

FACTUAL BACKGROUND

8. Admitted.
9. Admitted.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 15 of the Complaint and thus it is denied.
16. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 16 of the Complaint and thus it is denied.
17. Admitted.
18. Admitted.
19. Admitted.
20. Denied.

CAUSE OF ACTION – VIOLATION OF DUE PROCESS

DUE TO DEFENDANT’S POLICIES, PRACTICES OR CUSTOMS THAT PROMOTE VIOLATIONS OF CONSTITUTIONAL RIGHTS

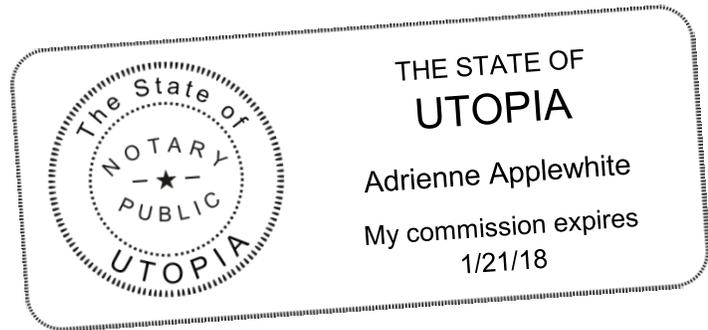
21. Defendant’s responses to Paragraphs 1 – 20 are incorporated herein by reference.
22. Admitted.
23. Denied.
24. Denied.

164 I recognize that “hindsight is 20-20.” It can appear easy to critique the actions of an officer
165 from the safe confines of the ACYD. Officers and SROs are often called upon to make split-second
166 decisions – decisions that can have life-or-death consequences for the officer, innocent bystanders,
167 victims, and perpetrators. Yet that is all the more reason to make sure SROs are appropriately
168 trained and supported if we are to prevent tragic circumstances like those that befell Gabriel Torres.
169 The APD must be held accountable for the pain SRO Carter inflicted on Gabriel, both for Gabriel’s
170 sake and to prevent any such tragedies in the future. Our children’s future health and safety are on
171 the line.

172 Of the available exhibits, I am familiar with the following and only the following: Exhibit 1
173 (Arcadia PD Policies and Procedures), Exhibit 2 (my C.V.), Exhibit 3 (the DSM-IV criteria for
174 diagnosing Asperger’s Syndrome), Exhibit 4 (Gabriel’s blog), Exhibits 8 & 9 (incident reports and
175 complaints filed with the Arcadia Police Department), Exhibit 10 (Incident Report Forms at Arcadia
176 High School), Exhibit 11 (Article in *Arcadia News & Record*), Exhibit 12 (the U.S. Department of
177 Education’s CRDC Data Summary), and Exhibit 13 (Arcadia High School Parent Information Sheet
178 addressing bullying).

Addison White
SIGNATURE

Adrienne Applewhite
Adrienne Applewhite
Notary Public



165 about the students and treat them too harshly. But the reporter doesn't know what it's like to have
166 to make those split-second decisions to keep people safe. It's easy to be a sideline quarterback;
167 much harder when you're the one on the field. I think articles like that do more harm than good, by
168 making the community suspicious of SROs. Without us there to intervene and prevent bad things
169 from happening, schools would be a much more dangerous place for everyone.

170 Of the available exhibits, I am familiar with the following and only the following: Exhibit 1
171 (the APD Policy Manual); Exhibit 5 (the model gun that Gabriel Torres brought to school); Exhibit 7
172 (the pepper spray that is part of an officer's gear); Exhibit 8 (incident reports in my personnel file);
173 pages 1 & 3 of Exhibit 10 (the incident report forms I filed after altercations at Arcadia High
174 School); and Exhibit 11 (the article in the Arcadia newspaper).

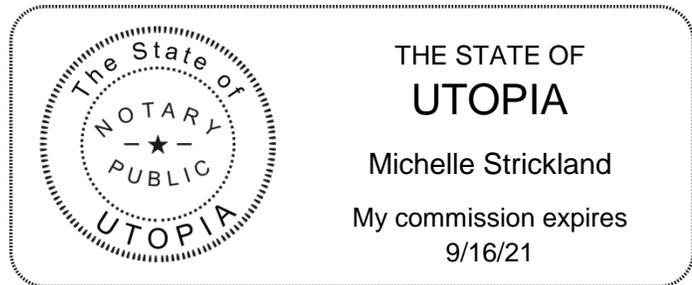
175

Max Carter

SIGNATURE

Michelle Strickland

Michelle Strickland
Notary Public



136 Each year I lead a training session for all APD officers on a topic that is timely and important.
137 In July of 2015, I presented information on the epidemic of gun violence and shootings in our nations'
138 schools. Discharge of firearms in schools is a much more common occurrence than most people
139 realize: in fact, between 2013 and mid-2015, an average of two school shootings took place at K-12
140 schools each month – and in more than half, the shooter was a minor. I stressed to all of our SROs that
141 if they had any doubts about the seriousness of a situation, it was best to err on the side of using force
142 to keep a situation under control. The stakes are just too high to do otherwise.

143 I interviewed Officer Carter for more than an hour on October 13, 2015, after Gabriel Torres
144 was released into the custody of his family member. Based on Carter’s account of events, I was and
145 am confident that Carter acted appropriately under the circumstances. While it would have been
146 advisable for Carter to have taken Torres to the bathroom or a water fountain to rinse the pepper
147 spray out of his eyes, Carter was unable to do so both because Torres was belligerent and
148 uncooperative and because the school principal did not allow it. In his role as an SRO, Carter had to
149 abide by the principal’s directives.

150 Carter was clearly upset by what had transpired and asked to be placed on desk duty for the
151 remainder of the week. But I was convinced that doing so would be a mistake – Carter’s absence at
152 the school would make it appear that Carter was being disciplined for acting as Carter did. I also
153 had no officers qualified to take Carter’s place. So I explained to Carter it was important for Carter
154 to return to the school as usual the next day, and Carter agreed.

155 I understand that Gabriel Torres never returned to Arcadia High, flying home to Saipan
156 instead. While it is a shame that events transpired in that fashion, Officer Carter did exactly as
157 Carter had been trained to do: act quickly under difficult circumstances to keep the students and
158 staff at Arcadia High School safe. Officer Carter should be commended for that, rather than vilified.

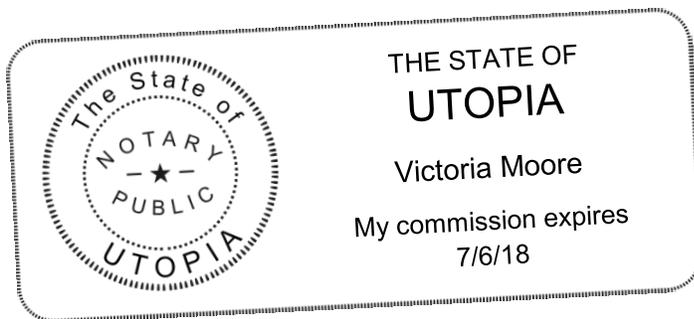
159 Of the available exhibits, I am familiar with the following and only the following: Exhibit 1
160 (the APD Policies & Procedures manual); Exhibit 5 (the 3D gun Gabriel Torres brought to school);
161 Exhibit 7 (Freeze + P pepper spray carried by all APD officers and SROs), Exhibits 8 - 10 (incident
162 reports and APD statistics on officer discipline), and Exhibit 11 (an article on SROs published in the
163 *Arcadia News & Record*).

Jadyn Rosier

SIGNATURE

Victoria Moore

Victoria Moore
Notary Public





INCIDENT REPORT FORM

Complete this form immediately following an incident at the school resulting in suspension of a student for five (5) days or more. A copy of the form should be placed in the student's file.

Name of Student: Gabriel Torres
Location: Classroom 246A
Date: Oct. 13, 2015 Time: 9:06 AM PM
Report Filed by: SRO Max Carter

Brief Description of Incident:
Sydney Singh approached SRO Carter between 1st and 2nd period classes, reporting a possible gun in Gabriel Torres' backpack. SRO Carter located Gabriel in his 2nd period class and asked him to hand over the pack and accompany Carter to the office. Gabriel responded aggressively, so SRO Carter used pepper spray to subdue him. Carter then handcuffed Gabriel and brought him to my office. After discussion, the Arcadia Police Department was contacted and Gabriel was transported to the police station.
Personal Injury? *No*
Weapons: Yes No Type: What appeared to be a gun in Gabriel's backpack
Names of persons involved: *Gabriel Torres; suspected gun was reported by Sydney Singh*

Police Involvement:
Name of SRO: SRO Max Carter
Description of SRO's actions (if any):
See description above.
Name(s) of any additional officers: Officer Tylee Matthews
Additional information:
Officer Matthews and SRO Carter transported Gabriel Torres to the police station, where it was determined that the gun was a non-functional, 3D model.

School Actions:
Parent(s)/Guardians notified: Yes No Suspension Expulsion Other (specify)
Attach copy of letter of suspension or expulsion

Francis Melvin, PhD
(Signature of Principal / Designate)

10/13/15
(Date)