1 2 3 4 5 6 7 8 9 10	ROB BONTA Attorney General of California MICHAEL L. NEWMAN Senior Assistant Attorney General NANCY A. BENINATI (SBN 177999) Supervising Deputy Attorney General JOSHUA PIOVIA-SCOTT (SBN 222364) GABRIEL MARTINEZ (SBN 275142) ALLISON ELGART (SBN 241901) Deputy Attorneys General 1515 Clay Street Oakland, CA 94612 Telephone: (510) 879-1300 Fax: (510) 879-1300 E-mail: Joshua.PioviaScott@doj.ca.gov Attorneys for Plaintiff, the People of the State of California	(Exempt from Filing Fees Pursuant to Gov. Code, § 6103(a)) FILED/FNDORSED Clerk of the Superior Court OCJ 16 2023 D. CHMMINO By		
11	SUPERIOR COURT OF THE STATE OF CALIFORNIA			
12	COUNTY OF SOLANO			
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14		CASE NO:		
15	THE PEOPLE OF THE STATE OF CALIFORNIA EX REL. ROB BONTA,	CASE NO:		
16	ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,	(Unlimited Civil Case)		
17	Plaintiff,	COMPLAINT FOR INJUNCTIVE RELIEF (Civ. Code, § 52.3)		
18	v.			
19		ACCIONICO		
20	CITY OF VALLEJO and THE VALLEJO POLICE DEPARTMENT,	TUDGE STEPHEN GIZZI		
21	Defendants.	FOR ALL PURPOSES		
22		A PARTY AND THE ADDRESS OF THE PARTY AND A		
23				
24	Plaintiff the People of the State of California, by and through Rob Bonta, Attorney General			
25	of the State of California, alleges as follows:			
26	1. Plaintiff brings this civil action against Defendants, the City of Vallejo (City) and the			
27	Vallejo Police Department (VPD), under Civil Code section 52.3, Government Code section			
28	11180 et seq., and the Constitutions of the United States and the State of California.			
	COMPLAINT FOR INJUNCTIVE RELIEF			

1 2. Defendants' violation of constitutional and statutory rights includes Defendants' 2 pattern and practice of excessive and unreasonable force, using enforcement strategies that 3 disproportionately impact people of color, and performing unconstitutional stops, searches, and 4 seizures. These violations are based in part on Defendants' systemic deficiencies in policies, 5 training, supervision, and accountability structures, including a failure to employ meaningful 6 management oversight or supervision over officers. These structural deficiencies have existed for 7 many years, and it is unlikely that Defendants will remedy these patterns and practices of 8 unlawful conduct absent judicial mandate and oversight. The People of the State of California 9 bring this action to remedy Defendants' unlawful conduct and secure the declaratory and 10 injunctive relief needed to ensure compliance with the state and federal Constitution and state and 11 federal law. 12 JURISDICTION AND VENUE 13 3. This court has jurisdiction over the allegations and subject matter of the People's 14 Complaint filed in this action, and the parties to the action, pursuant to Civil Code section 52.3. 15 Defendants are located in Solano County and the events giving rise to this Complaint occurred in 16 Solano County. Therefore, venue is proper in this county. This court has jurisdiction to enter this 17 judgment. 18 4. The Attorney General is authorized to initiate this action against Defendants pursuant 19 to Civil Code section 52.3, and Government Code section 11180 et seq. 5. 20 The declaratory and injunctive relief sought by the People is authorized by Civil Code 21 section 52.3. 22 PARTIES 23 6. Rob Bonta is the Attorney General of the State of California. The Attorney General is 24 empowered by the California Constitution to take those actions necessary to see that the laws of 25 the state are uniformly and adequately enforced for the protection of public rights and interests. (Cal. Const., art. V, § 13.) This authority extends to taking actions necessary to ensure that state 26 27 and local law enforcement agencies are uniformly and adequately enforcing the law. 28 2

The Attorney General is also empowered to bring a civil action in the name of the
 People of the State of California against a local governmental authority to obtain appropriate
 equitable relief to eliminate a pattern or practice of conduct by its law enforcement officers that
 deprives any person or persons of rights, privileges, or immunities, secured or protected by the
 Constitution or laws of the United States or the Constitution or laws of the State of California.
 (Civ. Code, § 52.3.)

8. Defendant City is a city in Solano County, and a political subdivision of the State of
California. Defendant City funds and operates the Defendant VPD, an agency of the City and the
City's primary law enforcement agency.

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FACTUAL BACKGROUND

9. On June 5, 2020, the Parties entered into a Memorandum of Understanding (MOU) 11 for VPD to institute a comprehensive modernized policing plan that included implementing 45 12 13 reform recommendations made by VPD's expert consultants, as well as additional review from 14 DOJ to expand upon and include any additional recommendations needed to modernize VPD's 15 current policies and practices, assist with implementation of the recommendations, and independently evaluate VPD's compliance. The Attorney General's decision to enter into an 16 MOU with VPD to reform its policing came in light of several high-profile VPD officer-involved 17 18 shootings. The number and nature of the incidents raised concerns among members of the 19 community and the DOJ. The DOJ also reviewed and considered publicly available data sources 20 concerning officer-involved shootings, use of force, bias, and public complaints, as well as 21 lawsuits against the police department.

10. The 45 recommendations were established by an independent audit of VPD
conducted by an outside consultant and included recommendations on use of force, community
engagement, bias, hiring, and accountability. The MOU expired on June 5, 2023. VPD achieved
substantial compliance of 20 out of the 45 agreed-upon recommendations as of the time of the
filing of this complaint. During the review of VPD's systems and practices under the MOU, the
Attorney General's Office concluded that VPD failed to uniformly and adequately enforce the
law, based in part, because of defective or inadequate policies, practices, and procedures. Such

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1 failure led the Attorney General's Office to conclude that VPD engaged in a pattern or practice of 2 conduct that deprives persons of rights, privileges, or immunities secured or protected by the 3 Constitution or laws of the United States or the Constitution or laws of the State of California. 4 Such conduct includes, but is not limited, to: engaging in biased policing in violation of the 5 Fourth and Fourteenth Amendments to the Constitution of the United States, and California 6 Constitution, article I, section 13; using unreasonable force in violation of the Fourth and 7 Fourteenth Amendments to the Constitution of the United States, and California Constitution, 8 article I, section 13; engaging in unreasonable stops, searches, arrests, and seizures in violation of the Fourth and Fourteenth Amendments to the United States Constitution, and California 9 10 Constitution, article I, section 13; the failure to exercise appropriate management, supervision, 11 and accountability of VPD's law enforcement officers that resulted in the deprivation of 12 constitutional rights under the Fourth and Fourteenth Amendments to the Constitution of the 13 United States, and California Constitution, article I, section 13; failure to adequately maintain a 14 meaningful program for receipt and investigation of civilian complaints under Penal Code section 15 832.5; and lack of a comprehensive community policing program. Accordingly, the Attorney 16 General's Office finds and alleges that VPD engaged in a pattern or practice of conduct that 17 deprives individuals of rights, privileges, or immunities, secured or protected by the Constitution 18 or laws of the United States or the Constitution or laws of the State of California. 19 11. The Attorney General acknowledges that during the course of the MOU, both VPD 20 and the City have taken action to improve their law enforcement services and accountability,

including, but not limited to: (1) updating important policies and practices (including the use of
force, critical incident review, bias-free policing, and body-worn camera policies), (2)

implementing a new use of force reporting, review, and data collection process, (3) creating the
model and passing an ordinance that authorizes independent police oversight, and (4) achieving a
substantial compliance determination from the Attorney General on 20 of the reforms, including
the reforms relating to the policies on the review of critical incidents, internal affairs, and bodyworn cameras. However, the agreed-upon reforms in the MOU have not been completed and the
issues identified in this Complaint warrant permanent and widespread changes beyond the work

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that VPD has begun to implement. Given VPD's inability to complete all of the agreed-upon
reforms under the MOU, the parties worked cooperatively to agree on a comprehensive remedial
plan that includes new and revised VPD policies and procedures, training of officers and
supervisors, sustainable frameworks for assessments of VPD performance in each of the areas
identified in this Complaint, and oversight and evaluation by an independent Oversight and
Reform Evaluator who will work under the direction of the Attorney General to ensure VPD's
compliance with the reforms delineated in the stipulated judgment.

8 12. Plaintiff now seeks an order requiring VPD and the City to implement the agreed-9 upon reforms, and respectfully requests that the court enter judgment as set forth in the proposed 10 stipulated judgment, concurrently filed with this Complaint. The parties have negotiated in good 11 faith on numerous policy and procedure changes, and have reached agreement to effectuate the 12 desired reforms.

13 13. In light of the foregoing, and by the nature of the allegations, there exists no
14 alternative adequate remedy at law. Further, the various violations of law as alleged result in
15 irreparable harm to the People of the State of California, and the balance of the harms weighs in
16 favor of the People. Therefore, equitable relief in the form of an injunction is the appropriate
17 remedy here.

21 14. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint
22 as though they were fully set forth herein.

I.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of Civil Code Section 52.3)

23 15. Civil Code section 52.3 prohibits governmental authorities, an agent of a
24 governmental authority, and persons acting on behalf of governmental authorities, from engaging
25 in a pattern or practice of conduct by law enforcement officers that deprives any person of rights,
26 privileges, or immunities secured or protected by the Constitution or laws of the United States or
27 the Constitution or laws of the State of California.

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1	16. Defendants have violated Civil Code section 52.3 by engaging in the actions				
2	described in this Complaint.				
3	II. SECOND CAUSE OF ACTION				
4	(Violation of the Fourth Amendment to the U.S. Constitution)				
5	17. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint				
6	as though they were fully set forth herein.				
7	18. The Fourth Amendment to the United States Constitution protects individuals from				
8	unreasonable searches and seizures, including but not limited to the use of excessive force.				
9	19. Defendants have violated the Fourth Amendment to the U.S. Constitution by				
10	engaging in the conduct described in this Complaint.				
11	III. THIRD CAUSE OF ACTION				
12	(Violation of Article I, Section 13 of the California Constitution)				
13	20. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint				
14	as though they were fully set forth herein.				
15	21. The California Constitution guarantees the right to be free from unreasonable				
16	searches and seizures. (Cal. Cont. art. I, § 13.)				
17	22. Defendants have violated article I, section 13 of the California Constitution by				
18	engaging in the conduct described in this Complaint.				
19	IV. FOURTH CAUSE OF ACTION				
20	(Violation of Article I, Section 15 of the California Constitution)				
21	23. Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint				
22	as though they were fully set forth herein.				
23	24. The California Constitution guarantees the right to not be deprived of liberty and				
24	property without due process of law. (Cal. Cont. art. I, § 15.)				
25	25. Defendants have violated article I, section 15 of the California Constitution by				
26	engaging in the conduct described in this Complaint.				
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	6 COMPLAINT FOR INJUNCTIVE RELIEF				

1		V. FIFTH CAUSE OF ACTION			
2	(Violation of Article I, Section 7 of the California Constitution)				
3	26.	Plaintiff incorporates herein by reference the preceding paragraphs of this Co	omplaint		
4	as though they were fully set forth herein.				
5	27.	The California Constitution guarantees the right to equal protection of the law	ws. (Cal.		
6	Cont. art. I, § 7.)				
7	28. Defendants have violated article I, section 7 of the California Constitution by				
8	engaging in the conduct described in this Complaint.				
9	PRAYER FOR RELIEF				
10	WHEREFORE, the People of the State of California respectfully pray for the court to				
11	enter judgment as follows:				
12	1.	For the court to issue an order enjoining Defendants from engaging in the un	lawful		
13	practices challenged in this Complaint, requiring Defendants to implement the injunctive relief				
14	provisions as set forth in the proposed stipulated judgment, and entering final judgment;				
15	2.	For the court to exercise continuing jurisdiction over this action, to ensure th	at		
16	Defendants comply with the judgment as set forth in the proposed stipulated judgment; and				
17	3. For such other and further relief as the court may deem just and proper.				
18	Dated: O	October 16, 2023 Respectfully Submitted,			
19		ROB BONTA Attorney General of California			
20		MICHAEL L. NEWMAN Senior Assistant Attorney General			
21		NANCY A. BENINATI Supervising Deputy Attorney General	ral		
22		Gabriel Martinez Allison Elgart	nai		
23		Deputy Attorneys General			
24		Juden Prom Juit			
25		JOSHUA PIOVIA-SCOTT			
26		Deputy Attorney General Attorneys for Plaintiff, the			
27		People of the State of California			
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	7 COMPLAINT FOR INJUNCTIVE RELIEF				
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