit of a specific
26 investigation and addressed a problem raised by that investigation that should be addressed. Some of the
27 recommendations were made multiple times in multiple audits, yet investigative deficiencies addressed by the
28 recommendation persisted over time. When deficiencies persist despite recommendations for improvement, the
logical conclusion is that *there has been no effective change in the system that allows the deficiencies to continue.*”
IOLERO further stated that the Sheriff’s Office’s Response “suggests that *the agency undervalues the importance of
a complete investigation to the integrity of investigative findings.*” IOLERO further states that the Sheriff’s Office
was taking certain positions that “*prevents IOLERO from being able to perform its review function in a full and
independent manner.*”

1 involved.”⁵

2 97. Various related legal proceedings – involving the Sheriff’s Office, IOLERO, and
3 the Deputy Sheriff’s Association – have intensified to the point where the article states, in regard
4 to Sonoma County Counsel Robert Pittman: “Pittman, in an email Wednesday, said he told [the
5 attorney for the Deputy Sheriff’s Association] the issue [subpoenas from IOLERO to the Sheriff’s
6 Office] *posed a conflict of interest – putting his office between two entities of county
7 government and ruled out his involvement.*”

8 **1. Violence And The Sonoma County Sheriff’s Office**

9 98. It bears noting that the Sheriff’s Office is a *law enforcement* entity, with all of the
10 power and capabilities that goes along with that. That massively distinguishes it from any other
11 agency or department with Sonoma County Government. Aggression and vitriol from the Sheriff’s
12 Office and its personnel carries a different weight. And there is an additional context in regard to the
13 Office, as has been repeatedly written about.

14 99. *The Nation* published an article titled “Systemic Sadism at the Sonoma County
15 Sheriff’s Office” dated December 21, 2021. This alarming article discusses a recent documentary
16 film created by former Sacramento County Deputy District Attorney Ron Rogers, titled *3 Seconds
17 in October* to be shown on PBS television stations. The article among other things states that the
18 “film highlights that the county has paid out more than \$10 million in excessive-force and
19 wrongful-death lawsuits over the past decade, including a \$3 million settlement with the Lopez
20 family, five years after the fact.” The article continues that the film “reinforces the view that *the
21 force has a problem with equal-opportunity systemic sadism in its ranks.*” (emphasis added).

22 100. The article continues: “Rogers reports on how, until recently, SCSO corrections
23 guards routinely engaged in “yard counseling”—in which a bunch of heavily armored cops would
24 beat the hell out of inmates of all races for alleged rules violations. This cruel and unusual
25 practice cost Sonoma County \$1.7 million after a lawsuit . . . forced the SCSO to produce the

26 _____
27 ⁵ “Leaked Subpoenas Shed Light on Shadowy Sonoma County Sheriff Whistleblower Case,” Julie Small, KQED.org,
28 available at < <https://www.kqed.org/news/12057369/leaked-subpoenas-shed-light-on-shadowy-sonoma-county-sheriff-whistleblower-case>> (last visited Nov. 15, 2025).

1 grotesquely savage video evidence. Rogers also includes video from a 2013 incident at the jail
2 where a white man who was arrested on DUI charges was Tasered 23 times. His screams are
3 absolutely bone-chilling. That one cost the county \$1.25 million following another civil-rights
4 lawsuit . . .”

5 101. The article continues: “And then there’s the death of David Ward, who was
6 allegedly killed on camera by former deputy Charles Blount after a slow-speed chase in rural
7 Sonoma County in 2019 that ended only after Blount repeatedly smashed Ward’s head into the
8 car. Ward died on the scene. Ward’s “crime” was driving in a car that he had reported as stolen (it
9 was his car). Blount’s body camera was reportedly not on during the encounter, but another
10 SCSO deputy captured the whole gruesome ordeal, which amounted to the extrajudicial execution
11 of a man whose only crime was driving in his own car. That incident cost the county \$3.8
12 million.”

13 102. The article refers to a “parade of savagery and torture.” The article continues that
14 “In response to public outrage over the Lopez killing, the county set up a new entity called the
15 Independent Office of Law Enforcement Review—at which point SCSO brass, including
16 [Sheriff] Essick, promptly set out to attack the credibility and motives of the person hired to run
17 the office, an attorney named Jerry Threet.” The article concludes that “the film makes the case
18 that it is high time the DOJ took a hard look at the history of systemic sadism at the Sonoma
19 County Sheriff’s office.”

20 103. As noted herein, Plaintiff himself experienced physical violence against him on
21 *three separate occasions* at the hands of other members of the Sheriff’s Office. And another
22 Complaint discussed above (the Ferrara and Smith Complaint) referenced additional instances of
23 physical altercations between members of the Sheriff’s Office. And, as detailed later herein,
24 another member of the Office recommended that Plaintiff himself use violence against another
25 member of the Office.

26 104. There is within the Office a culture of unbridled and unrestrained physical
27 violence, and moreover that culture is extremely well known publicly, further adding to its
28 dampening and intimidating impact on anyone seeking to question the activities of the Sheriff’s

1 Office, whether doing so internally or externally. Moreover, the allegations of white-supremacy
2 and extremism within the ranks of the Sheriff's Office only compound the dynamics of
3 intimidation, bullying, and fear.

4 105. The dynamics illustrated above certainly help explain why Plaintiff, for more than
5 20 years, could continually be passed over for a routine, basic promotion that he had earned
6 without question. And how no one would dare to question this internally or externally. And how
7 the Sheriff's Office could be so open and brazen about its misconduct toward Plaintiff.

8 **D. Overview Of Plaintiff's Employment In Law Enforcement**

9 106. Plaintiff has dedicated his professional life to serving the community. His law
10 enforcement experience started in 1986, at the age of 14, when he volunteered as a Police
11 Explorer Scout with the Novato Police Department.

12 107. In 1993, he successfully completed the Emergency Medical Technician-1
13 (Ambulance) Training Program at Santa Rosa Junior College. In 1993, he also completed the
14 Wildland Firefighter Academy. Plaintiff worked as a Seasonal Firefighter EMT for several fire
15 departments, including CAL Fire, the Marinwood Fire Department, and the Kentfield Fire
16 District. Also in 1993, Plaintiff attended and graduated from the Napa Valley College Level One
17 Reserve Police Academy.

18 108. Plaintiff continued to develop his interest and experience as a first responder, and
19 began to focus on working in law enforcement. While increasing his training and attending the
20 Santa Rosa Basic Law Enforcement Police Academy Extended Format, Plaintiff served as a
21 Reserve Police Officer for the City of Mill Valley Police Department (1995 – 1998). He then
22 became a Police Officer in the Town of Tiburon Police Department (1998 – 2000), and then was
23 a Police Officer in the Twin Cities Police Department (now known as the Central Marin Police
24 Authority) (2000 - 2003). Throughout, he continued to develop his skills, expertise, and
25 experience.

26 109. In October 2003, Plaintiff joined the Sonoma Sheriff's Office in the position of
27 Deputy Sheriff II. Unbeknownst to him at the time, and despite his future best efforts, ***he would***
28 ***be forced to remain in the Deputy Sheriff II position for the next 22 years until his constructive***

1 *termination / discharge in April 2025.*

2 110. One initial oddity was that, shortly after Plaintiff began work for Sonoma, he was
3 assigned to work in a small Office “substation.” It appeared to Plaintiff that essentially all of the
4 Office’s women and minorities were assigned to this substation. Those included 3 other African
5 Americans not including him, and 2 women. It appeared that management wanted the women
6 and minorities not to be visible, to keep them out of public view, to hide them, to just be numbers
7 on a chart. Given the history of the Office, as outlined herein, this made perfect sense. Less
8 visibility meant fewer internal and external interactions with others, including within the Office,
9 thus handicapping individuals at the substation from developing further experience, rapport, and
10 trust with others. And this had significant promotional process implications.

11 111. After Plaintiff began working in Sonoma in 2003, he then worked in the Patrol
12 Bureau for the next few years. In 2004 – 2005, he worked in Court Security (part of mandatory
13 training), still as a Deputy Sheriff II, and then returned to Patrol. From 2005 – 2008, while still
14 classified as a Deputy Sheriff II, he worked as a Detective in the Investigations Bureau, Crime
15 Scene Investigation Unit (CSI), for a normal 3 year term before transferring back to the Patrol
16 Bureau, still as a Deputy Sheriff II.

17 112. From 2008 to 2023 (*for 15 years*), he worked in Patrol as a Deputy Sheriff II until
18 January 2023, when he transferred to Court Security, still as a Deputy Sheriff II.

19 113. In 2011, Plaintiff became a Patrol Field Training Officer (FTO) (still classified as
20 Deputy II). He held this position until January 2023. Throughout his service as an FTO, he was
21 told he was the “go to FTO” and that when “people needed fixing” they put them with Plaintiff.

22 114. Over his time as an FTO, Plaintiff was assigned to approximately 60 trainees. The
23 FTO sets the foundation for new deputies. Plaintiff was thus deemed worthy of training new
24 deputies and equipping and preparing them for successful careers in the Office, but he
25 simultaneously was seen by management as not fit for even a single promotion – ever.

26 115. Also of note, on October 8, 2017, Plaintiff was assigned to the Sonoma Valley
27 Substation and was on duty when the Nuns Canyon Fire started. Plaintiff and a trainee conducted
28 emergency evacuations of the Sonoma Valley area. They assisted with the evacuations of 72

1 developmentally disabled patients from the Sonoma Developmental Center. During the first day
2 of the fires, they were on duty for more than twenty-four hours. Plaintiff, along with other
3 members of the Office who were working that night, received the Silver Medal of Valor for their
4 actions. Plaintiff also evacuated and protected residents during the 2019 Kincade Fire, the 2020
5 LNU Lightning Complex Fire, and the 2020 Glass Fire.

6 116. Plaintiff has testified in court hundreds of times over the past 30 years. He
7 testified as a lead investigator in complex investigations dozens of times. He has been qualified
8 in court as an expert witness on the subject of fingerprints and firearms.

9 117. Of note, Plaintiff in 2023 had voluntarily sought a transfer to Court Security, even
10 though it meant relinquishment of his permanent Field Training Officer Position and a 5%
11 reduction in pay. Plaintiff was reeling from the accumulated and compounding impact of the
12 series of denials of promotional opportunities, denials of collateral assignment opportunities, and
13 the racially offensive conduct described herein. While trying to obtain some peace of mind while
14 he planned his next efforts at promotion, he thought that working in Court Security would offer a
15 period of repose, peace, and a different perspective that might help him in his future promotional
16 efforts.

17 118. A white male Sergeant reflexively told Plaintiff that “*we’re full*,” trying to block
18 the transfer, before being overridden by a Lieutenant, showing that Court Security was not in fact
19 “full.” And as it turned out, Plaintiff’s time in Court Security was anything but peaceful, as
20 described later herein.

21 119. Plaintiff’s recent work involved guarding courtrooms during proceedings, and
22 guarding County Board of Supervisors’ meetings twice a month. One of the meetings he guarded
23 was in 2024, during which the Supervisors discussed the need for the County to have more
24 African American supervisors.

25 120. Plaintiff remained working in Court Security until the time of his resignation /
26 retirement (a constructive termination / discharge) in April 2025.

27 **1. Plaintiff’s Excellent Written Performance Evaluations**

28 **a. The Evaluations Are Accurate And Can Be Relied Upon**

1 peers. [Plaintiff] has outstanding safety practices. He is familiar with best officer safety
2 principles and always evaluates environment and situation for safety hazards.”

3 125. Plaintiff’s Supervisor continued that “While working in the courtroom, [Plaintiff]
4 noticed that Narcan was available only in court security offices. He approached me about having
5 Narcan placed in each courtroom. [Plaintiff] then went on to obtain approval for Narcan and
6 ultimately followed through by securing Narcan at each bailiff desk.”

7 126. Plaintiff’s Supervisor continued that Plaintiff “is a highly qualified Deputy Sheriff
8 with recent FTO [Field Training Officer] and current use of force instructor experience. Though
9 this last evaluation was ‘outstanding’ and this is ‘exceeds standards,’ this is only a reflection of
10 the limited opportunity to evaluate in court security. [Plaintiff] has worked as bailiff, guard, rover
11 and Board of Supervisors security. He works any assignment without complaint and shares his
12 experience and expertise with his peers.”

13 **ii. 2021 – 2022: “Outstanding”**

14 127. In Plaintiff’s “Performance Evaluation Report” for August 2021 – July 2022,
15 while was working in Patrol, Plaintiff received the overall rating of “Outstanding,” the highest
16 category. His Supervisor’s comments included that Plaintiff “regularly establishes excellent
17 working relationships,” “quickly establishes rapport,” “appears to be at ease in any person-to-
18 person situation,” “is a team player and helps mentor others,” and “has the ability and is willing to
19 assume responsibility in the Supervisor’s absence.”

20 **iii. 2020 – 2021: “Outstanding”**

21 128. In Plaintiff’s “Performance Evaluation Report” for July 2020 – August 2021,
22 while he was working in Patrol, Plaintiff received the overall rating of “Outstanding,” the highest
23 category. His Supervisor’s comments include: Plaintiff “is a Field Training Officer, Firearms
24 Instructor, and operates a drone on the UAV Team. He performs each of these collateral
25 assignments in an outstanding matter.” Plaintiff “is a peer group leader who on his . . . own
26 initiative trains, develops and mentors other employees.” Plaintiff “can always be counted on to
27 hold down his beat. He never hesitates to help other deputies with firearms training and goes out
28 of his way to accommodate them. He is a senior member of the Field Training Program. He

1 mentors and teaches new deputies with the skill of an experienced street cop. I appreciate
2 [Plaintiff's] dedication."

3 **iv. 2019 – 2020: "Exceeds Standards"**

4 129. In Plaintiff's "Performance Evaluation Report" for the period June 2019 – June
5 2020, Plaintiff received the overall rating of "Exceeds Standards," the second highest category.
6 His Supervisor's comments included: Plaintiff's "collateral assignments include Field Training
7 Officer, Firearms Instructor, and Drone Team Operator." Plaintiff "offers assistance to other
8 deputies without any hesitation." When Plaintiff "has a trainee, he maintains a high level of self-
9 initiated activity to provide the trainee with the necessary experience. [Plaintiff] is a seasoned
10 Field Trainer and has a wealth of knowledge to share with new and lateral Deputies."

11 130. Plaintiff "grasps the 'sense of team' concept," and "is an active contributor in
12 briefing and shares his experiences with newer deputies. He often guides newer deputies with
13 proper officer safety tactics, department policies, and investigation procedures." "I have
14 witnessed [Plaintiff] provide guidance and direction to newer Deputies as a Field Training
15 Officer. He also does not hesitate to provide guidance to newer employees when they are faced
16 with complex situations." Plaintiff "routinely receives calls for serve at the Graton casino, a
17 location filled with criminal activity. He must multi-task, and investigate more complex cases
18 mostly drug related violence or more complex financial related crimes." "As part of his F.T.O.
19 duties, [Plaintiff] teaches a legal update utilizing Power Point to new hires. He also teaches
20 Firearms to new hires."

21 131. Plaintiff's Supervisor continued that "[Plaintiff] was working the night of the
22 Kincade Fire, and was one of the first responders to arrive. He tirelessly conducted evacuations
23 throughout the night." "Plaintiff was dispatched to [a particular location] regarding a subject who
24 armed himself with a knife and chased his family. After a standoff, [Plaintiff] was able to de-
25 escalate the situation with words and took the suspect into custody without incident. He was
26 awarded a Letter of Commendation from [a city] Police Chief for his leadership during the
27 incident."

28 132. Notably, the final comment was: Plaintiff's "*goal in the future is to promote to*

1 *Sergeant. Taking the above information into account, he has worked diligently to meet this*
2 *goal.”*

3 **v. 2018 – 2019: “Exceeds Standards”**

4 133. In Plaintiff’s “Performance Evaluation Report” for the period October 2018 – June
5 2019, Plaintiff received an overall rating of “Exceeds Standards,” the second highest rating. His
6 Supervisor’s comments included: “Thanks Marcus for being a team player!” Plaintiff “has been
7 assigned to the Main Office Swing shift as a Field Training Officer for this entire evaluation
8 period . . . Additionally, [he] has collateral assignments as a Firearms Instructor and small
9 Unmanned Aerial Systems team member.” “With the way he handles his calls and beat, and his
10 preparation for his shifts, [Plaintiff] presents a solid example to his peers on how a deputy sheriff
11 should conduct his business.”

12 134. “One example of [Plaintiff]’s adaptability is his taking on a greater role in
13 handling the training and re-qualification of correctional deputies who seek to carry concealed
14 firearms off-duty. He regularly runs the re-qualification sessions and has increased his
15 involvement in their initial training as well. He brings his experience in officer involved shooting
16 investigation to that training.”

17 135. Plaintiff “was selected to the drone team from its inception in late 2018. He was
18 selected to this new team of 8, from a group of 17 deputies that applied. [Plaintiff] has displayed
19 professionalism, competency in his responsibilities as a team mate and has represented himself
20 and this department in a manner that would make anyone proud. [Plaintiff] brings forth new
21 ideas that benefit the team’s growth.” “[Plaintiff] is a welcome team member and I’m grateful he
22 applied and took a chance on this new team.”

23 **vi. 2016 – 2018: “Exceeds Standards”**

24 136. In Plaintiff’s “Performance Evaluation Report” for the period October 2016 –
25 October 2018, Plaintiff received the rating of “Exceeds Standards,” the second highest rating. His
26 Supervisor’s comments included: Plaintiff “has had over eight full or partial phase trainees
27 during this rating period.” “His experience as a CSI detective influences his work product.” “He
28 is an active participant in briefing, sharing his experiences with his peers and new deputies.” “As

1 a FTO and Use of Force / Firearms instructor, [Plaintiff] make a noticeable effort to serve as a
2 role model for his peers.” “He has prepared Office-wide firearms training for two quarters during
3 the past two years. These addressed both off-duty carry for deputy sheriffs and shotgun training.”
4 “He has received one Letter of Appreciation for his community oriented policing efforts from the
5 Leghorn Valley (north-west Petaluma) Farm Watch.”

6 137. In the “Closing,” the Supervisor wrote: “*[Plaintiff] is interested in promoting to*
7 *Sergeant as a part of continuing to progress within his chosen career.*”

8 138. A Trainee’s written “FTO Critique” dated November 9, 2017 rated Plaintiff as
9 “Excellent” in 6 categories, and “Good” in the remaining category. Comments included: “I
10 looked up to him throughout the entire phase,” “Deputy Holton would identify issues that I had
11 and always make a plan to correct it,” “Very knowledgeable and experienced,” “Deputy Holton
12 took extra time to go over material that I didn’t fully understand by reviewing and explaining
13 policy.”

14 139. A Trainee’s written “FTO Critique” dated January 24, 2017 rated Plaintiff as
15 “Excellent” in 3 categories, and “Good” in the remaining 4 categories, and included the
16 comments that “FTO Holton is an asset to this organization. He is extremely knowledgeable
17 about his patrol area and the County in general. FTO Holton takes pride in his everyday dealings
18 with the community and how it reflects on him and the organization as a whole.” “FTO Holton is
19 a good FTO.”

20 140. A Trainee’s written “FTO Critique” dated January 21, 2017 rated Plaintiff as
21 “Excellent” in 5 categories and “Good” in the remaining 2 categories, and included the comments
22 that “FTO Holton was professional and friendly each and every day. He did an excellent job at
23 orienting me to the Valley . . . I felt very comfortable following his advice.”

24 **vii. 2014 – 2016: “Exceeds Standards”**

25 141. In Plaintiff’s “Performance Evaluation Report” for the period October 2014 –
26 October 2016, Plaintiff received the rating of “Exceeds Standards,” the second highest rating. His
27 Supervisor’s comments included: “Congrats on a great eval. Glad to have you back in the
28 Valley.” Plaintiff “doesn’t shy away from work and volunteers for hospital guards as needed.”

1 His Supervisor additionally wrote: “Deputy Holton was recently in a high-profile case . . . the
2 [accused] was ultimately found guilty. The DDA [Deputy District Attorney] on the case wrote
3 me a note that she appreciated his willingness to sit through the whole case despite inflammatory
4 behavior and repeated personal attacks by the defense.”

5 142. A Trainee’s written “FTO Critique” dated November 30, 2016 rated Plaintiff as
6 “Good” in all 7 categories and included the comment that Plaintiff “did a good job at making sure
7 everything was squared away for me to get off the program.”

8 143. A Trainee’s written “FTO Critique” dated October 24, 2016 rates Plaintiff as
9 “Good” in 6 categories and “Excellent” in the remaining category. Comments included that
10 Plaintiff was “Very knowledgeable about all the material that needed to be covered. He made it
11 clear what the expectations of the phase were and what his expectations of me were.”

12 144. A Trainee’s written “FTO Critique” dated August 11, 2016 rates Plaintiff as
13 “Excellent” in 6 categories and “Good” in the remaining category. The written comments were:
14 “FTO Marcus made it very easy to communicate with him and I felt comfortable talking to him
15 and asking him question[s] when they came up. FTO Marcus had a lot of knowledge that he
16 shared with me and gave me good tips writing my reports and transitioning from the way I wrote
17 reports as a correctional deputy to a patrol deputy.”

18 145. Also, a written Trainee’s “FTO Critique” dated January 21, 2016 rates Plaintiff as
19 “Excellent” in 1 category, and “Good” in the remaining 6 categories and includes the comments:
20 “FTO [Plaintiff] is very knowledgeable in SWAT and handling high stress calls. FTO likes to
21 stay busy and proactive during shift.”

22 146. Also, a written Trainee’s “FTO Critique” dated October 30, 2015 rates Plaintiff as
23 “Excellent” in 5 categories, and “Good” in the remaining 2 categories, and includes the comment
24 that Plaintiff “showed tremendous patience and displayed an excellent ability to know when to let
25 me work out my own problems and when to offer advice.”

26 147. Another written Trainee’s “FTO Critique” dated October 30, 2015 also rates
27 Plaintiff as “Excellent” in 5 categories, and “Good” in the remaining 2 categories, and includes
28 the comments that Plaintiff “would continue to offer encouragement and learning points from the

1 night so that I could continue to learn.”

2 **viii. 2012 – 2014: “Exceeds Standards”**

3 148. In Plaintiff’s “Performance Evaluation Report” for the period October 2012 –
4 October 2014, Plaintiff received the rating of “Exceeds Standards,” the second highest rating. His
5 Supervisor’s comments included: “[Plaintiff] brings experience and maturity to the shift.
6 [Plaintiff] is always willing to take on the toughest and more dangerous calls for service.”
7 Plaintiff “has a great instinct for criminal activity. [Plaintiff] is especially proficient in case law
8 and his investigative skills in felony crimes.” Plaintiff “is always willing to assist the newer
9 deputies with complicated calls for service.” Plaintiff’s “prior experience as a crime scene
10 detective is especially useful on patrol. He is able to make suggestions on crime scenes in the
11 area of evidence gathering and documentation.”

12 149. Plaintiff’s Supervisor continued: “I have absolute faith and confidence in
13 [Plaintiff] to perform in critical situations especially, ‘Man with a gun’ calls, active shooter
14 situations, gang violence and crowd control calls. His experience, command presence bravery
15 and overall police skills are the reasons I trust him to perform. His prior SWAT experience make
16 him a valuable asset on patrol in tactical situations.”

17 150. Plaintiff’s Supervisor continued: “His interview skills are very good, his
18 traditional approach is especially effective with the more sophisticated criminals and parolees.
19 [Plaintiff] has received numerous commendations from the public during his interactions on
20 patrol.”

21 151. Plaintiff’s Supervisor continued: “[Plaintiff] is especially receptive to supervisor
22 feedback and applies it to the ever changing profession of law enforcement. He is able to interact
23 with the senior and junior deputies and be a complete team player.”

24 152. Plaintiff’s Supervisor continued: “I have been with Deputy Holton in very volatile
25 situations on patrol and have seen him perform very well.” “I was on a vehicle stop with
26 [Plaintiff] on [a street] where a subject was agitated immediately after the car stop. [Plaintiff]
27 reacted quickly and appropriately with effective voice commands and tactical positioning. The
28 subject realized [Plaintiff]s serious demeanor and tactical advantage, he complied with further

1 instructions the rest of the contact.”

2 153. Plaintiff’s Supervisor further wrote: “[Plaintiff] can be trusted to perform well day
3 in and day out of on patrol. He is dependable in all situations especially the more serious
4 situations that pit the most violent subjects against law enforcement. Deputy Holton is also a
5 department Field Training Officer and a Firearms Instructor.”

6 **ix. 2009 – 2011: “Exceeds Standards”**

7 154. In Plaintiff’s “Performance Evaluation Report” for the period July 2009 – July
8 2011, Plaintiff received the rating of “Exceeds Standards,” the second highest rating. Plaintiff’s
9 Supervisor’s comments included: “Great job Marcus!” Plaintiff “has a strong work ethic and
10 remains focused on crime and Community Oriented Policing issues in his assigned beat, for
11 which I have recognized him at briefing to serve as acknowledgment and an example to his
12 peers.”

13 155. Plaintiff’s Supervisor continued: “In August 2010, Deputy Holton received a
14 written commendation for taking the lead on an investigation into a parolee who was gathering
15 intelligence on the home of a [local] Chief of Police . . . [Plaintiff] organized a search of the
16 parolees’ home that resulted in the discovery of firearms and contraband which violated the
17 suspect’s parole conditions and caused him to be returned to prison. His actions brought peace of
18 mind and increased safety to a fellow law enforcement official and his family.”

19 156. Plaintiff’s Supervisor continued: “[Plaintiff] received a citizen commendation
20 thanking him for the way he handled a suicide in which the victim shot himself in the driveway of
21 a neighbor’s home in broad daylight, which drew many distraught friends and acquaintances to
22 the scene.”

23 157. Plaintiff’s Supervisor continued: “Plaintiff was involved in a solo critical incident
24 in which he discharged his firearm at a wanted parolee, who was known to be armed and
25 dangerous, striking the suspect several times. The suspect was incapacitated but survived his
26 wounds. As the on-scene supervisor, I was impressed with Deputy Holton’s calm and composure
27 while broadcasting important information during this stressful encounter, and I personally
28 observed [Plaintiff] simultaneously maintained good tactical positioning, gave clear commands to

1 the suspect and his passenger, directed incoming units, and scanned for additional threats.”

2 158. Plaintiff’s Supervisor further stated “As a deputy on uniformed patrol, [Plaintiff]
3 EXCEEDS STANDARDS in all categories. [Plaintiff] consistently represents the Sheriff’s
4 Office in a positive manner, ***and is currently on the promotional list for Sergeant.***” (emphasis
5 added).

6 159. Another Supervisor wrote the following in regard to Plaintiff’s service on the
7 Special Weapons and Tactics (SWAT) team: “[Plaintiff] serves as the Team Leader of Platoon B
8 that I am assigned as the primary supervisor. [Plaintiff] was selected as team leader
9 approximately eighteen months ago because he demonstrated superior tactical knowledge,
10 dedication to the team, and was well respected by sergeants and team members alike. This
11 position is a leadership position, requiring added time commitments and responsibility. [Plaintiff]
12 continues to demonstrate with his performance and dedication that he is up to the challenge of the
13 position.”

14 160. Plaintiff’s Supervisor further wrote: “[Plaintiff] mentors the new members of our
15 team . . . [Plaintiff] has consistently developed quality and thoughtful lesson plans for SOU
16 training, tactical team training, and SWAT range training.”

17 161. His Supervisor continued: “Being a team leader requires decisive quality
18 leadership and sound judgment under the most stressful of situations . . . [Plaintiff] continues to
19 develop as a leader amongst his peers on the team.” “In the past 18 months [Plaintiff] has
20 completed Alameda County’s Urban Shield twice (2009,2010). Urban Shield is a grueling test of
21 a SWAT Team’s physical and mental toughness as well as their tactical skills. [Plaintiff]
22 completed a Tactical Team Leaders Course taught by the California Tactical Officer Association.
23 ***[Plaintiff] participated in the testing process for Sheriff’s Sergeant and is currently on that***
24 ***list.***” (emphasis added).

25 162. Another Supervisor added in regard to Plaintiff’s work as a firearms instructor:
26 “[Plaintiff] consistently provides the patrol deputies and SWAT Team members with current and
27 new training concepts.” “I can always rely on him any time I need a firearms instructor to run a
28 range or assist another instructor.” “When students are struggling on the range, I’ve seen

1 [Plaintiff] give constructive criticism to students who are struggling on the line, which helps them
2 obtain their firearms skills confidence.” The Supervisor continued: “[Plaintiff] is one of the ‘go
3 to’ firearms instructors when I need an instructor to put together or run a range.”

4 163. Additionally, the Sheriff’s Office awarded Plaintiff the “Silver Medal of Valor”
5 for his actions in regard to an armed parolee-at-large who made statements about wanting to kill a
6 police officer and had pointed a gun at his own mother. The accused ultimately plead guilty to
7 several felony charges.

8 **x. 2005 – 2008: “Exceeds Standards”**

9 164. In Plaintiff’s “Performance Evaluation Report” for the period of September 2005 –
10 September 2008, Plaintiff received the rating of “Exceeds Standards,” the second highest rating.
11 During this time period, Plaintiff worked in the role of CSI Detective, which still classified as a
12 Deputy Sheriff II. His Supervisor’s comments included: “[Plaintiff] was very thorough in
13 gathering items that he thought were of evidentiary value at crime scenes. He would go out of his
14 way to retrieve any item he had information on so that nothing would be left to chance, when the
15 case went to trial.”

16 165. The Supervisor continued: “One particular case . . . had multiple bullets imbedded
17 in two different residential structures from a drive-by shooting. [Plaintiff] located and removed
18 all rounds. Then, with the assistance of others, the suspect’s vehicle and pistol were located.
19 [Plaintiff] was able to develop a fingerprint from the pistols magazine. The rounds recovered
20 from both homes matched the pistol. Because of his thoroughness the case never went to trial and
21 the suspect plead to 7 years CDC.”

22 166. Plaintiff’s Supervisor continued: “[Plaintiff] became extremely proficient in the
23 CSI Lab. [Plaintiff] honed in skills by using different techniques taught to him by the Department
24 of Justice to develop prints, blood and trace evidence.”

25 167. His Supervisor continued: “[Plaintiff] was the senior detective when I came to the
26 unit. He offered his experience and taught the newer detectives the lab techniques and field
27 techniques prior to them attending a school, which made it easier for the new detectives to grasp
28 the instructors’ lessons and made my job a little easier. Marcus also assisted me with any

1 questions I had about the schools, the work flow of a scene and supplies I needed to keep in
2 stock.”

3 168. Plaintiff’s Supervisor continued: “Besides the non-violent crimes: Marcus was
4 the lead CSI detective on several OIS [Officer Involved Shooting] investigations and homicide
5 investigations, suspicious deaths and sexual assaults. Marcus took great pride in his work and it
6 showed. Marcus received positive comments from defense attorneys after his testimonials,
7 regarding how complete his overall reconstruction of the scene was presented.”

8 169. His Supervisor continued: “[Plaintiff] held two highly important collateral
9 assignments while working as a detective. He is currently a member of our department’s SWAT
10 Team, and is also a firearms instructor.”

11 170. Plaintiff’s Supervisor continued: “Besides receiving certificates from Officer
12 Involved and Homicide Investigation School[s,] Detective Holton completed and received
13 certificates from the following ‘CSI specific’ schools within his three years of investigations”:
14 Basic and Advanced Crime Scene Investigations; Bloodstain Pattern Interpretation; Fingerprint
15 Pattern Recognition; Latent Development Techniques; Advanced Palm Print Identification;
16 Latent Print Comparison; Cogents CAFIS System; FBI Post Blast Investigation; and
17 HazMat/Clean Lab School.”

18 **xi. 2004 – 2005: “Standard”**

19 171. In Plaintiff’s “Performance Evaluation Report” for the period April 2004 to June
20 2005, during which time Plaintiff was a new employee and thus in a standard probationary period,
21 he received the rating of “Standard.” His Supervisor’s comments included: “my observations of
22 [Plaintiff’s performance while assigned to the River Sub-Station is that he is conscientious and
23 reliable” and “It is my recommendation that [Plaintiff] be taken off probation.”

24 **E. Promotional Processes Over Many Years Are Infected By Racism, Bias, Discrimination,**

25 **Harassment and Retaliation**

26 172. Over the more than twenty years that Plaintiff worked in the Sheriff’s Office, he
27 continuously applied for promotional opportunities and collateral assignments, and was
28 continually denied those promotions and assignments.

1 173. The entire process was unlawfully rigged from the beginning, but Plaintiff didn't
2 know it for a long time. The way it was rigged took various forms. Interviewees would get
3 different questions. For example, one time Plaintiff was asked a whole battery of community-
4 oriented policing questions that he didn't have experience with, and others did. Another time
5 there was testing about an airport plane crash scenario. He did not have experience with
6 this. Other favored people were briefed in advance that this was a topic, so they had studied up.
7 Plaintiff thus was far behind his peers who were given the answers to the test in advance, making
8 them appear more qualified, when in reality they were just given a leg up.

9 174. People were given questions in advance, so they would come out like shining stars.
10 That's how management could justify distinctions, separate candidates, and handpick favored
11 candidates other than Plaintiff.

12 175. For a long time, Plaintiff took the process at face value. Management preyed upon
13 his good faith and good intentions. Plaintiff always sought feedback after each process, looking
14 for ways to improve. Management would bait him into saying things about areas where he could
15 improve, which then could be used against him in the process. He was always searching inward
16 to see what he could do better. Plaintiff was always doing self-reflection to try and improve. He
17 was always on a quest for improvement. Toward the end of the litany of rejections, Plaintiff even
18 retained and paid for a private oral board coach.

19 176. But management kept moving the finish line. When Plaintiff would improve on
20 one thing, then another thing would be used to critique him. During a recent Oral Board, Plaintiff
21 gave an answer regarding HR policy that was "by the book," meaning exactly as it should be. A
22 panelist said "*don't do that, nobody will like you.*"

23 177. It was a horribly conflicted, infected process from day one in retrospect, but
24 Plaintiff did not know this.

25 178. Finally, if one was to ask, how could this be, meaning how was the process really
26 so systemically rigged against him? How is this plausible or believable? That's where all of the
27 historical materials presented herein come into play. It is critical to understand the Sheriff's
28 Office culture at the time of Plaintiff's joining, and the perpetuation of that culture throughout the

1 entirety of Plaintiff's time while employed in the Office.

2 **1. Specific Promotional Processes of Note**

3 179. In regard to specific promotional processes of note, they include:

4 In **October 2013**, a Property Crimes Investigations Detective opening became
5 available. Plaintiff expressed his interest in this position. He participated in the testing for the
6 position in December 2013. In January 2014, he was advised that he had passed the interview
7 phase for the position. Given Plaintiff's years of service with the Sheriff's Office and his
8 experience and training, he felt he had a strong chance of getting the position. However, he was
9 informed that he was not selected for the position. A white male was selected. When Plaintiff
10 spoke to the Sergeant who made the decision he told Plaintiff, "*They're not going to let me pick*
11 *you.*" It was obvious that the "they" referred to by the Sergeant were white males in positions of
12 power in the Office.

13 180. Notably, every other employee who tested for the position was eventually selected
14 as a detective except for Plaintiff, and those employees are all now either Sergeants or
15 Lieutenants. Meanwhile, Plaintiff remained stagnant as a Deputy II.

16 181. In **June 2016**, there was an announcement for several vacancies and opportunities
17 for promotions within the Sheriff's Office. Plaintiff applied for those positions and was not
18 promoted. White males were selected.

19 182. In 2017, a Use of Force Instructor position opened up. Plaintiff had been a
20 firearms instructor for eleven years by this point. He was highly qualified for the position.
21 Plaintiff applied and again was denied with no explanation provided. A white male was selected.

22 183. In **February 2017**, Plaintiff tested for a Use of Force Simulator Instructor
23 position. He was denied this position without explanation. There were several positions, and white
24 males were selected.

25 184. In **October 2017**, Plaintiff applied for an open Sergeant position. He was denied
26 this promotion.

27 185. In **2018**, Plaintiff tested for a collateral assignment - a vacant position in the
28 Personnel unit. He was not selected for this assignment and was, again, not provided an

1 explanation for why he was passed over. A white female was selected.

2 186. On June 5, 2018, two Sergeant positions opened up. Plaintiff applied for these
3 positions. In December of that year, as noted above, he received yet another “Exceeds Standards”
4 performance review. It was noted he had more than 8 full or partial phase trainees that he was
5 overseeing, he made a noticeable effort to be a role model for his peers, and that promoting to
6 Sergeant would be part of his continuing progress within his chosen career.

7 187. However, on **March 25, 2019**, he learned that he was not hired to fill one of the
8 two open positions. Again, no explanation was provided.

9 188. In **October 2020**, additional Sergeant positions were opened. A total of 8 people
10 applied for those positions. Four were hired, two were offered the positions, and two were
11 “referred,” rather than offered the position. Plaintiff was among the “referred” candidates.
12 Plaintiff had more years of service, more experience, and better credentials than several of the
13 candidates who were offered positions.

14 189. In **November 2021**, the Sheriff’s Office began promotional recruitment for yet
15 another Sergeant position. Plaintiff applied and was not promoted again. Importantly, every year
16 he continued to receive stellar performance reviews from his immediate supervisors despite not
17 being promoted to Sergeant time and again.

18 190. In **2022**, Plaintiff was “shoulder tapped” by a Sergeant to become a Taser
19 Instructor. Plaintiff told the Sergeant that he was not bothering to apply because he had been
20 passed over for so many collateral assignments. However, the Sergeant strongly encouraged
21 Plaintiff to apply for the position. Hopeful that he would not be passed over this time, Plaintiff
22 applied. He did not receive the position. A white male was selected.

23 191. The Sergeant who had encouraged him to apply told Plaintiff that *when he*
24 *mentioned Plaintiff’s name for the position, he was told no*. The refusal to promote Plaintiff
25 time and again or to place him in collateral assignments was clearly intentional and willful.

26 192. In **February 2022**, Plaintiff applied for another vacant Sergeant position. He
27 entered the oral board and written components of the process with a rating of #1 and a score of
28 90% based on “the packet,” which is the paperwork designed to evaluate the applicants.

1 However, at the conclusion of the testing, he was ranked 8th out of 9 applicants.

2 193. During feedback, he was told that his score was 86%, not 90%, and it had been
3 adjusted based on “peer review.” **A Captain commented during the feedback session that “he**
4 **does what he wants” while gesturing toward the Sheriff’s office.** Their explanations as to why
5 Plaintiff’s scores were downgraded on separate portions of the test are in direct conflict with
6 Office policy, and were discriminatory in nature.

7 194. The list of new Sergeants released on September 19, 2022 showed that Plaintiff
8 was rejected for the positions while 3 other candidates with less experience were hired.

9 **a. “Black People Can’t Swim,” And That Is “Science”**

10 195. In **2021 or 2022**, Plaintiff applied to be a Tactical Flight Officer. He had many
11 years of experience, training as an EMT, had worked as a firefighter, and had served the Sheriff’s
12 Office for many years. Yet, once again, he was passed over for the position.

13 196. He applied for the position again about a year later, and was denied the position.
14 The Sheriff Helicopter Pilot had a huge role in deciding who would get the position. The
15 Sheriff’s Office on its website details the helicopter team’s role in regard to water rescues, stating
16 that it “regularly rescues people from cliff faces, ravines, swift water and ocean surf regions using
17 a long-line method.” The Pilot had stated to Plaintiff **“black people can’t swim.”** The Pilot then
18 cited **“science”** and **“cellular matter”** to support his racist statement.

19 197. The Pilot also said to Plaintiff **“you guys aren’t rescue swimmers”** referring to
20 Tactical Flight Officers, appearing to mull over whether or not it might be okay to have a black
21 person in the position, given that, in the Pilot’s mind, black people can’t swim, and certainly
22 couldn’t be rescue swimmers. Hearing such wildly blatant racism on this topic hit Plaintiff even
23 harder because one of his young daughters in fact was on a swim team, and Plaintiff also was a
24 triathlete, having completed a triathlon that included an open water swim. And a more overtly
25 discriminatory justification for passing up a qualified candidate could not be made up. A white
26 male received the position.

27 198. In **October 2022**, there was another announcement for two open Sergeant
28 positions. Plaintiff, again, applied. On **September 5, 2023**, Plaintiff was rejected for these

1 positions. Seven applicants had been hired and five rejected. White males received the positions.

2 199. In **2024**, Plaintiff again applied to be a Tactical Flight Officer. At that time,
3 Plaintiff had 28 years of patrol experience, including 20 years with Sonoma. He had been on the
4 SWAT team for 8 years. He had been a Field Training Officer for 11 years. He was on the
5 Drone Team with a valid FAA Part 107 Remote Drone Pilot's License. He was a Firearms
6 Instructor. Plaintiff had prior EMT training, had worked as a seasonal firefighter, and had
7 completed 100 foot long line training.

8 200. Quite simply, there was no one more qualified at the Sheriff's Office than Plaintiff
9 for the position. However, as Plaintiff was entering the interview session, he heard the Sergeant
10 telling Plaintiff's colleague that the colleague was going to be hired. Once again, Plaintiff was
11 passed over for a position he was more qualified for than any other applicant. He was not given
12 any explanation as to why he was not given the position. The Sergeant who made the decision
13 stopped talking to Plaintiff thereafter.

14 201. In **September 2024**, more Sergeant positions opened up and, again, Plaintiff
15 applied. Seven positions were filled by white males, but Plaintiff was among the two applicants
16 who were denied a promotion.

17 **b. The Role of Sheriff Eddie Engram**

18 202. On **March 26, 2025**, Plaintiff met with Sheriff Eddie Engram, an African
19 American, to ask why he was always passed over for promotions. Engram already had animosity
20 toward Plaintiff grounded in racism. As detailed below, Engram had sought support around
21 2012-2013 from Plaintiff, as a fellow African American, for some type of racially-related claim
22 that Engram was pursuing against the County. Plaintiff had nothing to offer, and Engram never
23 forgot or forgave Plaintiff. It was as if Engram had wanted to Plaintiff to come up with
24 something that didn't exist.

25 203. Sheriff Engram now claimed that his "review of the file" based on others'
26 comments supposedly indicated that Plaintiff got nervous and performed poorly during
27 interviews. Engram said "everyone agreed" that Plaintiff's interview skills were weak. Plaintiff
28 in fact did not have "weak" interview skills. He in fact was accustomed to testifying in court

1 (hundreds of times) and instructing other law enforcement personnel with ease (including
2 approximately 60 trainees that had been assigned to him over his 11 years as a Field Training
3 Officer).

4 204. Moreover, Plaintiff had been in the Office for 22 years by that point. He was
5 anything but an unknown quantity. Engram's comments made it sound like Plaintiff was a
6 complete unknown.

7 205. In 2022, Engram had been elected to become Sheriff for a term beginning in 2023.
8 He was reported to be the first African American to hold that position, the first African American
9 ever elected to be a County official, and just the second African American elected Sheriff in
10 California history.

11 206. A 2022 news article about Engram's election stated the following:

12 "[Engram] recalled an experience on his elementary school playground in Florida,
13 when *a white classmate called him the N-word, leading to a fight. He was*
14 *suspended for the incident. The white child was not.*

15 "Later on, I'd have a conversation with my mom and tell her what happened, and
16 she goes, 'You're just going to have to live with that,'" Engram said.

17 "Throughout my whole life, that's what I was told ... that, you know, life isn't
18 going to be fair for Black people, especially Black men. It's just not going to be,
19 and *you're going to have to work twice as hard to succeed.* Whether that's been
20 true in every situation or not really never mattered to me, because that's just how I
21 live my life."

22 These words and concepts were directly applicable to Plaintiff's experiences in the Sheriff's
23 Office, as described herein.

24 207. But Engram's animosity toward Plaintiff was personal, and grounded directly in
25 racism. Engram's tone of voice, facial expression, body language, and very dismissive attitude
26 all reflected to Plaintiff that Engram was very specifically retaliating against Plaintiff. This was
27 made incredibly apparent by Engram leafing through a few papers and referencing that they said
28 that Plaintiff was nervous in interviews. Engram was acting as if he did not even know Plaintiff,
despite their working together in the same office *for more than 20 years.*

208. It also appeared to Plaintiff that Engram was blatantly appeasing and supporting

1 the powerful racist faction in the Office. Engram had obtained support in his run for Sheriff, and
2 it appeared obvious that a condition was “no one else allowed” meaning no more African
3 Americans ascending in leadership.

4 209. Plaintiff requested meetings with two of the Captains to discuss his lack of
5 promotions. Despite confirming the appointments, neither Captain showed up at the confirmed
6 meetings. The writing was on the wall. Plaintiff was never going to be promoted. He had served
7 the Sheriff’s Office for 20 years as a Deputy and that was as high as he was going to move up the
8 ladder. His superior officers could not even be bothered to meet with him.

9 210. Nevertheless, Plaintiff persisted and finally got a meeting with a Captain on April
10 4, 2025. They met in the Captain’s office to discuss a recent opening for a Sergeant position.
11 Plaintiff believed he was the most qualified candidate and that the Sheriff’s Office was finally
12 going to give him an opportunity to be a Sergeant. Plaintiff met with the Captain while Plaintiff
13 was on vacation to discuss the position to show him how committed he was to obtaining the
14 promotion to Sergeant. During that meeting, the Captain indicated that Plaintiff was going to
15 finally be a Sergeant. They then discussed certain key issues faced by the Sheriff’s Office such as
16 immigration and staffing.

17 211. On **April 16, 2025**, Plaintiff was driving and received a call from his supervising
18 Captain. He advised Plaintiff that he was not going to be selected for either of the two open
19 Sergeant positions and knew Plaintiff would be upset. Plaintiff then pulled into the parking lot of
20 a Raley’s shopping center, parked, and begun to cry. He was sure the promotion had been denied
21 because of how he had requested that racist remarks he experienced in March 2025 (discussed
22 below) be investigated. There was no other explanation, as the Captain had all but indicated the
23 decision had been made to promote Plaintiff during their April 4 meeting. Plaintiff felt hopeless
24 and helpless.

25 212. Despite being the most experienced, educated, and qualified candidate for open
26 positions, Plaintiff was never selected. This was despite year after year of stellar performance
27 reviews. Plaintiff was never told he was unpromotable or that he had done anything specific in
28 his career that would prevent him from advancing. He trained 58 deputies over 11 years, and

1 taught firearms instruction for 19 years, during his tenure with Sonoma but was somehow never
2 good enough to be a Sergeant. He was never told what he had done wrong to preclude him from
3 advancement. It seems what he did was to be born the “wrong” race.

4 **F. Other Notable Instances And Indicators Of Racism**

5 213. During his employment with Sonoma, Plaintiff directly and indirectly experienced
6 a near constant stream of inappropriate statements and conduct based on race, which manifested
7 itself in myriad forms, big and small, direct and subtle. They are so voluminous that it would be
8 impractical to catalog them all here. There are certain items that are so notable that they stood out
9 from the rest. A few exemplars are as follows:

10 **1. “I Hate Women And Minorities”**

11 214. In 2003, right after the time of Plaintiff’s hiring, while Plaintiff was still in the
12 orientation period, brand new, a Deputy Sheriff introduced himself and stated to Plaintiff: “*I hate*
13 *women and minorities.*” This was the first time that Plaintiff had ever met this individual. The
14 Deputy was dead serious, unsmiling, and walked away. The statement was in keeping with what
15 Plaintiff learned was the individual’s reputation – definitely not a joke.

16 215. Plaintiff was shaken to the core, but remembered other guidance he had received
17 about the Sheriff’s Office – *keep your head down and do not rock the boat.*

18 216. Notably, the Deputy that stated “I hate women and minorities,” after working with
19 Plaintiff for many years, eventually told Plaintiff several times that he thought the administration
20 should give Plaintiff an opportunity at Sergeant. He also gave Plaintiff a Sergeant examination
21 book to study for an upcoming Sergeant test.

22 217. The fact that such a profound racist even came to see Plaintiff’s qualifications is
23 telling in that there must have been a somehow even *deeper* level of racism held by others that
24 refused to allow Plaintiff to be promoted.

25 **2. “Wow, The Sheriff’s Office Has Really Changed”**

26 218. Shortly after Plaintiff joined the Office, his wife encountered two Caucasian
27 former Deputy Sheriffs from the Sheriff’s Office. Upon hearing that the Sheriff’s Office had
28 hired Plaintiff, an African American, they seemed stunned, and repeatedly stated words to the

1 effect of “*Wow, the Sheriff’s Office has really changed.*” When Plaintiff’s wife in subsequent
2 years would encounter these individuals, and hear that Plaintiff was still employed and seemingly
3 doing well in his initial years there, they again seemed shocked and reiterated that “*the Sheriff’s*
4 *Office has really changed.*” It was obvious from their tones of voice, facial expressions, and
5 body language that they were referring to racial issues.

6 **3. A White Male Physically Assaults Plaintiff, And Is Insubordinate To Plaintiff,**
7 **And Plaintiff Is The One That Is Disciplined**

8 219. In September 2011, a major internal conflict arose on a very high stakes, out-of-
9 county SWAT assignment. Plaintiff was the appointed Team Leader for a group consisting of
10 him and two white male Deputies. Plaintiff relayed to the Deputies the overseeing Sergeant’s
11 direct orders that the three Deputies (including Plaintiff) were to arrive at the site in *unmarked*
12 cars to avoid detection, and that the team would need to study maps to familiarize themselves
13 with the area at issue including a forest area.

14 220. One of the Deputies (“Deputy #1”) was away on a fishing trip, and advised that he
15 would meet the other two at the site. Plaintiff informed him that he needed to make certain to
16 arrive in an unmarked car due to the Sergeant’s order. Deputy #1 laughed at this and said he was
17 going to arrive in a marked car. Plaintiff again advised him to arrive in an unmarked car.

18 221. Deputy #1 arrived at the site area in a marked car, in defiance of Plaintiff. Plaintiff
19 indicated that the group needed to study the area maps. Deputy #1 stated that he was too tired
20 (presumably from his fishing trip and whatever went on there), and was going to go to sleep, in
21 defiance of Plaintiff. Plaintiff and the other Deputy studied the maps, per Order.

22 222. The next morning, at the site, Deputy #1 stated that he was too tired to stay awake
23 (despite sleeping the night before). Plaintiff assigned Deputy #1 to a site area where he would do
24 the least damage to the mission if he nodded off on the job – watching a surveillance monitor and
25 listening for radio signals indicating motion. A few hours later, Plaintiff checked on Deputy #1
26 and found him asleep.

27 223. The next morning, another team arrived to relieve Plaintiff’s group that had by that
28 point been on duty for 24 hours. As Team Leader, it was Plaintiff’s obvious responsibility to go

1 meet the incoming Team Leader and brief him on the status of the mission in progress. This did
2 not sit well with Deputy #1, to say the least.

3 224. Deputy #1 opened the front door of the site location. Plaintiff was directly behind
4 Deputy #1 at this time. Plaintiff used his left hand to tap Deputy #1 on his left upper back and
5 shoulder area as he attempted to go around him in the doorway. At the same time Plaintiff told
6 Deputy #1 that Plaintiff would make contact with the relief team.

7 225. Deputy #1 immediately spun around to his left and grabbed the upper portion of
8 Team Leader Plaintiff's vest with his left hand. Deputy #1 began thrashing Team Leader Plaintiff
9 back and forth in an upwards motion. Deputy #1 struck Team Leader Plaintiff twice in the mouth
10 with his closed left fist. Each time Deputy #1 thrashed Team Leader Plaintiff back and forth he
11 told Team Leader Plaintiff, "Stop fucking with me." Team Leader Plaintiff sustained a bleeding
12 laceration to the inside of his left lower lip.

13 226. Deputy #1 then went out to meet and brief the relief team, in defiance of Plaintiff.

14 227. After the mission was done, Plaintiff noticed that during the next couple of weeks
15 several SWAT team members would not speak to Plaintiff and were consistently around Deputy
16 #1.

17 228. Then, prior to a patrol shift, the SWAT Sergeants (white males) called Plaintiff in
18 for a meeting. During this meeting, Plaintiff received a rather lengthy verbal reprimand from each
19 Sergeant. The Sergeants told Plaintiff that when speaking to other team members his delivery
20 was poor. The Sergeants told Plaintiff that team members didn't feel he was approachable. A
21 Sergeant told Plaintiff that he would be mad at Plaintiff too if Plaintiff made him "watch a
22 television" all night. After hearing that statement, Plaintiff suspected Deputy #1 had provided the
23 Sergeants with some type of false story about what happened during the mission. Plaintiff was
24 not even given an opportunity to provide his account of what took place during the mission.

25 229. The Sergeants gave Plaintiff a reading assignment (a general book about
26 leadership, not specific to law enforcement) and was told to apologize to the entire SWAT team at
27 the next upcoming training. At the next training, as ordered Plaintiff stood before entire SWAT
28 team and apologized, although he was unaware as to what specific event for which he was

1 apologizing.

2 230. Unfortunately, even after this “kangaroo court” proceeding, and the subsequent
3 ordered humiliation of Plaintiff, that was still not enough for Deputy #1. Deputy #1 eventually
4 lashed out at one of Plaintiff’s trainees as a clear proxy for Plaintiff in order to generate more
5 friction with Plaintiff.

6 231. Plaintiff went to a white male Lieutenant to seek help in improving the relationship
7 between Plaintiff and the white male Deputy #1. In the course of the discussion, Plaintiff
8 provided the context of Deputy #1’s prior insubordination and physical attack on Plaintiff. The
9 white male Lieutenant immediately blamed Plaintiff for not reporting the incident, even though
10 Plaintiff *had* already been summoned before the Sergeants (discussed above), who summarily
11 made clear that no input from Plaintiff would be allowed.

12 232. The white male Lieutenant already appeared to have racial animus in regard to
13 Plaintiff. When both were Deputies, they had what seemed to be a normal working relationship.
14 But eventually the white male was promoted to Sergeant, and then Lieutenant, and eventually
15 Plaintiff became a SWAT team leader, and then something changed. The white male was very
16 critical of Plaintiff being in a leadership position. For example, the white male Lieutenant
17 repeatedly told Plaintiff that Plaintiff was a “smart ass” (with no basis to do so) and he would
18 characterize essentially everything that Plaintiff did as a “stupid” effort or a “poor” effort. The
19 white male Lieutenant did not characterize white SWAT team leaders in this fashion. These
20 comments are in direct conflict with the assessment of his abilities as quoted in his Performance
21 Evaluations discussed herein.

22 233. Moreover, in 2011, Plaintiff had been in an officer-involved-shooting in regard to
23 a white male, who was a wanted violent parolee at large in the community. The parolee had been
24 believed to be under the influence of methamphetamine, armed with a handgun, had stated that
25 that he wanted to kill a police officer, and had pointed a gun at this own mother. When Plaintiff
26 located the parolee, the parolee exited a vehicle, made several movements toward his waistband,
27 and Plaintiff then fired several rounds from his pistol, striking and wounding the parolee.

28 234. The white male Lieutenant in the Sheriff’s Office who had characterized Plaintiff

1 as a “smart ass” and with “stupid” and “poor” effort as a team leader, sought out Plaintiff after the
2 Lieutenant had returned from a law enforcement conference. The Lieutenant said he supposedly
3 was asked by a member of the Oakland Police Department, “*how did you guys get away with a*
4 *black guy shooting a white guy?*” The white male appeared to enjoy relaying this to Plaintiff and
5 calling attention to Plaintiff’s race. Plaintiff thought it was extremely inappropriate.

6 235. It was this same white male Lieutenant that, in 2013, was going to be the one
7 further investigating the 2011 SWAT team incident in which Plaintiff as a SWAT team leader
8 was twice struck in the face by a wildly defiant and insubordinate member of the team.

9 236. The white male Lieutenant investigator, at the start of the investigation, told
10 Plaintiff that he was going to investigate the incident, find Plaintiff responsible, and remove
11 Plaintiff from the SWAT team.

12 237. Then the Office doubled down against Plaintiff in the 2013 re-opened
13 investigation. Plaintiff detailed that, in regard to Deputy #1, “When a team leader like [two white
14 males] told [him] to do something, [he] did it.” In contrast to Deputy #1’s conduct toward
15 Plaintiff, where Deputy #1 mocked, ignored, and attacked Plaintiff in response to being directed
16 in his work.

17 238. Deputy #1 now took the opportunity to lob in more information about Plaintiff,
18 i.e., writing that Plaintiff was “condescending and belittling,” has a “bad relationship with several
19 members of his patrol shift as well as SWAT team members,” and took more shots at Plaintiff’s
20 “attitude and actions.”

21 239. Not surprisingly, the white male investigator (the Lieutenant described above)
22 further backed Deputy #1 in an investigation report, validating alleged complaints that Plaintiff
23 “was demanding respect by his title [rather] than earning the respect of the team.” And parroting
24 words such as “disrespectful, condescending, and demanding” and recommending work on
25 Plaintiff’s “tact, approachability, attitude.”

26 240. Another white male referenced in the report didn’t like that Plaintiff, as Team
27 Leader, “was ordering people around.” This, of course, is the role of a Team Leader to ensure
28 that the team is working together to achieve an ultra-serious goal.

1 241. Now fully revved up, the white male Lieutenant investigator wrote that Plaintiff
2 “*has a history on the team as being a dictator who lacks tact and approachability.*” He
3 concluded that *Plaintiff, as Team Leader*, “was discourteous and uncivil” during the mission, and
4 “created an environment of unwanted tension.” These comments are in direct conflict with the
5 assessment of his abilities as quoted in his Performance Evaluations discussed herein.

6 242. The investigator further concluded that the physical attack did not happen, and
7 Deputy #1 did nothing wrong at all.

8 243. In 2013, based on all of this, the Sheriff decided that Plaintiff should be off of the
9 SWAT team and recommended “leadership / communication training.”

10 244. So little regard was had for an African American Team Leader, that a white male
11 subordinate felt free to physically strike Team Leader Plaintiff, and repeatedly defy him and
12 usurp his responsibility, knowing that there would be no consequences.

13 245. The outcome of the initial “kangaroo court” and further investigation made it
14 crystal clear that the Sheriff’s Office was going to protect its white Deputies and not Plaintiff, and
15 that the Office would not conduct investigations objectively. Further clear was that Plaintiff, as
16 an African American, would be subject to extreme retaliation if he dared to raise any concerns or
17 complaints about anything.

18 246. Both the Deputy who struck Plaintiff and the other white Deputy who “did not see
19 anything” have since been promoted several times.

20 **4. Plaintiff Has Nothing To Offer Engram And Will Pay The Price**

21 247. Around 2012-2013, now-Sheriff Eddie Engram was a Deputy. Engram like
22 Plaintiff is African American. Engram told Plaintiff that Engram had some type of legal or
23 internal claim either actual or planned in process regarding racial discrimination and the Sheriff’s
24 Office. Engram told Plaintiff that he was consulting with an attorney. Engram wanted assistance
25 from Plaintiff with the claim, and also offered that Plaintiff could join forces with his own claim.

26 248. But at the time, Plaintiff did not have any information that appeared like it would
27 help Engram. The 2011 SWAT team incident had been disastrous, but Plaintiff didn’t have a full
28 understanding of it, as more would emerge about it in 2013, and even then, Plaintiff didn’t have

1 full information about it. And also, Plaintiff knew enough to know that it probably would not go
2 well for him to rock the boat in the Office. He recalled the advice he received early on when
3 joining the Office – just keep your head down.

4 249. Engram appeared to take it *very* personally that Plaintiff didn't have anything to
5 offer. Plaintiff couldn't tell if Engram was suggesting that Plaintiff should make things up.
6 Plaintiff certainly was not going to do that. Engram continued to appear very displeased that
7 Plaintiff would not be supporting or joining Engram in a legal or internal claim.

8 250. Soon thereafter Engram was promoted to Sergeant. He then retaliated against
9 Plaintiff as detailed more herein. It was 100% obvious to Plaintiff that Engram, as a black man,
10 felt that Plaintiff, as a black man, should have come up with something to support or join Engram.
11 This is a form of racism and discrimination – differential treatment on the basis of race.

12 **5. Where's the File?**

13 251. Plaintiff asked for the complete file that contained information about the
14 “investigation” and was told the Office could not find the file. As a matter of law, given its
15 findings as to Plaintiff, Plaintiff had an absolute right to receive the *complete* file, including all
16 witness statements and recordings of any interviews. Plaintiff was only given a portion of the
17 file, raising obvious questions in his mind about what was in the missing materials.

18 252. In particular, Plaintiff asked Eddie Engram five times for the file, starting when
19 Engram was a Sergeant and had responsibilities related to Internal Affairs. This was over a
20 period of many months. Each time Engram claimed that he could not find it, or that it must be
21 lost.

22 253. Of obvious note, these interactions with Engram were *after* Engram had wanted
23 assistance from Plaintiff in regard to Engram's raising of racial issues within the Office. As noted
24 herein, Plaintiff at the time had nothing to offer to Engram.

25 254. After that, Engram appeared to permanently hold that against Plaintiff. Before
26 that, they were friendly, and used to work out, cycle and swim together. Now, starting with the
27 whereabouts of the complete investigation files, it was obvious to Plaintiff that Engram was
28 retaliating against him.

1 very easily have medically retired, with very significant financial benefits to doing so. People
2 half-jokingly referred to him as “superhero.” But to Plaintiff, he simply wanted to do his job.

3 **7. “They’re Not Going To Let Me Pick You”**

4 261. In October 2013, Plaintiff was assigned light duty in the property crimes unit. He
5 applied for a Property Crimes Investigations (PCI) Detective opening but was notified on January
6 3, 2014, that while he had passed the interview process, he was not selected (the position going to
7 two other white Deputies with less experience), and Plaintiff was placed on an unranked list.
8 Plaintiff was told by the Sergeant making the selections that **“They’re not going to let me pick
9 you.”** It was unclear exactly who the “they” were, but obviously individuals with power and
10 authority within the Office. What *was* clear was that they were discriminating and retaliating
11 against Plaintiff.

12 262. This decision, following the contentious internal investigation where Plaintiff was
13 disciplined, constituted a clear adverse employment action and is further evidence of retaliation.

14 **8. “What Did You Expect?”**

15 263. Unfortunately, absorbing racial invective and vitriol in the field frequently went
16 with the territory of Plaintiff being an African American law enforcement officer in Sonoma
17 County. As just one of many examples, in a 2015 criminal matter that received significant
18 attention, two women were convicted of resisting Plaintiff’s efforts to arrest them. Jailhouse
19 recordings of the [non-African American] women from later on in the night after arrest revealed
20 that one of them asked, in regard to Plaintiff’s presence at the jail, **“Was that fuckin’ black piece
21 of shit there?”** and **“That black cop was there?”** The other woman in the same call referred to
22 Plaintiff as a **“stupid [N-word].”**

23 264. Plaintiff also received death threats during this time period, and the Human
24 Resources Department conducted a threat assessment.

25 265. At the trial, in which Plaintiff testified, the jailhouse recordings were entered into
26 evidence by the District Attorney’s Office, pursuant to a ruling from the Judge about its
27 relevance. Plaintiff read his victim impact statement in Court, believed to be the first member of
28 the Sheriff’s Office to read one in Court according to the District Attorney’s Office.

1 266. For his part, the Sheriff at the time publicly made supportive comments of
2 Plaintiff, stating in a televised interview: “Look how Deputy Holton is treated there. Other [not
3 African-American] Deputies show up, look how they’re treated there. He’s treated *very*
4 *differently*. I think when you take the whole thing into context, when you take the context of the
5 jail audio tapes, I would have the public decide why Deputy Holton was treated the way he was.
6 [Q: Ok, so there were some racial undertones I know in those, in those . . .] I don’t think
7 undertones does it justice quite frankly, I think it’s absolutely abhorrent the words that are on that
8 recording . . .”).⁶

9 267. But behind the scenes, a white male Sergeant in the Sheriff’s Office baselessly
10 criticized Plaintiff for his actions during the arrest, and stated “*What did you expect?*” to excuse
11 and dismiss the fact that an assailant had jumped on Plaintiff’s back while Plaintiff was in the
12 process of detaining and arresting an individual that had resisted arrest. It appeared to Plaintiff
13 that the Sergeant was stating that Plaintiff, as a strong black man, was justifiably physically
14 attacked for doing his job.

15 268. Plaintiff complained to the Undersheriff, believing it to be a formal Complaint, in
16 a closed door office. The Undersheriff responded simply “*Don’t worry about it, he’s a*
17 *dumbass*,” meaning the Sergeant, and it was swept away, never addressed again.

18 269. The onslaught of discriminatory and racially offensive words and deeds from
19 within the Sheriff’s Office, the people that were supposed to support him and have his back,
20 further compounded what Plaintiff was also experiencing from members of the community as an
21 unfortunate part of his job.

22 **9. “Tends To Get Easily Upset When He Perceives That A Trainee Challenges**
23 **His Authority” And “Body Posture”**

24 270. In November 2016, although Plaintiff was noted as exceeding standards in his
25 review, the white male Sergeant referred to above in the previous section also stated that Plaintiff
26 “has had a couple of incidents where he has had personality conflicts with trainees. He tends to

27 ⁶ See interview of Sheriff Freitas, April 9, 2016, at 7:17 – 8:16 available at
28 <<https://www.youtube.com/watch?v=2gbrcuzashk>> (last visited Nov. 16, 2025).

1 get easily upset when he perceives that a *trainee challenges his authority* on topics. He takes it
2 *very personally* and I have had to come in and mediate a dispute or two.” The white male
3 reviewer also stated that in regard to Plaintiff’s “communication skills,” “Keep in mind that *body*
4 *posture and voice tone* is equally important as to the words that are selected.”

5 271. It is notable that the white male seemed to feel that a challenge to an African
6 American’s leadership authority was not particularly upsetting. Also, the white male felt free to
7 note and comment upon Plaintiff’s body, a theme that would resurface again later, as noted
8 below, in the context of Plaintiff being repeatedly physically assaulted by another member of the
9 Office who took offense to Plaintiff’s natural walking style.

10 272. Of very important note, this was the very same Sergeant that also internally
11 criticized Plaintiff about the very high-profile incident, recorded on body-cameras, which resulted
12 in successful criminal convictions of two individuals, who were racially-motivated in resisting
13 Plaintiff’s authority and efforts to arrest them.

14 273. Plaintiff formally questioned this statement in writing, as it was not supported and
15 not accurate. By this time, Plaintiff had already been passed over for promotion, heard the
16 “*They’re not going to let me pick you*” statement, and needed to make certain that records
17 regarding him were accurate.

18 274. Without identifying the alleged interactions, the reviewer’s characterization was
19 summarily confirmed as valid by another white male superior. Allowing a supervisor to fabricate
20 incidents that did not occur and summarily confirming them as accurate without even discussing
21 the claims with Plaintiff, or providing details of the alleged incidents, is further evidence of the
22 discriminatory treatment Plaintiff suffered while employed by Sonoma.

23 275. Moreover, the white male Sergeant’s comments are in direct conflict with the
24 written “FTO Critiques” presented herein in the section regarding Performance Evaluations.

25 **10. “Rumor and Speculation”**

26 276. A Trainee’s written “FTO Critique” dated January 24, 2017 included the
27 comment: “*When assigned to FTO Holton I was hesitant based off of rumor and speculation,*
28 *but once I worked with him, all of my concerns were alleviated.*” (emphasis added). The Trainee

1 went on to write very positive comments, and rated Plaintiff as “Excellent” in 3 categories, and
2 “Good” in the remaining 4 categories.

3 277. As it obvious from the material presented herein, the “rumor and speculation” was
4 grounded in racial bias and discrimination.

5 **11. “Lazy” / “Porch Monkey” / An Astounding Lack Of Follow-Up Questions**

6 278. In approximately the 2018-2019 time frame, a white male Sergeant (“the
7 Sergeant”) repeatedly denied Plaintiff’s routine requests for time off, and repeatedly referred to
8 Plaintiff as “lazy.” There was no valid reason for the denials, and similar requests were regularly
9 and routinely granted for white males. Moreover, as should be apparent from the material in this
10 Complaint, Plaintiff was as far from “lazy” as could be imagined.

11 279. Right around this time frame, the Sheriff’s Office received an anonymous letter
12 (not from Plaintiff) that was submitted to the Office’s Bureau of Professional Standards. Among
13 other things, the letter stated: “I have heard, on more than one occasion of [the Sergeant] using
14 not only homophobic language and remarks, but *racial slurs*. It has been told to me that this had
15 occurred on duty, and specifically at the EVOC training facility, specifically with the EVOC
16 training cadre.” (emphasis added).

17 280. The letter further stated that, while “ ‘venting’ to his deputies about [an]
18 investigation, [the Sergeant] referred to Captain [redacted, an African American, not Plaintiff] as
19 *the Sheriff’s ‘Porch Monkey.’*” (emphasis added).

20 281. The letter continued: “I find the alleged *racist and disgusting comments* made
21 regarding Captain [redacted] to not only be insubordinate and undermining of the administration,
22 but a *gross display of racism* which simply cannot exist in the county’s work environment.”
23 (emphasis added).

24 282. The letter continued: “This letter of concern is being submitted anonymously, as
25 [the Sergeant] is a supervisor within the Sheriff’s Office. *I fear, as I believe several others do,*
26 *that there would be severe consequences for coming forward without anonymity. I fear that the*
27 *backlash would be not only from [the Sergeant], but from his supporters.* While I do believe
28 his conduct should immediately change, I am not willing to come forward publicly with my

1 concerns do [sic] to *fear of retaliation.*” (emphasis added).

2 283. Of major note, there is a redacted witness statement in which the investigator from
3 the Office asks: “Um, all right, so have you ever heard him refer to Captain [redacted], as a, a, a
4 nigger?” The recorded audio of the interview then indicates *an approximately 12 second pause*
5 before the interview answers: “Him, specifically, no.”⁷

6 284. The answer, as well as the gigantic pause before the very carefully worded answer,
7 absolutely begs the question whether the interviewee ever heard the Sergeant use that word about
8 *anyone else* other than the Captain. *But it was not asked, and the investigator moved on to other*
9 *topics.*

10 285. In many, but not all, of the posted interviews, interviewees were asked at the end
11 questions along the lines of “Is there anything else that we haven't asked that you think's
12 important now that you know the direction of our questions?” But the interviewee referenced
13 above was not asked that.

14 286. Moreover, there is a troubling lack of consistency in the questions asked of all
15 interviewees, with some being asked only about “monkey” comments and not asked at all about
16 “n-word” comments. And there was a troubling lack of asking about the Sergeant’s possible use
17 of racially derogatory slurs in regard to *any* individuals or in any context, not just directly about
18 the African American Captain.

19 287. Moreover, no one sought to interview Plaintiff, one of the very few African
20 American sworn employees in the Sheriff’s Office, about his experiences with the Sergeant.

21 288. Following the interviews, the “Internal Investigation Report” found that the
22 Sergeant had in fact referred to an African American Captain as a “*porch monkey*” in front of
23 others. The Report stated “In regards to the reference to Captain as a “*porch monkey*,”
24 Wiktionary defines the phrase as “*A lazy black person.*” For [the Sergeant] to use this word in
25 reference to Captain ridiculed and insulted him because of his race. [The Sergeant] attempted to
26 minimize it one time by stating he may have said “*fucking monkey*,” *which is even more of an*

27 _____
28 ⁷ Transcript file name “9036_Detective 12 Statement_Redacted” - Audio file name “9035_Detective 12
Statement_1_1.mp3”.

1 *explicit derogatory remark.*”

2 289. Sonoma’s “Notice of Intended Disciplinary Action,” dated July 20, 2020, states
3 that “The term “*porch monkey*” is a racial slue [sic] used to connote a lazy Black person.” (page
4 4).

5 290. But the matter appears to have concluded via a issued a Memorandum from a
6 Sheriff’s Office Captain dated August 25, 2020, titled “Skelly Hearing 19-IA-0005” confirming
7 the investigative factual findings and the termination of the Sergeant following a Skelly hearing.
8 However, the Memorandum seemingly walks away from the racial connotations of the Sergeant’s
9 monkey comment(s), references the Sergeant’s statements in the IA interview and Skelly hearing
10 that he only meant “idiot” and “stupid” by those terms, and determines that the usage constituted
11 insubordination and inadequate carrying out of supervisory duties. This was a retreat, and a
12 sanitizing and watering down of the initial findings.

13 **12. Use Of N-Word In One Or More Briefing Meetings**

14 291. Plaintiff was informally told by another member of the Office that in one or more
15 briefing meetings, a Sheriff’s Office employee used the N-word. This news was very unsettling
16 to Plaintiff, and it was unclear what if any repercussions there were. He didn’t know if it was in
17 regard to him, in regard to other African American employees in the Office, some other specific
18 African Americans, African Americans in general, or in some other context. Plaintiff didn’t
19 know if others enabled or encouraged the alleged conduct or just “looked the other way” and let it
20 pass. Plaintiff doesn’t know if any type of formal investigation ensued and reached any
21 conclusion. No one ever followed up with Plaintiff to discuss the matter.

22 **13. “I’m Directing You To Not Be Offended”**

23 292. In briefing meetings and other meetings, over many years, Plaintiff frequently
24 heard racially offensive statements, and well as other offensive statements. Plaintiff’s superiors
25 often would then immediately state to Plaintiff things such as “*I’m directing you to not be*
26 *offended,*” “*You’re not offended,*” and similar phrases while standing over Plaintiff. These
27 statements would immediately single out Plaintiff, separating and isolating him from the rest of
28 the group. These were not even thinly-veiled threats, they were direct threats. And indications

1 that Plaintiff would receive no backing if he ever attempted to raise complaints about what he was
2 hearing.

3 293. This perverse dynamic reached a new “low” in 2020, as discussed below.

4 **14. The “I Can’t Breathe” Trophy Sign Sits In The Briefing Room For Weeks**

5 294. In late May / early June 2020, there were multiple protests in Sonoma County
6 following the killing of George Floyd, an African American brutally killed by a police officer in
7 Minnesota. The killing received national and international outcry.

8 295. Plaintiff arrived to work after a weekend of protests and went to the briefing room.
9 In the briefing room, near the location where Plaintiff customarily sat, was a sign reading
10 “*Mama, Mama, I can’t breathe*” propped against the wall.

11 296. The sign appeared to have been confiscated from a protestor by a member of the
12 Sheriff’s Office, and then placed in the briefing room as some sort of trophy. The sight of the
13 sign made Plaintiff angry and upset. It had no place in the briefing room and had been placed as
14 if it were meant to convey a message about or to Plaintiff.

15 297. The sign was placed in a the briefing room where shift briefings were held and
16 attended by members of the Sheriff Office’s command staff. They failed to remove the sign, and
17 it remained propped against the wall for nearly two weeks.

18 298. At no point did a member of the Sheriff’s Office leadership team make any effort
19 to remove the sign or counsel personnel about the inappropriate nature of the sign inside the
20 building. The fact that the sign was put on display and left there for nearly two weeks with no
21 intervention by supervisors or command staff left Plaintiff with the belief that the Sheriff’s Office
22 supported the behavior, and was unwilling to do the right thing and remove it, reprimand the
23 party who had placed it there, and educate staff about its inappropriate nature and racist
24 undertones.

25 299. As should be apparent from all of the content above, as well as below, the sign
26 ***absolutely and without question*** was not placed there, and left there for multiple weeks, as a
27 show of support for George Floyd, or for other victims of police brutality, or as any sort of
28 positive reminder.

1 Deputy further explained that this was so he didn't have to comply with the requirements of RIPA
2 (the "Racial Identity Profiling Act").

3 305. RIPA is a California law. Sonoma County's IOLERO explains: "Racial bias in
4 policing continues to be an ongoing national concern. In traffic stops, for example, evidence of
5 race-based policing has often been followed by the most violent and sometimes fatal interactions.
6 The same trend has been demonstrated in other kinds of stops, separate from traffic, like
7 detentions during investigations, arrests, and stops made on foot instead of cars, like the murder
8 of George Floyd in 2020."

9 306. IOLERO continues: "Recognizing this as an issue, the California Legislature
10 passed Assembly Bill 953, the Racial and Identity Profiling Act, or RIPA, in 2015. This law
11 requires state and local law enforcement agencies (including California State University Police
12 Departments) to collect and report data regarding individual stops to the California Department of
13 Justice (Cal-DOJ). That means every law enforcement agency in California must collect and
14 report who they stopped to the Department of Justice. This has been the law since 2017."⁸

15 307. The Sheriff's Office even has a publicly-available presentation for its personnel
16 that confirms: "Anytime you are engaged in work activities and you make a lawful detention of a
17 person, you MUST report the STOP data. • Driver of a car during a traffic stop (for any reason)."⁹

18 308. Plaintiff was shocked that the Deputy would be saying this to Plaintiff, an African
19 American. It was amazing, and very telling, that the Deputy felt so comfortable in doing so, as if
20 it was a known-thing within the Office that people did this and it was totally fine. It certainly was
21 not known to Plaintiff.

22 309. A few months later, this Deputy would later make a blatantly racist and offensive
23 statement in front of Plaintiff and others, as discussed more below.

24 **18. "They Could Never Prove It Was Me"**

25 ⁸ < [https://sonomacounty.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-
26 review-and-outreach/community-advisory-council-\(cac\)/cac-ad-hoc-racial-and-identity-profile-act-\(ripa\)>](https://sonomacounty.gov/administrative-support-and-fiscal-services/independent-office-of-law-enforcement-review-and-outreach/community-advisory-council-(cac)/cac-ad-hoc-racial-and-identity-profile-act-(ripa)>) (last
visited Nov. 20, 2025).

27 ⁹ < [https://sonomacounty.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/I
28 OLERO/Documents/Community%20Advisory%20Council/2024/June/RIPA-Process-CAC-presentation-2024.pdf](https://sonomacounty.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/IOLERO/Documents/Community%20Advisory%20Council/2024/June/RIPA-Process-CAC-presentation-2024.pdf)>
(last visited Nov. 20, 2025) (capitalization and parentheses in original).

1 supervisory position recognized by the Sheriff's Office. The definition of a Court Training
2 Officer and job description is outlined in the section titled Best Practices of the Policy and
3 Procedures Manual of the Sonoma County Sheriff's Office. Court Training Officers are
4 supervisors when a Sergeant is not present at the courthouse.

5 **a. Assault #1**

6 314. During this timeframe there were two separate incidents with Deputy #2. During
7 the first incident, Plaintiff was standing outside the Court Training Officers' office looking at the
8 court schedule. Deputy #2 approached Plaintiff and pushed him with both of his hands. Plaintiff
9 fell against the door and expressed shock. Deputy #2 puffed out his chest and extended his arms
10 out to his sides, and said, "***You're always strutting around like this.***" Deputy #2 then proceeded
11 to walk around, mimicking / mocking the way he thought that Plaintiff walked. It looked to
12 Plaintiff like some sort of racist, exaggerated, caricature of how Deputy #2 thought black men
13 walked.

14 315. Plaintiff stepped into the CTO office and told the CTO Deputy in the office, "I
15 can't believe that he did that. What's his problem?" The CTO Deputy, who witnessed the
16 incident, replied, "***You should have punched him.***" This again shows the culture of physical
17 violence internally within the Office, as well as externally. Violent retaliation was recommended
18 and suggested to Plaintiff.

19 316. Plaintiff did not, however, report the incident any further to the Sheriff's Office.
20 As had been previously established in the SWAT incident, the Sheriff's Office did not take action
21 to protect Plaintiff when assaulted by his co-workers. To the contrary, Internal Affairs
22 investigations have been weaponized and used to retaliate against Plaintiff for reporting improper,
23 and illegal, actions against him. And the culture of retaliation and intimidation within the Office
24 was well known, including to Plaintiff.

25 **b. Assault #2**

26 317. Approximately two weeks later, Plaintiff was standing in the computer room near
27 the doorway talking to the CTO Deputy. The CTO Deputy was seated inside the CTO office with
28 the door open. Deputy #2 entered the computer room and pushed Plaintiff into the computer

1 table. Deputy #2 again puffed up his chest and arms and mimicked Plaintiff walking, in the
2 racist, exaggerated, caricature of how Deputy #2 thought black men walked. The CTO Deputy
3 witnessed the incident but again did nothing to intervene or correct the behavior or otherwise
4 report it as required by Sonoma Office policy.

5 318. After Plaintiff's past experience with reporting a physical assault in 2013 and the
6 improper way in which the investigation was conducted, Plaintiff understandably believed that if
7 he attempted to report either incident involving Deputy #2, it would be handled in a similar
8 manner, with that individual exonerated, Plaintiff penalized, and Plaintiff's career further harmed.

9 319. However, a supervisor witnessed the incidents and should have reported them to
10 the Sheriff's Office pursuant to its policies, which required the CTO Deputy to report the
11 incident. As far as Plaintiff knows, the incident was not reported and certainly there were no
12 repercussions for Deputy #2's assaults on Plaintiff as far as Plaintiff knew.

13 **20. Efforts To Undercut Plaintiff's Firearms Training Role**

14 320. In early 2025, a white male Sergeant was well aware that Plaintiff was one of
15 several firearms instructors who conducted concealed weapons training and requalification
16 training for members of the Office. The Sergeant had arranged for an outside company to come
17 in and provide some education for the instructors. The Sergeant did not assign Plaintiff to the
18 training, but did assign several other white male firearms instructors.

19 321. Plaintiff asked the Sergeant why Plaintiff wasn't assigned to the training. The
20 Sergeant responded "You don't teach CCW [Carry Concealed Weapon], it's only for instructors
21 who teach CCW." As the Sergeant well knew, Plaintiff had been an instructor for years on this
22 topic, and that for years Plaintiff as an instructor had signed Plaintiff's name on Office paperwork
23 regarding concealed weapons classes and requalification rosters.

24 322. On another occasion in 2025, the Sergeant was desperate to find rifle instructors
25 for an upcoming Office in-service rifle qualification training. Plaintiff signed up as an instructor.
26 Although the Sergeant was desperate to find instructors, he cancelled Plaintiff from the event and
27 replaced him with a white male Extra Help Deputy that had come out of retirement. The Deputy
28 Sheriff Association advised Plaintiff that using an Extra Help Deputy in this fashion was a

1 violation of the Memorandum of Understanding (“MOU”) with the County.

2 **21. “You Can’t Shoot Black People Anymore”**

3 323. In March 2025, during an instructor training day, a Sonoma Deputy was doing a
4 presentation to the senior instructor staff. During the presentation, the Deputy made a statement
5 with respect to laws concerning use of force to the effect of, “*You can’t shoot black people*
6 *anymore.*” Plaintiff, the only African American in attendance, was understandably immediately
7 offended by the comment.

8 324. Plaintiff immediately advised the Sergeants who were present during the training
9 that the comment was offensive and he could not believe it had been said.

10 325. By early the next week, Plaintiff learned that the Sergeant he had reported to had
11 written a memo documenting the incident suggesting that the Deputy be counseled. Plaintiff was
12 told that members of the Sheriff’s Office command staff disagreed with the Sergeant’s
13 assessment, but allegedly ordered that an Internal Affairs investigation be opened.

14 **22. The Investigation Is Essentially Non-Existent Or Goes Nowhere**

15 326. Plaintiff was initially encouraged by the fact that the Sheriff’s Office seemed to be
16 finally taking matters of racial discrimination seriously. Plaintiff was apprehensive though after
17 what he had experienced during the 2013 Internal Affairs Investigation and in other incidents that
18 followed.

19 327. Plaintiff’s cause for concern was reinforced when he met with the investigating
20 Sergeant during the investigation of the incident at the range. His line of questioning led Plaintiff
21 to believe that he was making excuses for the Deputy who made the inappropriate comment about
22 shooting black people.

23 328. Additionally, Plaintiff was questioned by two Sergeants, which felt like an attempt
24 to intimidate him since such was clearly not necessary in light of the fact that the incident was
25 witnessed by other Sergeants and members of the Office instructional staff. The questioning felt
26 adversarial, and Plaintiff felt as if the incident was not being taken seriously.

27 **23. “Next Thing He’ll Say Is He Can’t Breathe”**

28 329. Ten days after the range incident, on March 24, 2025, an incident in the Remand

1 Room occurred. Plaintiff walked in to hear Deputy #2 (the one that has physically assaulted
2 Plaintiff twice and mocked his walking style) say “*next thing he’ll say is he can’t breathe.*” All
3 six Deputies in the room then looked over at Plaintiff, who had just entered the room, and stopped
4 talking. An awkward silence ensued.

5 330. It was clear to Plaintiff that the comment was obviously about him, and he was
6 being targeted by coworkers in a racist manner. And it was obviously a reference to the George
7 Floyd “I can’t breathe” incident in Minnesota (in which an African American male was brutally
8 killed by a white police officer) that received national and international attention.

9 331. Later that same day, Plaintiff reported the incident to his supervising Lieutenant
10 who advised that the conduct merited an Internal Affairs investigation and asked Plaintiff if he
11 wanted to roll the claim up with the range day incident or open a separate investigation. Plaintiff
12 advised that they were separate incidents and merited separate investigations. The Lieutenant
13 said he would notify his supervisor, a Captain, about the incident.

14 **24. Shunning**

15 332. After Plaintiff reported the Remand Room incident, *every time Plaintiff would*
16 *enter a room, his white co-workers would leave and/or stop talking*, making the environment
17 tense and uncomfortable. It was clear that Plaintiff was being shunned for having reported the
18 racist comments, and that the Sheriff’s Office was not going to do anything to stop the hostile
19 treatment he was suffering.

20 333. Plaintiff was so stressed out by the overtly racist incidents and the hostile work
21 environment that his co-workers had created that he started his planned vacation four days early,
22 on April 3, 2025, to escape the situation. He required medication to help him sleep after these
23 incidents.

24 334. Shunning based on racism and/or retaliation is inappropriate in any workplace, but
25 particularly so in law enforcement, in which individuals literally depend on each other to protect
26 each other’s lives in extremely intense situations. The Sheriff’s Office written Policy 1004
27 (“Anti-Retaliation”) states: “Retaliation includes any adverse action of conduct, including but not
28 limited to: . . . Shunning or unreasonably avoiding a person because he/she has engaged in

1 protected activity.”

2 335. Shunning was nothing new for Plaintiff. Examples of Eddie Engram’s conduct
3 toward him are detailed herein. And Plaintiff for more than a decade had been totally excluded
4 from Office personnel fishing trips, ever since he was physically assaulted by a white SWAT
5 team member in 2011 and dared to speak up about it. But this new en masse, overt shunning of
6 Plaintiff was taking things to a new low.

7 **25. Déjà vu – Investigations Going Nowhere**

8 336. On April 16, 2025, after Plaintiff had been denied a promotion to Sergeant yet
9 again, Plaintiff called his supervising Lieutenant and asked about the status of the internal
10 investigations related to the range and Remand Room. The Lieutenant advised he was reviewing
11 the range file which had just been given to him for review and feigned ignorance about the second
12 incident in the Remand Room.

13 337. Plaintiff reminded him of the “*can’t breathe*” comment and the Lieutenant said he
14 thought Plaintiff was going to handle it himself informally by speaking to Deputy #2 that made
15 the comment.

16 338. Given the Sheriff Office’s history of punishing Plaintiff for attempting to do
17 precisely that – handle things informally with Deputy #1 after the 2011 SWAT team incident - it
18 made no sense that this course of action was being recommended to Plaintiff. And it made no
19 sense, period. Moreover, Plaintiff had made it clear he wanted the incident formally investigated.

20 339. However, once again, the Sheriff’s Office did nothing to protect him from
21 discriminatory conduct. Plaintiff had to demand an investigation be opened multiple times.

22 340. On April 22, 2025, Plaintiff was informed that his complaint regarding Deputy
23 #2’s racist statement would be handled by the EEO Division, part of the Human Resources
24 Department, and the related IA investigation was suspended. This was yet another example of the
25 Sheriff’s Office protecting its white Deputies and doing nothing for Plaintiff, and pawning off the
26 situation to an HR departments that would be intimidated and ineffective.

27 341. Moreover, a news article dated May 17, 2024 had discussed the role of the
28 County’s Human Resources Department in regard to the Sheriff’s Office, and quoted IOLERO’s

1 Director as stating: “No ding to people at HR, but I think *supervising or overseeing a sheriff’s*
2 *office is highly specialized work, and it’s quite different from what HR units do,*” he said.

3 “That’s why a lot of places have a civilian oversight agency instead of having HR do that work.”

4 **G. Constructive Termination / Discharge**

5 342. By April 2025, the cumulative effect of Sonoma’s actions created an intolerable
6 work environment for Plaintiff.

7 343. Up until this point, Plaintiff had always reasonably believed that his merit,
8 qualifications, professionalism and hard work would someday pay off, and that eventually he
9 would be promoted if he just kept doing the right things, just kept paying his dues. Indeed, it was
10 a large office, with a lot of positions and opportunities coming available throughout the years. So
11 there was always reason for hope, that something good could be just around the corner. As
12 opposed to a very small office, with entrenched personnel and no one leaving or being promoted.

13 344. Up until April 2025, Plaintiff did not believe that his efforts were futile, nor would
14 a reasonable employee in his shoes. Indeed, earlier that month, as noted herein, a Captain had
15 even told him that he finally was going to be a Sergeant.

16 345. And Plaintiff also reasonably believed that as a Sergeant, he would be subject to
17 fewer or no more racial statements and indignities, as he would be more in a position of
18 leadership.

19 346. Plaintiff had always believed in himself and in the possibility of good things
20 happening for him in the Office. As noted above, he had previously worked very hard to
21 rehabilitate and recover from a very serious medical event just so he could return to working.
22 And he had even hired a private oral board coach to look for ways to improve, and always sought
23 feedback from panelists in regard to his interviews for positions so he could learn and be better
24 positioned for the next opportunity.

25 347. Plaintiff had reasonably believed that his written performance evaluations meant
26 something, and there were a lot people that supported him and believed in him.

27 348. And until March 2025, as described above, Plaintiff did not realize that Sheriff
28 Engram still held such a major racially-based grudge against Plaintiff stemming from a matter

1 more than 10 years old that Engram would go so far as to retaliate against Plaintiff when Plaintiff
2 sought to discuss with Engram why Plaintiff was always passed over for promotions.

3 349. In April 2025, Plaintiff finally reached a breaking point. He confirmed to his
4 supervising Lieutenant that he was on the brink of calling out sick, dreaded coming to work, took
5 his vacation earlier than anticipated to avoid work, and continued to lose sleep over his recent
6 experiences. There were discussions about alternative work locations, but Plaintiff concluded
7 that his stress level would continue to rise due to concerns about having to explain his transfer or
8 becoming involved in another stressful incident. This demonstrates the pervasive and
9 unresolvable nature of the stress Plaintiff experienced within the Office.

10 350. On April 24, 2025, Plaintiff submitted his Letter of Resignation / Retirement,
11 citing an “intolerable and toxic working environment,” and stated he was retiring effective April
12 29, 2025. Given the context of his severe work-related stress and his stated inability to continue
13 working in such an environment, Plaintiff’s “retirement” was, in fact, a constructive termination /
14 discharge. He was forced to leave his chosen profession due to the intolerable working
15 conditions created and perpetuated by the Sheriff’s Office’s discriminatory, harassing and
16 retaliatory practices and the failure to adequately address his complaints and provide a safe and
17 lawful workplace.

18 351. Plaintiff became incredibly concerned for his mental health, as well as his physical
19 health. His family members were similarly concerned. Earlier in his career, Plaintiff had already
20 sustained an extremely significant adverse medical event following a 14 hour day on the job,
21 which was well known to the Sheriff’s Office. That had resulted in an extended medical leave.

22 352. The massive amounts of stress that he was undergoing just before his resignation
23 were intolerable, and literally made him concerned for his life.

24 **H. 28 Days**

25 353. Following Plaintiff’s resignation, Plaintiff through counsel then received several
26 inquiries from Sonoma personnel wanting to interview him about his allegations. This certainly
27 was too little, too late, to say the least. Plaintiff’s counsel declined, indicating that civil litigation
28 would be forthcoming.

1 354. Around the same time, and not connected, Plaintiff received a subpoena from the
2 District Attorney’s Office requiring him to return to the courthouse where had worked to testify in
3 person in a criminal matter. Plaintiff always has had a very good relationship with the District
4 Attorney’s Office, and continues to do so after Plaintiff’s resignation.

5 355. Plaintiff, through his counsel in this matter, reported in writing, to a high-ranking
6 attorney in the Sonoma County Counsel’s Office. the physical assaults that Plaintiff had
7 experienced. Plaintiff through counsel was seeking assistance in how to work out a protocol for
8 Plaintiff to feel safe in returning to testify, and make certain that no additional physical incidents
9 occurred, or any other inappropriate incidents or communications while Plaintiff was on-site to
10 testify.

11 356. Specifically, Plaintiff’s counsel’s email dated May 14, 2025 to the County
12 Counsel’s Office included:

13 “I will need to apprise the District Attorney’s Office of Mr. Holton’s allegations
14 regarding the Sheriff’s Office, to make certain that 1) The District Attorney’s
15 Office can ensure as much as possible that Mr. Holton does not need to spend
16 unnecessary time in and around the courthouse; and 2) The District Attorney’s
17 Office is not caught off guard if questioning in the trial winds up eliciting Mr.
18 Holton’s testimony about Mr. Holton’s discriminatory experiences in the Sheriff’s
19 Office.

20 *As to you, I request that you do whatever is possible to make certain that Mr.
21 Holton is not the subject of any harassment, intimidation, retaliation, or
22 any other inappropriate conduct while he is at the courthouse to testify.*

23 This is not some remote, theoretical possibility, given what I have learned. As just
24 one example, Mr. Holton was physically assaulted twice in recent months by a
25 member of the Sheriff’s Office, in what I believe was racially motivated conduct.”
26 (emphasis in original).

27 357. By May 20, 2025, Plaintiff’s counsel had not received a response from County
28 Counsel’s Office, so Plaintiff’s counsel forwarded the email again to County Counsel’s Office.

 358. County’s Counsel’s Office did not respond to the emails until June 11, 2025, **28
days after the original email.** Counsel wrote that “The Sheriff’s Office believes it was unaware
of these allegations previously” and that the Sheriff’s Office “would like to open separate

1 investigations into these allegations” and that “Based on the limited information you provided,
2 the Sheriff’s Office would have a hard time investigating these allegations.”

3 359. County Counsel thus confirmed that for 28 days, no investigation was opened by
4 anyone. To state the obvious, one would have expected a normal, immediate, next-day response
5 from *someone* asking the complainant for information. That will be supported by all known
6 investigative protocols and standards. Waiting 28 days to even respond sent an entirely different
7 message – no one cares, no one believes Plaintiff, and the Sheriff’s Office will be protected at all
8 costs.

9 360. In review of the timeline detailed above, on June 13, 2025, Plaintiff’s counsel
10 responded in writing to County County’s Office:

11 “We are not aware of any investigative standards that would support such an
12 approach. In fact, the ones of which we are aware would counsel in favor of the
13 opposite approach, i.e., immediately follow-up with the complaining party to
14 obtain facts.

15 It is absurd that the Sherrif’s Office now “would like to open” an
16 investigation. What has it been doing for the last 30 days? What has the County
17 been doing for the last 30 days?

18 I further note that Mr. Holton did in fact notify a supervisor of these incidents, and
19 thus both the County and the Sheriff’s Department already had knowledge of these
20 incidents, about which apparently no investigation or corrective action has been
21 taken.

22 In view of the County’s approach to this matter, ignoring the reports from Mr.
23 Holton directly at the time of the incidents and then his counsel thereafter, Mr.
24 Holton declines to participate in any supposed “investigations” that the County
25 and/or the Sheriff’s Office “would like to open” at this point.

26 Mr. Holton will present his factual and legal positions in litigation, as the Sherrif’s
27 Office has failed to protect him for years, and now the County is doing the same.”

28 **I. Continued Harassment And Intimidation From Sonoma’s Lawyers**

361. Then ensued a further campaign of harassment and intimidation by the County
Counsel’s Office against Plaintiff. To summarize, over several weeks, various County attorneys
continued to contact Plaintiff’s counsel seeking to speak to Plaintiff. In one variation, someone

1 claiming to be an “investigator” made contact with Plaintiff’s counsel. It turned out this
2 individual had an initially undisclosed attorney-client relationship with the County.

3 362. Moreover, this “investigator” refused to confirm what the “investigation” was
4 regarding, and aggressively demanded that Plaintiff and counsel just blindly show up for an
5 interview. As should be obvious, this would be egregious malpractice for any attorney to walk
6 their own client into such a scenario. But the County and its attorneys didn’t care. They
7 continued to urge compliance with their dictates, and multiple of them wrote thinly-veiled threats
8 such as “Please also note that I will proceed with the investigation with or without Marcus'
9 [Plaintiff’s] participation” and another one separately wrote “We note your client’s unwillingness
10 to participate in the investigation, so will be proceeding with the investigation without his
11 participation.”

12 363. All of this was extremely stressful for Plaintiff, and it was especially shameful that
13 this type of conduct was emanating from the County’s attorneys. As always, the message was
14 clear: challenge the Sheriff’s Office, and the wagons will be circled, and there will be a very
15 steep price to pay.

16 **J. Damages**

17 364. Sonoma’s unlawful conduct has caused Plaintiff to suffer economic damages,
18 including lost wages, lost pension benefits, and other lost benefits of employment. This damage
19 is continuing into the foreseeable future.

20 365. Plaintiff had originally envisioned, post-retirement someday, to coming back to
21 Sonoma to work as an “Extra Help” employee, like others routinely do. This was totally off the
22 table for the future.

23 366. Sonoma’s unlawful conduct caused Plaintiff to suffer non-economic damages,
24 including substantial emotional distress, dread, depression, anxiety, humiliation, embarrassment,
25 exhaustion, anguish, and despair. The acute stress became so bad that Plaintiff not only sought
26 therapy but had to take medication in order to sleep.

27 367. One would normally expect that, particularly because of the traumatic work that
28 Plaintiff did, the Sheriff’s Office would be exceedingly supportive of Plaintiff. But in fact,

1 bizarrely, the opposite was true.

2 368. The impact of Plaintiff’s mistreatment by leadership is encompassed by a
3 phenomenon called “administrative betrayal,” which helps explain why Plaintiff’s non-economic
4 damages are likely more acute than had he been working in another profession.

5 369. For example, in the 2014 book “Counseling Cops – What Every Clinician Needs
6 to Know,” the authors¹¹, explain as follows in a Chapter titled “Betrayal – The Hidden Critical
7 Incident”: “For cops, organizational stress exceeds line-of-duty stress in every study we know.
8 The rigors of police work, from the daily grind to the headline-making incidents, are all made
9 worse when there is not support from the administration, fellow offices, and the community . . .
10 Police officers will tell you that what first attracted them to police work was the allure of family,
11 the promise that no matter what, the police family will back you up . . . The idea of a loyal and
12 loving police family is a point of pride and a part of an officer’s identity. Cops expect the bad
13 guys to try to hurt them. When their work family turns on them, in either blatant or subtle ways,
14 three things can happen that will make it difficult for the officer to return to work: 1. The officer
15 loses faith that his or her agency, friends, and community can be counted on support when the
16 next crisis comes, as it will. 2. Old childhood issues and emotions are reactivated, causing
17 emotional and behavioral problems. 3. The dream of an idealized family is shattered, leaving the
18 officer depressed, angry, and lacking in morale.”

19 370. The authors continue regarding “Administrative Betrayal” – “This kind of betrayal
20 emanates from the LEO’s superior offices, especially the chief, and constitutes both ‘sins’ of
21 omissions and commission.”

22 371. In a related article, Dr. Kirschman continued as follows: “Betrayal comes in many
23 forms; personal, organizational, and social. Whenever and however it occurs, it makes everything
24 worse. The rigors of police work, from the daily grind to head- line-making events, are all made
25 worse when officers feel un-supported by their friends, family, co-workers, the administration,
26 and/or the communities they serve.”¹²

27 _____
28 ¹¹ Ellen Kirschman, PhD, Mark Kamena, PhD, and Joel Fay, PsyD, ABPP.

¹² <<https://www.psychologytoday.com/us/blog/cop-doc/201806/betrayal-the-hidden-driver-ptsd-cops>>

1 372. There is another additional impact on damages due to the nature of Plaintiff's work
2 in law enforcement. Because of Plaintiff's more than 20 years of working in patrol for Sonoma,
3 he has ongoing obligations to testify in regard to his work.

4 373. For example, even in the few months following his retirement from the Office, he
5 has received two subpoenas compelling him to testify in different criminal matters. Moreover, he
6 was compelled to testify in the very same courthouse in which he very recently was working for
7 the Sheriff's Office and had been assaulted multiple times. This was an extremely stressful
8 prospect for Plaintiff.

9 374. The situation was so fraught with peril for Plaintiff that he requested special
10 assistance from the District Attorney's Office to facilitate his in-person testimony. To the credit
11 of that Office, it provided excellent assistance allowing Mr. Holton to give his in-person
12 testimony on two recent occasions. That Office has been extremely professional in its dealings
13 with Plaintiff, and has praised Plaintiff for his assistance in the matters at issue.

14 375. Moreover, Plaintiff recently was summoned for jury service, and eventually was
15 able to obtain a one year deferral, but once again he experienced stress at the prospect of being
16 compelled to return to County facilities at which Sheriff's Office personnel were working.

17 376. It certainly appears that Plaintiff will be further compelled to return to court to
18 provide additional testimony in other matters, as is common in the profession. It also bears
19 noting that these are unpaid services. Plaintiff normally would be happy to provide whatever help
20 that the District Attorney's Office needs, even after retirement, as that is part of the job and the
21 commitment to public service.

22 377. When Plaintiff was recently at the courthouse, a Sheriff's Office employee stated
23 to him that "even though you're retired, you just can't get away from this place!" Those words
24 are reminiscent of lyrics from the Eagles' 1970s song "Hotel California": "You can check out
25 any time you like, but you can never leave."

26 378. The prospect of continued and future interactions with the County continue to be a
27 major source of stress for Plaintiff. Not the least of the reasons why is the culture of physical
28 violence detailed herein.

1 Plaintiff's job performance and prospects for advancement and promotion, including due to
2 Sonoma's denial of training, educational and professional development opportunities for Plaintiff,
3 and denial of promotional opportunities, which in turn foreclosed Plaintiff from being eligible for
4 future additional promotional opportunities to higher-ranking positions.

5 394. Sonoma subjected Plaintiff to a pattern, practice and course of adverse
6 employment actions, including harassment and humiliation, denial of training, educational and
7 professional development opportunities for Plaintiff, and denial of promotional opportunities.
8 Sonoma's actions toward Plaintiff were not minor or trivial actions or conduct, or conduct that
9 was not likely to do more than anger or upset an employee.

10 395. Plaintiff's race was a substantial motivating factor in Sonoma's adverse
11 employment actions toward Plaintiff, and denial of employment benefits to Plaintiff. A
12 reasonable person would consider Plaintiff's race to have contributed to Sonoma's adverse
13 employment actions and denial of employment benefits to Plaintiff.

14 396. Sonoma's detrimental actions against Plaintiff were not, and are not, justified by
15 any legitimate, non-discriminatory reasons. Any alleged reasons proffered by Sonoma for its
16 detrimental actions against Plaintiff are pretextual. Sonoma's discriminatory conduct toward
17 Plaintiff is not justified by any permissible affirmative defenses.

18 397. Sonoma's unlawful conduct toward Plaintiff was and is a substantial factor in
19 causing harm to Plaintiff. As a direct and foreseeable result of Sonoma's discriminatory conduct
20 toward Plaintiff, Plaintiff has suffered, and will continue to suffer, substantial economic /
21 financial damages including past and future losses in compensation, seniority, work credits,
22 retirement / pension and other employment benefits, in amounts to be proven at trial.

23 398. Additionally, as a direct and foreseeable result of Sonoma's discriminatory
24 conduct toward Plaintiff, Plaintiff has suffered, and will continue to suffer, humiliation,
25 embarrassment, emotional distress, dread, anxiety, depression, loss of enjoyment of life, anguish,
26 despair, and discomfort, to be proven at trial.

27 399. Plaintiff has incurred, and will continue to incur, legal expenses including
28 attorneys' fees, expert costs, and case costs, due to Sonoma's unlawful conduct, and in order to

1 enforce Plaintiff's important statutory legal rights.

2 400. Plaintiff requests relief as set forth in the Prayer for Relief.

3 **SECOND CAUSE OF ACTION**

4 **(Unlawful Failure to Take All Reasonable Steps Necessary to Prevent
5 Employment Discrimination Because of Race)**

6 **(Violation of the State of California's Fair Employment and Housing Act
7 ("FEHA"), Cal. Gov. Code §§ 12940(k))**

8 **(Against Defendant Sonoma)**

9 401. Plaintiff incorporates by reference each and every allegation set forth above in this
10 Complaint as though fully set forth herein.

11 402. At all times material to this Complaint, Sonoma employed Plaintiff.

12 403. California Government Code section 12940 states: "It is an unlawful employment
13 practice . . . (k) For an employer . . . to fail to take all reasonable steps necessary to prevent
14 discrimination . . . from occurring."

15 404. Sonoma, through management personnel, unlawfully discriminated against
16 Plaintiff on the basis of his race as alleged herein. Sonoma's management personnel had actual
17 knowledge of this discrimination, as well as constructive knowledge.

18 405. Sonoma failed to timely take all reasonable steps necessary to prevent
19 discrimination from occurring against Plaintiff. Sonoma failed to timely take all appropriate
20 temporary steps and permanent remedial steps. Sonoma failed to timely take appropriate
21 immediate and permanent corrective action. Sonoma failed to timely take appropriate immediate
22 and permanent disciplinary action.

23 406. Sonoma failed to timely open adequate investigations regarding Plaintiff, failed to
24 timely interview Plaintiff, failed to timely interview other appropriate witnesses, failed to timely
25 obtain documentary evidence, and failed to timely and adequately conduct thorough and complete
26 impartial investigations.

27 407. Sonoma's failure to timely take all reasonable steps necessary to prevent
28 discrimination from occurring against Plaintiff was and is a substantial factor in causing harm to
Plaintiff. As a direct and foreseeable result of Sonoma's failure to timely take all reasonable steps

1 necessary to prevent discrimination against Plaintiff from occurring, Plaintiff has suffered, and
2 will continue to suffer, substantial economic / financial damages including past and future losses
3 in compensation, seniority, work credits, retirement / pension and other employment benefits, in
4 amounts to be proven at trial.

5 408. Additionally, as a direct and foreseeable result of Sonoma's failure to timely take
6 all reasonable steps necessary to prevent discrimination against Plaintiff from occurring, Plaintiff
7 has suffered, and will continue to suffer, humiliation, embarrassment, emotional distress, dread,
8 anxiety, depression, loss of enjoyment of life, anguish, despair and discomfort, to be proven at
9 trial.

10 409. Plaintiff has incurred, and will continue to incur, legal expenses including
11 attorneys' fees, expert costs, and case costs due to Sonoma's unlawful conduct, and in order to
12 enforce Plaintiff's important statutory legal rights.

13 410. Plaintiff requests relief as set forth in the Prayer for Relief.

14 **THIRD CAUSE OF ACTION**

15 **(Unlawful Harassment Because of Race)**

16 **(Violation of the State of California's Fair Employment and Housing Act**
17 **("FEHA"), Cal. Gov. Code §§ 12923, 12940(a) and (j))**

18 **(Against All Defendants)**

19 411. Plaintiff incorporates by reference each and every allegation set forth above in this
20 Complaint as though fully set forth herein.

21 412. At all times material to this Complaint, Sonoma employed Plaintiff.

22 413. California Government Code section 12940(a) states: "It is an unlawful
23 employment practice . . . (j)(1) For an employer . . . because of . . . race . . . to harass an
24 employee . . ." Cal. Code Regs. Title 2, § 11034(C)(1) further states: "An employer or other
25 covered entity is strictly liable for the harassing conduct of its agents or supervisors, regardless of
26 whether the employer or other covered entity knew or should have known of the harassment."

27 414. Cal. Code Regs. Title 2, § 11019(2) states: "Harassment includes but is not
28 limited to: (A) Verbal harassment, e.g., epithets, derogatory comments or slurs on a basis

1 enumerated in the Act; (B) Physical harassment, e.g., assault, impeding or blocking movement, or
2 any physical interference with normal work or movement, when directed at an individual on a
3 basis enumerated in the Act; (C) Visual forms of harassment, e.g., derogatory posters, cartoons,
4 or drawings on a basis enumerated in the Act . . .”

5 415. Sonoma has subjected Plaintiff to harassing conduct because of his race.
6 Sonoma’s harassing conduct is severe and pervasive. Plaintiff considers the harassing conduct to
7 be hostile, intimidating, offensive, oppressive, and abusive, as would a reasonable person in
8 Plaintiff’s circumstances.

9 416. Sonoma’s harassing conduct is a substantial factor in causing harm to Plaintiff. As
10 a direct and foreseeable result of Sonoma’s harassing conduct, Plaintiff has suffered, and will
11 continue to suffer, substantial economic / financial damages including past and future losses in
12 compensation, seniority, work credits, retirement / pension and other employment benefits, in
13 amounts to be proven at trial. Additionally, as a direct and foreseeable result of Sonoma’s
14 harassing conduct, Plaintiff has suffered, and will continue to suffer, humiliation, embarrassment,
15 emotional distress, dread, anxiety, depression, loss of enjoyment of life, anguish, distress and
16 discomfort, to be proven at trial.

17 417. Plaintiff has incurred, and will continue to incur, legal expenses including
18 attorneys’ fees, expert costs and case costs due to Sonoma’s unlawful conduct, and in order to
19 enforce Plaintiff’s important statutory legal rights.

20 418. Plaintiff requests relief as set forth in the Prayer for Relief.

21 **FOURTH CAUSE OF ACTION**

22 **(Unlawful Failure to Take All Reasonable Steps**
23 **Necessary to Prevent Harassment Because of Race)**

24 **(Violation of the State of California’s Fair Employment and Housing Act**
25 **(“FEHA”), Cal. Gov. Code §§ 12923, 12940(a), (j)(1) and (k))**

26 **(Against Defendant Sonoma)**

27 419. Plaintiff incorporates by reference each and every allegation set forth above in this
28 Complaint as though fully set forth herein.

1 **(Against Defendant Sonoma)**

2 428. Plaintiff incorporates by reference each and every allegation set forth above in this
3 Complaint as though fully set forth herein.

4 429. At all times material to this Complaint, Sonoma employed Plaintiff.

5 430. California Government Code section 12940 states: “It is an unlawful employment
6 practice . . . (h) For any employer . . . to discharge, expel, or otherwise discriminate against any
7 person because the person has opposed any practices forbidden under this part or because the
8 person has filed a complaint, testified, or assisted in any proceeding under this part.” Cal. Code
9 Regs. Title 2, § 11021(a)(1) (“Retaliation”) further states that “Opposition to practices prohibited
10 by the Act includes, but is not limited to: . . . (C) Opposing employment practices that an
11 individual reasonably believes to exist and believes to be a violation of the Act; (D) Participating
12 in an activity that is perceived by the employer or other covered entity as opposition to
13 discrimination, whether or not so intended by the individual expressing the opposition . . .”

14 431. Plaintiff reasonably believed that he was subjected to unlawful practices. Plaintiff
15 opposed unlawful practices, made internal complaints, and participated in proceedings regarding
16 those complaints. Sonoma unlawfully discriminated and retaliated against Plaintiff because of
17 Plaintiff opposing unlawful practices, making internal complaints, participating in proceedings
18 regarding those complaints, and because of Sonoma perceiving Plaintiff’s actions as opposition to
19 discrimination.

20 432. As a result of Plaintiff’s reasonable belief and actions, and Sonoma’s perception,
21 Sonoma discriminated and retaliated against him in regard to the terms, conditions and privileges
22 of his employment, and in regard to his compensation. Sonoma’s unlawful discrimination and
23 retaliation toward Plaintiff had a substantial and material detrimental impact on Plaintiff’s terms,
24 conditions and privileges of employment, and compensation.

25 433. Sonoma’s unlawful discrimination and retaliation toward Plaintiff included a
26 pattern, practice and course of conduct that, collectively, was reasonably likely to impair, and did
27 impair, Plaintiff’s job performance and prospects for advancement and promotion, including due
28 to Sonoma’s denial of training, educational and professional development opportunities for

1 Plaintiff, and denial of promotional opportunities, which in turn foreclosed Plaintiff from being
2 eligible for future additional promotional opportunities to higher-ranking positions.

3 434. Sonoma's actions toward Plaintiff were not minor or trivial actions or conduct, or
4 conduct that was not likely to do more than anger or upset an employee.

5 435. Plaintiff's opposition to unlawful practices, internal complaints, and participation
6 in proceedings regarding those complaints were and are substantial motivating factors in
7 Sonoma's adverse employment actions toward Plaintiff, and denial of employment benefits to
8 Plaintiff. A reasonable person would consider Plaintiff's actions to have contributed to Sonoma's
9 adverse employment actions and denial of employment benefits to Plaintiff.

10 436. Sonoma's detrimental actions against Plaintiff were not, and are not, justified by
11 any legitimate, non-discriminatory, non-retaliatory reasons. Any alleged reasons proffered by
12 Sonoma for its detrimental actions against Plaintiff are pretextual. Sonoma's discriminatory and
13 retaliatory conduct toward Plaintiff is not justified by any permissible affirmative defenses.

14 437. Sonoma's unlawful conduct toward Plaintiff is a substantial factor in causing harm
15 to Plaintiff. As a direct and foreseeable result of Sonoma's discriminatory and retaliatory conduct
16 toward Plaintiff, Plaintiff has suffered, and will continue to suffer, substantial economic /
17 financial damages including past and future losses in compensation, seniority, work credits,
18 retirement / pension and other employment benefits, in amounts to be proven at trial.
19 Additionally, as a direct and foreseeable result of Sonoma's discriminatory and retaliatory
20 conduct toward Plaintiff, Plaintiff has suffered, and will continue to suffer, humiliation,
21 embarrassment, emotional distress, dread, anxiety, depression, loss of enjoyment of life, anguish,
22 despair and discomfort, to be proven at trial.

23 438. Plaintiff has incurred, and will continue to incur, legal expenses including
24 attorneys' fees and costs due to Sonoma's unlawful conduct, and in order to enforce Plaintiff's
25 important statutory legal rights.

26 439. Plaintiff requests relief as set forth in the Prayer for Relief.
27
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 3
- 4 (1) An award of damages representing compensation for all financial damages,
5 including past and future lost wages, and all other benefits, according to proof;
- 6 (2) An award of damages representing all non-financial damages, including
7 compensation for emotional distress, dread, anxiety, and depression, according to
8 proof;
- 9 (3) For pre- and post-judgment interest as appropriate;
- 10 (4) For an award of reasonable attorneys' fees and costs, pursuant to statute.
- 11 (5) For all other appropriate relief that is just and proper.

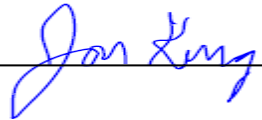
12 **JURY TRIAL DEMAND**

13 Plaintiff demands a trial by jury as to all causes of action set forth in this Complaint.

14 Dated: December 12, 2025

LAW OFFICES OF JON T. KING

15 By:

16 
17 _____

18 Jon T. King (SBN 205073)
19 1839 Ygnacio Valley Rd. #402
20 Walnut Creek, CA 94598
21 Telephone: (925) 698-1025
22 Email: jon@jtkinglaw.com

23 Dawn Ceizler (SBN 214873)
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25 5486 Pine Hollow Road
26 Concord, CA 94521
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28 Email: dc@ceizler.com

Attorneys for Plaintiff Marcus Holton

EXHIBIT A



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

December 12, 2025

Marcus Holton
Walnut Creek, 94598

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202512-32626212
Right to Sue: Holton / County of Sonoma

Dear Marcus Holton:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective December 12, 2025 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department