

**From:** "John E. Colby" <colby@docktorcat.com>  
**Subject:** **Why does the SCPD discriminate against disabled people?**  
**Date:** November 29, 2013 9:48:50 PM PST



**To:** Kevin Vogel <kvogel@cityofsantacruz.com>

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▶ 3 Attachments, 73.0 KB

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November 29, 2013

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re: Why does the SCPD discriminate against disabled people?

Dear Chief Vogel:

I am writing to serve you notice that the Santa Cruz Police Department (SCPD) has a culture of cruelty and disdain towards disabled people. The news media has documented several incidents of the SCPD discriminating against the disabled. Consider the following:

- Last Tuesday, SCPD Officer Joe Hernandez assaulted Ms. Jasmine Byron — who is disabled with Post Traumatic Stress Disorder (PTSD) — recklessly threatening her with a loaded Glock handgun for no good reason. His attack painfully affected her disabilities and the disabilities of her family. Please read the copied email below from Santa Cruz journalistic activist Robert Norse which has a link to his

radio show where he interviewed Ms. Byron and her husband as well as describing the assault in his email message.

- Last April, SCPD Officer Nathan Vasquez was documented on video by local homeless activist and documentarian Brent Adams cruelly slamming drunken homeless person Richard Hardy's head into a concrete sidewalk, injuring him. Robert Norse reported that you still refuse to comment on the status of your department's claimed investigation into this incident although the Santa Cruz Sentinel newspaper reported that the investigation would be completed a week after the incident occurred. You might not be aware of this, but alcoholics who pose no threat are disabled people protected under the American's with Disabilities Act (ADA) and under Section 504 of the Rehabilitation Act of 1973 (because the SCPD receives federal funds).
- On July 29, 2012, disabled (formerly) homeless person Andrea Morgan was assaulted based upon her disabilities by a church volunteer acting as an agent of the Homeless Services Center (of Santa Cruz). On July 31, 2012, Ms. Morgan — accompanied by my sister Patricia Colby — filed assault charges against this church volunteer with SCPD Officer Erik Peabody who stated that he believed she had been assaulted. Officer Peabody told them that a detective would followup with an investigation. No investigation was ever conducted, although I continued for quite some time to advocate with the Santa Cruz City Council to force the SCPD to investigate this hate bias crime. Moreover, SCPD Records Manager Trisha Husome and Santa Cruz Deputy City Attorney Caio Arellano dissembled for an extended period, impeding me from advocating for and representing Ms. Morgan with the SCPD to force them to investigate. Note that then mayor Don Lane was president of the Homeless Services Center's Board of Directors at the same time the City of Santa Cruz was channeling HUD block grant funds to them — a serious conflict of interest which suggests he was part of the SCPD's refusal to investigate this assault. Similarly, Santa Cruz Housing Programs Manager Carol Berg — who oversees the administration of HUD block grants which the City of Santa Cruz receives — ignored my repeated requests to investigate my complaint about the Homeless Services Center denying services to Ms. Morgan in apparent retaliation for her filing assault charges against the church volunteer who assaulted her on their campus. This was a direct violation of HUD's program requirements for Santa Cruz in return for receiving HUD funding. Be informed that I filed a joint ADA/Section 504 discrimination complaint with the U.S. Department of Justice against the City of Santa Cruz and in particular the SCPD for discriminating against Ms. Morgan and other disabled homeless people who I was advocating for and representing.

Please review the following information from the news media:

- Robert Norse's interview of Ms. Byron and her husband — <http://radiolibre.org/brb/brb131128.mp3>

- The Santa Cruz Sentinel news article with which contains the video of SCPD Officer Vasquez slamming Mr. Hardy's head into the concrete pavement for no good cause — [http://www.santacruzsentinel.com/ci\\_23119065/santa-cruz-police-probe-videotaped-arrest-injury-conclude](http://www.santacruzsentinel.com/ci_23119065/santa-cruz-police-probe-videotaped-arrest-injury-conclude)
- Documentation of the SCPD's refusal to investigate the disability motivated assault against Ms. Morgan and the SCPD's refusal to allow me to advocate for and to represent Ms. Morgan to obtain an investigation — <http://www.indybay.org/newsitems/2012/09/02/18720869.php>
- Audio evidence of homophobic sexual harassment by Mission Gardens residents Robin Jansen and (deceased) Terry Peterson. Note Jansen asking me if I had any "Hershey Bars" while pointing at her butt and Peterson warning a nearby parent, "Hide the baby! Hide the baby! He's a pervert!" — <https://www.facebook.com/groups/LGBTQ.FriendlySupportAgainstHateMongers/permalink/149479435242720/>

**Moreover:**

**The SCPD allowed Mission Gardens residents to attack my disabilities using BAITED stolen gay and lesbian mail, falsely claiming that I am a \*gay\* child molester. The SCPD refused to investigate this theft of my BAITED stolen mail as well as refusing to attach digitally recorded audio evidence to police reports of sexual harassment based upon false perceptions that I am \*gay\* which supported my claims that these residents were committing the hate crimes I alleged.**

**In sum:**

**The SCPD has shown a blatant and cruelly callous disregard for the civil rights of disabled people. These alleged civil rights violations — which have been repeatedly brought to the attention of successive Santa Cruz City Councils — seem to be sanctioned by City leaders and City staff.**

**Questions:**

**How do you respond to my allegations? What is your explanation for these alleged civil rights violations by the SCPD which I cited and the media documented?**

I would appreciate if you would respond to these questions — which have been asked again and again — instead of just ignoring me more like the Santa Cruz City Council and City staff have also done.

Sincerely yours,

John E. Colby, Ph.D.

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Begin forwarded message:

**From:** Robert <[rnorse3@hotmail.com](mailto:rnorse3@hotmail.com)>  
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**To:** HUFF yahoo groups <[huffsantacruz@yahoo.com](mailto:huffsantacruz@yahoo.com)>  
**Cc:** "City (!!!) Council" <[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)>, "J.M. Brown" <[jammrow@gmail.com](mailto:jammrow@gmail.com)>, GPerry of the SC Weekly <[gperry@santacruzweekly.com](mailto:gperry@santacruzweekly.com)>  
**Subject:** [huffsantacruz] Public Safety Danger in Santa Cruz: Gunmen Armed with Badges and Attitude

**Off-Duty SCPD Cop Draws Gun on Salvation Army Food Seeker**

by Robert Norse and Colin Campbell Clyde

[https://www.indybay.org/newsitems/2013/11/29/18746999.php?](https://www.indybay.org/newsitems/2013/11/29/18746999.php?show_comments=1#18747000)

[show\\_comments=1#18747000](https://www.indybay.org/newsitems/2013/11/29/18746999.php?show_comments=1#18747000)

*Friday Nov 29th, 2013 2:44 PM*

Several witnesses at the Tuesday Salvation Army Thanksgiving Meal including the mother of the victim reported that Officer Hernandez assaulted Jasmine Byron by knocking a plate of food out of her hand, threatening her with his gun, and subsequently taunting her from his car. Hernandez's stated objective: to stop Jasmine from trying to take a plate of food out the door after having she said she'd asked permission to do so.

**ON 11-26-13 OFFICER HERNANDEZ REPORTEDLY PULLED A GUN ON A WOMAN LEAVING WITH A PLATE OF FOOD AT THE SALVATION ARMY THANKSGIVING MEAL**

If your answer is "yes" to any of these questions, please give your name, a contact number or e-mail, or a place you can be reached. Please print clearly and give the number of the question you're answering

NAME: ..... E-MAIL OR PHONE.....

QUESTION #..... OTHER COMMENT .....

1. Did you witness this Hernandez drawn gun incident?
2. Has your property been taken in the last year from your campsite or person by authorities?

3. Have you been ticketed for "illegal" camping?
  4. Have you been harassed by private citizens for appearing home less?
  5. Have you been refused services for what you suspect was your homeless appearance anywhere?
- Filer by Norse of HUFF (Homeless United for Friendship & Freedom) 831-423-4833 www.huff@santacruz.org 11-29-13

**[hernandez assaults jasmine shade.pdf](#)**  
**[download PDF \(66.6 KB\)](#)**

Yesterday on the stream of Free Radio, I interviewed Jasmine Byron and her husband Shade, who witnessed Hernandez's assault. The first hour of the audio stream (after a silence of 12 minutes or so) at <http://radiolibre.org/brb/brb131128.mp3> presents that interview along with commentary from Colin Campbell Clyde. He summarized his understanding of what happened. His account was initially posted on the Citizens for a Positive Santa Cruz, a new website, started to address issues and people banned from

Steve Pleich's Citizens for a Better Santa Cruz site.

#### COLLIN'S ACCOUNT:

(at

<http://www.facebook.com/groups/1432099843671366/permalink/1433243453557005/>)

"Officer Hernandez pulled a gun on my friend Jasmine and pointed it at her face at close range while volunteering off-duty at a Salvation Army Thanksgiving meal. Apparently this was super-necessary to prevent her from "stealing" a plate of leftover food, which he also knocked out of her hand, spilling the food all over the floor, the wall, even the ceiling. A few minutes later, Hernandez bragged and gloated about what he'd done. Her whole family is in shock and her mother has been having panic attacks since the incident.

Is this what people had in mind when "We Support Our Police" poster went up all over town when some cops were murdered earlier this year? Why was this man-boy wearing a gun to volunteer at a community event? Is the city or the legal system going to ANYTHING to reign in this loose cannon before he hurts someone again, perhaps more seriously next time? Or do cops get immunity to commit crimes (assault and battery in this case) in Santa Cruz, even when they're not at work?"

#### MORE NOTES FROM NORSE

Jasmine and Shade Byron play sweet music on Pacific Avenue and at the Farmer's Market in a group known as The Dirty Pines. This serious, public, and callous incident of assault and battery followed by harassment--if accurately described by witnesses--is likely to be covered up and rolled past. KSBW did interview Jasmine at the scene, but I've not heard that they've played it. Police declined to come though they were called.

When Jasmine and her mother went to the police station and reported the crime there, one of the interviewing officers with Officer Vasquez, whose spring sidewalk-smashing of Richard Hardy on video

([http://www.santacruzsentinel.com/localnews/ci\\_23092865/homeless-man-injured-during-arrest](http://www.santacruzsentinel.com/localnews/ci_23092865/homeless-man-injured-during-arrest)) has yet to be concluded--or at least no such announcement has been made.

In the hours and days that followed, Jasmine and her mother also stated they suffered post traumatic stress syndrome symptoms (headaches, panic attacks, inability to sleep, disorientation, irrational [rational?] fear of police, etc.). A Salvation Army worker who witnessed the event reportedly broke down in tears.

Councilmember Micah Posner was twice advised about the situation but has not

replied to my phone calls (831-227-4772) nor has Mayor Robinson, who also received word of the assault at the Thursday Civic Center Thanksgiving Meal (when she served me pumpkin pie). SC Patch police publicist Brad Kava was also informed, but I've not seen anything on SC Patch about the issue.

I circulated a flier (now updated and corrected) yesterday which I attach below. There is more discussion of the incident on the Citizens for a Positive Santa Cruz website at <http://www.facebook.com/groups/1432099843671366/permalink/1433243453557005/>.

My accounts come from those who were directly impacted by Hernandez's behavior. I encourage others who witnessed this incident to post or contact me at 831-423-4833.  
[Add Your Comments](#)

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### §In Addition

by Robert Norse

*Friday Nov 29th, 2013 2:51 PM*

Jasmine said that Hernandez's stated rationale for slapping the food plate out of her hand and then pulling his gun was the Salvation Army's "rule" that food was not to be taken outside. She says as someone with a stomach condition that did not allow her to eat much at a meal and with the permission of Salvation Army workers, she was trying to leave with a plate of food, partially covered by her coat.

When Hernandez demanded to search her, she refused--which, she suggests, he regarded as an intolerable threat to his authority, provoking what they describe as his violent behavior, the drawing of the gun, and the subsequent waving it in her face and shoving it in her back.

Jasmine and Shade go into more of these details on the audio file. They also noted that many people had plates of food outside, so even without explicit "permission" and that it was not an uncommon practice.

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Homeless United for Friendship and Freedom - Santa Cruz

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