

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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/ENDORSED  
Clerk of the Superior Court  
OCT 16 2023  
D. CIMMINO  
By \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SOLANO

**THE PEOPLE OF THE STATE OF  
CALIFORNIA EX REL. ROB BONTA,  
ATTORNEY GENERAL OF THE STATE  
OF CALIFORNIA,**  
  
**Plaintiff,**  
  
**v.**  
  
**CITY OF VALLEJO and THE VALLEJO  
POLICE DEPARTMENT,**  
  
**Defendants.**

CASE NO: **CU23-04676**  
(Unlimited Civil Case)  
**COMPLAINT FOR INJUNCTIVE  
RELIEF (Civ. Code, § 52.3)**

**ASSIGNED TO  
JUDGE STEPHEN GIZZI  
FOR ALL PURPOSES**

Plaintiff the People of the State of California, by and through Rob Bonta, Attorney General of the State of California, alleges as follows:

1. Plaintiff brings this civil action against Defendants, the City of Vallejo (City) and the Vallejo Police Department (VPD), under Civil Code section 52.3, Government Code section 11180 et seq., and the Constitutions of the United States and the State of California.





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  
9 the Fourth and Fourteenth Amendments to the United States Constitution, and California  
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,  
21 including, but not limited to: (1) updating important policies and practices (including the use of  
22 force, critical incident review, bias-free policing, and body-worn camera policies), (2)  
23 implementing a new use of force reporting, review, and data collection process, (3) creating the  
24 model and passing an ordinance that authorizes independent police oversight, and (4) achieving a  
25 substantial compliance determination from the Attorney General on 20 of the reforms, including  
26 the reforms relating to the policies on the review of critical incidents, internal affairs, and body-  
27 worn cameras. However, the agreed-upon reforms in the MOU have not been completed and the  
28 issues identified in this Complaint warrant permanent and widespread changes beyond the work

1 that VPD has begun to implement. Given VPD's inability to complete all of the agreed-upon  
2 reforms under the MOU, the parties worked cooperatively to agree on a comprehensive remedial  
3 plan that includes new and revised VPD policies and procedures, training of officers and  
4 supervisors, sustainable frameworks for assessments of VPD performance in each of the areas  
5 identified in this Complaint, and oversight and evaluation by an independent Oversight and  
6 Reform Evaluator who will work under the direction of the Attorney General to ensure VPD's  
7 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.

## 18 CAUSES OF ACTION

### 19 I. FIRST CAUSE OF ACTION

#### 20 (Violation of Civil Code Section 52.3)

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

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.

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.

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

V. FIFTH CAUSE OF ACTION

(Violation of Article I, Section 7 of the California Constitution)

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

27. The California Constitution guarantees the right to equal protection of the laws. (Cal. Cont. art. I, § 7.)

28. Defendants have violated article I, section 7 of the California Constitution by engaging in the conduct described in this Complaint.

PRAYER FOR RELIEF

WHEREFORE, the People of the State of California respectfully pray for the court to enter judgment as follows:

1. For the court to issue an order enjoining Defendants from engaging in the unlawful practices challenged in this Complaint, requiring Defendants to implement the injunctive relief provisions as set forth in the proposed stipulated judgment, and entering final judgment;

2. For the court to exercise continuing jurisdiction over this action, to ensure that Defendants comply with the judgment as set forth in the proposed stipulated judgment; and

3. For such other and further relief as the court may deem just and proper.

Dated: October 16, 2023

Respectfully Submitted,

ROB BONTA  
Attorney General of California  
MICHAEL L. NEWMAN  
Senior Assistant Attorney General  
NANCY A. BENINATI  
Supervising Deputy Attorney General  
GABRIEL MARTINEZ  
ALLISON ELGART  
Deputy Attorneys General



JOSHUA PIOVIA-SCOTT  
Deputy Attorney General  
*Attorneys for Plaintiff, the  
People of the State of California*