



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

August 1, 2023

Emilia Arutunian
755 Front Street
San Diego, CA 92101

RE: Notice to Complainant's Attorney
CRD Matter Number: 202308-21488002
Right to Sue: Arnold / San Diego Unified School District Police Department et al.

Dear Emilia Arutunian:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



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August 1, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202308-21488002

Right to Sue: Arnold / San Diego Unified School District Police Department et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot 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, Government Code section 12945.2, 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. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

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August 1, 2023

Caleb Arnold

RE: **Notice of Case Closure and Right to Sue**

CRD Matter Number: 202308-21488002

Right to Sue: Arnold / San Diego Unified School District Police Department et al.

Dear Caleb Arnold:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 1, 2023 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 Pilot 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, Government Code section 12945.2, 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@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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



Civil Rights Department

KEVIN KISH, DIRECTOR

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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

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Caleb Arnold

CRD No. 202308-21488002

8 Complainant,

9 vs.

10 San Diego Unified School District Police Department
11 4100 Normal Street, Room 2148
12 San Diego, CA 92103

13 Alfonso Contreras
14 4100 Normal Street
15 San Diego, CA 92103

16 Jenifer Gruner
17 4100 Normal Street
18 San Diego, CA 92103

19 Lamont Jackson
20 4100 Normal Street
21 San Diego, CA 92103

22 Respondents

23
24
25 **1.** Respondent **San Diego Unified School District Police Department** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

26 **2.** Complainant is naming **Alfonso Contreras** individual as Co-Respondent(s).
27 Complainant is naming **Jenifer Gruner** individual as Co-Respondent(s).
28 Complainant is naming **Lamont Jackson** individual as Co-Respondent(s).

3. Complainant **Caleb Arnold**, resides in the City of , State of .

4. Complainant alleges that on or about **August 1, 2023**, respondent took the following adverse actions:

1 **Complainant was harassed** because of complainant's ancestry, national origin (includes
2 language restrictions), color, other, sexual harassment- hostile environment, disability
3 (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and
hair texture).

4 **Complainant was discriminated against** because of complainant's ancestry, national
5 origin (includes language restrictions), color, other, sexual harassment- hostile environment,
6 disability (physical, intellectual/developmental, mental health/psychiatric), family care and
7 medical leave (cfra) related to serious health condition of employee or family member, child
8 bonding, or military exigencies, race (includes hairstyle and hair texture) and as a result of
9 the discrimination was denied hire or promotion, reprimanded, demoted, asked
impermissible non-job-related questions, denied any employment benefit or privilege, other,
denied work opportunities or assignments, denied or forced to transfer, denied
accommodation for a disability, denied family care and medical leave (cfra) related to
serious health condition of employee or family member, child bonding, or military exigencies.

10 **Complainant experienced retaliation** because complainant reported or resisted any form
11 of discrimination or harassment, requested or used a disability-related accommodation,
12 participated as a witness in a discrimination or harassment complaint and as a result was
13 reprimanded, demoted, asked impermissible non-job-related questions, denied any
14 employment benefit or privilege, other, denied accommodation for a disability, denied
employer paid health care while on family care and medical leave (cfra), denied family care
and medical leave (cfra) related to serious health condition of employee or family member,
child bonding, or military exigencies.

15 **Additional Complaint Details:** Caleb Arnold has been a police officer for over ten years.
16 He started his tenure as a patrol officer and worked his way up all the way to Field Training
17 Over. He is also the current president of the Police Officer Association ("POA"). Throughout
18 his tenure, Mr. Arnold has been an exemplary employee, receiving awards and citations for
19 his great work within law enforcement. Such awards include a commendation for assisting in
an investigation that broke up a human trafficking ring in San Diego and another
commendation for spending his summer working on the San Diego Human Trafficking Task
Force and assisting multiple investigations.

20 In or about June of 2022, Alfonso Contreras became Chief of Police for San Diego Unified
21 School District's Police Department ("SDUSD PD" or "Department"). Upon information and
22 belief, Mr. Contreras had been in a long-term relationship with one of his subordinates,
23 Sergeant Jenifer Gruner, at the time he was appointed. Most of the Department was aware
24 of the relationship at the time of his appointment and made attempts to inquire to ensure the
25 relationship would not affect their positions and career trajectories within the Department.
Mr. Contreras assured the officers he would act with integrity and would not let the
relationship affect his management of the Department. Unfortunately, those promises did
not come to fruition. With Mr. Contreras' appointment to Chief, the relationship began to
adversely affect the entire Department almost immediately. Indeed, the relationship between
the two creates divisiveness and a hostile work environment for any member of the SDUSD

1 PD who are not in support of Ms. Gruner, do not "take care of her," praise her, and support
2 her. The circle of individuals who do support the relationship is commonly referred to as
3 "The Club" and given special treatment and privileges. Two such individuals include
4 Operations Support Captain, David Landman, and Field Support Captain, Ivan Picazo.
5 However, those outside of "The Club" were and continue to be continuously harassed,
6 demeaned, undermined, yelled at, defamed, slandered, and have experienced numerous
7 other instances of hostile work environment.

8 Mr. Contreras has given Ms. Gruner immense special privileges due to his high-ranking
9 position. Those privileges have only intensified since Mr. Contreras' tenure as Chief,
10 including taking training time off to attend a Notre Dame football game with Chief Contreras,
11 (photos of which ended up plastered all over social media), not having to clock in and out of
12 her shifts, and other privileges.

13 Further, Mr. Contreras extends Ms. Gruner's privileges to her affirmative responsibilities at
14 work. While working as a detective on a burglary series, Ms. Gruner took burglary reports
15 potentially associated with the series but failed to submit the reports. When questioned
16 about the reports, Ms. Gruner submitted substandard reports that clearly indicated she did
17 not recall the incidents and provided no details relating to the crimes. While officers outside
18 of "The Club" would have been reprimanded for poorly handling the reports, Ms. Gruner
19 continued her job as if she had not done anything wrong.

20 Department members have also noticed Mr. Contreras allows Ms. Gruner to take extended
21 lunches without repercussions, go to the nail salon while on duty, leave shifts early, and not
22 wear her uniform while on the clock. Mr. Contreras has also allowed Ms. Gruner the
23 privilege of recording herself in the red book for time off, whereas everyone else in the
24 Department is required to have their supervisor record them in the red book. While other
25 officers would have been reprimanded for these same actions, Mr. Contreras permits Ms.
26 Gruner to openly violate Department policy. Furthermore, Ms. Gruner has and continues to,
27 abuse and harass her subordinates, often publicly, in the presence of Mr. Contreras and
28 other officers, without reprimand or discipline.

Mr. Arnold disapproves of the relationship and Ms. Gruner's special treatment and is
therefore not part of "The Club." As a result, over the last year, he has been treated like an
outcast and has experienced an extremely hostile work environment despite his consistent
hard work and efforts in building the Department.

One such example occurred in or about August or September 2018, after Mr. Arnold chased
a student experiencing mental health issues that posed a danger to themselves and others
through a steep canyon in 90-degree heat causing dehydration and exhaustion, which
resulted in Mr. Arnold receiving care in a hospital due to a heat stroke. Shortly thereafter,
Mr. Contreras created a video mocking Mr. Arnold's health scare. A fellow officer felt
compelled to share the video with Mr. Arnold so that he knew what was being done behind
his back. In the video, Mr. Contreras, and other officers who he deceived into participating
by claiming it was a training video, mockingly explained how to walk out of a canyon. The
sole purpose of the video was to mock and humiliate Mr. Arnold.

Mr. Arnold was in fact hurt, humiliated, and extremely emotionally distressed when he found
out about Mr. Contreras' mocking video. Especially in light of Mr. Arnold's lifelong struggle
with body image, which has persisted since his elementary school years when he was made
fun of for his weight. Unfortunately, this particular occasion was not bullying by children, but
rather, public bullying by individuals who were supposed to be acting as leaders and

1 supervisors. It goes without saying, this harassing and discriminatory situation created a
2 hostile work environment for Mr. Arnold.
3 Though the hostile environment has continued as Mr. Contreras built within his ranks, it
4 intensified and became more open and aggressive when he became Chief. On October 6,
5 2022, Ms. Gruner behaved in an extremely hostile manner towards Mr. Arnold. After
6 overhearing a conversation between Mr. Arnold and Officer Bonilla about cargo pants, Ms.
7 Gruner pretextually called them outside away from others to tell them to not talk about
8 Police Officer Association (“POA”) matters in front of trainees. After a few minutes, Ms.
9 Gruner dismissed Mr. Bonilla to address the real reason why she wanted Mr. Arnold away
10 from everyone. Ms. Gruner then interrogated Mr. Arnold about a training he attended where
11 he allegedly discussed Ms. Gruner’s prior criminal history where she stole a bus while under
12 the influence of alcohol. Notably, Mr. Arnold did not name Ms. Gruner in the communication
13 and had no intent to embarrass her. From this, Ms. Gruner went on a multitude of
14 inappropriate tangents including how Mr. Arnold should be living as a Christian. This made
15 Mr. Arnold feel considerably uncomfortable.
16 Mr. Contreras also continued to create a hostile environment for Mr. Arnold, which grew with
17 his position. On November 10, 2022, Mr. Contreras approached Mr. Arnold and asked if he
18 believed he had enough votes to become POA President. Mr. Arnold responded that he
19 thought he did. Mr. Contreras finished the conversation, in front of Officers Corado, Carter,
20 and Bonilla, by telling Mr. Arnold “YOU better win BITCH.” This was the second time Mr.
21 Contreras called Mr. Arnold a “bitch,” making him feel uncomfortable, disrespected, and
22 humiliated in front of his fellow officers.
23 Mr. Contreras also continued to make publicly humiliating comments about Mr. Arnold’s
24 weight. One such comment was on May 12, 2023, when at a line-up meeting in front of
25 fellow officers, Mr. Contreras commented on a picture of Mr. Arnold stating, “Picazo may
26 have a class “A” uniform that will fit you.” This inappropriate and unnecessary comment
27 again was directed at Mr. Arnold’s weight. And again, Mr. Arnold felt publicly disrespected
28 and humiliated.
29 The hostile work environment and harassment by Mr. Contreras and other members of “The
30 Club” have caused immense emotional distress for Mr. Arnold, which has transferred into
31 physical manifestations and health ailments, such as kidney stones.
32 “The Club’s” most recent display of hostility occurred no more than a month from the date of
33 this complaint. On July 11 and 12, 2023, the Department hosted an annual summer training
34 for school resources officers. The 2022 annual summer training was coordinated and run
35 solely by members of “The Club.” This year though, Mr. Contreras claimed the annual
36 summer training would be open to other members of the Department who wanted the
37 opportunity. Unfortunately, this was another promise unfulfilled. Instead, the opportunity to
38 coordinate, run, or conduct trainings was granted only to individuals in “The Club.”
39 Given the nature of the Department’s promotion process, these opportunities
40 significantly impact an individual's ability to rank high enough in the process to be selected
41 for promotion. Thus, individuals not in “The Club” are unable to compete for promotion with
42 those in “The Club” merely because they do not take care of, praise, and support Mr.
43 Contreras and Ms. Gruner’s relationship.

1 VERIFICATION

2 I, **Emilia Arutunian, Esq.**, am the **Attorney** in the above-entitled complaint. I have
3 read the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On August 1, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **San Diego, CA**

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Date Filed: August 1, 2023

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