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)	Case No.
)	
Plaintiffs,)	COMPLAINT
)	
)	
Defendants.)	

INTRODUCTION

This is a taxpayers action pursuant to C.C.P. on §526a, 42 U.S.C. § 1983, 42 U.S.C. § 1985 as well as the Fifth, Fourth, Fifth and Fourteenth amendments to the United States Constitution and Article I, §§1 and 13 of the California Constitution.

It seeks to declare the manner in which the defendants are implementing the sweeps in black and latino areas of Los Angeles to be illegal; to enjoin the defendants from implementing such sweeps in a manner which deprives black and latino individuals of statutory and constitutional rights and discriminates against them on the basis of race or ethnic origin; and to require them to implement their policies and practices to combat gang and drug related violence in a manner which meets

constitutional standards and does not infringe upon the rights of persons for whom they do not have reasonable suspicion or probable cause to believe are engaged in criminal conduct.

Since February 1988, the Los Angeles Police Department (LAPD) has instituted a policy and a practice of conducting sweeps in certain identified areas of Los Angeles. These "sweeps" consist of the deployment of extraordinary numbers of police in neighborhoods designated as high crime areas (in which gang and/or drug related activities are allegedly prevalent) for the alleged purpose of making large numbers of arrests and otherwise demonstrating law enforcement presence. Although purportedly designed to disrupt illegal gang and drug-related activities, the sweeps have been and are being conducted in a manner which violates important and fundamental rights of persons who are neither gang members nor involved in drug-related or other illegal activities, and for whom the defendants have reasonable suspicion or no reasonable suspicion or probable cause to believe are involved in illegal conduct.

As a result of the manner in which the sweeps are being implemented, hundreds of persons have been subjected to illegal detention, searches, intrusions, arrest, verbal harassment and physical mistreatment.

PARTIES

[Individual Plaintiff's identification]

Defendant Darryl Gates is and was at all relevant times the duly appointed Chief of Police of the LAPD. In that capacity he is responsible for directing the overall operation of the LAPD and for establishing and implementing its policies and practices.

Defendant Vernon is and was at all relevant times Assistant Chief of Police for the LAPD. In that capacity he devised and implemented and has specific responsibility for the policies and plans for the sweeps in which plaintiffs have been detained and subjected to treatment described in this complaint.

Defendants Gates and Vernon were at all relevant times acting under color of law as LAPD officers and agents of the defendant City of Los Angeles.

Defendant Los Angeles Police Department ("LAPD") is the agency of the City of Los Angeles vested with responsibility for the enforcement of the law and protecting the rights and the safety of its citizens.

Defendant City of Los Angeles (hereinafter "the City") is a municipal corporation of the State of California. The City is responsible for the actions, policies and practices of the LAPD and its agents and employees. At all relevant times, the City was responsible for assuring that the actions of the LAPD and

its employees complied with the laws and Constitution of the United States. The City's failure to assure that LAPD's policies and practices respected plaintiffs' constitutional and statutory rights caused the violations alleged in this complaint.

In executing their duties and in carrying out the policies and practices referred to herein, each of the defendants expends funds of the City of Los Angeles.

STATEMENT OF FACTS

On February __, 1988, _____ a 27 year old woman was shot and killed by gang members in the Westwood area of Los Angeles. In response to that shooting and the widespread publicity it received, the LAPD implemented sweeps and increased police presence in the Westwood area.

Following the widespread publicity and increased police presence in the Westwood area, community leaders and other individuals in South Central and East Los Angeles complained that heavily minority communities in which gang and drug related violence occurred on a much more frequent basis did not receive the same publicity and equal levels of police protection as did predominately white neighborhoods.

In response to these criticisms, the LAPD devised and implemented a plan which purports to combat gang and drug related violence and illegal activities in South

Central and East Los Angeles. The plan relies upon sweeps in which large numbers of individuals are rounded up and detained by the LAPD in high profile operations which are purportedly intended to harass and disrupt the activities of gang members and drug dealers.

Since February __, 1988 hundreds of black and latino individuals have been detained in sweeps in South Central and East Los Angeles. Many of these individuals, such as the plaintiffs in this lawsuit, were neither members of a gang nor engaged in drug related activities.

The sweeps in South Central and East Los Angeles have been implemented without regard for the constitutional or statutory rights of minority citizens who are not engaged in illegal activities but happen to reside or be present in a high crime area. The LAPD's response to the legitimate request of the minority community for increased police presence to combat illegal gang and drug related activities has been the implementation of a "scorched earth policy" in which the defendants have not attempted to distinguish between the innocent and those for whom they have legitimate reason to believe are engaged in illegal activity.

In failing to abide by constitutional standards which apply even to those for whom reasonable suspicion or probable cause exists to believe are engaged in criminal activity, and in failing to distinguish between those for whom reasonable suspicion or probable cause exists and those for which it does not, defendants have

run roughshod over the constitutional and statutory rights of patently innocent individuals.

Defendants have implemented a policy and practice of stopping, detaining, harassing, abusing, arresting and otherwise depriving of their rights individuals with certain characteristics, including race or ethnicity, and who are present within certain designated areas, without regard as to whether reasonable suspicion or probable cause exists to subject a particular individual to search and seizure or other police action.

[Specific allegations related to the named plaintiffs]

Unless this court issues temporary, preliminary and permanent injunctive relief, City taxpayers, including the plaintiffs, will suffer irreparable harm.

The plaintiffs have no remedy at law adequate to prevent the continuing and irreparable injury caused by the defendants' acts and omissions.

FIRST CAUSE OF ACTION

(Unlawful Search and Seizure, U.S. Const. Amend. 4;
Cal. Const. Article I, § 13)

Plaintiffs incorporate paragraphs 1 through ___ herein and though set forth in full.

Defendants' policy and practice of arbitrarily stopping, detaining, searching the person or automobile of detainees, of arresting or otherwise involuntarily