



## 2024-2025 Mock Trial Competition

**Cole Caples**

**v.**

**Alturas Police Department**

# *Thank you*

We extend our thanks to the **Washoe County Bar Association** for their continued support of the Mock Trial Program including logistics and funding.

Many thanks to the **Nevada Bar Foundation**. The state bar's Mock Trial Program is sustained through a Foundation grant funded by the Charles Deaner Living Trust. Chuck Deaner was a Nevada attorney and ardent supporter of law-related education. The state championship round is named in his honor.

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**Tina Talim**, Clark County District Attorney's Office  
**Shannon Wise**, Claggett & Sykes

**Cole Caples**  
**v.**  
**Alturas Police Department**

## AVAILABLE WITNESSES

Plaintiff Witnesses	Defense Witnesses
Blair Bruneau, Aunt/Uncle of Cole Caples Vya Carson, student, eyewitness Lander White, psychologist	Quinn Marietta, School Resource Officer Alder Frenchman, student, eyewitness Reese Flanigan, Chief of Police for Alturas PD

## CASE DOCUMENTS

### Legal Documents

1. Complaint
2. Answer
3. Stipulations
4. Applicable Law and Statutes
5. Available Case Law
6. Jury Instructions and Verdict Form

### Affidavits and Reports

#### *Plaintiff*

1. Affidavit of Blair Bruneau
2. Affidavit of Vya Carson
3. Affidavit of Lander White

#### *Defense*

6. Affidavit of Quinn Marietta
7. Affidavit of Alder Frenchman
8. Affidavit of Reese Flanigan

### Exhibits

1. Alturas Police Department Rules of Conduct and Procedure
2. Lander White CV
3. DSM-V Autism Spectrum Disorder, Level 1
4. Blog posts by Cole Caples (and bullying responses)
5. Photo of 3D gun
6. Photo of 3D model plane
7. Photo of info on Freeze + P pepper spray, with info on decontamination procedures
8. Complaints filed against Quinn Marietta
9. APD Complaint statistics for 2018-2023
10. School suspension reports for Cole Caples
11. Alturas News & Record article on SROs
12. U.S. Department of Education OCR CRDC Data (excerpts)
13. PACER fact sheet on how parents can address bullying

1                   **IN THE TWELFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
2                   **IN AND FOR THE COUNTY OF RHYOLITE**

3  
4 COLE CAPLES, a minor, by and through his  
5 next friend, BLAIR BRUNEAU,

6                   Plaintiff,

Case No. 24-CV-1864-31-10

7 v.

Dept. 17

8 ALTURAS POLICE DEPARTMENT,  
9 a municipal entity of THE STATE OF NEVADA

**COMPLAINT**

10                   Defendant.  
11 \_\_\_\_\_ /

12           1.       This is an excessive force action brought by Plaintiff Cole Caples (“Caples”) against  
13 Defendant Alturas Police Department (“APD”) to remedy violations of the Due Process Clause of the  
14 Fourteenth Amendment to the United States Constitution, pursuant to NRS 41.1983, for the unprovoked  
15 use of “Freeze+P” pepper spray by Defendant’s agent, Officer Quinn Marietta. The unjustified use of  
16 said pepper spray was the direct result of Defendant’s longstanding policy, practice and custom of  
17 permitting its agents to use unreasonable and excessive force when apprehending students of Rhyolite  
18 County Schools.

19                   **PARTIES**

20           2.       Plaintiff Caples is a minor born on Sept. 12, 2007 in Saipan, Northern Mariana Islands.  
21 At age thirteen he traveled to Alturas, Nevada to live with his relative, Blair Bruneau, and attend high  
22 school.

23           3.       Defendant Alturas Police Department is a department, agency, bureau and/or subdivision  
24

1 of the State of Nevada. Defendant is a “person” for purposes of enforcement of the rights guaranteed  
2 under NRS 41.1983 and Article 1, Section 18 of the Nevada Constitution.

3 **JURISDICTION AND VENUE**

4 4. This Court has subject matter jurisdiction because this action is brought under the Nevada  
5 Revised Statutes.

6 5. This court has personal jurisdiction over Defendant because the central office of  
7 Defendant is within this district and the acts and omissions forming the basis for this Complaint occurred  
8 in Nevada.

9 6. Venue is properly placed in this district because the central office of Defendant is within  
10 this district, the events giving rise to this claim arose in this district, and records relevant to the practices  
11 complained of herein are located in this district.

12 7. In the aggregate, Plaintiff’s claims exceed \$15,000 exclusive of interests and costs, and  
13 therefore this Court has original jurisdiction.

14 **FACTUAL BACKGROUND**

15 8. On October 13, 2023, Officer Quinn Marietta was employed by Defendant APD as a  
16 sworn peace officer in Alturas, Nevada.

17 9. On October 13, 2023, Officer Quinn Marietta was assigned to work as a School Resource  
18 Officer (“SRO”) at Alturas High School in the Rhyolite County school district.

19 10. During second period, at approximately 9:35 AM, Officer Marietta abruptly entered the  
20 classroom in which Plaintiff Caples was peacefully attending class.

21 11. Without provocation, Officer Marietta, in a threatening manner, ordered Plaintiff Caples  
22 to hand over his backpack and accompany Officer Marietta to the principal’s office.

23 12. Confused and frightened, Plaintiff Caples reached for his backpack, only to be sprayed  
24

1 with pepper spray by Officer Marietta.

2 13. The pepper spray caused great pain to Plaintiff Caples, and he fell to the floor.

3 14. Officer Marietta did not offer to assist Plaintiff Caples. Instead, he handcuffed Plaintiff  
4 Caples and roughly dragged him to the principal's office.

5 15. At no point was Plaintiff Caples given a chance to wash out his eyes, change clothes, or  
6 do any of the other steps recommended by the manufacturer to decontaminate from the pepper spray.

7 16. An hour later Plaintiff Caples was transported to the police station. At no point during  
8 this time was Plaintiff Caples's guardian, Blair Bruneau, contacted or apprised of what had occurred.

9 17. At the police station, Cole was handcuffed in a room and left alone. At no point was  
10 Plaintiff Caples given a chance to wash out his eyes, change clothes, or do any of the other steps  
11 recommended by the manufacturer to decontaminate from the pepper spray.

12 18. At the station, it was determined that Plaintiff Caples' backpack contained a 3-D, non-  
13 functional model of a gun that posed no threat to anyone.

14 19. Plaintiff Caples' guardian was finally contacted and Plaintiff Caples was released in his  
15 guardian's care.

16 20. Plaintiff Caples was so traumatized by these events that he never returned to Alturas High  
17 School. Instead, he returned to his home in the Northern Mariana Islands on November 15, 2023,  
18 thereby losing the substantial educational benefit he had received while attending Alturas High School.

19 **CAUSE OF ACTION – VIOLATION OF RIGHT AGAINST UNREASONABLE SEARCHES**  
20 **AND SIEZURES DUE TO DEFENDANT'S POLICIES, PRACTICES OR CUSTOMS THAT**  
21 **PROMOTE VIOLATIONS OF CONSTITUTIONAL RIGHTS**

22 21. Plaintiff repeats and re-alleges paragraphs 1-20 as if fully set forth herein.

23 22. Article 1, § 18 of the Nevada Constitution provides: "The right of the people to be secure  
24 in their persons, houses, papers and effects against unreasonable seizures and searches shall not be

1 violated. The violation of such right is actionable pursuant to under NRS 41.1983.

2 23. Defendant APD exhibits a policy, practice or custom of inadequately training,  
3 supervising and disciplining law enforcement officers who use excessive force when acting as SROs.

4 24. Although Defendant has written policies concerning the use of force in the school  
5 environment and the treatment of officers who use excessive force, these policies are superseded by the  
6 predominant, overriding and long-standing policy, practice or custom of Defendant knowingly, willfully  
7 and deliberately:

8 A. Overlooking or ignoring incidents of excessive use of force by APD officers;

9 B. Allowing its officers to actively promote the use of excessive force;

10 C. Refusing to intervene or take any preventive and/or precautionary measures to  
11 eliminate or even stem the use of excessive force by SROs;

12 D. Failing to discipline or impose any sanctions on its officers who have used  
13 excessive force, including those who have done so repeatedly or even habitually.

14 25. The foregoing conduct violates Article 1, § 18 of the Nevada Constitution pursuant to  
15 NRS 41.1983.

16 26. On six occasions prior to October 13, 2023, complaints alleging use of excessive force  
17 by Officer Marietta were filed with the APD, five of them involving students at Alturas High School.

18 27. Despite receiving the above notice, Defendant did not adequately investigate or discipline  
19 Officer Marietta during Marietta's employment with the APD and thus failed to take necessary and  
20 reasonable measures to protect the public, including Plaintiff Caples, from Officer Marietta.

21 28. Defendant's decision to permit Officer Marietta to serve as a school resource officer  
22 despite receiving the above notice is consistent with its policy, practice, and custom of failing to properly  
23 investigate and discipline officers that utilize excessive force.



1           29. During the events in question on October 13, 2023, Officer Marietta was acting, under  
2 color of law, as a duly authorized agent of the APD.

3           30. When Officer Marietta sprayed Plaintiff Caples with “Freeze + P” pepper spray, Plaintiff  
4 Caples was unarmed and defenseless and made no furtive or threatening moves or gestures whatsoever.

5           31. At no time during the foregoing wrongful action were Officer Marietta or others in  
6 imminent, serious, grave or life-threatening danger, and at no time did the circumstances, including  
7 Plaintiff’s actions, appearance and demeanor, give rise to a reasonable perception or fear of imminent,  
8 serious, grave or life-threatening danger to Officer Marietta or others.

9           32. Through his/her actions, Officer Marietta unjustifiably, directly and proximately caused  
10 harm to Plaintiff Caples, including but not limited to, severe pain and suffering, and mental anguish such  
11 that Plaintiff Caples believed it necessary to leave Nevada and return to the Northern Mariana Islands,  
12 thereby severely damaging Plaintiff Caples’ future educational and career opportunities.

13           33. As a result of the foregoing, Officer Marietta’s actions were an unjustifiable and  
14 unreasonable violation of Plaintiff Caples’ right against unreasonable seizures, pursuant to NRS  
15 41.1983.

16           34. Because of the APD’s violation of Plaintiff Caples’ constitutional rights, Caples has  
17 suffered damages and will in the future suffer damages as described in the foregoing paragraphs  
18 incorporated herein.

19   **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff respectfully requests that the Court:

21           A. Award compensatory damages for the medical bills and associated costs, pain, suffering,  
22 emotional distress, loss of dignity, and damage to reputation and livelihood endured by Plaintiff Caples  
23 in amounts that are fair, just and reasonable, to be determined at trial;

1 B. Award Plaintiff Caples all costs of this action and reasonable attorneys' fees; and

2 C. Grant Plaintiff Caples such other and further relief as the Court deems just and proper,  
3 including punitive damages and injunctive and declaratory relief as may be required in the interest of  
4 justice.

5 DATED: October 1, 2024

6 RESPECTFULLY SUBMITTED,

7 /s/ N. Rae Gault  
8 SIOUX, SEDDEL & BILLHAM  
9 Attorneys for Plaintiff

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1                   **IN THE TWELFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
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**ANSWER**

10                   Defendant.  
11 \_\_\_\_\_ /

12 Defendant ALTURAS POLICE DEPARTMENT answers as follows:

13                   **NATURE OF THE CASE**

14                   1.       The allegations contained in paragraph 1 of the Complaint do not appear to require a  
15 response. To the extent that a response is required, Defendant denies the allegations.

16                   **PARTIES**

17                   2.       Defendant lacks information sufficient to form a belief as to the truth or falsity of the  
18 allegations in Paragraph 2 of the Complaint and thus it is denied.

19                   3.       Admitted.

20                   **JURISDICTION AND VENUE**

21                   4.       Admitted.

22                   5.       Defendant admits that Defendant's central offices are within this district, and otherwise  
23 denies the allegations contained in Paragraph 5 of the Complaint.

24                   6.       Upon information and belief, admitted.

1 7. Upon information and belief, admitted.

2 **FACTUAL BACKGROUND**

3 8. Admitted.

4 9. Admitted.

5 10. Denied.

6 11. Denied.

7 12. Denied.

8 13. Denied.

9 14. Denied.

10 15. Defendant lacks information sufficient to form a belief as to the truth or falsity of the  
11 allegations in Paragraph 15 of the Complaint and thus it is denied.

12 16. Defendant lacks information sufficient to form a belief as to the truth or falsity of the  
13 allegations in Paragraph 16 of the Complaint and thus it is denied.

14 17. Admitted.

15 18. Admitted.

16 19. Admitted.

17 20. Denied.

18 **CAUSE OF ACTION – VIOLATION OF RIGHT AGAINST UNREASONABLE**  
19 **SEARCH AND SIEZURE DUE TO DEFENDANT’S POLICIES, PRACTICES OR CUSTOMS**  
20 **THAT PROMOTE VIOLATIONS OF CONSTITUTIONAL RIGHTS**

21 21. Defendant’s responses to Paragraphs 1 – 20 are incorporated herein by reference.

22 22. Admitted.

23 23. Denied

24 24. Denied.

- 1            25.    Denied.
- 2            26.    Denied.
- 3            27.    Denied.
- 4            28.    Denied.
- 5            29.    Denied.
- 6            30.    Denied.
- 7            31.    Denied.
- 8            32.    Denied.
- 9            33.    Denied.
- 10          34.    Denied.

**PRAYER FOR RELIEF**

**WHEREFORE**, having fully answered the Complaint of Plaintiff, Defendants pray for a trial by jury and that Plaintiff’s Complaint be dismissed, that Plaintiff recover nothing, and that Plaintiff be charged with the costs and disbursements of this action and for such other relief as this Court may deem just and proper.

DATED: October 18, 2024

RESPECTFULLY SUBMITTED,

/s/ Frederick v. Morse  
THE BERGER & COLES LAW FIRM  
Attorneys for Defendant

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a municipal entity of THE STATE OF NEVADA

Defendant.

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**STIPULATIONS**

COME NOW the parties Cole Caples, Plaintiff, and Alturas Police Department, Defendant, and agree  
to the following stipulations:

1. All documents, signatures, and exhibits included in the case materials are authentic and accurate in all respects; no objections to the authenticity of the documents will be entertained.
2. All witnesses reviewed their statements immediately prior to trial and were given an opportunity to revise any prior statements. None did so. All witnesses were advised both when giving the statement and when reviewing it to include all material facts within their knowledge.
3. This trial is bifurcated into two phases: (i) a determination of liability and (ii) a

1 determination of the amount of damages. In the first phase, there will be no determination as to the  
2 amount of damages, but the parties may present evidence of the existence of damages solely for the  
3 purpose of establishing or refuting liability.

4 4. A witness must be formally tendered to the Court before giving an expert opinion.

5  
6 DATED: February 1, 2024

**IT IS SO ORDERED.**

7  
8 /S/ Phantly Bean, Jr.

DISTRICT JUDGE

1 **AFFIDAVIT OF BLAIR BRUNEAU**

2 My name is Blair Bruneau. I am 45 years old and have lived in Alturas for 15 years. I was born on  
3 Saipan in the Northern Mariana Islands. In 2009 I moved to Alturas, Nevada, where I work at the Boeing  
4 plant, designing business jets.

5 In early June of 2021, my nephew, Cole Caples, came to live with me to attend high school before  
6 applying to college. Although there are several high schools on Saipan, there's only one four-year college,  
7 and it has very limited options for a field to study.

8 It had been 10 years since I had seen Cole. He was very quiet when he arrived at the airport. He was  
9 smaller than I expected and seemed a bit awkward, but I figured he was just shy. After all, Alturas is quite  
10 different than Saipan – the whole island only has 50,000 people. I could see how Cole could feel a bit  
11 overwhelmed.

12 As Cole became more talkative, I could see that he was very bright, particularly in math and science.  
13 He was very interested in how machines were made – especially tanks, airplanes, helicopters, and various  
14 types of guns. He seemed to have a particular interest in military history and tactics, and he had studied U.S.  
15 battles in the Pacific during World War II in great detail. That wasn't terribly surprising given the major  
16 campaign that took place on Saipan in 1944, but Cole's passion for the subject was pretty intense. I wasn't  
17 concerned, though.

18 Cole enrolled in ninth grade at Alturas High School on August 26, 2021. He had to take quite a few  
19 placement tests, and he did well on them, placing into several honors classes. Making new friends, however,  
20 proved to be a bit more difficult. Cole's shyness and awkwardness persisted, and he couldn't seem to find a  
21 group of friends that "clicked" for him. I suggested he check out some of the school clubs as a way to make  
22 friends. Cole joined the History Club and the Chess Club, but it didn't help much. When I watched him  
23 interact with other teens at school, I noticed he didn't seem able to really carry on a conversation. I just  
24 figured he was trying too hard to fit in.

25 Then, in the spring of 2022, one of his classmates mentioned something called "CAP" – the "Civil Air  
26 Patrol" – an auxiliary of the U.S. Air Force. The CAP supports after-school programs for youth to help them  
27 develop character, fitness, and leadership skills – and they can learn how to fly! Cole excitedly joined the  
28 patrol at Alturas High, and he was soon busy working to advance through the ranks. At last, he seemed to  
29 have found his "niche." He even went to a one-week summer camp.

30 Cole's sophomore year started off smoothly in the fall of 2022. A few friends sometimes came over  
31 to play computer games or do homework, including Blair Carson and Alder Frenchman. I didn't get to know  
32 either of them very well, but Cole seemed much happier. Happier, that is, until the spring semester. That's  
33 when several terrorist attacks overseas and in the US – attacks that were carried out by members of ISIS –  
34 became big stories in the news. For some reason, a few kids at school got it in their head that Cole must be



1 Muslim, and they started giving him a hard time.

2 Cole wasn't Muslim – most people on Saipan are Catholic – not that it matters. As I told Cole, people  
3 should be seen as individuals, not judged based on fears and stereotypes. Cole came home with bruises and  
4 torn clothes on several occasions. He said the kids would shove him and yell, “go back overseas where you  
5 belong. We don't want you here.” Cole said they never did it when teachers were around. I wanted to talk  
6 with the principal about it (like the school handout suggested), but Cole begged me not to, saying he could  
7 handle it. Yet after a few weeks of this bullying, Cole started to withdraw and stay in his room after school.  
8 And one time he was hauled to the principal's office and suspended for five days for fighting, which I thought  
9 was outrageous. Yet Cole still begged me not to intervene.

10 I wasn't sure what to do. Then I had an idea. I knew Cole was a good writer, even if he had trouble  
11 conversing, so I suggested he write a blog. Cole seemed to like the idea, and soon he started a blog called  
12 “Weapons Guru.” He would pick a topic such as “what was the most effective firearm during WWII?” and  
13 then he'd go into great detail giving his answer. When I periodically checked the blog, most of the comments  
14 were positive. It gave Cole a way to interact with others who shared his interests.

15 In early May I got a call from the school counselor, asking me to come in for a conference. When I  
16 got there, she told me that she thought Cole's social difficulties might be due to more than shyness – that he  
17 was exhibiting signs of a developmental disability. She recommended that Cole be evaluated by a  
18 psychologist, Lander White. I made an appointment for Cole to see Dr. White on May 15.

19 Dr. White spent nearly 6 hours interviewing me and Cole and conducting tests. At the end, Dr. White  
20 met with us and said Cole had been diagnosed neuro-divergent “Autism Spectrum Disorder, Level 1.”  
21 As Dr. White explained, individuals on the Autism Spectrum have difficulties in social interactions because  
22 they do not recognize “social cues.” They may also have intense and focused interests in narrow topics, carry  
23 on long, one-sided conversations on those narrow interests, and be physically clumsy. I felt that the  
24 diagnosis was accurate and explained a lot of the difficulties Cole had been experiencing. During our  
25 discussion, Dr. White noted Cole's blog was an excellent way for him to learn how to engage with others.  
26 However, Dr. White suggested I monitor it in case any posts or comments were inappropriate or should be  
27 deleted.

28 Dr. White recommended that Cole return for follow-up appointments to take part in social skills  
29 training and other therapies. Dr. White said s/he would send the testing results to me as well as to Cole's  
30 parents. S/he also asked permission to send the results to the school, and I said that was fine. I did not sign  
31 any paperwork about passing on the results, though, and we never met with anyone at the school to go over  
32 the report.

33 I encouraged Cole to keep writing his blog, and I checked in on it every week or two. In mid-June, he  
34 blogged about some of the weapons used in recent school shootings and gang attacks. I knew he was just

1 writing on a topic that interested him, but others viewed it differently. A few comments got pretty nasty,  
2 accusing him of planning some sort of “radical terrorist attack.” Cole got pretty upset, saying he’d show them  
3 not to talk about him that way. I told him it would be better to write about less controversial topics. He said  
4 he just wouldn’t write anymore at all. By the end of July, he hadn’t posted any more blogs.

5 Cole started attending monthly “social skills” sessions with Dr. White beginning in June, and they  
6 seemed to be helpful. At least, Cole did fine at his summer job at an office supply center and didn’t have  
7 issues getting along with coworkers. While he was working there, Cole took an interest in 3D printers, and  
8 he begged to get one. I decided to surprise Cole and get it for his 16<sup>th</sup> birthday.

9 Cole seemed happy enough when school started back up on August 25<sup>th</sup>, and soon he was busy with  
10 homework, history club, and CAP. Everything seemed to be going well. When he opened his present on his  
11 birthday, he was speechless! He gave me a huge hug – the first time that had ever happened – and started  
12 putting it together right away. At first Cole just made simple shapes, but soon he printed parts to build a  
13 simple model airplane! Cole brought the plane to school to show his friends in CAP, and he came home  
14 happier than I’d ever seen him. He invited his CAP friends to come try out the printer, and Alder came over  
15 several times. Cole told me they were working on a remote-controlled plane, and Cole was really excited  
16 about it. But Cole seemed upset after Alder’s visit on Sept. 30, and he wouldn’t tell me why.

17 Alder didn’t come over after school for the next few weeks, which was a huge change. Cole became  
18 withdrawn. When I tried talking with him about the model plane, he just looked away and changed the  
19 subject. He’d go right into his room after dinner and lock the door. I figured maybe he’d had a fight with  
20 Alder and assumed he would be okay after they worked it out.

21 On October 13, I got a call at work from the school principal, telling me that Cole had been arrested  
22 for “bringing a weapon to school.” I left work immediately and drove to the police station, where I found  
23 Cole, handcuffed and crying, saying he’d been pepper-sprayed for no reason by SRO Carter. His eyes were  
24 all red and puffy from the after-effects of the spray, and he was almost too distraught to talk.

25 I confronted the police captain, who told me a student had reported seeing a gun in Cole’s backpack.  
26 When the SRO found Cole in class and asked him to hand over his backpack and come to the principal’s  
27 office, Cole supposedly “refused to comply” and “reached for his backpack in a threatening manner.”  
28 Reportedly fearing for the safety of everyone in the room, the SRO sprayed Cole with pepper spray,  
29 handcuffed him, and dragged him to the principal’s office. An hour passed while the principal decided what  
30 to do. Finally, the principal called the Alturas Police, who sent an officer to take Cole to the station. SRO  
31 Carter went with Cole. After they had gone to the station, the principal finally called me and told me Cole  
32 had been arrested.

33 I also learned that the police had tried to question Cole without me or an attorney being present.  
34 Cole was still crying and reportedly wouldn’t talk with them, so they left him sitting alone in a conference

1 room, handcuffed to a chair. I asked if they'd found a gun, and they showed me the 3D model. It was clearly  
2 not a working gun – more like a child's toy. I asked if Cole was going to be charged with a crime. They said,  
3 “No, not this time, but get him out of here now before we change our minds.” They were rude and demeaning  
4 the entire time, and at no point did they apologize for the way they had treated Cole. As we were leaving, I  
5 heard one officer mutter, “Watch yourselves. Better yet, go back where you came from. We don't want your  
6 kind here.” When I turned to see who'd spoken, SRO Carter stared at me in a hostile manner, so I'm pretty  
7 sure that's who I heard.

8 Cole was still in pain from the pepper spray when I got him home. He showered and changed clothes,  
9 but his eyes were burning for hours afterward. I called his parents right away. They talked about flying him  
10 back home, but I encouraged them to wait a bit, as it was just a misunderstanding. I intended to talk with  
11 the school principal, and surely, they would apologize for overreacting. Instead of apologizing, I received an  
12 email from the school late that evening saying Cole had been suspended for 10 days.

13 I tried to arrange a meeting with the school principal. He/She never returned my calls. Cole didn't  
14 want to return to the school anyway. He grew frantic at the mere suggestion of it. Then Cole told me he'd  
15 been receiving threats in the comments on his blog, that he was being called a “terrorist” and other things  
16 too terrible to repeat. Typewritten notes with similar threats were stuck in our front door late at night, and  
17 someone egged our car and slashed the tires. When I tried to file a police report, an officer came to take a  
18 statement but said there was little they could do. When the suspension was over, Cole begged to go home.  
19 His parents agreed, so I sadly helped him pack his things.

20 I told my friends at work about what had happened, and some said they knew of other students who  
21 had been pepper-sprayed at the school without any justification. Some sent me links to news stories,  
22 reporting how the SROs and Alturas Police Department had mistreated students before, especially  
23 minorities or those with disabilities. Cole's future has been ruined by an overzealous police department,  
24 and they should be held accountable. They're supposed to “serve and protect” people in Alturas, not abuse  
25 them. No one else should have to go through what Cole endured.

26 Of the available exhibits, I am familiar with the following and only the following: Exhibit 4 (Cole's  
27 blog), Exhibit 5 (the 3D model gun Cole made), Exhibit 6 (the 3D plane Cole tried to make), Exhibit 10 (the  
28 letters from Alturas High School when Cole was suspended), Exhibit 11 (an article in the Alturas News &  
29 Record), and Exhibit 13 (a handout on bullying that Cole brought home from school).

*Blair Bruneau*  
SIGNATURE

*Christi Lea*  
Christi Lea  
Notary Public



THE STATE OF  
**NEVADA**  
Christi Lea  
My commission expires  
12/16/25

1 **AFFIDAVIT OF VYA CARSON**

2 My name is Vya Carson. I'm a junior at Alturas High School, where I'm president of the Robotics  
3 Club and captain of our Science Olympiad teams.

4 I've lived in Alturas all my life, which is kind of unusual. Alturas has changed a lot since I was kid.  
5 Alturas has exploded in size since I started kindergarten. New schools open and neighborhoods get  
6 redistricted almost every year. A lot of the "old-timers" are unhappy about it all. I've even seen fights at  
7 school between kids whose families have always lived here and kids who are new in town. I don't feel  
8 that way, though. Sure, changing schools a lot was a pain, but I've always liked the chance to make new  
9 friends.

10 Alturas High School is a great place overall, with lots of honors classes. Nearly 1,500 students  
11 attend the school. We have tons of clubs and after-school activities, everything from an Anime Club, to  
12 the Future Business Leaders of America, to the Global Citizens Club. The only thing I don't really like is  
13 all the security, although I guess it makes sense, given school shootings in other places. Every door is  
14 key-coded, and every student has to walk through metal detectors on the way in and out of the school.  
15 We also have a School Resource Officer on campus all the time, which you'd think would be a good idea.  
16 But it hasn't worked out that way.

17 When I was in middle school, our SRO was Officer Caroline Pope. She was really nice. She knew  
18 all the kids and seemed to care about everyone. If two kids started to argue or act stupid, she'd step in  
19 and calm the situation down, usually without anyone getting suspended. But it's different at Alturas High.  
20 Our SRO is Officer Marietta, who's just not friendly at all. I get that the SRO is a police officer and not a  
21 "friend," but Officer Marietta almost seems to hate students.

22 For instance, when I was a freshman, I was at a basketball game where some kids got a bit rowdy  
23 afterward, "talking smack" after we beat our biggest rival. Without even asking them to tone it down,  
24 Officer Marietta grabbed one kid, threw him to the ground, and put him in handcuffs. I learned the next  
25 day that the kid had been suspended 3 days for "Disrespect and Inappropriate Language Toward Staff."  
26 From what I saw, the kid was just joking around and certainly wasn't saying anything disrespectful to  
27 staff. A few months later, I was eating lunch in the cafeteria when I heard students at the next table  
28 talking about how they didn't like their Biology teacher and would be glad when the semester was over.  
29 Officer Marietta was walking by at the time, and s/he turned to the students and asked what they had  
30 said. One guy said, "Nothing, we were just talking about our class." Officer Marietta said, "That's not what  
31 I heard" and grabbed the kid, hauling him off to the principal's office. Later that day, I learned the student  
32 had been suspended for the same reason: "Disrespect Toward Staff." The student didn't say anything  
33 disrespectful *toward* staff; it was just normal complaining about homework and stuff. I heard the whole  
34 conversation. But I'm sure it came down to the student's word against the SRO's, and no student will win

1 that battle.

2 Interestingly, both times I saw Officer Marietta treat a student that way, the individual was a  
3 member of a minority group. I'd certainly heard non-minority students say similar things when Officer  
4 Marietta was nearby, but Officer Marietta never took them to the principal's office. It made me wonder if  
5 more was going on than just the SRO trying to enforce the rules.

6 Even worse: during my sophomore year, I was in gym class when two guys started getting in each  
7 other's faces. I tried to calm them down, but they didn't want to hear it. Next thing I knew, one guy shoved  
8 me out of the way and punched the other guy! They started tussling. The PE teacher finally noticed them  
9 and radioed for the SRO.

10 Not two minutes later, Officer Marietta was there. I figured s/he would yell at them to stop,  
11 separate them, and take them to the principal. Instead, without any warning, Officer Marietta pulled out  
12 pepper spray and doused them! Officer Marietta handcuffed them and hauled them off to the principal.  
13 I was close enough that some of the pepper spray got me, and it stung like mad! I ran to the bathroom to  
14 rinse out my eyes, but it took hours for the pain to go away.

15 Later, the PE teacher said both guys were suspended for two weeks for fighting. The one who  
16 threw the first punch came back after the suspension ended, but the other student dropped out of school  
17 completely. The consequences were way out of proportion for what had happened.

18 I was concerned enough about what I'd seen that I arranged to meet with the school principal,  
19 Dr. Melvin. But when I tried to talk about my concerns and what I'd seen, he/she just brushed me aside.  
20 "The SRO does what's needed to keep you safe. I fully support every decision Officer Marietta has made.  
21 You don't have all of the information that I have. Thank you for coming, but we've got everything under  
22 control." Given all I'd seen, I wasn't so sure. And I was proved right by what happened to Cole Caples. I  
23 was in the classroom when Cole was pepper-sprayed on October 13, 2023.

24 I had first met Cole our freshman year (2021), in Algebra II class. Cole was from overseas and  
25 seemed very shy. He spoke with an unusual accent, which made him a little hard to understand. He  
26 mostly kept to himself as far as I could tell. We weren't in any clubs together and didn't really talk a lot  
27 that year. But he was clearly very bright, as he got 95s and 100s on all the tests.

28 Sophomore year we had two classes together: Programming II and Trig. My desk was beside his,  
29 so we started talking more. I learned that we liked some of the same computer games, especially *The*  
30 *Talos Principle*, so we started getting together at his house after school to play it. Cole was "different" in  
31 some ways – for instance, he had this intense interest in airplanes, guns, and World War II. In the spring  
32 he even started a blog to write about weapons, which I read once or twice.

33 Late in the spring, after reports of terrorist attacks overseas, some kids at school started giving  
34 Cole a hard time, calling him a terrorist supporter and a "Muslim extremist." I don't know where they got

1 that idea – he’d told me most people on Saipan were Catholic because the Spanish colonized it. Even if he  
2 were Muslim, so what? That certainly didn’t make him a terrorist.

3 Obviously, their bullying bothered Cole a lot. A couple of times near the cafeteria, Officer Marietta  
4 saw what was going on, but s/he didn’t do anything about it. I urged Cole to go to the principal and said  
5 I’d go with him, but he didn’t want to do it. He thought it would make things worse, and he begged me  
6 not to report the kids. I wish I had done it anyway.

7 After the harassment had lasted for a few weeks, Cole got really upset in the hallway one time  
8 and yelled, “Leave me alone or I’ll take care of you! You can’t talk to me that way!” Things cooled off after  
9 that, but I could tell that Cole was still pretty stressed whenever he saw those kids.

10 Soon school let out for the summer. I didn’t see Cole much since we were both working. When we  
11 came back to school in August, we had two classes together: AP U.S. History and Calculus I. In mid-  
12 September, Cole came to school really excited – he had gotten a 3D printer kit for his 16<sup>th</sup> birthday! He  
13 had figured out how to print some simple shapes, and we had fun trying it out. A few weeks later, he  
14 brought a model plane to school that he had printed. He said he wanted to show it to his friends in CAP –  
15 the Civil Air Patrol. It wasn’t very detailed, but it was still awesome.

16 A week or so went by, and he hadn’t brought anything else to school yet. I asked what was next –  
17 a jet? A drone? – and he said it was a secret. But he told me his next project was almost done. That was  
18 on October 12. I remember because the next day was when everything went crazy. Second period had  
19 just started – Calculus, one of the classes we had together – when the SRO burst into the room. Officer  
20 Marietta looked around, spied Cole, and ran over, demanding in a loud, aggressive voice: “Give me your  
21 backpack, and come with me, NOW!” Cole froze for a moment, looking scared and confused. “NOW, I  
22 said!!” Officer Marietta shouted, and grabbed at Cole. Cole put up his hand and started to reach for his  
23 backpack, when without warning, Officer Marietta sprayed him with pepper spray! Cole screamed and  
24 put his hands to his face, and the students nearby also cried out in pain as part of the spray hit them. Cole  
25 actually fell out of the desk and was lying on the floor.

26 Officer Marietta then grabbed Cole’s arms, jerking them hard, and handcuffed him. Cole had tears  
27 pouring out of his eyes and was completely disoriented. Officer Marietta snatched his backpack and  
28 dragged him from the room, without providing any explanation at all.

29 The teacher told the students who’d been near Cole to go to the bathroom, wash out their  
30 eyes, and come right back. Then she called the office to find out what was going on. She told us “the  
31 situation is under control” and then assigned us calculus problems to work. When we asked what  
32 had happened, she wouldn’t say. Class ended with no further explanation, and we went on to our  
33 third period class, which (for me) was AP U.S. History. Cole was not there.

34 I eventually found out Cole had been taken to the police station for “bringing a gun” to school.

1 Cole was also suspended from school for ten days. Cole never returned to school, and a few weeks later  
2 I heard he'd gone back to Saipan. I never got to talk with him or his aunt/uncle. But from what I saw, it  
3 looked like one more instance of the SRO overreacting and treating Cole in a way that wasn't justified at  
4 all. Someone needs to hold the Alturas Police Department accountable for the SRO's actions before  
5 anyone else gets hurt.

6 Of the available exhibits, I am familiar with the following and only the following: Exhibit 4 (Cole's  
7 blog, but only the posts on May 2 and May 22 of 2023) and Exhibit 13 (Bullying Fact Sheet from school).

*Vya Carson*  
SIGNATURE

*Kelly Pinkston*  
Kelly Pinkston  
Notary Public



THE STATE OF  
**NEVADA**  
Kelly Pinkston  
My commission expires  
2/18/26



1 **AFFIDAVIT OF LANDER WHITE**

2 My name is Lander White. I am 39 years old and the Director of the Alturas Center for Youth  
3 and Development (ACYD). At the ACYD we provide evaluation, support, and resources for “exceptional  
4 students” – students who are gifted or who have learning disabilities. We also develop materials and  
5 provide training for educators to aid them in understanding and teaching exceptional students.  
6 Because such students are often the target of bullying, our Center has recently expanded our mission  
7 to include assisting schools with efforts to “Banish Bullying.” In 2021, I began teaching yearly “Banish  
8 Bullying” sessions to new School Resource Officers (“SROs”) at the Nevada Justice Center. SROs are  
9 often called upon to identify or address situations that involve bullying, so it is an important topic for  
10 new SROs to understand in order to react appropriately.

11 For details about my educational and professional accomplishments, please refer to my  
12 annotated curriculum vitae (CV). I have testified in court on six previous occasions, five on behalf of  
13 the plaintiff and once on behalf of the defendant. I was asked to testify in this case for two reasons.  
14 First, I am familiar with the plaintiff, Cole Caples. I diagnosed Cole with Autism Spectrum Disorder,  
15 Level 1 in the spring of 2023. Autism Spectrum Disorder, Level 1 is a type of pervasive developmental  
16 disorder that involves difficulties in social skills; eccentric or repetitive behaviors; communication  
17 difficulties including poor eye contact and very literal use of language; limited, almost obsessive  
18 interests; and coordination problems. It is one of several neurological conditions.

19 I was also asked to testify because of my extensive experience in creating safe learning  
20 environments for all students. On numerous occasions, I have assessed school policies and procedures  
21 that address bullying and made recommendations for improvement. Well-designed school policies  
22 include guidelines and procedures for SROs since they are often called upon to deal with situations that  
23 involve bullying.

24 For this case, I was asked to evaluate the actions of SRO Marietta on the date in question as well  
25 as on prior occasions when complaints had been lodged against him/her. In my expert opinion, SRO  
26 Marietta’s actions at Alturas High School were a clear violation of accepted national standards, and the  
27 Alturas Police Department policies were a key factor leading to Marietta’s egregious behavior.

28 To reach my conclusions in this case, I relied on my evaluation of Cole Caples; reviewed the  
29 sworn statements of Blair Bruneau, Vya Carson, Quinn Marietta, Alder Frenchman, and Reese Flanigan;  
30 and examined Exhibits 1 – 4, and 8 - 13. I compared the facts of this case with the best practices of  
31 schools, police departments, and SROs nationwide. I spent a total of 40 hours on case preparation, for  
32 which I was paid my standard rate of \$400/hour. If I testify, I will earn an additional \$3,000 plus

1 expenses.

2 As I said, I first met Cole on May 15, 2023 at the ACYD. The school counselor at Alturas High  
3 School had recommended that Cole schedule a diagnostic evaluation to determine whether his social  
4 difficulties were due to a developmental disorder. Cole was accompanied by his aunt/uncle, Blair  
5 Bruneau. In general, the evaluation process takes anywhere from 6 – 12 hours, depending upon the  
6 complexity of the case and the services provided.

7 I was able to complete Cole’s evaluation in 6 hours. I diagnosed him with Asperger Syndrome  
8 under the criteria listed in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition  
9 (DSM-IV). Cole exhibited nearly all of the typical diagnostic criteria, including poor eye contact, limited  
10 ability to engage in reciprocal conversation, literal use of language, and difficulty in social interactions.  
11 Cole evidenced very narrow interests and an intense preoccupation with weapons and World War II.  
12 He also displayed repetitive movements, clumsiness, and coordination problems. Cole also had several  
13 strengths. He worked hard, was cooperative and eager to please, and possessed an extensive, even  
14 advanced vocabulary.

15 I met with both Cole and Mr./Ms. Bruneau to review the results at the end of the day. Mr./Ms.  
16 Bruneau asked questions regarding how best to help Cole succeed in school and in social situations. I  
17 recommended that Cole return to the ACYD for social skills training, and I encouraged him to keep  
18 writing his blog to help establish connections with others who shared his interests. At the end of our  
19 discussion, I indicated that I would send the written report to Cole’s parents as well as to Mr./Ms.  
20 Bruneau, and I asked permission to send a copy to the school counselor. Mr./Ms. Bruneau declined to  
21 sign the paperwork granting permission and said s/he would forward a copy to the school instead.

22 Cole started coming to our monthly social skills training in late May. He was very attentive, and  
23 I felt encouraged by the progress I was seeing. Cole thrived in his summer job at a copy center, even  
24 earning a raise. He told me that he hoped to receive a 3D printer for his birthday in mid-September.  
25 But at the September 25<sup>th</sup> session, Cole seemed less engaged, almost angry, and was very reluctant to  
26 discuss what was bothering him. I asked if he was struggling in school or was being bullied –common  
27 experiences among those in the group – but he would not answer.

28 In mid-October I saw the news report about the incident involving Cole at the school, and I was  
29 very concerned. Cole had been pepper-sprayed by the SRO, who claimed to consider him a potential  
30 threat after it was reported that Cole might have a gun. It turned out that he had a 3D-printed model  
31 gun in his backpack. From my interactions with Cole, I was certain he meant no harm– he was most  
32 likely bringing the model to show to his friends at school. Before the date for the October session, I was  
33 distressed to learn that Cole had returned to Saipan.

34 It is true Mr./Ms. Bruneau stated in news interviews that Cole had been bullied, and other

1 school shootings have been carried out by victims of bullying. Nonetheless, I am quite sure Cole would  
2 never pose a threat to others at the school. Media reports sometimes portray those with ASD as cold,  
3 calculating killers, but such reports are both inaccurate and quite harmful to those with ASDs.

4 The fact that Cole was bullied was not surprising, unfortunately. As Chair of the Rhyolite County  
5 School Board Safe Schools Committee, I am privy to statistics on bullying and other key issues within  
6 our county and statewide. Bullying (both in-person and cyber-bullying) had been on the rise in Nevada  
7 for a decade, especially for students diagnosed with learning disabilities. To address the problem,  
8 Alturas High School implemented a new program in 2021, including a mandatory “Banish Bullying”  
9 school assembly for all freshmen with handouts for students and parents. These efforts were making  
10 an impact. Anonymous student surveys showed that 18% of students at Alturas High School reported  
11 being the victim of bullying in 2023, down from a reported incidence of 25% in 2020 before  
12 implementation of the program. However, students with disabilities – those receiving services under  
13 the Individuals with Disabilities Education Act, or IDEA – showed no such decrease. In fact, their  
14 reported rates rose from 30% to 38% during that same period. Admittedly the sample size for students  
15 with disabilities at Alturas High was not large (120 in 2021 and 116 in 2023), but the increase is still  
16 quite concerning.

17 Also disturbing are the school discipline statistics at Alturas High. Overall, students of color are  
18 suspended at a rate 2.5 times greater than white students (13% versus 5%). Boys represent nearly  
19 75% of those suspended multiple times or expelled. Students with disabilities are suspended at twice  
20 the rate of students without disabilities (13% versus 6%). And even though students with disabilities  
21 comprise only 12% of the overall student population, they represent 58% of those placed in seclusion  
22 or involuntary confinement, 80% of those physically restrained at school or subjected to control  
23 measures such as pepper spray, and 26% of the students arrested and referred to law enforcement.

24 As a male international student diagnosed with Asperger Syndrome, Cole was at high risk of  
25 being bullied and of being subjected to inappropriately harsh discipline by the SRO and/or by school  
26 personnel. Sadly, the affidavits of Blair Bruneau, Vya Carson, and Alder Frenchman all reveal that Cole  
27 was bullied. One time he was suspended from school as a result of an ensuing fight. No evidence exists  
28 that the school took any specific steps to address the problem, such as seeking to identify and discipline  
29 the bullies, informing teachers to be more vigilant, or informing the SRO of the situation. Admittedly,  
30 neither Cole nor Mr./Ms. Bruneau apparently informed the SRO or school personnel of many of the  
31 incidents. If so, they share responsibility for the ongoing situation.

32 A separate and equally serious concern is Quinn Marietta’s selection as an SRO, given Marietta’s  
33 previous interactions with youth. Marietta reports a time when s/he narrowly escaped serious injury  
34 or even death when a teenager attempted to knife Marietta in the neck. After that incident, Marietta’s

1 demeanor toward youth reportedly changed. Complaints were filed against Marietta for use of  
2 excessive force, particularly against teenagers, prior to Marietta's selection as an SRO. Such reports  
3 should have been a "red flag" demonstrating that Marietta may have needed counseling to deal with  
4 the trauma of that prior incident and should have raised questions as to whether Marietta was an  
5 appropriate choice as an SRO. However, the reports were disregarded. Similar complaints continued  
6 to be filed against Marietta after Marietta was assigned to Alturas High, and again, the APD did nothing.  
7 Given Marietta's demeanor toward youth after the attempted-knifing incident and Marietta's history  
8 of using excessive force with youth, Marietta should never have been chosen as an SRO or at least be  
9 reassigned to a non-SRO position after his/her pattern of negative interactions with youth became  
10 clear.

11 SROs are a vital partner in ensuring a healthy school environment for all students. But to make  
12 the transition successfully from patrol officer to SRO, officers benefit from additional training. At the  
13 Nevada Justice Center, new SROs are taught about youth psychology, bullying, learning disabilities, and  
14 gang influences in schools. They learn how to assess scenarios quickly and accurately, de-escalating  
15 potentially volatile situations to ensure students' safety. An effective SRO helps to create a sense of  
16 community and mutual respect among the students, staff, and family members.

17 Because the role of an SRO is so vital, the National Association of School Resource Officers  
18 ("NASRO") strongly emphasizes that SROs should attend a basic SRO training course prior to starting  
19 work and should obtain advanced training while on the job. In the state of Nevada as a whole, nearly  
20 90% of SROs since 2011 have completed the one-week SRO basic curriculum before being assigned to  
21 a school, and 50% have completed additional related training.

22 But the situation in Alturas does not mirror that of the rest of Nevada. Officer Marietta was not  
23 provided with any additional training, despite Marietta's requests. Other new SROs in Alturas over the  
24 last five years were similarly denied specialized training, leading to numerous instances when SROs  
25 reacted inappropriately to stressful situations. By preventing SROs from receiving proper training, the  
26 APD has put the students and staff at Alturas High School and other schools at increased risk of physical  
27 harm and/or unjustified arrests. SROs need to be appropriately trained and supported if we are to  
28 prevent tragic circumstances like those that befell Cole Caples. The current Chief of Police has created  
29 a culture of cost-savings above community, to the detriment of the officers and residents of Alturas  
30 alike. The APD must be held accountable for the pain SRO Marietta inflicted on Cole, both for Cole's  
31 sake and to prevent any such tragedies in the future.

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

          Lander White          

SIGNATURE

          Adrienne Applewhite          

Adrienne Applewhite  
Notary Public



THE STATE OF

**NEVADA**

Adrienne Applewhite

My commission expires  
1/21/26

**AFFIDAVIT OF QUINN MARIETTA**

1  
2 My name is Quinn Marietta. I'm a sworn peace officer in the Alturas Police Department, which I  
3 joined in 2013. Ever since I was a kid, I've wanted to be a police officer. My parents are both detectives.  
4 As a child, I saw how people in Alturas treated the police with respect. So, when I graduated high school,  
5 I went to Utopia University and earned a bachelor's degree in Criminal Justice. Right away I came back to  
6 Alturas to attend the police academy. I loved everything about it, and I graduated first in my class. It was  
7 cool to be on the force with my parents, and they taught me a lot.

8 The Chief of Police at the time was really supportive, encouraging the new officers to get extra  
9 training. I took several courses at the Alturas Justice Academy, including "Community Oriented Policing,"  
10 "Gangs Across Utopia," "Interview and Interrogation," "Basic Hostage and Crisis Negotiation," and "Threat  
11 Assessment." I also made sure to familiarize myself with the Alturas Police Department Policies and  
12 Procedures manual.

13 But in March of 2017, a new police chief, Reese Flanigan, took over, and the working environment  
14 became more stressful. Due to layoffs the rest of us had to pull more double shifts, we were discouraged  
15 from using sick leave, and funds for extra training were cut. As a result, in 2018 my parents left the  
16 Alturas Police Department.

17 During my first 5 years on the force, I was a regular "beat" cop, patrolling mostly Alturas' poorer,  
18 Downtown area. I made lots of arrests for petty theft, shoplifting, and DWI. But in 2016, there was an  
19 increase in gang activity in Alturas that made my job much more dangerous. I always had to be on high  
20 alert. On November 19, 2018, I was on patrol downtown around 5 pm when I saw two teenage guys trying  
21 to grab a backpack away from a teenage girl. My partner and I pulled over and my partner pursued the  
22 guys. I ran over to check on the girl. As I bent down to ask if she was okay, she whipped out a knife and  
23 slashed at me, barely missing my throat, and took off. The other teens got away too. The whole thing  
24 shook me up pretty badly, resulting in daily nightmares. I requested time off to meet with a counselor,  
25 but Chief Flanigan denied my request due to the layoffs. He told me I should just "buck up and deal with  
26 it, like a real cop does." Instead of counseling, I leaned on my parents and superior officers, which helped.

27 Gangs were getting bolder in Alturas. By 2018, several of my buddies on the force had been  
28 knifed or shot at by gangs, and one of my best friends was killed in the line of duty. I started to question  
29 whether being a police officer was the right career for me. But I'd worked my whole life to be an officer,  
30 and I didn't really have a "Plan B." So, I vowed to take no chances when dealing with suspects - better to  
31 rough up a criminal than risk getting hurt myself. I wasn't the only cop who felt that way, either; it sort  
32 of became the new culture of the department. "Better them than me."

33 When a position as a school resource officer (SRO) opened up in late summer of 2019, I jumped  
34 at the chance for a change. The job came with a nice raise - \$8,000 per year. And while my experience

1 made me leery of teens – gang members were often teens – the metal detectors at the school made me sure  
2 the SRO job would be safer. After accepting the position, I was scheduled to report to Alturas High School  
3 the very next week. I was surprised! I thought I'd have to attend the 40-hour SRO training class and 32-  
4 hour SRO Ethics class first. But Chief Flanagan told me there was no money for training in the budget,  
5 and “I could read the training manuals if I wanted.” He told me if I wasn't on board, he could pick  
6 someone else.

7 I was the only SRO at Alturas High School, which had ~ 1,000 students and 50 faculty in 2019. I  
8 read all the training manuals Chief Flanagan provided, but it wasn't the same as having a mentor, and I  
9 had to do a lot of learning on the job. When in doubt, I erred on the side of apprehending anyone who  
10 seemed to be a troublemaker and stayed vigilant to make sure gangs and guns didn't infiltrate the school.  
11 The first few years went pretty smoothly. I had to use pepper spray a few times when students got in  
12 fights. But most of the time, simply talking to the students was sufficient to calm a situation. Of course,  
13 the parents of the students I pepper-sprayed filed complaints, but that's to be expected in today's  
14 “helicopter parent” society. The chief backed me up every time.

15 But in 2021, things started to change in Alturas. In 2021, a research park was built in Alturas, and  
16 the population exploded. Many highly educated people from overseas moved here to work in the new  
17 companies, making Alturas a much more diverse – and sometimes more polarized – city. The population  
18 of the school grew to nearly 1,400, and eight trailers were added to handle the overflow. I was still the  
19 only SRO, though. The expansion caused tension at Alturas High School. Bullying and fights became more  
20 common, and the student body became divided between those whose families had lived in Alturas for  
21 decades and those whose families had moved here more recently. I also began to see evidence of gang  
22 infiltration in the school, which worried me. Sometimes the metal detectors in the school didn't work,  
23 and I was afraid students might find a way to sneak weapons on campus. I sure didn't want us to have  
24 any shootings like those in other parts of the country. The stress started getting to me a bit, and my  
25 nightmares came back. I didn't try asking the chief about counseling again. Instead, I started working out  
26 more to make myself tired enough to sleep.

27 October 13, 2023, started off like any normal day. I greeted students in the school lobby as they  
28 arrived in the morning. But about halfway through arrivals, the metal detector stopped working. To avoid  
29 making everyone late for class, I screened the students and searched the backpacks of anyone I thought  
30 looked suspicious. A bit later, I was patrolling the halls between first and second period when a student  
31 named Alder Frenchman reported seeing a gun in Cole Caples' backpack when Cole was at his locker. I  
32 knew who Cole was, as he had been involved in several fights the previous spring. He always reported being  
33 the victim of bullying rather than the instigator, so I think he'd only been suspended once, for 5 days. If  
34 he was continuing to be bullied, I thought he might have decided to fight back.

1 I was afraid of what he might be planning to do. All of my nightmares about school shootings  
2 flashed before my eyes. I knew I had no time to waste. I radioed the office to find out where Cole was and  
3 ran to the room. When I got there, I swiftly approached him and insisted he hand over his backpack and  
4 come with me to the office. All I could think of was getting the backpack away before Cole could pull out  
5 the gun. Cole looked at me with wild eyes and reached aggressively toward the backpack. I reacted  
6 instantly, spraying Cole with pepper spray to disable him. Cole threw up his hands and I grabbed him,  
7 handcuffed him, and dragged him out of the room and to the office.

8 When we got to the office, I told the principal, Dr. Melvin, what happened - that a student had seen  
9 a gun in Cole's backpack. We looked inside the backpack, and sure enough, we saw what looked like a  
10 gun, although it looked odd, like it was plastic or something. I left it in the backpack so as not to disturb  
11 any evidence before the CSI team could analyze everything. In any case, I felt I had acted properly by  
12 intervening right away. It certainly hadn't been worth taking a chance on a possible school shooting. I  
13 said we needed to arrest Cole and call for back-up to take him down to the station. But Dr. Melvin was  
14 indecisive and unsure about what to do. Meanwhile Cole was moaning in pain, with red, watery eyes. I  
15 thought about taking him to the bathroom or to a water fountain to wash his eyes out - keeping him  
16 cuffed, of course - but got distracted when the principal started to open the backpack as though he was  
17 going to take out the gun. I intervened to stop him and insisted that we call for backup. Finally, after  
18 maybe 40 minutes had gone by, he agreed. A patrol car arrived within minutes, and I accompanied Cole  
19 to the station.

20 When we got there, Cole was still very upset, crying out that his eyes hurt. The other officer  
21 ignored him, and when he refused to answer any questions, the officer cuffed him to a chair in the  
22 conference room. Cole's backpack had been sent to the CSIs, and pretty soon they brought it back, saying  
23 "it's just a 3D model gun. It looks like he printed it himself. It can't fire any bullets; it's just a toy." Moments  
24 later Cole's aunt/uncle, Blair Bruneau, stormed into the station. Bruneau was quite upset, shouting about  
25 "violation of rights" and "discrimination." By then, we knew the gun wasn't functional, so Cole was  
26 released into Bruneau's custody after a strong warning about not bringing anything that looked like a  
27 weapon to the school. Bruneau was still ranting at me as they left the station shouting, "You just wait.  
28 You haven't heard the last from me yet!" I was sorry Bruneau was so upset. But I knew I'd done the right  
29 thing. If Cole had brought a real gun to school, Alturas High could have been the site of a massacre. I'd do  
30 the same thing again in a heartbeat.

31 After Bruneau left, I was interviewed by Chief Flanagan. When I explained what had happened,  
32 the Chief told me I had acted properly, given what I knew at the time. "We can't take any chances when  
33 it comes to guns in schools. The stakes are too high." The Chief told me to return to my post at Alturas  
34 High the next day. To be honest, I wouldn't have minded waiting a few days to go back to the school. But



1 I also knew the chief was counting on me so I followed orders.

2 When I went back to the school the next day, I learned that Cole was given a 10-day suspension  
3 over the incident. Given the fear and disruption that even the model gun caused, a ten-day suspension  
4 was pretty lenient, in my opinion. When I told the principal I was surprised about the short-term  
5 suspension, he said that he took into account the fact that Mr./Ms. Bruneau reported that Cole had  
6 recently been diagnosed with Asperger Syndrome. That was news to me; in fact, I didn't even know what  
7 Asperger Syndrome was. It wasn't discussed in any of the training materials I'd read. When I looked it  
8 up, my research helped me to understand why Cole had difficulties interacting with other students.  
9 Maybe if I'd known about it beforehand, I would have approached Cole a bit differently. Or maybe not.  
10 After all, I had been told he had a gun in his backpack, and ensuring everyone's safety had to be my highest  
11 priority.

12 The *Alturas News & Record* ran a story on School Resource Officers in late September of 2023  
13 after an incident at Paradise Bay Academy. The article made it sound like SROs don't care about the  
14 students and treat them too harshly. But the reporter doesn't know what it's like to have to make those  
15 split-second decisions to keep people safe. I think articles like that do more harm than good, by making  
16 the community suspicious of SROs. Without us there to intervene and prevent bad things from  
17 happening, schools would be a much more dangerous place for everyone.

18 Of the available exhibits, I am familiar with the following and only the following: Exhibit 1 (the  
19 APD Policy Manual); Exhibit 5 (the model gun that Cole Caples brought to school); Exhibit 7 (the pepper  
20 spray that is part of an SRO's gear); Exhibit 8 (incident reports in my personnel file); pages 1 & 3 of Exhibit  
21 10 (the incident report forms I filed after altercations at Alturas High School); and Exhibit 11 (the article  
22 in the Alturas newspaper).

*Quinn Marietta*

SIGNATURE



THE STATE OF  
**NEVADA**

Michelle Strickland

My commission expires  
9/16/25

*Michelle Strickland*

Michelle Strickland  
Notary Public

23

**AFFIDAVIT OF ALDER FRENCHMAN**

1  
2 My name is Alder Frenchman. I'm a senior at Alturas High School. I really like the school and have  
3 made a lot of friends here. I'm captain of the tennis team and vice president of the senior class. I'm also  
4 president of the Service Club. We've sponsored Walk-A-Thons for diabetes and heart disease. And last year  
5 I organized a bone marrow registry donor drive. Next year, I'll be attending the Air Force Academy in  
6 Colorado. My favorite aunt is in the Air Force now, and one uncle and my granddad also served. I want to  
7 continue the family tradition. That's partly why I joined the Civil Air Patrol at school as a freshman. CAP is a  
8 non-profit civilian auxiliary for the Air Force that sponsors cadet programs in schools.

9 I've attended some amazing CAP summer camps on Cyber Defense, Aerospace, and Survival Skills. I  
10 worked hard at CAP to advance through the ranks. By the beginning of my sophomore year, I earned my first  
11 leadership rank, Cadet Technical Sergeant. That meant I could coach the junior (new) cadets during meetings  
12 and have a chance to become a better leader myself. Now I've achieved the rank of Cadet First Lieutenant,  
13 which was really helpful when I applied to the Air Force Academy.

14 In March of my sophomore year, a freshman named Cole Caples started attending the CAP meetings.  
15 Cole was born in Saipan and came to Alturas to live with his aunt/uncle the previous summer so he could go  
16 to school here. Cole already seemed to know a lot about airplanes and flight, so that aspect of CAP was easy  
17 for him. But other parts were tougher. He moved sort of awkwardly and had trouble learning the military  
18 drill movements. He also struggled during the physical fitness training. And Cole had a bit of difficulty "fitting  
19 in" to the group. He sometimes didn't seem to understand jokes, or he got offended easily. Even so, he worked  
20 hard, and he managed to advance in rank before the school year ended. He even signed up for summer  
21 encampment in June.

22 Encampment is a week-long camp at a local military base. I attended as a first-year cadet in 2021  
23 and went again in 2022 as a squadron leader. The camp schedule includes daily calisthenics, obstacle courses  
24 and team fitness challenges, team leadership problems and sessions on aviation. We also get to go on several  
25 flights where we're allowed to take control of the airplane for short periods. It's awesome. Cole wasn't in my  
26 squadron at camp, but I saw him several times most days. He still struggled to stay in formation during drill  
27 practice, and he also came in near the back of the pack on the obstacle course. As the week went on, he  
28 seemed stressed or discouraged when I saw him. I tried to talk with him a few times but he didn't really look  
29 at me or say much.

30 I wasn't sure if Cole would come back to CAP in the fall, but he did, and I made a real effort to get to  
31 know him better. I figured it must be hard making friends in a new place. So after the second CAP meeting,  
32 I went up to him and asked how he was doing. He seemed sort of surprised that I was talking with him. He  
33 said, "Great! Everything's great! Hey, my birthday is next week. Want to come over for pizza?" I was caught a  
34 bit off guard since we weren't close friends or anything. Unfortunately, I already had plans and told him I

1 couldn't go. Cole looked really disappointed, so I said, "Hey, maybe another time." Cole brightened up, and  
2 asked if I would come over the following week to play video games. It turned out we both like *War Thunder*, a  
3 multiplayer online game based on World War II. We had a great time so after that I'd go over to Cole's every  
4 few weeks to play video games. Sometimes we'd talk about CAP, but mostly Cole talked non-stop about the  
5 specs of various guns and such while we were playing the game – it was like he had memorized an  
6 encyclopedia on the topic or something. Once or twice when I suggested coming over, Cole already had  
7 plans with Vya Carson. I didn't know Vya at all – we didn't have any classes together – so I didn't visit if Vya  
8 was there.

9 Cole continued to advance in CAP as the year went on, and he seemed happier overall, until late in  
10 the spring of 2023. After CAP a group was talking about a recent terrorist bombing in Paris. All of a sudden  
11 Cole jumped up and said, "I had nothing to do with that! I'm not even a Muslim. Leave me alone!!!" Everyone  
12 was shocked. Cole ran out of the room. When I caught up to him and asked what was going on. Cole took a  
13 deep breath and said, "Ever since those attacks, kids have been calling me 'Muslim terrorist,' shoving me into  
14 lockers and knocking my books on the floor. If they keep it up, I'll show them! They can't treat me this way."  
15 He balled up his fists like he wanted to punch someone. I was surprised to hear about this bullying since  
16 Alturas High School had a robust anti-bullying program, with Orientation sessions and literature at school.  
17 At the same time, I was also concerned by how furious and aggressive Cole seemed, especially since our  
18 conversation wasn't directed at him. I asked if Cole had reported the bullying. He said, "I tried, but nobody  
19 listened to me. If the school won't protect me, I'll take matters into my own hands!" I didn't like the sound of  
20 that, so I asked Cole to promise to tell me if he had any more problems, and we would talk to the principal  
21 together. He never came to me, though.

22 I was really busy with school, and didn't make it over to Cole's house again before school let out for  
23 summer. In fact, I didn't see him all summer. But once school started I started going over to his house again  
24 to play *War Thunder*. We mostly talked about our summers – encampment and Cole's summer job. Cole was  
25 also really excited to show me the new 3-D printer kit he had just bought. It was awesome! We messed  
26 around and made some simple shapes, including a really basic plane. Then Cole said he was going to make a  
27 remote-controlled model airplane using plans he'd found online. Cole said I could help, and we spent weeks  
28 working on it after school. We were making great progress. I thought we'd have it finished by mid-October at  
29 the latest.

30 On September 30, I went to Cole's house after school to work on the plane, but he yelled at me to  
31 "Go away!" He told me "I don't want you here! I hate you and everyone else at that stupid school!" For no  
32 reason, he then stomped on the plane we had been working on and broke it. I shouted, "What are you doing?  
33 Are you crazy?! We've been working on that for weeks!" He looked at me all wild-eyed and shouted, "Don't  
34 talk to me like that! I'm not crazy! I'm not a terrorist!! I'm sick of being shoved into lockers! I'm sick of being

1 told to 'go back where you came from.' I'm not going to take it anymore! They're gonna pay for what they've  
2 done. I can make other things on this printer, you know! Now get out of my house and don't come back!!" I  
3 didn't know what else to do, so I left.

4 I was so upset Cole was being bullied again and sad he hadn't come to me earlier. I figured the  
5 principal, Dr. Melvin, needed to be aware it was happening, so I visited him the next day. Dr. Melvin listened  
6 to me and said he'd talk with Cole to get more details, but he couldn't do much other than tell teachers to be  
7 on the lookout for bullying. I didn't have any classes with Cole and he stopped coming to CAP, and he wouldn't  
8 respond to my texts. I decided to look at social media as a last effort to see how he was doing. I was surprised  
9 to see two recent posts on 3D printers. One linked to the online site with the plan for the plane we had been  
10 building. But in the second post Cole talked about using 3D printers to make guns and how they could get  
11 through security because they didn't have metal in them. I started getting concerned about what Cole might  
12 be planning. I was determined to go see him at his house if he didn't come to CAP on October 13.

13 The morning of October 13, I saw Cole at his locker before our second period class. I started to walk  
14 over to say hi, then I saw him pull something that looked like a gun out of his coat pocket and put it in his  
15 backpack and headed down the hall. I knew I needed to tell someone about the gun, so I immediately ran  
16 towards the office. I bumped into Officer Marietta on the way and blurted out what I'd seen. I heard Officer  
17 Marietta radio to the office to ask where Cole was. Then Officer Marietta sprinted toward the math wing. My  
18 history class had barely started when a shelter in place announcement came over the intercom. Minutes later  
19 the "all-clear" bell rang, and our teacher re-started her lecture. I couldn't focus, though. I kept wondering  
20 what had happened, was Cole okay, was he really planning to shoot up the school? After class, I tried to go  
21 the principal's office to see what was going on, but no one would tell me anything. I tried calling Cole after  
22 school let out, but he didn't answer.

23 Later that night I was checking news headlines online when I saw the story: an "unidentified  
24 student" at Alturas High School had been detained for bringing a printed model handgun to the school. The  
25 student was eventually released after the police determined that the gun wasn't a working model. I knew the  
26 student had to be Cole. I tried texting him, but he still didn't reply.

27 The next day at school, everyone was talking about the news. I heard quite a few students say they  
28 thought he should be suspended for the rest of the semester, or that he needed to get counseling to make  
29 sure it was safe for him to return. A few people talked about "terrorism" and said "they should kick him out  
30 of the country." I didn't see Cole in the hall at all, and he never did come back to CAP. A few weeks later I  
31 heard he'd gone back to Saipan.

32 I'm still not sure how I feel about all of it. I mean, I don't think Cole would've really tried to hurt  
33 anyone, but he was out of control at his house that day. And even though that model gun wasn't functional,  
34 given the complexity of the plane we'd made, I was sure he could make a working gun if he'd wanted to. I'm

1 sorry he was bullied. I wish him well and hope he gets the counseling he needs. But part of me is not sorry  
2 that he's no longer at Alturas High School. It's pretty scary to think we could have had our own "Columbine"  
3 if he'd tried to carry out his threats and "make the bullies pay."

4 Of the available exhibits, I am familiar with the following and only the following: Exhibit 4 (Cole's  
5 blog), Exhibit 6 (the 3D plane model Cole and I were making), and Exhibit 13 (the handout on bullying that  
6 we receive at the school assembly each year). Exhibit 5 also looks a lot like the gun I saw Cole put in his  
7 backpack, although I got such a quick glance at it that I'm not 100% sure it's the same.

Alder Frenchman

SIGNATURE

Patti Chichester

Patti Chichester  
Notary Public



THE STATE OF  
NEVADA

Patti Chichester  
My commission expires  
8/30/26

1 **AFFIDAVIT OF REESE FLANIGAN**

2 My name is Reese Flanigan, and I am 56 years old. I am the Chief of Police for the Alturas Police  
3 Department, a position I have held since 2017. I was born in Flint, Michigan, where my dad served as Chief  
4 of Police and my mom taught history and psychology the local high school. I earned my BA in Criminal  
5 Justice from Western Michigan University in Kalamazoo, Michigan. In 1991, I joined the Kalamazoo Police  
6 Department as a sworn peace officer, and I swiftly advanced through the ranks, earning promotions to  
7 Captain and Division Commander by 1998. I'd always set my sights higher, though, so I earned my  
8 Community Policing Certificate from the NC Justice Academy in 2000 and completed their Management  
9 Development Program by 2002. I was promoted to Major in 2003 and served in that role for 3 years.

10 In 2006, I was hired as Deputy Chief of Police in Ann Arbor, Michigan. While I loved living in Ann  
11 Arbor, I often found myself at odds with the Chief of Police when it came to the best approach to  
12 maintaining a safe community. I wanted to implement "quality-of-life (QOL)" or "broken windows"  
13 policing to reduce crime. QOL policing involves taking a stand on seemingly minor, but highly visible,  
14 infractions – aggressive panhandling, sleeping on public benches, graffiti writing – leading to arrests in  
15 situations where a warning or simple citation would otherwise be issued. QOL policing puts perpetrators  
16 on notice that the police are serious about maintaining order. But the Ann Arbor Chief of Police felt the  
17 policies I suggested were too harsh and did not take into account individual circumstances. When I was  
18 offered the Chief of Police position in Alturas in March of 2017, I jumped at the chance.

19 In many ways, serving as Chief of Police is similar to being the CEO of a large corporation. I  
20 manage our entire operation, develop and revise department policies and regulations, oversee our  
21 officers (which includes promotions, disciplinary actions, and dismissals), devise strategic plans and new  
22 programs to ensure community safety, present reports to the mayor and city council, and work within an  
23 ever-shrinking budget. It's not a position for the faint-of-heart.

24 As the new Chief, I decided to spend a year getting to know the community and my officers before  
25 trying to implement any new programs or major changes. In particular, I wanted to focus on professional  
26 development. I had experienced first-hand the importance of advanced training and continuing  
27 education, and I wanted to provide those same opportunities to my officers. But due to a suffering  
28 economy, the city council reduced my budget by 35% in 2019, making my training goals impossible. I  
29 even had to reduce the force by 10%. Fortunately, a number of officers were nearing retirement age, and  
30 others decided to relocate. I left their positions unfilled. I only had to lay off three staff in all: two  
31 psychologists and the head of the Internal Affairs Division (IAD). I'll admit, it's very unusual to get rid of  
32 the head of the IAD. But my priority was keeping as many officers on patrol as I could. I figured I could  
33 take on the IAD role by reviewing complaints against officers and making any "hard calls" as needed.  
34 Because all our remaining officers were top-notch, I wasn't expecting to receive many legitimate

1 complaints anyway.

2           The budget cuts and reduction in force put a strain on everyone, for sure, but I was proud of the  
3 way our people responded. Officers rarely called out sick, and everyone pitched in to cover extra shifts  
4 when needed. Those who couldn't handle the heat left for jobs elsewhere, It's true that some officers  
5 asked for counseling after shootings or difficult situations, but we just didn't have the staff to make it  
6 possible. With the budget cuts, I could not afford to send officers to the Utopia Justice Academy for  
7 advanced certifications. To compensate for the lack of off-site training, I set up a mentorship program,  
8 pairing experienced officers with new officers to help them "learn the ropes." The experienced officers  
9 could also offer advice on dealing with the stresses that come with the job, leaving our one remaining  
10 psychologist to focus on really tough cases like PTSD or job-related depression. I also arranged for more  
11 in-house training on topics including "Interview and Interrogation," "Community-Oriented Policing," and  
12 "Gangs and Drugs."

13           One of the officers who had requested counseling was Quinn Marietta. In November 2018, Officer  
14 Marietta reported a teenage gang member pulled a knife on him while he was offering assistance during an  
15 altercation with other gang members. Officer Marietta avoided injury but reported having nightmares after  
16 the event and asked for counseling. Our one remaining psychologist was already overburdened in  
17 assisting officers diagnosed with PTSD after being injured or involved with shootings while on patrol.  
18 Given the facts of the situation (which were not out of the ordinary for a patrol officer), I met with Marietta  
19 myself and concluded he/she was able to remain on patrol without the requested counseling.

20           In general, the department received 50 – 75 complaints each year, mostly for "unfair  
21 treatment" of suspects. When I looked into them, very few of the complaints had merit. They were mostly  
22 the kind of whining one would expect from criminals trying to "game" the system. For all of 2019, official  
23 reprimands or warnings were issued against only five sworn officers, one of whom was Officer Marietta.  
24 In February 2019, Officer Marietta was reprimanded for using excessive force in apprehending two gang  
25 members accused of graffitiing a downtown storefront. Neither suspect was armed when apprehended,  
26 yet Marietta tased the suspects when lesser force would have been sufficient. I met with Marietta myself,  
27 strongly admonished Marietta, and issued a written reprimand. I also required Marietta to complete an  
28 online course on "Proper Use of Force" before returning to patrol.

29           After Marietta completed the online course, I received no more complaints against  
30 him/her. So when Marietta applied for a position as an SRO in August 2019, I felt Marietta was the right  
31 person for the job. Aside from that one incident, Marietta had always been one of my best officers. Even  
32 though Marietta had worked for the APD for only 6 years, Marietta's parents had both been vital members  
33 of the APD before moving out of state. You might say Marietta was "born to the job." And I felt Marietta's  
34 relative youth was a benefit in some ways: Marietta was young enough to relate to the students, yet

1 mature and experienced enough to be effective. I was certain Marietta could enforce the rules fairly, while  
2 also establishing good rapport with students, staff, and parents.

3           Officer Marietta began working as the SRO at Alturas High a week after being promoted. Ideally,  
4 Marietta would have attended two weeks of SRO training at the Utopia Justice Academy prior to beginning  
5 the new position, but we lacked funding for the training. So I provided Marietta with SRO training manuals  
6 and instructed Marietta to read through them in the evenings. I also provided Marietta with contact  
7 information for other SROs in Eldorado County, instructing Marietta to contact them with any questions.  
8 As far as I know, Marietta never did so.

9           During Marietta's first year at Alturas High, Marietta pepper-sprayed several students while  
10 breaking up fights on campus. During 2019-20, I received three parent complaints against Marietta. While  
11 initially concerned, the investigations revealed that Marietta has reasonable explanations for the use of  
12 such force. Additionally, Alturas principal, Dr. Melvin, spoke highly of Marietta and said that Marietta's  
13 presence had made the school much safer for everyone. As a result, I deemed Marietta's use of force to be  
14 appropriate in every instance, and no reprimands were issued. I reviewed two additional complaints  
15 against Marietta in 2020-21, but again, I found each complaint to be without merit. While it may appear  
16 that the APD policy manual required that Marietta be suspended after so many complaints, I felt strict  
17 application of department policy was not warranted and would simply remove an excellent officer from  
18 duty for no reason. Further, we were under significant force constraints.

19           It is true no complaints were filed against any SROs at other area high schools from January 2020  
20 – August of 2023. But the student population at Alturas High was nearly 50% larger than at any other  
21 school in the county, with a more racially and economically diverse student body than any other county  
22 school, which sometimes led to altercations between various groups. I am aware of the statistics showing  
23 that minority students and students with learning disabilities are suspended, expelled, or apprehended  
24 by SROs, at higher rates at Alturas High School and the Eldorado County school system as a whole. I'm not  
25 entirely sure why that is the case. But I am confident that Officer Marietta and our other SROs are  
26 committed to "protecting and serving" students of all backgrounds and abilities. I will also make it a point  
27 of emphasis in our in-service training sessions for the coming year.

28           The increase of gangs in the in the neighborhoods feeding into Alturas High has also been a  
29 concern over the last few years. Officer Marietta still had to remain alert for any potential gang activity at  
30 the school, which made Marietta's job more stressful than that of many SROs. With sufficient funds, I  
31 would have assigned a second SRO to Alturas High, but it just was not possible with the budget reductions.

32           The 2023-24 school year got off to a calm start – until October 13, 2023, when Marietta pepper-  
33 sprayed Cole Caples after receiving a report that a student had seen a gun inside Caples' backpack  
34 between first and second period classes. Marietta successfully subdued Caples without anyone sustaining



1 injury and appropriately asked the principal to call for back-up in transporting Caples to the police station.

2 While it turned out the item in Caples' backpack was a non-working, 3D printed model of a gun, I  
3 fully support Marietta's decision to act quickly when faced with such a potentially dangerous situation.  
4 It's easy for armchair quarterbacks to second-guess the split-second decisions of SROs and other police  
5 officers. Situations that may seem black-and-white after the fact, can be all-too-gray in the moment when  
6 a decision must be made.

7 Each year I lead a training session for all APD officers on a topic that is timely and important. In  
8 July of 2023, I presented on the epidemic of gun violence in our nations' schools. Discharge of firearms in  
9 schools is a much more common occurrence than most people realize: in fact, between 2021 and mid-  
10 2023, an average of two school shootings took place at K-12 schools each month, and in more than half,  
11 the shooter was a minor. I stressed to all of our SROs that if they had any doubts about the seriousness of  
12 a situation, it was best to err on the side of using force to keep a situation under control. The stakes are  
13 just too high to do otherwise.

14 I interviewed Officer Marietta for more than an hour on October 13, after Cole Caples was  
15 released into the custody of his family member. Based on Marietta's account of events, I was and am  
16 confident that Marietta acted appropriately under the circumstances. While it would have been advisable  
17 for Marietta to rinse the pepper spray out of Caples' eyes, Marietta was unable to do so, both because  
18 Caples was belligerent and uncooperative, and because the school principal did not allow it. In his role as  
19 an SRO, Marietta had to abide by the principal's directives.

20 Marietta was clearly upset by what had transpired and asked to be placed on desk duty for the  
21 remainder of the week. But I was convinced that doing so would be a mistake – Marietta's absence at the  
22 school would make it appear that Marietta was being disciplined for his/her actions. I also had no officers  
23 qualified to take Marietta's place. So, I explained to Marietta it was important to return to the school as  
24 usual the next day, and Marietta agreed. While it is a shame that events transpired in that fashion, Officer  
25 Marietta did exactly as Marietta had been trained to do: act quickly under difficult circumstances to keep  
26 the students and staff at Alturas High School safe. Officer Marietta should be commended for that, rather  
27 than vilified.

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

32  
33  
34

1

Reese Flanigan

SIGNATURE

Victoria Moore

Victoria Moore

Notary Public



THE STATE OF  
**NEVADA**

Victoria Moore

My commission expires  
7/31/26

2



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## I. Relevant Law

### NEVADA REVISED STATUTES § 41.1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the State of Nevada, subjects, or causes to be subjected, any citizen of the State or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Nevada Constitution and laws, shall be liable to the party injured in an action at law or other proper proceeding for redress.

### NEVADA CONSTITUTION, ARTICLE 1 § 18

The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by Oath or Affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

## II. Relevant Precedent

A government entity may be held liable for the deprivation of a person's constitutional right against unreasonable searches and seizures under NRS 41.1983, where the deprivation is the result of the action of one of its agents, acting under color thereof, and the deprivation is the proximate result of a policy, practice, or custom of the agency. [Sleater v. Kinney, 101 Nev. 991 \(1985\)](#).

A police officer deprives a citizen of their right against unreasonable searches and seizures under the Nevada Constitution when he employs excessive force. Excessive force is force in excess of that which is reasonable to subdue a suspect while keeping bystanders and officers safe. A citizen may seek civil redress in state court by filing an action under NRS 41.1983. [Taylor v. Kelce, 101 Nev. 87 \(1989\)](#).

A police officer conducts an unreasonable seizure of the person within the meaning of the Nevada Constitution, when he employs chemical sprays, batons, or tasers to subdue a minor under the age of 16 when said minor presents no danger to the personal safety of the officer or other persons. [City of Las Vegas v. Presley, 125 Nev. 444 \(2009\)](#).

A local government entity may not be sued under NRS 41.1983 for an injury inflicted solely by its employees or agents. Instead, it is when execution of a government's policy, custom, or practice, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under NRS 41.1983. A custom or practice can be inferred from the conduct of government actors within the entity in the absence of an explicit policy. [County of Jefferson v. Kantner, 123 Nev. 1965 \(2002\)](#).

To hold a government entity liable under NRS 41.1983 for a violation of Article 1, section 18 of the Nevada Constitution, the plaintiff must show: (i) the existence of a continuing, persistent and widespread practice of unconstitutional misconduct by the entity's employees; (ii) deliberate indifference to or tacit approval of such misconduct by the entity's policymaking officials after notice to the officials of that particular misconduct; and (iii) injury resulting from the unconstitutional acts pursuant to the entity's custom. [Broadus v. State of Nevada, 109 Nev. 187 \(1993\)](#).

To prove a claim under NRS 41.1983, the plaintiff must prove that its alleged injury was actually *and* proximately caused by the defendant's actions. To prove actual causation, the plaintiff must show that "but for" the defendant's actions, the alleged injury would not have occurred. To prove proximate causation, the plaintiff must show that its alleged injury was a reasonably foreseeable consequence of the defendant's actions. The plaintiff need not prove that the defendant actually foresaw the alleged injury as a consequence of its actions; rather, the plaintiff need only show that a reasonable person in the same situation would have foreseen the alleged injury as a consequence of her actions. Where the claim is brought against a government entity for the actions of one of its agents, the plaintiff must prove *first* (i) that the actions of the agent were the actual and proximate cause of the plaintiff's alleged injury; and *second* (ii) that a policy, practice or custom of the government entity was the actual and proximate cause of the actions of the agent. [Department of Corrections v. Strauss, 117 Nev. 899 \(2001\)](#).





RELATED TOPICS

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Civil Law  
Framing II

Framing the Case for Trial – Relevant Cases  
Spalling I Nevada Civil Practice (Approx. 1 page)

Logan Wilson  
Framing the Case for Trial – Relevant Cases

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### I. Relevant Precedent

Even in cases in which the liability and damages phases have been bifurcated, a plaintiff still must establish “harm” in order to establish the defendant’s liability on most legal theories. At the same time, however, because the purpose of a threshold liability-only phase is to establish only the existence, rather than the extent, of the defendant’s potential liability, trial judges should be especially vigilant in applying Rules of Evidence 401 and 403 with respect to evidence that either does not or only marginally relates to questions at issue during such a phase. [Utsler v. Bruce, 110 Nev. 777 \(1994\)](#).





## RELATED TOPICS

Civil Law  
[Hearsay 802](#)  
[Hearsay 803](#)

## Hearsay 803 – Relevant Cases

Wilson | Nevada Civil Practice (Approx. 1 page)

Brandon Dolder

[Hearsay 803 – Law & Relevant Cases](#)

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## I. Relevant Cases

Rule 801(d)(2) may be invoked in only one direction, and it depends on the identity of the party offering the statement in question. Specifically, Rule 801(d)(2) permits the plaintiff to offer statements by the defendant and the defendant to offer statements by the plaintiff. But the rule does not permit the plaintiff to offer statements by the plaintiff or the defendant to offer statements by the defendant, even if the opposing party has already elicited out-of-court statements by the party during a preceding examination. In this case, a defendant in a criminal proceeding made a variety of statements to a police officer, who was called by the government during a trial. Rule 801(d)(2)(A) permits the government to elicit the defendant's statements during the direct examination of the police officer because those statements are being offered "against an opposing party," here, the defendant. We hold, however, that the government properly objected to defense counsel's attempts to elicit further statements by the defendant on cross-examination of the police officer because those additional statements are not offered "against an opposing party." [Roth v. Hagar, 100 Nev. 5150 \(1984\)](#).

Notwithstanding the practices of other jurisdictions, in Nevada it is entirely possible for an out-of-court statement by a person who is or will be testifying in a particular trial to be excluded by the general rule against hearsay. Subject to Rule 801(d), hearsay is any out-of-court statement offered to prove the truth of the matter asserted in the statement. And although the Rules of Evidence contain a variety of exceptions to the rule that hearsay is generally inadmissible, there is no categorical rule allowing the admission of any out-of-court statement simply because the person who made that out-of-court statement is or will be a witness in the trial. [Backstreet Bistro v. Spice House, 125 Nev. 1997 \(2009\)](#).



## **JURY INSTRUCTIONS**

*At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following.*

### **PRELIMINARY INSTRUCTIONS**

#### **NEVADA JURY INSTRUCTION 1.1:**

##### **THE DUTY OF THE JURY**

Members of the Jury:

It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in these instructions.

#### **NEVADA JURY INSTRUCTION 2.3:**

##### **EVIDENCE TO BE CONSIDERED GENERALLY:**

##### **DIRECT AND CIRCUMSTANTIAL EVIDENCE**

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what the witness personally saw or heard or did. Circumstantial evidence is the proof of one or more facts from which you could find another fact. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate (meaning to agree) to the existence of a fact, you must accept the stipulation of evidence and regard that fact as proved.

Questions are not evidence. Only the answer is evidence. You should consider a question only if it helps you understand the witness's answer. Do not assume that something is true just because a question suggests that it is.

You must also disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court. Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

If the court has instructed you that you must accept a fact as proven or draw a particular inference, you must do so.

If the court has instructed you regarding a Presumption regarding evidence, then you must consider that presumption as well.

## **NEVADA JURY INSTRUCTION 1.9:**

### **DETERMINING THE CREDIBILITY OF A WITNESS**

The credibility or believability of a witness should be determined by his or her manner upon the stand, his or her relationship to the parties, his or her fears, motives, interests or feelings, his or her opportunity to have observed the matter to which he or she testified, the reasonableness of his or her statements, and the strength or weakness of his or her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness, or any portion of his testimony which is not proved by other evidence.

### **POST-TRIAL INSTRUCTIONS**

## **NEVADA JURY INSTRUCTION 2.1:**

### **BURDEN OF PROOF**

This is a civil case in which the Plaintiff Cole Caples seeks damages. The Plaintiff has the burden of proving his or her case by the preponderance of the evidence.

A “preponderance of the evidence” means such evidence as, when considered and weighed against that opposed to it, has more convincing force and produces in your mind a belief that what is sought to be proved is more probably true than not true.

In determining whether a party has met this burden, you will consider all the evidence, whether introduced by the plaintiff or defendant.

## **NEVADA JURY INSTRUCTION 19.1:**

### **ELEMENTS OF CLAIM**

In order to prevail on the plaintiff’s NRS 41.1983 claim against defendant Alturas Police Department alleging liability based on an official policy, practice, or custom, the plaintiff must prove each of the following elements by a preponderance of the evidence:

1. Quinn Marietta acted under color of state law;
2. The acts of Quinn Marietta deprived the plaintiff of particular rights under the Nevada Constitution as explained in later instructions;
3. Quinn Marietta acted pursuant to an expressly adopted official policy or a widespread or longstanding practice or custom of the defendant Alturas Police Department; and
4. Alturas Police Department’s official policy or widespread or longstanding practice or custom caused the deprivation of the plaintiff’s rights by the Alturas Police Department; that is, the Alturas Police Department’s official policy or widespread or longstanding practice or custom is so closely related to the deprivation of the plaintiff’s rights as to be the moving force that caused the ultimate injury.

A person acts “under color of state law” when the person acts or purports to act in the performance of official duties under any state, county, or municipal law, ordinance or regulation.



“Official policy” means a formal policy, such as a rule or regulation adopted by the defendant Alturas Police Department, resulting from a deliberate choice to follow a course of action made from among various alternatives by the official or officials responsible for establishing final policy with respect to the subject matter in question.

“Practice or custom” means any longstanding, widespread, or well-settled practice or custom that constitutes a standard operating procedure of the defendant Alturas Police Department. A practice or custom can be established by repeated constitutional violations that were not properly investigated and for which the violators were not disciplined, reprimanded or punished.

If you find that the plaintiff has proved each of these elements, and if you find that the plaintiff has proved all the elements the plaintiff is required to prove under Instruction 19.2, your verdict should be for the plaintiff. If, on the other hand, you find that the plaintiff has failed to prove any one or more of these elements, your verdict should be for the defendant.

## **NEVADA JURY INSTRUCTION 19.2:**

### **EXCESSIVE FORCE**

The use of “excessive force” deprives a person of their constitutional right against unreasonable seizures. In deciding whether Marietta’s actions caused injury to Caples and whether Marietta applied excessive force, I instruct you as follows.

Where the claim is brought against a police department for the acts of one of its officers, a Plaintiff must prove that the actions of the police officer were the actual and proximate cause of Plaintiff’s injury. A cause is an actual cause where the injury would not have occurred but for the Defendant’s actions. A cause is a proximate cause when the injury is a reasonably foreseeable consequence of the Defendant’s actions.

Plaintiff must also prove that Marietta used excessive force against Caples. To do so, Plaintiff must prove each of the following elements:

- (i) Caples sustained physical and emotional harm that
- (ii) resulted from the use of force that was excessive and
- (iii) the excessiveness of which was objectively unreasonable in light of the facts and circumstances at the time.

Even if an individual is permitted to use force, it is not legally permissible to use unreasonable, or “excessive” force. Reasonableness is an objective standard. The question you must consider is whether Quinn Marietta’s actions were objectively reasonable at the time and in light of the facts and circumstances confronting the officer, without regard to underlying intent or motivation. If the force Marietta used was unreasonable, it would not matter that Marietta had good intentions. Likewise, if the force Marietta used was reasonable, it would not matter that Marietta had bad or improper motives.

You must judge Marietta’s actions from the perspective of a reasonable officer on the scene at the time, rather than with the 20/20 vision of hindsight. In using this standard, you must consider that police officers are often forced to make split-second judgments about the amount of force necessary in a particular situation, including in circumstances that are tense, uncertain, and rapidly evolving.

Some of the factors to consider in determining whether Marietta used excessive force include:

- The likelihood of an immediate threat to the safety of police officers or others
- The severity of such threat
- The severity of the force applied, relative to the risk of harm from not applying it
- The amount of time that Marietta had to consider whether force needed to be applied
- Whether Plaintiff was actively resisting the instructions of Marietta
- The extent of the injury suffered by Caples

It is *per se* unreasonable and excessive force for an officer to use chemical sprays, batons, or tasers on a minor under the age of sixteen where that minor poses no danger to the personal safety of the officer or other persons.

### **NEVADA JURY INSTRUCTION 19.3:**

#### **POLICY, PRACTICE, OR CUSTOM**

Because Plaintiff has filed suit against the Alturas Police Department rather than against Quinn Marietta as an individual, Plaintiff must prove that the use of excessive force by Marietta was the result of Defendant's policy, practice, or custom to inadequately supervise and discipline school resource officers who use excessive force. Plaintiff must prove that a policy, practice, or custom of the police department was the actual and proximate cause of the actions of the officer.

Here, Plaintiff claims that the Defendant's policies, practices, or customs deprived Cole Caples of his right against unlawful searches and seizures. To show this, Plaintiff must prove the following:

- (i) The existence of a continuing, persistent, and widespread practice or custom of unconstitutional misconduct by the Alturas Police Department's employees assigned to work as school resource officers in the Rhyolite County School District;
- (ii) Actual or implied approval of or deliberate indifference toward such misconduct by the police department's policy-making officials after notice to the officials of the misconduct; and
- (iii) The unconstitutional misconduct is the actual and proximate cause of injury to Cole Caples. Approval or indifference to unconstitutional misconduct can be proven by a consistent failure to enforce departmental orders or policies when that failure is the actual and proximate cause of a denial of a constitutional right.

*[Please note: These instructions may NOT be tendered to the mock trial jury or used as an exhibit during the competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]*



# ALTURAS POLICE DEPARTMENT POLICIES AND PROCEDURES

*Revised 9/1/20*



## 100. Officer Eligibility Requirements

In order to be eligible to serve as an officer of the Alturas Police Department (“APD”), an officer must meet each departmental requirement.

## 101. Ethical Requirements

**A.** An officer candidate must pass a criminal background check prior to beginning the APD Basic Training Course.

**B.** An officer must not be charged or convicted of any crime or infraction while serving on the APD, with the sole exception of up to three (3) minor moving violations per five-year period.

**1.** Officers who are charged with any infraction or violation other than a minor moving violation will be placed on immediate suspension with pay, pending the outcome.

**2.** Officers who are convicted of any infraction or violation other than a minor moving violation will be immediately terminated, without exception.

## 102. Academic Requirements

**A.** An officer must have, at a minimum, a high school diploma or general equivalency degree.

**B.** An officer candidate must pass the APD officer entrance exam with a score of 75 or above.

**C.** An officer must complete the 20-week APD Basic Training Course, passing each component with a score of 80 or above.

## 103. Physical Requirements

**A.** An officer must be examined and deemed “fit for service” by an approved physician.

**B.** An officer candidate must take and pass the APD physical fitness test before that officer candidate may begin the APD Basic Training Course.

**C.** An officer must pass the APD physical fitness test annually.

## 104. Mental Requirements

**A.** An officer candidate must be examined and deemed “mentally healthy” by a city psychiatrist before entering the force as well as every year subsequent to the officer’s initiation.

**B.** A definitive diagnosis by a trained medical professional that an officer suffers from a mental illness is *per se* evidence that an officer is not “mentally healthy,” in which case the APD is required to place the officer on leave pending further examination.

**C.** An officer must be able to meet the mental health requirement at all times.

## 200. Duties of an officer

In order to serve as an officer of the Alturas Police Department, an officer must know and adhere to all the departmental standards outlined in the Alturas Police Department Policies and Procedure Handbook.

**201. Departmental Behavioral Code**

An officer must know and follow each departmental behavioral code.

**202. Violation of Departmental Standards**

An officer must report any violation of departmental standards on the part of a fellow officer.

**300. Professional Development**

**A.** An officer will be provided with appropriate training opportunities, either online, in-service, or at the Nevada Justice Academy, to maintain the highest standards of professional knowledge and conduct.

**1.** The APD will cover training costs, including room and per diem, for coursework at the Nevada Justice Academy.

**2.** An officer will be compensated at the normal salary rate for time spent in professional development.

**B.** A new School Resource Officer (“SRO”) should attend 80 hours of SRO training at the Nevada Justice Academy prior to assignment to a school campus.

**1.** In exceptional circumstances only, a new SRO will be provided with training manuals for self-study rather than attending SRO training at the Academy.

**301. Annual Requirement**

**A.** A patrol officer must complete 8 hours of approved professional development annually.

**B.** A detective must complete 12 hours of approved professional development annually.

**C.** An SRO must complete 10 hours of approved professional development annually.

**400. APD Chief Eligibility Requirements**

In order to be eligible to serve as the Chief of the Alturas Police Department, an officer must meet each departmental requirement.

**401. Length of Service**

In order to be eligible to serve as the Chief of the Alturas Police Department, an officer must have served a minimum of 5 years as a sworn peace officer.

**402. Rank**

In order to be eligible to serve as the Chief of the Alturas Police Department, an officer must have achieved the rank of captain.

**500. Duties of APD Chief**

The Chief must ensure that each officer of the APD meets every departmental eligibility requirement and fulfills every duty outlined in the APD Policies and Procedure Handbook at all times.

**501. Maintenance of Officer Files**

**A.** The APD Chief is responsible for reviewing and maintaining each officer’s personnel file.

**B.** The APD Chief is responsible for reviewing and maintaining a record of the number of reports in each officer’s personnel file.

**C.** The APD Chief is responsible for reading and authorizing every report entered into an officer’s personnel file.

**502. Determining the Nature and Severity of a Complaint or Report**

A. The APD Chief is responsible for determining the nature and severity of every complaint or report at the time it is filed.

B. Whether a report warrants further investigation or disciplinary action is left to the sole discretion of the APD Chief.

**503. Conduct Review**

A. A conduct review may be called and must be supervised by the APD Chief.

B. A conduct review requires that the officer and the officer's personnel file be reviewed by the APD Chief in addition to two of the officer's superior officers, who are to be appointed by the Chief. The three officers constitute the conduct review panel.

C. The conduct review panel must determine whether the officer's conduct warrants further investigation or suspension.

**600. Misconduct**

A. If an officer violates, in any way, the Policies established by the Alturas Police Department Policies and Procedure Handbook, suspension and/or termination are the only available sanctions.

B. The APD Chief has the sole discretion of determining whether an officer's conduct violates the Alturas Police Department Policies and Procedure Handbook.

C. An officer may be suspended with pay or without pay, depending upon the nature and severity of the infraction. The APD Chief has sole discretion to determine whether suspension will be with pay or without pay.

**601. Grounds for suspension**

A. Insubordination. An officer may be suspended if the officer disregards the orders of his or her superior officer or shows disrespect for his or her superior officer. The APD Chief has the sole discretion of determining whether an officer's conduct qualifies as insubordination.

B. Misconduct. An officer may be suspended if his or her behavior violates, in any way, the Policies established by the Alturas Police Department Policies and Procedure Handbook.

1. As noted in 101.B, an officer charged with any infraction other than up to three (3) minor moving violations per five-year period will automatically be suspended, pending the outcome.

2. In all other situations, the APD Chief has the sole discretion of determining whether an officer's conduct violates the Alturas Police Department Policies and Procedure Handbook. 1.

C. Conduct Unbecoming. An officer may be suspended if he or she engages in conduct unbecoming an officer. The APD Chief has the sole discretion of determining whether an officer's conduct is unbecoming an officer.

**602. Besmirched Record**

A. An officer must be suspended once three reports have been officially filed against him or her. The reports do not have to be of any specific degree or nature. In the event that a total of three reports are entered into an officer's file, the officer must be suspended immediately for an indefinite amount of time. The suspension period is to be used by the officer's superiors to review the officer's file and conduct.

B. An officer may be suspended or brought up for conduct review regardless of the number of reports in the officer's file if the APD Chief determines that a report filed against that officer violates the Alturas Police Department Policies and Procedure Handbook.

**603. Procedure for suspension**

**A. Forfeiture of gear and powers.** When an officer is suspended, the officer must submit his or her badge, gun, and handcuffs to the APD Chief. The officer is not to undertake any of the duties or utilize any of the powers of an officer.

**B. Length of suspension.** If an officer is suspended, the length of the officer's suspension is to be determined at the time of his or her suspension by the APD Chief.

**C. Termination of suspension.** If an officer is deemed fit for active duty following a period of suspension, the officer's gun, badge, and handcuffs are to be returned to the officer and the officer's powers are to be restored.

**604. Mandatory probation**

**A.** After an officer's suspension period is terminated, the officer is to remain on probation for a period of at least 6 months. During the probation period, the officer's conduct must be closely monitored. The status of the officer's suspension must be re-evaluated at the end of each month.

**B.** The length of an officer's probation period is to be determined by the APD Chief but must be a minimum of 6 months.

**605. Psychiatric Treatment**

**A.** Any officer referred for psychiatric treatment must be closely monitored and must be evaluated on a bi-weekly basis by the APD Chief. The treating psychiatrist must make regular reports to the APD Chief on treatment and prognosis, and these reports must be considered by the APD Chief in determining the officer's fitness for active duty.

**B.** Where a psychiatrist expresses doubts about the ability of an officer to perform his or her daily responsibilities, the APD Chief should either (i) obtain a second psychiatric assessment of the officer or (ii) place the officer on immediate leave pending further examination; however, the ultimate decision on whether to place an officer on leave lies with the APD Chief based on his or her training and experience.

**700. Termination**

**A.** If an officer is not deemed fit for active duty, the officer's employment must be terminated. An officer's termination of service can never be reversed.

**B.** In the event of a termination of service, the officer's gear and powers are not to be returned to him or her after termination.

**C.** In the event of a termination of service, the officer's file must be marked permanently closed and all police departments in the state must be made aware of the officer's termination of service.

**LANDER WHITE, Ph.D., M.Ed.**

521 Virgil Vale | Alturas, NV | White@ACYD.com

**EDUCATION**

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**University of Virginia**, Ph.D. in Developmental Psychology with Highest Honors, 2016**University of Virginia**, M.Ed. in Educational Psychology with High Honors, 2010**Harvard University**, B.A. in Psychology with Honors, Phi Beta Kappa, 2007

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**EXPERIENCE****Alturas Center for Youth and Development**

Clinical Psychologist, 2016 – present

ACYD Director, 2020 – present

Alturas, Nevada

- Oversee forty staff, including clinical psychologists, physicians, speech and occupational therapists, and social workers, in multi-disciplinary evaluation and treatment center
- Evaluate, counsel, and develop treatment plans for youth with a variety of developmental disorders, including autism, Asperger’s syndrome, attention deficit disorder, and dyslexia
- Develop educational materials for staff, educators, non-profits, parents, and youth
- Conduct research on strategies to ensure academic success for at-risk students
- Instruct educators and SROs on assessing and preventing bullying and youth suicide

**Institute for Academic Success of Youth**

Guidance Counselor and Research Associate, 2010 – 2012

Johns Hopkins University, Center for Exceptional Youth, Baltimore, MD

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**PROFESSIONAL ACTIVITIES**

Society for Research in Child Development, Executive Board Member, 2011 – present

Eldorado County School Board, Safe Schools Committee Chair, 2022 – present

Society for Research on Autism Spectrum Disorders, Co-Chair, 2021 – 2022

Association for Positive Behavior Support, Awards Reviewer, 2011 – 2020

Nevada SRO Conference, Presenter, “Recognizing Victims of Bullying,” 2011

Nevada Governor’s Advisory Panel on Bullying Prevention, Chairperson, 2018 – 2011

Centers for Disease Control Panel on Adolescent Suicide Prevention, Member, 2019

U.S. Department of Education, Bullying Prevention Conference, Presenter, 2013 – 2016

Baltimore City Schools Strategies for Success Conference, Co-Chair, 2011 - 2012

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**RECENT PUBLICATIONS****White, A.** (2023). *Handbook on Bullying Prevention*. New York: Springer Publications.**White, A.,** & Quinlan, S. (2022). *Ensuring School Success for Exceptional Students*. New York: Patel.**White, A.** et al. (2021). *Banish Bullying: Safe Schools for All*. Nevada University Press, Nevada City.Franklin, S. & **White, A.** (2019). *Asperger’s Syndrome: A Guide for Educators*. Chicago: Piper Press.

DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-IV)

Sec. 299.80: Asperger's Disorder

Six criteria must be present for a diagnosis of Asperger's Disorder:

- A.** Qualitative impairment in social interaction, as manifested by at least two of the following:
- (1) marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction
  - (2) failure to develop peer relationships appropriate to developmental level
  - (3) a lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., by a lack of showing, bringing, or pointing out objects of interest to other people)
  - (4) lack of social or emotional reciprocity
- B.** Restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:
- (1) encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus
  - (2) apparently inflexible adherence to specific, nonfunctional routines or rituals
  - (3) stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements)
  - (4) persistent preoccupation with parts of objects
- C.** The disturbance causes clinically significant impairment in social, occupational, or other important areas of functioning.
- D.** There is no clinically significant general delay in language (e.g., single words used by age 2 years, communicative phrases used by age 3 years).
- E.** There is no clinically significant delay in cognitive development or in the development of age-appropriate self-help skills, adaptive behavior (other than in social interaction), and curiosity about the environment in childhood.
- F.** Criteria are not met for another specific Pervasive Developmental Disorder or Schizophrenia. Asperger's syndrome is also known as Asperger syndrome, or AS for short. It is a Pervasive Developmental Disorder, one of five neurological conditions characterized by difference in language and communication skills, as well as repetitive or restrictive patterns of thought and behavior. The other four related disorders or conditions are autism, Rett Syndrome, Childhood Disintegrative Disorder, and PDD-NOS (Pervasive Developmental Disorder Not Otherwise Specified).

See <http://www.usautism.org/definitions.htm> and <http://www.autism-help.org/asperger-syndrome-diagnosis.htm>



## WEAPONS GURU

Cole Caples

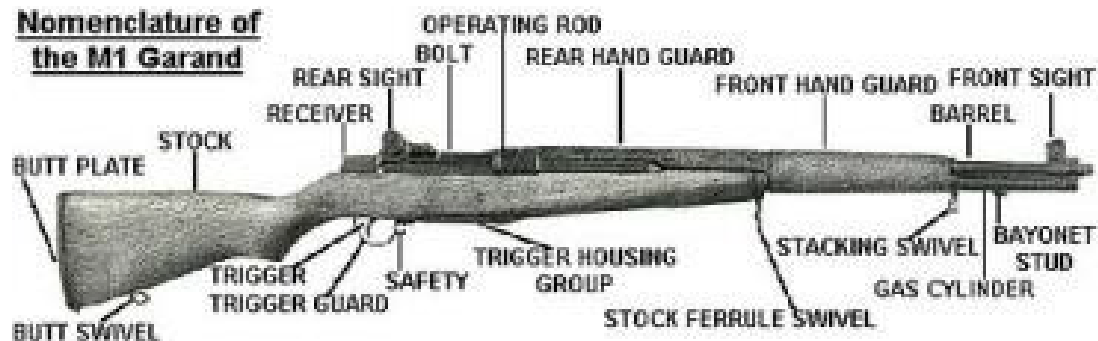
**May 2, 2023**

Welcome to my new blog! I'm writing this to share my research and interest into weapons and tactics from World War II. I live now in Alturas, Nevada. But I grew up on Saipan in the Northern Mariana Islands. Fierce fighting took place there between the US and Japan. My grandparents were alive then and told me stories about how scary it all was. I've been interested in WWII ever since. I like learning about tactics both sides used. But my main interest is WWII weapons.

Let's talk about the most effective weapons. Everyone has heard about the atomic bomb and Japanese Zero fighter plane. But new firearms were also developed during the war by both sides. These new guns made a huge difference in how the war was fought.

The best firearm, overall, was the M1 Garand semi-automatic rifle used by the U.S. It replaced the bolt action Springfield rifle used until the 1930s. It was the first standard-issue semi-automatic rifle. General George Patton called it the "greatest battle implement ever devised."

### Nomenclature of the M1 Garand



The M1 Garand was used by every branch of the U.S. military. Nearly 5.5 million were produced. It was used in the Korean War and some even in the Viet Nam war. Some military drill teams use it even today. Examples include the U.S. Marine Corps Silent Drill Team and almost all ROTC and JROTC drill teams.

Someday I hope I can buy one and own an important piece of American military history.

**WWIIManiac:** Cool article, Gabriel. I share your interest in WWII. Have you read about the M1 Carbine and M2? Those were pretty awesome, too.

**Gr8testGen:** Yeah, Gabriel. I agree. The M1 Garand was a game-changer. My granddad owns one that he bought at a gun show. He has some great stories to tell.

**WeaponsGuru:** Hey guys. Glad you liked it the article. I know all about the M1 Carbine and M2. They were pretty good, but I agree with Patton. M1 Garand was top gun. And Gr8testGen: wow. So cool!

May 22, 2023

Thought I'd write a bit about the M1 Carbine. It was smaller than the M1 Garand, and lighter. It wasn't as sturdy as the Garand. It also fired different ammunition. It wasn't as powerful, so its reputation in front-line combat was mixed. It didn't have as much stopping power as the Garand.

But it cost half as much to produce. So more of them were produced than the Garand: 6.5 million in WWII.

Here's a cool diagram that shows the difference between them.



**WWIIManiac:** Good research. Guess each gun served a different purpose, huh?

**Gr8testGen:** My granddad says he liked the Garand better. It was more effective.

**WeaponsGuru:** Yeah, that's what I read. I'd rather have a Garand if I was in a battle.

June 12, 2023

Today I want to change topics. I want to talk about weapons used in recent mass shootings. Weapons have changed a lot since WWII. Americans can get destructive weapons pretty easily. The New York Times says that the "majority of guns used in recent mass shootings were bought legally and with a federal background check." ([NYT](#))

The news makes it sound like all these shootings involve assault rifles. But most shooters use handguns. I guess they are easier to purchase and to sneak into places. Here are some of the guns used: Sig Sauer AR-15-style assault rifle, Glock pistols, Smith & Wesson assault rifle, Smith and Wesson handgun, Llama handgun, Del-Ton assault rifle, Taurus pistol, Beretta pistol, Bushmaster rifle, and Savage Mark II rifle. That sounds like a lot of rifles and assault weapons. But assault weapons were only used in less than 15% of mass shootings ([Everytown Research](#)). So reality is different than what the media make us think.

## EXHIBIT 4

**NoGuns:** I checked out your links. I can't believe so many guns used in these shootings were bought legally. We need stronger gun laws.

**WeaponsGuru:** Ya, it surprised me to. But I also support our Second Amendment right to bear arms.

**NoGuns:** I think times are different now. The National Guard's like the militia. Individuals don't need guns. Or we need to test for mental illness before letting people buy guns.

**WeaponsGuru:** I'm not a big fan of those tests. I don't think they're accurate. People should be able to own guns. It's our right as citizens.

**NoWayNoHow:** No way, no how. Citizens don't need guns. Police can protect us. Why do you want a gun? Only criminals and terrorists want guns.

**WeaponsGuru:** You're crazy! Lots of people want guns to protect their families. Or because they appreciate their beaut. Or their history. That's what interests me.

**NoWayNoHow:** I'm not the one whose crazy, you are. What are you, a radical? You gonna go shoot up people? You remind me of a kid at my school. He's always talking about planes and weapons. He's weird. He's not from the US. He should go back where he came from.

**NoGuns:** Woah, why you talking like that? No need for personal attacks.

**NoWayNoHow:** Right, lets wait for more mass shootings instead, from psychos like WeaponsGuru. I'll bet he's got a stash of guns in his house right now.

**WeaponsGuru:** What?!?! You don't know me at all. Of course I don't. But someday I will.

**NoGuns:** Why? Why do you want one? Guns are scary.

**WeaponsGuru:** Not if you're trained to be safe. Guns don't kill. People do.

**NoWayNoHow:** Yeah, right. People WHO HAVE GUNS! I hate you and your kind. Terrorists. Immigrants. Criminals. We don't want any of you here.

**WeaponsGuru:** You really are crazy.

**NoWayNoHow:** Watch it!! You better hope I don't figure out who you are. Or I'll show you what's what, like I did to that weird kid at my school. I beat him up whenever I can. I can take you out, to. And I will, if I get the chance. You don't scare me.

**WeaponsGuru:** Maybe I don't now. But someday I will! You better watch out yourself.

**NoGuns:** You guys are both crazy. I'm outta here.

### September 18, 2023

I haven't written in a while because I've been busy with other things. But I just got the coolest gift for my birthday. A 3D printer kit! I've wanted a 3D printer for a while. I even thought about making one myself. Here's an article that tells how: [DIY 3D Printer](#).

But it was even better to use a kit! I've just finished putting it together. I've already made some basic shapes, just to practice. Now I want to print model airplanes. I plan to start with a basic glider of some sort. When I finish that, I'm going to make models of WWI planes. Or maybe an open-source flying wing model. I found a really cool one online. Check it out here: [Flying Wing](#).

Not sure what to do. It's hard to choose! I'll post photos as I finish things. If anyone reading this has advice, please share.

**WWIIManiac:** Glad you're back! Sounds like a fantastic gift. Can't wait to see what you make.

**Gr8testGen:** Yeah, sounds really awesome! Models of WWII planes would be so cool.

**WeaponsGuru:** Thanks! Any advice?

**NoWayNoHow:** Yeah, I have advice. Why don't you take your nerd self somewhere else? No one cares what you got for your birthday. Plane models. You sound like a little kid.

**WWIIManiac:** What's wrong with you, NWNH? Get outta here. No one wants to hear from you. Ignore that troll, WG. I can't wait to see what you build.

### October 8, 2023

3D printing is more complicated than I thought. I've made some simple plane models, but the delta wing didn't work out. I've decided to switch to different models: handguns. There's lots of patterns online, and it's a cool way to learn about gun design. Maybe I can make one for a Halloween prop.

Cool fact: It takes 10 – 18 hours to build parts for a plastic gun. And 3D printed guns aren't picked up by most x-ray scanners. That's because they don't have metal. One UK company has created a scanner that can detect them. But it's not available on the market yet. So if you want to sneak a plastic model gun into a school Halloween party, you oughta be able to. Awesome, huh?

**WWIIManiac:** Models could be cool. But I wouldn't take them to school.

**Gr8testGen:** Yeah, sounds like a way to get in big trouble. Don't think I'd do that, dude.

**WeaponsGuru:** Why? Models can't hurt anyone. I think it'd be cool. Maybe showing it around would impress people.

**WWIIManiac:** Not in the way you'd think. I bet the principal and SRO wouldn't like it. They might not think it's just a model. I wouldn't do that.

**NoWayNoHow:** Bet it won't be just a model. I'm telling you, this guy's crazy. Bet he makes a working model. When something happens, don't say I didn't warn ya. WG, if I find out where you are, I'm turning you in.

**WeaponsGuru:** Shut up, NWNH. I'm tired of you. If something happens to you, it'll serve you right.



**3D printed model Walther PPK gun, found in Cole Caples' backpack on 10/13/23**

**EXHIBIT 6**



**Model of 3D plane being modified and built by Cole Caples and Alder Frenchman in September of 2023**

## Freeze + P Pepper Spray



### HAZARDOUS IDENTIFICATION

**FREEZE 2K3** is a strong irritant effecting skin, eyes nose and breathing. It is a non-persistent acute (short term) exposure which can be relieved with running water and soap for cleanup of the oleoresin capsicum. One of the solvents used is a suspected carcinogen in laboratory testing with **chronic** (long-term) exposure. No health risk has been found from **acute** (short-term) exposure.

**EYE:** May cause pain. May cause slight transient (temporary) eye irritation, symptoms include stinging, tearing, redness and swelling of eyes.

**SKIN:** Short single exposure may cause skin irritation. Repeated contact may cause drying or flaking. A single prolonged exposure is not likely to result in the material being absorbed through skin in harmful amounts.

**INHALATION:** Irritant, stimulation of facial nerves causes feeling of restricted airway. No danger exists for asphyxiation. Remove persons to fresh air.

**INGESTION:** Single dose oral toxicity is considered to be extremely low. Small amounts swallowed incidental to normal handling operations are not likely to cause injury.

### FIRST AID MEASURES

#### EMERGENCY AND FIRST AID PROCEDURE:

**EYES:** Flush eyes with large quantities of water to speed recovery. Face subject into wind or forced air source such as fans or air conditioning outlet. Wash face with mild soap

**SKIN CONTACT:** Remove contaminated clothing. Wash affected area with soap and water to avoid transfer to more sensitive areas. Burning sensation with skin contact in most areas. Use no creams or salves. Persons with preexisting skin disorders may be more susceptible to the effects of this agent. Remove contaminated clothing

**INHALATION:** Irritant stimulation of facial nerves causes feeling of restricted airway. No danger exists for asphyxiation Remove persons to fresh air. Move individual away from exposure to fresh air.

**EYE EFFECTS:** This product is an eye irritant. Tearing and redness may occur. This product has been thoroughly tested by FDA approved Labs and has been found to have minor non persistent eye irritation, to be non-toxic, and not to cause dermatitis.



## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Friday, Feb. 11, 2019  
**Time:** 6:20 PM  
**Location:** 231 Eden St., Alturas, Nevada  
**Offending Officer:** Officer Quinn Marietta  
**Complainant:** Officer Tylee Matthews

At approximately 6:20 PM on Feb. 11, 2019, Officer Quinn Marietta and I answered a radio transmission from the station reporting that two African-American males between the ages of 14 and 17 were engaged in spray-painting gang slogans on the wall of the alleyway next to 231 Eden Street. When we drew near to the scene, we saw two young men of slight build, engaged in spray-painting graffiti. Upon seeing the patrol car, both perpetrators threw down their cans of spray paint and began to flee the area. Officer Marietta immediately exited the vehicle and gave chase, while I followed in the patrol car.

Officer Marietta gained on the perpetrators while chasing them down the alley, cornering both individuals at the end of the alley. Both perpetrators stopped running and raised their hands in the air when ordered to do so by Officer Marietta. Neither perpetrator appeared armed, nor did either perpetrator make any sudden or threatening movements.

I expected Officer Marietta to handcuff the perpetrators and read them their Miranda rights according to proper procedure. However, upon reaching the perpetrators' position, Officer Marietta drew the department-issued Taser and proceeded to Tase both perpetrators in rapid succession. Both perpetrators fell to the ground, stunned. After performing these two actions, Officer Marietta placed the perpetrators in handcuffs and read them their rights. The violent actions undertaken by Officer Marietta against the perpetrators are not in line with departmental procedure.

**Date Submitted:** 2/14/2019

**Date Filed:** 2/17/2019

Authored by: Officer Tylee Matthews

Read and approved by: Chief Reese Flanigan





## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Tuesday, Sept. 20, 2011  
**Time:** 6:43 PM  
**Location:** Alturas High School  
**Offending Officer:** SRO Quinn Marietta  
**Complainant:** Amy Zhang Song

My daughter, Melody, was traumatized by SRO Marietta at the Alturas High School girls' soccer game on Tuesday afternoon. Melody plays soccer on the JV team, which had just beaten their rivals from Paradise Bay. Melody and her teammates planned to stay and watch the varsity game.

Melody went to the concession stand to purchase snacks before the varsity game. After paying for her items, she turned around quickly and bumped into SRO Marietta by accident. Melody tells me that she quickly apologized.

In response, SRO Marietta grabbed Melody's arm, startling her and causing her to drop her beverage and popcorn, and said in a very unfriendly tone, "Dammit, kid!! Who do you think you are? I'm keeping my eye on you. Do something like that again and you'll be sorry." SRO Marietta squeezed Melody's arm very hard before letting go and walking away.

Melody was very upset and started crying. She told her coach she wasn't feeling well and called me to pick her up from the game. When I arrived, I could see a bruise on Melody's arm. I wanted to go speak to SRO Marietta myself, but Melody was afraid of what would happen if I did.

I understand that SRO Marietta is new to the school this year, but such behavior is unacceptable. Please speak to Officer Marietta about appropriate ways to interact with students.

**Date Submitted:** 9/21/2011

**Date Filed:** 9/23/2011

Complaint received by: Sergeant Jamie Ford

Read and approved by: Chief Reese Flanigan



## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Friday, Nov. 11, 2019  
**Time:** 9:16 PM  
**Location:** Alturas High School  
**Offending Officer:** SRO Quinn Marietta  
**Complainant:** Maria Santibanez

My son, Juan Santibanez, was roughed up by SRO Marietta on Friday night after the basketball game between Alturas High and Paradise Bay High School. According to Juan, he and his friends were joking about how badly Alturas had beaten the other team as they were leaving the gym. Students from Paradise Bay were joking back with them, but no one was upset.

Suddenly SRO Marietta came up to Juan without warning, threw him to the ground, and handcuffed him. SRO Marietta dragged Juan to the principal's office and told Dr. Melvin that Juan had been trying to start a fight with students from the other school and had cursed an Alturas High School teacher when she asked him to stop. Juan denied both accusations to Dr. Melvin, but Dr. Melvin suspended Juan from school for 3 days for "Disrespect and Inappropriate Language Toward Staff."

I know my Juan. He is a very respectful boy and would never do such things. I don't know why SRO Marietta lied about what Juan did. I do know that Juan is very upset. He also has bruises on both wrists from the handcuffs, and his shoulder is very sore from being thrown on the ground.

My Juan has always respected the police. I don't think you want SRO Marietta to behave this way. That's why I'm filing this complaint.

Thank you.

**Date Submitted:** 11/14/2019  
**Date Filed:** 11/15/2019

Complaint received by: Officer Alex Boulton

Read and approved by: Chief Reese Flanigan



## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Monday, March 26, 2020  
**Time:** 12:32 PM  
**Location:** Alturas High School  
**Offending Officer:** SRO Quinn Marietta  
**Complainant:** Giridhar Gupta

My son, Arvind Gupta, was treated unjustly by SRO Quinn Marietta today in the lunchroom. According to Arvind, he was minding his own business, talking with his friends about their Biology class, when SRO Marietta walked by. SRO Marietta overheard their conversation and without any justification, grabbed Arvind, dragged him out of his seat, and forcibly took him to the principal's office. No explanation was given to Arvind.

When they reached Dr. Melvin's office, SRO Marietta claimed that Arvind had been speaking disrespectfully about the Biology teacher, Ms. Spaller. SRO Marietta claimed that Arvind said he planned to put the organs and other remains from their next laboratory dissection into Ms. Spaller's desk or purse when she wasn't looking. Arvind was promptly suspended for 3 days for showing disrespect to a staff member.

Arvind tells me he said no such thing. Arvind is a very conscientious student who has always told me the truth. If Arvind tells me he made no such statement, I believe him.

Arvind has a bruise on his shoulder from where SRO Marietta grabbed him, and he is complaining that SRO Marietta twisted his arm while walking him to the principal's office. I am outraged.

In addition, I am very concerned about the work that Arvind will have to make up as a result of being suspended, which includes a Biology test. Arvind's Biology teacher will surely be told about these untrue accusations, which will go on Arvind's permanent record and could impact him when he applies to college.

The SRO is supposed to keep our children safe at school, not abuse them and put them in danger. Please call me right away at 555-345-1987 to discuss this matter. Thank you.

**Date Submitted:** 3/27/2020

**Date Filed:** 3/30/2020

Complaint received by: Officer Tyler Steiner

Read and approved by: Chief Reese Flanigan



## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Wednesday, Oct. 16, 2020  
**Time:** 11:16 AM  
**Location:** Alturas High School  
**Offending Officer:** SRO Quinn Marietta  
**Complainant:** Obele Mbajamele

My child, Enzi Mbajamele, was pepper-sprayed by SRO Quinn Marietta in gym class today at school. Enzi tells me that he was playing basketball in PE class when another student, Henrik Buck, aggressively pushed him, nearly knocking him to the floor. The PE teacher was at the other end of the gym and did not see what had just occurred.

Henrik had acted in similar fashion toward Enzi on prior occasions, and Enzi had always reacted peacefully. Today Enzi was fed up, so Enzi spoke to Henrik and told him not to do that again. Henrik became verbally aggressive and threatened to punch Enzi. Other students tried to intervene, but Henrik pushed them away and punched Enzi. At that moment, the PE teacher saw what was going on and called the office, requesting assistance from the SRO.

Enzi tells me that SRO Marietta arrived right away, but instead of separating the students and listening to what had happened, SRO Marietta immediately pepper-sprayed both Enzi and Henrik before handcuffing them and taking them to the principal's office. Enzi was suspended from school for 10 days without being given any chance to explain himself. I was called within the hour and required to pick up Enzi from school.

Enzi tells me he was not given a chance to rinse out his eyes after being pepper-sprayed. His eyes were still very red and watery when I arrived at the school. I took him to Urgent Care, where they rinsed out his eyes with distilled water and told me he should rest for several hours, avoiding bright lights. Enzi is still in pain now, nearly 4 hours later.

In my opinion, SRO Marietta's actions were unjustified and subjected my child to needless physical and emotional pain. I ask that SRO Marietta be disciplined and even removed from the school unless SRO Marietta recognizes that such actions are inappropriate.

**Date Submitted:** 10/16/2021

**Date Filed:** 10/18/2021

Complaint received by: Officer Tylee Matthews

Read and approved by: Chief Reese Flanigan



## ALTURAS POLICE DEPARTMENT INCIDENT REPORT



**Incident Date:** Thursday, May 23, 2021  
**Time:** 4:37 PM  
**Location:** Alturas High School  
**Offending Officer:** SRO Quinn Marietta  
**Complainant:** Samir Gaballah

My son, Ahmed Gaballah, was almost pepper-sprayed by SRO Quinn Marietta today at Alturas High School. Ahmed is a senior and will attend Duke University in North Carolina in the fall.

According to Ahmed, he was with several of his classmates (Cameron Brown, Caitlin O'Neill, Henry Higgins, and Hans Klein) in the school parking lot after school. They were using chalk to draw funny sketches and clever sayings on the sidewalk in honor of the senior class.

When the students saw SRO Marietta making rounds outside the school, they stopped and waited for Marietta to approach them so they could explain what they were doing. Making such drawings is a tradition for seniors at the school. It is harmless, and the drawings wash away at the next rain.

When SRO Marietta reached them, Ahmed began explaining what they were doing. Marietta abruptly interrupted him and said, "I don't care about your excuses. You're breaking school rules. You need to come with me to the principal's office." When Ahmed began to speak again, Marietta pulled out pepper spray in a threatening manner and said, "Don't say another word, or I'll use this. All of you, come with me now."

All five students went with SRO Marietta to Dr. Melvin's office. When they arrived, SRO Marietta said they were all "defacing school grounds" and accused Ahmed of being belligerent and disrespectful. Without giving the students a chance to speak, Dr. Melvin gave the other students a verbal warning but suspended Ahmed for three days!

When I called Dr. Melvin and reminded him of Ahmed's spotless record and class standing (third in his class), Dr. Melvin reluctantly lifted the suspension.

Even so, Officer Marietta's actions were completely unjustified. Ahmed tells me SRO Marietta has a reputation at school for singling out minority students for disciplinary action. I ask that you investigate further and suspend Marietta if facts prove that such is the case.

**Date Submitted:** 3/23/2021

**Date Filed:** 3/27/2021

Complaint received by: Officer Sam Sachs

Read and approved by: Chief Reese Flanigan



# ALTURAS POLICE DEPARTMENT

## Complaints and Officer Discipline

### 2018-2023



#### 2023

##### COMPLAINTS

Citizens	10
Suspects	41
Officers	2
<b>TOTAL</b>	<b>53</b>

##### OFFICER DEMOGRAPHICS

> 3 Incident Reports Filed	0
2-3 Incident Reports Filed	1
1 Incident Report Filed	35
<b>TOTAL</b>	<b>36</b>

##### DISCIPLINARY ACTION

Probation	2
Suspension w/pay	0
Suspension w/o pay, < 2 months	1
Suspension w/o pay, 2-6 months	0
Suspension w/o pay, > 6 months	0
Termination	0
<b>TOTAL</b>	<b>3</b>

##### IAD INVOLVEMENT

Investigations conducted	2
Investigations resulting in conduct review	0
Investigations resulting in disciplinary action	0

#### 2022

##### COMPLAINTS

Citizens	12
Suspects	43
Officers	1
<b>TOTAL</b>	<b>56</b>

##### OFFICER DEMOGRAPHICS

> 3 Incident Reports Filed	1
2-3 Incident Reports Filed	2
1 Incident Report Filed	46
<b>TOTAL</b>	<b>49</b>

##### DISCIPLINARY ACTION

Probation	1
Suspension w/pay	3
Suspension w/o pay, < 2 months	1
Suspension w/o pay, 2-6 months	0
Suspension w/o pay, > 6 months	0
Termination	1
<b>TOTAL</b>	<b>6</b>

##### IAD INVOLVEMENT

Investigations conducted	3
Investigations resulting in conduct review	0
Investigations resulting in disciplinary action	0

#### 2021

##### COMPLAINTS

Citizens	15
Suspects	47
Officers	1
<b>TOTAL</b>	<b>63</b>

##### OFFICER DEMOGRAPHICS

> 3 Incident Reports Filed	3
2-3 Incident Reports Filed	4
1 Incident Report Filed	46
<b>TOTAL</b>	<b>53</b>

**EXHIBIT 9**

**DISCIPLINARY ACTION**

Probation	1
Suspension w/pay	3
Suspension w/o pay, < 2 months	2
Suspension w/o pay, 2-6 months	
Suspension w/o pay, > 6 months	1
Termination	0
<b>TOTAL</b>	<b>7</b>

**IAD INVOLVEMENT**

Investigations conducted	4
Investigations resulting in conduct review	2
Investigations resulting in disciplinary action	0

**2020**

**COMPLAINTS**

Citizens	20
Suspects	54
Officers	0
<b>TOTAL</b>	<b>74</b>

**OFFICER DEMOGRAPHICS**

> 3 Incident Reports Filed	4
2-3 Incident Reports Filed	12
1 Incident Report Filed	43
<b>TOTAL</b>	<b>59</b>

**DISCIPLINARY ACTION**

Probation	7
Suspension w/pay	3
Suspension w/o pay, < 2 months	0
Suspension w/o pay, 2-6 months	0
Suspension w/o pay, > 6 months	5
Termination	1
<b>TOTAL</b>	<b>16</b>

**IAD INVOLVEMENT**

Investigations conducted	2
Investigations resulting in conduct review	1
Investigations resulting in disciplinary action	1

**2011**

**COMPLAINTS**

Citizens	27
Suspects	66
Officers	0
<b>TOTAL</b>	<b>93</b>

**OFFICER DEMOGRAPHICS**

> 3 Incident Reports Filed	4
2-3 Incident Reports Filed	14
1 Incident Report Filed	48
<b>TOTAL</b>	<b>66</b>

**DISCIPLINARY ACTION**

Probation	13
Suspension w/pay	0
Suspension w/o pay, < 2 months	2
Suspension w/o pay, 2-6 months	1
Suspension w/o pay, > 6 months	0
Termination	3
<b>TOTAL</b>	<b>19</b>

**IAD INVOLVEMENT**

Investigations conducted	5
Investigations resulting in conduct review	3
Investigations resulting in disciplinary action	2



### 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: Cole Caples

Location: On the sidewalk outside of Classroom Building A

Date: March 24, 2023 Time: 12:46 [ ] AM [x] PM

Report Filed by: SRO Quinn Marietta

**Brief Description of Incident:**  
 While on routine patrol of the school grounds, SRO Marietta intervened to stop a fight between Cole Caples and 2 other students. Marietta reported seeing Cole punch Tom Smith in the mouth, then punch Adam Harrison in the stomach. Marietta quickly subdued Cole Caples, securing his arms so he could not throw any more punches. Marietta instructed Tom and Adam to report to the nurse's station and brought Cole to the office.

Personal Injury? Yes. Tom's nose was bleeding, and Adam complained of stomach ache.

Weapons: Yes [ ] No [x] Type: \_\_\_\_\_

Names of persons involved: Cole Caples, Tom Smith, Adam Harrison

**Police Involvement:**  
 Name of SRO: SRO Quinn Marietta

Description of SRO's actions (if any):  
See above description.

Name(s) of any additional officers: None

Additional information:  
N/A

**School Actions:**

Parent(s)/Guardians notified: Yes [x] No [ ] [x] Suspension [ ] Expulsion [ ] Other (specify)

Attach copy of letter of suspension or expulsion

Francis Melvin, PhD  
(Signature of Principal / Designate)

3/24/23  
(Date)





**ALTURAS HIGH SCHOOL  
Suspension Letter**

March 24, 2023

Blair Bruneau  
4873 Elysian Fields  
Alturas, Nevada

**RE: Suspension of Cole Caples, DOB 9/12/06**

Dear Blair Bruneau:

Cole has been suspended from Alturas High School and from engaging in all school-related activities from March 25, 2023 through March 31, 2023, inclusive, i.e., five (5) school days. This suspension applies to all school buildings, grounds, school functions, activities, and trips. Cole may return to school on April 1, 2023 at 7:30 AM. Cole must report to the office before returning to the classroom.

This suspension is made in accordance with the Ryolite County School Board's Safe School Policy and Alturas High School's Code of Conduct.

The reason for the suspension is a violation of Rule 3.24, Prohibition against Fighting in School. My findings indicate that Cole engaged in a fight with another student on school grounds during today's lunch period. During that incident, Cole punched two students, one in the mouth and the other in the stomach. Such behavior cannot be tolerated.

School work is available at the office. Please make arrangements to have it picked up.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Dr. Francis Melvin, Alturas High School Principal, within 24 hours of the date of this written notice, i.e., by 5:00 PM on March 25, 2023. Please be aware that an appeal does not stay the suspension.

Sincerely,

*Francis Melvin, PhD*  
Francis Melvin, PhD

Cc Ms. Knight, Mr. Sills, Ms. Gray, Ms. Richardson, Ms. Brown (Cole Caples' teachers)  
Ms. A. Marschall, MSW, M.Ed. (Cole Caples' school counselor)



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: Cole Caples
Location: Classroom 246A
Date: Oct. 13, 2023 Time: 9:06 [x] AM [ ] PM
Report Filed by: SRO Quinn Marietta

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

Police Involvement:
Name of SRO: SRO Quinn Marietta
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 Marietta transported Cole Caples to the police station, where it was determined that the gun was a non-functional, 3D model.

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

Francis Melvin, PhD
(Signature of Principal / Designate)

10/13/23
(Date)



**ALTURAS HIGH SCHOOL  
Suspension Letter**

October 13, 2023

Blair Bruneau 4873  
Elysian Fields  
Alturas, Nevada

**RE: Suspension of Cole Caples, DOB 9/12/06**

Dear Blair Bruneau:

Cole has been suspended from Alturas High School and from engaging in all school-related activities from October 14, 2023 through October 27, 2023, inclusive, i.e., ten (10) school days. This suspension applies to all school buildings, grounds, school functions, activities, and trips. Cole may return to school on October 28, 2023 at 7:30 AM. Cole must report to the office before returning to the classroom.

This suspension is made in accordance with the Ryolite County School Board's Safe School Policy and Alturas High School's Code of Conduct.

The reason for the suspension is a violation of Rule 4.12, Prohibition against bringing a Weapon to School; and of Rule 4.27, Resisting the Directives of an SRO or Staff Member. My findings indicate that Cole brought what appeared to be a gun in his backpack, and when ordered to turn over his backpack, Cole reacted aggressively, prompting the use of pepper spray by the SRO in order to bring Cole under control. Such behavior cannot be tolerated.

School work is available at the office. Please make arrangements to have it picked up.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to Dr. Francis Melvin, Alturas High School Principal, within 24 hours of the date of this written notice, i.e., by 9:00 PM on October 14, 2023. Please be aware that an appeal does not stay the suspension.

Sincerely,

*Francis Melvin, PhD*

Francis Melvin, PhD

Cc Ms. Fairchild, Ms. Jones, Mr. Smith, Mr. Bryson, Ms. Lemons (Cole Caples' teachers)  
Ms. A. Marschall, MSW, M.Ed. (Cole Caples' school counselor)



September 20, 2023

## School Resource Officers Under Scrutiny; Roles Re-Evaluated

- Danielle DaRos, Senior News Correspondent

After cameras captured a Paradise Bay Academy school resource officer (SRO) forcibly dragging a student from her chair to the floor in the school cafeteria, pundits and educators erupted over what happens – and what should happen – in the more than 84,000 schools around the nation that have a security presence on campus.

Numerous educators and law enforcement officials have weighed in, asserting that SROs should not intervene in routine discipline matters in schools. The Paradise Bay Academy incident reportedly stemmed from the student’s refusal to surrender her cellphone and report to the principal’s office.

More broadly, though, what happened at Paradise Bay Academy has presented an urgent opportunity to evaluate the role of SROs in schools. Important questions include where and how to draw the line between disciplinary and criminal matters, and how to clarify specific duties and procedures for SROs and staff in schools.

The highest priority for SROs is to ensure the safety of students, Nevada State School Superintendent Eve Astuto proclaimed. She, along with Ryolite County School Superintendent Celia Walker, Police Chief Reese Flanigan, and other local and statewide leaders say SROs continue to have an important and appropriate function in schools.

“Fortunately, violent crimes are rare in our schools, but they have been increasing as gangs become more active. When crimes happen, you want a trained SRO on site to deal with the problem,” Flanigan said. “It’s particularly important to have SROs in schools with a higher percentage of students from neighborhoods where gangs are prevalent.”

### **Blurred lines and mission creep**

But “a mission creep problem occurs when that safety role morphs into involvement in routine discipline,” said Justin Piper, an assistant professor at the University of Nevada School of Law.

“SROs shouldn’t be called in when someone won’t put their cellphone away,” said Piper, who teaches juvenile justice and child welfare law. “Teachers and administrators should

be discouraged from calling on SROs for most issues. After all, they have a wide range of school consequences they can impose on a disobedient student.”

SROs in the Alturas school system have three primary roles: to perform law enforcement duties such as handling assaults, thefts, threats, and other crimes; to counsel students on law-related issues; and to teach law-related topics to students. On the other hand, disciplining students for violations of school rules is a school responsibility.

But officers’ roles are muddled by a Nevada law that essentially criminalizes discipline issues in schools. The state’s statute for “disturbing schools” makes it a misdemeanor criminal offense to “interfere with or to disturb in any way or in any place the students or teachers of any school or college.”

“When you’ve got nonviolent disobedience, or you’ve got a teenager acting obnoxiously – yes, that violates the law,” Piper said. “But involving the SRO is not good law enforcement policy or good education policy.”

Nearly 1,200 “disturbing schools” cases were generated statewide during 2022, including 98 cases in Ryolite County – a shockingly high number of instances in which students are brought into the criminal justice system for very minor offenses.

## **Profiling and improper use of force**

Concerns have also been expressed about the number of students entering the “school-to-prison pipeline” through involvement of SROs in school discipline situations.

According to the 2021-14 Civil Rights Data Collection, a nationwide survey conducted by the U.S. Department of Education, minorities and students with disabilities are disproportionately suspended and expelled from school, often after interactions with SROs.

Black students are nearly four times as likely to be suspended and twice as likely to be expelled as are white students. And black students are more than twice as likely to be referred to law enforcement or subject to a school-related arrest as white students.

The same holds true for students with disabilities. While students with disabilities overall are more than twice as likely to receive suspensions as students without disabilities, minority students with disabilities are two to four times more likely to be suspended than are white students with disabilities.

And of the more than 100,000 students nationwide who were placed in seclusion or involuntary confinement, or physically restrained at school and unable to move freely, 67,000 of them – two-thirds! – were students with disabilities.

The corresponding numbers for Nevada and the Ryolite County School system are in line with these national statistics, which raises worrying questions about the impact of such disruptions in school attendance on the future of our most vulnerable students.

As Walker notes, “To ensure success for all students in Ryolite County, it is imperative that SROs be trained to engage appropriately with students from all backgrounds.”

## **Evaluate and improve training and resources**

Statewide, most Nevada SROs are trained through the state criminal justice academy, and many are given the option to attend additional professional development seminars along with school educators. Such training costs money, however, and not every police department has the resources to provide those options to all SROs.

Both Flanigan and Walker said they soon will be convening their major players, including SROs, school administrators, and other educators, to review and refine the policies and procedures already in place regarding student discipline, especially in light of what happened at Paradise Bay Academy.

“When should you intervene? How far do you need to go? How do you de-escalate a situation?” are all issues to be discussed and clarified, Flanigan said. “I think we all could use a refresher course in that.”

SRO training should include “at least some concepts related to understanding the teen brain and adolescent emotional issues, things you’re dealing with in the school environment,” said Thomas Magnum, executive director of the National Association of School Resource Officers. The Association has offered to conduct a free statewide training course in Nevada in the wake of the Paradise Bay Academy incident, Magnum said.

In addition to better training for SROs, schools and school districts should be assessing the availability of “wraparound services” for students facing discipline issues, said Elvira Kuhn, president of the Nevada Education Association, a union representing public school teachers in the state.

Those services include access to and relationships with guidance counselors, nurses, mental health professionals, teachers and administrators, said Kuhn, who has been a math teacher for more than two decades at Ligon Middle School in Eden.

“When a student acts out or misbehaves, there’s a reason,” Kuhn said. “If we have the proper resources (and training) to address the underlying factors that cause those behaviors ...we can counsel students and prevent outbursts. We all have the goal of helping students succeed. Working together, we can make it happen.”



U.S. Department of Education  
Office for Civil Rights

## 2021-22 CRDC DATA HIGHLIGHTS: A FIRST LOOK

# A FIRST LOOK

### KEY DATA HIGHLIGHTS ON EQUITY AND OPPORTUNITY GAPS IN OUR NATION'S PUBLIC SCHOOLS

The **2021-22 Civil Rights Data Collection (CRDC)** is a survey of all public schools and school districts in the United States. The CRDC measures student access to courses, programs, instructional and other staff, and resources — as well as school climate factors, such as student discipline and bullying and harassment— that impact education equity and opportunity for students. The U.S. Department of Education (ED) will release additional data highlights later in 2016 on key topics such as student discipline, early learning access, teacher and staffing equity, access to courses and programs that foster college and career readiness, and chronic student absenteeism. The full CRDC data file may be downloaded now; please visit [crdc.ed.gov](http://crdc.ed.gov) for more information. In Fall 2016, the public will be able to look up 2021-22 CRDC data for individual schools, school districts, and states by visiting the CRDC website at [ocrdata.ed.gov](http://ocrdata.ed.gov).

### Who's in the 2021-22 CRDC?

**Number of school districts:** 16,758 (99.2% of all school districts)

**Number of schools:** 95,507 (99.5% of all public schools)

**Total number of students:** 50,035,744

### Nationwide Student Demographics:

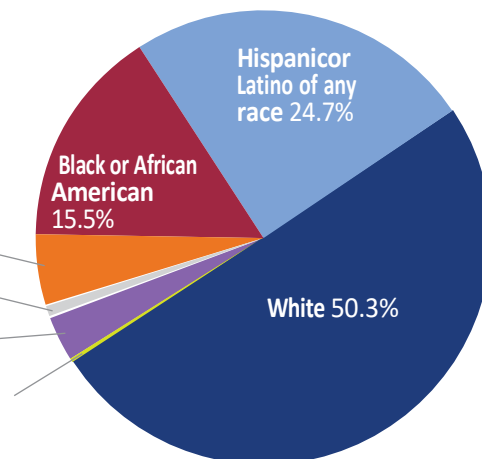
#### Race/Ethnicity:

Asian 4.8%

American Indian  
or Alaska Native  
1.1%

Two or More Races 3.1%

Native Hawaiian  
or Other Pacific Islander  
0.4%



**Boys:** 51.4% **Girls:** 48.6%

**English Learners:** 9.9%

**Students with Disabilities:** 14.0%

(includes students receiving services under IDEA and/or Section 504 of the Rehabilitation Act)

# 2021-22 CRDC DATA HIGHLIGHTS: A FIRST LOOK<sup>†</sup>

## School Discipline

### **Black public preschool children are suspended from school at high rates:**

- Black preschool children are 3.6 times as likely to receive one or more out-of-school suspensions as white preschool children.
- Black children represent 19% of preschool enrollment, but 47% of preschool children receiving one or more out-of-school suspensions; in comparison, white children represent 41% of preschool enrollment, but 28% of preschool children receiving one or more out-of-school suspensions.
- Black boys represent 19% of male preschool enrollment, but 45% of male preschool children receiving one or more out-of-school suspensions.
- Black girls represent 20% of female preschool enrollment, but 54% of female preschool children receiving one or more out-of-school suspensions.

### **Most public preschool children suspended are boys:**

- While boys represent 54% of preschool enrollment, they represent 78% of preschool children receiving one or more out-of-school suspensions.

### **Nationwide, 2.8 million K-12 students received one-or-more out of school suspensions:**

- These include approximately 1.1 million black students; 600,000 Latino students; 660,000 students served by IDEA; and 210,000 English learners.

### **Racial disparities in suspensions are also apparent in K-12 schools:**

- While 6% of all K-12 students received one or more out-of-school suspensions, the percentage is 18% for black boys; 10% for black girls; 5% for white boys; and 2% for white girls.
- Black K-12 students are 3.8 times as likely to receive one or more out-of-school suspensions as white students.
- Black girls are 8% of enrolled students, but 14% of students receiving one or more out-of-school suspensions. Girls of other races did not disproportionately receive one or more out-of-school suspensions.
- American Indian or Alaska Native, Latino, Native Hawaiian or other Pacific Islander, and multiracial boys are also disproportionately suspended from school, representing 15% of K-12 students but 19% of K-12 students receiving one or more out-of-school suspensions.
- Asian and white students did not disproportionately receive one or more out-of-school suspensions.

### **Students with disabilities in grades K-12 are disproportionately suspended from school:**

- Students with disabilities served by IDEA (11%) are more than twice as likely to receive one or more out-of-school suspensions as students without disabilities (5%).
- More than one out of five American Indian or Alaska Native (22%), Native Hawaiian or other Pacific Islander (23%), black (23%), and multiracial (25%) boys with disabilities served by IDEA received one or more out-of-school suspensions, compared to one out of ten white (10%) boys with disabilities served by IDEA.
- One in five multiracial girls with disabilities served by IDEA (20%) received one or more out-of-school suspensions, compared to one in twenty white girls with disabilities served by IDEA (5%).

<sup>†</sup> Note: Except where the percentage is below 1%, the percentages listed in these data highlights are rounded to the nearest whole number.

The numbers in these data highlights reflect a privacy protection protocol and other methodologies for collecting and preparing the data.<sup>1</sup> For additional information on the methodology for collecting and preparing the data cited in this document, please visit [ocrdata.ed.gov](https://ocrdata.ed.gov).



### **Black students are expelled from school at disproportionately high rates:**

- Black students are 1.9times as likely to be expelled from school without educational services as white students.
- Black boys represent 8% of all students, but 19% of students expelled without educational services.
- Black girls are 8% of all students, but 9% of students expelled without educational services.

### **American Indian or Alaska Native, white, and multiracial boys are also disproportionately expelled from school without educational services:**

- White boys represent 26% of all students, but 35% of students expelled without educational services.
- American Indian or Alaska Native boys represent 0.6% of all students, but 2% of students expelled without educational services.
- Multiracial boys represent 2% of all students, but 4% of students expelled without educational services.

### **Latino and Asian boys and girls, as well as Native Hawaiian or other Pacific Islander and white girls, are not disproportionately expelled without educational services from schools.**

- Latino students represent 25% of all students, but 15% of students expelled without educational services.
- Asian students represent 5% of all students, but 1% of students expelled without educational services.
- Native Hawaiian or other Pacific Islander girls represent 0.2% of all students, but 0.1% of students expelled without services.
- White girls represent 24% of all students, but 12% of students expelled without educational services.

**Black students are more likely to be disciplined through law enforcement:** Black students are 2.3 times as likely to receive a referral to law enforcement or be subject to a school-related arrest as white students.

### **A significant number of schools have sworn law enforcement officers (SLEOs), including school resource officers (SROs):**

- 24% of elementary schools (grades K-6, excluding justice facilities) have SLEOs; 42% of high schools (grades 9-12, excluding justice facilities) have SLEOs.
- 51% of high schools with high black and Latino student enrollment\* have SLEOs.

## **Restraint and Seclusion**

**More than 100,000 students were placed in seclusion or involuntary confinement or were physically restrained at school to immobilize them or reduce their ability to move freely — including more than 67,000 students with disabilities served by IDEA:**

- Students with disabilities served by IDEA represent 12% of all students, but 67% of students subject to restraint or seclusion.
- American Indian or Alaska Native and multiracial boys represent 2% of all students, but 5% of students subject to restraint or seclusion.
- Black boys and white boys represent 8% and 26% of all students, respectively, but 18% and 43% of students subject to restraint or seclusion.
- Asian, Latino, and Native Hawaiian or other Pacific Islander boys are not disproportionately subject to restraint or seclusion; neither are girls of any race or ethnicity.

## **Chronic Student Absenteeism**

**Nationwide, more than 6.5 million students – or 13% of all students – are chronically absent (15 or more school days during the year).**

**More than 3 million high school students – or 18% of all high school students – are chronically absent.**

- 20% or more of American Indian or Alaska Native (26%), Native Hawaiian or other Pacific Islander (25%), black (22%), multiracial (21%), and Latino (20%) high school students are chronically absent.
- High school students with disabilities served by IDEA are 1.3times as likely to be chronically absent as high school students without disabilities.

# Steps To Take If Your Child Is Being Bullied At School

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It is important that parents approach this situation in a calm manner and that parents keep records of facts in the situation. It is helpful if parents and school staff work together to resolve the issue. Parents can use the following steps to resolve the issue.

## I. Work With Your Child

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Thank your child for telling you. Tell your child that the bullying is not his or her fault.

Talk with your child about the specifics of the situation and ask:

- Who is doing the bullying?
- What happened? Was it
  - o Verbal bullying?
  - o Physical bullying?
  - o Cyberbullying? (Meet directly with the principal if this is the case.)
- What days and times were you bullied?
- Where did the bullying take place?

Also find out how your child responded to the bullying and if other children or adults might have observed the bullying. Does your child know the names of these people? Keep a written record of this information.

Practice possible ways for your child to respond to bullying.

Tell a school staff (teacher, principal, other staff).

Go to step two if needed.

## II. Work With The School

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Meet with your child's teacher:

- Discuss what is happening to your child using information from Step One.
- Ask what can be done so your child feels safe at school.

Keep a written record of what happened at this meeting, including names and dates.

Make an appointment to meet with the principal to discuss the bullying situation:

- Share information from Step One.
- Mention your work with your child regarding the situation.

- Share the outcome of your meeting with the teacher.
- Mention how the situation is impacting your child:
  - o Does not want to come to school
  - o Is fearful he or she will be hurt
  - o Complains of stomach aches, headaches, etc.
  - o Has other new behavior as a result of bullying
- Ask if school has a written policy on bullying and harassment. If so, ask for a written copy.
- Ask what the school can do to keep your child safe at school, on school bus, etc.

Go to step three if needed.

## III. Work With District Administration

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Write a letter or send an email to district superintendent requesting a meeting to discuss the situation. Include name of child, age, grade, school, your address and phone number, background information of the bullying situation and how you have tried to resolve it. This letter should be as brief and factual as possible. Include the times you are available for this meeting. Send copies of this letter to the principal, special education director (if child is receiving special education) and chair of the school board. Be sure to keep a copy for yourself.

Prepare for this meeting by organizing the information you have kept and the questions you want to ask. Remember to ask what can be done to keep your child safe in school so he/she can learn.

Decide if you want to take someone with you. Clarify their role (e.g., take notes, provide support, contribute information about your child).

Be sure to keep a written record of this meeting, including who was present, what was discussed and any decisions that were made.

If after taking these three steps, the bullying issue has not been resolved, you may wish to contact a parent center or advocacy organization for assistance.

*\*Email is an acceptable way of contacting persons.*