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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13 JANINE CHANDLER; KRYSTAL
GONZALEZ; TOMIEKIA JOHNSON;
14 NADIA ROMERO, individuals; and
WOMAN II WOMAN, a California non-
15 profit corporation,

16 Plaintiff,

17 v.

18 CALIFORNIA DEPARTMENT OF
19 CORRECTIONS AND
REHABILITATION; KATHLEEN
20 ALLISON, Secretary of the California
Department of Corrections and
21 Rehabilitation, in her official capacity;
MICHAEL PALLARES, Warden, in his
22 official capacity; MONA D. HOUSTON,
Warden, in her official capacity; and DOES
23 1-10, inclusive,

24 Defendants.

1:21-cv-01657-JLT-HBK

DECLARATION OF J. THISSEN IN
SUPPORT OF DEFENDANTS' MOTION
TO DISMISS

Judge: The Honorable Jennifer L.
Thurston

Action Filed: November 17, 2021

25 I, J. Thissen, declare:

26 1. I am employed by the California Department of Corrections and Rehabilitation
27 (CDCR) as a Grievance Coordinator at the Central California Women's Facility (CCFW). I make
28

1 this declaration in support of Defendants' motion to dismiss, and could and would testify to the
2 same if called to do so by this Court.

3 2. CDCR provides prison inmates with a comprehensive administrative grievance
4 process in which prisoners may administratively grieve a "policy, decision, action, condition, or
5 omission" made by any CDCR employee.

6 3. The Office of Grievances receives and reviews all non-healthcare grievances. Since
7 August 1, 2008, all healthcare-related grievances are received and reviewed by the Healthcare
8 Grievance Office.

9 4. As the inmate Grievance Coordinator, I am responsible for reviewing inmate
10 grievances that do not involve inmate's medical care or other medical-related issues. I also
11 coordinate the processing and maintenance of records concerning inmate grievances submitted at
12 CCWF.

13 5. All grievances submitted by an inmate are assigned log numbers and maintained in
14 the inmate's central file. If a grievance is contaminated with organic, toxic, or hazardous
15 materials that may threaten staff safety or institutional security, then the grievance shall be safely
16 discarded and disallowed. The inmate may re-submit the grievance concerning the same claim or
17 claims. The Office of Grievances provides a written Acknowledgement Letter to the inmate
18 within four days of receipt of the grievance.

19 6. Inmate grievances are screened by the Centralized Screening Team under the
20 supervision of the Office of Internal Affairs for processing in accordance with current policy.
21 The Centralized Screening Team identifies individual claims within a grievance and determines if
22 each claim meets criteria for processing as a staff misconduct allegation or a routine claim.
23 Routine claims may be screened to determine if they are in compliance with the CDCR's
24 regulations regarding inmate grievances. The possible outcomes are as follows: routine claim
25 assigned for processing by the institution, no jurisdiction, reassigned, redirected, rejected, or
26 pending legal matter. Upon completion of all claims within a given grievance, a written decision
27 letter is generated and provided to the inmate noting the decision for each claim as well as the
28 reason for the decision. Claims identified by the Centralized Screening Team as containing

1 allegations of Staff Misconduct constitute exhaustion of all administrative remedies available to
2 the inmate within the department; therefore, no appeal is available to the inmate. However, an
3 inmate who wishes to appeal the written grievance decision or remedy provided by an
4 Institutional or Regional Office of Grievances concerning one or more claims they previously
5 submitted in a grievance, shall do so in writing by regular mail, electronic kiosk, or tablet, if
6 available, to the "Office of Appeals."

7 7. CCWF Office of Grievances maintains an electronic file to track the grievances
8 submitted at CCWF. This file contains information relating to the acceptance and screening of
9 inmate grievances. This file is made and kept as part of CDCR's regular and normal course of
10 business.

11 8. I am familiar with the record-keeping system for inmate grievances at the institutional
12 level, and am able to verify the status of an inmate's grievances submitted at CCWF.

13 9. At the request of the Attorney General's Office, I conducted a search of CCWF's
14 grievance records for all non-healthcare grievances submitted by Plaintiff Krystal Gonzalez
15 (WF7560) for review during the period of January 1, 2021, through November 17, 2021, that
16 reference the allegations made in plaintiffs' complaint. Records indicate that on August 5, 2021,
17 Gonzalez filed a single grievance, grievance Log No. 148990. A review of CCWF's records does
18 not show any other grievances were filed that are relevant to the plaintiff's allegations. Grievance
19 Log No. 148990, Claim No. 2 was disapproved on October 5, 2021. Gonzalez did not file an
20 appeal of the grievance response. A true and correct copy of Grievance No. 148990 and the
21 grievance response are attached as Exhibit A.

22 10. At the request of the Attorney General's Office, I conducted a search of CCWF's
23 grievance records for all non-healthcare grievances submitted by Plaintiff Nadia Romero
24 (W86365) for review during the period of January 1, 2021, through November 17, 2021, that
25 reference the allegations made in plaintiffs' complaint. Records indicate that on June 29, 2021,
26 Romero filed a single grievance, grievance Log No. 134251. A review of CCWF's records do not
27 show any other grievances were filed that are relevant to the plaintiffs' allegations. Grievance
28 Log No. 134251, Claim No. 002 and Claim No. 003, were disapproved on August 27, 2021.

1 Gonzalez filed an appeal; however, all appeal claims were rejected due to Gonzalez's failure to
2 submit the appeal within the required timeframe. A true and correct copy of Grievance Log No.
3 134251, grievance response, appeal Log No. 134251, and the appeal response are attached as
4 Exhibit B.

5 11. At the request of the Attorney General's Office, I conducted a search of CCWF's
6 grievance records for all non-healthcare grievances submitted by Plaintiff Janine Chandler
7 (X17395) for review during the period of January 1, 2021, through November 17, 2021, that
8 reference the allegations made in plaintiffs' complaint. Records indicate that on September 7,
9 2021, Chandler filed a single grievance, grievance Log No. 160878. A review of CCWF's records
10 do not show any other grievances were filed that are relevant to the plaintiffs' allegations.
11 Grievance Log No. 160878, Claim No. 001, was disapproved on November 5, 2021. Chandler did
12 not file an appeal of the grievance response. A true and correct copy of Grievance No. 160878
13 and the grievance response are attached as Exhibit C.

14 12. At the request of the Attorney General's Office, I conducted a search of CCWF's
15 grievance records for all non-healthcare grievances submitted by Plaintiff Tomiekia Johnson
16 (WE4176) for review during the period of January 1, 2021, through November 17, 2021, that
17 reference the allegations made in plaintiffs' complaint. The following is a true and correct
18 summary of each of Johnson's grievances, grievance determinations, appeals, and appeal
19 determinations:

- 20 a. Records indicate that on December 7, 2020, Johnson filed grievance Log No.
21 64789. A review of CCWF's records indicates grievance Log No. 64789 was
22 closed as Pending Legal Matter on December 14, 2020. Johnson did not file an
23 appeal of the grievance response for grievance Log No. 64789. A true and correct
24 copy of Grievance No. 64789 and the response are attached as Exhibit D.
- 25 b. Records indicate that on July 2, 2021, Johnson filed grievance Log No. 135607. A
26 review of CCWF's records indicates grievance Log No. 135607 was disapproved
27 on August 30, 2021. Johnson filed an appeal on/about September 8, 2021;
28 however, it was denied on November 6, 2021. A true and correct copy of

Grievance No. 135607, the grievance response, appeal, and appeal response are attached as Exhibit E.

- c. Records indicate that on August 25, 2021, Johnson filed grievance Log No. 156806. A review of CCWF's records indicates grievance Log No. 156806, Claim No. 003 "time expired" on October 26, 2021. Johnson did not file an appeal of the grievance response for grievance Log No. 156806, Claim No. 003. A true and correct copy of Grievance No. 156806 and the grievance response are attached as Exhibit F.
- d. Records indicate that on September 10, 2021, Johnson filed grievance Log No. 163278. A review of CCWF's records indicates grievance Log No. 163278, Claim No. 001 was disapproved on November 1, 2021. Johnson filed an appeal on/about November 10, 2021; however, it "time expired" on January 10, 2022. A true and correct copy of Grievance No. 163278, the grievance response, appeal, and appeal response are attached as Exhibit G.
- e. Records indicate that on September 13, 2021, Johnson filed grievance Log No. 163815. A review of CCWF's records indicates grievance Log No. 163815, Claim No. 004 was rejected as a duplicate to grievance Log No. 163278 and Claim No. 005 was redirected to the Facility Captain to address an allegation against another offender. Johnson filed an appeal on/about November 10, 2021; however, Johnson did not appeal Claim No. 004 or 005. A true and correct copy of Grievance No. 163815, the grievance response, appeal, and appeal response are attached as Exhibit H.
- f. Records indicate that on September 15, 2021, Johnson filed grievance Log No. 164890. A review of CCWF's records indicates grievance Log No. 164890, Claim No. 002 was redirected to the Facility Captain to address an allegation against another offender on September 20, 2021; Claim No. 003 was rejected as a duplicate to grievance Log No. 163278 and 163815 on September 23, 2021, and Claim No. 004 was rejected due to time and redirected to the Facility Captain to

1 address an allegation against another offender on September 20, 2021. Johnson
2 filed an appeal on/about November 22, 2021, however, Claim No. 004 was denied
3 on January 20, 2022. A true and correct copy of Grievance No. 164890, the
4 grievance response, appeal, and appeal response are attached as Exhibit I.

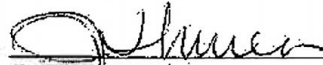
5 g. Records indicate that on September 27, 2021, Johnson filed grievance Log No.
6 169204. A review of CCWF's records indicates grievance Log No. 169204, Claim
7 No. 002 was rejected as a duplicate to grievance Log No. 163278, 163815, and
8 164890 on October 1, 2021; Claim No. 004 was redirected to the Facility Captain
9 to address an allegation against another offender on September 29, 2021; and
10 Claim No. 005 was redirected to the Facility Captain to address an allegation
11 against another offender on September 29, 2021. Johnson filed an appeal on/about
12 December 6, 2021; however, Claim No. 002 was denied on January 31, 2022. A
13 true and correct copy of Grievance No. 169204, the grievance response, appeal,
14 and appeal response are attached as Exhibit J.

15 h. Records indicate that on October 11, 2021, Johnson filed grievance Log No.
16 174412. A review of CCWF's records indicates grievance Log No. 174412, Claim
17 No. 001 was rejected as a duplicate to grievance Log No. 169204, 163278,
18 163815, and 164890 on October 20, 2021, and Claim No. 003 was redirected to
19 the Facility Captain to address an allegation against another offender on October
20 15, 2021. Johnson filed an appeal on/about October 27, 2021; however, Johnson
21 did not appeal Claim No. 001 or 003. A true and correct copy of Grievance No.
22 174412, the grievance response, appeal, and appeal response are attached as
23 Exhibit K.

24 13. Staff at CCWF are not permitted to make alterations, amendments, or changes to
25 plaintiff's written grievances. None of the grievances filed by any of the inmates were altered,
26 amended, or changed by myself or the staff at CCWF when filed, appealed, or responded to.
27 Redactions to the grievances were made during the preparation of the exhibits to this declaration.

1 to remove identifying and private information of inmates and private citizens not a party to this
2 action and not employees of CDCR.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. This declaration was executed on April 7, 2022 at Chowchilla,
5 California.

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7 

J. THISSEN

8 Correctional Counselor II and Grievance Coordinator
9 California Central Women's Facility

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