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

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

15  
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 **CITY OF BAKERSFIELD and THE**  
**BAKERSFIELD POLICE DEPARTMENT,**  
23  
24 **Defendants.**

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

25  
26 Plaintiff the People of the State of California, by and through Rob Bonta, Attorney General  
27 of the State of California, alleges as follows:  
28



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.

1           19.     The Fourth Amendment to the United States Constitution protects individuals from  
2 unreasonable searches and seizures.

3           20.     Defendants have violated the Fourth Amendment to the U.S. Constitution by  
4 engaging in the conduct described in this Complaint.

5   **THIRD CAUSE OF ACTION**

6                                   **(Violation of Article I, Section 13 of the California Constitution)**

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

9           22.     The California Constitution guarantees the right to be free from unreasonable  
10 searches and seizures. (Cal. Cont. art. I, § 13.)

11          23.     Defendants have violated article I, section 13 of the California Constitution by  
12 engaging in the conduct described in this Complaint.

13   **FOURTH CAUSE OF ACTION**

14                                   **(Violation of Article I, Section 15 of the California Constitution)**

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

17          25.     The California Constitution guarantees the right to not be deprived of liberty and  
18 property without due process of law. (Cal. Cont. art. I, § 15.)

19          26.     Defendants have violated article I, section 15 of the California Constitution by  
20 engaging in the conduct described in this Complaint.

21   **FIFTH CAUSE OF ACTION**

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

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

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

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

1 **PRAYER FOR RELIEF**

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

4 1. For the court to issue an order enjoining Defendants from engaging in the unlawful  
5 practices challenged in this Complaint, requiring Defendants to implement the injunctive relief  
6 provisions as set forth in the proposed Stipulated Judgment, and entering Final Judgment;

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

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

10 Dated: August 23, 2021

11 Respectfully Submitted,

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