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15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

17 FAHREN JAMES and VICTORIA  
PATTERSON,

18 *Plaintiffs,*  
19

20 v.

21 CITY OF SOUTH PASADENA,  
MATTHEW RONNIE, in his  
individual capacity, RANDY WISE, in  
22 his individual capacity, SPENCER  
LOUIE, in his individual capacity,  
23 ROBERT BARTL, in his individual  
capacity, CHRIS PEREZ, in his  
24 individual capacity, RICHARD  
CHENEY, and Does 1 through 10,  
25

26 *Defendants.*  
27  
28

Case No. CV 21-8256 DSF (KKx)

**SECOND AMENDED COMPLAINT**

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**INTRODUCTION**

1  
2           1.     In the aftermath of George Floyd’s callous murder by Minneapolis  
3 police, communities across the country rose up to protest police brutality against  
4 African Americans. Plaintiffs Fahren James, an African American woman, and  
5 Victoria Patterson, a White ally, were among them. In the summer of 2020, they  
6 began what would become a four-month long series of peaceful protests in the City  
7 of South Pasadena (“City”) to raise awareness of the issues and advocate for change.  
8 With a diverse group of local supporters, they displayed hand-made signs in support  
9 of racial justice and the Black Lives Matter (“BLM”) movement in the City’s  
10 business district several days each week.

11           2.     Ms. James’ brother, a recent graduate of South Pasadena High School  
12 and the founder of South Pasadena Youth for Police Reform, was also active in the  
13 protests. He made early overtures to the South Pasadena Police Department  
14 (“SPPD”) to make clear the protests were not anti-police, and to develop a  
15 cooperative relationship to ensure SPPD would lend police protective services if  
16 need be. He and Ms. James were well-aware that racial justice protesters like them  
17 were increasingly the target of violent counter-protesters, but assumed the police,  
18 located just blocks from their protest site, would protect them.

19           3.     Unfortunately, their peaceful protests were met with repeated violent  
20 attacks by White supremacist vigilantes who explicitly opposed Plaintiffs’ racial  
21 justice and BLM message, and their assumption that SPPD would protect them  
22 proved gravely wrong. While Plaintiffs anticipated some would oppose their  
23 message, they were soon shocked to learn that SPPD officers at all ranks harbored  
24 anti-BLM, anti-Black and pro-White supremacist motivations, and acted in  
25 complicity with the attackers.

26           4.     SPPD’s complicity with Plaintiffs’ attackers was part and parcel of its  
27 policy, practice, and custom of free speech repression, discrimination and retaliation  
28 against BLM and African American protesters. Also a part of this policy, practice,

1 and custom was SPPD’s failure to train, supervise and carry out its own mandatory  
2 Hate Crimes, First Amendment Assemblies and Bias-Based Policing Policies, in the  
3 face of escalating attacks on BLM protesters, and despite mounting public  
4 complaints of SPPD’s biased policing and dereliction of duties.

5 5. Particularly disturbing was SPPD’s blanket policy, consistent with its  
6 antipathy to the BLM movement, to intentionally interpret hate crimes statutes to  
7 exclude BLM supporters from those entitled to their heightened protections. But for  
8 this blanket policy, Plaintiffs could have been spared the deep trauma of being  
9 denied basic victims’ assistance and life-saving police protective services solely  
10 because SPPD disagreed with their viewpoints. They also could have been spared  
11 from the repeated attacks that ensued as a result of SPPD’s affirmative acts and  
12 omissions that emboldened their attackers and left them in greater danger.

13 6. In one of these series of attacks, Joe Richcreek, a White man with a long  
14 criminal history, spat on Ms. James and Ms. Patterson, and spewed racial epithets at  
15 them. Consistent with its blanket policy that BLM supporters are not entitled to hate  
16 crimes protections, SPPD made no real effort to apprehend Richcreek, and he  
17 returned twice to attack Plaintiffs. Two days after the first attack, Richcreek hurled a  
18 fist-sized rock at Ms. James hitting her leg. After Ms. James cornered him, SPPD  
19 Officer Wise forced her to make a citizen’s arrest before he would apprehend him,  
20 explaining to Richcreek, “I’m not arresting you man, SHE is,” referring to Ms.  
21 James. Emboldened by SPPD’s favoritism to him, Richcreek returned to the protest  
22 site about a week later spewing racism and physical threats, with a lead pipe under  
23 his arm ready to carry out those threats. In response, SPPD determined Richcreek’s  
24 actions were within his First Amendment rights, that he had committed no crime let  
25 alone a hate crime. SPPD also declined to refer the incident to prosecutors, despite  
26 his two prior offenses against the same victims.

27 7. In another attack, Defendant Richard Cheney, a known anti-BLM, pro-  
28 White supremacist supporter of the Proud Boys, intentionally drove his truck over a

1 sidewalk and almost hit Ms. James in order to stop her from putting up a protest  
2 sign. The incident was captured on the nearby Starbucks surveillance video, and  
3 witnessed by multiple bystanders. When Ms. James reported the assault to SPPD,  
4 Watch Commander, Defendant Ronnie, at the direction of Police Chief Joe Ortiz,  
5 ordered SPPD officers not to arrest Cheney, or even issue him a traffic citation.  
6 Instead, SPPD let him go and issued a biased press release, insinuating that Ms.  
7 James was to blame for the assault because she was purportedly putting up signs in  
8 violation of a signage ordinance. Not only did SPPD lack authority to enforce the  
9 signage ordinance, but months earlier the City instituted a “hands off” policy toward  
10 the peaceful BLM protester which SPPD was knowingly defying, such that its  
11 actions were clearly intended to chill Plaintiffs’ protest activity.

12 8. On information and belief, Chief Ortiz directed or ratified the actions of  
13 the SPPD officers throughout the ranks – including Defendants Sergeant Ronnie,  
14 Sergeant Bartl, Sergeant Louie, Corporal Wise and Officer Perez – who time and  
15 again engaged in conduct intended to chill Plaintiffs’ free speech rights, place them  
16 in situations of state created danger, and deny them equal protection of the laws.  
17 The actions of these officers reflected anti-BLM and anti-Black sentiment, and a  
18 culture of White supremacy throughout the police force.

19 9. After months of complaints by Plaintiffs and community members, the  
20 City finally investigated them and found that over half the police force had violated  
21 SPPD’s Hate Crimes and other policies in their response to attacks on Plaintiffs and  
22 other BLM protesters. However, on information and belief, the City failed to  
23 discipline a single officer in connection with these findings, resulting in zero  
24 accountability for the harms Plaintiffs suffered. The investigation also found no  
25 officer had engaged in biased policing, but this finding is greatly contradicted by the  
26 fact that, on information and belief, the investigation also found that there are Oath  
27 Keepers in the City’s police force. As is now well known, Oath Keepers are a far-  
28 right, extremist group that believes in vigilantism, whose members are known to

1 espouse anti-BLM and White nationalist ideology.

2 10. Through this lawsuit, Ms. James and Ms. Patterson seek redress against  
3 the City of South Pasadena and the SPPD officers who violated their civil rights.  
4 Ms. James also seeks redress against Cheney who assaulted her and used threats,  
5 intimidation and coercion to infringe on her right to peacefully protest for racial  
6 justice. Ms. James and Ms. Patterson also seek to enjoin SPPD and Cheney from  
7 engaging in similar conduct in the future, so they and their fellow racial justice  
8 activists can feel secure in exercising their civil rights going forward.

9 **JURISDICTION AND VENUE**

10 11. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. §  
11 1343 because this matter involves federal questions under the First and Fourteenth  
12 Amendments to the U.S. Constitution, 42. U.S.C 1983, and because Ms. James and  
13 Ms. Patterson seek injunctive relief to protect her First Amendment rights.

14 12. Venue is proper in this district because a substantial part of the act s or  
15 omissions giving rise to the claims occurred in this judicial district. 28 U.S.C. §  
16 1391(b)(2). On January 6, 2021, Ms. James and Ms. Patterson timely filed  
17 administrative tort claims with the City South Pasadena. The City issued notices  
18 rejecting certain of their claims on April 21, 2021, and April 22, 2021. Mr. James  
19 and Ms. Patterson have exhausted all available administrative remedies. Cal. Gov't.  
20 Code §§ 913, 945.6(a)(1).

21 **PARTIES**

22 13. Plaintiff Fahren James is a resident of Los Angeles County, California.  
23 Ms. James was over eighteen years old at the time Defendants violated her civil  
24 rights as described in this Complaint.

25 14. Plaintiff Victoria Patterson is a resident of South Pasadena in Los  
26 Angeles County, California. Ms. Patterson was over eighteen years old at the time  
27 Defendants violated her civil rights as described in this Complaint.

28 15. Defendants Matthew Ronnie, Robert Bartl, Spencer Louie, Randy Wise

1 and Chris Perez are officers of the South Pasadena Police Department. At all  
2 relevant times, they were acting under color of law within the course and scope of  
3 their duties as South Pasadena Police Department officers, and as agents and  
4 employees of the City of South Pasadena.

5 16. Defendant City of South Pasadena (“City”) is a political subdivision  
6 organized under the laws of California and a proper defendant in this action as to  
7 Ms. James’ claims made pursuant to the California Tort Claims Act, Cal. Gov’t  
8 Code §§ 810-996. The City was at all relevant times the employer of Defendants  
9 Ronnie, Bartl, Perez and Wise. It is liable for the tortious actions and omissions of  
10 its employees.

11 17. The South Pasadena Police Department is a department of the City. On  
12 information and belief, the City, through the South Pasadena Police Department,  
13 maintains an unlawful policy, practice and custom of free speech repression,  
14 discrimination and retaliation against Ms. James, African Americans and BLM  
15 protestors, which was the moving force behind its deprivation of their civil rights  
16 described herein, including their rights to (1) free speech and association, including  
17 peaceful protests in support of racial justice and BLM, in violation of the First  
18 amendment of the U.S. Constitution, (2) due process liberty interests, including their  
19 right to personal security and to be free of state created danger, in violation of the  
20 14th amendment to the U.S. Constitution, and (3) equal protection on account of  
21 their race and viewpoint, under the 14th amendment to the U.S. Constitution, by  
22 engaging in acts and omissions intended to chill their free speech and association  
23 rights; instituting a blanket policy of excluding BLM protestors from protections  
24 under hate crimes statues and its own Hate Crimes Policy, thereby failing to treat  
25 reported assaults against them as potential hate crimes entitled to heightened  
26 investigative procedures and victims’ assistance in violation of their mandatory  
27 duties; creating false, inaccurate and biased police reports and press releases of  
28 those assaults, and acting in complicity with Ms. James and Ms. Patterson’s



1 attackers to allow them to violate their rights with impunity.

2 18. SPPD's unlawful policy, practice, or custom of free speech repression,  
3 discrimination and retaliation against Ms. James, African Americans and BLM  
4 protesters is reinforced by its inadequate supervision and training of its officers with  
5 respect to its mandatory Hate Crimes Policy, its First Amendment Assemblies  
6 Policy and its Bias-Based Policing Policy. SPPD was on public notice that multiple  
7 of its officers and supervisors had violated these Policies as early as mid-July 2020,  
8 but repeatedly failed to address the violations, leading to repeat attacks against  
9 Plaintiffs with impunity, demonstrating its deliberate indifference to violations of  
10 their Constitutional rights and the injuries they suffered therefrom. SPPD's  
11 inadequate supervision and training as to these Policies was the moving force  
12 behind the Constitutional violations Plaintiffs suffered, including their 14th  
13 amendment right to be free of state created danger.

14 19. Defendant Richard Cheney is a resident of South Pasadena, California.  
15 Defendant Cheney was over eighteen years old at the time he is alleged to have  
16 violated Ms. James' civil rights as described in this Complaint.

17 20. The true names and/or capacities, whether individual, corporate,  
18 associate or otherwise, of Defendants Does 1 through 10, inclusive, and each of  
19 them, are unknown to Ms. James and Ms. Patterson, who therefore sue said  
20 Defendants by such fictitious names. Ms. James and Ms. Patterson are informed and  
21 believe, and upon such information and belief allege, that each of the Defendants  
22 fictitiously named herein as a Doe is legally responsible, negligently, recklessly or  
23 intentionally, or in some actionable manner, for the events and happenings  
24 referenced herein, and proximately caused the injuries and damages to Ms. James  
25 and Ms. Patterson alleged herein. Ms. James and Ms. Patterson will seek leave of  
26 Court to amend this Complaint to assert the true names and/or capacities of such  
27 fictitiously named Defendants when the same have been ascertained.

28 21. Ms. James and Ms. Patterson are informed and believe and thereon

1 allege, that at all times mentioned herein, Defendants, and each of them, including  
2 Does 1 through 10 are individually and/or jointly liable in some manner for the  
3 wrongs alleged herein, and/or were the agents, servants, and/or co-conspirators of  
4 their Co-Defendants, and/or aided and abetted their Co-Defendants, and were, as  
5 such, acting in concert, and that each and every Defendant, as aforesaid, when  
6 acting as an individual and in concert, perpetrated the negligent, reckless and  
7 intentional acts alleged herein and is responsible for the events and happenings set  
8 forth herein and proximately caused injury to Ms. James and Ms. Patterson as  
9 alleged herein.

10 **FACTUAL ALLEGATIONS**

11 **I. Plaintiffs’ Peaceful Demonstrations Against Police Brutality Against**  
12 **African Americans; Violent Attacks by Anti-BLM, White Supremacist**  
13 **Vigilantes; SPPD’s Complicity in Attacks**

14 22. Plaintiff Fahren James is a social justice activist. She is African  
15 American, and the founder of Black Lives Matter South Pasadena (“BLM South  
16 Pasadena”). During the summer and fall of 2020, Ms. James led and sustained a  
17 four-month-long series of peaceful demonstrations against police brutality in South  
18 Pasadena, sparked by the callous killing of George Floyd by Minneapolis police.

19 23. The protests were initiated in June 2020 by Ms. James’ brother, London  
20 Lang, who had relatively recently graduated from South Pasadena High School.  
21 Mr. Lang is the founder of the group South Pasadena Youth For Police Reform, an  
22 issue dear to his heart as a Black youth, who are disproportionately victims of police  
23 abuse. Mr. Lang himself was the target of unwarranted and biased policing by  
24 SPPD, but was nonetheless determined to establish a good working relationship  
25 with them. Soon Ms. James, herself also the victim of police violence, joined Mr.  
26 Lang’s effort and began to lead and become the public face of the protests in South  
27 Pasadena. Their demonstrations took place three to four times a week for several  
28 hours, attracted large numbers of community members, of all ages and walks of life,

1 from both South Pasadena and surrounding communities who support the BLM  
2 movement, and their calls for racial justice and police accountability.

3 24. Plaintiff Victoria Patterson joined the racial justice demonstrations in  
4 June 2020 and participated in them for at least an hour on most days they took  
5 place. She is a novelist, who has lived in South Pasadena with her family for close  
6 to thirty years. She was moved to take part in the protests both to support the BLM  
7 movement, as well as to channel the spirit of her deceased friend, whose nephew  
8 had been killed by a police officer.

9 25. Ms. James' prominent role in the protests made her vulnerable to harm  
10 from individuals who did not agree with her message, and harbored hate toward  
11 African Americans and their demands for justice for their communities. This was  
12 consistent with what other BLM protesters experienced around the country, as  
13 documented in numerous media reports of violence against BLM supporters by  
14 members of White supremacist, extremist groups who publicly opposed BLM.

15 26. In anticipation of these obvious and well-publicized realities, at the  
16 onset of the protests Mr. Lang met with the local police department, SPPD, and  
17 explicitly made clear that the protests would be peaceful. He also made clear that he  
18 did not condone anti-police messaging at the protests and would ask people who  
19 brought such messages to leave. Mr. Lang's father is a retired police officer,  
20 making him sensitive to anti-police messaging.

21 27. In return for these overtures to SPPD, Ms. James assumed she and her  
22 fellow protesters could rely on its protection, consistent with its obligation to serve  
23 and protect community members equally and without bias. At least in the early days  
24 of the protests, SPPD was tolerant of the pro BLM demonstrations, and a few  
25 officers even joined them. However, as the protests continued, SPPD became less  
26 supportive of Ms. James' First Amendment rights, and began to infringe on them.

27 //

28 //

1           **A. July 2020: SPPD’s Invidious Policy Excluding BLM Supporters**  
2           **from Hate Crimes Protections**

3           28. In early July 2020, Robin Toma, the Executive Director of the Los  
4 Angeles County Human Relations Commission contacted Chief Ortiz to inform him  
5 of reports from South Pasadena residents who had prominent BLM signage posted  
6 at their homes who found nails in their driveways. Residents found nails in at least  
7 six homes in close proximity, and understood it to be an act of hate against their  
8 BLM messaging. While SPPD responded to the incidents, it reported them only as  
9 “vandalism.” When impacted residents questioned why nails incidents were not  
10 being investigated as potential hate crimes, SPPD was non-committal, indicating  
11 they would consider doing so upon consultation with hate crimes experts at the  
12 California Department of Justice if need be.

13           29. On information and belief, SPPD never consulted with the California  
14 Department of Justice or any law enforcement official with expertise in hate crimes  
15 to determine whether the nails incidents should be reported as potential hate crimes.  
16 Rather, SPPD willfully and intentionally, based on its antipathy to the BLM  
17 movement, misinterpreted the California hate crimes statute, Penal Code § 422.6, to  
18 exclude potential crimes against BLM supporters from hate crimes protections. As  
19 a result of this biased and erroneous blanket determination, SPPD never formally  
20 referred the nails incidents to any prosecutor’s office for consideration as a potential  
21 hate crime under Penal Code § 422.6. For the same reasons, SPPD also did not refer  
22 any of the future attacks on BLM protesters to prosecutors as potential hate crimes.

23           30. SPPD’s Hate Crimes Policy in effect at all times relevant to this action  
24 adopted the provisions of the Commission on Peace Officer Standard and Training  
25 (“POST”) Hate Crimes Model Policy, 2019. The SPPD Hate Crimes Policy was  
26 enacted pursuant to the South Pasadena City Charter which mandates as follows:  
27 “Pursuant to Section 13510(c), Chapter 1, the South Pasadena police department  
28 will adhere to the standards for recruitment and training established by the

1 California Commission on Peace Officer Standards and Training (POST).” South  
2 Pasadena City Charter, Article IX. Section 2.96A-1(b).<sup>1</sup> Pursuant to Penal Code  
3 section 422.87, as restated in POST Hate Crimes Model Policy, 2019, “[e]ffective  
4 January 1, 2019, any local law enforcement agency that updates an existing hate  
5 crimes policy, or adopts a new one, *shall* include the content of the [POST] model  
6 policy framework ... and any revisions or additions to the model policy in the  
7 future.” (Emphasis added). On information and belief, SPPD had a Hate Crimes  
8 Policy at least since 2005, and updated it or adopted a new one at some time after  
9 January 1, 2019, but before July 2020.

10 31. Thus, pursuant to statute, the City’s Charter, and SPPD’s own Policy  
11 Manual, at all times relevant to this action SPPD had mandatory obligations related  
12 to investigating and providing victims’ assistance related to potential hate crimes,  
13 with the requirements of the 2019 POST Hate Crimes Model Policy as its floor.  
14 Pursuant to California Penal Code section 13519.6, as restated in POST Hate  
15 Crimes Model Policy, 2019,<sup>2</sup> effective at least since January 1, 2005, the “*Minimal*  
16 *Legal Requirements* for an Agency’s Hate Crimes Policy,” include ... “[a] title-by-  
17 title specific protocol that agency personnel *are required to follow*, including, but  
18 not limited to, ... *Providing victim assistance and follow-up, including community*  
19 *follow up* ... [and] *reporting*.”

20 32. According to the 2019 POST Model Hate Crimes Policy, among the  
21 victims’ assistance SPPD is required to provide is a “hate crimes brochure to ensure  
22 compliance with CCP 422.92 (‘Every state and local law enforcement agency in this

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23 <sup>1</sup> See South Pasadena City Charter, Article IX. Section 2.96A-1(b) available at  
24 <https://www.codepublishing.com/CA/SouthPasadena/html/SouthPasadena02.html#2>  
25 .9

26 <sup>2</sup> See POST Hate Crimes Model Policy, Commission on Peace Officer Standards  
27 and Training, 2019, available at  
28 [https://www.alamedaca.gov/files/assets/public/departments/alameda/police/hate-  
crime-stats/hate-crime-338.-12.19.pdf](https://www.alamedaca.gov/files/assets/public/departments/alameda/police/hate-crime-stats/hate-crime-338.-12.19.pdf)

1 state shall make available a brochure on hate crimes to victims of these crimes and  
2 the public.’)” However, on information and belief, SPPD did not make any hate  
3 crimes brochure available to officers to distribute to potential hate crimes victims,  
4 and never provided on to Plaintiffs at any time.

5 33. Further, another requirement of the 2019 POST Model Hate Crimes  
6 Policy, as set forth in the “Policy Guidelines,” is the requirement that “**Agencies**  
7 **shall provide a checklist to first responders to provide direction for the**  
8 **investigation of all hate crimes as mandated by CPC 422.87** (‘Any local law  
9 enforcement agency that updates an existing hate crimes policy or adopts a new hate  
10 crimes policy shall include, but not be limited to, all of the following: ... (6) **A**  
11 **checklist of first responder responsibilities.**’).”

12 34. Pursuant to California Penal Code sections 13519.6 and 422.87,  
13 SPPD’s own Hate Crimes Policy in operation at all times relevant here included  
14 mandatory provisions that met or exceeded the obligations set forth in the 2019  
15 POST Hate Crimes Model Policy. SPPD Policy Manual, § 319 *et seq.* The Policy in  
16 place at the time of the assaults against Ms. James and Ms. Patterson stated “All  
17 officers **are required** to be familiar with the [Hate Crimes] policy and use  
18 reasonable diligence to carry out the policy unless directed by the Chief of Police or  
19 other command-level officer.” SPPD Policy Manual at § 319.2 (Policy) (Emphasis  
20 added). Among other things, SPPD officers responding to reported hate crimes  
21 failed to follow the following mandatory provisions in the SPPD Hate Crimes  
22 Policy: “preserve evidence that establishes a possible hate crime” *id.* § 319.4 (c),  
23 “take appropriate action to mitigate further injury or damage to potential victims or  
24 the community,” *id.* at § 319.4(d), and “take reasonable steps to ensure that any such  
25 situation does not escalate further and should provide information to the victim  
26 regarding legal aid, *id.* at §§319.4 (i). The SPPD Hate Crimes Policy also  
27 references the checklist that must be provided to officers to use in responding to  
28 potential hate crimes as mandated by CPC 422.87, see §§319.4.1(a), 319.6

1 APPENDIX (referencing “Hate Crime Checklist.pdf”). However, on information  
2 and belief, SPPD never made that checklist available to SPPD officers.

3 35. Further, under the SPPD Hate Crimes Policy, supervisors have their  
4 own explicit mandatory obligations regarding hate crimes. It states that supervisors  
5 “*shall* confer with the initial responding officer and take reasonable steps to ensure  
6 that necessary preliminary actions have been taken ... and *shall* request any  
7 appropriate personnel necessary to accomplish the following: ... (a) Provide  
8 immediate assistance to the crime victim ... [and] (b) “[t]ake reasonable steps to  
9 ensure that all relevant facts are documented on an incident and/or arrest report ...  
10 (d) ... in circumstances where the potential exists for subsequent hate crimes or  
11 incidents, consider directing resources to protect vulnerable sites (such as assigning  
12 an officer to specific locations that could become targets). *Id.* at § 319.4.3  
13 (Emphasis added).

14 **B. July-August 2020: Four Attacks on Plaintiffs and BLM Protesters**

15 36. Beginning on July 8, 2020, Ms. James and her fellow BLM protesters  
16 were assaulted by White supremacist vigilantes in a series of attacks. When Ms.  
17 James called on SPPD to report the incidents, it affirmatively refused to do so based  
18 on its erroneous and invidious blanket determination that BLM supporters are not  
19 entitled to hate crimes protections. Moreover, on multiple occasions SPPD publicly  
20 blamed Ms. James’ free speech activities for causing the attacks. In at least one  
21 instance, SPPD officially acted in complicity with one of her attackers – Defendant  
22 Cheney – to ratify the assault. The sum total of SPPD’s actions left Ms. James and  
23 her fellow protesters vulnerable to greater risk of harm, including repeat attacks.

24 **1. July 8, 2020: Richcreek Assault on Plaintiffs**

25 37. The first of the attacks against Ms. James was committed by Joe  
26 Richcreek, a White man with a long criminal history including for arson, who,  
27 motivated by racial and viewpoint animus, assaulted Ms. James on three separate  
28 occasions, and Ms. Patterson on two of those occasions.

1           38. On July 8, 2020, Richcreek approached the BLM protest site armed with  
2 weapons, including a sharpened drumstick, ready for a confrontation. Richcreek  
3 immediately began to question Ms. James about the protest signs, calling them  
4 “racist,” and calling Ms. James and Ms. Patterson “biased against the white man.”  
5 Ms. James tried to de-escalate the situation, but Richcreek would not be deterred.

6           39. Ms. Patterson first watched the altercation from a distance, and then  
7 came closer and began to video record the incident on her phone for Ms. James’  
8 protection. Mr. Richcreek then grabbed Ms. Patterson’s phone, and after she took it  
9 back to proceed to record the incident, Mr. Richcreek forcefully spat on both Ms.  
10 Patterson and Ms. James, which was captured clearly on video. After an additional  
11 heated exchange, Mr. Richcreek fled the scene on his bicycle.

12           40. In response to a call for assistance from a bystander at the scene, SPPD  
13 arrived 25 minutes later – an unreasonably long time given that the SPPD’s  
14 headquarter is no more than 500 feet from where the assault took place.

15           41. Two SPPD officers, Officer Roppo and Corporal Carrillo, listened to  
16 what had transpired and watched Ms. Patterson’s video of the incident. However,  
17 they inexplicably failed to take a police report. When they were about to leave the  
18 scene, and Ms. James asked for a police report number, they returned to take a  
19 formal report. However, they failed to carry out their mandatory obligations under  
20 SPPD’s Hate Crimes Policy to comply with the heightened investigatory  
21 procedures, as well as provide the requisite victims’ assistance to Ms. James and  
22 Ms. Patterson, including how to obtain legal aid, such as a protective order against  
23 Richcreek to stave off future attacks. They also failed to turn on their body cameras  
24 and record key segments of their interview of the victims, again in violation of  
25 SPPD policy, and creating an impediment to further investigation and prosecution.

26           42. As it relates to the July 8, 2020 Richcreek attack, SPPD’s Hate Crimes  
27 Policy required Officer Roppo and Corporal Carrillo to “preserve evidence that  
28 establishes a possible hate crime” (i.e. taking a sample of the spit on the victims Ms.



1 James and Ms. Patterson as a means to apprehend the suspect, as profuse amounts of  
2 his spit remained on Ms. James and Ms. Patterson when SPPD arrived on the  
3 scene), SPPD Policy Manual at § 319.4 (c), “take appropriate action to mitigate  
4 further injury or damage to potential victims or the community,” (*i.e.* running  
5 Richcreek’s likeness caught on video, and DNA from his spit through police  
6 databases, where he was likely to be immediately identified and lead to his  
7 apprehension given his long criminal history), *id.* at § 319.4.2 (d), prominently mark  
8 the report as a hate crime, *id.* at § 319.4 (g), and “take reasonable steps to ensure  
9 that any such situation does not escalate further,” *id.* at § 319.4.2 (i) (*i.e.* proactively  
10 following up with Ms. James and Ms. Patterson soon after the attack to inquire  
11 about their safety). Officer Roppo and Carrillo did none of these things.

12 43. Regarding their obligation to report the potential hate crime to their  
13 supervisor under § 319.4 (b), their Supervisors at the time were Defendants Bartl  
14 and Sergeant Valencia. On information and belief, to the extent Roppo and Carrillo  
15 informed these supervisors of the incident, Defendants Bartl and Valencia declined  
16 to advise them to treat the matter as a potential hate crime and failed and carry out  
17 their own mandatory duties, including to “consider directing resources to protect  
18 vulnerable sites [like the BLM protest site] (such as assigning an officer to specific  
19 locations that could become targets).” *Id.* at § 319.4.3.

20 44. Roppo, Carrillo, Defendant Bartl and Valencia’s failure to treat the July  
21 8, 2020 incident as a potential hate crime was ratified on July 9, 2020 by both  
22 Deputy Police Chief Solinsky and Chief Ortiz. On the morning of July 9, 2020, in  
23 response to a public inquiry to Chief Ortiz about the July 8 incident, Solinsky  
24 affirmatively indicated to Chief Ortiz his awareness of the incident, and indicated he  
25 had yet to review the police report to determine whether it constituted a potential  
26 hate crime. Solinsky stated: “A suspect spit on one of the protestors (London’s  
27 sister). We responded and took a crime report. I have not seen it yet to determine if  
28 it’s a hate crime or assault and battery.” On information and belief, based on

1 SPPD's blanket policy that BLM supporters are not entitled to hate crime  
2 protections, Solinsky and Ortiz directed and/or ratified Roppo, Carrillo, Defendant  
3 Bartl and Valncia's decision not to treat the July 8 incident as a potential hate crime.

4 45. In addition to erroneously failing to treat the July 8, 2020 Richcreek  
5 assault as a potential hate crime, SPPD's report of the incident was materially  
6 inaccurate in many respects. Among other things, the report failed to identify Ms.  
7 James, an African American woman, as a victim of the incident, and only named  
8 Ms. Patterson as a victim. Defendant Bartl and Valencia signed off on this  
9 omission. Though Ms. James and Ms. Patterson tried to correct the record by  
10 providing SPPD with written corrections, on information and belief, SPPD's  
11 Detective Bureau never forwarded those written corrections to the Alhambra  
12 District Attorneys' office, as records show SPPD Detective Palmieri only attested to  
13 a single charge against Richcreek on behalf of Ms. Patterson. On information and  
14 belief, the SPPD Detective Bureau also failed to submit other key evidence to the  
15 Alhambra District Attorneys' Office regarding the July 8 incident, including body  
16 camera footage of SPPD's interview with Richcreek at SPPD headquarters where he  
17 made a number of additional comments making clear he targeted Ms. James and the  
18 BLM protestors based race, as well as their affiliation with BLM.

19 46. As a result of SPPD's shoddy reporting of the July 8, Stephanie Mire of  
20 the Alhambra District Attorneys' initially declined to charge Richcreek for the  
21 spitting incident at all, let alone treat the assault as a hate crime. Only after more  
22 robust facts about the events were reported in the news media, and Ms. James and  
23 Ms. Patterson personally advocated with the District Attorney's office, did  
24 prosecutors overrule Ms. Mire's prior decision and file charges against Richcreek  
25 for the July 8 incident on behalf of both Ms. James and Ms. Patterson. However,  
26 given SPPD's failure to fully and contemporaneously document the case, the  
27 District Attorney declined to charge Richcreek with hate crimes.

28 //

1                   **2. July 10, 2020: Richcreek Assault on Ms. James**

2                   47. On July 10, 2020, because SPPD did nothing to try to apprehend  
3 Richcreek, he returned to the BLM protest site to harass Plaintiffs again. When he  
4 spotted Ms. James, he called her a “fucking bitch,” and threw a large, fist-sized rock  
5 at her which hit her leg. Ms. James and two witnesses to the assault both pursued  
6 Richcreek by car and foot, and also called SPPD to seek their assistance in  
7 apprehending him. After Ms. James cornered Richcreek, SPPD arrived.

8                   48. The first officer on the scene who was responsible for the police report,  
9 Defendant Wise, did not interview witnesses, including the victim Ms. James,  
10 despite their presenting him with statements and video evidence of Richcreek’s  
11 assaults against Ms. James earlier that day, as well as two days prior during the July  
12 8, 2020 spitting assault. Instead, Defendant Wise immediately became agitated by  
13 Ms. James and the other BLM supporters who had gathered to support her, claiming  
14 they were a threat to his safety and that of the suspect Richcreek. He also made  
15 explicit his predisposition against them, expressing in earshot of Richcreek words  
16 directed at Ms. James and Mr. Lang to the effect of, “you guys caused this....this is  
17 wrong .... the cop hating around here ... why bring this to our city?” which on  
18 information and belief Richcreek heard. In response, at some point later in the  
19 altercation, Richcreek told Wise and the other mostly White SPPD officers at the  
20 scene, “I’m doing this for you guys” or words to that effect, referring to his counter-  
21 protest activities against Ms. James and her fellow BLM Protestors and his pro-  
22 police stance.

23                   49. Defendant Wise also demonstrated improper favoritism to Richcreek,  
24 and went beyond the call of duty to protect and advocate for him. Defendant Wise  
25 did not arrest Richcreek, or even put him in handcuffs or pat him down, despite  
26 witness testimony that Richcreek was “not sitting quietly,” and video evidence that  
27 he had a large rock in his pocket, like the one he earlier used to strike Ms. James.  
28 Ms. James called out the racial bias she was witnessing, stating that under the

1 circumstances, if Richcreek had been a Black man, SPPD would have had him in  
2 handcuffs. Despite refusing to arrest him, let alone handcuff him, Defendant Wise  
3 advised Richcreek to stay silent so as not to incriminate himself.

4 50. In response to Ms. James' entreaties to hold Richcreek accountable,  
5 SPPD told Ms. James she would need to make a citizens' arrest if she wanted him  
6 held to account. Ms. James first pushed back, protesting that it was SPPD's job, not  
7 hers, to arrest a man for who they had both video and eye-witness evidence had  
8 committed two physical assaults against her in two days. Because she had suffered  
9 two sleepless nights since Richcreek's prior assault against her, she felt compelled  
10 to sign the citizen's arrest form for fear of future attacks by him. When SPPD  
11 effectuated Ms. James' citizen's arrest form and took Richcreek into custody,  
12 Defendant Wise informed Richcreek, "I'm not arresting you man, SHE is,"  
13 emphatically referring to Ms. James, essentially placing a target on her back.

14 51. Defendant Wise's response to the July 10, 2020 incident was recorded  
15 on video by bystanders. His police report is riddled with false statements and bias  
16 against the BLM protestors and in favor of Richcreek. It describes Ms. James and  
17 BLM supporters as creating a "chaotic scene fueled by the angry group," despite the  
18 fact that the video shows nobody was being uncooperative. Instead, the video  
19 depicts Corporal Wise in earshot of Richcreek condescendingly lecturing to Ms.  
20 James' brother Mr. Lang, who came to support his sister. Defendant Wise also  
21 falsely claims fear for his safety and that of the suspect Richcreek on account of the  
22 protestors, but the video evidence does not support that account. Defendant Wise's  
23 report falsely states, "I was unable to interview James or any of her group about this  
24 allegation due to their uncooperative behavior at the scene," which again is  
25 contradicted by the video evidence available to SPPD. The report also leaves out the  
26 fact that Defendant Wise found a large rock in Richcreek's pocket (which is also  
27 captured on video), and that SPPD ran a background check on him that night and  
28 learned he had a criminal history, including being an "arson registrant."

1           52. After his arrest, Corporal Wise took Richcreek to SPPD headquarters to  
2 question him, purportedly for his safety, but released Richcreek the same night, with  
3 a notice to appear for a court hearing. Before he released Richcreek, Wise conducted  
4 a lengthy interview with Richcreek in which Richcreek made false allegations that  
5 Ms. James hit him with a bat on July 10, 2020 when she cornered him and was  
6 waiting for SPPD to apprehend him. SPPD has not produced Wise’s body camera  
7 video of this interview with Richcreek in this litigation, nor, on information and  
8 belief, did they provide it to the Alhambra District Attorneys’ office for possible  
9 prosecution of the matter. In any event, Richcreek’s account that Ms. James hit him  
10 with a bat was not corroborated by any of the many witnesses to the incident.  
11 Nonetheless, SPPD went to great lengths to gather evidence against Ms. James in an  
12 attempt to corroborate Richcreek’s claims against her, which the District Attorney  
13 rejected. However, based on SPPD’s false narrative that Ms. James was an  
14 aggressor, as opposed to a victim trying to stand her ground in the face of a fleeing  
15 suspect, the District Attorney also rejected the case against Richcreek for criminal  
16 prosecution.

17           53. After Wise left the scene with Richcreek, Defendant Louie and Officer  
18 Valdez remained at the scene and for the first time discussed with Ms. James  
19 Richcreek’s assault on her with a rock earlier that night. However, in directing the  
20 investigation and interview for this crime, Louie failed to follow even the most basic  
21 policing policies and practices to gather relevant evidence toward prosecution of  
22 Richcreek’s assault. Louie treated the matter in such a cursory manner that Ms.  
23 James did not even know he and Officer Valdez were officially interviewing her for  
24 purposes of preparing a police report. As reflected in body camera video, the whole  
25 exchange lasted all of two to three minutes. Among other deficiencies, neither Louie  
26 nor Valdez approached Ms. James to look at the injury on her leg caused by  
27 Richcreek’s assault, which Ms. James attempted to show them in the dusk of night.  
28 Nor did they ask Ms. James about any witnesses to the incident, of which there were

1 at least two. When Officer Valdez specifically asked Louie if she needed to get  
2 more information from Ms. James, Louie specifically said “no” and rushed Ms.  
3 Valdez away from the scene. Neither Louie nor Valdez, the only SPPD officers who  
4 directly spoke to Ms. James about the rock-throwing incident, even wrote a police  
5 report relaying their first-hand exchange with Ms. James. Instead, they passed on  
6 the truncated information to Wise who twisted it to fit his biased narrative against  
7 Ms. James (the report states, “James showed officer Valdez her leg and there was no  
8 visible injury to photograph ... no one claimed to have witnessed the crime.”)

9 54. As with the police report of the July 8, 2020 incident, Corporal Wise’s  
10 report of the July 10, 2020 incident failed to identify it as a potential hate crime let  
11 alone follow any of the attendant mandatory duties associated with that designation.  
12 Despite the fact that Defendant Wise’s supervisor, Sergeant Louie, was at the scene  
13 of the incident, he too failed to carry out his mandatory supervisory duties in  
14 connection with the incident, including conducting or directing a proper interview of  
15 the rock-throwing incident after Wise left the scene, and correcting the false  
16 statements in Wise’s police report which Louie officially approved. On information  
17 and belief, SPPD leadership, including Chief Ortiz and Deputy Chief Solinsky,  
18 personally reviewed the incident, and either directed or ratified Wise and Louie’s  
19 decision not to treat the July 10 incident as a potential hate crime. They did so  
20 based on their blanket determination, influenced by their antipathy to the BLM  
21 movement, that BLM supporters are not entitled to hate crimes protections.

22 55. One eyewitness at the scene of the July 10 incident, South Pasadena  
23 Public Safety Commissioner Alan Ehrlich, wrote to Police Chief Ortiz and other  
24 City officials about the incident a few days later to express his concern with SPPD’s  
25 biased and improper handling of the July 10 incident. Mr. Ehrlich was both an eye-  
26 witness to and watched the video of SPPD’s response to the incident. He stated that  
27 he was “disturbed by a number of comments made by Cpl Wise at the time of the  
28 arrest, actions taken (and not taken) by officers present, and representations made in

1 the written report.” Regarding the police report prepared by Defendant Wise, and  
2 approved by Defendant Louie, Mr. Ehrlich commented, “[t]he term ‘BLM  
3 protesters’ appears throughout the [police] report in what some might consider  
4 pejorative.” He questioned the truthfulness of the report based on his eye-witness  
5 account, calling out as dubious Defendant Wise’s claim that SPPD “checked [Ms.  
6 James’] leg for any injury caused by a rock being thrown and did not observe  
7 anything.” In fact, this statement was patently false as the body camera footage  
8 shows Defendant Louie and Officer Valdez never even approached Ms. James when  
9 she lifted her pant leg to indicate the site of her injury, let alone shine a light on it  
10 and take pictures of it, as proper police practice requires them to do. Indeed, that is  
11 what Wise did when Richcreek hit her with a bat, when he took him back to SPPD  
12 headquarters. Mr. Ehrlich also observed that “none of the officers came to speak to  
13 the victim [Ms. James] and help explain the process that was happening or help to  
14 de-escalate the situation.”

15 56. Despite Mr. Ehrlich’s complaint to Chief Ortiz about Defendant Wise’s  
16 improper and biased handling of the incident, neither Chief Ortiz nor anyone else at  
17 SPPD responded to Mr. Ehrlich’s concerns, and on information and belief Chief  
18 Ortiz ratified Defendant Wise’s violations of SPPD policy and Ms. James’ civil  
19 rights, and did not discipline him or otherwise hold him to account. Instead,  
20 SPPD’s formal position, including as reiterated in this litigation, is that Defendant  
21 Wise has a free speech right to express his negative opinions about BLM protesters  
22 and Ms. James in particular while on duty, despite the fact that this position violates  
23 SPPD’s own Employee Speech, Expression, and Social Networking Policy.

24 57. As discussed, throughout SPPD’s response to the July 10 incident  
25 Defendant Wise’s supervisor Defendant Louie was present, and allowed his  
26 subordinate to engage in flagrant violations of SPPD policies and Ms. James’ civil  
27 rights. Defendant Louie did so because he shared Defendant Wise’s animus toward  
28 BLM protesters and African Americans including Ms. James in particular.

1 Defendant Louie heard all of Defendant Wise’ biased comments about the BLM  
2 protesters, directed to Ms. James and Mr. Lang specifically, in earshot of and  
3 information and belief heard by Richcreek, and did nothing to correct Wise’s First  
4 amendment chilling conduct. He also witnessed the undue favoritism Defendant  
5 Wise was granting Richcreek despite video evidence of his assault against Ms.  
6 James. The decision not to arrest Richcreek, and require Ms. James to effectuate a  
7 citizens’ arrest, which prompted Defendant Wise to blame his arrest on Ms. James,  
8 was also directed or ratified by Louie, on information and belief the highest ranking  
9 SPPD officer at the scene.

10 58. Defendant Louie also failed to direct Defendant Wise to treat the  
11 incident as a potential hate crime, determine whether it should be deemed a hate  
12 crime, conduct a proper interview of Ms. James in connection with the rock  
13 throwing incident or direct Valdez who to properly do so, provide Ms. James  
14 appropriate victims’ assistance, or ensure proper collection of evidence and witness  
15 statements, as required by the SPPD Hate Crimes Policy and other relevant policies.  
16 Defendant Louie also reviewed Defendant Wise’s biased police report of the July 10  
17 incident, and officially signed off on the false and biased comments it made about  
18 the BLM protesters being “anti-police” when there was no evidence to support this  
19 finding. On information and belief, Wise discussed with Louie this aspect of the  
20 report, Louie agreed with the characterization, and authorized Wise to include it.

21 59. Defendant Louie engaged in all of these acts and omission on account of  
22 his animus toward African Americans, Ms. James, and the BLM movement.  
23 Defendant Louie’s complete failure to carry out his obligations to reign in the  
24 unlawful conduct of his supervisee, and his decision to affirm that conduct by  
25 approving Defendant Wise’s false and biased police report of the July 10 incident,  
26 together with his failure to carry out his own independent obligations to conduct an  
27 adequate interview of Ms. James and write his own police report, or direct his  
28 supervisee Valdez to do so, oversee proper hate crimes investigation and provide



1 victim services to Ms. James, would chill or silence a person of ordinary firmness  
2 from engaging in future BLM protests.

3 **3. July 8 and 10, 2020 Assaults: Chilling Effect and Harms on**  
4 **Plaintiffs as a Result of SPPD's Responses**

5 60. The chilling effect of Wise and Louie's conduct on Ms. James' First  
6 Amendment protected activity was only reinforced by SPPD's response, or lack  
7 thereof in Ms. James' case, to Plaintiffs' ongoing requests for victims' assistance in  
8 the days after the July 8 and 10 assaults. A few says after the July 10 assault, Ms.  
9 James and Ms. Patterson contacted SPPD to request a copy of the police reports for  
10 the July 8 and July 10 incidents and to seek further assistance as victims of hate  
11 crimes. SPPD rebuffed requests by Ms. James, ignoring her emails, and falsely  
12 claiming in the police report of the July 10 assault that Defendant Wise tried to call  
13 her after that assault to follow up with her but she did not respond. Ms. James' cell  
14 phone call records verify she received no call from anyone at SPPD that night, let  
15 alone in the days following to address issues of her ongoing safety. Louie was  
16 copied on those emails, and when pressed only offered Ms. James to reach out to  
17 him on her own. But given that Louie signed off on Wise's biased police report, Ms.  
18 James determined no good that would come of that.

19 61. In contrast, when Ms. Patterson, a White woman who was also a BLM  
20 supporter and victim of the July 8, 2020 Richcreek assault, asked for SPPD  
21 assistance, she received multiple phone calls and offers to assist from several high-  
22 ranking officers, including Sergeant Abdalla, Sergeant Louie and Detective  
23 Palmieri. In a follow up email from his call with Ms. Patterson on July 15, 2020,  
24 Abdalla stated "I look forward to working with you in the future towards a  
25 successful prosecution in your case." He also copied Sergeant Louie on the email,  
26 and provided his phone number, indicating that "he'll be expecting your call," to  
27 address inaccuracies in the police report, including "the issue of the lack of detail of  
28 how the suspect's saliva touched [her] body." That same day Chief Ortiz provided

1 an update to the City Council Members updating them on Abdalla's telephone  
2 conversation with Ms. Patterson, in which he stated "During their telephone  
3 conversation, many answers were provided to Ms. Patterson regarding how to  
4 obtain a restraining order, the status of the investigation, the court process, and the  
5 time frame involved in how the criminal cases would be presented. Ms. Patterson  
6 asked that additional details be added to her report, so we will accommodate her  
7 with creating an additional, supplemental report for her case."

8 62. Despite Ortiz's second-hand representations of what transpired on the  
9 call regarding Ms. Patterson's requests for victims' assistance, the actual content  
10 and tenor of Abdalla's telephone conversation with Ms. Patterson was much  
11 different. Sergeant Abdalla falsely claimed SPPD's hands were tied because  
12 Richcreek's July 8 assault involving spitting was not an actionable offense. In  
13 violation of the SPPD Hate Crimes Policy, he also informed her that SPPD could  
14 not assist her in getting a restraining order or a Covid test, dismissing her concerns  
15 by saying the police get spit on all the time. He further claimed SPPD had a small  
16 force and limited resources, trying to appeal to her sympathy and make her feel  
17 guilty for seeking SPPD's assistance and imposing on them, despite SPPD's  
18 mandatory duties to do so. Overall, Ms. Patterson felt that SPPD was essentially  
19 telling her that the only way for her to ensure her safety was to stop protesting in  
20 support of BLM and associating with Ms. James, who they clearly harbored racial  
21 and viewpoint animus against. Despite her ongoing fear for her safety, Ms.  
22 Patterson was determined not to abandon Ms. James in carrying out her racial  
23 justice mission, because it became clear SPPD would not do its job to protect her.

24 63. Despite also having received complaints from Ms. James regarding  
25 SPPD's response to the July 8 and July 10 assaults, the City Council Members  
26 neither sought, nor did Ortiz or any other SPPD officers provide City Council  
27 Members any updates on their efforts to address Ms. James' requests for assistance  
28 or complaints about SPPD's response to the incidents. No one from the City ever

1 reached out to her in any way, let alone in the manner they did with Ms. Patterson.

2 64. At a public zoom forum held on July 16, 2022, where several City  
3 Council Members and high ranking SPPD officers including Chief Ortiz and Deputy  
4 Chief Solinsky were present, Ms. James read the following statement: “I am one of  
5 2 victims that was assaulted in an unprovoked spitting hate crime that was caught on  
6 video last week on July 8th while participating in a peaceful demonstration on Fair  
7 Oaks and Mission. I’d like to understand what the procedure is when handling these  
8 type of incidents.” Ms. Patterson also made a statement, questioning why SPPD had  
9 not provided her and Ms. James the victims’ services to which they were entitled.  
10 Similarly, the local media outlet the South Pasadenan published an opinion piece by  
11 Mr. Lang on behalf of South Pasadena Youth for Police Reform, in which he  
12 referenced SPPD’s “mishandling of a [recent] racially motivated hate crime against  
13 protesters.” That same day, then Public Safety Commissioner Alan Ehrlich  
14 provided a comment to the South Pasadenan about the July 8 and July 10 assaults  
15 against Ms. James stating: “I’m not a lawyer, I’m not a prosecutor but I think we’ve  
16 got hate crimes, we’ve got assault.” Despite SPPD and the City being on public  
17 notice that it needed to examine SPPD officers’ compliance with its Hate Crimes  
18 Policy, they completely failed to do so, thereby engaging in deliberate indifference  
19 of the likely Constitutional violations Ms. James would and did suffer as a result of  
20 their actions and inactions.

21 65. Thereafter, Ms. James again informed Chief Ortiz, Defendant Louie and  
22 other SPPD officers by email her dissatisfaction with their treating her less  
23 favorably than Ms. Patterson, a White woman, in connection with their requests for  
24 police assistance in connection with the attacks against them. In particular, in an  
25 email exchange on July 20, 2020, Chief Ortiz completely ignored Ms. James’ email,  
26 while affirmatively responding to Ms. Patterson’s email sent minutes later, assuring  
27 her that SPPD would follow up on her concerns.

28 66. SPPD’s failure to adequately respond to Ms. James’ and Ms. Patterson’s

1 pleas for police assistance in response to the July 8 and July 10 Richcreek attacks  
2 left them distressed and desperate. Fearing for their lives, but committed to  
3 continuing the important work of their BLM protests, Ms. James and Ms. Patterson  
4 were forced to navigate the process of obtaining a restraining order against  
5 Richcreek on their own, which they felt compelled to do in light of the harm they  
6 feared they would suffer if they did not protect themselves.

7 **4. July 19, 2020: Richcreek Assault on BLM Protestors,**  
8 **Including Ms. James and Ms. Patterson**

9 67. On July 19, 2020, emboldened by SPPD's racial and viewpoint bias  
10 against Ms. James and the BLM protesters which he witnessed first-hand on July  
11 10, Richcreek returned to the protest site for the third time to verbally assault and  
12 physically threaten BLM supporters, including Zane Crumley, Ms. James and Ms.  
13 Patterson. He approached their protest signs menacingly armed with what appeared  
14 to be a lead pipe under his arm, and threatened to "fight" and "hurt" them. When  
15 Mr. Crumley approached to protect the signs, Richcreek grabbed for the pipe under  
16 his arm, and yelled "Back the fuck away from me! I'm going to pepper spray you!"  
17 When Crumley stood his ground, holding a Black Lives Matter sign, Richcreek fled  
18 yelling "All Lives Matter," a well-known anti-Black and anti-BLM slogan.

19 68. In response to this third attack, the BLM protesters called SPPD to  
20 report the matter and seek assistance in apprehending Richcreek out of fear he  
21 would return to harm them, as he had two times prior. The SPPD dispatcher was  
22 initially unwilling to send an officer to the scene, until Crumley emphasized  
23 Richcreek was carrying a pipe as a weapon. SPPD officers Sandoval and Calderon  
24 were dispatched, but not to investigate a crime but rather as a "Public Assist."

25 69. When Officer Calderon arrived at the scene he was combative with the  
26 witnesses, arguing with them about SPPD's position that Richcreek's actions did not  
27 constitute a crime, and that Richcreek had a First Amendment right to be at the  
28 protest site and interact with the protesters, including by spewing racially-charged

1 threats, in the way he did.

2 70. While SPPD did not originally dispatch Calderon and Sandoval with the  
3 purpose of investigating a crime, let alone filing an incident report, on information  
4 and belief Calderon filed an incident report whose contents were dictated by his  
5 supervisors, including Sergeant Valencia, as well as Chief Ortiz and Deputy Chief  
6 Solinsky. On information and belief, Calderon and Valencia crafted the incident  
7 report to bolster SPPD's position that Richcreek's third assault on the BLM  
8 protesters did not constitute a crime, such that it was not referred to any district  
9 attorney's office for potential filing further criminal charges against Richcreek. Nor  
10 did Valencia refer the matter to the SPPD Detective Bureau for further  
11 investigation, though on information and belief they were aware of it.

12 71. On information and belief, Chief Ortiz and other high-ranking SPPD  
13 officers made the decision not to treat Richcreek's third assault on the BLM  
14 protesters as a crime, let alone a hate crime as they were required to do under the  
15 circumstances under the SPPD Hate Crimes Policy, out of animus toward Plaintiffs  
16 and BLM protestors.

17 **5. August-September 2020: Plaintiffs' Ongoing Harms Caused**  
18 **by SPPD's Responses to Assaults on BLM Protestors**

19 72. Chief Ortiz's failure to adequately train SPPD officers, including  
20 officers Roppo, Carrillo, Bartl, Valencia, Wise, Louie, Valdez, Sandoval and  
21 Calderon, in response to numerous public complaints of SPPD's failure to abide by  
22 its Hate Crimes Policy, Free Expression Policy and Bias-Based Policing Policy, and  
23 its mishandling of its response to the July 8, 10, and 19 Richcreek assaults,  
24 constitutes deliberate indifference to the ensuing violation of Ms. James and Ms.  
25 Patterson's Constitutional rights, including their liberty interest to be free from state  
26 created danger.

27 73. The Richcreek assaults on July 8, 10 and 19, and SPPD's refusal to take  
28 measures to stop them, both chilled their First Amendment rights and caused Ms.

1 James and Ms. Patterson significant emotional distress and put them on edge every  
2 time they returned to protest.

3 74. To address these ongoing harms, knowing SPPD would not protect them  
4 or assist in staving off future attacks by Richcreek, who Plaintiffs continued to see  
5 roaming near the protest site from time to time, Ms. James and Ms. Patterson  
6 navigated the process of obtaining restraining orders against him on their own. They  
7 also proactively reached out to and cooperated with the Alhambra prosecutors'  
8 office, provided victim statements, and attended court hearings where they  
9 addressed the court with their harrowing experiences as victims of hate crimes, and  
10 racial and viewpoint discrimination by SPPD. All of this was extensively covered  
11 by local media outlets including the South Pasadenan and the Pasadena Star News.

12 75. Although Richcreek was eventually prosecuted for the July 8 spitting  
13 incident (but not the July 10 rock throwing incident), the prosecution only occurred  
14 after media attention and Ms. James and Ms. Patterson's significant advocacy with  
15 the district attorney's office, which was necessary to overcome SPPD's shoddy  
16 investigation and reporting of these crimes. However, the District Attorney did not  
17 bring any hate crime charges against Richcreek, in part because SPPD failed to  
18 investigate, preserve evidence, and accurately report the incidents as such.

19 76. Despite the ongoing threats posed by Richcreek and others who opposed  
20 their message, Ms. James was committed to her racial justice mission, and  
21 continued her regular protest activity out of a sense of urgency to deter further  
22 police brutality. Ms. Patterson also firmed her resolve to participate in the protests  
23 despite her fear for her and Ms. James' safety, as she felt no choice in light of  
24 SPPD's clear abdication of their responsibilities to protect them, and racial bias  
25 against Ms. James.

26 77. Ms. James and Ms. Patterson also had the support of the community,  
27 who on August 9, 2020, held a forum at the local Garfield Park to bring public  
28 awareness of SPPD's mishandling of the Richcreek assaults. This community

1 support also gave them strength to continue their peaceful demonstrations, though  
2 they remained hyper vigilant to potential future attacks. Though she tried whenever  
3 possible not to be at the protest site alone, Ms. James was always fearful when no  
4 one was available to accompany her.

5 78. On August 12, 2020, consistent with their ongoing efforts for police  
6 accountability, through their attorney V. James DeSimone, Ms. James and Ms.  
7 Patterson again contacted Chief Ortiz to address the bias they, and particularly Ms.  
8 James, experienced at the hands of SPPD on account of their exercising their First  
9 Amendment rights and their affiliation with the BLM movement. In a letter they  
10 stated, “Ms. James and Ms. Patterson are law abiding citizens who want to be able  
11 to exercise their First Amendment rights with the confidence that the South  
12 Pasadena Police Department will work to serve and protect them while they are  
13 exercising their constitutional rights. Based on my review of the evidence, they have  
14 been subjected to biased policing against them because Corporal Wise and the  
15 Department disagrees with their views.”

16 79. On the same day Ortiz received the complaint from Plaintiffs’ attorney,  
17 he instructed Deputy Chief Solinsky and Lieutenants Shannon Robledo and Thomas  
18 Jacobs to conduct a “Personnel Complaint” on Wise. On information and belief, this  
19 was a sham process to paper over the serious issues of misconduct Plaintiffs had  
20 raised about not only Wise, but SPPD’s repeated violations of their civil rights. On  
21 information and belief Wise was never subject to discipline or suffered any  
22 consequences as a result of the findings of this Personnel Complaint.

23 80. In response to Mr. DeSimone’s request that SPPD forward his letter to  
24 the district attorney handling the Richcreek assaults, Ortiz also instructed Deputy  
25 Chief Solinsky and Lieutenants Shannon Robledo and Thomas Jacobs that “I think  
26 we can do that,” but on information and belief SPPD never did so. Ortiz also stated  
27 that he would send a letter to the “RP [reporting part], notifying them we are  
28 looking into his concerns,” but again, neither Mr. DeSimone, nor Ms. James or Ms.

1 Patterson, ever received such a letter from Chief Ortiz or anyone at SPPD, or any  
2 response at all, regarding their August 12, 2020 complaint letter.

3 81. Unfortunately, on August 30, 2020, there was a fourth attack against  
4 Ms. James' fellow White BLM protester, Zane Crumley, which SPPD again failed  
5 to treat as a hate crime. The assault was perpetrated by two residents (a White man  
6 and an Asian woman) who attacked Mr. Crumley for protesting near the public  
7 library in the middle of the day, knocking him to the ground and breaking one of his  
8 teeth. One of the attackers specifically denigrated Mr. Crumley's support for BLM,  
9 stating words to the effect of "fuck your protest." Though the attack occurred  
10 outside SPPD's presence, SPPD arrested one of the two attackers and cited the  
11 other. Again, consistent with SPPD's biased blanket policy that BLM protesters are  
12 not entitled the protections of its Hate Crimes Policy, SPPD failed to treat the  
13 incident as a hate crime, including carrying out their attendant mandatory duties in  
14 responding to it.

15 **C. September 22, 2020: SPPD's Threatened Seizure of Ms. James'**  
16 **Protest Signs Motivated by Viewpoint Animus**

17 82. On information and belief, from early summer 2020 when the BLM  
18 protests began, SPPD officers were instructed to take a "hands off" approach to the  
19 protests as long as they were peaceful and did not pose a threat to public safety. In  
20 addition, despite the existence of a municipal code governing restrictions on "Signs  
21 in the public right of way" (Sec. 31.2-7(a)), on information and belief the City also  
22 determined not to enforce this ordinance against the protestors when they placed  
23 their signs on City property, including signs attached to light poles and street signs.  
24 In any event, on information and belief, even before the start of the protests, SPPD  
25 had no authority to enforce the signage ordinance, as complaints about such signs  
26 would be referred to the City's Public Works Department. This practice was  
27 documented as early as July 1, 2020, in the City's Customer Care Log.

28 83. After almost three months of engaging in peaceful protests, on Sept 22,



1 2020, and placing her signs in the same manner for some time, Ms. James was  
2 confronted by SPPD Officer, Defendant Perez, where she was sitting at a table  
3 outside Fair Oaks Pharmacy where she had posted her signs. At the direction of his  
4 supervisor, Defendant Bartl, Defendant Perez provided Ms. James a partial copy of  
5 the City’s signage ordinance. He warned her that her signs were in violation of the  
6 ordinance, and that she needed to take her signs down, or SPPD would seize them  
7 by taking them down. By threatening to take down her protest signs, without  
8 authority to do so, Defendant Perez’s actions amounted to a potential seizure of her  
9 property using threats, intimidation and coercion, that chilled Ms. James’ First  
10 Amendment rights.

11 84. The City later codified the existing practice that SPPD had no authority  
12 to unilaterally enforce the signage ordinance in its “Sign Placement and  
13 Enforcement Protocol” issued on September 30, 2020 (“Sign Protocol”). The Sign  
14 Protocol codified pre-existing practice of which SPPD’s actions on September 22,  
15 2022 was a deviation, as further supported by existing practice to refer such matters  
16 to Public Works, coupled with the City’s pre-existing “hands off” policy toward  
17 peaceful BLM protesters. That Sign Protocol makes clear that SPPD “will defer  
18 incoming reports of illegally placed signs to the Public Works for confirmation and  
19 further disposition,” and “will report verified and confirmed violators of illegally  
20 placed signs to Code Enforcement.” The policy gives no authority to SPPD officers  
21 to either warn individuals about its perceived violations of the signage ordinance, let  
22 alone authority to take down signs based on its unilateral determination that they  
23 violate the ordinance, as Defendant Perez claimed to have the authority to do on  
24 September 22, 2020.

25 85. Ms. James did not understand her signs to be in violation of the signage  
26 ordinance, particularly because the ordinance made clear that it did not apply to the  
27 extent it conflicted with her civil rights. Indeed, on information and belief the City  
28 knew the signage ordinance was not enforceable against Ms. James, as months later,

1 the City Manager attempted to introduce an amendment to the signage ordinance to  
2 eliminate the provision Ms. James referenced as justifying her actions. After  
3 significant public comment and outcry that the amendment to the signage ordinance  
4 was intended to chill First Amendment activity of BLM protesters, the City  
5 withdrew the proposed amendment.

6 86. Nonetheless, Ms. James consulted a member of the City’s Public Safety  
7 Commission, Alan Ehrlich, who agreed with her that her protest activity did not  
8 violate the ordinance. On September 24, Mr. Ehrlich emailed City officials,  
9 including Chief Ortiz, the City Manager, City Clerk and City Attorney, regarding  
10 the matter. He stated, “one of our officers gave Fahren James a copy of a city  
11 ordinance prohibiting displaying of posters and such. Political speech is protected  
12 speech by the US and CA constitutions, city attorney Highsmith can weigh in with  
13 an official opinion, but the posters & signage displayed by Ms. James are entirely  
14 permitted and the officer who gave her the code section might be accused [sic] of  
15 harassment and violating civil rights. Let’s try to avoid that if we can.”

16 87. Neither Chief Ortiz nor anyone from SPPD, or the City, ever responded  
17 to Mr. Ehrlich’s email about Ms. James’ signs, thereby ratifying Defendant Perez  
18 and Bartl’s improper decision to threaten Ms. James to take down her signs in  
19 violation of her First Amendment rights. Nonetheless, based on her belief that she  
20 was engaged in First Amendment protected activity, and because SPPD never  
21 approached Ms. James again about her protest signs, she continued to post her signs  
22 as she had been doing all along. However, she remained fearful that SPPD would  
23 try to stop her protest activity again at any moment, and remained on edge because  
24 of that possibility going forward.

25 88. On information and belief, Bartl instructed Perez to issue Ms. James the  
26 September 22 warning regarding her BLM protest signs in response to a complaints  
27 by residents, including Defendant Cheney, who were motivated by viewpoint  
28 animus toward Ms. James and the BLM movement protest messaging. On

1 information and belief, Robert Bartl in turn was directed to do so by other high-  
2 ranking SPPD officers including Defendant Ronnie and Chief Ortiz. On  
3 information and belief, all of these SPPD officers shared animus toward the BLM  
4 movement and protests, and Ms. James in particular for leading them. This animus  
5 is demonstrated by the fact that they were willing to defy the existing “hands off”  
6 policy toward BLM protesters, and the City’s practice that complaints about signs  
7 be referred to the Public Works department. Instead, based on their own animus  
8 toward BLM protestors, they deviated from these normal policies and practice of  
9 which they were well-aware, and decided to threaten to seize Ms. James’ signs. On  
10 information and belief, no SPPD officer had ever approached anyone to enforce the  
11 signage ordinance prior to doing so against Ms. James.

12 89. On information and belief, shortly after Perez warned Ms. James about  
13 her protest signs on September 22, Bartl, Perez and other SPPD Officers informed  
14 Cheney that they had instructed Ms. James to take down her protest signs. Cheney  
15 made reference to his knowledge of SPPD’s warning to Ms. James in body camera  
16 footage on October 3, 2020, shortly after he assaulted Ms. James for putting up her  
17 protest signs “again.” On information and belief, Defendant Cheney’s antipathy to  
18 the content of Ms. James’ signs, and to the BLM movement, was known to  
19 Defendants as early as September 22, 2022, and they shared Cheney’s antipathy to  
20 the BLM movement and the content of Ms. James’ protest signs. That Cheney  
21 would use this information about SPPD’s warning to Ms. James to assault Ms.  
22 James was thus both foreseeable, and part and parcel of Defendants’ conspiracy to  
23 chill Ms. James’ First Amendment rights.

24 90. That Defendants Perez and Bartl, together with Chief Ortiz, Defendant  
25 Ronnie, Defendant Wise and Defendant Louie, harbored animus toward BLM  
26 protestors, African Americans, and Ms. James is further demonstrated by their more  
27 favorable treatment of White protesters. Months later, at a Trump rally on  
28 November 1, 2022, SPPD, with Chief Ortiz, Defendant Ronnie, Defendant Wise,

1 Defendant Perez, Defendant Bartl and Defendant Louie present and assigned to  
2 monitor the rally, failed to attempt to enforce the signage ordinance against White  
3 Trump protesters. In addition, these and other SPPD officers assigned to the Trump  
4 rally also refrained from enforcing a separate ordinance dealing with prohibition of  
5 sale of merchandise without a permit, which multiple residents complained to SPPD  
6 the Trump supporters had violated. Unlike the signage ordinance, SPPD was  
7 specifically obligated to enforce the merchandise ordinance, as the City Manager  
8 admitted, but SPPD refused to do so out of favoritism toward the Trump supporters.

9 91. Defendant Bartl was a supervising officer at the Trump rally, and he  
10 reviewed and signed off on a number of the police reports prepared by SPPD  
11 officers assigned to write reports of the various incidents that transpired that day.  
12 His failure to require officers to follow up on complaints against Trump supporters’  
13 violations of the merchandise ordinance demonstrates his favoritism to them, and  
14 animus against BLM supporters, including Ms. James, who he targeted for improper  
15 enforcement of a City ordinance about a month prior on September 22, 2020.

16 92. Defendant Perez’s animus to BLM supporters, and Ms. James in  
17 particular, is demonstrated by disparaging remarks he made against Ms. James as  
18 recorded on body camera video of the events at the Trump rally. Perez is seen in  
19 that video joking with other SPPD officers about arresting Ms. James for being seen  
20 smoking in public at the Trump rally. Officer Gutierrez states, “can someone advise  
21 Fahren that there is no smoking in South Pasadena and that she can be arrested for a  
22 misdemeanor?” Perez responds, “Is she on public property?” Gutierrez states, “She  
23 sure is.” Perez is then seen on video, mimicking writing Ms. James a ticket, saying  
24 “uh, hate to do this but ....the law’s the law,” as other officers including, on  
25 information and belief Officers Valdez, Gutierrez and Calderon laugh.

26 **D. October 3, 2020: Cheney Assault on Ms. James; SPPD’s Complicity**  
27 **and Refusal to Hold Him Accountable**

28 93. On the early afternoon of Saturday, October 3, 2020, a White South

1 Pasadena resident, Defendant Richard Cheney, a known White supremacist, anti-  
2 BLM, supporter of the Proud Boys intentionally drove his commercial Ram 1800  
3 truck across three lanes of opposing traffic and onto a busy sidewalk where Ms.  
4 James was in the process of putting up a protest sign. Mr. Cheney’s truck came just  
5 feet away from Ms. James. Mr. Cheney admitted that he undertook this dangerous  
6 maneuver to “get [Ms. James’] attention” in order to get her to stop “putting the sign  
7 up.” He also warned Ms. James that she was not allowed to put up the sign, and that  
8 he would be calling “Chief Ortiz” to take them down, and then proceeded to call  
9 SPPD. Witnesses to Cheney’s assault overheard Defendant Cheney telling SPPD  
10 that Ms. James was putting up her sign “again,” indicating this was not the first time  
11 he spoke to SPPD about this issue. Cheney’s assault on Ms. James, her fellow BLM  
12 protesters, and bystander pedestrians left them shocked and distraught, prompting  
13 multiple 911 calls to SPPD for assistance.

14 94. Defendant Cheney’s animosity toward the BLM protestors was well  
15 known in the community. Facebook posts made in the days leading up to his  
16 October 3 assault on Ms. James show Cheney and his wife Kristen Erickson Cheney  
17 disparaging protestors and the contents of their signs. In one post Defendant Cheney  
18 reposted a message from an extremist group suggesting that protestors be “hos[ed]”  
19 down with feces from a septic tank. In another he made a reference to “lov[ing]” the  
20 White supremacist, extremist group the Proud Boys. The day before his assault on  
21 Ms. James, Defendant Cheney personally texted then City Council Member Stephen  
22 Rossi, complaining about her protest signs, stating “they made the corner look like  
23 downtown Tijuana.”

24 95. On information and belief, Defendant Cheney previously complained to  
25 SPPD, including Ortiz, Ronnie, Bartl and Perez, about Ms. James’ signs on or about  
26 September 22, 2020, when Perez, warned Ms. James that she was violating the  
27 signage ordinance. As captured on body camera footage of SPPD’s interview with  
28 Cheney, he repeatedly stated that Ms. James had previously been warned by SPPD

1 to take down her signs, referencing the September 22 warning, as justification for  
2 his actions. On information and belief, Defendants Bartl, Perez and Ronnie, and  
3 Chief Ortiz informed Cheney of SPPD's decision to issue a warning to Ms. James  
4 about her protest signs on September 22, 2020. SPPD's September 22 warning to  
5 Ms. James was not public knowledge and there is no other way Cheney would have  
6 known about it other than through SPPD. SPPD informed Cheney of its threat to  
7 seize Ms. James' signs because they agreed with Cheney's antipathy toward Ms.  
8 James and her support of the BLM movement, and were willing to act in concert  
9 with Cheney to violate her Constitutional rights in support of that common  
10 antipathy.

11 96. Defendant Cheney had pre-existing relationships with a number of past  
12 and current SPPD Police Chiefs and Officers, as well as past and current City  
13 Council members, who he freely called on to interfere with BLM protestors' First  
14 Amendment rights because he disagreed with their message. In addition to then  
15 City Council Member Steve Rossi, Cheney also had a relationship with Mike Ten,  
16 the former South Pasadena Mayor, with who Cheney shared his disparaging social  
17 media posts about the BLM protestors, and who shared Cheney's animosity toward  
18 the BLM protestors. Cheney also had a pre-existing relationship with then Chief  
19 Ortiz, as reported in the news media, which corresponds to his statement on October  
20 3 that he would be directly calling Ortiz to ensure Ms. James took her protest signs  
21 down. On October 3, as a means to curry favor with the SPPD officers questioning  
22 him about his assault on Ms. James, Cheney also referenced his relationships with  
23 two other former SPPD Police Chiefs, Art Miller and Dan Watson.

24 97. As discussed, Ortiz, Bartl, Perez and Ronnie shared Cheney's animosity  
25 toward BLM protestors, African Americans and Ms. James in particular, and in the  
26 days before and after October 3, 2020, they shared the common objective and had a  
27 tacit agreement to interfere in Ms. James First Amendment protest activity. Each of  
28 them carried out acts in furtherance of this common objective, including Bartl and

1 Perez’s warning to Ms. James that SPPD would seize her protest signs; Cheney’s  
2 assault on Ms. James to force her to take down her signs; and Defendant Ronnie and  
3 Chief Ortiz’s decision not to arrest or cite Cheney for his assault, and to issue a  
4 biased SPPD press release unilaterally concluding in violation of the City’s Sign  
5 Protocol that she was to blame for the incident because her signs were in violation  
6 of the signage ordinance.

7 98. When SPPD arrived on the scene of Defendant Cheney’s assault on  
8 October 3, 2020, an SPPD Officer interviewed Defendant Cheney, Ms. James, and  
9 several demonstrators who witnessed the incident. Despite the fact that multiple  
10 witnesses reported Defendant Cheney’s intentional assault on Ms. James with a  
11 deadly weapon – his RAM 1800 truck, and his threat to the physical safety of  
12 pedestrians, SPPD declined to arrest Defendant Cheney, or even cite him for the  
13 traffic violation.

14 99. SPPD made this decision without interviewing key witnesses to the  
15 incident, including a woman who identified herself as a County counsel  
16 knowledgeable about the legality of the incident. She is captured on body camera  
17 footage explaining that Cheney’s conduct may amount to at least a misdemeanor  
18 offense of reckless driving, and provided facts to support that first hand perception.  
19 She provided her business card to officers at the scene, but none of them took a  
20 statement from her, let alone followed up to call her after the fact. The detective  
21 assigned to the investigation, Michael Palmieri, was also aware of her statements,  
22 and could have contacted her to include her statement for consideration by  
23 prosecutors, but failed to do so, without explanation.

24 100. Defendant Cheney’s assault resulted in Ms. James taking time away  
25 from her protest activity to seek accountability from SPPD. Later that day, she met  
26 with Defendant Ronnie. In a video-taped interaction, Defendant Ronnie came out of  
27 the SPPD headquarters to meet with Ms. James, Ms. Patterson and Mr. Lang, with  
28 Ms. James and Mr. Lang’s mother, a South Pasadena resident there too to express

1 concern for the safety of her children. Defendant Ronnie was wearing a mask with  
2 a “Thin Blue Line” logo, demonstrating his animosity toward BLM and African  
3 Americans, which he shared in common with Defendant Cheney and Chief Ortiz.  
4 “Thin Blue Line” is associated with the Blue Lives Matter movement, which is  
5 known to be opposed to the BLM movement, and also be associated with White  
6 supremacy.

7 101. SPPD’s decision not to arrest or cite Cheney was made by Ronnie, who  
8 was not at the scene, but directed responding Officers not to take any action against  
9 Cheney. In response to Ms. James questions about why SPPD decided not arrest or  
10 cite Cheney, Ronnie falsely claimed that he was not involved in the decision. He  
11 later recanted and admitted he was involved in making the decision, but that Chief  
12 Ortiz was ultimately the one who made the decision “because of the gravity of the  
13 situation. Because of the political element of what is going on right now.”

14 102. Ronnie also tried to rationalize his and Chief Ortiz’s decision not to take  
15 action against Cheney based on Ms. James’ purported violation of the signage  
16 ordinance, stating: “You have two separate things that are independent of each other  
17 but are connected by the same event.” SPPD thus equated a purported technical  
18 violation of the municipal code which it had no authority to enforce in the first place  
19 with a potential bias crime, and unilaterally decided without basis that the purported  
20 technical violation negated a hate crime. That Ortiz at least ratified, if not outright  
21 directed, SPPD’s decision not to cite or arrest Cheney for his October 3 assault is  
22 also confirmed by the press release SPPD issued about it. The press release affirms  
23 SPPD’s official decision not to arrest or cite Cheney, and insinuates that Cheney’s  
24 assault was excusable in light of Ms. James’ purported violation of the signage  
25 ordinance. However, SPPD’s unilateral determination that Ms. James had violated  
26 the signage ordinance was in direct violation of the City’s Sign Protocol issued on  
27 or about September 30, 2020.

28 103. As with SPPD’s report of the July 8 and 10 incidents, its report of the



1 October 3 incident is riddled with inaccuracies and omissions. It admits that SPPD  
2 officers turned off their body cameras at key moments in the investigation,  
3 including its interview of Defendant Cheney, truncating the record of the events.  
4 And as discussed, it failed to take key witness statements that supported a finding of  
5 criminal conduct by Cheney, including at the very least the misdemeanor charge of  
6 reckless driving.

7 104. Shortly after Cheney’s assault, a South Pasadena resident emailed  
8 Ronnie copies of Cheney’s racist and anti-BLM social media posts from the days  
9 immediately preceding his assault on Ms. James. Despite this evidence of Defendant  
10 Cheney’s bias against Ms. James on account of her race and affiliation with BLM,  
11 based on its blanket invidious policy that BLM protestors are not entitled to the  
12 protections of its Hate Crimes Policy, SPPD did not treat the October 3 incident as a  
13 hate crime, let alone comply with associated mandatory obligations.

14 105. SPPD referred the October 3, 2020 Cheney assault to the district  
15 attorneys’ office for possible criminal prosecution. But based on its biased  
16 reporting, that sought to bolster SPPD’s original determination that Cheney did  
17 nothing wrong, while excluding evidence that did not support its biased view of the  
18 incident, on or about December 3, 2021, the district attorney declined to charge  
19 Cheney with a crime. However, the district attorney did specifically indicate that  
20 SPPD was “free” to cite Cheney for his obvious “[Vehicle Code] infractions noted  
21 in the reports.” On information and belief, consistent with its bias against Ms. James  
22 and BLM protestors, and support for Cheney and his anti-BLM viewpoint, then  
23 Acting Chief of Police Brian Solinsky and SPPD never did so.

24 106. Many months later, the South Pasadena City Manager Sean Joyce  
25 conceded in a public forum that the City erred when it failed to overrule Chief Ortiz  
26 and SPPD’s decision to not hold Cheney to account for his actions on October 3.  
27 Joyce stated that, “the fact Richard Cheney was not cited, in my view, was not dealt  
28 with appropriately.” He also conceded that the City failed to intervene in the matter

1 when it should have, when he stated that if he had a chance to address the matter  
2 again, “I’m going to involve myself in (it).” However, on information and belief,  
3 nothing stopped the City or SPPD from citing Cheney at the time of the City  
4 Manager’s statement, or at time or any time thereafter. On information and belief,  
5 to this day the City has failed to hold Cheney to account in any way for endangering  
6 Ms. James and multiple pedestrians.

7 **E. November 1, 2020: Trump and Pro Police Rally Resulting in Trump**  
8 **Supporters’ Assaults on BLM Protesters and Violations of City**  
9 **Ordinances with Impunity**

10 107. On November 1, 2020, days before the national Presidential election,  
11 mostly White Trump supporters held a rally in South Pasadena. The rally was  
12 organized by local resident and businessman Matt Bryant, who described the event  
13 as about “supporting America, supporting police and supporting President Trump.”  
14 It is no coincidence they chose to hold the rally at the exact same location that Ms.  
15 James and her fellow BLM protesters had just completed their four month long  
16 peaceful protests demanding accountability for police brutality against African  
17 Americans. The Trump rally was intended to directly counter the messaging of the  
18 BLM protests that had been taking place at that location since July 2020, but unlike  
19 the BLM protests they were anything but peaceful.

20 108. The Trump rally was chaotic, disruptive and interfered with pedestrian  
21 and vehicle traffic throughout the day. Despite multiple calls to SPPD to engage in  
22 crowd control, SPPD largely stayed away from the rally for most of the day.  
23 However, local residents reported that some SPPD officers had been seen “driving  
24 around, giving hi-5s to the [pro Trump] protesters, tooting their horns, flashing their  
25 car lights in support of the Trumpers.”

26 109. When a White Trump supporter in a “MAGA” hat spat on two counter  
27 protesters, including a youth, the victims complained to SPPD. The responding  
28 officer, Corporal Carrillo, the same officer who failed to initially take a police report

1 of the July 8, 2020 Richcreek assault against Ms. James and Ms. Patterson, again  
2 failed to take a police report. He also minimized the assault, claiming the police  
3 “get spit on all the time,” and said even if SPPD located the suspect it would not  
4 arrest him.

5 110. Toward the end of the day, another Trump supporter operating a booth  
6 selling pro Trump merchandise assaulted another youth BLM supporter, when she  
7 knocked over some of the vendor’s “MAGA” hats. The Trump merchandise vendor  
8 grabbed the girl by her ponytail, and pulled her to the ground, where she reported  
9 the other Trump supporters surrounded her and kicked her.

10 111. When SPPD were called, what appeared to be at least 20 officers arrived  
11 on the scene, including Chief Ortiz, Defendant Ronnie, Defendant Wise, Defendant  
12 Louie, Defendant Bartl, and Defendant Perez. SPPD took a few statements from  
13 some of the witnesses, but shunned others. Based on their interactions with the  
14 public that day, the City’s own investigation sustained complaints against a number  
15 of SPPD officers, including Defendant Wise, and Officers Sandoval and Officer  
16 Andrew Dubois, for being “rude” or “disrespectful” in the manner in which they  
17 interacted with members of the public who were trying to lodge complaints against  
18 the Trump supporters.

19 112. Further, body camera footage of SPPD officers that day show other  
20 officers engaging in biased behavior against the non-Trump supporters at the scene.  
21 In one scene, an officer is heard relaying to Defendant Ronnie that then City  
22 Council Member Stephen Rossi is an “asshole,” presumably because he is  
23 responding to residents’ complaints against SPPD. Rossi had just finished  
24 respectfully speaking to Ronnie about the status of certain altercations, and  
25 indicated he was there to observe in response to requests from his constituents.  
26 Ronnie did not question the officer for making such a disrespectful and  
27 inappropriate comment about a City Councilman who was simply doing his job.

28 113. Ms. James and Ms. Patterson arrived at the Trump rally in the early

1 evening, when they assumed the rally had ended. On information and belief, the  
2 Trump rally organizers obtained a permit that only lasted until 4 pm. By the time  
3 Ms. James and Ms. Patterson arrived at the Trump rally, remaining rally attendees  
4 were in violation of that permit, which SPPD failed to enforce. Ms. James and Ms.  
5 Patterson were not planning to attend the Rally that day, but decided to come late in  
6 the day to support youth BLM counter-protesters who had participated in their BLM  
7 protests earlier that summer and fall. Mr. Lang, Ms. James' brother, also arrived at  
8 the Rally around the same time.

9 114. Upon Ms. James' arrival, Ms. James too was subject to disrespectful  
10 and offensive treatment from SPPD officers who were scrutinizing her actions,  
11 demonstrating their animosity to her and other BLM protestors. Defendant Ronnie  
12 is captured on video questioning whether the "usual suspects" are at the Rally, a  
13 clear reference to Ms. James, Mr. Lang, and other recognizable BLM protestors who  
14 he harbored animus toward. Similarly, as discussed, Defendant Perez and a number  
15 of other SPPD officers are captured on video joking about arresting James for  
16 smoking in public, demonstrating their animus towards her as well.

17 115. SPPD ultimately took no action against the Trump vendor for the assault  
18 on the youth BLM supporter. To the contrary, high ranking SPPD officers,  
19 including Chief Ortiz and Watch Commander Ronnie, went out of their way to  
20 escort the pro Trump merchandise vendor who assaulted the youth BLM supporter  
21 to her car, so she could safely leave the scene. This same Trump vendor also falsely  
22 accused Ms. James of assaulting her, despite video evidence showing that Ms.  
23 James only sought to rescue the youth BLM protester from her assault by the Trump  
24 merchandise vendor. On information and belief, despite this false accusation, SPPD  
25 still referred the case against Ms. James to the district attorneys' office for  
26 prosecution.

27 116. When residents questioned whether the pro Trump merchandise vendor  
28 who assaulted the BLM youth was authorized to operate there, the City Manager

1 admitted that the pro Trump merchandise vendor was in violation of the City  
2 ordinance requiring such vendors to obtain a permit, which the Trump merchandise  
3 vendor did not do. On information and belief, SPPD never issued a warning to the  
4 Trump merchandise vendor, let alone a citation for violating the ordinance.

5 117. Defendant Bartl supervised a number of officers that day, including  
6 Officers Giron-Garrido, Gutierrez, Smith, Kim, Burgos, Carrillo, and Borello (a  
7 plain-clothed officer in the crowd that day). Many of these officers received  
8 complaints about the Trump merchandise vendors' violation of the City ordinance  
9 requiring them to obtain permits. There is no question SPPD was obligated to  
10 enforce this ordinance, as reflected on the City's website. However, Bartl failed to  
11 instruct officers to do so. This is in contrast to Bartl's direction to Perez on  
12 September 22, 2020 to issue Ms. James and her fellow BLM supporters a warning  
13 that her signs were in violation of the signage ordinance purportedly based on  
14 residents' complaints, demonstrating his bias and animus towards BLM protestors  
15 and Ms. James.

## 16 **II. SPPD's Well-Documented Anti-BLM, White Supremacist Culture**

17 118. As discussed above, throughout the summer and fall of 2020, as Ms.  
18 James' racial justice protests gained traction, SPPD officers of all ranks  
19 demonstrated bias against African Americans, the BLM movement and its  
20 supporters, including through their own public statements and acts in opposition to  
21 BLM, displays of insignia known to be anti-BLM and pro White supremacist, and  
22 their public support of individuals and groups espousing anti-BLM, pro White  
23 supremacist and other extremist ideology. The following are examples of the  
24 explicit anti-BLM, pro White supremacist culture that persisted at SPPD, which  
25 contributed to its policy, practice and custom of discriminating against Ms. James,  
26 African Americans and supporters of the BLM movement.

27 119. On or about June 30, 2020, in response to an email from an anonymous  
28 complaint by a community member, SPPD was forced to remove from its social

1 media multiple posts supporting the “Blue Lives Matter” hashtag, which SPPD  
2 acknowledged was perceived to “undermine and take attention away from the  
3 ‘Black Lives Matter’ movement and attempt to silence the issue of racial injustice in  
4 our country.”

5 120. On July 10, 2020, in response to the second Richcreek assault on Ms.  
6 James, Corporal Randy Wise described BLM supporters verbally and in a police  
7 reports as “anti-police,” “angry,” “unruly,” a “mob,” and “cop hating.” On  
8 information and belief, Wise’s comments were approved and endorsed by Sergeant  
9 Louie, and multiple other SPPD officers.

10 121. On or about July 24, 2020, then SPPD Chief Ortiz was again asked to  
11 remove from SPPD’s official Facebook Page posts that are supportive of “Blue  
12 Lives Matter” and “Blue Line Matters,” which are movements associated with  
13 White supremacy and anti-BLM sentiment. Chief Ortiz was also asked to require an  
14 officer to remove a Blue Lives Matter sticker from his helmet. Though Ortiz agreed  
15 to do so, two months later Defendant Ronnie was captured on video wearing a  
16 “Thin Blue Line” face mask, indicating Chief Ortiz continued to allow officers to  
17 support groups demonstrating bias against BLM with impunity.

18 122. On September 24, 2020, Chief Ortiz sent a group email to police and  
19 city staff and city commissioners, inviting them to a “prayer meeting” outside City  
20 Hall, organized by members of a documented hate group - the American Society for  
21 the Defense of Tradition, Family and Property (TFP). TFP has taken public  
22 positions that are homophobic, sexist and racist, and has been described by the  
23 Southern Poverty Law Center as “virulently anti-LGBT.” Ortiz unilaterally  
24 approved a permit for the event, and used SPPD resources to endorse and seek  
25 participation in the event. He asked Deputy Chief Solinsky to draft an email  
26 inviting all SPPD personnel as well City Council Members to the event. Solinsky  
27 obliged, drafting an email that stated: “Given the current political climate, this is a  
28 great opportunity to meet with some of our community members who are willing to

1 publicly show their support for us and the job we do.” While the final version of the  
2 email Ortiz sent omitted reference to the “political climate,” Solinsky’s email  
3 clearly reflected negativity toward the BLM protesters among those at the highest  
4 levels of the police force.

5 123. In the final email invitation Chief Ortiz sent for the “prayer meeting,” he  
6 described it as “an excellent opportunity to meet with some of our community  
7 members who want to show their support and publicly recognize all first responders  
8 and the excellent work that we do.” After community members objected to the  
9 event, Chief Ortiz called it an “error in judgment,” but only “postponed” it.

10 124. On October 7, 2020, at a City Council meeting, Councilmember Richard  
11 Schneider reported that in a meeting he and then Mayor Diana Mahmud had with  
12 SPPD officers, they objected to the South Pasadena High School Anti-Bias Club’s  
13 request to put up a mural memorializing the local BLM protests on a wall adjacent  
14 to City Hall because SPPD perceived BLM to be “anti-police.” Councilmember  
15 Schneider specifically referenced SPPD’s animosity to the “Black” woman  
16 supporting BLM, who on information and belief is Ms. James. Despite the mural  
17 having received a recommendation for approval from the City’s Arts Commission,  
18 SPPD’s objection contributed to the City’s decision to first move the mural from its  
19 proposed location at City Hall and then reject the mural altogether.

20 125. On information and belief, the meetings at which SPPD officers  
21 expressed their animosity to the BLM movement occurred in August and October of  
22 2020 between certain City Council Members including Schneider and Mahmud,  
23 certain Public Safety Commission Members including Jeremy Ding, Ed Donnelly,  
24 and Scot Lam, and all SPPD officers. The purpose of the meetings were to address  
25 “the future of policing” in South Pasadena. The meetings were described by  
26 Sergeant Abdalla as: “an important opportunity for our policy decision makers to  
27 hear directly from you regarding the challenges we face, the impact of recent City  
28 Council decisions on morale, and what the future of policing in South Pasadena

1 should look like.” The City has yet to disclose the full contents of these meetings,  
2 but on information and belief, they will affirm a number of individual SPPD  
3 officers’ animus toward Ms. James, African Americans and supporters of the BLM  
4 movement.

5 126. On information and belief, despite the numerous complaints of bias by  
6 SPPD officers against Ms. James and BLM protestors in the summer and fall of  
7 2020 and beyond, not to mention the outward expressions of bias SPPD officers  
8 demonstrated during this time, SPPD leadership failed to respond to them in the  
9 manner prescribed by the City’s Bias-Based Policing Policy. Among other things,  
10 the Policy requires supervisors to (a) “discuss any issues with the involved officer  
11 and his/her supervisor ... [and] document these discussions, in the prescribed  
12 manner,” (b) periodically review [video/audio recordings and data] and any other  
13 available resource used to document contact between officers and the public to  
14 ensure compliance with the policy [and] ...document these periodic reviews,” (c)  
15 initiate investigations of any actual or alleged violations of this policy,” and (d)  
16 “take prompt and reasonable steps to address any retaliatory action taken against  
17 any member of this department who discloses information concerning bias-based  
18 policing.”

19 127. The Bias-Based Policing Policy further states, “Each year, the  
20 Operations Division Commander should review the efforts of the department to  
21 provide fair and objective policing and submit an annual report, including public  
22 concerns and complaints, to the Chief of Police.” In addition, as referenced in the  
23 Policy, SPPD is required to make similar reporting to the California Department of  
24 Justice under Penal Code §§ 13012, 13020. To date, despite its significant relevance  
25 to the case, the City has not produced any of the documentation required to establish  
26 SPPD’s compliance with the Policy in this litigation, demonstrating it likely failed  
27 to comply with the Policy.

28 128. For example, on or about January 2021 a City resident submitted a



1 complaint regarding why SPPD was not treating anti-BLM graffiti at her property as  
2 a hate crime, indicating her concern that it was related to SPPD’s bias against BLM.  
3 The resident specifically represented to Chief Solinsky that the officer responding to  
4 her complaint, Officer Manukian, demonstrated “bias against BLM.” She also  
5 referenced in connection with the Trump rally, “Seeing Police officers being so  
6 social and friendly to what was an invasion of aggressive people there to taunt us,  
7 really made it seem that there was a clear side being chosen and that should not be  
8 the role of police officers ever. The bias seen that day created a great deal of  
9 concern for most of our SP residents.”

10 129. Rather than document these complaints of bias-based policing and  
11 further investigate the matter, as well as include it in its annual reporting  
12 obligations, as required by SPPD’s Bias-Based Policing Policy, Chief Solinsky did  
13 the opposite, and attempted to brush the matter under the rug by seeking to address  
14 the matter verbally with the resident. Solinsky stated: “Thank you for the email.  
15 You raised a number of valid points and concerns. I would be happy to discuss these  
16 issues further with you; however, I think the discussion would miss important points  
17 if we limited it to an email. If you would like, I would be happy to call you next  
18 week (Tuesday morning) if that works for you. I am also available for a socially  
19 distanced coffee. Let me know and I will schedule accordingly.”

20 130. A similar failure to apply SPPD’s Bias-Based Policing Policy occurred  
21 in April 2021, where a resident relayed to Bartl “the community’s perception of bias  
22 policing and unequal protection of the law,” which he passed on to Chief Solinsky,  
23 and Lieutenants Robledo and Jacobs. On information and belief, this Complaint was  
24 never documented let alone included in SPPD’s annual reporting obligations.

25 131. In or about May 2021, around the time Garon Wyatt completed his  
26 investigation of the numerous complaints against SPPD officers, Council Member  
27 Zneimer revealed to a group of community members that the City determined that  
28 one or more SPPD officers identify as or are supportive of the “Oath Keepers.” As

1 is now common knowledge, the “Oath Keepers” are a far-right, anti-government  
2 group that supports vigilantism, and was integrally involved in the January 6, 2020  
3 insurrection at the U.S. Capitol in an effort to keep Trump in the presidency. Its  
4 prominent members are also known to be anti-BLM and White nationalist. *See*  
5 <https://www.splcenter.org/fighting-hate/extremist-files/group/oath-keepers> (“The  
6 Oath Keepers was officially launched ... in the wake of the country electing Barack  
7 Obama as its first Black president.”). Zneimer further represented that this  
8 information about the presence of “Oath Keepers” on the City’s police force was  
9 disclosed to all City Council Members at that time. On information and belief, the  
10 City has taken no action to address the presence of individuals with such extremist  
11 views on its police force, as required by its Bias-Based Policing Policy.

12 **III. City’s Investigation Into Complaints Against SPPD and Findings of**  
13 **SPPD’s Violations of Numerous Policies Including Hate Crimes**  
14 **Policy, But Not Bias-Based Policing Policy**

15 132. After months of community complaints lodged against Chief Ortiz and  
16 other SPPD officers related to the incidents over the summer and fall of 2020, on or  
17 about November 20, 2020 the City forced Ortiz to resign. As reported by the South  
18 Pasadenan, “[t]he announcement comes less than two days after a slew of South  
19 Pasadena citizens spoke up at a City Council meeting demanding it commence an  
20 investigation of the chief or his department in response to a series of controversies  
21 over the past few months over his officers’ handling of various incidents, especially  
22 those in connection with demonstrations by BLM supporters and opponents, as well  
23 as the chief’s ill-fated decision to permit a controversial group to hold a prayer vigil  
24 at city hall.”

25 133. In allowing Chief Ortiz to resign, the City allowed him to escape  
26 accountability for his role in violating SPPD policy, and violating Ms. James and  
27 Ms. Patterson’s civil rights. The City placed Chief Ortiz on administrative leave for  
28 two weeks until his official retirement date on March 1, 2020, on information and

1 belief at full pay.

2 134. Around the same time, the City hired a retired Irvine police officer,  
3 Garon Wyatt, to investigate the complaints against Chief Ortiz and SPPD. After a  
4 six month-long investigation, the investigator sustained 21 of the 53 complaints  
5 against 9 of SPPD’s 36 officers. The City refused to make public the investigation  
6 report, or any portion of it, relying on Penal Code section 832.7, dealing with the  
7 confidentiality of police personnel records, as a blanket exemption.

8 135. However, the City did disclose high level summaries of the report,  
9 which confirmed that SPPD officers at all ranks, including then Police Chief Ortiz,  
10 Defendant Louie and Defendant Wise, engaged in multiple violations of a number  
11 of policing mandates, including failing to treat the July 8, July 10, and July 19  
12 incidents against Ms. James, Ms. Patterson and others as potential hate crimes and  
13 failing to protect victims from future attacks. *See* SPPD Policy Manual, Hate  
14 Crimes, §§ 319 *et seq.*

15 136. The City’s own commissioned investigation determined that nearly  
16 one-third of SPPD officers, including Defendants, violated these and other  
17 department policies in responding to Ms. James and Ms. Patterson’s reported  
18 assaults. Among those the investigation found violated the SPPD Hate Crimes  
19 Policy included Officer Roppo and Corporal Carrillo for the July 8, 2020 Richcreek  
20 assault, Defendants Wise and Louie, as well as Detective Hang for the July 10, 2020  
21 Richcreek assault, and Officers Calderon and Sergeant Valencia for the July 19,  
22 2020 Richcreek assault. The investigation also found that Chief Ortiz violated the  
23 Hate Crimes Policy for failing “to ensure that [SPPD] personnel were trained on and  
24 followed the [SPPD] Hate Crimes Policy.” The investigation also found that many  
25 SPPD officers failed their mandatory duties to prepare detailed, accurate and  
26 unbiased reports. *See id.* at § 319.4 (c) and §§ 323 *et seq.*

27 137. But rather than address these findings and hold officers to account, the  
28 City quietly amended its Hate Crimes policy to eliminate its mandatory obligations.

1 See <https://www.southpasadenaca.gov/home/showdocument?id=19052> (current  
2 version of SPPD Policy Manual, as of July 18, 2021).

3 138. As for the community complaints that SPPD officers had engaged in  
4 biased policing, the City determined they were “not sustained” or “unfounded.” In  
5 response to a Public Records Act Request seeking the basis for these findings, the  
6 City refused to produce even the portion of the report identifying what standards it  
7 applied to reach its findings. The Wyatt investigation’s findings that not a single  
8 SPPD officer had engaged in bias-based policing is wholly inconsistent with the  
9 record, as alleged herein. It is also greatly undermined by reports made to City  
10 Council Members in or about May 2021 regarding the presence of Oath Keepers on  
11 the City’s police force.

12 **IV. City’s Continued Failure to Hold SPPD Accountable for its Biased**  
13 **Policing Policies and Practices**

14 139. In response to the limited information the City revealed about its  
15 investigation in to SPPD, South Pasadena community groups, including Care First,  
16 Anti-Racism Committee of South Pasadena, and Black Lives Matter South  
17 Pasadena, demanded that the City Council publicly address how it planned to rectify  
18 the many deficiencies within SPPD that the investigation revealed. Community  
19 members were particularly concerned with the lack of finding of bias on the part of  
20 SPPD, given the mounting public evidence to the contrary as reflected in witness  
21 accounts, police reports, videos, and the press.

22 140. Ms. James and Ms. Patterson joined the call to demand action from the  
23 City, particularly given their need for assurances that they could resume peaceful  
24 BLM protests and other protected activity. When the City Council refused to  
25 engage on the issues, Ms. James and Ms. Patterson, through BLM South Pasadena,  
26 together with other community groups, filed a complaint with the California  
27 Attorney General’s Office on July 16, 2021. They asked the Attorney General to  
28 investigate SPPD’s biased-policing and related deficiencies in handling hate crimes

1 and submitted substantial evidence to support their claims. *See*  
2 <https://www.carefirstsouthpasadena.com/about-1>. The Attorney General’s office is  
3 in the process of reviewing the complaint.

4 141. On information and belief, not a single SPPD officer or City official was  
5 disciplined in any manner in connection with the findings of the Wyatt  
6 investigation, or any of the incidents referenced in this lawsuit. Nor has the City  
7 enjoined any of the relevant policies, practices and customs that led to the civil  
8 rights violations SPPD committed against Plaintiffs as alleged herein. Thus, the City  
9 has left the door wide open for similar violations against Plaintiffs and other  
10 peaceful protestors whose viewpoints and messaging SPPD and other City officials  
11 disagree.

12 142. While the City announced in or about September 2021 that it would  
13 conduct an “Operational Assessment” of SPPD, it claims the purpose of the  
14 Assessment is unrelated to the findings of the Wyatt investigation. At a meeting of  
15 the City’s Public Safety Commission on September 13, 2021, the new City Manager  
16 Armine Chaparyan stated the Assessment will be limited to “organizational  
17 structure, workload, overall efficiencies, use of information technology, and how the  
18 department works with the Public Safety Commission.”

19 143. In light of the City’s failure to hold SPPD accountable for its biased  
20 conduct toward BLM supporters over the summer and fall of 2020, community  
21 groups and individuals, including Care First, Anti-Racism Committee of South  
22 Pasadena, and Black Lives Matter South Pasadena, demanded that the SPPD  
23 Assessment include a racial bias audit. The community’s push for a racial bias audit  
24 was also prompted by reports regarding the presence of Oath Keeper, and other  
25 individuals with extremist ideologies and affiliations on the police force. *See*  
26 [https://southpasadenan.com/city-council-community-advocates-push-for-racial-bias-](https://southpasadenan.com/city-council-community-advocates-push-for-racial-bias-assessment/)  
27 [assessment/](https://southpasadenan.com/city-council-community-advocates-push-for-racial-bias-assessment/) In a letter sent to the City Council on or about September 15, 2021  
28 signed by 69 community members, they stated, “A racial bias audit is timely, as

1 many other cities are proactively working to root out extremists on their police  
2 forces in the aftermath of the January 6 insurrection,” and that the audit should  
3 “determine the extent that racial bias exists among individual officers and across the  
4 department, and whether SPPD has systems in place to identify and root them out  
5 on a continuing basis.”

6 144. On or about August 2022, after obtaining data through a Public Records  
7 Act Request to the City about dispatch and arrest trends in South Pasadena by race,  
8 Care First commissioned a study on the racial impact of SPPD’s policing practices  
9 by Professors at Occidental College. The analysis shows that “SPPD arrests Black  
10 and Latinx/Hispanic individuals disproportionate to their representation in the City  
11 of South Pasadena. Black individuals make up 12% of arrestees, while only making  
12 up 2% of the City’s population. Latinx/Hispanic individuals make up 54% of  
13 arrestees, while only making up 21% of the City’s population.”<sup>3</sup> In its Issue  
14 Briefing, Care First found that “Such disparities suggest the existence of racially  
15 biased policing practices [Citing the U.S. Department of Justice’s Report of the  
16 Ferguson Investigation].” *Id.* It also finds that “It is difficult to believe the City  
17 and SPPD are unaware that the majority of arrestees consist of Black and  
18 Latinx/Hispanic individuals.” *Id.* Despite this analysis, before its own 2020-2021  
19 biennial report, SPPD never provided information regarding racial and ethnic  
20 disparities to the public.

21 145. Based on the findings of its study, Care First recommended that in  
22 connection with the City’s plans to conduct its own Assessment of SPPD’s  
23 operations, that its “assessment should explore the causes of racial disparities in  
24 SPPD’s arrests.” On information and belief, neither the City nor SPPD has agreed to  
25

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26 <sup>3</sup> See Care First, *Dispatch and Arrest Trends in South Pasadena, What Next? Key*  
27 *Findings & Recommendations*, August 2022, available at  
28 [https://www.carefirstsouthpasadena.com/\\_files/ugd/da1335\\_4eacbd91f163490798a108f6ddab0881.pdf](https://www.carefirstsouthpasadena.com/_files/ugd/da1335_4eacbd91f163490798a108f6ddab0881.pdf)

1 do so, nor have they indicated they will do anything differently in response to the  
2 Care First report.

3 146. Over a year later, and to date, the City has not committed to including a  
4 racial bias audit as part of its “Operational Assessment,” nor made the scope of that  
5 Assessment public.

6 **CLAIMS FOR RELIEF**

7 **FIRST CLAIM**

8 **First Amendment of the U.S. Constitution – Free Speech**

9 **(42 U.S.C. § 1983)**

10 **(By Plaintiff James Against Defendants City of South Pasadena,**

11 **Bartl, Perez, Louie and Wise)**

12 147. Ms. James realleges and incorporates the allegations set forth in the  
13 preceding paragraphs as though fully set forth here.

14 148. The First Amendment to the U.S. Constitution protects the right to be  
15 free from government abridgment of speech.

16 149. Ms. James, at all relevant times, engaged in First Amendment protected  
17 free speech when she peacefully protested on matters of public interest including  
18 support for racial justice and the Black Lives Matter movement in a public forum.

19 150. Defendants intentionally interfered with Ms. James’ First Amendment  
20 rights of free speech and assembly, including posting signs, in support of racial  
21 justice and the Black Lives Matter movement in a public forum.

22 151. Defendants violated Ms. James’ First Amendment rights when, among  
23 other things, on or about July 10, 2020, Defendant Wise publicly denounced Ms.  
24 James’ peaceful assembly and protest, claiming, “you guys caused this....this is  
25 wrong .... the cop hating around here ... why bring this to our city.”

26 152. On information and belief, at all relevant times relevant, Defendant  
27 Wise was acting under the direction of Defendant Louie, and other supervisory  
28 SPPD police officers, who shared Defendant Wise’ animus to BLM protesters and

1 African Americans, including by signing off on Defendant Wise' false and biased  
2 police report and failing to train on and carry out their mandatory obligations under  
3 the SPPD Hate Crimes Policy.

4 153. Defendants violated Ms. James' First Amendment rights when, among  
5 other things, on or about September 22, 2020, Defendant Perez unreasonably  
6 warned Ms. James that her protest signs violated a City ordinance governing signs  
7 in the public right of way (City Municipal Code 31.2-7), and further warned her that  
8 if she did not take down her signs, SPPD would seize them from her. On  
9 information and belief, Defendant Perez undertook these actions based on his  
10 animus toward BLM protesters, African Americans, and Ms. James as reflected by  
11 his more favorable treatment of White Trump protesters who violated the signage  
12 ordinance on November 1, 2020 but against who he did not attempt to enforce the  
13 ordinance, or any other applicable ordinance, thus constituting viewpoint  
14 discrimination, together with the demeaning and disparaging comments he made  
15 about her on November 1, 2020, further demonstrating his animus toward her.

16 154. On information and belief, at all relevant times relevant, Defendant  
17 Perez was acting under the direction of Defendant Bartl, and other supervisory  
18 SPPD police officers including Chief Ortiz and Defendant Ronnie, all of who were  
19 acting out of animus against BLM protesters and African Americans, as  
20 demonstrated by their more favorable treatment of White Trump protesters who  
21 violated the signage ordinance on November 1, 2020 but against whom they did not  
22 attempt to enforce the ordinance, or any other applicable ordinance, thus  
23 constituting viewpoint discrimination.

24 155. At all relevant times, Defendants Bartl, Perez, Louie, and Wise acted  
25 pursuant to a policy, custom or practice of Defendant City of free speech  
26 suppression, discrimination and retaliation against BLM protestors and African  
27 Americans. This policy, practice and custom, as well as its failure to train on  
28 applicable policies intended at least in part to protect civil rights, was the moving



1 force behind the City’s violation of Ms. James’ First Amendment rights.

2 156. As a direct and proximate result of Defendants’ violation of Ms. James’  
3 free speech rights, Ms. James experienced emotional pain, suffering, trauma, worry,  
4 anxiety, humiliation, and embarrassment.

5 157. Ms. James has sustained general and special damages to an extent and  
6 amount to be proven at trial. In addition, Ms. James has incurred and will continue  
7 to incur, attorney’s fees and costs and expense, including those authorized by 42  
8 U.S.C. §1988, to an extent and amount subject to proof at trial.

9 **SECOND CLAIM**

10 **First Amendment of the U.S. Constitution – Retaliation for Free Speech**  
11 **(42 U.S.C. § 1983)**

12 **(By Plaintiff James Against Defendants City of South Pasadena, Bartl, Perez,**  
13 **Louie, Wise, Ronnie, Cheney)**

14 158. Ms. James realleges and incorporates the allegations set forth in the  
15 preceding paragraphs as though fully set forth here.

16 159. Defendants at all times relevant to this action were acting under color of  
17 state law, and/or were acting in conspiracy with other Defendants who were acting  
18 under color of state law.

19 160. Defendants intentionally interfered with Ms. James’ First Amendment  
20 rights of free speech and assembly, including posting signs, in support of racial  
21 justice and the Black Lives Matter movement in a public forum.

22 161. Defendants violated Ms. James’ First Amendment rights when, on or  
23 about July 10, 2020, Defendant Wise publicly denounced Ms. James’ peaceful  
24 assembly and protest in an effort to chill her protected activity, claiming, “you guys  
25 caused this....this is wrong .... the cop hating around here ... why bring this to our  
26 city.” Defendant Wise, Defendant Louie and other SPPD supervisors also retaliated  
27 against Ms. James when they failed to train on and carry out their mandatory duties  
28 to provide her victim services in response to the two documented hate crimes

1 perpetrated against her by Richcreek.

2 162. Defendants violated Ms. James First Amendment rights when, on or  
3 about September 22, 2020, Defendant Perez, at the direction of Defendant Bartl, and  
4 other SPPD decision-makers, improperly warned Ms. James that her protest signs  
5 violated a City ordinance governing signs in the public right of way (City Municipal  
6 Code 31.2-7), and further warned her that if she did not take down her signs, SPPD  
7 would seize them from her, in order to chill Ms. James' First Amendment rights  
8 going forward. On information and belief, Defendant Perez and Bartl undertook  
9 these actions based on their animus toward BLM protesters and African Americans,  
10 as reflected by their more favorable treatment of White Trump protesters who  
11 violated the signage ordinance on November 1, 2020 but against who they did not  
12 attempt to enforce the ordinance, or any other applicable ordinance, thus  
13 constituting viewpoint discrimination, together with Perez's demeaning and  
14 disparaging comments he made about Ms. James on November 1, 2020, further  
15 demonstrating his animus toward her.

16 163. Defendants also violated Ms. James First Amendment rights when, on  
17 or about October 3, 2020, Defendant Ronnie directed SPPD officers not to arrest or  
18 cite Defendant Cheney for intentionally driving his commercial truck onto a  
19 sidewalk to stop Ms. James from putting up a protest sign, and issued a biased press  
20 release indicating Defendant Cheney may have been justified in assaulting Ms.  
21 James because she purportedly violated a signage ordinance, both in order to chill  
22 Ms. James' First Amendment free speech rights going forward.

23 164. At all relevant times, Defendants Bartl, Perez, Louie, Wise, and Ronnie  
24 acted pursuant to a policy, practice and custom of free speech suppression,  
25 discrimination and retaliation against Ms. James, African Americans and BLM  
26 protesters. This policy, practice and custom, as well as its failure to train on  
27 applicable policies intended at least in part to protect civil rights, was the moving  
28 force behind the City's retaliation against Ms. James' for exercising her First

1 Amendment rights.

2 165. On information and belief, Defendants Bartl, Perez and Ronnie also  
3 entered into a conspiracy with Defendant Cheney to intentionally interfere with Ms.  
4 James' free speech rights at some time on or before October 3, 2020. On  
5 information and belief, on or before that time Defendant City, by and through its  
6 representatives including Defendants Bartl, Perez and Ronnie, unreasonably  
7 informed Defendant Cheney that Ms. James' protests signs were in violation of a  
8 City ordinance governing signs in the public right of way, which information was in  
9 contravention of a the City's Sign Protocol which did not authorize SPPD to make  
10 this determination or issue a warning to Ms. James. On information and belief,  
11 from that time forward, all Defendants had at least a tacit agreement to infringe on  
12 Ms. James' First Amendment free speech rights in connection with her posting of  
13 protest signs. On information and belief, Defendants' conspiracy was motivated by  
14 their mutual bias and animosity toward African Americans and BLM supporters.

15 166. In furtherance of the conspiracy, in addition to the above-alleged overt  
16 acts committed by Defendants Bartl, Perez and Ronnie, on October 3, 2020,  
17 Defendant Cheney committed the overt act of driving his commercial truck onto the  
18 sidewalk to stop Ms. James from putting up a protest sign, and proceeded to call  
19 SPPD to inform Chief Ortiz that Ms. James was putting up her protest sign "again,"  
20 or words to that effect, referencing Defendants' existing conspiracy to infringe on  
21 Ms. James' First Amendment right to post protest signs. Defendant Ronnie, at the  
22 direction of Chief Ortiz, ratified Defendant Cheney's overt act in furtherance of the  
23 conspiracy by directing SPPD officers not to arrest or cite Cheney for that act, and  
24 Defendant City further ratified it when SPPD, at the direction or approval of Chief  
25 Ortiz, issued its biased press release justifying the act based on Ms. James'  
26 purported violation of the signage ordinance.

27 167. Defendants' interference with Ms. James' First Amendment free speech  
28 rights was because of Ms. James' protected activity.

1 168. Such conduct by Defendants chilled Ms. James’ exercise of her First  
2 Amendment free speech rights.

3 169. As a direct and proximate result of Defendants’ violation of her free  
4 speech rights, and as a reasonably foreseeable consequence of Defendants’ overt  
5 acts in furtherance of the conspiracy to do the same, Ms. James experienced pain,  
6 suffering, trauma, worry, anxiety, humiliation, and embarrassment.

7 170. Ms. James has sustained general and special damages to an extent and  
8 amount to be proven at trial. In addition, Ms. James has incurred and will continue  
9 to incur, attorney’s fees and costs and expense, including those authorized by 42  
10 U.S.C. §1988, to an extent and amount subject to proof at trial.

11 **THIRD CAUSE OF ACTION**

12 **Violation of Civil Rights – Interference by Threat, Intimidation or Coercion**  
13 **(Bane Act - California Civil Code § 52.1)**

14 **(By Plaintiff James Against Defendants City of South Pasadena, Bartl, Perez,**  
15 **Louie, Wise and Ronnie)**

16 171. Ms. James realleges and incorporates the allegations set forth in the  
17 preceding paragraphs as though fully set forth here.

18 172. Defendants have used threats, intimidation and coercion to intentionally  
19 interfere with and threaten to interfere with Ms. James’ rights under the U.S.  
20 Constitution, the California Constitution, and California Civil Code § 43, as follows:

- 21 a. Defendants intentionally interfered with Ms. James’ right to free speech  
22 and assembly under the First Amendment of the U.S. Constitution and  
23 Article I, Section 2(a) of the California Constitution, when they  
24 infringed her right to assemble and post signs in a public forum  
25 addressing matters of public interest including racial justice and support  
26 for the BLM movement and retaliated against her for doing so,  
27 including when (1) Defendant Wise publicly refused to arrest or  
28 otherwise hold Richcreek to account for his July 10 assault against Ms.

1 James, which Richcreek heard and emboldened him to attack Ms. James  
2 and Ms. Patterson again on July 19; (2) Defendant Cheney and other  
3 Defendant City officials informed Defendant Cheney Ms. James' protest  
4 signs violated the signage ordinance, and refused to arrest or otherwise  
5 hold Defendant Cheney to account for his October 3 assault against Ms.  
6 James to intimidate her to take down her protest signs; and (3) when  
7 Defendant Perez threatened to seize her protest signs if she did not take  
8 them down in violation of his authority to do so; all of these acts and  
9 omissions had the specific intent to chill Ms. James Constitutional free  
10 speech rights to;

11 b. Defendants intentionally interfered with Ms. James' due process liberty  
12 interest, including her right to personal security, under the 14th  
13 Amendment to the U.S. Constitution and Article 1, Section 1 of the  
14 California Constitution, and her right to be free from bodily restraint and  
15 harm under California Civil Code § 43, when Defendant City  
16 implemented a blanket policy to exclude BLM supporters from hate  
17 crimes protections; Defendants Wise, Louie, and Ronnie failed to  
18 investigate assaults against Plaintiffs as hate crimes, and issued or  
19 caused to be issued false and biased police reports about those assaults;  
20 when Chief Ortiz failed to ensure Defendants and other SPPD officers  
21 were trained on their hate crimes obligations; and when Defendants  
22 allowed Ms. James and Ms. Patterson's attackers to act with impunity;  
23 all of these acts and omissions had the specific intent to deprive Ms.  
24 James Constitutional due process rights, as well as her statutory right to  
25 be free from bodily harm;

26 c. Defendants intentionally interfered with Ms. James' right to equal  
27 protection under the law under the 14th Amendment to the U.S.  
28 Constitution, when: Defendant City implemented a blanket policy to

1 exclude BLM supporters from hate crimes protections; SPPD officers  
2 failed to identify her as a victim to the July 8, 2020 Richcreek attack,  
3 naming only her White fellow protestor Ms. Patterson as a victim; SPPD  
4 officers, including Chief Ortiz and Defendant Louie, failed to respond to  
5 Ms. James' request for victims' assistance, while responding to her  
6 White fellow protestor Ms. Patterson's requests for victims' assistance;  
7 Defendants Perez and Bartl enforced a signage order against her on  
8 September 22 and October 3, 2020, but not White participants of a  
9 Trump rally on November 1, 2020, on account of her race; and also  
10 when Defendants Wise, Louie and Ronnie they failed to carry out their  
11 mandatory duties to investigate assaults against her as hate crimes,  
12 issued false and biased police reports about those assaults, and allowed  
13 her attackers to act with impunity, also on account of her race; all of  
14 these acts and omissions had the specific intent to deprive Ms. James  
15 Constitutional equal protection right to be free of race and viewpoint  
16 discrimination;

17 173. Defendants Wise, Louie, Perez, Bartl and Ronnie's above-referenced  
18 acts constitute threats, intimidation and coercion because they were intended to stop  
19 Ms. James from carrying out her protest activity for fear of unchecked violence by  
20 known racist, anti-BLM vigilantes and police seizure of her protest signs, in  
21 violation of her above-enumerated rights.

22 174. On information and belief, Defendant City and Defendants Bartl, Perez  
23 and Ronnie also entered into a conspiracy with Defendant Cheney to use threats,  
24 intimidation and coercion to intentionally interfere with and threaten to interfere  
25 with Ms. James' rights under the U.S. Constitution, the California Constitution, and  
26 California Civil Code § 43. Defendants' conspiracy began at some time on or  
27 before October 3, 2020, at which time they engaged in the above-alleged overt acts  
28 in furtherance of the conspiracy.

1 175. On information and belief, Defendant City and Defendants Bartl, Perez  
2 and Ronnie aided and abetted Defendant Cheney's threats, intimidation and  
3 coercion to intentionally interfere with and threaten to interfere with Ms. James'  
4 rights under the U.S. Constitution, the California Constitution, and California Civil  
5 Code § 43.

6 176. Ms. James is entitled to an injunction pursuant to California Civil Code  
7 §52.1.

8 177. Ms. James is also entitled to damages pursuant to Civil Code §§ 52 and  
9 52.1. Ms. James has filed tort claims with Defendant City of South Pasadena.

10 178. As a direct and proximate result of Defendants' violation of her above-  
11 referenced civil rights, Ms. James experienced pain, suffering, trauma, worry,  
12 anxiety, humiliation, and embarrassment.

13 179. Ms. James has sustained general and special damages to an extent and  
14 amount to be proven at trial. In addition, Ms. James has incurred and will continue  
15 to incur, attorney's fees and costs and expense, including those authorized by Civil  
16 Code § 52.1 and 42 U.S.C. §1988, to an extent and amount subject to proof at trial.

17 **FOURTH CAUSE OF ACTION**

18 **Violation of Civil Rights – Interference by Threat, Intimidation or Coercion**

19 **(Bane Act - California Civil Code § 52.1)**

20 **(By Plaintiff James Against Defendant Cheney)**

21 180. Ms. James realleges and incorporates the allegations set forth in the  
22 preceding paragraphs as though fully set forth here.

23 181. Defendant Cheney has used threats, intimidation and coercion to  
24 interfere with Ms. James' rights under the California Constitution, and California  
25 Civil Code § 43, as follows:

- 26 a. Defendant Cheney intentionally interfered with Ms. James' right to free  
27 speech and association under Article I, Section 2(a) and Article I,  
28 Section 3(a) of the California Constitution, and her right to be free from

1           bodily harm under California Civil Code § 43, when he drove his  
2           commercial truck onto a sidewalk to infringe her right to put up a protest  
3           sign in a public forum addressing matters of public interest including  
4           racial justice and support for the BLM movement, and retaliated against  
5           her for doing so.

6           b. Defendant intentionally interfered with Ms. James’ right to liberty,  
7           including the right to personal security, under Article I, Section 1 of the  
8           California Constitution, when he drove his commercial truck onto a  
9           sidewalk to stop her from putting up a protest sign in a public forum  
10          addressing matters of public interest including racial justice and support  
11          for the BLM movement, and nearly hit her in the process.

12          182. On information and belief, Defendant Cheney also entered into a  
13          conspiracy with Defendant City and Defendants Bartl, Perez and Ronnie to use  
14          threats, intimidation and coercion to intentionally interfere with and threaten to  
15          interfere with Ms. James’ rights under the U.S. Constitution, the California  
16          Constitution, and California Civil Code § 43. Defendants’ conspiracy began at  
17          some time on or before October 3, 2020, at which time they engaged in the above-  
18          alleged overt acts in furtherance of the conspiracy.

19          183. On information and belief, Defendant Cheney aided and abetted  
20          Defendant City and Defendants Bartl, Perez and Ronnie’s threats, intimidation and  
21          coercion to intentionally interfere with and threaten to interfere with Ms. James’  
22          rights under the U.S. Constitution, the California Constitution, and California Civil  
23          Code § 43.

24          184. Ms. James is entitled to an injunction pursuant to California Civil Code  
25          §52.1.

26          185. Ms. James is also entitled to damages pursuant to Civil Code §§ 52 and  
27          52.1. Ms. James has filed tort claims with Defendant City of South Pasadena.

28          186. As a direct and proximate result of Defendants’ violation of her above-



1 referenced civil rights, Ms. James experienced pain, suffering, trauma, worry,  
2 anxiety, humiliation, and embarrassment.

3 187. Ms. James has sustained general and special damages to an extent and  
4 amount to be proven at trial. In addition, Ms. James has incurred and will continue  
5 to incur, attorney’s fees and costs and expense, including those authorized by Civil  
6 Code § 52. 1 and 42 U.S.C. §1988, to an extent and amount subject to proof at trial.

7 **FIFTH CLAIM**

8 **Fourteenth Amendment to U.S. Constitution – Due Process**

9 **(42 U.S.C. § 1983)**

10 **(By Plaintiffs James and Patterson Against Defendants City of South Pasadena,**  
11 **Bartl, Perez, Louie, Wise and Ronnie)**

12 188. Ms. James and Ms. Patterson reallege and incorporate the allegations set  
13 forth in the preceding paragraphs as though fully set forth here.

14 189. Under the 14th Amendment, while “the state’s failure to protect an  
15 individual against private violence does not generally violate the guarantee of due  
16 process, it can where the state action ‘affirmatively place[s] the plaintiff in a  
17 position of danger,’ that is, where state action creates or exposes an individual to a  
18 danger which he or she would not have otherwise faced.” *Kennedy v. City of*  
19 *Ridgefield*, 439 F.3d 1055, 1061 (9th Cir. 2006) (quoting *DeShaney v. Winnebago*  
20 *County Dep’t of Soc. Serv.*, 489 U.S. 189, 197 (1989).

21 190. At all times relevant here, Defendants, acting under color of state law,  
22 acted pursuant to a policy, practice and custom of free speech suppression,  
23 discrimination and retaliation against Ms. James, African Americans and BLM  
24 protesters, as well as its failure to train on applicable policies intended at least in  
25 part to protect civil rights, which deprived Ms. James and Ms. Patterson of their due  
26 process liberty interest in their personal security by engaging in affirmative acts and  
27 omissions, taken with deliberate indifference to the known and obvious risk of harm  
28 to them, that exposed them to actual, particularized danger. This policy, practice

1 and custom, and its aforementioned failure to train, was the moving force behind the  
2 City's violation of Ms. James' 14th Amendment due process rights.

3 191. Defendants' affirmative acts rendered Ms. James and Ms. Patterson  
4 vulnerable to harm they would not otherwise have faced, including the foreseeable  
5 repeat attacks by Richcreek and the attack by Defendant Cheney.

6 192. Defendants Wise, Louie, and Ronnie, as directed and ratified by Chief  
7 Ortiz, engaged in, among others, the following affirmative acts and omissions:

8 a. Defendants' blanket policy to exclude BLM supporters from hate crimes  
9 protections, and its failure to follow mandatory hate crimes laws and  
10 departmental policies whose whole purpose is to apprehend suspects and  
11 protect victims like Ms. James and Ms. Patterson from repeat attacks,  
12 including failing to train SPPD officers on carrying out its Hate Crimes  
13 Policy; taking accurate police reports; and providing for victims'  
14 assistance and increased police protective services after Ms. James and  
15 Ms. Patterson reported the July 8, 2020 Richcreek assault, as set forth in  
16 §§ 319.4 (c), 319.4(d), 319.4(i) and 319.4.2(c), which likely would have  
17 forestalled the assaults on July 10, 19 and October and 3, 2020. SPPD's  
18 failure to train and implement its own Hate Crimes Policy, even after  
19 being on notice that SPPD personnel were flagrantly violating the  
20 Policy, directly led to repeat attacks;

21 b. Defendants publicly blamed Ms. James and Ms. Patterson's protest  
22 activity for the assaults against them and took affirmative acts to allow  
23 the perpetrators Richcreek and Defendant Cheney to act with impunity.  
24 In the case of Richcreek, Defendants allowed him to do so when  
25 Richcreek threatened to assault Ms. James again on July 10, 2020, and  
26 Ms. James and Ms. Patterson again on July 19, 2020. Defendant Wise  
27 forced Ms. James to make a citizens' arrest of Richcreek on July 10,  
28 2020, and specifically told him, "I'm not arresting you man, SHE is," or

1 words to that effect, referring to Ms. James. Defendant Wise also  
2 publicly accused Ms. James and her supporters of being “cop hating”  
3 and bringing hate to the City, in Richcreek’s earshot which video  
4 footage shows Richcreek would have heard, and on information and  
5 belief did hear. At some point later Richcreek responded in kind, telling  
6 the mostly White SPPD at the scene, “I’m doing this for you guys,”  
7 referring to his attacks on Ms. James and here fellow BLM protestors. In  
8 the case of Defendant Cheney, Defendant Ronnie admitted to Ms. James  
9 that, at the direction of Chief Ortiz, he directed line officers not to arrest  
10 or cite Cheney because of Ms. James’ purported violation of the City’s  
11 signage ordinance, which decision Ortiz and SPPD ratified with its  
12 biased press release of the Cheney incident.

- 13 c. Defendants created false, inaccurate and biased police reports and press  
14 releases about the assaults against Ms. James and Ms. Patterson –  
15 including that failed to identify Ms. James and Ms. Patterson as victims  
16 of hate crimes, and also blamed Ms. James for the assaults. Defendants  
17 did so knowing full well their actions and inactions would forestall  
18 prosecutions and increase the risk that the suspects would remain at  
19 large and have the ability to commit further assaults against Ms. James  
20 and Ms. Patterson. In the case of Richcreek, Defendants’ acts resulted in  
21 Richcreek assaulting Ms. James for a second time on July 10, 2020, and  
22 Ms. James and Ms. Patterson for a third time of July 19, 2020, at which  
23 time Defendants failed to even take a police report, and on information  
24 and belief failed to record witness statements with their body cameras.

25 193. On information and belief, Defendant City and Defendants Bartl, Perez,  
26 and Ronnie, as directed and ratified by Chief Ortiz, engaged in the affirmative act of  
27 informing Defendant Cheney that Ms. James’ protest signs were in violation of a  
28 City ordinance, with deliberate indifference to the known, obvious and foreseeable

1 risk that that it would embolden Defendant Cheney to act as a vigilante to stop Ms.  
2 James from putting up her signs, which he did when he assaulted Ms. James on  
3 October 3, 2020.

4 194. On information and belief, Defendant Ronnie and Chief Ortiz also  
5 engaged in the affirmative act of deciding not to arrest or cite Defendant Cheney for  
6 his October 3, 2020 assault on Ms. James, which together with Defendant Ronnie's  
7 video-taped statements to Ms. James on October 3, 2020, and SPPD's issuance of a  
8 biased press release indicating Cheney's assault was justified because Ms. James'  
9 purportedly violated the City's signage ordinance, allowed Defendant Cheney to act  
10 with impunity.

11 195. Defendants acted with deliberate indifference to the known, obvious and  
12 foreseeable risk of harm to Ms. James and Ms. Patterson on account of their  
13 conduct. Ms. James' status as a BLM activist was well known to SPPD, as was the  
14 knowledge that her and Ms. Patterson's BLM protest activity would make them a  
15 greater target for assault than others in the general public, particularly given the  
16 well-documented rise of violent attacks on BLM and racial justice protesters by  
17 White supremacists, and supporters of other extremist groups that explicitly oppose  
18 BLM, like Defendant Cheney. SPPD also knew Richcreek had a long criminal  
19 history, making it foreseeable that he would act outside the law and engage in the  
20 repeat assaults that he committed against Ms. James and Ms. Patterson.

21 196. Defendants also acted with deliberate indifference to the known,  
22 obvious and foreseeable risk of harm to Ms. James and Ms. Patterson on account of  
23 their conduct when they implemented their blanket policy to exclude BLM  
24 supporters from hate crimes protections and failed to treat assaults against Ms.  
25 James and Ms. Patterson as hate crimes that require heightened investigative  
26 procedures to apprehend suspects and provide victim assistance to ensure they are  
27 not subject to repeat attacks, as Richcreek perpetrated against Ms. James and Ms.  
28 Patterson.

1 197. As a direct and proximate result of Defendants' violation of her above-  
2 referenced civil rights, Ms. James and Ms. Patterson experienced physical and  
3 emotional pain, suffering, trauma, worry, anxiety, humiliation, and embarrassment.

4 198. Ms. James and Ms. Patterson have sustained general and special  
5 damages to an extent and amount to be proven at trial. In addition, Ms. James and  
6 Ms. Patterson have incurred and will continue to incur, attorney's fees and costs and  
7 expense, including those authorized by 42 U.S.C. §1988, to an extent and amount  
8 subject to proof at trial.

9 **SIXTH CLAIM**

10 **Breach Of Mandatory Duties**

11 **(Cal Gov. Code §§ 815.6, 820)**

12 **(By Plaintiffs James and Patterson Against**

13 **Defendants City of South Pasadena, Wise, Louie, Ronnie)**

14 199. Ms. James and Ms. Patterson reallege and incorporate by reference each  
15 and every allegation contained in the preceding paragraphs.

16 200. Defendants possessed mandatory duties which required them to, without  
17 limitation, use heightened procedures to investigate potential hate crimes to  
18 apprehend suspects and protect victims, and prepare accurate, detailed and unbiased  
19 reports, as set forth in SPPD Policy Manual sections 319 *et seq.* and 323 *et seq.*

20 201. As described above, Defendants breached these mandatory duties.

21 202. As a direct and proximate result of Defendants' violation of these  
22 above-referenced mandatory duties, Ms. James and Ms. Patterson experienced  
23 physical and emotional pain, suffering, trauma, worry, anxiety, humiliation, and  
24 embarrassment.

25 203. Ms. James and Ms. Patterson have sustained general and special  
26 damages to an extent and amount to be proven at trial. In addition, Ms. James and  
27 Ms. Patterson have incurred and will continue to incur, attorney's fees and costs and  
28 expense, including those authorized by 42 U.S.C. §1988, to an extent and amount

1 subject to proof at trial.

2 **SEVENTH CLAIM**

3 **Fourteenth Amendment to U.S. Constitution – Equal Protection**

4 **(By Plaintiffs James and Patterson Against Defendants**

5 **City of South Pasadena, Bartl, Perez, Wise, Louie, and Ronnie)**

6 204. Ms. James and Ms. Patterson reallege and incorporate by reference each  
7 and every allegation contained in the preceding paragraphs.

8 205. The Fourteenth Amendment contains an implicit guarantee of equal  
9 protection that invalidates any official action that in part reflects a racially  
10 discriminatory intent or purpose. Classifications based on race receive exacting  
11 scrutiny, and even facially neutral policies and practices will be held  
12 unconstitutional when they reflect a pattern unexplainable on grounds other than  
13 race. *Brown v. Bd. of Ed. of Topeka, Shawnee Cty., Kan.*, 347 U.S. 483 (1954); *Vill.*  
14 *of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–66 (1977).

15 206. The Fourteenth Amendment’s equal protection clause also protects  
16 against viewpoint discrimination. *Hoye v. City of Oakland*, 653 F.3d 835, 855 (9th  
17 Cir. 2011) (*citing Rosenbaum v. City & Cnty. of San Francisco*, 484 F.3d 1142,  
18 1154 (9th Cir. 2007)).

19 207. Defendants acted with an intent or purpose to discriminate against Ms.  
20 James on account of her African American race, based on numerous acts and  
21 omissions that can only be explained by their targeting of her race. Among them  
22 are: on July 8, failing to identify Ms. James as a victim of Richcreek’s assault while  
23 only naming her fellow White protestor Ms. Patterson as the victim; after the July 8  
24 and 10 incidents, ignoring Ms. James’ entreaties for victims’ assistance while at  
25 least three separate officers including Chief Ortiz responded to Ms. Patterson’s  
26 request; on July 8, July 10, July 19 and October 3, 2020 refusing to investigate  
27 racially-charged assaults against Ms. James as hate crimes; repeatedly failing to  
28 apprehend the White perpetrators of the assaults and hate crimes against Ms. James

1 while affording the White perpetrators protection, preferential treatment and  
2 allowance to act with impunity; issuing false and biased police reports and press  
3 releases about those assaults in favor of the White perpetrators; on September 22  
4 and October 3, acting in complicity with Cheney a known supporter of the White  
5 supremacist group the “Proud Boys”; on October 3, Defendant Ronnie’s donning of  
6 a mask with a “think blue line” logo understood to be a symbol of White supremacy  
7 when meeting with Ms. James to explain why he failed to arrest or cite Cheney for  
8 his assault against her, as an act of intimidation against Ms. James on account of her  
9 race.

10 208. All of these acts and omissions targeting Ms. James on account of her  
11 race occurred in the midst of a presence of a culture of anti-BLM sentiment at  
12 SPPD, and support for White supremacist groups throughout the force, led by Chief  
13 Ortiz who was later forced to resign in part because he fostered such an  
14 environment. Such “community animus” supports a finding of discriminatory  
15 motives by Defendants, regardless of whether each and every one of them  
16 personally held such animus. *Ave. 6E Invs., LLC v. City of Yuma, Ariz.*, 818 F.3d  
17 493, 504 (9th Cir. 1996) (relying on *Arlington Heights*, 429 U.S. at 266.).

18 209. Defendants also discriminated against Ms. James on account of her race  
19 and her viewpoint as a BLM supporter, when on September 22, 2020 and October 3,  
20 2020 they selectively enforce a City ordinance governing the posting of signs in the  
21 public right of way (City Municipal Code 31.2-7) against her, but on November 1,  
22 2022 they treated White Trump protestors more favorably by not enforcing this and  
23 other applicable ordinances against them.

24 210. Defendants’ race discrimination against Ms. James is also supported by  
25 a study commissioned by South Pasadena community group Care First, which found  
26 “SPPD arrests Black and Latinx/Hispanic individuals disproportionate to their  
27 representation in the City of South Pasadena,” and that “Such disparities suggest the  
28 existence of racially biased policing practices.” Here, Defendants knowingly treated

1 Richcreek and Cheney more favorably because of their White race, demonstrating  
2 their favoritism to them and animosity to Ms. James, to her detriment.

3 211. Defendants also acted with an intent or purpose to discriminate against  
4 Ms. James and Ms. Patterson on account of their viewpoint, particularly their  
5 support and promotion of the BLM movement. Among other things, Defendants  
6 denied them protections under SPPD's Hate Crimes Policy, including failing to  
7 apply heightened investigative procedures to crimes committed against them and  
8 providing them appropriate victims' assistance, based on their blanket, invidiously  
9 motivated blanket policy that BLM supporters are not protected by hate crimes  
10 statutes. Regarding Ms. James, Defendants enforced and otherwise attributed to her  
11 purported violations of City ordinances for her BLM protest activity, which they did  
12 not enforce against Trump supporters upon receipt of numerous reports of their  
13 violation of the same and other ordinances.

14 212. At all relevant times, Defendants acted pursuant to a policy, practice and  
15 custom of free speech suppression, discrimination and retaliation against Ms. James,  
16 as an African American and a BLM protester, and Ms. Patterson, as a BLM  
17 protester, which deprived Plaintiffs of their 14th amendment equal protection rights  
18 to be free from discrimination on account of her race and viewpoint. This policy,  
19 practice and custom was the moving force behind the City's violation of Ms. James'  
20 14th Amendment rights.

21 213. As a direct and proximate result of Defendants' violation of her above-  
22 referenced civil rights, Ms. James and Ms. Patterson experienced pain, suffering,  
23 trauma, worry, anxiety, humiliation, and embarrassment.

24 214. Ms. James and Ms. Patterson have sustained general and special  
25 damages to an extent and amount to be proven at trial. In addition, Ms. James and  
26 Ms. Patterson have incurred and will continue to incur, attorney's fees and costs and  
27 expense, including those authorized by 42 U.S.C. §1988, to an extent and amount  
28 subject to proof at trial.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Fahren James and Victoria Patterson respectfully asks this Court to grant the following relief:

1. Award compensatory damages against all Defendants for the above violations of federal and state law;
2. Award punitive damages against all Defendants except the City of South Pasadena for the above violations of federal and state law;
3. Award compensatory damages against the City of South Pasadena under the California Tort Claims Act;
4. Issue declaratory relief against the Defendants for the above violations of federal and state law;
5. Issue an injunction requiring Defendants, and anyone acting on behalf of Defendants or in concert with them, to do the following:
  - a. Refrain from violating all federal and state laws referenced herein;
  - b. Refrain from intimidating or coercing individuals from exercising their free speech rights, including their right to protest;
  - c. Train all SPPD Officers, City Staff and the City Council on protecting the right to freedom of speech and association; the identification and investigation of hate crimes, together with the obligation to provide resources and protective services for victims, and to prepare detailed, accurate and unbiased police reports based on thorough investigations of potential reported crimes;
  - d. Conduct an audit of all SPPD officers to identify individuals who have demonstrated bias as defined by Penal Code § 13519.4, and order the City to take appropriate action against them as required by law, and SPPD Policy Manual, section 401 *et seq.*
6. Award prejudgment interest on any award of damages to the extent permitted by law;

- 1 7. Award reasonable attorneys’ fees, costs and disbursements, pursuant to 42
- 2 U.S.C. § 1988, Cal. Gov’t Code § 52.1(h), Cal. Code of Civ. Proc. § 1021.5,
- 3 and any other applicable law; and
- 4 8. Grant any and all other such other relief as the Court deems just and equitable.

5 Date: November 30, 2022

6 Respectfully submitted,  
 7 HOQ LAW  
 8 /s/ Laboni A. Hoq\*  
 9 Laboni A. Hoq

10 SCHONBRUN SEPLOW HARRIS  
 11 HOFFMAN & ZELDES  
 12 /s/ Wilmer Harris  
 13 Wilmer Harris

14 V. James DeSimone Law  
 15 /s/ V. James DeSimone  
 16 V. James DeSimone

17 *Attorneys for Plaintiffs Fahren James  
and Victoria Patterson*

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs Fahren James and Victoria Patterson hereby demand a trial by jury.

20 Date: November 30, 2022

21 Respectfully submitted,  
 22 HOQ LAW  
 23 /s/ Laboni A. Hoq\*  
 24 Laboni A. Hoq

25 SCHONBRUN SEPLOW HARRIS  
 26 HOFFMAN & ZELDES  
 27 /s/ Wilmer Harris  
 28 Wilmer Harris

V. James DeSimone Law  
/s/ V. James DeSimone

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V. James DeSimone

*Attorneys for Plaintiffs Fahren James  
and Victoria Patterson*

\* Filer attests that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.