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

14 **THE PEOPLE OF THE STATE OF**
15 **CALIFORNIA Ex REL. XAVIER BECERRA,**
16 **ATTORNEY GENERAL OF THE STATE**
OF CALIFORNIA,

17 **Plaintiff,**

18 **V.**

19 **COUNTY OF KERN and**
20 **THE KERN COUNTY SHERIFF'S OFFICE,**

21 **Defendants.**
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CASE NO: BCV-20-102971

(Unlimited Civil Case)

**COMPLAINT FOR INJUNCTIVE
RELIEF (Civ. Code, § 52.3)**

25 Plaintiff the People of the State of California, by and through Xavier Becerra, Attorney
26 General of the State of California, alleges as follows:
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1 California Department of Justice attorneys and investigators focused on allegations involving
2 police practices and accountability, among other related issues, within the Kern County Sheriff's
3 Office. The Attorney General's decision to investigate this law enforcement agency was
4 informed by complaints by individuals and community organizations, as well as by media reports,
5 which alleged use of excessive force and other serious misconduct. Publically available data
6 sources concerning officer-involved shootings and deaths in custody were also reviewed and
7 considered over the course of more than a year prior to the announcement.

8 8. After a comprehensive investigation, the Attorney General's Office concluded that
9 because of defective or inadequate policies, practices, and procedures, KCSO has failed to
10 uniformly and adequately enforce the law. Such failure has led the Attorney General's Office to
11 conclude that KCSO has engaged in a pattern or practice of conduct that deprived persons of
12 rights, privileges, or immunities secured or protected by the Constitution or laws of the United
13 States or the Constitution or laws of the State of California. Such conduct includes, but is not
14 limited, to: using unreasonable force, especially with respect to use of its canines, in violation of
15 the Fourth and Fourteenth Amendments to the Constitution of the United States, and California
16 Constitution, article I, section 13; engaging in unreasonable stops, searches, arrests, and seizures
17 in violation of the Fourth and Fourteenth Amendments to the United States Constitution, and
18 California Constitution, article I, section 13; and failure to exercise appropriate management and
19 supervision of its law enforcement officers that resulted in the deprivation of constitutional rights
20 under the Fourth and Fourteenth Amendments to the Constitution of the United States, and
21 California Constitution, article I, section 13.

22 9. The investigation also identified other legal violations in the use of deadly force
23 against individuals with a mental health disability and those in crisis; failure to provide
24 meaningful access to limited English proficient individuals under 42 United States Code section
25 2000d, Government Code section 11135 subdivision (a), and Government Code section 7290 et
26 seq.; failure to provide equal employment opportunities to KCSO applicants and employees under
27 Government Code section 12940; failure to adequately maintain a meaningful program for receipt
28 and investigation of civilian complaints under Penal Code section 832.5; and lack of a

1 comprehensive community policing program. Accordingly, the Attorney General's Office finds
2 and alleges that KCSO has engaged in a pattern or practice of conduct that deprives persons of
3 rights, privileges, or immunities, secured or protected by the Constitution or laws of the United
4 States or the Constitution or laws of the State of California.

5 10. KCSO has taken a number of constructive actions in its effort to improve the law
6 enforcement services it provides to Kern County residents, including reforming policies and
7 training; supplying deputies with new equipment, including body-worn cameras; investing in
8 additional technology and infrastructure; undertaking a comprehensive assessment of the
9 operations of its various divisions; providing additional training to deputies; and other actions.
10 But the issues identified in this complaint warrant permanent and widespread changes. To that
11 end, the parties worked cooperatively to agree on a remedial plan that includes new and revised
12 KCSO's policies and procedures, training of deputies and supervisors on the policies, frameworks
13 for assessments of KCSO's performance in each of the areas, and oversight and evaluation, by an
14 outside monitor, of KCSO's compliance with the reforms delineated in the stipulated judgment.

15 11. Plaintiff now seeks an order requiring KCSO to implement the agreed-upon reforms,
16 and respectfully requests that the court enter judgment as set forth in the proposed stipulated
17 judgment, concurrently filed with this complaint. The parties have negotiated in good faith on
18 numerous policy and procedure changes, and have reached agreement to address the findings of
19 the Attorney General's investigation. And KCSO has already begun to make changes to its
20 policies, procedures, and practices, and is in the process of implementing several of the terms
21 agreed upon by the parties.

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

1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

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

4 13. Plaintiff repeats, realleges, and incorporates herein by reference the preceding
5 paragraphs of this complaint as though they were fully set forth herein.

6 14. Civil Code section 52.3 prohibits governmental authorities, an agent of a
7 governmental authority, and persons acting on behalf of governmental authorities, from engaging
8 in a pattern or practice of conduct by law enforcement officers that deprives any person of rights,
9 privileges, or immunities secured or protected by the Constitution or laws of the United States or
10 the Constitution or laws of the State of California.

11 15. Defendants have violated Civil Code section 52.3 by engaging in the actions
12 described in this complaint.

13 **SECOND CAUSE OF ACTION**

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

15 16. Plaintiff repeats, realleges, and incorporates herein by reference the preceding
16 paragraphs of this complaint as though they were fully set forth herein.

17 17. The Fourth Amendment to the United States Constitution protects individuals from
18 unreasonable searches and seizures.

19 18. Defendants have violated the Fourth Amendment to the U.S. Constitution by
20 engaging in the conduct described in this complaint.

21 **THIRD CAUSE OF ACTION**

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

23 19. Plaintiff repeats, realleges, and incorporates herein by reference the preceding
24 paragraphs of this complaint as though they were fully set forth herein.

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

27 21. Defendants have violated article I, section 13 of the California Constitution by
28 engaging in the conduct described in this complaint.

1 **FOURTH CAUSE OF ACTION**

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

3 22. Plaintiff repeats, realleges, and incorporates herein by reference the preceding
4 paragraphs of this complaint as though they were fully set forth herein.

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

7 24. Defendants have violated article I, section 15 of the California Constitution by
8 engaging in the conduct described in this complaint.

9 **FIFTH CAUSE OF ACTION**

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

11 25. Plaintiff repeats, realleges, and incorporates herein by reference the preceding
12 paragraphs of this complaint as though they were fully set forth herein.

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

15 27. Defendants have violated article I, section 7 of the California Constitution by
16 engaging in the conduct described in this complaint.

17 **PRAYER FOR RELIEF**

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

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

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

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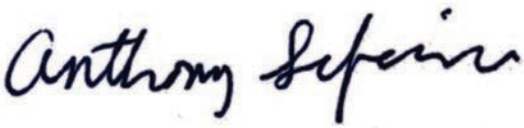
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3. For such other and further relief as the court may deem just and proper.

Dated: December 22, 2020

Respectfully Submitted,

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MICHAEL L. NEWMAN
Senior Assistant Attorney General
NANCY A. BENINATI
Supervising Deputy Attorney General
MARISOL LEÓN
Deputy Attorney General



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