



## 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: 202308-21487602  
Right to Sue: Gray / 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



## 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

**RE: Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202308-21487602

Right to Sue: Gray / 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.

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,

Civil Rights Department



## 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

Tom Gray

,

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

CRD Matter Number: 202308-21487602

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

Dear Tom Gray:

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.

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

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 Tom Gray

CRD No. 202308-21487602

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 Lamont Jackson  
17 4100 Normal Street  
18 San Diego, CA 92103

19 Jenifer Gruner  
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  
26 to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et  
27 seq.).

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

3. Complainant **Tom Gray**, 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, other, sexual harassment-  
2 hostile environment, disability (physical, intellectual/developmental, mental  
3 health/psychiatric), race (includes hairstyle and hair texture).

4 **Complainant was discriminated against** because of complainant's ancestry, other, sexual  
5 harassment- hostile environment, disability (physical, intellectual/developmental, mental  
6 health/psychiatric), race (includes hairstyle and hair texture) and as a result of the  
7 discrimination was denied hire or promotion, reprimanded, demoted, asked impermissible  
8 non-job-related questions, denied any employment benefit or privilege, other, denied work  
9 opportunities or assignments, denied or forced to transfer, denied accommodation for a  
10 disability.

11 **Complainant experienced retaliation** because complainant reported or resisted any form  
12 of discrimination or harassment, requested or used a disability-related accommodation,  
13 participated as a witness in a discrimination or harassment complaint and as a result was  
14 denied hire or promotion, reprimanded, demoted, asked impermissible non-job-related  
15 questions, denied any employment benefit or privilege, other, denied work opportunities or  
16 assignments, denied or forced to transfer.

17 **Additional Complaint Details:** Tom Gray ("Mr. Gray") began his tenure with the San Diego  
18 Police Department in 1998 as a patrol officer. He worked in patrol through June 2004,  
19 receiving many Commendations, including Commanding Officer Commendations,  
20 throughout his tenure. In 2004, Mr. Gray transferred to work with the San Diego Unified  
21 School District Police Department ("SDUSD PD" or "Department"). Mr. Gray has been an  
22 exemplary employee throughout his 24-year tenure, never receiving any disciplinary actions  
23 or warnings. He is passionate about his duties in law enforcement, including volunteering for  
24 a considerable number of assignments throughout his career term, such as: leader of the  
25 Peer Support Team, Field Training Officer, Firearms Instructor, Fleet Manager, several  
26 positions on the Police Officer Union, including Treasurer, Vice President, and President;  
27 Acting Sergeant and Advisor for high school clubs.  
28 In or about June of 2022, Alfonso Contreras became Chief of Police for SDUSD PD. Upon  
information and belief, Mr. Contreras had been in a long-term relationship with one of his  
subordinates, Sergeant Jenifer Gruner, at the time he was appointed. Most of the  
Department was aware of the relationship at the time of his appointment and made attempts  
to inquire to ensure the 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 PD who are not in support of Ms. Gruner, do not "take care of  
her," praise her, and support her. The circle of individuals who do support the relationship is  
commonly referred to as "The Club" and given special treatment and privileges. Two such  
individuals include Operations Support Captain, David Landman, and Field Support Captain,

1 Ivan Picazo. However, those outside of "The Club" were and continue to be continuously  
2 harassed, demeaned, undermined, yelled at, defamed, slandered, and have experienced  
numerous other instances of hostile work environment.

3 Ms. Gruner has received immense special privileges throughout Mr. Contreras' tenure as  
4 Chief, including taking training time to attend a Notre Dame football game with Contreras,  
(photos of which ended up plastered all over social media), not having to clock in and out of  
5 her shifts, and other privileges. Department members also noticed Ms. Gruner takes long  
6 lunches, goes to the nail salon while on duty, leaves shifts early, and fails to wear her  
uniform while on the clock. While other officers would have been reprimanded for these  
7 same actions, Ms. Gruner seemingly gets away with it, regardless of whether it follows  
8 Department policy.

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

13 One such example has been with regard to Mr. Gray's persistent requests for further officer  
14 trainings for firearm use. While Mr. Gray's consistent requests for trainings were in a good  
15 faith attempt to ensure the Department was well trained to handle issues as they came up,  
16 as well as to avoid liability, they were ultimately denied and adversely affected the  
17 Department.

18 In the Spring of 2022, Mr. Gray requested trainings for the officer's use of specific guns. Mr.  
19 Gray was concerned about the legal implications of the lack of proper training if it ultimately  
20 caused a safety issue. Mr. Gray followed up in June of 2022 and Ivan Picazo, a Sergeant at  
21 that time, responded stating he would take care of it. Unfortunately, this was not addressed.  
22 Mr. Gray followed up again. However, David Landman, an Operations Support Captain,  
23 denied the request.

24 In September 2022, Mr. Gray asked to attend the long gun instructor school as the  
25 Department did not have a way for training on the AR15s. Mr. Gray also recommended  
26 sending other officers to the long gun instructor school, but again, did not receive a  
27 response. Eventually, Landman denied Mr. Gray's firearm training request. He did not give a  
28 clear reason for the denial and Mr. Gray felt it was to prevent his growth within the  
Department.

18 In October 2022, Mr. Gray again approached the captains about training the officers. This  
19 time, he reminded the captains that firearm schools recommend three or more trainings per  
20 year and that the lack of training could cause negative legal implications for the Department  
21 if an officer who has not been trained in the past year was involved in a shooting. He  
22 recommended that until officers have the opportunity to receive at least one proper training  
23 for the year, they should store their AR15s. Rather than provide trainings, it was ordered  
24 that all officers stop carrying AR15s on the job and safely store them in their homes instead.  
25 Officers who lacked safekeeping in their homes were ordered to return their AR15s to the  
26 Department. Everyone was taken aback and upset by this order, as many officers felt  
27 incredibly unprotected in the case of a school shooting without their firearms and proper  
28 training. Members of "The Club" framed the situation in a way that blamed him and his  
request for trainings for the decision. He further felt the denial of the trainings had more to  
do with his lack of membership in "The Club" than it did with the actual implications of the  
trainings.

1 Another adverse action related to Mr. Gray's trainings occurred after the previous Chief  
2 approved Mr. Gray for drone training, which required extensive research. Upon Mr.  
3 Contreras' promotion to Chief, he revoked Mr. Gray's approval undeniably inhibiting his  
4 ability to obtain promotion in the future as he has fewer achievements on his resume.

5 There were numerous other occasions of harassment, hostile work environment, and  
6 abuse by Contreras and other members of "The Club" against Mr. Gray and others outside  
7 of "The Club." Some examples include blaming Mr. Gray for Mr. Picazo's decision not to  
8 arrest a suspect at a high school while not giving Mr. Gray an opportunity to respond or give  
9 his side of the events. In November of 2022, Mr. Landman belittled and made fun of Mr.  
10 Gray during a meeting for saying "go ahead" on the air, which was radio protocol. Mr. Gray  
11 left the meeting stressed and insecure about his job.

12 Mr. Gray was also denied promotions and shift changes to members of "The Club"  
13 with less tenure than him. In February 2023, Mr. Gray requested to transfer back to the  
14 North District Schools where he previously worked; however, he was informed that field  
15 Sergeant Robert Bonilla received the position instead of him, despite the fact that Mr. Gray  
16 is the most senior sergeant.

17 Furthermore, there were consistent hostile attacks on officers by members of "The  
18 Club," which were not addressed or prevented by Mr. Contreras. Such an occasion was a  
19 meeting on October 20th, 2022, when Mr. Bonilla yelled at the officers in front of Mr.  
20 Contreras. This altercation caused so much stress for Mr. Gray that he experienced  
21 headaches for three days thereafter.

22 In March 2023, Contreras called a meeting wherein he attacked the entire Department,  
23 expressing displeasure of the Department's work ethic. Mr. Picazo joined in on the attack,  
24 saying officers were only giving seventy percent. Mr. Gray asked what the Department could  
25 do to improve this perception but received no response.

26 In May 2023, an anonymous Instagram account opened, which posted photographs  
27 of Chief Contreras and Sergeant Gruner together and questioned Mr. Contreras' ability to  
28 lead the Department in light of the relationship. Around the same time, an anonymous letter  
was sent to the school board alleging nepotism in the Department and Ms. Gruner's time  
theft, which was tied to the nepotism. Mr. Contreras was upset with the sergeants, including  
Mr. Gray, accusing them of saying negative things about him to the troops.

After this incident, the hostile work environment worsened. Later that month, Mr. Gray was  
reprimanded for a new hire not being firearms qualified by an officer as required. Mr. Gray  
tried to explain that it was not his responsibility to get this done as he was no longer the  
firearms instructor; however, no one listened. As a result, Mr. Picazo revoked Mr. Gray's  
courtesy qualification for a retired officer.

On another occasion, Mr. Contreras loudly shouted at Mr. Gray, loudly questioning his  
intellect in front of others for using the word "mandatory" in an email about a training, which  
was in fact "mandatory." Mr. Contreras also brought up the "Peter Principle" to Mr. Gray and  
his colleague, Keith Boyd, explaining that when people in a hierarchy reach a level of  
"respective incompetence," skills learned in one job do not necessarily transfer to another.  
Mr. Gray and Mr. Boyd felt this lecture was a way to intimidate them from growing within the  
department and state that in his perspective, neither of them would ever be competent  
enough to make Captain or further build their respective careers within the Department.

In June of 2023, word got out that there was a "morale problem" among members of  
the Department. Rather than addressing this issue in a serious manner, Mr. Contreras

1 mockingly asked the Department members if they knew what was causing the issue, and  
2 said "If it sucks here," that members were free to resign. Mr. Picazo responded that the  
3 moral problems may have been caused by issues the officers were having in their  
4 respective personal lives and then proceeded to blame Mr. Gray and Mr. Boyd for all of the  
5 Department's issues.

6 All of these issues and the hostile work environment began and continued with Mr.  
7 Gray's disapproval of the relationship between Contreras and Gruner, and the resulting  
8 special treatment Ms. Gruner received as a result of the same, which in turn caused Mr.  
9 Gray's exclusion from "The Club."

10 As a result of the Department's hostile work environment, Mr. Gray has suffered and  
11 continues to suffer immense physical, emotional, and psychological injuries. In January  
12 2023, Mr. Gray experienced an injury to his lower back, and his physician stated that he  
13 believed Mr. Gray's ongoing work stress was a high contributing factor to the injury.  
14 Later in June, Mr. Gray ended up in the emergency room for lower abdominal pain. That  
15 physician diagnosed him with diverticulitis, caused in large part by stress. The physician  
16 asked whether Mr. Gray was undergoing stress in his life and Mr. Gray informed the  
17 physician that his hostile work environment causes him stress. At that time, Mr. Gray was  
18 prescribed medication and told to limit his stress levels.

19 Relatedly, Mr. Gray's doctors have diagnosed him with low testosterone and prescribed him  
20 a CPAP machine to remedy his lack of sleep, both of which result from the stress his hostile  
21 work environment causes.

22 In addition to the mental and emotional distress suffered by Mr. Gray, he has suffered  
23 economic damages as a result of the Department's failure to allow him to participate in  
24 various trainings, receive promotions, and build within the Department. These denied  
25 opportunities and failure to promote have caused past economic loss and will cause future  
26 economic loss.

27 "The Club's" most recent display of hostility occurred no more than a month from the date of  
28 this complaint. On July 11 and 12, 2023, the Department hosted an annual summer training  
for school resources officers. The 2022 annual summer training was coordinated and run  
solely by members of "The Club." This year though, Mr. Contreras claimed the annual  
summer training would be open to other members of the Department who wanted the  
opportunity. Unfortunately, this was another promise unfulfilled. Instead, the opportunity to  
coordinate, run, or conduct trainings was granted only to individuals in "The Club."

Given the nature of the Department's promotion process, these opportunities  
significantly impact an individual's ability to rank high enough in the process to be selected  
for promotion. Thus, individuals not in "The Club" are unable to compete for promotion with  
those in "The Club" merely because they do not take care of, praise, and support Mr.  
Contreras and Ms. Gruner's relationship.



1 VERIFICATION

2 I, **Emilia Arutunian**, am the **Attorney** in the above-entitled complaint. I have read  
3 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**

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Date Filed: August 1, 2023

28