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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

C.B., by and through his *guardians ad litem* W.B. and B.T.,

Plaintiff,

v.

MORENO VALLEY UNIFIED
SCHOOL DISTRICT; MARTINREX
KEDZIORA, in his official capacity as
Moreno Valley Unified School District
Superintendent; DARRYL SCOTT;
SCOTT WALKER; DEMETRIUS
OWENS; MANUEL ARELLANO;
LONIESHA KING; COUNTY OF
RIVERSIDE; RIVERSIDE COUNTY
SHERIFF'S DEPARTMENT; ;
DEPUTY SHERIFF NORMA LOZA;
DEPUTY SHERIFF JERSSY
TOSCANO; and DOES 3-10.

Defendants.

Case No. 5:21-CV-00194-JGB (SPx)

**FIRST AMENDED COMPLAINT
FOR DAMAGES AND
INJUNCTIVE AND
DECLARATORY RELIEF**

- 1) Unreasonable Seizure and Excessive Force (42 U.S.C. § 1983)
- 2) *Monell* Claim (42 U.S.C. § 1983)
- 3) Title II of the ADA (42 U.S.C. § 12132)
- 4) Section 504 of the Rehabilitation Act (29 U.S.C. § 794)
- 5) California Gov't Code § 11135
- 6) Intentional Infliction of Emotional Distress
- 7) False Imprisonment
- 8) Battery
- 9) Assault
- 10) Negligent Supervision

DEMAND FOR JURY TRIAL

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INTRODUCTION

1. Plaintiff C.B., a minor, by and through his *guardians ad litem* W.B. and B.T. (“Plaintiff” or “C.B.”), brings this action for injunctive relief and damages against the Moreno Valley Unified School District (“District” or “Moreno Valley USD”), District Superintendent Martinrex Kedziora, the County of Riverside (“County”), the Riverside County Sheriff’s Department (“Sheriff’s Department”), and various individuals for harms resulting from at least four violent handcuffings and detentions at his middle school campuses. C.B. alleges that Defendants’ actions, inactions, policies, practices, customs and procedures violated and continue to violate his rights under the U.S. Constitution, the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131 *et seq.*, Section 504 of the Rehabilitation Act (“Section 504”), 29 U.S.C. § 794 *et seq.*, state civil rights laws, and common law torts.

2. C.B. further alleges that the District, Sheriff’s Department, and County partner to operate a discipline system that discriminates against students with disabilities and Black students, including Black disabled students. The District employs its own Campus Security Officers (CSOs) and contracts with the Sheriff’s Department to provide School Resource Officers (SROs) at District schools. The District calls on CSOs and SROs (together, “school police officers”) to respond with physical force to minor and/or disability-related behaviors that could be managed by teachers or administrators with less harmful methods, such as crisis intervention, de-escalation, patience, communication, and waiting.

3. C.B. is a Black student with disabilities residing within the boundary of the District. School police officers tackled and handcuffed C.B. in response to his disability-related behaviors at least four separate times over a less than four-month span in 2019. At the time of the handcuffings, C.B. was between ten and eleven years old, stood about four feet, eight inches, and weighed about seventy pounds. In at least one incident the school police officers simultaneously shackled

1 his wrists and ankles.

2 4. School police officer body camera footage captured part of the third
3 mechanical restraint, which occurred on October 8, 2019, and part of the fourth
4 mechanical restraint, which occurred on December 9, 2019.

5 5. In the October 8 incident, the officers entered C.B.'s special education
6 classroom to investigate an allegation that he threw a rock the day before. C.B. sat
7 with his head down on his desk while the school police officers questioned him.
8 Within ninety seconds of their arrival, the officers physically pulled C.B. from his
9 desk by his arms and shoulders, pushed him with force to the ground, and
10 handcuffed him. One officer pinned his knee in C.B.'s back while another officer
11 placed him in handcuffs.

12 6. In the December 9 incident, two officers entered C.B.'s special
13 education classroom to investigate an allegation that C.B. had gotten into a shoving
14 match with another student and had thrown classroom items. One of the officers
15 immediately restrained C.B. on the floor until a third officer arrived and
16 handcuffed him, and a fourth officer arrived to escort C.B. to a police cruiser. He
17 complained several times of pain from the handcuffs, but the officers did nothing
18 to address the pain, instead shoving his head into the side of the police cruiser, and
19 yanking him from behind by his handcuffs. Rather than release C.B. to his mother,
20 they took him to the police station and sent him off in an ambulance for a
21 psychiatric evaluation.

22 7. As a result of Defendants' unnecessary and excessive physical and
23 mechanical restraints, C.B. has suffered and continues to suffer severe emotional
24 distress, mental anguish, pain, humiliation, and exacerbation of his disabilities. His
25 parents have secured therapy services to help him cope with the trauma caused by
26 these incidents.

27 8. On information and belief, Defendants were and are on notice that
28 interactions with school police officers trigger and exacerbate C.B.'s disabilities

1 and cause emotional distress. Nevertheless, the District continues to request and
2 direct school police officers to respond to C.B.'s minor and/or disability-related
3 behaviors, unnecessarily escalating matters. By way of example, in a meeting with
4 C.B.'s parents, Defendant District stated that it could not implement a policy at all
5 times of exhausting less intrusive methods before calling officers. Further, school
6 police officers responded and continue to respond with excessive physical force
7 during each interaction with C.B.

8 9. On information and belief, and as evidenced by the at least four
9 handcuffings and detentions of C.B., the District fails to sufficiently train its
10 teachers, administrators, and other non-school police officer staff on using
11 alternatives to law enforcement to respond to minor and/or disability-related
12 behaviors. The District's law enforcement referral data demonstrates its excessive
13 and disproportionate reliance on school police officers. The District refers students
14 to law enforcement at a significantly higher rate than comparable districts in the
15 state. Moreover, while Black students make up about 14% of total District
16 enrollment, they are nearly 30% of District referrals to law enforcement. The
17 District's rate of referring Black students to law enforcement is more than 2.5
18 times its rate of referring non-Black students to law enforcement.

19 10. The injuries suffered by C.B. at the hands of SROs were also the
20 product of Defendant Sheriff's Department's and County's handcuffing policies
21 and practices and failures to train and supervise its staff. The pattern of unlawful or
22 excessive restraint and handcuffing in response to C.B.'s minor and/or disability-
23 related behavior constitutes deliberate indifference to his constitutional rights.

24 11. Defendants have practices, policies, and/or customs of willful failure
25 to adequately report, document, investigate, and/or respond to, complaints of
26 unnecessary mechanical and other physical restraints of students, which has caused
27 C.B. to suffer constitutional injuries as a result, and has compounded the harms
28 suffered by C.B. By way of example, Defendants have failed to provide any

1 meaningful information regarding what transpired in the four incidents, despite
2 C.B.'s parents' repeated requests. Defendants have abdicated their responsibility to
3 train, supervise, and discipline their employees by failing to adequately report,
4 document, investigate and/or respond to complaints of unlawful or excessive force.

5 12. Plaintiff seeks monetary damages, including punitive damages, and
6 injunctive and declaratory relief for ongoing violations of his rights, including an
7 order that Defendants cease the involvement of school police officers in low-level
8 student misbehaviors and instead provide C.B. and similarly situated students with
9 reasonable modifications and positive supports and services.

10 JURISDICTION AND VENUE

11 13. This Court has jurisdiction over Plaintiff's federal claims pursuant to
12 28 U.S.C. §§ 1331 and 1343. The same actions and omissions that form the basis
13 of Plaintiff's federal claims, form the basis of his California state law claims. Thus,
14 this Court has supplemental jurisdiction over Plaintiff's state law claims under 28
15 U.S.C. § 1367. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and
16 Rule 57 of the Federal Rules of Civil Procedure. Injunctive relief is authorized by
17 28 U.S.C. § 2202 and Rule 65 of the Federal Rules of Civil Procedure.

18 14. Venue is proper in the Central District of California, Eastern Division,
19 because Plaintiff resides in, and Defendants operate and perform official duties in,
20 Riverside County. A substantial part of the events, acts, and omissions giving rise
21 to the claims also occurred in Riverside County. 28 U.S.C. § 1391(b).

22 PARTIES

23 A. Plaintiff

24 15. Plaintiff C.B. is a Black, twelve-year-old boy with disabilities in the
25 seventh grade. At the time of the events described herein, C.B. was between ten
26 and eleven years old, approximately seventy pounds, and in the sixth grade. He
27 appears by and through his parents and *guardians ad litem* W.B. and B.T.

28 16. Presently, and at all times relevant to this action, C.B. was and is a

1 qualified individual with a disability within the meaning of all applicable statutes
2 including the Americans with Disabilities Act, Section 504, and California
3 Government Code § 12926. C.B. has diagnoses of Attention Deficit Hyperactivity
4 Disorder (ADHD), Oppositional Defiant Disorder (ODD), Intermittent Explosive
5 Disorder, and Other Specified Trauma and Stressor Related Disorder. C.B.'s
6 diagnosis of Other Specified Trauma and Stressor Related Disorder is related to
7 Defendants' violent and degrading treatment of him. C.B.'s symptoms of
8 Intermittent Explosive Disorder are exacerbated by his interactions with
9 Defendants. These disabilities make it difficult for him to regulate his emotions,
10 maintain focus, communicate, and comply promptly with directions. C.B., at all
11 times relevant to this action, received special education services.¹ C.B.'s parents
12 suspect that he may have additional undiagnosed emotional and behavioral
13 disabilities, some of which resulted from or were exacerbated by his interactions
14 with law enforcement.

15 17. Presently, and at all times relevant to this action, C.B. was and is a
16 resident of Moreno Valley, Riverside County, California.

17 18. Presently, and at all times relevant to this action, C.B. was a student at
18 Landmark Middle School or Mountain View Middle School within the school
19 district boundary of Moreno Valley USD.

20 **B. Defendants**

21 ***Moreno Valley USD***

22 19. Defendant Moreno Valley USD is a public school district organized
23 and existing under the laws of the State of California, with the capacity to sue and
24 be sued. The District is located in the County of Riverside. It receives federal and
25 state funding to educate students. The District has a student population of 32,299,
26

27 ¹ Through this complaint, C.B. does not challenge the adequacy of his Individualized Education Program (IEP)
28 or allege Defendants violated the Individuals with Disabilities Education Act (IDEA). All references to his IEP,
IEP team meetings, or special education classroom herein are for background purposes, e.g., to support his
status as a qualified individual with disabilities, establish Defendants' knowledge of his disabilities, and provide
evidence that Defendants discriminated against him by handcuffing him for disability-related behaviors.

1 making it the twenty-fifth most populous school district in California.²

2 20. The District is a public entity for purposes of Title II of the ADA and
3 receives both state and federal assistance such that it is subject to Section 504 and
4 California Government Code § 11135. The District is a business establishment for
5 purposes of the Unruh Civil Rights Act, California Civil Code § 51 *et seq.*

6 21. The District is the owner, operator, or lessor/lessee of Landmark and
7 Mountain View Middle Schools. It is responsible for promulgating policies and
8 procedures at those schools. The District is sued in its own right and on the basis of
9 the acts and/or omissions of its officials, agents and employees, including those
10 associated with its CSO Program. Under law, including California Government
11 Code § 815(a), the District is liable for the unlawful tortious acts hereinafter
12 complained of, including those violating state law and committed by any District
13 entity or employee acting within the course and scope of their employment.

14 22. The District created and operates its CSO Program. The District
15 contracts with the County of Riverside and/or its Sheriff's Department to provide
16 SROs on its middle school and high school campuses.

17 ***Superintendent Martinrex Kedziora***

18 23. Defendant Martinrex Kedziora is the Superintendent of the Moreno
19 Valley USD. As Superintendent, Defendant Kedziora has authority, oversight, and
20 control of the District's schools and facilities, including the policies, practices,
21 procedures, programs, trainings, activities, services and employees of said schools.
22 Defendant Kedziora is responsible for the daily operations of the District,
23 including operation of the CSO program, and he is responsible for ensuring that
24 District schools and employees/staff comply with anti-discrimination laws, as well
25 as for ensuring compliance with state and federal laws.

26 24. Defendant Martinrex Kedziora is sued in his official capacity for
27

28

² California Department of Education, *Largest & Smallest Public School Districts* – CalEdFacts (Jul. 9, 2020),
<https://www.cde.ca.gov/ds/sd/cb/ceflargesmallldist.asp>.

1 prospective relief.

2 ***Darryl Scott***

3 25. Defendant Darryl Scott is the District's Director of Safety and
4 Security. Defendant Scott was or is employed by the District. As the District's
5 Director of Safety and Security, Defendant Scott is responsible for the supervision
6 of the CSO Program under the direction of Superintendent Kedziora.

7 26. Defendant Scott directed and/or participated substantially in the
8 events described herein against C.B., and/or knew of the acts of his subordinates
9 and failed to act to prevent them as required by law. Defendant Scott is sued in his
10 individual capacity for damages.

11 ***Scott Walker***

12 27. Defendant Scott Walker is the former principal of Landmark Middle
13 School. As principal, Defendant Walker had authority and control over Landmark
14 Middle School's programs and facilities, including policies, practices, procedures,
15 programs, activities, services, training, and employees of Landmark Middle
16 School. As principal, he was responsible for ensuring that Landmark Middle
17 School complies with state and federal law.

18 28. Defendant Walker directed and/or participated substantially in the
19 events described herein against C.B., and/or knew of the acts of his subordinates
20 and failed to act to prevent them as required by law. He is sued in his individual
21 capacity for damages.

22 ***Manuel Arellano***

23 29. Defendant Manuel Arellano is or was a CSO employed by Moreno
24 Valley USD and assigned to its schools. Defendant Arellano was responsible for
25 and/or participated substantially in the events described herein against C.B.
26 Defendant Arellano is sued in his individual capacity for damages.

27 ***Demetrius Owens***

28 30. Defendant Demetrius Owens is or was a CSO employed by Moreno

1 Valley USD and assigned to its schools. Defendant Owens was responsible for
2 and/or participated substantially in the events described herein against C.B.
3 Defendant Owens is sued in his individual capacity for damages.

4 ***Loniesha King***

5 31. Defendant Loniesha King is or was a CSO employed by Moreno
6 Valley USD and assigned to its schools. Defendant King was responsible for
7 and/or participated substantially in the events described herein against C.B.
8 Defendant King is sued in her individual capacity for damages.

9 ***County of Riverside***

10 32. Defendant County is an incorporated municipality organized and
11 existing under the laws of the State of California and wholly located within the
12 State of California. The District contracts with the County and/or its Sheriff's
13 Department to operate an SRO program on its campuses.

14 33. At all relevant times, Defendant County had the power and authority
15 to adopt policies and prescribe rules, regulations, and practices affecting the
16 operation of the Sheriff's Department, and particularly the Sheriff's Department's
17 SRO Program operating on the campuses of the Moreno Valley USD, and its
18 tactics, methods, practices, policies, training, and customs regarding the use of
19 force, personnel supervision, and meaningful records review and maintenance.

20 ***Riverside County Sheriff's Department***

21 34. Defendant Sheriff's Department is an operating department of the
22 County. The District contracts with the County and/or the Sheriff's Department to
23 operate an SRO program on its campuses.

24 35. On information and belief, SROs are employees of the Sheriff's
25 Department, unlike CSOs who are employees of the District. Under law including
26 California Government Code § 815(a), the Sheriff's Department is liable for any
27 and all unlawful tortious acts hereinafter complained of, including those in
28 violation of state law and committed by the Sheriff's Department entity and its

employees acting within the course and scope of their employment.

Deputy Sheriff Norma Loza

36. Defendant Norma Loza is a Riverside County Deputy Sheriff. She is or was an SRO assigned to Moreno Valley USD schools. Defendant Loza was responsible for and/or participated substantially in the events described herein against C.B. In doing the acts alleged herein, she acted within the scope of her employment and under the color of state law. Defendant Loza is sued in her individual capacity for damages.

Deputy Sheriff Jerssy Toscano

37. Defendant Jerssy Toscano is a Riverside County Deputy Sheriff. He is or was an SRO assigned to Moreno Valley USD schools. Defendant Toscano was responsible for and/or participated substantially in the events described herein against C.B. In doing the acts alleged herein, he acted within the scope of his employment and under the color of state law. Defendant Toscano is sued in his individual capacity for damages.

DOES 3-10

38. Plaintiff is ignorant of the true names or capacities of those defendants named DOES 3 through 10. He therefore sues said defendants by fictitious names.

39. Plaintiff is informed and believes that these Defendants may also be responsible for the acts and omissions claimed herein.

40. Plaintiff is informed and believes that each of the Defendants is the agent, ostensible agent, alter ego, master, servant, trustor, trustee, employer, employee, representative, franchiser, franchisee, lessor, lessee, joint venture, parent, subsidiary, affiliate, related entity, partner and/or associate, or such similar capacity of each of the other Defendants, and was at all times, acting and performing, or failing to act or perform, within the course and scope of such similar aforementioned capacities, and with the authorization, consent, permission or ratification of each of the other Defendants, and is personally responsible in

1 some matter for the acts and omissions of the other Defendants in proximately
2 causing the violations and damages complained of herein, and have participated,
3 directed, and have ostensibly and/or directly approved or ratified each of the acts
4 or omissions of each of the other Defendants, as herein described. Plaintiff will
5 seek leave to amend when the true names, capacities, connections, and
6 responsibilities of Defendants DOES 3 through 10, inclusive are ascertained.

7 41. Hereinafter, references to “Defendants” shall include Paragraphs 19-
8 40, inclusive, above.

9 **PLAINTIFF COMPLIED WITH GOVERNMENT CLAIM REQUIREMENT**
10 ***(with respect to damages under California State law)***

11 42. Plaintiff complied with the California Government Claims Act (also
12 known as the Tort Claims Act), California Government Code § 900 *et seq.* On July
13 15, 2020, Plaintiff filed an administrative tort claim pursuant to California
14 Government Code § 910 *et seq.* with Defendants Moreno Valley USD, County,
15 Sheriff’s Department, Superintendent Kedziora, Director Scott, Principal Walker,
16 CSO Arellano, CSO Owens, CSO King, Deputy Loza, and Deputy Toscano,
17 notifying Defendants of claims that are now set forth herein.³ Plaintiff’s claim
18 stated that the claim was timely as to all events, but also included an application
19 for leave to file a late claim, to the extent any such claims were required.

20 43. On August 10, 2020, Defendant Moreno Valley USD rejected
21 Plaintiff’s claim by way of letter. Similarly, on August 6, 2020, Defendant County
22 rejected Plaintiff’s claim by way of letter. On November 13, 2020, Plaintiff sought
23 clarification of these Defendants’ purported rejection of Plaintiff’s application to
24 present a late claim. Defendant Moreno Valley USD did not respond to Plaintiff’s
25 request for clarification.

26 44. On November 25, 2020, the County provided written letter directing
27

28 ³ A true and correct copy of Plaintiff’s tort claim is incorporated by reference as Plaintiff’s Exhibit 1, and will be
filed separately under seal with this Court.

1 Plaintiff to file a late claim petition pursuant to California Government Code §
2 946.6. Petitioner filed that petition in Riverside County Superior Court on
3 February 2, 2021, naming the District, County, and Sheriff's Department.

4 45. Defendant Sheriff's Department failed to reply to Plaintiff's claim
5 and, by operation of law, Plaintiff's claim was rejected on August 29, 2020. On
6 November 13, 2020, Plaintiff sought clarification of Defendant Sheriff's
7 Department's purported rejection of Plaintiff's application to present a late claim.
8 Defendant Sheriff's Department did not respond to Plaintiff's request for
9 clarification.

10 46. Plaintiff has thus complied with the requirements of Government
11 Code Section 910, *et seq.*

12 STATEMENT OF FACTS

13 A. Racial and Disability Disparities in School Policing and Restraint

14 *Increased Police Presence in America's Schools*

15 47. In recent decades, school districts have drastically expanded school
16 police programs.⁴ Instead of addressing student behaviors by providing positive
17 supports or through administrative discipline, school administrators now call the
18 police.⁵ The addition of police officers in schools has not made schools safer and
19 instead has increased the criminalization of minor and/or disability-related
20 behaviors.⁶

21 48. As school districts have expanded school police programs, they have
22 failed to fund behavioral and mental health supports. For instance, around fourteen
23

24 ⁴ In 1975, just 1% of schools placed police officers on campus, as compared to nearly half of schools today. This
25 expansion was primarily driven by readily available federal funding for SRO programs, rather than an actual
26 need for increased police presence. *See, e.g.,* Amir Whitaker, et al., AMERICAN CIVIL LIBERTIES UNION, COPS
AND NO COUNSELORS: HOW THE LACK OF MENTAL HEALTH STAFF IS HARMING STUDENTS (2019),
https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

27 ⁵ *Id.*

28 ⁶ *Id.*; *see also* Emily K. Weisburst, *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes*, 38 J. OF POLICY ANALYSIS & MANAGEMENT 338 (2019) (finding that federal grants placing police on school campuses increased sanctions for low-level offenses, particularly for Black students, and decreased high school graduation rates).

1 million students in the United States attend schools patrolled by police but entirely
2 lacking in counselors, nurses, psychologists, or social workers.⁷

3 49. Increased police presence in schools has had a disproportionate
4 impact on students with disabilities and Black students. According to the U.S.
5 Department of Education's 2015-16 Civil Rights Data Collection Survey,⁸ students
6 with disabilities represent just 12% of the student population nationally but 28% of
7 all students referred to law enforcement⁹ or arrested at school. Black students make
8 up 15% of student enrollment nationally but 31% of students referred to law
9 enforcement or arrested at school.

10 50. These disparities are also present in the national data on mechanical
11 restraints,¹⁰ the category capturing handcuffings. According to the 2017-18 Civil
12 Rights Data Collection survey,¹¹ students with disabilities again make up about
13 12% of the student population nationally but 41% of all students subjected to
14 mechanical restraints. Black students represent 18% of all students with disabilities
15 nationally, but 34% of those put in mechanical restraints.

16 51. Police presence and contact have grave, lifelong consequences for
17 students. Multiple studies demonstrate that police contact causes and exacerbates
18 mental health disabilities, especially trauma and anxiety.¹² Youth are particularly
19 vulnerable to heightened emotional distress when they experience intrusive police

20 ⁷ Whitaker, *supra* note 4.

21 ⁸ U.S. Dept. of Educ., *2015-16 Civil Rights Data Collection: School Climate and Safety* (May 2019),
22 <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

23 ⁹ The Civil Rights Data Collection defines law enforcement referral as "[A]ction[s] by which a student is
24 reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on
25 school grounds, during school-related events, or while taking school transportation, regardless of whether
26 official action is taken." *See id.* at p. 3.

27 ¹⁰ The Civil Rights Data Collection uses the same definition of "mechanical restraint" as California state law:
28 "The use of a device or equipment to restrict a pupil's freedom of movement." Cal. Educ. Code § 49005.1(d)(1).

¹¹ U.S. Dept. of Educ., *2017-18 Civil Rights Data Collection: The Use of Restraint and Seclusion on Children with Disabilities in K-12 Schools* (Oct. 2020), <https://www2.ed.gov/about/offices/list/ocr/docs/restraint-and-seclusion.pdf>.

¹² *See, e.g.,* Amanda Geller *et al.*, *Aggressive Policing and the Mental Health of Young Urban Men*, 104 AM. J. PUBLIC HEALTH 2321 (2014) (studying young men's experiences of police encounters and finding that men who reported more police contact also reported more trauma and anxiety symptoms, indicating a need for less invasive tactics); Dylan B. Jackson *et al.*, *Police Stops Among At-Risk Youth: Repercussions for Mental Health*, 65 J. ADOLESCENT HEALTH 627 (2019) (finding that youth who were stopped more often by police officers were more likely to report emotional trauma).

1 stops.¹³ Districts that are overpoliced and under-resourced thus subject their
2 students to traumatic police contact, while simultaneously leaving them without
3 mental health resources to process these events.

4 52. Police contact causes even greater harm when accompanied by
5 physical force. The U.S. Government Accountability Office (“GAO”) has
6 explained that even if no physical injury is sustained, children who are restrained
7 can be severely traumatized as a result.¹⁴ Students are too anxious, frightened, or
8 angry to focus on and fully participate in classroom activities. When an individual
9 is exposed to trauma, especially in the form of repeated traumatic stress of an
10 extreme traumatic event, the brain becomes over-sensitized to any potential
11 stimulus that might cue a threat. The individual thus perceives ordinary encounters
12 as threatening ones, triggering a “fight or flight” or dissociative response.¹⁵

13 53. Dissociative responses impair a student’s attention, organization,
14 comprehension, memory, and trust, all necessary for the acquisition of academic
15 skills. Thus, childhood trauma is linked to poor academic outcomes, including
16 failure to reach proficiency in core subjects and/or to graduate from high school.
17 Exposure to trauma causes challenges with emotional self-regulation – including
18 aggression, disproportionate reactivity, impulsivity, distractibility, or withdrawal
19 and avoidance – that disrupt the learning environment and frequently lead to
20 exclusionary school discipline measures or absence from school. Thus, police
21 presence, contact, and use of force are not only traumatizing, but also counter-
22 productive to creating a safe school environment that is conducive to learning.

23 *California’s Movement Away from School Policing*

24 54. School districts and other programs for children and youth throughout
25

26 ¹³ Jackson *et al.*, *supra* note 12.

27 ¹⁴ See U.S. Gov’t Accountability Office, GAO-09-719T, Testimony before the Committee on Education and
Labor, House of Representatives: Seclusions and Restraints, Selected Cases of Death and Abuse at Public and
Private Schools and Treatment Centers p.1, 8 (May 19, 2009), <https://www.gao.gov/products/GAO-09-719T>.

28 ¹⁵ Perry *et al.*, *Childhood Trauma, The Neurobiology of Adaptation, and “Use-dependent” Development of the
Brain: How “States” Become “Traits”* 16 INFANT MENT. HEALTH J. 271, 277-79 (1995)
http://media.wix.com/ugd/29cec4_4951bdf3fb444a62b01f2da71e4a4cae.pdf.

California have begun to incorporate behavioral supports, trauma-informed approaches, Restorative Justice practices, access to mental health services, and other positive strategies to focus on addressing the root causes of student behaviors and minimizing involvement with the juvenile justice system.

55. Schools in California are reviewing and addressing racial and disability disparities in discipline to ensure students of color and students with disabilities, including disabled students of color, like C.B., are not disproportionately subject to police referrals and restraints as compared with their similarly situated peers. For these reasons, several large school districts, including Oakland Unified School District and Sacramento City Unified School District, have abolished their SRO programs completely.¹⁶

56. Moreno Valley USD is not one of these districts. Following the murder of George Floyd, a coalition of Riverside County community groups organized to abolish the District's SRO program. On July 23, 2020, the District's Board conducted a "Study Session" to gather community input regarding the SRO program. During this Session, the Board received almost fifty public comments, with nearly all speakers urging the Board to abolish the SRO program and reinvest its \$1.3 million-dollar budget in mental health supports, Restorative Justice, culturally relevant curricula, and other non-police programming. Many speakers specifically cited the officers' abuse of C.B. as reason to make these changes. The Board, however, did not abolish the SRO program.

B. Moreno Valley USD's Campus Security Officer Program

57. On information and belief, the District established its CSO Program pursuant to the School Security Department provisions in California Education Code § 38000 *et seq.* Defendant Scott supervises the CSO Program as Director of Safety and Security under the direction of Defendant Kedziora. *See* Cal. Educ.

¹⁶ Nicole Karlis, *Oakland is at the Forefront of a National Movement to Abolish Police from K-12 Schools*, SALON (June 30, 2020, 11:52 PM), <https://www.salon.com/2020/06/30/oakland-is-at-the-forefront-of-a-national-movement-to-ban-police-from-k-12-schools/>.

Code § 38000(a).

58. On information and belief, CSOs are employees of the District.

59. According to the District's position description,¹⁷ a CSO, under the general direction of the Director of Safety and Security, "supervises, monitors, and controls" school campuses and "enforces the rules and regulations governing student behavior." Expected duties include "physically restrain[ing] persons involved in crimes, rights, or other acts of violence." The position also requires CSOs to receive ongoing trainings on the use of pepper spray and tasers, suggesting that the District considers use of force to be essential to the CSOs' role.

60. The CSOs wear police-style uniforms and are issued metal handcuffs. On information and belief, CSOs also carry pepper spray and tasers.

61. On information and belief, the District's CSO Program has no written policies and/or procedures. CSOs instead take verbal orders from Director Scott.

62. State law governs the use of restraint, including mechanical restraint, in schools. Cal. Educ. Code § 49005 *et seq.* Staff may only use restraint in an emergency and not for the purpose of coercion, discipline, convenience, or retaliation. Cal. Educ. Code § 49005.2. They may not place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back. Cal. Educ. Code § 49005.8(a)(5).

63. District policy implementing these state laws prohibits its staff, including CSOs, from using restraints that employ a device, material, or objects that simultaneously immobilize all four extremities.¹⁸ The same District policy only allows its staff, including CSOs, to use restraint if they have received a certification in Crisis Prevention Intervention (CPI).

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¹⁷ Moreno Valley USD Human Resources Division, *Position Title: Campus Security Officer I* (Oct. 17, 2017), <https://4.files.edl.io/af25/09/04/18/173822-651104c9-971a-47b6-ba39-362fd1900e5b.pdf>.

¹⁸ Moreno Valley USD, *MVUSD SELPA Handbook* at p. 6-4 (Aug. 26, 2020), <https://4.files.edl.io/460c/08/26/20/224843-47f1cf94-84cd-47e4-8a31-5c07ab6ef4b2.pdf>.

C. The District's School Resource Officer Program

Relationship Between the District and Sheriff's Department

64. The District maintains an SRO program through a "Law Enforcement Services Agreement" with the Sheriff's Department and/or County. The agreement, effective July 1, 2018, to June 30, 2021, specifies that the Sheriff's Department will provide nine SROs to the District, three of whom serve the middle school campuses and six of whom serve the high school campuses. The total cost of the three-year contract is \$4.3 million, which includes the full cost of the SROs' salaries. On information and belief, the District funds the Agreement almost entirely through Local Control Funding Formula Supplemental and Concentration Funds.

65. On information and belief, the SROs are employees of the Sheriff's Department and/or County of Riverside.

66. According to the contract, the SROs are sworn law enforcement officers whose duties include patrolling and investigating crimes on Moreno Valley USD campuses, facilitating conversations between students and their parents, and serving as a liaison at elementary school sites.

Department Policies Governing Body Camera Footage

67. Under a 2016 directive, the Sheriff's Department requires its officers to create body camera recordings of "any law enforcement action where there is reason to believe it would be appropriate and valuable to record the event." This includes citizen contacts and detentions.

68. If an officer fails to initiate the recording of an event when required, the officer must document the reasons for the failure in a subsequent report or memorandum. Further, officers may not terminate the body camera recording until the conclusion of the encounter, "unless tactical or practical reasons dictate otherwise." Even then, the officer must reinitiate the recording as soon as possible and document the reasons for early termination in a report.

Sheriff's Department Policies on Restraint and Handcuffing

69. The Sheriff's Department Standards Manual ("Manual") sets out the standards for when officers may handcuff youth. Policy 306.2.3 directs officers not to handcuff youth under age fourteen "unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy, or damage property."

70. Policy 324.9 further specifies that officers may not handcuff status offenders or children age eleven or younger unless they are "combative or threatening." The Policy does not guide officers as to how to decide whether a child meets the standard of being "combative or threatening." This standard is susceptible to implicit and explicit racial biases, since officers are more likely to view ambiguous or disability-related behavior as "combative and threatening" when shown by Black students rather than white students.¹⁹

71. The Manual does not require, or even encourage, officers to use crisis communication or other non-violent alternatives to restraint, particularly for students with disabilities.

D. Facts Regarding Plaintiff C.B.

72. C.B. is a student of Defendant Moreno Valley USD and is in the seventh grade at Mountain View Middle School. C.B. has been on a remote learning model for school since on or about March 16, 2020, due to the Covid-19 shutdown. At the time of the incidents described herein, C.B. was between ten and eleven years old and enrolled in the sixth grade.

73. C.B. is an engaging and bright twelve-year-old boy who loves playing basketball, fishing competitively and with his father, playing video games, and spending time with his family. C.B. is intelligent and enjoys learning, showing

¹⁹ See Kurt Hugenberg & Galen V. Bodenhausen, *Facing Prejudice: Implicit Prejudice and the Perception of Racial Threat*, 14 PSYCHOL. SCIENCE 640, 643 (Nov. 2003), <https://www.frontiersin.org/articles/10.3389/fpsyg.2017.00519/full>; Anthony Page, *Batson's Blind-Spot: Unconscious Stereotyping and the Peremptory Challenge*, 85 B.U. L. REV. 155, 222-24 & n.337 (2005) (citing studies that show "people will assign different significance to identical actions depending on the actors' race.").

1 particular aptitude in mathematics. He and his parents hope that he will one day
2 attend college and pursue a career about which he is passionate.

3 74. C.B. has diagnoses of Attention Deficit Hyperactivity Disorder
4 (ADHD), Oppositional Defiant Disorder (ODD), Intermittent Explosive Disorder,
5 and Other Specified Trauma and Stressor Related Disorder. C.B.'s diagnosis of
6 Other Specified Trauma and Stressor Related Disorder is related to Defendants'
7 violent and degrading treatment of him. C.B.'s symptoms of Intermittent Explosive
8 Disorder are exacerbated by his interactions with Defendants. These disabilities
9 make it difficult for him to regulate his emotions, maintain focus, communicate,
10 and comply promptly with directions. C.B.'s parents suspect that he may have
11 additional undiagnosed emotional and behavioral disabilities, some of which
12 resulted from or were exacerbated by his interactions with law enforcement.

13 75. C.B. enrolled in the District in May 2019 after attending other school
14 districts in Los Angeles and Riverside Counties. Staff never handcuffed C.B. in his
15 prior school districts. Since C.B. enrolled in the District, CSOs and SROs
16 handcuffed him at least four times in less than four months, as detailed below.

17 ***Mechanical Restraint No. 1: On or about August 21, 2019, school police officers***
18 ***handcuffed C.B. for conduct resulting from his disabilities.***

19 76. C.B. had been a student at Landmark Middle School ("Landmark")
20 for less than one month, when on or about August 21, 2019, school police officers
21 handcuffed him.

22 77. That day, then-Landmark Assistant Principal Pedro Gutierrez called
23 C.B.'s mother, B.T., to tell her to pick him up from school early because he was
24 "acting up." On information and belief, C.B. was exhibiting behaviors caused by
25 his disability.

26 78. When C.B.'s mother arrived at Landmark, Mr. Gutierrez told her that
27 school police officers had handcuffed C.B. The officers had removed the handcuffs
28 before she arrived. Mr. Gutierrez told C.B.'s mother that he instructed officers to

1 remove the handcuffs because he believed that handcuffing C.B. was “totally
2 unacceptable,” or words to that effect. Other than this statement, Mr. Gutierrez did
3 not provide C.B.’s mother with any further information regarding the handcuffing.

4 79. Contrary to District policy, the District did not document the
5 mechanical restraint in an Incident Report. As a result, Plaintiff cannot state the
6 names of the school police officers who handcuffed him. He believes this
7 information is solely in the hands of Defendants.

8 80. On information and belief, the District did not document the incident
9 or adequately investigate, train, supervise, or discipline the staff involved.

10 ***Mechanical Restraint No. 2: On August 26, 2019, school police officers shackled***
11 ***C.B.’s hands and ankles for conduct resulting from his disabilities.***

12 81. Five days later, on August 26, 2019, District CSOs handcuffed and
13 leg-cuffed C.B. at Landmark.

14 82. That day, Mr. Gutierrez directed CSO Demetrius Owens to bring C.B.
15 to the office for a meeting. CSO Owens’ witness statement does not describe a
16 reason for this meeting. According to a behavior log drafted by C.B.’s teacher, Mr.
17 Propofsky, C.B. had disrupted class earlier in the day by cursing and ripping
18 paper. Plaintiff suspects that the meeting with Mr. Gutierrez was related to his
19 alleged disruptive behavior in class – which took place approximately three hours
20 before Mr. Gutierrez summoned him to his office. Again, these behaviors were
21 caused by his disabilities.

22 83. CSO Owens, CSO King, and then-Landmark Assistant Principal
23 Kamilah O’Connor found C.B. on the playground. All three directed C.B. to leave
24 the playground and go to the office. C.B. verbally refused and started to exhibit
25 conduct related to his disabilities, including an inability to self-regulate or express
26 himself. He allegedly clenched his fists and began breathing heavily. CSO King
27 and CSO Owens responded by dragging C.B. by his arms to a seclusion room.

28 84. Then-Landmark Principal Scott Walker joined CSOs Owens and King

1 in the seclusion room. Surrounded by three much larger adults in the seclusion
2 room, C.B. began experiencing and externalizing emotions of fear, anxiety, and
3 frustration. He began pulling away, pushing, and swinging with his arms in an
4 attempt to free himself from the room. C.B. was not acting out physically before
5 the CSOs physically dragged him to the seclusion room.

6 85. Principal Walker directed CSO King and CSO Owens to handcuff
7 C.B. At the time, C.B. was four feet, eight inches tall and approximately seventy
8 pounds. The CSOs placed C.B. in a physical hold, tackled him to the floor, and
9 forced him into District-issued metal cuffs. The CSOs pulled C.B. up from the
10 ground and attempted to sit him in a chair. Now handcuffed in a seclusion room
11 and surrounded by three adults, C.B. became even more upset and distressed.
12 Unable to regulate his emotions due to his disabilities, he began flailing his legs.

13 86. Principal Walker then directed CSO King and CSO Owens to place
14 separate handcuffs on C.B.'s ankles. The CSOs then immediately and
15 simultaneously shackled C.B.'s hands and ankles with metal cuffs. C.B. remained
16 shackled in this manner for an unknown period of time.

17 87. The District suspended C.B. from school that day and his aunt came
18 to pick him up. She was concerned and confused to find C.B. sitting in the fetal
19 position against the wall of the seclusion room. His aunt observed that C.B.'s arms
20 were hugging his knees and his head was down. C.B. was not wearing a shirt,
21 which had come off during the CSOs' interaction with him. A desk was blocking
22 the door to the seclusion room. C.B. and his aunt helped school staff clean up the
23 seclusion room, and then she took him home.

24 88. No District staff told C.B.'s aunt that CSOs had physically tackled
25 C.B. and then handcuffed and leg-cuffed him. District staff never told C.B.'s
26 parents of the incident either.

27 89. Defendants' actions, *inter alia*, violated District policies prohibiting
28 staff from using mechanical restraints that simultaneously immobilize all four

1 extremities.

2 90. The District also failed to provide an Incident Report to C.B.'s
3 parents. In November 2019, counsel made a request to the District for a full and
4 complete copy of C.B.'s educational records. Only after counsel received the
5 records did C.B.'s parents learn that the CSOs shackled C.B.'s hands and ankles.
6 The District provided C.B. with CSO King's and CSO Owens' witness statements,
7 which were missing at least two pages. Further, the District did not provide a
8 witness statement from Principal Walker. As of the date of this filing, the District
9 has not provided the missing statements and pages.

10 91. On information and belief, the District did not document the incident
11 or adequately investigate, train, supervise, or discipline the staff involved.

12 ***Mechanical Restraint No. 3: On October 8, 2019, school police officers tackled***
13 ***and handcuffed C.B. while pressing a knee into his back***

14 92. On October 7, 2019, C.B. allegedly threw a rock in the general
15 direction of CSO Manuel Arellano. No one from the District informed C.B.'s
16 parents about this incident on the day that it allegedly occurred. According to a
17 police report dated October 8, 2019, sometime after school hours on October 7,
18 2019, an unidentified District staff member requested that Deputy Norma Loza
19 intervene and "investigate" the alleged rock throwing incident.²⁰

20 93. On October 8, Deputy Loza and CSO Arellano arrived at C.B.'s
21 special education classroom to investigate the alleged rock-throwing from the day
22 before. At no time prior to involving the CSOs and SROs did anyone with the
23 District attempt to arrange a meeting with C.B. with his parents present.

24 94. Unlike the other incidents where school police officers handcuffed
25 C.B., Deputy Loza's body camera partially captured the October 8, 2019,
26

27 ²⁰ On information and belief, the unidentified District staff member is CSO Arellano. The police report states an
28 individual (name redacted) contacted Deputy Loza on October 7, 2019, and alleged that C.B. threw a rock in his
direction earlier that day. Separately, on October 7, 2019, CSO Arellano added a behavior log entry in C.B.'s
pupil file alleging he threw the rock. No one created a log entry documenting the restraints on October 8, 2019.

incident.²¹ At C.B.'s counsel's request, the Sheriff's Department produced a video that is approximately eight minutes long. On information and belief, Deputy Loza shut off her body camera before the incident concluded, violating Sheriff's Department policy and leaving the remaining hour of the incident unfilmed.

95. Based on the review of the available Department footage, immediately upon entering C.B.'s classroom, Deputy Loza directed the teacher (name unknown) to remove the other students from the classroom. This left C.B. alone with Deputy Loza and CSO Arellano. C.B. sat motionless at his desk with his head down.

96. Deputy Loza stood over C.B. and said, "You're going to go to the office, no matter what. Either you go, cooperating, or I'm going to take you to the office." Neither Deputy Loza nor CSO Arellano explained why they were asking him to go to the office. C.B. kept his head down and quietly said he was not going. For thirty seconds, Deputy Loza repeated different variations of "do you understand you are going to the office?" but never explained why. C.B. remained completely still, repeating that he was not going at a barely audible volume.



Body Camera Image: C.B. sits with his head down while Deputy Loza demands he go to the office

²¹ A true and correct copy of the October 8, 2019, body camera footage is incorporated by reference as Plaintiff's Exhibit 2. Plaintiff will fill Exhibit 2 separately under seal with this Court.

1 97. After less than ninety seconds, Deputy Loza grabbed the back of
2 C.B.'s sweatshirt and physically pulled him out of his seat. She then passed C.B. to
3 CSO Arellano. While CSO Arellano twisted the four foot, eight inch boy's wrists
4 behind his back to try and force handcuffs on him, Deputy Loza repeated, "You are
5 going to the office." Again, consistent with his disabilities and behavior that they
6 had seen him exhibit before, C.B. swore and stated that he was not going. The
7 officers then tackled C.B., pinned him to the ground, and pressed him face down
8 into the floor. He screamed out in pain: "Ow! My knee!" CSO Arellano then dug
9 his own knee into C.B.'s back, and Deputy Loza placed him in handcuffs. Neither
10 officer spoke to C.B. about his legal rights.



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21 ***Body Camera Image: CSO Arellano puts his knee into C.B.'s back while Deputy***
22 ***Loza places C.B. in handcuffs***

23 98. The Sheriff's Department footage also shows that while the two
24 officers pinned C.B. on the ground, Deputy Loza threatened him by stating that if
25 he moved then the handcuffs were "going to get tight on [him]." While C.B.'s
26 hands are out of frame, a distinct clicking can be heard on video for about thirty
27 seconds, as Deputy Loza presumably followed through with her threat and
28 tightened C.B.'s handcuffs. C.B. wiggled on his stomach briefly and swore,

behavior consistent with his disabilities and of being physically and mechanically restrained and having handcuffs tightened. He then laid still on the ground, facedown and handcuffed. Deputy Loza radioed an unknown person and stated: “I have one juvenile detained. He’s being uncooperative.”

99. The Sheriff’s Department footage then shows Deputy Loza and CSO Arellano pulling C.B. to his feet and pushing him towards the classroom door, while C.B. squirmed and cried out to be let go. The officers again physically forced C.B. face down onto the floor. Another CSO then arrived (the “second CSO”).²² The second CSO told C.B. that he should “relax.” At one point while CSO Arellano held C.B. facedown, Deputy Loza stood over him and accused him of kicking. The video does not show C.B. kicking anyone in frame.

100. The officers surrounded C.B. and held him face-down on the floor for almost two minutes. The video shows Deputy Loza, CSO Arellano, and the second



Body Camera Image: Unknown CSO twists C.B.’s leg and pushes it into the ground. CSO Arellano and Deputy Loza are to the left holding C.B. down.

²² On information and belief, the second CSO was Demetrius Owens. CSO Arellano is heard on video using his radio to ask someone he refers to as “Owens” to come assist in the classroom. About thirty seconds later, the video shows the second CSO entering the classroom. Owens was a CSO assigned to Landmark at the time of the incident. He also handcuffed C.B. on August 26, 2019, along with CSO King.

1 CSO pull him up to a seated position on the floor. Still handcuffed, C.B. cried out
2 as CSO Arellano pressed down on his shoulders. The second CSO also held C.B.
3 down. The video shows this person twisting C.B.'s leg and using both arms and his
4 body weight to press C.B.'s calf into the ground.

5 101. C.B. was visibly in pain and cried, "Let me go! Let me go!" While
6 immobilizing C.B.'s hands, shoulders, and leg, the two male CSOs repeated: "If
7 you calm down, we calm down. You calm down, we calm down." C.B. – a child
8 with known behavioral and emotional disabilities – was unable to "calm down"
9 while handcuffed and restrained by three officers.

10 102. The Sheriff's Department footage then shows two unidentified district
11 staff arriving, but neither took any steps to intervene. One radioed for Principal
12 Walker to come to the classroom, but could not reach him. CSO Arellano directed
13 her to leave the room and find Mr. Walker. All the while, C.B. remained
14 handcuffed, immobilized on the floor. Deputy Loza stood over him, and threatened
15 to take him to the police station if he did not calm down.

16 103. After two more minutes, the video shows the second CSO releasing
17 C.B.'s leg from his hold. The three officers then pulled C.B. into a standing
18 position, and C.B. cried out in apparent pain. Deputy Loza said that a fourth
19 officer, her partner, would be arriving to help them escort C.B. off campus to an
20 awaiting police car. At that point, the body camera footage abruptly ends.

21 104. Deputy Loza and her partner, Deputy Jersey Toscano, later placed
22 C.B. in the back of a police car. By that time, given the events that had just
23 occurred and were continuing to occur, C.B. was experiencing worsening trauma.
24 While locked in the back seat, C.B. reportedly stated: "I wish I was dead." At times
25 the deputies left C.B. alone in the locked car.

26 105. While locked and handcuffed in the police car, C.B. managed to use
27 his cell phone to call his mother. C.B.'s mother recalls that he repeatedly screamed,
28 "Tell them to let me go!" before the phone hung up. C.B.'s mother was afraid and

1 confused; no one from the school had contacted her about these events. When
2 C.B.'s mother called her son back, Deputy Loza answered the phone. C.B.'s
3 mother told Deputy Loza that she was on her way to pick C.B. up from school.
4 Deputy Loza responded that it was too late; the ambulance was coming to pick him
5 up. However, C.B. remained in the back of the police car for nearly an hour before
6 an ambulance arrived. During this time, other students passing by saw C.B.
7 handcuffed in the back of the police car.

8 106. At approximately 12:55 pm, the ambulance took C.B. from Landmark
9 to Riverside's Emergency Treatment Service facility for a 5585 evaluation.²³ At the
10 time of hospitalization, the treating psychiatrist, Dr. Alexander Tsang, and treating
11 therapist, Shirlee Lyons, noted that C.B. presented as "selectively mute." His
12 distress began to decrease once his mother arrived, and they discharged him that
13 day at around 4:00 pm. C.B. spent over half a day handcuffed, held in a police car,
14 transported by ambulance, and psychiatrically hospitalized.

15 107. Days after this incident, Landmark staff handed B.T. a notice of
16 suspension, which mentioned the alleged rock throwing incident from October 7,
17 but not the October 8 use of physical and mechanical restraints.

18 108. C.B.'s mother asked staff to provide her with more information about
19 the school police officers restraining, handcuffing, and holding her son in a police
20 car. Staff told C.B.'s mother that they had no information about the incident. Based
21 on information and belief, the District failed to properly document and/or report
22 this incident. Contrary to its own documentation and reporting procedures, the
23 District has failed to provide C.B.'s parents with any documentation related to the
24 October 8, 2019, restraint, handcuffing, detention, or hospitalization. To date, the
25 District has failed to produce any written Incident Reports from its staff related to
26 this handcuffing, even after multiple requests by counsel. Plaintiff presumes based
27

28 ²³ Under California Welfare & Institutions Code Section 5585, officers may temporarily place a minor in a psychiatric facility where probable cause supports that "as a result of mental disorder" the minor is: (1) a danger to themselves or others or "gravely disabled"; and (2) "voluntary treatment is not available."

1 on this reasonable investigation that none exist.

2 109. The Sheriff's Department similarly failed to comply with its own
3 documentation procedures. On information and belief, Deputy Loza turned off her
4 body camera before the incident ended, against Sheriff's Department policy. Also
5 against Sheriff's Department policy, Deputy Loza did not document her reasons for
6 turning off her camera in a report or memorandum. In addition, despite requests
7 from counsel, the Sheriff's Department has not produced all body camera footage
8 from Deputy Loza for this incident. Also, on information and belief, Deputy
9 Toscano did not create a police report for this incident and/or the Sheriff's
10 Department did not produce these records.

11 110. The SROs violated their own Policies 306.2.3 and 324.9 when they
12 handcuffed C.B., who was eleven years old at the time and not combative,
13 threatening, or suspected of committing any crimes.

14 111. Again, on information and belief, Defendants Moreno Valley USD
15 and Sheriff's Department did not document the incident or adequately investigate,
16 train, supervise, or discipline the staff involved.

17 ***Mechanical Restraint No. 4: On December 9, 2019, school police officers***
18 ***handcuffed C.B. while he was already physically restrained for exhibiting***
19 ***disability-related behaviors.***

20 112. After their son was restrained, handcuffed, locked in a police car, and
21 sent for an involuntary psychiatric hold while at Landmark, C.B. and his parents
22 were afraid for his safety and no longer wanted him to return to the same school.

23 113. After the October 8, 2019, incident, C.B.'s parents made the difficult
24 decision to keep C.B. at home rather than subject him to further discrimination,
25 harm and repeated constitutional injuries. He remained at home without any
26 schooling for approximately five weeks. Desperate for another option, C.B.'s
27 parents obtained an intra-district transfer permit so that C.B. could attend
28 Mountain View Middle School ("Mountain View"). The move forced C.B. to,

1 among other things, leave his friends and social networks behind.

2 114. On December 9, 2019, shortly after starting at Mountain View,
3 Deputy Loza again handcuffed C.B. after he had a disagreement with a classmate.
4 C.B. allegedly pulled a classmate's chair out from under him. The classmate then
5 shoved C.B. The two children pushed each other a few times, and the teacher
6 intervened to break it up. Unable to regulate his emotions effectively, C.B. pushed
7 his teacher and began to throw classroom items.

8 115. The teacher cleared the classroom and called for CSOs and SROs to
9 respond. CSO Juan Ramirez and CSO Kristopher Woodside arrived first and,
10 almost immediately, physically restrained C.B., who was displaying disability-
11 related behaviors. CSO Woodside restrained C.B. on the ground.

12 116. Deputy Loza arrived next about fifteen minutes later. Contrary to
13 Sheriff's Department protocols, Deputy Loza did not turn on her body camera and
14 later failed to report why she did not turn it on, despite Department procedures
15 mandating otherwise. When Deputy Loza arrived, CSOs Ramirez and Woodside
16 were still physically restraining C.B. Without attempting to deescalate the situation
17 or address C.B.'s disability-related behaviors, Deputy Loza handcuffed C.B.
18 behind his back.

19 117. After Deputy Loza handcuffed C.B., Deputy Toscano arrived with his
20 body camera activated. The footage shows²⁴ Deputies Loza and Toscano each
21 grabbing one of C.B.'s arms and walking him across the campus in front of
22 students and staff as he repeatedly asked the deputies to take the handcuffs off,
23 continuously yelled in pain, and shouted at least twice, "It hurts!" Upon reaching
24 Deputy Loza's police cruiser, Deputy Toscano walked C.B. to the left rear door
25 and ordered C.B. to "Get inside. Sit down." Deputy Toscano smashed C.B.'s head
26 against the left rear door frame as he shoved C.B.'s back, causing C.B. to fall
27

28 ²⁴ A true and Correct copy of the December 9, 2019, body camera footage is incorporated by reference as Plaintiff's Exhibit 3. Plaintiff will file Exhibit 3 separately under seal with this Court.

1 inside the vehicle. Deputy Toscano aggressively shoved C.B. farther inside the
2 vehicle. When C.B. stuck his leg out of the open left rear door, Deputy Toscano
3 told Deputy Loza, who was standing outside the right rear door, to “snatch him.”
4 Deputy Loza reached in from the right rear door and ripped C.B. backwards by his
5 handcuffs as C.B. screamed in pain. Deputy Toscano slammed the left rear door
6 and turned off his body camera, and Deputy Loza proceeded to transport him to the
7 Moreno Valley Police Station.

8 118. While the police held C.B. at the station, Deputy Loza decided to refer
9 C.B. to the Emergency Treatment Services Center (ETS) for a 5585 evaluation and
10 requested an ambulance transport. Before the ambulance got to the police station to
11 transport C.B., his mother arrived and asked to take her son home. But Deputy
12 Loza refused. Instead, C.B.’s mother watched the officers escort her son outside the
13 back of the police station building and into the ambulance.

14 119. The ambulance transported C.B. to the ETS Center. According to the
15 official police report, an unidentified person restrained C.B. to the gurney during
16 the ride. Hours later, C.B. finally reunited with his mother and received his
17 discharge. This traumatic episode, which involved handcuffing, detention in a
18 police station, physical restraint on an ambulance gurney, and a psychiatric
19 hospitalization referral, lasted, in total, around three hours.

20 120. The District later initiated expulsion proceedings against C.B. based
21 on the initial incident with his classmate at school. On December 20, 2019, the
22 Individualized Education Program (“IEP”) team met for a Manifestation
23 Determination Review, a procedure required under federal law before expelling a
24 student with a disability. The IEP team determined that C.B.’s behaviors – the
25 same behaviors he had exhibited many times before and in each of the prior
26 handcuffing incidents – were in fact caused by his disabilities, including ADHD
27 and ODD. The IEP team’s determination nullified the pending expulsion charges.

28 121. On information and belief, Defendants Moreno Valley USD and

1 Sheriff's Department did not document the incident or adequately investigate,
2 train, supervise or discipline the staff involved.

3 122. As a result of these four handcuffings and detentions, C.B. is now so
4 terrified of police that when he hears they are coming to a location, even if they are
5 not seeking him, he flees.

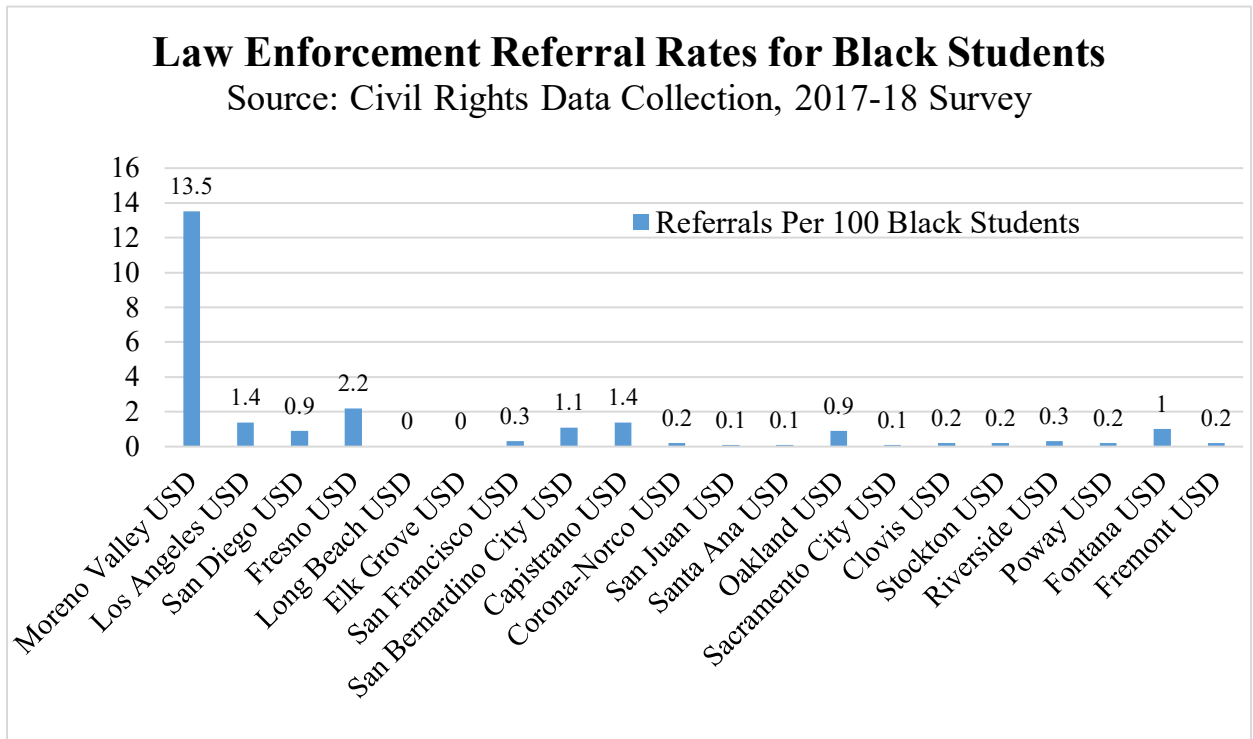
6 **D. Facts Regarding Systemic Discrimination**

7 ***Racial and Disability Disparities in Moreno Valley USD***

8 123. C.B.'s experience highlights systemic discrimination within Moreno
9 Valley USD. The District refers its students to law enforcement at a much higher
10 rate than other large California school districts. In 2017-18, as reported to the Civil
11 Rights Data Collection, the District referred 2,108 students to police or about 6.3
12 per 100 students. By comparison, the Los Angeles Unified School District referred
13 just 1 student per 100. Nearby Riverside Unified School District referred just 3
14 students per 1,000.

15 124. The District refers Black students to law enforcement at dramatically
16 higher rates than non-Black students. In 2017-18, as reported to the Civil Rights
17 Data Collection, Black students were 13.7% of the District's student population
18 but 29% of referrals to law enforcement. The District's law enforcement referral
19 rate for Black students is 13.5 per 100 students, more than 2.5 times its referral rate
20 for non-Black students (5.2 per 100 students).

21 125. The District's referral rate of Black students to law enforcement is
22 exponentially higher than the referral rates for Black students in similarly sized
23 districts in the state:
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126. The Sheriff's Department's school arrest data further show that Black students are more likely to be arrested and arrested for non-violent offenses than their non-Black peers. Of Black students arrested on campus, 78% were arrested for non-violent offenses, compared to 63% of non-Black students arrested on campus. Similarly, 46% of Black students arrested on campus are arrested for the most minor offense – being out of class during school hours – while only 37% of non-Black students are arrested for this offense.

127. Related to the disproportionate representation of Black students in law enforcement referrals and arrests is the fact that the District disproportionately restrains Black students. Per the Civil Rights Data Collection, Black students make up 37% of all students restrained, almost three times their representation in the District. The District also disproportionately restrains students with disabilities. Students with disabilities make up 61% of all students restrained, over 3.5 times their representation in the District.

Defendants' Discriminatory Policies, Practices, and Procedures

128. The high rates of law enforcement referrals result from Defendants'

1 various policies, practices and procedures that allow and even encourage school
2 police officer involvement in low-level and disability-related behaviors, even for
3 incidents that occurred on days prior – like C.B.’s act of throwing a rock. Teachers
4 or administrators could handle these incidents instead.

5 129. For example, the aforementioned “Law Enforcement Services
6 Agreement” between the District and Sheriff’s Department that establishes the
7 SRO program does not prohibit SROs from intervening in minor school discipline
8 incidents. It does not outline when SROs may use restraints or handcuffs. It does
9 not describe applicable legal protections for students with disabilities, including
10 the requirement to provide reasonable modifications in police encounters. It does
11 not provide for alternatives to physical restraint.

12 130. The Sheriff’s Department Policies grant SROs broad authority to
13 intervene in incidents involving students, even where the student has committed no
14 crime. Policy SRU-003 authorizes SROs to “counsel” students who are “about to
15 engage” in criminal misconduct. This policy further allows officers to search
16 students with only “reasonable suspicion” that the student has violated a school
17 rule, regardless of whether there is a basis for believing that the student has
18 violated a law or is carrying weapons or contraband. The policy allows SROs to
19 “stop, question, interview, and take police action without the prior authorization of
20 the principal.” Policy SRU-004 further authorizes SROs to stop, question, detain,
21 and cite students simply for being out of class during school hours.

22 131. Another example is the District’s 2019-20 Secondary Sequential
23 Discipline Standard (the “Standard”), a document that dictates the “consequences”
24 and “interventions” to violations of the student code of conduct. The Standard
25 authorizes, and at times requires, school staff to refer students to law enforcement
26 in situations where California law does not.

27 132. For instance, California Education Code § 48902 mandates school
28 staff refer students to law enforcement in only limited circumstances involving

1 major offenses (e.g., assault with a firearm). But the Standard *requires* District
2 staff to refer students to law enforcement in many additional circumstances,
3 including such minor infractions as vandalism or possession of a lighter.

4 133. The Standard also gives staff discretion to refer students to law
5 enforcement for other non-criminal, low-level offenses that can be handled through
6 the administrative discipline system or by providing supports and reasonable
7 modifications. The Standard does not guide staff as to how to exercise their
8 discretion in referring students to law enforcement, nor does it explain why staff
9 might refer some students but not others.

10 134. On information and belief, the District does not provide any training
11 to its staff on how to exercise their law enforcement referral discretion, including
12 on whether the student conduct is the result of disabilities, whether such referral
13 will exacerbate students' disabilities or contribute to racial disparities, and
14 alternatives to referrals.

15 135. On information and belief, the Sheriff's Department has failed to
16 properly train SROs on interacting with students with disabilities. On information
17 and belief, the Sheriff's Department has also failed to properly train SROs to
18 abstain from intervening in incidents involving minor and/or disability-related
19 behaviors. The SROs' treatment of C.B. shows that SROs are not appropriately
20 trained on how to interact with students with disabilities and when to refuse to
21 intervene in on-campus incidents.

22 ***Failure to Document Mechanical Restraints and Use of Force Incidents***

23 136. C.B.'s experiences also reveal Defendants' pervasive failures to
24 accurately document incidents of restraint and use of force, and to promptly notify
25 parents of such incidents. This practice of general applicability, *inter alia*,
26 discriminates against students with disabilities who may not be able to explain
27 what happened to them because of impaired communication abilities, trauma, or
28 other disability-related reasons.

1 137. The District’s own restraint policies, *supra* note 18, require “all
2 personnel” who assist in a restraint to complete their own “Incident Report” and
3 submit it to District administrators for their review. But as described above, the
4 District and its staff routinely violated this policy by failing to complete an
5 Incident Report for every single one of C.B.’s handcuffings. C.B.’s parents still do
6 not know the full extent of the CSOs’ use of force and any injuries C.B. sustained.
7 C.B. was, and still is, unable to fully discuss or describe these traumatic events.

8 138. Further, under District Board Policy 5145.11, administrators must
9 attempt to contact the parent before allowing law enforcement to question a
10 student. Administrators must make further attempts to contact the student’s parent
11 before allowing law enforcement to remove a student from campus. If an SRO
12 arrests or removes a student from campus, both Policy SRU-003 and
13 Administrative Regulation 5145.11 require the SRO to inform the school
14 administrator and sign the “Removal of Student from Campus” form. In C.B.’s
15 case, the District administrator failed to create this form or make any attempt to
16 contact C.B.’s parents in three of the four known incidents.

17 139. On information and belief, Defendants District, Kedziora, and Scott
18 are aware that CSOs violate state law and District policies by unnecessarily
19 restraining students, including disabled students, Black students, and Black
20 disabled students, and by failing to document and report restraints and resulting
21 student injuries to parents, but take no steps to investigate or discipline the CSOs.

22 140. The Sheriff’s Department and County have failed to provide all
23 documentation of the cuffings of C.B. involving SROs. Further, contrary to
24 Sheriff’s Department protocols, Deputy Loza turned off her body camera early
25 during the October 8, 2019, use of force incident. She failed to turn it on at all
26 during the cuffing on December 9, 2019, and did not submit the required report
27 explaining why.

28 141. On information and belief, the Sheriff’s Department and County are

1 aware that SROs violate internal policies by failing to properly document use of
2 force incidents in writing or on body camera, but fail to investigate or discipline
3 these SROs.

4 **FIRST CLAIM FOR RELIEF**

5 **Unreasonable Seizure and Excessive Force in Violation of the Fourth and**
6 **Fourteenth Amendments of the U.S. Constitution, 42 U.S.C. § 1983**
7 ***(Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-***
8 ***10)***

9 142. Plaintiff incorporates by reference the above paragraphs as though
10 fully set forth herein.

11 143. The Fourth Amendment of the U.S. Constitution protects Plaintiff
12 C.B. against unreasonable seizures and excessive force. The Fourteenth
13 Amendment of the U.S. Constitution extends this protection to the states.

14 144. Whether a seizure is unreasonable and unconstitutional depends upon
15 the totality of the circumstances.

16 145. Defendants' actions and failures to act described herein constituted a
17 seizure that was objectively unreasonable under the totality of the circumstances,
18 in violation of the Fourth Amendment of the United States Constitution.

19 146. The seizures of Plaintiff C.B. were unreasonable in light of the totality
20 of the circumstances, including but not limited to:

- 21 a. C.B.'s age, size, and disabilities, including his limited ability to
22 impose physical harms on others and limited ability to form criminal
23 intent;
- 24 b. That C.B. was exhibiting behavior typical of school-age children
25 and/or related to his disabilities while at his middle school;
- 26 c. That C.B. did not actively resist school officer intervention or attempt
27 to flee;
- 28 d. The length of the time between the alleged behaviors and the seizures

(e.g., the third incident occurred more than twenty-four hours after the disciplinary incident involving C.B.);

- e. That the handcuffing incidents violated District and SRO policies and state law governing physical and mechanical restraints;
- f. The length of time of the handcuffings and detentions; and
- g. The trauma of the handcuffing and restraint techniques, including, but not limited to, from officers simultaneously shackling C.B.'s wrists and ankles, digging a knee into his back while pinning him facedown, shoving him, and yanking him by his handcuffs.

147. By engaging in the acts and failures to act described herein, Defendants Scott, Loza, Toscano, Walker, Owens, King, Arellano, and Does 3-10, acting under color of state law and with deliberate indifference, violated C.B.'s rights under the U.S. Constitution to be free from unreasonable seizures and excessive force. This includes not only their own violations in effectuating and participating in these violations but their failures to intervene to stop them despite having the opportunity to do so.

148. Defendants Walker and Scott are liable as supervisors because the actions described herein constituted culpable action or inaction in the training, supervision, and control of subordinates, acquiescence in the constitutional deprivation after a complaint/incidents was made/occurred, and showed a reckless or callous indifference to C.B.'s rights.

149. The right of C.B. to be free from unreasonable seizures and excessive force as described herein was clearly established in law at the time of the incidents alleged. As a proximate result of Defendants' unreasonable seizure and use of excessive force, C.B. has suffered and continues to suffer severe emotional distress, pain, humiliation and exacerbation of his disabilities. C.B. continues to experience fear, distrust, and anxiety regarding law enforcement officers.

150. C.B. is entitled to damages, injunctive and declaratory relief, and

reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

SECOND CLAIM FOR RELIEF

Monell Claim, 42 U.S.C. § 1983

(Defendants County of Riverside and Riverside County Sheriff's Department)

151. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

152. Defendants County of Riverside and Sheriff's Department maintain and implement the following unconstitutional policies, practices, and/or customs:

- a. A policy, practice, and/or custom of SRO intervention in minor misconduct typical of school-age children and/or related to their disabilities;
- b. A policy, practice, and/or custom of SRO use of excessive and unnecessary physical and mechanical restraint and other physical force on children;
- c. A policy, practice, and/or custom of repeated constitutional violations that were not properly investigated and/or documented and for which the violators were not disciplined, reprimanded, or punished, and C.B. suffered constitutional injuries as a result; and
- d. A policy, practice, and/or custom of SROs failing to use their body

cameras, or using their body cameras improperly, during handcuffings and other use of force incidents at school.

153. These policies, practices, and customs were the moving forces in Defendants' unreasonable seizures and use of excessive force on C.B. described above and alleged in the First Claim for Relief. Defendants' policies, practices, and customs are frequent, consistent, and widespread, as evidenced in part by the SROs' similar use of force on C.B. at two separate District campuses.

154. Defendants exhibited deliberate indifference to the constitutional rights of C.B. in maintaining such policies, practices, and customs. Defendants' practice violates the Sheriff's Department's own policies, including Policies 306.2.3 and 324.9, and Policy SRU-003.

155. Defendants knew or should have known that maintaining such policies, practices, and customs were in violation of well-established constitutional rights of minors – especially those with disabilities – to be treated with special care by police officers. The Defendants' policies, practices, and customs did directly result in the pattern of violations of C.B.'s constitutional rights.

156. Further, on information and belief, Defendants Sheriff's Department and County have failed and continue to fail to train and supervise SROs so as to prevent a pattern of lawful restraints from occurring.

157. Defendants do not adequately train SROs on how to safely and appropriately interact with students, especially students with disabilities. Defendants failure to train in this area constitutes deliberate indifference in light of the statistical likelihood, based on national and District-level data, that SROs will disproportionately encounter students with disabilities. Defendants also do not adequately train SROs on when to abstain from intervening in incidents involving minor and/or disability-related behaviors.

158. Defendants have also failed to train and ensure compliance with state laws and internal procedures pertaining to restraints, including but not limited to

1 restrictions on the physical and mechanical restraint of children with and without
2 disabilities, documentation and parent notification requirements for restraint and
3 injury, and proper body camera procedures.

4 159. Despite evidence that SROs routinely disregard state laws and internal
5 procedures, Defendants have failed to investigate, discipline, and terminate officers
6 who unlawfully restrain children and fail to document these restraints in police
7 reports and on body camera footage.

8 160. As a proximate result of Defendants' acts and omissions, C.B. has
9 suffered and continues to suffer severe emotional distress, pain, and exacerbation
10 of his disabilities. C.B. continues to experience fear, distrust, and anxiety regarding
11 law enforcement officers.

12 161. C.B. is entitled to damages, injunctive and declaratory relief, and
13 reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

14 **THIRD CLAIM FOR RELIEF**

15 **VIOLATIONS OF TITLE II OF THE ADA, 42 U.S.C. § 12132**

16 ***(Defendants Moreno Valley USD, Superintendent Kedziora, County of Riverside,***
17 ***and Sheriff's Department)***

18 162. Plaintiff incorporates by reference the above paragraphs as though
19 fully set forth herein.

20 163. Congress enacted the ADA to "to provide a clear and comprehensive
21 national mandate for the elimination of discrimination against individuals with
22 disabilities" and "clear, strong, consistent, enforceable standards addressing
23 discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1)-(2).

24 164. Title II of the ADA provides that "no qualified individual with a
25 disability shall, by reason of such disability, be excluded from participation in or
26 be denied the benefits of the services, programs, or activities of a public entity, or
27 be subjected to discrimination by any such entity." 42 U.S.C. § 12132.

28 165. C.B. is an individual with a disability under the ADA. 42 U.S.C. §

1 12102. His disabilities substantially limit one or more major life activities,
2 including learning, concentration, thinking, and interacting with others.

3 166. As a school-age child who lives in the District, he is qualified to
4 participate in Defendants' educational programs and services. 42 U.S.C. §
5 12131(2).

6 167. Defendants Moreno Valley USD, County of Riverside, and Sheriff's
7 Department are all public entities within the meaning of the ADA. Defendant
8 Superintendent Kedziora is an official responsible for running and/or supervising
9 the operations of Defendant Moreno Valley USD. 42 U.S.C. § 12131(1).

10 168. Defendant Moreno Valley USD is legally responsible for all
11 violations of the ADA committed by Defendants County and/or Sheriff's
12 Department in the course of performing security services to students within the
13 District. *See* 28 C.F.R. § 35.130(b)(1).

14 169. Through the acts and omissions described above, Defendants are
15 violating the ADA, 42 U.S.C. § 12132, and its implementing regulations, 28
16 C.F.R. Pt. 35, including by:

- 17 a. Failing to make reasonable modifications to policies, practices, and
18 procedures to avoid discrimination against C.B.;
- 19 b. Utilizing methods of administration that have the effect of defeating
20 or substantially impairing the accomplishment of the objectives of
21 Defendants' programs with respect to C.B., including using police to
22 enforce school rules, rather than teachers and administrators;
- 23 c. Denying C.B. an opportunity to participate in and benefit from
24 educational services that is equal to that afforded of other students.

25 170. In addition, through the acts and omissions described above, the
26 District and Superintendent Kedziora in his official capacity are violating the
27 ADA, 42 U.S.C. § 12132, and its implementing regulations, 28 C.F.R. Pt. 35, by:

- 28 a. Aiding or perpetuating discrimination by providing significant

1 assistance to the County and/or Sheriff's Department, public entities
2 that discriminate against C.B.; and

3 b. Subjecting C.B. to disability-based harassment that is so severe and
4 pervasive that it creates a hostile learning environment.

5 171. Defendants at all times have known or should have known that C.B.
6 was a student with disabilities and required reasonable modifications.

7 172. Defendants have demonstrated a deliberate indifference that harm to
8 Plaintiffs' federally protected rights under the ADA was substantially likely, and
9 failed to act upon that likelihood.

10 173. The acts and omissions of Defendants have caused and will continue
11 to cause C.B. to suffer irreparable harm, and he has no adequate remedy at law.

12 174. Under the ADA, Plaintiffs are entitled to attorneys' fees and costs as
13 appropriate and permitted by law, pursuant to 42 U.S.C. § 12205.

14 **FOURTH CLAIM FOR RELIEF**

15 **VIOLATION OF SECTION 504, 29 U.S.C. § 794 *et seq.***

16 ***(Defendants Moreno Valley USD, Superintendent Kedziora, County of Riverside,***
17 ***and Sheriff's Department)***

18 175. Plaintiff incorporates by reference the above paragraphs as though
19 fully set forth herein.

20 176. Section 504 provides that "[n]o otherwise qualified individual with a
21 disability in the United States...shall, solely by reason of [their] disability, be
22 excluded from the participation in, be denied the benefits of, or be subjected to
23 discrimination under any program or activity receiving Federal financial
24 assistance." 29 U.S.C. § 794.

25 177. Plaintiff C.B. is a qualified individual with a disability under Section
26 504.

27 178. Defendants are recipients of federal funds.

28 179. Solely by reason of his disabilities, C.B. has been excluded from

1 participation in, denied the benefit of, and subjected to discrimination in his
2 attempts to receive meaningful and equal access to the facilities, programs,
3 services, and activities offered by Defendants in violation of Section 504, 29
4 U.S.C. § 794, *et seq.*, and its implementing regulations at 34 C.F.R. Pt. 104 (U.S.
5 Department of Education) and 28 C.F.R. 42.501 *et seq.* (U.S. Department of
6 Justice). The Defendants' acts and omissions violating C.B.'s rights under the
7 ADA also violate his rights under Section 504 (*see* Third Claim for Relief, *supra*).

8 180. Defendants have demonstrated a deliberate indifference that harm to
9 Plaintiffs' federally protected rights under Section 504 was substantially likely,
10 and failed to act upon that likelihood.

11 181. The acts and omissions of Defendants have caused and will continue
12 to cause C.B. to suffer irreparable harm, and he has no adequate remedy at law.

13 182. Under Section 504, Plaintiffs are entitled to attorneys' fees and costs
14 as appropriate and permitted by law, pursuant to 29 U.S.C. § 794a.

15 **FIFTH CLAIM FOR RELIEF**

16 **VIOLATION OF CALIFORNIA GOVERNMENT CODE § 11135 *et seq.***

17 ***(County of Riverside and Sheriff's Department)***

18 183. Plaintiff incorporates by reference the above paragraphs as though
19 fully set forth herein.

20 184. California Government Code § 11135 prohibits discrimination under,
21 and the denial of full and equal access to the benefits of, state-funded programs
22 and activities on the basis of race, ethnicity, and disability.

23 185. Violations of the ADA constitute violations of Government Code §
24 11135(b).

25 186. At all times relevant to this action, Plaintiff C.B. has been and is a
26 qualified individual with a disability within the meaning of California law. Cal.
27 Gov't Code § 12926. As a Black student, C.B. is entitled to California law
28 protections against discrimination on the basis of race and ethnicity. *Id.*

1 187. Defendants County of Riverside and Sheriff's Department are public
2 agencies that receive financial assistance from the State of California.

3 188. Through the acts and omissions described above, Defendants are
4 violating Government Code § 11135, and its implementing regulations, Cal. Code
5 Regs. tit. 2, § 11154. Defendants discriminate against C.B. and other similarly
6 situated Black students with respect to law enforcement referrals that result in an
7 adverse disparate impact. Defendants selectively enforce facially neutral policies
8 by referring Black students to police for less severe behaviors than their non-Black
9 peers, denying Black students full and equal access to the benefits of their
10 education without nondiscriminatory justification. Defendants disproportionately
11 arrest Black students for minor and/or disability-related behaviors.

12 189. Defendants also discriminate against C.B. and other similarly situated
13 Black students with respect to school police restraints that result in an adverse
14 disparate impact on Black students. These disparities result in part from
15 Defendants' implicit and unconscious biases and stereotypes against Black
16 students, which are incorporated into the Sheriff's Department policy allowing
17 SROs to handcuff children who officers perceive as "combative or threatening."

18 190. Defendants have also violated Government Code § 11135 by
19 discriminating against C.B. and other similarly situated students with disabilities in
20 violation of the ADA (*see* Third Claim for Relief, *supra*).

21 191. Defendants' actions have caused and will continue to cause C.B. to
22 suffer irreparable harm, and he has no adequate remedy at law. Because
23 Defendant's discriminatory conduct is ongoing, declaratory and injunctive relief
24 are appropriate remedies.

25 192. C.B. is also entitled to reasonable attorneys' fees and costs.

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SIXTH CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10)

193. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

194. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10 engaged in extreme and outrageous conduct when they intentionally committed the acts described herein.

195. As a proximate result of Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10's extreme and outrageous conduct, Plaintiff C.B. has suffered severe emotional distress.

196. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10 were adults in a position of power over Plaintiff C.B. and aware of his susceptibility to injuries through emotional distress as a minor student with disabilities.

197. Plaintiffs are entitled to Damages according to proof, reasonable attorneys' fees, costs of suit incurred herein, and such other and further relief as the Court deems just and proper. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

SEVENTH CLAIM FOR RELIEF

FALSE IMPRISONMENT

(Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10)

198. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

199. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10 intentionally and unlawfully exercised force or the implied threat of force to restrain or confine C.B. when they committed the acts described herein.

200. Each of the known unlawful restraints and detentions of C.B. described *supra* lasted for an appreciable amount of time.

201. C.B. did not consent to Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10's acts, and as a result of their acts suffered severe harm and emotional distress.

202. Plaintiffs are entitled to Damages according to proof, reasonable attorneys' fees, costs of suit incurred herein, and such other and further relief as the Court deems just and proper. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

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EIGHTH CLAIM FOR RELIEF

BATTERY

(Defendants Scott, Walker, Loza, Owens, Arellano, King, and Does 3-10)

203. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

204. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10 intentionally committed acts which resulted in harmful or offensive contact with Plaintiff C.B.'s person when they committed the acts described herein.

205. During the commission of the acts alleged herein, C.B. did not consent to the contact.

206. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10's harmful or offensive contact caused injury or harm to C.B.

207. Plaintiffs are entitled to Damages according to proof, reasonable attorneys' fees, costs of suit incurred herein, and such other and further relief as the Court deems just and proper. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

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NINTH CLAIM FOR RELIEF

ASSAULT

(Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10)

208. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

209. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10 demonstrated the unlawful intent to inflict immediate injury on Plaintiff C.B. when they committed the acts described herein.

210. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10's acts described herein placed C.B. in imminent apprehension of harmful or offensive contact.

211. Defendants Scott, Walker, Owens, Loza, Toscano, Arellano, King, and Does 3-10's unlawful intent to inflict immediate injury on C.B. caused him injury or harm.

212. Plaintiffs are entitled to Damages according to proof, reasonable attorneys' fees, costs of suit incurred herein, and such other and further relief as the Court deems just and proper. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

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TENTH CLAIM FOR RELIEF
NEGLIGENT SUPERVISION
(Defendants Scott and Walker)

213. Plaintiff incorporates by reference the above paragraphs as though fully set forth herein.

214. Defendants Scott and Walker were responsible for the supervision of Defendants Arellano, Owens, King, and some or all of Does 3-10.

215. Defendants Arellano, Owens, King, and some or all of Does 3-10 became unfit to perform the work for which they were hired due to their propensity to subject students to harmful and excessive detentions, handcuffings and use of physical force.

216. The at least four known, unlawful handcuffings and detentions establish that Defendants Scott and Walker had or should have had prior knowledge of Defendants Arellano, Owens, King, and Does 3-10's propensity to subject C.B. to harm. They also establish that the risk of harm to C.B. from Defendants Arellano, Owens, King, and Does 3-10's actions was reasonably foreseeable.

217. Defendants Scott and Walker's negligence in supervising Defendants Arellano, Owens, King, and Does 3-10 was a substantial factor in causing C.B.'s harm and injuries.

218. Plaintiffs are entitled to Damages according to proof, reasonable attorneys' fees, costs of suit incurred herein, and such other and further relief as the Court deems just and proper. The conduct of Defendants Scott, Walker, Loza, Toscano, Owens, Arellano, King, and Does 3-10 was willful, wanton, malicious, and done with an evil motive and intent and a willful, conscious, and reckless disregard for the rights of the Plaintiff and therefore warrants the imposition of exemplary and punitive damages against each individual Defendant (but not the entity Defendants) in an amount adequate to punish the wrongdoers and deter

future misconduct. This is in part due to the particularly troubling circumstances of this case—which involved shackling, handcuffing, detaining, shoving, and kneeling on a Black student with disabilities at his middle school campuses. Punitive damages are therefore justified.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff C.B. prays that the Court grant the following relief:

219. Order and declare that Defendants are violating the rights of Plaintiff C.B. under the U.S. Constitution, Title II of the ADA, Section 504, California Government Code § 11135, Unruh Civil Rights Act, California Constitution, and state common law torts.

220. Enjoin Defendants their successors in office, agents, employees and assigns, and all persons acting in concert with them, to:

- a. Stop school police officers from mechanically restraining students and intervening in low level and disability-related behaviors, up to and including ordering school police officers to cease patrolling District schools.
- b. Provide C.B. and similarly situated students with positive supports and services in lieu of police intervention so that they may enjoy full and equal access to the District's programs.

221. Compensatory, general, and special damages, according to proof.

222. Award Plaintiff's attorneys' fees and costs as appropriate and permitted by law.

223. For punitive and exemplary damages against individually named Defendants in an amount appropriate to punish Defendant(s) and deter others from engaging in similar misconduct.

224. Any other relief as this Court finds just and proper.

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DEMAND FOR JURY TRIAL

225. Plaintiff demands a jury trial.

DATED: February 14, 2022

Respectfully submitted,

/s/ Robert Borrelle

ROBERT BORRELLE

LINDSAY APPELL

DISABILITY RIGHTS CALIFORNIA

/s/ Claudia Center

CLAUDIA CENTER

MALHAR SHAH

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