

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Vincent Alex DeLeon v. Steven Santiago

No. 1:24-cv-00234-KES-EPG (PC) (E.D. Cal. Dec. 5, 2025) · No. 1:24-cv-00234-KES-EPG (PC) · Decided
December 5, 2025

OPINION

Phillips

PER CURIAM.

1 2 3 4 5

UNITED STATES DISTRICT COURT

6

EASTERN DISTRICT OF CALIFORNIA

7 8 9 VINCENT ALEX DELEON, Case No. 1:24-cv-00234-KES-EPG (PC) 10 Plaintiff, ORDER
OVERRULING IN PART

DEFENDANT SANTIAGO'S OBJECTIONS

11 v. TO PRODUCTION OF DOCUMENTS

BASED ON THE OFFICIAL INFORMATION

12 STEVEN SANTIAGO, PRIVILEGE

13 Defendant. (ECF No. 51) 14 15 Plaintiff Vincent Alex DeLeon is a state prisoner proceeding
pro se and in forma pauperis 16 in this civil rights action filed pursuant to 42 U.S.C. § 1983.
Plaintiff filed the complaint 17 commencing this action on February 26, 2024. (ECF No. 1). This
case proceeds on Plaintiff's 18 Eighth Amendment excessive force claim against defendant Steven
Santiago, a correctional 19 officer at California Substance Abuse Treatment Facility (CSATF).
(ECF. No. 14). 20 Now before the Court are Defendant Santiago's objections to the production of
certain 21 documents filed on October 3, 2025. (ECF No. 51). Santiago filed a Notice of Lodging
of 22 Documents for In Camera Review (ECF No. 53) on October 30, 2025. Over 60 days have
passed 23 since Santiago filed his objections, and Plaintiff has not filed a response. 24 Having
reviewed the documents, audio recordings, and video footage submitted for in 25 camera review,
the Court finds that Santiago's objections to production are overruled in part. 26 /// 27 /// 28

1 I. BACKGROUND

2 Plaintiff's First Amended Complaint alleges that, on July 20, 2023, around 9:35 a.m., 3 CSATF
prison D-4 was being searched. (ECF No. 11). Correctional officer defendant Steven 4 Santiago
came to Plaintiff's cell door, kicked it, and told Plaintiff to wake up. Santiago had Plaintiff
"stripped out" and had Plaintiff turn around to have Plaintiff's back towards Santiago. 5 Plaintiff
was placed in flex cuffs and his door was opened. Santiago told Plaintiff to do 6 something.
Plaintiff complied, then he turned around to be escorted out. Next thing Plaintiff 7 knew, he was

being lifted off the ground like he was being tackled. Due to his hands being bound 8 behind his back in flex cuffs, his head was slammed onto his bottom bunk, and he lost 9 consciousness. 10 Following screening, this case proceeds on Plaintiff's claim of excessive force against 11 defendant Steven Santiago, a correctional officer at CSATF. (ECF No. 14, at p. 2). 12 The Court opened discovery on July 21, 2025. (ECF No. 45). To secure the just, speedy, 13 and inexpensive disposition of this action, the Court directed the parties to exchange certain 14 documents, including "[w]itness statements and evidence that were generated from 15 investigation(s) related to the event(s) at issue in the complaint, such as an investigation 16 stemming from the processing of Plaintiff's grievance(s), if any." (Id., at 2). 17 On October 3, 2025, Santiago filed a Notice of Compliance with the Court's Order for the 18 Parties to Exchange Initial Documents and Objections to the Production of Certain Documents. 19 (ECF No. 51). Santiago asserted objections under the official information privilege for the 20 Administrative Investigation Reports and exhibits, Hiring Review and Closure Memoranda, 21 audio-recorded interviews of Santiago and Lieutenant J. Ervin, and part, or all, of two body-worn 22 camera videos. (Id.) 23 On October 30, 2025, Santiago filed a Notice of Lodging of Documents for in Camera Review. (ECF No. 53). Santiago also filed a privilege log and the Declaration of J. Barba, the 24 litigation coordinator at CSATF in Corcoran, California, which describes these documents and 25 recordings as being confidential under California Code of Regulations, Title 15, Section 3321. 26 (ECF No. 52-1). 27

/// 28 1 Defendant submitted the following documents and recordings for in camera review: 2 • AGO 145-298: Allegation Investigation Unit (AIU) Internal Affairs, 3 Administrative Investigation Report, Case No. C-AIU-SATF-7166-23, for 4 Grievance No. 525712 and Exhibits; • AGO 299-304: Hiring Authority Review and Closure Memorandums for 5 Investigation for AIU Case No. C-AIU-SATF-7166-23; 6 • AGO 305-462: AIU Administrative Investigation Report, Case No. C-AIU- 7 SATF-8200-23, for Grievance No. 439546 and Exhibits; 8 • AGO 463-268: Hiring Authority Review and Closure Memorandums for 9 Investigation for AIU Case No. C-AIU-SATF-7166-23; 10 • Audio-Recorded Interview of Defendant S. Santiago and Lieutenant J. Ervin for C- 11 AIU-SATF-7166-23 and AIU Case No. C-AIU-SATF-8200-23; 12 • Body-Worn Camera Footage, "D 3 FLR 2 242414.g64x", first minute and eighteen 13 seconds, timestamped 09:33:00 to 09:34:16; and 14 • Body-Worn Camera Footage, "D 4 CNTRL 242422.g64x." 15 The declaration by Barba claims the risk that such documents, including the investigation 16 reports and exhibits, hiring reviews, and closure memoranda, could be given to other inmates, and 17 that disclosure would jeopardize the security of the institution, reveal investigative techniques, 18 and potentially impede future investigations. (Id. at 3-4). Barba argues that disclosure of the 19 documents and audio-recorded interviews of CDCR staff, including Santiago, would inhibit 20 future staff witnesses from freely providing information to investigators, impeding the ability of 21 the CDCR to conduct accurate and reliable inquiries into staff misconduct. (Id. at 5). 22 Barba makes specific arguments as to the production of two files of body-worn camera 23 footage from the day of the incident. (Id. at 6-7). Specifically, a video file labeled "D 3 FLR 2 242414.g64x"

was taken from the body-worn camera of a nonparty correctional officer. (Id.) 24 The greater part of the video shows the injured Plaintiff on the day of the incident. However, the 25 first minute and eighteen seconds (timestamped 09:33:00 to 09:34:16) of the video records an 26 unidentified correctional officer instructing another inmate to undress for an unclothed body 27 search. (Id.) The video records the inmate undressing and complying with the unclothed body 28 1 search process. Barba objects to the production of this first minute and eighteen seconds and 2 argues that the video footage should remain confidential to protect the inmate's privacy and to 3 prevent undermining CSATF staff members' ability to conduct unclothed body searches within 4 the prison. (Id.) Barba asserts that inmates may refuse to cooperate in unclothed body searches, fearing future release of the video to unknown parties. (Id.) 5 Barba further objects to the production of a second video file labeled "D 4 CNTRL 6 242422.g64x." (Id. at 7). The file comes from the body-worn camera of a nonparty control booth 7 officer on the day of the incident. (Id.) The footage captures the interior of the control booth in 8 D4 Housing Unit at CSATF. (Id.) Barba argues that the video reveals "the control booth 9 officer's line of sight and any potential blind spots from the control booth." (Id.) Barba also 10 asserts that the "footage would also reveal what equipment the control booth officer has available 11 and does not have available within the control booth." (Id.) Barba argues that producing the 12 video file could allow Plaintiff, "or anyone he discloses this information to, ...[to] use this 13 information to more successfully violate prison rules or commit acts of violence within the 14 housing unit while evading the control booth officer's line of sight." (Id.) 15 Finally, Barba explains that the documents contain personnel information such as badge 16 numbers, personnel (PERNR) numbers, and work email addresses and phone numbers for 17 Santiago and other CSATF staff members. (Id. at 5). Barba argues that this information is 18 protected from disclosure under state law. (Id.) Barba asserts that inmates in CDCR facilities are 19 subject to intense pressure from other inmates, including prison gang members, to disclose private 20 information they may learn about CDCR staff and may use force to obtain the information, 21 endangering the security of the facility and the safety of other inmates and staff. (Id. at 8). 22 Santiago certified that a copy of their Notice of Lodging of Documents for In Camera 23 Review was mailed to Plaintiff on October 30, 2025, along with a copy of the privilege log and Barba declaration. (ECF Nos. 52, 53). 24

25 II. LEGAL STANDARDS

26 Rule 26 of the Federal Rules of Civil Procedure allows a party to obtain discovery 27 "regarding any nonprivileged matter that is relevant to any party's claim or defense." Fed. R. 28 Civ. P. 26(b)(1). Questions of privilege in federal civil rights cases are governed by federal law. 1 Fed. R. Evid. 501; *Kerr v. U.S. Dist. Ct. for N. Dist. of California*, 511 F.2d 192, 197 (9th Cir. 2 1975), *aff'd*, 426 U.S. 394 (1976). 3 The "common law governmental privilege (encompassing and referred to sometimes as 4 the official or state secret privilege) . . . is only a qualified privilege, contingent upon the competing interests of the requesting litigant and subject to disclosure." *Kerr v. U.S. Dist. Ct. for 5 N. Dist. of Cal.*, 511 F.2d 192, 198 (9th Cir. 1975)

(citations omitted). The Ninth Circuit has 6 since followed Kerr in requiring in camera review and a balancing of interests in ruling on the 7 government's claim of the official information privilege. See, e.g., *Breed v. U.S. Dist. Ct. for N. 8 Dist. of Cal.*, 542 F.2d 1114, 1116 (9th Cir. 1976) (“[A]s required by Kerr, we recognize ‘that in 9 camera review is a highly appropriate and useful means of dealing with claims of governmental 10 privilege.’”) (quoting Kerr, 426 U.S. at 406); *Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1033- 11 34 (9th Cir. 1990) (“Government personnel files are considered official information. To 12 determine whether the information sought is privileged, courts must weigh the potential benefits 13 of disclosure against the potential disadvantages. If the latter is greater, the privilege bars 14 discovery.”) (internal citations omitted). 15

III. ANALYSIS

16 With these legal standards in mind, the Court has reviewed the documents, along with the 17 audio and video recordings provided for in camera review. The Court finds that Defendant's 18 objections to certain portions of documents should be overruled. 19 The Court finds that written statements and interview summaries, audio-recorded 20 interviews, portions of video footage, medical reports and summaries, Plaintiff's photograph, and 21 other direct evidence should be produced including the following: 22 • AGO 145-298: Statement or narrative of events produced by Plaintiff and CDCR 23 staff and witness interview summaries contained in AIU Administrative 24 Investigation Report, Case No. C-AIU-SATF-7166-23, for Grievance No. 525712 25 and Exhibits: 26 o AGO 158-59: Plaintiff's Appeal of Grievance; 27 o AGO 162: Photograph of Plaintiff; 28 o AGO 178-85: Staff narratives; 1 o AGO 193-94: Request for Medical Evaluation for Serious Bodily Injury 2 and medical evaluation; 3 o AGO 198-99: Medical Report of Injury; 4 o AGO 203-04: Rules Violation Report; o AGO 210-12: Rules Violation Report; 5 o AGO 213-20: Disciplinary Hearing Results; 6 o AGO 274-91: California Code of Regulations, Title 15, Section 332; 7 • AGO 305-462: Statement or narrative of events produced by Plaintiff and CSATF 8 staff and witness interview summaries contained in AIU Administrative 9 Investigation Report, Case No. C-AIU-SATF-8200-23, for Grievance No. 439546 10 and Exhibits: 11 o AGO 318-19: Plaintiff's Appeal of Grievance; 12 o AGO 323: Photograph of Plaintiff; 13 o AGO 338-45: Staff narratives; 14 o AGO 353-54, 363-64: Request for Medical Evaluation for Serious Bodily 15 Injury and medical evaluation; 16 o AGO 358-59, 361-64: Medical Report of Injury; 17 o AGO 366-67: Rules Violation Report; 18 o AGO 373-75: Rules Violation Report; 19 o AGO 376-83: Disciplinary Hearing Results; 20 o AGO 437-54: California Code of Regulations, Title 15, Section 332; 21 • Audio-Recorded Interview of Defendant S. Santiago and Lieutenant J. Ervin for C- 22 AIU-SATF-7166-23 and AIU Case No. C-AIU-SATF-8200-23; and 23 • Body-Worn Camera Footage, “D 3 FLR 2 242414.g64x,” beginning at timestamp 9:34:17. 24 These documents may be produced in redacted form to exclude any internal analyses or opinions 25 regarding the evidence collected, as well as information regarding the procedures or staff 26 conducting the investigation and personnel information such as badge numbers, personnel 27 28 1 (PERNR) numbers, work email addresses and phone numbers for Santiago and other CSATF 2 staff members. 3 In

considering the potential benefits of disclosure, the Court has considered whether the 4 AIU Investigation Reports and exhibits, audio recordings, and body-worn camera footage are relevant to Plaintiff's claim of excessive force. The Court finds that the witness statements and 5 identified exhibits, audio recordings, and body-worn camera footage, "D 3 FLR 2 242414.g64x" 6 beginning after the first minute and eighteen seconds (beginning timestamp 09:34:17) contain 7 direct evidence regarding the incident in this case, including contemporary witness accounts of 8 the event recorded close in time to the incident at issue. See *Woodford v. Ngo*, 548 U.S. 81, 94– 95 (2006). Such evidence is directly relevant to this case and could be used as evidence at 10 summary judgment or trial in this matter. 11 The Court has also evaluated Defendant's objections and finds that the risks identified in 12 those objections do not outweigh the benefits that disclosure of these documents and recordings 13 would have to this case. These documents, audio recordings, and portion of video footage are 14 short and straightforward and do not reveal any confidential techniques that could undermine the 15 effectiveness of CDCR investigations in the future. The documents do not contain the statements 16 of any other inmates. Moreover, the Court is only requiring production of the witness statements 17 and written interview summaries themselves along with exhibits identified above, not the entire 18 AIU Investigation Report or any related discussion or evaluation of those summaries that could 19 reveal the institution's techniques, impressions or personnel information, such as badge numbers, 20 personnel (PERNR) numbers, work email addresses and phone numbers for Santiago and other 21 CSATF staff members. The Court disagrees that disclosing such interviews would cause 22 witnesses in the future to be less truthful in similar investigations. On the contrary, the fact that 23 witness statements may be used later in court would seem to encourage candor in such situations. The Court has also examined the photograph of the Plaintiff, and the Court does not find 24 any information that could reveal confidential techniques that could undermine the effectiveness 25 of such investigations in the future or lead to future misconduct. Rather, the photograph merely 26 shows Plaintiff's head and shoulders against a blank background. 27 /// 28 1 The Court finds that disclosure of these portions of documents, audio recordings, and 2 body-worn camera footage, "D 3 FLR 2 242414.g64x" beginning at one minute and nineteen 3 seconds (timestamp 9:34:17) "would promote the truth-finding process because they contain 4 details of the parties' actions and statements recorded close to the time that the relevant events occurred. See *Woodford*, 548 U.S. at 94–95. The Court finds that the disadvantages and risks 5 identified in Santiago's objections do not outweigh the benefits that disclosure of these 6 documents, or portions of documents, and recordings would have to this case. *Sanchez*, 936 F.2d 7 at 1033-34. 8 However, the Court sustains Defendant's objections to the production of the first minute 9 and eighteen seconds of body-worn camera footage, "D 3 FLR 2 242414.g64x" (timestamped 10 09:33:00 to 09:34:16). This footage shows a nonparty inmate complying with an order from a 11 nonparty correctional officer to undress as part of an unclothed search. This portion of footage is 12 irrelevant to the claims in this case and must be redacted in the interests of inmate privacy. 13 The Court also sustains Santiago's

objection to production of the body-worn camera 14 footage “D 4 CNTRL 242422.g64x” from the control-booth officer. The Court has reviewed this 15 footage and finds that it provides no evidence of the incident. Moreover, it reveals aspects of the 16 control booth whose disclosure could pose a security and safety risk for the institution. 17 The Court sustains Santiago’s objection to production of (1) the institution’s analyses and 18 opinions, hiring review, and closing documents, and (2) CSATF personnel information such as 19 badge numbers, personnel (PERNR) numbers, work email addresses and phone numbers for 20 Santiago and other CDCR staff members. The analyses and opinions, hiring review, closing 21 documents, and personnel information are not directly relevant to the case because they are not 22 direct evidence of what took place, and disclosure could risk the safety and security concerns 23 identified in Santiago’s objections. After weighing the potential benefits and disadvantages of disclosure, the Court finds that 24 the risks outweigh the benefits for producing the institution’s analyses, opinions, and CDCR 25 personnel and contact information contained in the AIU Investigation, along with video footage 26 of a nonparty inmate and of the control booth. These documents, or portions of documents, and 27 28 1 video footage should not be produced under the official information privilege because the 2 potential disadvantages of disclosure outweigh the relevance of the documents to the litigation.

3 IV. CONCLUSION

4 For the foregoing reasons, Defendant Santiago’s objections to production of documents 5 and recordings (ECF Nos. 51) are overruled in part. 6 1. No later than 30 days from the date of this order, Defendant shall provide the 7 following portion of documents¹ to Plaintiff:² 8 • AGO 145-298: Statement or narrative of events produced by Plaintiff and CSATF 9 staff and witness interview summaries contained in AIU Administrative 10 Investigation Report, Case No. C-AIU-SATF-7166-23, for Grievance No. 525712 11 and Exhibits: 12 o AGO 158-59: Plaintiff’s Appeal of Grievance; o AGO 162: Photograph of Plaintiff; 13 o AGO 178-85: Staff narratives; 14 o AGO 193-94: Request for Medical Evaluation for Serious Bodily Injury 15 and medical evaluation; 16 o AGO 198-99: Medical Report of Injury; 17 o AGO 203-04: Rules Violation Report; 18 o AGO 210-12: Rules Violation Report; 19 o AGO 213-20: Disciplinary Hearing Results; 20 o AGO 274-91: California Code of Regulations, Title 15, Section 3321; 21 22 23 1 Only the portions of the documents described above, containing direct evidence and summary of witness 24 accounts of the incident, shall be produced. Defendant may redact the institution’s description of the process, analysis, conclusions of investigating staff, as well as personnel information such as badge 25 numbers, personnel (PERNR) numbers, and work email addresses and phone numbers for Santiago and other CDCR staff members. 26 2 To the extent Plaintiff is unable to obtain and review audio or video files for safety and security reasons in custody, Defendant shall make available these recordings for Plaintiff’s review within the next 60 days 27 and facilitate the filing of such evidence with the Court if requested by Plaintiff in connection with future proceedings. 28 1 e AGO 305-462: Statement or narrative of events produced by Plaintiff and CSATF 2 staff and

witness interview summaries contained in AIU Administrative 3 Investigation Report, Case No. C-AIU-SATF-8200-23, for Grievance No. 439546 4 and Exhibits: 5 o AGO 318-19: Plaintiffs Appeal of Grievance 6 o AGO 323: Photograph of Plaintiff; 7 o AGO 338-45: Staff narratives; o AGO 353-54, 363-64: Request for Medical Evaluation for Serious Bodily 9 Injury and medical evaluation; o AGO 358-59, 361-64: Medical Report of Injury o AGO 366-67: Rules Violation Report o AGO 373-75: Rules Violation Report 2 o AGO 376-83: Disciplinary Hearing Results 13 o AGO 437-54: California Code of Regulations, Title 15, Section 3321 e Audio-Recorded Interview of Defendant S. Santiago and Lieutenant J. Ervin for C- 15 AIU-SATF-7166-23 and AIU Case No. C-AIU-SATF-8200-23; and 16 e Body-Worn Camera Footage, “D 3 FLR 2 242414.264x,” beginning at one minute 17 and nineteen seconds (timestamp 9:34:17). 18 2. Additionally, Defendant shall file a notice of compliance with the Court concurrently 19 with production to Plaintiff. 20 | IT Is SO ORDERED. 21 | Dated: _December 5, 2025 [Jee ey □□ UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28 10