

CLAIM AGAINST THE CITY OF FOLSOM

Received:

Claims relating to death or injury to person or to personal property or crops shall be presented to the City of Folsom not later than six months after which the incident or event occurred. Claims relating to any other matter for which a claim is required shall be presented not later than one year after the date of the incident or event giving rise to the claim. (See California Government Code Section 911.2). You are encouraged to consult legal counsel of your choosing for advice on submitting a timely claim. The City of Folsom cannot provide you legal advice.

INSTRUCTIONS

The original claim, together with one copy of all attachments, is to be filed with the Office of the City Clerk. Retain one copy for your records. Please send to this address:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

FOLSOM CITY CLERK'S DEPT
12 AUG '25 PM 1:59

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney, or any other City Department.

Please fill out claim form completely. Missing information may delay the processing of your claim. Please print.

PERSONAL INFORMATION

Name of Claimant	James	E	Dorris
	first	middle initial	last
Address of Claimant	[Redacted]		
	street	city	state zip code
Home Phone	[Redacted]	Business Phone	[Redacted] Email See Below
DOB	[Redacted]	Driver's License#	[Redacted]

Name, telephone number and address to which claimant desires notices to be sent if other than above:
Equal Justice Law Group, 601 Court Street, Suite 106, Jackson, CA, 95642; (858) 525-3391

CLAIM INFORMATION

Occurrence or event from which the claim arises:

Date March 8, 2022 Time 7:02 pm PST

Place (exact and specific location) Folsom, CA and/or Cameron Park, CA

See attached declaration of Rebecca Russell with email to Chief Hillman dated March 8, 2022

How and under what circumstances did damage or injury occur? Describe the particular occurrence, event, act, or omission you claim caused the damage or injury. (use additional paper if necessary)

Sgt. David Canepa (and possibly others) retaliated against Dorris by intentionally breaching confidential information related to Dorris' internal affairs investigation to third parties who had no right or need to know. Dorris was a whistleblower against members of the Folsom Police Department for racial harassment as demonstrated in the attached letter from Dorris' counsel dated Dec 14, 2021.

See also email from Rebecca Russell to Chief Rick Hillman dated March 8, 2022 regarding Internal Affairs Sgt. David Canepa's intentional breach. Dorris first learned of the breach of his confidential information from Ms. Russell in 2024 and thereafter suffered severe emotional distress.

If there were no injuries, state "no injuries"

Name and addresses of all witnesses Rebecca Russell - Cameron Park, CA; Adrian Blanco - Folsom
Sgt. Paul Rice & Lt. David Canepa - Folsom PD; Rick Hillman & Eric Heichlinger - Folsom, CA

Identify the name(s) of the public employee(s) causing the injury or damages, if known.
David Canepa, Rick Hillman, Eric Heichlinger

Describe the indebtedness, obligation, injury, damage or loss, which you claim you have suffered at the time this claim is submitted.

Emotional distress, humiliation, loss of reputation, personal injury, lost wages, attorneys
fees. See Dorris v City of Folsom proposed Second Amended Complaint filed in
Sacramento Superior Court in Case # 34-2023-00337834.

Total amount claimed. Greater than \$10,000 Yes Less than \$10,000 _____ . (If the amount claimed is less than \$10,000 on the date of presentation, provide the calculation for the amount claimed.)

(Please attach a copy of any receipts you have resulting from this occurrence.)

Any additional information that might be helpful in considering this claim _____
If City of Folsom asserts this claim to be untimely, please consider this as a request
to file a late government tort claim. Dorris previously filed tort claims in June 2025 and July
2025 which the City provided Notices of Insufficiency for Claim #4A250716PGX-0001.

AUTOMOBILE ACCIDENT

If this claim relates to an automobile accident please answer the following, **AND ATTACH PROOF OF INSURANCE:**

Policy # _____ Insurance Company _____
Agent/Broker _____
Address _____ Phone # _____

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM:

(Penal code §§72, 550; Insurance code §1871.4)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury under the laws of the State of California that the foregoing is TRUE and CORRECT.

Signed this 12th day of August, 2025 at Jackson, California
City / State

Signature 

1 ERIC MULTHAUP (SBN 62217)
2 35 Miller Avenue, Suite 229
3 Mill Valley, CA 94941
4 Telephone: (415) 381-9311
5 Email: mullew@comcast.net

6 Attorney for: Defendant/Appellant/Petitioner
7 PATRICIA LANE

8 **IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

9 IN RE PATRICIA LANE,

10 vs.

11 On writ of Habeas Corpus.

Case No. _____
Related to Appeal No. C094996
Sacramento Sup. Ct. Case No. 19FE010439

DECLARATION OF REBECCA RUSSELL

12
13
14
15 I, Rebecca Russell, make this declaration from personal knowledge, except as to those facts that are
16 based upon information and belief, and those facts I believe to be true. I am at least eighteen years of
17 age, and if called as a witness, I can and will testify competently to the following:

- 18 1. I am personally acquainted with Folsom Police Officer David Canepa ("Canepa") and have
19 known him for many years.
- 20 2. During the time I socialized with Canepa in or around 2021 and 2022, Canepa was then serving
21 as the Sergeant in charge of Internal Affairs at the Folsom Police Department.
- 22 3. Upon information and belief, Canepa remains a sworn police officer employed by the Folsom
23 Police Department.
- 24 4. During the course of my interactions with Canepa, Canepa provided me with detailed
25 information regarding the Folsom Police Internal Affairs matters that he was assigned to
26 investigate, including officer names, descriptions of the allegations made against them, and other
27 sensitive matters related to confidential investigations assigned to Canepa.

- 1 5. At the time Canepa disclosed this confidential information to me, I had no right or need to know
2 the information, nor have I ever been employed by the Folsom Police Department or any other
3 law enforcement agency.
- 4 6. By way of example and not limitation, I recall Canepa telling me that Officer James Dorris of the
5 Folsom Police Department was under investigation by Internal Affairs, and further telling me
6 specific details related to intimate allegations stemming from the investigation which were not
7 known to the public.
- 8 7. Canepa also divulged confidential information related to the internal affairs investigations he was
9 conducting related to the cases of Lauren Riffel and John Moniz.
- 10 8. During the course of my personal dealings with Canepa, I learned that Canepa does not have a
11 propensity for truthfulness; I do not regard Canepa as an honest police officer nor a forthcoming
12 person.
- 13 9. I previously reported Canepa to the Folsom Chief of Police Rick Hillman for misconduct in
14 March of 2022, and was thereafter interviewed by Lt. Hischleinger of the Folsom Police
15 Department in connection with my complaint.
- 16 10. Pasted below is a true and correct copy of the initial email complaint regarding Canepa that I
17 submitted to the Folsom Police Department on or about March 8, 2022:

18
19 **From:** Eric Heichlinger <eheichlinger@folsom.ca.us>
20 **Sent:** Friday, March 11, 2022 2:15 PM
21 **To:** iusedtobe007@hotmail.com <iusedtobe007@hotmail.com>
22 **Subject:** FW: Internal Affairs Sergeant

23 Ms. Russell,
24 I originally sent this message to the email from which Chief Hillman received your email. I just got an
25 error message so am now trying this one.

26 Please see below.

27 V/R

28 **From:** Eric Heichlinger
Sent: Thursday, March 10, 2022 2:08 PM
To: hjockey@icolud.com
Subject: FW: Internal Affairs Sergeant

Ms. Russell,

I don't know if Chief Hillman responded to your email as yet but he asked that I reach out to you about this situation. If possible, I would like to meet with you in person so we could discuss the matter, perhaps next week if your schedule accommodates. We take confidentiality very seriously, particularly in matters of personnel and discipline.

Obviously you now have my email and my office number is below.

Thank you in advance.

Eric Heichlinger, Lieutenant

Administration/Communications

Folsom Police Department

46 Natoma Street, Folsom, CA 95630

O: 916.461.6508



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



www.folsom.ca.us/police

From: Rick Hillman <rhillman@folsom.ca.us>

Sent: Wednesday, March 9, 2022 4:47 PM

To: Eric Heichlinger <eheichlinger@folsom.ca.us>

Subject: FW: Internal Affairs Sergeant

Rick Hillman

Chief of Police

Police Department

46 Natoma Street, Folsom, CA 95630

B: 916.355.7230 | O: 916.461.6450

F: 916.985.7643



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



www.folsom.ca.us/police

Serve with purpose * Relentlessly pursue criminal behavior * Proactively foster positive relationships

From: Rebecca Russell <hjockey@icloud.com>

Sent: Tuesday, March 8, 2022 7:02 PM

To: Rick Hillman <rhillman@folsom.ca.us>

Subject: Internal Affairs Sergeant

Good evening Cheif Hillman,

My name is Rebecca Russell, you and I met briefly at the Police Gala last summer. I am writing you in regards to your Internal Investigations Sergeant, David Canepa, and information he shared with me. As a registered nurse, protection of personal information is a top priority and I respect that responsibility. As an internal affairs officer, it seems that it is not only a top priority, but the crux of the job. Details that were shared with me while being

1 investigated include the cases of Lauren Riffel, John Moniz, as well as James Dorris and the details regarding the
2 lengthy case of the officer whom James lost his job for obtaining information about the ex-boyfriend of the woman
3 in the case.

4 The information will not go beyond myself; however, I thought you should know that the integrity of that position
5 was compromised. If you would like to know the extent to the details of these cases that was shared with me,
6 please feel free to reach out.

7 Best Regards,
8 *Rebecca Russell*
9 cell: 530-701-1625
10 iusedtobe007@hotmail.com

11 11. Upon information and belief, Canepa was not thereafter disciplined by the Folsom Police
12 Department for his misbehavior, but was instead promoted by the Folsom Police Department and
13 awarded salary increases.

14 12. I am aware that this declaration may be relied upon in connection with legal proceeding(s) and/or
15 investigation(s) regarding Canepa's propensity for truthfulness and fitness for duty as a sworn
16 officer, and I consent to such use.

17 13. I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 true and correct.

19 Executed this 21st day of May, 2024 at Cameron Park, California.

20 By: 
21 REBECCA RUSSELL

Title	Mary Anne Martin has sent you a document to review and sign...
File name	Russell declaration_5.21.24.pdf
Document ID	340e8880716632735c52b3ebc592101eb093e9ee
Audit trail date format	MM / DD / YYYY
Status	● Signed

This document was requested on app.practicepanther.com and signed on app.practicepanther.com

Document History



SENT

05 / 21 / 2024

21:20:23 UTC

Sent for signature to Rebecca Russell

(iusedtobe007@hotmail.com) from mmartin@gavrilovlaw.com

IP: 66.60.169.162



VIEWED

05 / 21 / 2024

22:47:07 UTC

Viewed by Rebecca Russell (iusedtobe007@hotmail.com)

IP: 172.56.169.206



SIGNED

05 / 22 / 2024

15:30:26 UTC

Signed by Rebecca Russell (iusedtobe007@hotmail.com)

IP: 73.90.151.68



COMPLETED

05 / 22 / 2024

15:30:26 UTC

The document has been completed.



LAW OFFICE OF CALVIN CHANG

Law Office of Calvin Chang
980 9th Street, Suite 1600
Sacramento, California 95814
916.538.0225
Calvin Chang
calvin@calvinchanglaw.com

STRICTLY CONFIDENTIAL

December 14, 2021

VIA ELECTRONIC MAIL swang@folsom.ca.us

Steven Wang, City Attorney
City of Folsom
50 Natoma Street
Folsom, CA 95630

Re: James Dorris v. City of Folsom, et al.

Mr. Wang:

THIS COMMUNICATION IS SOLELY FOR SETTLEMENT PURPOSES PURSUANT TO EVIDENCE CODE SECTIONS 1119 ET SEQ., AND 1152 ET SEQ. (FED. R. EVID 408) AND CAN BE USED SOLELY FOR THAT PURPOSE.

My office represents James Dorris (“Officer Dorris”) regarding his complaint and claims for unlawful racial harassment, during his employment as a police officer in the City of Folsom Police Department (“FPD”). Officer Dorris’ complaints may be reflected in any pending Department of Fair Employment and Housing (“DFEH”) and/or U.S. Equal Employment Opportunity Commission (“EEOC”) complaints. Officer Dorris has substantial claims against the City of Folsom and individuals including Police Sergeant Timothy Galovich, and others, for claims including but not limited to Racial Harassment.

I. Unlawful Conduct

Summary of Initial Facts

During all relevant times, Officer Dorris was subjected to pervasive and continuous pattern of racial harassment during his employment as a police officer at the City of Folsom Police Department. Seventeen percent of Folsom residents are of Asian racial ethnicity. The

City of Folsom employs more than eighty officers. However, during relevant times, and presently Officer Dorris is one of only two Asian officers. This is remarkably disparate composition from all other comparable sized agencies in the region. Such remarkable deficiencies contradict commonly accepted community policing standards. An extreme deficiency of racial composition is a common factor in law enforcement employment race discrimination cases.

Officer Dorris began his employment in 2005. Officer Doris had favorable performance over ten years and received all his merit step increases. Between 2007 and 2008, his fellow officers began putting offensive stickers on Officer Dorris' locker. Unlike many agencies, Folsom PD does not have a policy prohibiting displaying of unprofessional items (or any items) on the outside of lockers. (Placement of items on police lockers is a common theme in numerous sexual and racial harassment lawsuits in police agencies).

These stickers that kept appearing on his locker were anti-Asian and racially offensive. They would be random pictures of Asian men and children. They would have a quote written on them saying, "I'm Officer Dorris." Officer Dorris opposed the placement of the stickers by taking them down repeatedly. Within a few days another would be put on. An officer put a sticker, "**standard length**", as racist trope mocking Asian penis size. These displays continue to be placed on Officer Dorris' locker even while he has been on leave for the last year. In addition, fellow officers would put leave their trash/hangers on his locker. These were meant to send a message.

During all relevant times, Officer Dorris informed his supervisor Sergeant Ty Schantz, about the issue he was having. Sergeant Schantz told him that he would take care of it. Sergeant Ty attempted to put an end to the harassment, but it still continued. (Ty is currently retired.)

In addition to the offensive stickers, Officer Dorris heard numerous comments regarding Asian stereotypes such as Officer Dorris skin color, Officer Dorris slanted eyes, and Officer Dorris penis size. Recognition of implicit bias against Asian-Americans is still lacking in this

Country. Discriminatory comments and disparate treatment against Asians continue to be prevalent in a manner that would be recognized as such for other persons of color.

Officer Dorris continued to experience the harassment throughout his employment until the present. Many of the comments occurred openly in the Department's locker room. They occurred while supervisors were present. Officer Dorris continued throughout his employment believing he would have to tolerate it because it was the culture of the Folsom PD. Officer Dorris prayed that one day that the Lieutenant or Chief would say something to him regarding the situation. Officer Dorris knew that they saw them every day because his locker is the first locker at the entrance of the locker room. The police chief and all other commanders and supervisors of the City clearly would have seen the offensive racial stickers.

Officer Dorris prayed that they would ask him if it offended him; and Officer Dorris would say "yes" and ask them to make a general policy to not put anything outside all lockers. (So that he would not be singled out as having complained). During all relevant years, Officer Dorris was a school resource officer and taught numerous youth about anti-bullying. Officer Dorris started an after-school program around 2011 when Officer Dorris was an SRO. The program was used to combat bullying and it was a success. Officer Dorris ran the program for approximately eight years. Throughout the eight years, Officer Dorris helped numerous of youth combat bullying. Unfortunately, Officer Dorris couldn't help himself. This weighed on him because he himself was being harassed and bullied daily. It also felt to him like he was being a hypocrite for presenting the anti-bullying campaign for the City of Folsom.

Officer Dorris correctly believed if complained further about anything; the harassment would intensify, and he would be retaliated against. Every shift Officer Dorris worked, he would see these stickers and they would destroy him before each shift. There would be times where Officer Dorris would pull over in a parking lot and get emotional.

Officer Dorris started to hate coming to work and nobody would help him. In or about 2018, once Officer Dorris left the SRO program and went back to patrol, the harassment became worse.

Officer Dorris' predominate supervisor was Police Sergeant Tim Galovich. Sergeant Galovich racially harassed Officer Dorris continuously. Sergeant Galovich has very strong views and is a vocal and visual Trump supporter, and internet poster expressing the conspiracy theory that the election was stolen and expressing his negative views about Democrats. Officer Dorris feared that Sergeant Galovich's more extreme demeanor and brainwashed behavior was problematic. Sergeant Galovich would constantly and unfairly write him up for issues that occurred on certain calls. Sergeant Galovich regularly and publicly mocked Officer Dorris with anti-Asian slurs and tropes in front of fellow officers.

Sergeant Galovich would take on an Asian accent, and try to imitate Officer Dorris, saying, "Robster instead of lobster." "Rook," instead of look, etc. This Asian accent harassment occurred continuously throughout the past three years.

Sergeant Galovich also expressed his biases against Asians in his supervision of Officer Dorris. Sergeant Galovich would say:

"A good way to make Dorris blind is to put a windshield in front of him."

Referring to the racist stereotypical trope that Asians cannot drive. These comments were made openly in front of other employees.

On or about 2019, Officer Dorris confronted Sergeant Galovich regarding how he was being treated, and the disparate write ups he was giving him. Before this time, Officer Dorris had not experienced write-ups in this manner and frequency. Officer Dorris told Sergeant Galovich he was being unfair. This caused an emotional outburst from Sergeant Galovich - as if Officer Dorris complaint represented the people Sergeant Galovich hated. Sergeant Galovich screamed at the top of his lungs **"fuck you!!! Fuck you!!! James fuck you!!!"** A police supervisor use of such serious and offensive language towards one of his own officers, demonstrates the hostile work environment and privilege that Sergeant Galovich had in the command structure of the Folsom PD – towards Officer Dorris. It was disparate treatment. Officer Dorris calmly responded are you done? Sergeant Galovich did not respond. Officer Dorris raised the incident to a Lieutenants or the commander. No action was taken.

During this time, there were a new batch of sergeants. This group was known to harass others and especially the other Asian officer. Her name is Kim Lim. Officer Dorris witnessed Officer Lim get write ups and being harassed daily by her supervisors. Officer Dorris would hear sergeants talk badly about her when she was out of the room. Officer Dorris heard from a third party (retired Officer Homer Limon) that Kim was scared to say anything and didn't want to rock the boat because she would be retiring in a few years anyways. Officer Kim is believed not to be aware of Officer Dorris' complaints. Officer Dorris witnessed Officer Kim crying and calling in sick many times. As Officer Dorris witnessed this, Officer Dorris noticed he was getting the same treatment.

Officer Dorris told Sergeant Galovich that he had other officers as witnesses to dispel the issue he was being written-up for, but Sergeant Galovich would say, "this doesn't go in your file anyway. It's just a written reprimand and if you try to fight the allegation it will become formal." You should just sign it." Sergeant Galovich gave Officer Dorris numerous unfair and unwarranted write-ups. These were the first write ups Officer Dorris had received in over the years.

Between 2019 and 2020, during briefing, Sergeant Galovich would see an Asian name on the arrest board. Sergeant Galovich would ask, in a mocking manner, in front of everyone, "how do you pronounce that Dorris." This occurred many times throughout the years, not with just him but with other supervisors.

Sergeant Ty Shantz told Officer Dorris there were other racist things put on his locker and that Sergeant Shantz would take them down before Officer Dorris got to work.

Officer Dorris continued to endure the discriminatory treatment and tried to stay positive. Once he started dealing with personal matters it became too much for him to handle. On January 9, 2020, Officer Dorris contacted the Chief told him he was feeling broken. Officer Dorris was feeling broken because along with the racial harassment, he was dealing with a divorce and the harassment from the repeated harassment from the unwanted calls from google numbers (relating to his former girlfriend). Officer Dorris was hoping the chief would respond with the willingness

to offer assistance but he did not respond to Dorris. Officer Dorris still felt trapped because Officer Dorris did not want to end his career.

In or about August 2020, while Officer Dorris was at a training day at the range. The training day consisted of up to 20 officers that worked Officer Dorris side of the week. After Sergeants Roman Kehm and Herndon gave instructions Officer Dorris asked for clarification about a certain part of the shooting course. At this time, Sergeant Kehm said, “let me make it clear to you Dorris”:

“Ching Cha Ching Chang Cho. Understand now?”

Everyone started to laugh, and Sergeant Herndon laughed as well. At that moment, a series of memories went through Officer Dorris head. Stemming from the stickers, racial comments and treatment. Officer Dorris wanted to break down at that moment and yell at Sergeant Kehm. Unfortunately, in the culture of the Folsom Police Department, it would be impossible because Officer Dorris would be looked down upon even more. After they finished the range, Officer Dorris remember driving home and became overwhelmed with emotion. Officer Dorris pulled over and cried uncontrollably. Officer Dorris felt helpless and indeed broken.

The workplace harassment was not confined to just Asian officers. As would be expected, anti-Asian discrimination also was observed in policing. For example, Officer Dorris also noticed that the department was being extra harsh on a bar called “Powerhouse Pub” located in old town Folsom. The bar was next to four other bars (walking distance). Officer Dorris noticed his supervisors started to pay disparate attention to the owner of the Powerhouse Pub; but would leave the other bars alone. The owner is Asian, and her name is Nazaria Nguyen.

Note: My office does not represent Officer Dorris in any grievance or appeal of the present dismissal action. Officer Dorris is represented by LDF counsel. However, suffice to note that before any of the alleged misconduct alleged against Officer Dorris even occurred, Officer Dorris broke down and cried in the Chief’s office and asked the Chief for help. Officer Dorris believes his repeated requests in 2020, for his supervisors and personally to the police

chief to investigate and help him with the situation with his former girlfriend's related harassment of him in violation of Penal Code 633m, was motivated by a general indifference to his concerns, was disparate and based on the circumstances at the Folsom PD instigated in part by Sergeant Galovich.

Despite the Department's contention that no law was broken by the anonymous individual(s) calling him; it fits a misleading presentation in support of dismissing Officer Dorris. My office's perusal of the notice to terminate, immediately raises concerns that the action contains misrepresentations and omissions of important exculpatory facts. It remains to be determined whether the notice is a police report and therefore subject to compliance review in that manner for misrepresentations and omissions of exculpatory information. In this manner disparate treatment will be scrutinized, including review of computer use over numerous years of records retention by the DOJ. My office's last police workplace harassment case ended with the summary reinstatement of my police officer client, and the demotion and discharge of the police chief – based on intense investigative litigation discovery my office conducts seeking evidence of disparate treatment. A common theme in numerous of my office's police harassment cases. It is sufficient initially that numerous Folsom officers have engaged in racial harassment, intoxication while on duty, theft of time, and engaging on a sex ring. These officers have been promoted and remain in police management positions.

Despite the serious nature of the actions being taken against Officer Dorris that implicate his multi-million-dollar peace officer career – the City of Folsom continues to permit the offensive stickers, and other displays to remain on Officer Dorris' locker to this day. Officer Dorris has several witnesses that can provide additional information.

As a result of the unlawful conduct of defendants, Complainant has suffered severe emotional distress, wage loss and loss of benefits, diminution of his lifetime pension benefits, damage to his career. The foregoing is not intended to be an exhaustive recitation of the facts.

II. Legal Claims under the California Fair Employment and Housing Act

1. Officer Dorris Can Establish He Was Subjected to Racial Harassment in Violation of the FEHA for Hostile Work Environment

This conduct is sufficient to establish a claim for hostile workplace environment harassment. “To establish a prima facie case of a racially hostile work environment, [Plaintiff] was required to show that (1) he was a member of a protected class; (2) he was subjected to unwelcome racial harassment; (3) the harassment was based on race; (4) the harassment unreasonably interfered with his work performance by creating an intimidating, hostile, or offensive work environment; and (5) the Department is liable for the harassment.” (*Thompson v. City of Monrovia* (2010) 186 Cal.App.4th 860, 876-77.)

Courts have also held that a hostile message conveyed through an official job action may constitute harassment. (*Roby v. McKesson Corp* (2009) 47 Cal.4th 686, 708, citing *Miller v. Department of Corrections* (2005) 36 Cal. 4th 466.) Officer Dorris can also establish a claim for sexual harassment because the harassment was also unwelcome conduct based on sex.

Officer Dorris was forced, by the practice of FPD, to endure this pattern of animus against him based on his race based on a pervasive and continuing pattern of racial taunting, visual displays, racist tropes, and pure anger and hostility directed at him expressly because he is Asian. He suffered a hostile work environment that caused severe emotional distress. The harassment was enabled by the City of Folsom’s failure to prevent harassment.

2. Failure to Prevent Harassment in Violation the FEHA.

It is axiomatic if complainant establishes discrimination, harassment or retaliation; he can establish a claim for Failure to Prevent the same. This is such a case. “An employer shall take all steps necessary to prevent sexual harassment from occurring...” (Title VII; 29 CFR §1604.11(f)). “A fundamental part of an employer’s obligation is to make prompt, full, and fair investigation of harassment complaints” (*DFEH v. Lake County Dep’t of Health Services*, No. 98-11 FEHC Precedential Decs (July 22, 1998).). “The employer is obligated to investigate the allegation...promptly and thoroughly...” (EEOC Notice No. N.915-050 (1990).). “The employer’s investigation... is not a gratuitous or optional undertaking but required by law...” (*Malik v. Carrier Corp.*, 202 F.3d 97 (2nd Cir. 2000); *Sarro v. City of Sacramento*, 78 F. Supp. 2d 1057 (E.D. Cal. 1999).). “The most significant immediate measure an employer can take in

response to a sexual harassment complaint is to launch a prompt investigation to determine whether the complaint is justified. (*Bradley v. Department of Corrections & Rehabilitation*, 158 Cal. App. 4th 1612, 1631 (Cal. App. 5th Dist. 2008), citing *Swenson v. Potter* (9th Cir. 2001) 271 F.3d 1184, 1192.). When an employer responds to a complaint of harassment with an inadequate investigation, that is evidence that the articulated reasons for his subsequent dismissal are pretextual. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th at 1344-46.). Failure to investigate may be used by aggrieved employee as an independent cause of action if the underlying harassment/discrimination occurred. (*Trujillo v. N. County Transit Dist.*, 63 Cal. App. 4th 280 (1998).). Failure to investigate, including in a litigation forum, may be used to infer malice, ratification, and used to demonstrate pretext, retaliation, and form the basis of an independent cause of action. Company policy to investigate, but not if the employee filed suit. (*EEOC v. Gen. Motors Corp*, 826 F. Supp. 1122 (N.D. Ill, 1993).).

The City of Folsom failed to create an atmosphere where racial harassment does not occur in its police department. Furthermore, the racial harassment that occurred by management employees and in the presence of management employees all the way up to the Chief of Police, demonstrate the City of Folsom failed to prevent harassment. That is sufficient. Even after the harassment was witnessed by numerous other supervisors, the City failed to conduct an adequate and timely investigation. The City of Folsom must take all reasonable steps to prevent *further* harassment, discrimination, and retaliation and initiate a timely and adequate workplace investigation with trained and independent non-law enforcement workplace investigators.

III. FPD's Practice of Disparate Treatment Discrimination, Harassment, and Retaliation are Violations of California and Federal Law.

Based on City of Folsom's unlawful treatment of Officer Dorris, it is evident that the City continues to engage in a systemic pattern and practice of race harassment and discrimination. City of Folsom also maintains a disparate practice when providing for hiring and promotion based on race in its sworn workforce. My office is presently reviewing any claims that may implicate discrimination, retaliation, and/or wrongful termination. In the interim, my office represents Officer Dorris in his claim for unlawful race harassment.

IV. Opportunity for Confidential Resolution

The City of Folsom has failed to provide equal employment opportunity regardless of race. These are violations of the FEHA as well as Title VII. Officer Dorris' damages are extensive – as local juries award significant amounts in police employment cases for emotional distress. Federal juries in Northern California have awarded large verdicts in sexual harassment and retaliation cases. Sacramento juries award among the largest verdicts in the nation. A Sacramento jury awarded a plaintiff \$167,730,488.00 in a Sexual Harassment and retaliation case. (*Chopourian v. Catholic Healthcare West*, Case No. 2:09-CV-02972-KJM-KJN (E.D. Cal. Feb. 28, 2012)). In *Hagadorn v. Sacramento Sheriff's Department*, female deputies were subjected to sexual harassment and retaliation by an undersheriff. Jury awarded \$3.5 million. The County's defense attorney fees were \$1.15 million. Plus, the Court awarded \$3.5 million in attorney's fees to Plaintiff using a multiplier of 1.5. (Sacramento County Superior Case No. 2010-00091514). In November 2021, a Sutter County jury awarded a former Sutter County Sheriff's Office correctional officer \$1.3 million in wage loss; but awarded \$7.5 million in emotional distress damages. The FEHA provides for one-way attorneys fee shifting. If Plaintiff prevails on any FEHA claim, he is entitled to recover his attorneys fees. If the employer prevails entirely – the employer is not entitled to recovery any fees nor costs. Attorneys fees in employment discrimination matters through trial, are in the six and seven figures.

My office requests that all evidence be preserved pending any investigation, including photographing all evidence prior to removal of any offensive displays.

Officer Dorris may be willing to participate in direct discussions or confidential employer paid mediation to resolve this matter, including a potential discussion of a global resolution. Please respond to the undersigned within ten days if City of Folsom desires to discuss resolving this matter without litigation. My office has a lien on the civil claims in this matter. This letter should not be construed as a waiver of any rights by Officer Dorris, all of which are expressly reserved. If you have questions, please do not hesitate to contact me. Thank you.

Sincerely yours,



Steven Wang, City Attorney
December 14, 2021
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Calvin Chang, Esq.

LAW OFFICE OF CALVIN CHANG