

ATTACHMENT A

RESPONDENT'S PETITION FOR RECONSIDERATION

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California Public Employees' Retirement System
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Subject: Petition for Reconsideration

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Petition for Reconsideration

To whomever it may concern,

Thank you in advance for reading this traumatic personal statement in its entirety. It has been challenging to keep reliving these events during this extremely long court case.

I, Tenillia Hebron, was employed as a Hospital Police Officer by the Department of State Hospitals- Atascadero (DHSA). DSHA is an all-male, maximum-security facility forensic institution that houses mentally ill convicts committed to psychiatric facilities by California courts. The main objective of a police officer at DHSA is to maintain a safe environment for all the staff and its male patients.

As a result of my employment with DHSA, I am now disabled and do not have full function of my knee. I was injured at DHSA when I was twenty-six years old. I am now thirty-one years old, and I still cannot adequately walk upstairs unassisted, squat, or jog due to my injury. Let alone provide security and fight off grown men at DHSA. To this day, I still have severe muscle atrophy and an occasional limp.

During a required sparring exercise at DHSA's Police Academy, I was assaulted and injured by a fellow male Police Officer. Before starting the sparring exercise, we were given strict directions to immediately stop contact while sparring if any of the following occurred: the other party verbally stated "tap tap," the other party physically tapped twice anywhere on the body, or if the other party verbally said, "stop." The officer I was required to spar against was overly aggressive with me. Throughout the sparring exercise, I followed the instructions given to us by DHSA and repeatedly asked this officer to stop contact with me. Despite our instructions, this officer refused my pleas to get off me. Instead, he told me, "In a real attack, a patient wouldn't get off you, so neither am I." I was forced to hear him whisper this in my ear as my patella dislocated to the back of my leg, and he grew a partial erection between my thighs. I struggled to free myself by hitting, slapping, and scratching at him. I was in excruciating pain and was terrified. For him to finally get off of me, it took multiple police cadets breaking protocol. The fellow cadets pulled him off me while screaming, "Get the fuck off her," until he finally stopped. This officer did not treat me like a human being who can experience pain and suffering.

Right after being assaulted, I quickly learned that DHSA is more concerned with maintaining a spotless public image than the safety and well-being of its staff. So much so that our Chief of Chiefs blocked EMTs from assisting me while I was lying there in excruciating pain, he attempted to get legal statements from me instead of allowing me immediate medical attention.

When I asked him to move so I could get pain medication, he said with an excited smirk, "Oh? So, what kind of drugs do you like to party with?" At that moment, I assumed he must have been joking because I was young and naive. I thought there was no way my employer could be that heinous and that I would get the care and medical attention I needed. At this point, I had rose-colored glasses and put too much faith in DHSA's protocols for protecting members of its staff during a medical emergency.

I had already dealt with racism and sexism in the Department of State Hospital Police before this point. I kept thinking that I needed to prove my worth to my fellow cadets and coworkers. All I wanted was to succeed in the humanitarian career I had always dreamed of. I grew up in a conservative area, which often numbs people of color into getting used to discrimination, not realizing how wrong it is and that something should be done about it.

The inhumane and unprofessional way I was treated on the day of my assault at DHSA was a pivotal start to my mental health deteriorating. It resulted in me being diagnosed with Post Traumatic Stress Disorder (PTSD) by a mental health professional. PTSD disrupts job duties as well as daily acts of living. Due to my physical and psychological health after the assault, my fight-or-flight response has entirely shifted. I cannot fight effectively or run away from a mentally ill patient. Instead, I freeze during emergencies now. CalPERS chooses to ignore the long-term results of PTSD and how it affects victims.

Since the day of my assault, I have been forced to advocate for my mental and physical well-being with the State of California in an ongoing legal battle. I have spent years of my life going through this process and having to relive my trauma every time I have to explain what happened. Something that has baffled me through this entire process is that the State of California can hire its appointed judges and doctors to determine the outcome of cases involving injured state employees. It should not be legal for any person or organization to be able to hire their own appointed judge or doctor who is on their payroll. It is an extreme conflict of interest and does not allow for a fair decision. Wasting state resources to drag disabled employees through years of this process is immoral and disturbing.

More than one medical doctor has declared that I am disabled, yet my case is denied because a state-appointed doctor, Dr. Ernest Miller, says I am not disabled.

Some back story about Dr. Miller:

- He is on the Board of Qualified Medical Evaluators (QMEs) for the State of California Department of Industrial Relations. QMEs are qualified physicians certified by the Division of Workers' Compensation.
- He has been sued and had more than thirty complaints of racism and sexism.
- Over the years, he has continued his inappropriate behavior while this board looks the other way and allows him to serve as a medical professional for the State of California.

It is not ethical to allow Dr. Ernest Miller to be a credible source in my case when he has so many allegations against him.

The facts are that numerous medical professionals have agreed that I have permanent knee damage and that I am disabled.

- Before my exam with Dr. Miller, Dr. Jeffery M. Lundeen did an unbiased Qualified Medical Examination and deemed my condition permanent and stationary.
- After my exam with Dr. Miller, Dr. Don T. Williams proved the inaccuracy of Dr. Miller's exam. He states that I do indeed still have atrophy.
- In agreement with Dr. Lundeen, Dr. Williams agrees that I have lateral femoral condyle, cartilage abnormalities, quadricep edema, pain, and difficulties jogging and going upstairs. He admits I can only squat fifty percent of normal, and my right patella is very lax.

My mental and physical injuries render me unfit to be a DHSA Police Officer because the injuries increase my response time during an attack. A higher response time to an attack could result in another employee or patient getting injured or killed.

To further human rights, I will aim to spend my life fighting for state employees. CalPERS and the Department of State Hospitals have had unethical treatment towards not only me but countless other employees I have met in San Luis Obispo County alone. More current and ex-employees need a platform to share their abusive experiences. This agency needs to drastically change how it handles assaults and injuries that lead to permanent disabilities. I do not care how long it takes; The Department of State Hospitals California and CalPERS must have an ethical overhaul. A promising start is finally getting civil rights organization assistance.

I wish I could go back in time and tell myself that this agency is corrupt so that I could have gotten help from The National Association for the Advancement of Colored People (NAACP) before July 17th, 2023.

State Hospitals are dangerous facilities and need to be handled as such. Employees and patients get injured daily. Numerous workers and patients have been and will continue to be murdered or assaulted on the grounds without implementing proper safety measures.

Here are some examples of the many previous DHSA employees and patients who were injured or murdered at Atascadero State Hospital:

- October 23rd, 2010, employee Donna Gross was grabbed, dragged, and strangled to death by a patient.
- In April of 1990, employee George (Sunny) Bergstresser, was beaten to death on the grounds by a patient.
- On July 17, 1990, a 59-year-old property clerk of the hospital was fatally attacked by a patient named Terry Caylor.
- On March 30, 2008, 44-year-old inmate Earl McKee strangled a fellow inmate, 37-year-old Lawrence Rael, to death with a knotted towel. McKee was institutionalized initially as a "Mentally Disordered Offender". In 2007, after making abusive threats to other inmates, he was reclassified as a "Sexually Violent Predator". The murder came in the wake of federal court-mandated changes that reduced the usage of medication and restraints on patients and a significant turnover in staffing, resulting in less experienced personnel working at the hospital.
- Psychiatric technician, Stephanie Diaz, recounted her attempted rape by a patient in a State Hospital stairwell.
- In 2014, at the Atascadero State Hospital, a fellow patient murdered Allan Turner, Adam Paul Gary. A staff member was wounded due to lack of protection after the body's discovery. A lawsuit has even been filed in this case because DHSA allegedly tried to cover up its apparent liability.

DHSA is more willing to let State Hospital employees and patients get killed or injured rather than admit an assaulted DHSA Hospital Police Officer cannot effectively protect them. To reiterate, I still cannot adequately walk upstairs unassisted, jog, or patrol DHSA grounds. Let alone provide security and fight off grown men. Me escorting a patient off of facility grounds is a get-out-of-jail card. I would not be able to chase them down. They would be able to attack anyone they wanted, including non-staff.

Knowing all this, would you let someone with these physical and mental impairments be the only line of defense against mentally disturbed men? If you were at DHSA getting violently attacked,

would you take solace in the fact that the person helping you stated that they could not properly defend you?

Red alerts constantly go off every day and night at DHSA. Without proper security, each red alarm can prevent someone from ever seeing a friend or family member alive again. These red alerts can also alter people's lives if they become physically or sexually assaulted. DHSA and CalPers continue to allow employees and patients to get wrongfully murdered and injured at state facilities rather than ever admitting that an employee is permanently disabled.

I dare anyone on this Board of Administration to go into a state hospital with me as their only form of protection. Do you honestly not think your life would be in jeopardy?

Tenillia M. Hebron