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10 People of the State of California*

**(Exempt from Filing Fees
Pursuant to Gov. Code, § 6103(a))**

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF KERN
14

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16 **THE PEOPLE OF THE STATE OF
CALIFORNIA EX REL. ROB BONTA,
17 ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,**
18
19 **Plaintiff,**
20
21 **V.**
22
23 **CITY OF BAKERSFIELD and THE
BAKERSFIELD POLICE DEPARTMENT,**
24
25 **Defendants.**

CASE NO: BCV-21-101928 NFT
(Unlimited Civil Case)
**COMPLAINT FOR INJUNCTIVE
RELIEF (Civ. Code, § 52.3)**

26
27 Plaintiff the People of the State of California, by and through Rob Bonta, Attorney General
28 of the State of California, alleges as follows:

1 deprives any person or persons of rights, privileges, or immunities, secured or protected by the
2 Constitution or laws of the United States or the Constitution or laws of the State of California.
3 (Civ. Code, § 52.3.)

4 8. Defendant City of Bakersfield is a city in Kern County, and a political subdivision of
5 the State of California. Defendant City of Bakersfield funds and operates the defendant
6 Bakersfield Police Department, an agency of the City of Bakersfield and the city's primary law
7 enforcement agency.

8 **FACTUAL BACKGROUND**

9 9. In December 2016, the Attorney General began a civil investigation of BPD, to
10 determine whether BPD had engaged in a pattern or practice of violating state or federal law.
11 California Department of Justice attorneys and investigators focused on allegations involving
12 police practices and accountability, among other related issues, within the BPD. The Attorney
13 General's decision to investigate this law enforcement agency was informed by complaints by
14 individuals and community organizations, as well as by media reports, which alleged use of
15 excessive force and other serious misconduct. Publicly available data sources concerning
16 officer-involved shootings were also reviewed and considered prior to the investigation's
17 announcement.

18 10. After a comprehensive investigation, the Attorney General's Office concluded that
19 BPD has failed to uniformly and adequately enforce the law, in part because of defective or
20 inadequate policies, practices, and procedures. Such failure has led the Attorney General's Office
21 to conclude that BPD has engaged in a pattern or practice of conduct that deprives persons of
22 rights, privileges, or immunities secured or protected by the Constitution or laws of the United
23 States and the Constitution or laws of the State of California. Such conduct includes, but is not
24 limited, to: using unreasonable force in violation of the Fourth and Fourteenth Amendments to the
25 Constitution of the United States, and California Constitution, article I, section 13; unreasonably
26 deploying canines in violation of the Fourth and Fourteenth Amendments to the Constitution of
27 the United States, and California Constitution, article I, section 13; and engaging in unreasonable
28

1 stops, searches, arrests, and seizures in violation of the Fourth and Fourteenth Amendments to the
2 United States Constitution, and California Constitution, article I, section 13.

3 11. The investigation identified other violations of law in the failure to exercise
4 appropriate management and supervision of BPD's law enforcement officers that resulted in the
5 deprivation of constitutional rights under the Fourth and Fourteenth Amendments to the
6 Constitution of the United States, and California Constitution, article I, section 13; the use of
7 deadly force against individuals with a mental health disability and those undergoing mental
8 health or other crises; failure to provide meaningful access to limited English proficient
9 individuals under 42 United States Code section 2000d, Government Code section 11135
10 subdivision (a), and Government Code section 7290 et seq.; failure to provide equal employment
11 opportunities to BPD applicants and employees under Government Code section 12940; failure to
12 adequately maintain a meaningful program for receipt and investigation of civilian complaints
13 under Penal Code section 832.5; and lack of a comprehensive community policing program.
14 Accordingly, the Attorney General's Office finds and alleges that BPD has engaged in a pattern
15 or practice of conduct that deprives persons of rights, privileges, or immunities, secured or
16 protected by the Constitution or laws of the United States and the Constitution or laws of the State
17 of California.

18 12. BPD has taken a number of constructive actions in its effort to improve the law
19 enforcement services it provides to City of Bakersfield residents, including, but not limited to,
20 outfitting its officers with body-worn cameras, introducing principled policing and procedural
21 justice training courses, volunteering to collect data under the Racial and Identity Profiling Act
22 one year earlier than the mandatory collection date, in 2020 starting the Bakersfield Police
23 Department-Community Collaborative, and other positive actions. But the issues identified in
24 this Complaint warrant permanent and widespread changes beyond the work that BPD has begun
25 to implement. To that end, the parties worked cooperatively to agree on a comprehensive
26 remedial plan that includes new and revised BPD policies and procedures, training of officers and
27 supervisors, sustainable frameworks for assessments of BPD performance in each of the areas,
28 and oversight and evaluation by an independent monitor who will work under the direction of the

1 Department of Justice to ensure BPD's compliance with the reforms delineated in the Stipulated
2 Judgment.

3 13. Plaintiff now seeks an order requiring BPD and the City to implement the agreed-
4 upon reforms, and respectfully requests the court enter judgment as set forth in the proposed
5 Stipulated Judgment, concurrently filed with this Complaint. The Parties have negotiated in good
6 faith on numerous policy and procedure changes, and have reached agreement to address the
7 findings of the Department of Justice's investigation.

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

13 **CAUSES OF ACTION**

14 **FIRST CAUSE OF ACTION**

15 **(Violation of Civil Code Section 52.3)**

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

18 16. Civil Code section 52.3 prohibits governmental authorities, an agent of a
19 governmental authority, and persons acting on behalf of governmental authorities, from engaging
20 in a pattern or practice of conduct by law enforcement officers that deprives any person of rights,
21 privileges, or immunities secured or protected by the Constitution or laws of the United States or
22 the Constitution or laws of the State of California.

23 17. Defendants have violated Civil Code section 52.3 by engaging in the actions
24 described in this Complaint.

25 **SECOND CAUSE OF ACTION**

26 **(Violation of the Fourth Amendment to the U.S. Constitution)**

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

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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: August 23, 2021

Respectfully Submitted,
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