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JASMINE WILLIAMS, KHALIL WHITE, JOSEPH NETT,
LAKISHA SWIFT, CAMERON ROGERS, SHEPHARD YORK and
the PUTATIVE CLASS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JASMINE WILLIAMS, KHALIL
WHITE, JOSEPH NETT, LAKISHA
SWIFT, CAMERON ROGERS and
SHEPHARD YORK in Their Individual
and Representative Capacities on Behalf
of a Class of All Persons similarly
situated,

Plaintiffs,

v.

CITY OF BEVERLY HILLS, SANDRA
SPAGNOLI, DOMINICK RIVETTI,

CASE NO.: 2:21-cv-08698-FMO-
(RAOx)

BEFORE THE HONORABLE
FERNANDO M. OGUIN, UNITED
STATES DISTRICT JUDGE.
COURTROOM 6D

**FOURTH AMENDED
COMPLAINT FOR MONETARY
DAMAGES AND INJUNCTIVE
RELIEF; DEMAND FOR JURY
TRIAL**

CAPTAIN SCOTT DOWLING,
SERGEANT DALE DRUMMOND,
OFFICER JON ILUSORIO, OFFICER
JONATHAN DE LA CRUZ, SGT.
BILLY FAIR, OFFICER JAMES KRUG,
OFFICER BILLY BLAIR, OFFICER
JERRY WHITTAKER, OFFICER JESSE
LYGA, OFFICER JEFFREY NEWMAN,
OFFICER COOKE, and OFFICER
MAITLAND, inclusive, all sued in their
individual capacities,

Defendants

1. VIOLATION OF
CONSTITUTIONAL
RIGHT TO BE FREE
FROM UNREASONABLE
SEIZURES
2. VIOLATION OF
CONSTITUTIONAL
RIGHT TO BE FREE
FROM UNREASONABLE
SEARCHES
3. MUNICIPAL LIABILITY
FOR VIOLATION OF
CONSTITUTIONAL
RIGHTS
4. VIOLATION OF EQUAL
PROTECTION CLAUSE

**FOURTH AMENDED COMPLAINT FOR MONETARY DAMAGES,
INJUNCTIVE RELIEF, AND DEMAND FOR JURY TRIAL**

Plaintiffs assert the following claims and hereby demand a jury trial for
themselves and all members of the Class.

I. VENUE AND JURISDICTION

1. Plaintiffs JASMINE WILLIAMS, KHALIL WHITE, JOSEPH NETT,
LAKISHA SWIFT, CAMERON ROGERS and SHEPHARD YORK¹
(hereinafter, collectively “Plaintiff,” or “Plaintiffs”) bring this action on their
own behalf and on behalf of all persons within the class defined herein. This
Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-
(4) because Plaintiffs assert claims arising under the laws of the United States
including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the
United States Constitution. Venue is proper in this Court under 28 U.S.C. §
1391(b) because Defendants reside in this district and all incidents, events, and

¹ York has been withdrawn as a class representative and only brings his claims
individually.

1 occurrences giving rise to this action occurred in this district. The class
2 representatives will not pursue any claims that are inconsistent with the class.
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4 II. CLASS ALLEGATIONS

- 5 2. The Class consists of the following: All Black people who were detained,
6 without reasonable suspicion, or arrested, without probable cause, by the City
7 of Beverly Hills Police Department (“BHPD”) from August 30, 2019 through
8 August 30, 2021 without being convicted of any crime.
- 9 3. The BHPD is a subdivision of the Defendant City of Beverly Hills.
- 10 4. There are several sub classes:
- 11 a. The 80 Black Americans arrested, without probable cause, by the City of
12 Beverly Hills Police Department’s Rodeo Drive Task Force, (“RDT”)
13 between August 29, 2020 and October 25, 2020. According to
14 Depositions taken May 8, 2023, and May 10, 2023 of Former Captain
15 Dowling and Former Interim Police Chief Rivetti respectively, none of
16 these 80 Black Americans was convicted after being arrested. None of
17 them pleaded guilty or no contest.
- 18 b. The 99 Black Americans arrested, without probable cause, by the City of
19 Beverly Hills Police Department between August 29, 2020 and October
20 25, 2020. According to Depositions taken May 8, 2023, and May 10,
21 2023 of Former Captain Dowling and Former Interim Police Chief
22 Rivetti respectively, none of these 89 Black Americans was convicted
23 after being arrested. None of them plead guilty or no contest.
- 24 c. Black Americans detained, without reasonable suspicion, by the City of
25 Beverly Hills Police Department from August 30, 2019 through August
26 30, 2021.

- d. Black Americans (and/or their property) unlawfully searched, without reasonable suspicion, by the City of Beverly Hills Police Department from August 30, 2019 through August 30, 2021.
5. On or about August 2020, the City of Beverly Hills and the BHPD formed the Rodeo Drive Team (“RDT”) to eliminate the presence of Black Americans, referred to as the “criminal element out of the Rodeo Drive district. The RDT was further established to target Black American’s because they were making the city look too Ghetto. Officers were told to get rid of the “thugs” referring to Black people. When the RDT was formed the BHPD invited the officers to bring their friends and “come out and play” to target Black Americans for minor infractions to get the “criminal element” out of the Rodeo Drive district. One of the managing officers over the RDT referred to Black persons arrested as animals. The BHPD directed the RDT to look for minor infractions by Black Americans and treat all Black Americans stopped the same way and provided them with a cut and paste template for the arrests and EDD fraud because of the common modus operandi. The BHPD characterized the arrests of Black Americans as “a dime a dozen.”
6. Between August 20, 2020 through October 25, 2020, there were a total of 197 people arrested by the BHPD. Of those 179 (90%) were Black Americans. Not a single one of these Black Americans arrested was convicted. None of them plead guilty or no contest. There was no know probable cause for any of those arrests. This was confirmed in Depositions taken May 8, 2023 and May 10, 2023 of Former Captain Dowling and Former Interim Police Chief Rivetti respectively.
7. Between August 31, 2020 through August 30, 2021 there were a total of 3,213 persons arrested and 1,088 of those persons were Black Americans which

1 amounts to 34% of the persons arrested during the full class period. Captain
2 Dowling was not aware of a single one of those African Americans arrested that
3 were convicted. None of them pled guilty or no contest. There was no known
4 probable cause for any of those arrests. However, Chief Rivetti claims there
5 was probable cause and convictions for two or the 1, 088 African Americans
6 arrested during this time period. This was also confirmed in depositions taken
7 May 8, 2023 and May 10, 2023 of Former Captain Dowling and Former Interim
8 Police Chief Rivetti, respectively. Training Officers instructed new BHPD
9 officers that anyone who they saw in Beverly Hills who was Black could not be
10 living in Beverly Hills, so the BHPD should find a reason to stop and cite that
11 Black person.

- 12 8. Following a common operational plan and top down policies from August 29,
13 2020, through October 24, 2020, the RDT arrested 90 people. The RDT arrests
14 by race were listed as: "African American 80; Caucasian 3; Hispanic 4;
15 Vietnamese 2; Other 1." None of the arrested black individuals was convicted
16 of any crime as admitted by the policy maker, Chief Rivetti and the third
17 highest BHPD employee, Captain Dowling. The RDT concentrated in the
18 business district which included Rodeo Drive and Wilshire Blvd.
- 19 9. Following a common operational plan and top-down policies from August 29,
20 2020 through October 24, 2020, the EDD arrested 107 people of which 99 were
21 African American; 2 were Caucasian; 4 were Hispanic and 2 were Vietnamese.
- 22 10. During the nearly two-month period of August 29, 2020, through October 24.
23 2020, the RDT arrested a total of 197 people.
24 Of the total number of people arrested by these task forces, 170 were Black
25 Americans. Accordingly, more than 90% of the total number of individuals
26 arrested were Black. However, the City of Beverly Hills is only 1.96% Black
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- 1 and the State of California is a mere 5.8% Black. Black Americans are members
2 of a recognized protected class. Since the top management at BHPD admits
3 there were no convictions, this astounding disparity can only be attributed to
4 racial profiling, illegal searches and seizures, violation of due process and
5 violation of equal protection.
- 6 11. The disparate impact of arresting such a disproportionate percentage of Black
7 Americans compared with other races is because of Defendants' top-down
8 policies, practices, common operational plan to target Black Americans for
9 stops, searches and arrests. Once the RDT's targeting of Black Americans
10 became known, fewer Black Americans came to Beverly Hills which pleased
11 Decision Makers for the City of Beverly Hills who exalted the elimination of
12 Black visitors, proclaiming, "its beginning to look more normal again."
- 13 12. There are exact numbers for the sub-classes because the City of Beverly Hills
14 provided information to the media in response to its probing inquiries about its
15 racial profiling during the RDT task force. In Discovery to date the City has
16 admitted 3,213 persons were arrested and 1,088 of those persons were Black
17 Americans which amounts to 34% of the persons arrested during the full class
18 period. Two of those 1,088 African Americans were convicted. Accordingly,
19 the ascertainable class is comprised of approximately 1,086 Black Americans.
20 These numbers are so numerous that the joinder of all such persons is
21 impracticable and the disposition of their claims as a Class will benefit the
22 parties and the Court. The incredibly low conviction rate is unfathomable and
23 can only be explained by a policy, practice and custom of long-standing racial
24 profiling and targeting Black Americans for selective enforcement.
- 25 13. The BHPD directed, taught and instructed its officers to use pretext stops to
26 target African Americans for minor infractions. The typical practice was for
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1 BHPD officers to use their police powers, to stop, detain and search Black
2 Americans for minor infractions such as roller skating on the sidewalk, illegal
3 U-turns, failing to stop behind the limit line, smoking, playing music or making
4 loud noise, to name a few examples and then handcuff them, humiliate them by
5 making them stand handcuffed on the sidewalk, then arresting them. In contrast
6 when White people engaged in the same conduct the BHPD offices either
7 ignored them, gave them a warning or gave them a ticket. They were not
8 handcuffed, searched and arrested. White people were allowed to stay in their
9 cars while engaging in violations, or they were not even stopped at all as shown
10 by the video tape of officers allowing a white driver to pass the limit line
11 without even being pulled over. Black people are required to exit their vehicles.
12 White people are not handcuffed for minor infractions. Black people are
13 handcuffed. White people are not searched for minor infraction. Black people
14 are searched personally under the pretext of looking for weapons and being
15 pressured to “consent” to a vehicle search. An excellent example is the
16 detention at gun point of a black Versace Vice President (Mr. Bembury) after
17 “jay walking.”

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19 14. Under the policy, practice and training of BHPD between August 2019 and
20 August 2021 (as well as before the class period), white people were not
21 searched. If a Black motorist had no contraband, they would be set free,
22 frequently with no documentation provided to allow for tracking the race of
23 individuals stopped and searched. If contraband was found, the Black person
24 was then arrested. Since the numbers of Black people subjected to searches was
25 so much higher than white people, the number of arrests of Black people was
26 also disproportionately high. This was a common practice of the BHPD for the
27 past several years. Thus, during the full two-year class period, approximately
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one third (1/3) of the people arrested were African American, but the City of Beverly Hills, has a population of only around 1.9% African American. The reason for this disparity is that the defendants erroneously and stereo typically regarded Black people as inherently more suspicious. The policy makers in charge of these arrests were Chiefs Spagnoli and Rivetti, though they delegated some duties to Captain Dowling (who was specifically in charge of managing the RDT). Dowling in discussing the formation of the RDT stated "these people" were causing problems on Rodeo drive spending marijuana money." These people referred to Black Americans. Dowling also used the N word according to his co-defendant's testimony. The RDT had an operation plan drafted by Sergeant Fair and Lieutenant Nance which was approved by Dowling and Rivetti. Dowling also referred to black people as "lazy." The RDT was supposed to be responsible for all arrests on Rodeo Drive each day to provide for "consistency" also known as "commonality and typicality."

15. The RDT accomplished its goals of targeting Black Americans for arrest for minor infractions. Over 90% of the persons it arrested were Black Americans. The arrests were improper and baseless as evidenced by the fact that none of the arrests by the RDT resulted in a single conviction. All the RDT accomplished was to successfully target Black Americans and scare them out of the Rodeo Drive district. Since the RDT's arrests of 80 Black Americans did not result in a single conviction it should have been considered a failure and a waste of resources. However, even though the RDT arrests of Black Americans didn't result in a single conviction, the City of Beverly Hills and the BHPD was so pleased with the way the RDT targeted Black Americans they gave the RDT an award for excellence.

III. COMPLIANCE WITH FEDERAL RULE 23

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16. The conduct of the RDT in targeting Black Americans for selective enforcement was directed, ratified and approved by the City of Beverly Hills and the BHPD. No BHPD officers were reprimanded or subjected to discipline for their work on the RDT targeting Black Americans and the City of Beverly Hills and the BHPD gave the RDT an award of excellence. The same police, directives and practices employed by the RDT toward Black Americans continued for the entire class period.
17. Federal Rule of Civil Procedure 23(a) provides the following requirements for class actions:
- (a) Prerequisites. One or more members of a class may sue or be sued as representative parties on behalf of all members only if:
- (1) the class is so numerous that the joinder of all members is impracticable. Here, the class has at least 1,086 members and, the sub classes have 179 total members making joinder impracticable.
 - (2) there are questions of law or fact common to the class. Here, the claims for all class members involve civil rights violations subject to the same law and facts.
 - (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class. Here, because the claims all involved civil rights violations with the same law, the defenses and claims are all typical of those of the class.
 - (4) the representative parties will fairly and adequately protect the interests of the class. They will not take an interest contrary to the class.
18. The attorneys for the class are experienced lawyers in civil rights cases, and in class actions.

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19. Local Rule 23-2.2 sets forth similar requirements for class allegations. It provides that the Class Allegations section of a complaint “shall contain appropriate allegations thought to justify the action’s proceeding as a class action, including, but not limited to:
- “(a) The definition of the proposed class (the class and subclasses are defined above);
 - “(b) The size of the proposed class: 1,086 Black Americans with sub classes totaling 179 Black Americans;
 - “(c) The adequacy of representation by the representative(s) of the class. Here, the plaintiffs are adequate class representatives because they were arrested or detained during the class period, and they were not convicted of any crimes and did not plea to anything, just as the class members they represent;
 - (d) The commonality of the questions of law and fact (see above);
 - (e) The typicality of the claims or defenses of the representative(s) of the class are typical of all class members (see above);
 - (f) If proceeding under F.R.Civ.P. 23(b)(3), allegations to support the findings required by that subdivision are provided herein; and
 - (g) The nature of notice to the proposed class required and/or contemplated.
- Here, we propose notice via CPT Group, Inc. as Claims Administrator, or such other administrator as the Court approves. The defendants are in possession of the names and addresses of all individuals in the class and thus can provide that information in order to give the class notice.)
20. Plaintiffs and the Class will not be able to obtain effective and economic legal redress unless the action is maintained as a class action. Here, Plaintiffs and the Class will not recover economically from defendants without filing as a class.

- 1 The numerous Plaintiffs makes individual recovery unlikely. Additionally,
2 Plaintiffs are alleging widespread discrimination to a protected class of persons.
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4 21. There is a community of interest in obtaining appropriate legal and equitable
5 relief for the common law and statutory violations and other improprieties, and
6 in obtaining adequate compensation for the damages and injuries which
7 Defendants' actions have inflicted upon each Plaintiff and the Class as a whole.
8 Here, identifying and remedying racist and discriminatory practice and
9 treatment is of interest both economically and equitably as its both
10 unconscionable and illegal in our Country under the United States Constitution.
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12 22. There is a community of interest in ensuring that the combined assets and
13 available insurance of the Defendants is sufficient to adequately compensate the
14 members of the Class for the injuries sustained, especially as to the individually
15 named defendants. Here, the United States Constitution provides constitutional
16 rights and equal protection of all its citizens. As such, there's a community
17 interest in economically rectifying racist and discriminatory injuries the
18 members of this protected class experienced.
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20 23. Without class certification, the prosecution of separate actions by individual
21 members of the Class would create a risk of:
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23 a. Inconsistent or varying adjudications with respect to individual members
24 of the Class which would establish incompatible standards of conduct for
25 Defendants; and/or
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27 b. Adjudications with respect to the individual members which would, as a
28 practical matter, be dispositive of the interests of other members not
parties to the adjudications, or would substantially impair or impede their
ability to protect their interests, including but not limited to the potential

1 for exhausting the funds available from those parties who are, or may be,
2 responsible Defendants; and

3 c. Defendants have acted or refused to act on grounds generally applicable
4 to the Class, thereby making monetary and injunctive relief appropriate
5 with respect to the Class as a whole.

6 24. Questions of law and fact common to all potential Class Members predominate
7 over any questions affecting only individual Class Members. Among the
8 common questions of law and fact to the Class Members are:

9 a. Whether Defendants engaged in a common operational plan and
10 implemented top-down policies that violated Plaintiffs' procedural and
11 substantive due process rights through malicious prosecution/false
12 imprisonment.

13 b. Whether Defendants violated Plaintiffs' constitutional rights to be free
14 from unreasonable searches and seizures.

15 c. Whether Defendants engaged in a common operational plan the
16 implemented top-down policies and procedures that violated Plaintiffs'
17 constitutional rights to Equal Protection.

18 d. Municipal liability.
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20 IV. PARTIES

21 25. At all times relevant hereto, Plaintiff JASMINE WILLIAMS (hereafter also
22 "Plaintiff" or "WILLIAMS"), was and is a Black American. Because of
23 Defendants' common operational plan, top-down widespread policies, practices
24 and customs, she was arrested or detained by the defendants. She was
25 handcuffed, jailed, arrested and maliciously prosecuted because of her
26 identifiably protected characteristic-Black. She was not convicted of any crime.
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1 She did not enter any plea agreement after her arrest. All charges against her
2 were dropped. WILLIAMS is a resident of Texas.

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4 26. At all times relevant hereto, Plaintiff KHALIL WHITE (hereafter also
5 “Plaintiff” or “WHITE” or collectively part of “Plaintiffs”), was and is a Black
6 American. Because of Defendants’ common operational plan, top-down
7 widespread policies, practices and customs, he was arrested by the defendants.
8 He was handcuffed, jailed and maliciously prosecuted because of his
9 identifiably protected characteristic-Black. He was not convicted of any crime.
10 He did not enter any plea agreement after his arrest. All charges against him
11 were dropped. WHITE is a resident of Texas.

12 27. At all times relevant hereto, Plaintiff JOSEPH NETT (hereafter also “Plaintiff”
13 or “NETT” or collectively part of “Plaintiffs”), was a resident of Los Angeles
14 County. NETT is a Black American. Because of Defendants’ common
15 operational plan, top-down widespread policies, practices and customs, he was
16 arrested by the defendants. He was handcuffed, and jailed because of his
17 identifiably protected characteristic-Black. He was not convicted of any crime.
18 He did not enter any plea agreement after his arrest. All charges against him
19 were dropped.

20 28. At all times relevant hereto, Plaintiff LAKISHA SWIFT (hereafter also
21 “Plaintiff” or “SWIFT” or collectively part of “Plaintiffs”), was a resident of
22 Los Angeles County. SWIFT is a Black American. Because of Defendants’
23 common operational plan, widespread policies, practices and customs, she was
24 arrested or detained by the defendants. She was handcuffed because of her
25 identifiably protected characteristic-Black. She was not convicted of any crime.
26 She did not enter any plea agreement after her arrest. All charges against her
27 were dropped or not pursued.
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2 29. At all times relevant hereto, Plaintiff CAMERON ROGERS (hereinafter,
3 "Plaintiff" or "ROGERS" or collectively part of "Plaintiffs") is a resident of
4 Arkansas who came to Beverly Hills in August 2020 to celebrate his birthday.
5 ROGERS is African American. As part of the BHPD common operational plan,
6 he was driving a rental car when BHPD racially profiled him for being Black
7 and pulled him over. The police made him exit his vehicle, placed him in
8 handcuffs and humiliated him, making him sit in public while handcuffed.
9 Passersby said that he was being racially profiled. He was arrested on a claim of
10 felony EDD fraud. He went to jail. Because of being jailed, he lost his job.
11 There was no court proceedings after he was released from jail. He was not
12 convicted of any crime. He did not plea to any crime. He was not even
13 prosecuted.

14 30. At all times relevant hereto, Plaintiff SHEPHERD YORK (hereinafter,
15 "Plaintiff" or "YORK" or collectively part of "Plaintiffs") is a resident of Los
16 Angeles, California and African American. He was employed by a law firm in
17 Beverly Hills and was stopped by the BHPD while driving to work. He had his
18 hair in dreadlocks and was Black but did nothing wrong. As part of BHPD's
19 common operational plan the BHPD pulled him over. When he asked why he
20 was pulled over, the officers refused to tell him and were very aggressive. They
21 finally told him it was because his license plates were expired. However, they
22 were not expired. He was required to exit his vehicle. He was subjected to a
23 nonconsensual pat down search of his person, and non-consensual search of his
24 belongings and vehicle and was jailed for one night and his vehicle was
25 impounded.

26 **A. CLASS REPRESENTATIVES**

27 31. The class action claims of class representatives, WILLIAMS, WHITE, NETT,
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1 SWIFT, and ROGERS are typical of the claims of the Class they seek to
2 represent.

3 32. WILLIAMS, WHITE, NETT, SWIFT, and ROGERS will fairly and adequately
4 protect the interests of the Class and Plaintiffs do not have any interests that are
5 antagonistic to the Class.

6 33. The claims or defenses of the representative parties are typical of the claims or
7 defenses of the class.

8 **B. DEFENDANTS**

9 34. At all times mentioned herein, Defendant CITY OF BEVERLY HILLS
10 (hereafter also "CITY" or part of Defendants) was a public entity duly
11 organized and existing under and by virtue of the laws of the State of
12 California. The Beverly Hills Police Department ("BHPD") is a part of the city.

13 35. The policy makers in charge of implementing the common top-down
14 discriminatory policies and practices were Police Chief SANDRA SPAGNOLI,
15 her replacement, Interim Police Chief DOMINICK RIVETTI, and Captain
16 SCOTT DOWLING, sergeant DALE DRUMMOND and sergeant BILLY
17 FAIR. (Hereinafter also collectively referred to as "Defendants.")

18 36. SANDRA SPAGNOLI was the main policy maker and Chief of the Beverly
19 Hills Police Department from March 2016 to May 2020.

20 37. DOMINICK RIVETTI was the Interim Chief of the Beverly Hills Police
21 Department and its main policy maker from May 2020 to November 2021.

22 38. DOWLING was a Captain and worked in conjunction with the chiefs to set
23 policy during the entire class period. DOWLING'S actions were also ratified by
24 both SPAGNOLI and RIVETTI.

25 39. SPAGNOLI and RIVETTI as the Chiefs of Police are individuals who acted
26 under color of law. Their actions deprived all of the plaintiffs of their rights
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- 1 under the laws of the United States and the United States Constitution.
2 SPAGNOLI and RIVETTI had final policy making authority from Defendant
3 CITY OF BEVERLY HILLS concerning these acts and when engaged in these
4 acts, SPAGNOLI and RIVETTI were acting as the final policymakers for
5 Defendant CITY OF BEVERLY HILLS and its Police Department.
6
7 40. SPAGNOLI and RIVETTI both also delegated some of their final policy
8 making authority to their subordinates and ratified the decisions of their
9 subordinates. That is, SPAGNOLI and RIVETTI both ratified the actions of
10 DOWLING and other subordinate employees and specifically approved of the
11 employee's acts. One example of how the actions of subordinates was ratified
12 is found in the 2020 Employee Excellence Awards for the category of
13 "Outstanding Job Performance." Another example, Billy Fair was promoted
14 from sergeant to lieutenant for his involvement with the RDT.
15
16 41. Defendant SCOTT DOWLING, sergeant DALE DRUMMOND,
17 sergeant/lieutenant BILLY FAIR and each of them were managerial level or
18 supervisory level employees of the BHPD. As Captain, DOWLING was the
19 third highest ranking employee of the police department during the entire class
20 period. DOWLING, DRUMMOND, and FAIR were officials with final
21 policymaking authority whose edicts or acts could fairly be said to represent
22 official policy, and were officials with final policy-making authority that was
23 delegated to them by RIVETTI and SPAGNOLI. Moreover, RIVETTI and
24 SPAGNOLI ratified and approved of the decisions of DOWLING,
25 DRUMMOND and FAIR and all employees from the RDT Task Force.
26
27 42. At all relevant times herein, SPAGNOLI, DOWLING, RIVETTI were residents
28 of the County of Los Angeles. At all times relevant hereto, said defendants

1 were acting within the course and scope of their employment as captains,
2 chiefs, and policy makers of defendant City.

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4 43. At all times relevant herein, defendant Sgt. DALE DRUMMOND (hereafter
5 also “DRUMMOND”), and FAIR were residents of the County of Los
6 Angeles.

7 44. DRUMMOND, ILUSORIO, DE LA CRUZ, FAIR, KRUG, BLAIR, AND
8 LYGA constituted the city of BHPD’s “Rodeo Drive Task Force, (‘RDT’)
9 between August 29, 2020 and October 25, 2020 and were residents of the
10 County of Los Angeles.

11 45. OFFICER JEFFREY NEWMAN, OFFICER COOKE, and OFFICER
12 MAITLAND were, at all times herein, residents of the County of Los Angeles, and
13 were police officers of the BHPD. At all times relevant hereto, said defendant was
14 acting within the course and scope of his/her/their employment and under color of
15 Law. NEWMAN was also a Training Officer based on information and belief.
16 NEWMAN, COOKE, and MAITLAND’s actions took place when they were on duty,
17 during normal working hours or overtime hours as BHPD police officer. NEWMAN,
18 COOKE, and MAITLAND acted at all times herein under the auspices, direction,
19 command, instruction, and/or control of the BHPD and its’ Chief of Police.
20 Defendant by their conduct and actions was carrying out the Department wide policies
21 and practices of violating the civil rights of Black Americans (a recognized protected
22 class) with deliberate indifference.

23 46. At all times relevant herein, all of the defendants engaged in the conduct
24 alleged herein under color of law, and through the auspices of the City of
25 Beverly Hills and BHPD. Plaintiffs allege that the conduct and actions of
26 defendants as alleged herein occurred during defendants normal working hours
27 as Beverly Hills Police Officers, Supervisors, Managers, Captains or Chief or
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1 occurred under the pretense that either was acting as a BHPD employee or was
2 made possible solely because of his/her/their position as a BHPD Officers,
3 Supervisors, Managers, Captains or Chiefs.
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5 **V. FACTUAL ALLEGATIONS**

47. The City of Beverly Hills has a widespread, policy, practice and custom of racial
6 profiling against Black Americans resulting in unconstitutional detentions,
7 arrests, and, illegal searches and seizure. These are violations of the Due Process
8 rights and Equal Protection rights afforded in the U.S. Constitution. In the City
9 of Beverly Hills Non-Black Americans are not subject to such profiling. This is
10 demonstrated by the fact that over 90% of all arrests reported during the RDT
11 and EDD subclass and 34% over the entire class period are of Black Americans
12 while the city itself is only 1.9% Black. Chief Rivetti was told by Assistant
13 Chief Coopwood that 90% of the people arrested by the RDT were Black. He
14 was not concerned. Indeed, he believed that the RDT accomplished his objective.
15 He approved awards for them. Captain Dowling testified that he was not
16 concerned about 90% of the arrests being black, but he was worried that an
17 attorney would look at the numbers and file a lawsuit. Captain Dowling admitted
18 that BHPD officers were taught they could use minor infractions like illegal U
19 turns, or jay walking to justify detentions and searches of Black Americans that
20 could lead to an arrest. This is known as pretext stops. Something that
21 unbelievably, Chief Rivetti testified he had never heard of despite 40 years in law
22 enforcement.
23

24 48. The constitutional violations of the civil rights of Black Americans were based
25 on instructions from officials with final policy-making authority, whose edicts
26 represented official policy. Additionally, the actions of officers targeting Black
27 Americans was ratified by the policy makers of the BHPD and City.
28

1 Illustratively, the RDT members were nominated for, and then received the
2 “Employee Excellence Award” in 2020, demonstrating that the custom, policy
3 and practice of authorizing racial profiling was ratified and authorized by the
4 city. The awards from the BHPD was for the outstanding work by the RDT of
5 racial profiling Black Americans. The accolades were only the most recent
6 example of ratification and widespread policies, practices and customs.
7 Indeed, the targets of the RDT was repeatedly described as the “criminal
8 element,” “thugs”, “terrorists” “animals” and making the city look too “ghetto.”
9 The Rodeo Drive Team formed because of the “criminal element” “thugs”,
10 “terrorists” and “animals” (all code for African Americans) coming to Beverly
11 Hills. Yet, that philosophy perpetuates the racial stereotype that all Black people
12 are “criminals.” Lieutenant Nance and/or Captain Dowling emailed police
13 officials about establishing a “core group of officers and supervisors assigned to
14 Rodeo Drive to allow for consistency.....” That is the RDT Task Force. The
15 direction “has stemmed from the chief.” The Department based on information
16 and belief claimed that Rap songs bragged and educated listeners to come to
17 Beverly Hills and commit fraud. Apparently, Defendants believed that music
18 frequently associated with African Americans was enticing criminal acts in their
19 city by the class of Black Americans.

20 49. Once many Black American's were arrested there was a decrease in Black
21 Americans visiting the City. Assistant Chief Coopwood in an email dated
22 October 1, 2020 sent to the City Manger (George) (Tr. Exh 70) stated under
23 “Rodeo Drive Enforcement Review and EDD Fraud Review) Hi George - ¶ “The
24 quality of life issues along Rodeo Drive are beginning to diminish. It is
25 beginning to look more normal again. Our EDD arrest and seizures are
26 decreasing as a result; which is a very good thing....” The fact the city was
27
28

1 starting to look normal again, was a reference to a reduction in Black American
2 visitors.

3
4 50. Denying Black Americans equal protection has existed in Beverly Hills for over
5 25 years demonstrating a governmental policy and longstanding custom or
6 practice of violating the Civil Rights of Black Americans and also supports the
7 need for an injunction.

8
9 51. As noted in the Los Angeles Times, between 1990 and 1995, Black Americans
10 have filed five lawsuits and more than a dozen claims against Beverly Hills,
11 alleging that police unjustifiably stop and harass minorities. In one case, a
12 Black motorist accused BHPD officers of pointing a gun at his head during a
13 traffic stop. Another man alleged that his car was ransacked in a vain search for
14 drugs. Such lawsuits demonstrate Defendants' knowledge of the practice of
15 profiling Black people that has existed for decades in Beverly Hills. (The
16 defendants knew of this lack of proper accountability, but were deliberately
17 indifferent to the repeated violations of rights of Black Americans.)

18
19 52. As part of this long-standing policy, practice and custom, Defendants used minor
20 infractions like broken tail lights to justify its practice of targeting Black people
21 for unconstitutional detentions and arrests.

22
23 53. Between 1993 and 1995 the Beverly Hills-Hollywood chapter of the NAACP
24 received 75 complaints about Beverly Hills police officers targeting Black
25 Americans.

26
27 54. In defending the City's targeting of Black Americans, former mayor Chuck
28 Aronberg said, "Blacks have a chip on their shoulder. [They] think bad things
happen to them because they're Black." And Mr. Aronberg was exactly right, in
Beverly Hills - bad things do happen to Black people.

1 55. Illustratively, Jerry Lafayette, a Black American in Beverly Hills, was pulled
2 over more than 20 times in 18 months for simply being Black.

3 56. In 1995 the City, its Mayor, Council member, Chief and Captain were sued for
4 having “engaged in a conscious policy of deliberate indifference” by allowing
5 police harassment of African Americans to go unchecked. There Defendants
6 were made aware of constitutional violations, and with deliberate indifference
7 ratified the wrongdoing. Defendants failed to provide adequate training to
8 safeguard the constitutional rights of Black Americans and provide them equal
9 protection. Instead, the City continued and ramped up its’ targeting and
10 discrimination against Black Americans in Beverly Hills.

11 57. The training policies of Defendant CITY OF BEVERLY HILLS were not
12 adequate to train its police officers to handle the usual and recurring situations
13 with which they must deal. Defendant CITY OF BEVERLY HILLS was
14 deliberately indifferent to the obvious consequences of its failure to train its
15 police officers adequately.

16 58. The failure of Defendant CITY OF BEVERLY HILLS to provide adequate
17 training caused the deprivation of the rights of all plaintiffs by the actions of
18 Defendant CITY OF BEVERLY HILLS’ police officer employees. That is, the
19 Defendants failure to train is so closely related to the deprivation of the
20 plaintiffs’ rights as to be the moving force that caused each of them the ultimate
21 injuries such as detentions and arrests without reasonable suspicion and probable
22 cause. False arrest, false imprisonment, fabrication of evidence, and malicious
23 prosecution of Black people for alleged criminal acts they were never found
24 guilty of.

25 59. In 1995, a civil rights lawsuit was filed by six Black Americans. Five of the
26 Black Americans suing were teenagers who lived in Beverly Hills and attended
27

1 local schools, and the sixth was a maintenance man at a Beverly Hills church.
2 The BHPD stopped and harassed Black Americans without “reasonable
3 suspicion,” often pulling over Black-American motorists for violations such as
4 broken taillights or detaining minors who were out past the City’s 10 p.m.
5 curfew. In 2000, a settlement was reached, which included the City of Beverly
6 Hills setting up a Human Relations Commission to deal with issues of racial
7 profiling.

8
9 60. Indeed, a former Beverly Hills Mayor, Robert Tanenbaum, sued the City for
10 racial profiling, claiming that his “case is about people’s rights to walk the street,
11 to ride cars on public roadways without being terrorized, harassed or abused.”
12 “All we are saying is, treat Black folk like White folk.”

13 61. Although Captain Dowling spent 37 years employed by the BHPD, only retiring
14 after the RDT fiasco became public, he testified on May 8, 2023 that he was not
15 aware of a single meeting by the Human Relations Commission from 2002 to the
16 present. He was not aware of a single person on that commission, or any papers,
17 policies or suggestions implemented by that commission. In short, it was simply
18 a farce designed to deflect the history of racial profiling that has plagued the city.
19 It does explain why an injunction to deter future racial profiling is so vital in this
20 case. Indeed, Captain Dowling testified despite the disproportionate profiling of
21 African Americans by the RDT there has been no change to the defendants
22 policies since the RDT and they are continuing to engage in the deprivation of
23 the civil rights of Black Americans. Thus it is business as usual. Profiling Black
24 Americans like usual. Requiring an injunction because racial profiling should
25 NOT be business as usual.

26 62. Captain Dowling testified that no officer was disciplined for the actions of the
27 RDT. Neither he nor Rivetti testified about any officer who has been disciplined
28

1 for racial profiling, ever. The same applies to Chief Spagnoli despite her
2 receiving numerous complaints of racial profiling² Thus, without damages and an
3 injunction the denial of equal protection to Black Americans will continue into
4 the future. None of the officers were engaged in these racial profiling arrest
5 outside of their duties. In other words, all of the arrests by the RDT that resulted
6 in 90% of the arrests being Black (and no convictions) were performed according
7 to BHPD common directives, policies, practices and training. because the arrests
8 by the RDT officers were performed in accordance with their training, and the
9 policies, all of their arrests were approved of and ratified. But they should not
10 have been. What kind of police department approves of racial targeting? It is
11 unconstitutional. It is no wonder why BHPD Mangers called the black people
12 arrested during the class period, "Domestic terrorists."

13
14 63. In 1998, then-Assemblyman Kevin Murray, a Black American, filed suit after his
15 car was stopped by police on his way to celebrate a primary election victory.

16 64. In August 2014, there was a potentially dangerous wrongful arrest of noted Black
17 American film maker and producer Charles Belk. In stereotypical fashion, the
18 BHPD thought the film maker "fit the description" of a bank robbery suspect
19 because Belk was "tall, bald, Black and male." Objectively, thousands of Black
20 men would fit such a vague description. When stopped, Belk behaved in
21 exemplary fashion. He stated why he was in the city. He related his impressive
22 academic, business and artistic credentials that could have been easily and
23 quickly checked. The BHPD officers did not care. Mr. Belk had to suffer the
24 indignity of being handcuffed and forced to sit on the curb in public. Then the

25
26 ² In her deposition at pages 157-158 that it was less than 500 times (in four years) that
27 she received emails complaining about racial profiling, plus a small er number of in
28 person complaints of racial profiling. At p. 164 she admitted that not a single officer
was disciplined by her for racial profiling.

1 PD successfully imposed an exorbitant amount of bail, forcing Mr. Belk to sit in
2 jail for hours before he could even speak to an attorney. Belk was never even
3 given his Miranda Rights. At the time, Belk (51 years old) was working at a pre-
4 Emmy Awards gifting suite before going to dinner. He was arrested when he
5 walked away from a restaurant on Wilshire Blvd.

6 65. In approximately June 2015, a video entitled “Yellow Fever with Soul” was
7 prepared by Officers Charles Yang and Stanley Shen and posted on “You Tube.”
8 It made fun of Black Americans and Asian Americans. The “Yellow Fever with
9 Soul” video used a racial stereotype of a Black American man holding a chicken
10 leg in his hand. The video referenced racial stereotypes of the sizes of Black
11 men’s penis’ Officer Yang was shown holding a woman’s buttocks in the video.
12 Stanley Shen made comments about slavery and “master” derogatory towards
13 Black Americans. Yang was not punished for this at all. Shen had been fired
14 for a different act of misconduct, but after the Yellow Fever video was
15 publicized, he was reinstated by SPAGNOLI. He has since been promoted to
16 Detective and Sergeant (supervisor) by BHPD’s chief Spagnoli who apparently
17 saw nothing wrong with the video. However, Chief Rivetti testified on May 10,
18 2023 that the video was improper. Sgt. Shen, along with a Lieutenant (Andrew
19 Myers) authored a police report about a peaceful protest about the killing of
20 George Floyd, comparing a protest by mostly
21

22 66. black people as the same as the Holocaust where 6,000,000 Jews were killed by
23 the Nazi’s and to the Iranian Revolution where Persians were slaughtered in the
24 streets. 25 people were arrested in that protest for “curfew violations.” All of
25 those arrests were thrown out of court as being unconstitutional

26 67. DOWLING laughed about the “Yellow Fever with Soul” video when he saw it
27 in the BHPD.
28

- 1
2 68. In March 2016, Sandra SPAGNOLI became the chief of police. There were
3 three finalists for the position. The top candidate was a Black American police
4 chief with Oxnard PD, but she was passed over for promotion because city
5 council members did not want the Black woman to be “the face of Beverly
6 Hills.” SPAGNOLI was hired instead. Before she was hired, defendants knew
7 that SPAGNOLI was sued repeatedly while she was the chief at San Leandro,
8 including for various civil rights violations and discrimination.
- 9 69. As the Chief of Police, not only was SPAGNOLI the final policy maker at the
10 time, but she implemented policies, customs and practices designed to deprive
11 Black Americans of their constitutional rights and with deliberate indifference to
12 the rights of Black Americans which was a moving force behind the
13 constitutional violations suffered by the class as a whole.
- 14 70. SPAGNOLI also created customs and practices to violate the constitutional
15 rights of Black Americans by ratifying discriminatory treatment of Black
16 Americans by BHPD police officers. Illustratively, SPAGNOLI set the tone of
17 treating Black Americans unconstitutionally by ratifying the “Yellow Fever with
18 Soul” video displayed by members of the BHPD. The “Yellow Fever with Soul”
19 video was put on the Internet. Portions of it were later played on television
20 because the media saw how racist and improper the video was. That video
21 promulgated racial stereotypes of the size of Black men’s penis’ and stereo types
22 of foods that Black Americans supposedly eat like fried chicken.
- 23 71. Instead of taking corrective action, SPAGNOLI sent a message to the troops that
24 she approved of the video, setting an example for others to follow - that treating
25 Black Americans differently is acceptable, and condoned. Those who shared
26 SPAGNOLI’s racist views, were promoted. Accordingly, the “Yellow Fever”
27 creator, Stanley Shen was promoted to Detective by SPAGNOLI. This gave him
28

1 a raise in pay. Shen was assigned to a specialized unit (CIT) by SPAGNOLI.
2 SPAGNOLI knew that the female officer that Shen was promoted over (Officer
3 Lunsman) is married to a Black American. Lunsman is herself bi-racial.

4 72. Yet, Yellow Fever was not the only way that SPAGNOLI created a custom and
5 practice of encouraging racism and rewarding those officers who treated Black
6 Americans differently. SPAGNOLI received complaints about DOWLING's
7 racist attitudes from Lt. Foxen and Lt. Nutal. They both advised SPAGNOLI
8 that DOWLING referred to Black Americans as "lazy" and used other
9 derogatory stereotypes towards Black Americans. Within days of being told
10 about DOWLING's racist comments which were well known in the BHPD,
11 SPAGNOLI promoted DOWLING to Lieutenant and later, captain. This
12 ratification of racist comments and statements by DOWLING help to show the
13 custom and practice of targeting Black Americans for illegal treatment and is
14 relevant to the class action claims because DOWLING was in charge of the RDT
15 task force.

16 73. Thus, DOWLING implemented RDT and other practices to target Black
17 Americans with illegal stops, arrests, jailings' and prosecutions. Demonstrating
18 how the defendants had widespread practices and customs to violate the civil
19 rights of Black Americans, and the deliberate indifference towards those civil
20 rights violations as well as the discriminatory moving force targeting Black
21 Americans in the RDT task force DOWLING specifically referred to the Black
22 American individuals arrested in the RDT , as "terrorists and animals."

23 74. Black Americans are NOT terrorists or animals, and they should not be treated as
24 such. But, Black Americans are a recognized protected class. The
25 discriminatory animus and prejudice against Black Americans explains why over
26 90% of the people arrested were during the subclass periods and 34% over the
27

1 total class period were Black, while only 1.9% of the residents of Beverly Hills
2 are Black. The defendants' common operational plan, top down policies and
3 treatment affects a discrete and identifiable group of citizens differently from
4 other groups - Black Americans were stopped, arrested, imprisoned and
5 maliciously prosecuted because of their protected characteristic - Black. The
6 widespread top down policy of violating the constitutional rights of Black
7 Americans is shown by the the City giving

8 an award of excellence to the RDT and EDD arrests, which targeted Black

9
10 75. The unconstitutionality of the actions towards the class as a whole was done with
11 discriminatory intent had discriminatory impact as is demonstrated by the fact
12 (based on information and belief) of the 1,088 Black American's arrested, only
13 two or three of them were ever convicted of anything. Prosecutors repeatedly
14 refused to pursue charges, or after investigating further, dismissed the claims in
15 the interests of justice.

16 76. BHPD's ratification of employees with racist views against Black Americans
17 created a discriminatory effect. The Task Forces and arrests of Black Americans
18 was motivated by a discriminatory purpose. The discriminatory employment
19 actions help to demonstrate the discriminatory motivation because it is strong
20 circumstantial evidence of the racist views.

21 77. Black Americans were unquestionably treated differently than similarly situated
22 members of other classes because of their race - Black and membership in the
23 protected class of Black Americans. How else can one explain how 1.9% of the
24 City is Black, but more than 90% of the people arrested by the task forces and
25 34% over the whole class period were Black? Black people were treated
26 differently than members of other races because of their race - Black.

- 1 78. When the City ratifies Dowling's reference to Black People as "animals"
2 "terrorists," "lazy" and other racial stereotypes, a deliberate indifference to the
3 constitutional rights of Black American's is clearly demonstrated, as is the
4 Defendants' discriminatory purpose and discriminatory motive. Violating the
5 constitutional rights of Black Americans was part of defendants' policy,
6 widespread custom or practice that was ratified by the police Chiefs.
- 7 79. Former Mayor, Nancy Krasne described Terry Nutall, the highest ranking Black
8 American BHPD officer as "scary looking", "if you saw him in the hood you
9 would run the other way." He is a big guy. He looks like an ex-Marine. He's
10 huge and he's a bad influence." As the Mayor, Krasne was a policy maker for
11 the city.
- 12 80. In approximately August, 2019, there were a series of emails between
13 SPAGNOLI and residents of Beverly Hills regarding the racial profiling of a
14 dark complected individual Defendants believed was Black (and later learned to
15 be Latin American.) The young man was repeatedly pulled over by members of
16 the BHPD when they believed him to be a Black American. Once the officers
17 learned the man was Latin and not Black, the unconstitutional searches and
18 seizures stopped.
- 19 81. But, the profiling of Black Americans did not stop. Accordingly, on February 9,
20 2020, Ashley Blackmon, a Black-American female, was driving in a Toyota
21 Rav-4 through Beverly Hills around 9:30 a.m. on her way to a Sunday morning
22 yoga class. Blackmon was thirty years old and had recently moved from New
23 York City to Marina Del Rey for a job at Red Bull corporate headquarters as a
24 brand manager. BHPD officers ordered her to pull over. Blackmon immediately
25 complied with all instructions. Yet, five BHPD officers pointed their guns at
26 Blackmon or her car during that stop. All of these BHPD officers had either seen
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1 her driving the car alone or had been made aware that the lone driver was Black.
2 Prior to pulling Blackmon over at gunpoint, BHPD officers noted her race on the
3 radio to dispatch and requested air support. Moreover, BHPD officers admitted
4 before the stop that Blackmon and/or her car did not materially match any
5 suspects they were looking out for. Blackmon was released. No reasonable
6 suspicion or probable cause existed to ever stop her. She was not convicted of
7 any crime. She did not plea to any crime.
8

9 82. For 25 years the City has continued to treat Black folks differently than White
10 folks because of a widespread policy, custom and practice. It is time to put such
11 conduct to an end.

12 **A. THE VIOLATION OF CONSTITUTIONAL RIGHTS IN THE RDT**
13 **SUBCLASSES.**

14 83. Two of the plaintiffs in this case were arrested for allegedly riding a scooter on
15 the sidewalk. Ironically, during a press conference on this very case, in front of
16 City Hall and right next to the Police Department where police officers were
17 present, a white person rode by on a scooter. Not only was he not arrested by the
18 BHPD, the White man was not stopped, detained, or even asked to ride on the
19 street.

20 84. Two of the plaintiffs in this case were detained when their car stopped less than
21 one inch over the limit line. Once again, during a press conference on this very
22 case in front of City Hall and next to BHPD headquarters, several White
23 motorists did not stop vehicles behind limit lines. The White motorists were not
24 stopped, handcuffed or arrested, but Black Americans were. White motorists in
25 Beverly Hills are not required to exit their cars when stopped for minor traffic
26 infractions like two inches over the limit line, but Black motorists are. White
27 motorists are not jailed in Beverly Hills after stopping inches over the limit line,
28

1 but Black motorists are. As a class Black Americans had their constitutional
2 rights violated while non-Black Americans did not because of the widespread
3 practices and customs that had a discriminatory effect in deliberate indifference
4 to the constitutional rights of Blacks.

- 5 85. On May 15, 2020, SPAGNOLI was forced to retire due to over a dozen lawsuits
6 alleging misconduct by her including her making derogatory comments against,
7 and discrimination of various “minorities” including Black Americans, resulting
8 in over \$8,000,000.00 in judgments, verdicts and settlements against the city of
9 Beverly Hills. After SPAGNOLI was forced out, RIVETTI became the Interim
10 Police Chief. RIVETTI then ratified and approved of the creation of the RDT.
11 86. Between August 29, 2020 and October 24, 2020, the RDT focused on detaining
12 and arresting Black American’s for violations of “crimes” that White people
13 were not detained or arrested for, such as: CVC 21955 (jaywalking); CVC 21456
14 (crossing against red hand/signal at cross walk); HSC 113.62 (smoking
15 marijuana, and possessing cannabis products); smoking tobacco in a public right
16 of way (including on the sidewalk or alleyway); smoking in a city park; CVC
17 23111 throwing out even an unlit cigarette; California Penal Code § 415 (playing
18 loud music); CVC 27150(a) (having a loud exhaust); CV 22102 (illegal U-turn in
19 business district); BHMC 5-6-801 (Riding a bicycle, skateboard, or roller skates
20 on sidewalks in the business district (not specifically included in the statute is
21 riding of a scooter, so Black Americans on scooters were arrested with the false
22 charge of riding roller skates on the sidewalk)).
23 87. Other statutes that were enforced against Black Americans because of their race
24 included: solicitation for charitable purposes without a permit; filming without a
25 permit which includes still photography on private or public property without a
26 permit. However, as demonstrated by the defendants’ own statistics, non-Black
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Americans were not get stopped, detained, handcuffed, jailed or maliciously prosecuted. Each of these detentions and arrests of Black people in Beverly Hills was part of a widespread custom and practice or policy of the defendants.

88. None of the Black people arrested by the RDT task force was convicted. Most of those cases were not even prosecuted because the arrests lacked probable cause and/or were otherwise unconstitutional and maliciously prosecuted.

89. On or about October 1, 2020, the RDT participated in a traffic stop of a Black driver and passenger near Rodeo Drive. The stop involved at least four officers and three police vehicles; two of the officers repeatedly refused to give their names when asked by a bystander, who was attempting to film them, and treated the would-be videographer with obvious hostility. Ultimately, the officers let the Black driver and passenger go without even a citation because there was not a reasonable suspicion to stop the motorists other than their race. There was no probable cause to arrest them. Nevertheless, the Beverly Hills officers asked the passenger for his identification as well as the driver. This is part of the wide spread custom and practice in Beverly Hills to try and find any little thing they can on Black Americans while not doing the same to non-Black Americans. Thus, Black Americans are subjected to more intrusive policing and entanglement with the criminal justice system than white people. White people do not have a swarm of BHPD officers arrive for minor infractions, but they swarm for Black people. White people are not searched for weapons when jaywalking or other minor infractions, but Black people are.

90. On or about October 2, 2020, Operation Safe Streets stopped and searched Versace's Vice President of Mens Footwear, Salehe Bembury. At the time, he was holding a Versace shopping bag near Rodeo Drive. Allegedly, he had jaywalked by going less than one foot out of the crosswalk. BHPD officers

1 surrounded him and searched him. They then asked for his ID and ran his name
2 for warrants. Defendants believed that Bembury was suspicious because he was
3 Black and shopping in Beverly Hills. In actuality, Bembury was and is a Vice
4 President of Versace and works in Beverly Hills. While it is common for
5 defendants to stop, surround, question, and search Black Americans for
6 jaywalking near Rodeo Drive, non-Black Americans do not undergo the same
7 treatment. When black people are stopped for minor offenses such as jaywalking
8 they are consistently asked for ID and a warrant check is done, this does not
9 happen for non-black people. Clearly, Black Americans are treated differently
10 and unequally in deliberate indifference to their constitutional rights because of
11 widespread customs and practices with discriminatory effect on Black
12 Americans.

13 91. Because racism is so rampant at BHPD, over 12 employees of the police
14 department filed lawsuits. DOWLING was deposed. In his deposition, he
15 admitted to calling two Black American employees “lazy” and other racial
16 stereotypes, “probably several times over the years.” Further, DOWLING
17 referred to the highest ranking Black American in the BHPD at the time, Terry
18 Nutal as “lazy.” At the time, Nutal was a lieutenant and a superior to
19 DOWLING.

20 92. Chief SPAGNOLI was advised by two different Lieutenants (Foxen and Nutal)
21 that they were concerned about DOWLING being racist, but SPAGNOLI
22 promoted him from Sergeant (a supervisor position) to Lieutenant (a manager
23 position) despite their concerns. Subsequently, SPAGNOLI promoted
24 DOWLING to captain. Accordingly, SPAGNOLI as the head of the agency,
25 ratified and condoned the statements and actions of DOWLING. RIVETTI was
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1 aware of the claims against DOWLING, yet allowed him to remain a Captain and
2 thus in charge of RDT task forces.

3
4 93. Thus, from August 29, 2020, to October 24, 2020, the RDT targeted Black
5 Americans. Over 90% of the arrests were of Black Americans. Defendants
6 authorized and ratified the constitutional violations of the rights of Black
7 Americans. To accomplish their goals, the “crimes” were fabricated. For
8 example, WILLIAMS and WHITE were arrested for roller skating on the
9 sidewalk even though they were not on roller skates. Hundreds of white persons
10 committed the same “crimes” as Black Americans, but did not get detained,
11 arrested, jailed or prosecuted. Defendants were singularly focused on Black
12 Americans because Black Americans as a race were unlawfully and unfairly
13 deemed to be “criminals” Black Americans as a class were subjected to excessive
14 force, false arrest, false imprisonment and malicious prosecution.

15 94. SPAGNOLI, DOWLING and RIVETTI set in motion a series of acts by their
16 subordinates or knowingly refused to terminate a series of acts by their
17 subordinates, that each knew or reasonably should have known would cause the
18 subordinates to deprive Black Americans of their rights under law. Having
19 learned of the unconstitutional conduct by BHPD officers, Defendants failed to
20 act to prevent their subordinates from engaging in such conduct.

21 95. Defendants DRUMMOND, ILUSORIO, DE LA CRUZ, FAIR, KRUG, BLAIR,
22 WHITTAKER, LYGA, NEWMAN, COOKE, and MAITLAND were
23 SPAGNOLI, RIVETTI, and DOWLING’s subordinates, and following their
24 orders, directions, policies, practices and customs to deprive the class of Black
25 Americans of their constitutional rights and based on information and belief were
26 involved in the detention and arrest of the Plaintiffs and class members.

1 96. Accordingly, Defendants engaged in conduct that showed a reckless or callous
2 indifference to the deprivation by the subordinates of the rights of Black
3 Americans.

4 97. On or about November 25, 2019, YORK was detained by Officer COOKE.
5 YORK was detained for allegedly having expired registration. Under the pretext
6 of expired registration, COOKE conducted a warrant check, absent any legal
7 basis. YORK was allegedly arrested for outstanding warrants. There was Body
8 Worn Camera and Dash Cam footage of this arrest. Despite a timely letter to
9 preserve that evidence, defendants have lost, destroyed and concealed the
10 videotape of this arrest.

11 98. On or about August 5, 2020, NETT and SWIFT were driving through Beverly
12 Hills on Wilshire Boulevard, on their way to the beach, when they were followed
13 by BHPD officers. SWIFT was driving. NETT was a passenger. After
14 approximately one mile of being followed, defendant NEWMAN pulled them
15 over based on the pretext that they were approximately three inches over the
16 limit line. NETT and SWIFT were both handcuffed and detained by NEWMAN.
17 NETT was taken to jail and held there for more than 72 hours. Neither NETT,
18 nor SWIFT were ever charged with any criminal act. Despite spending three days
19 in jail, Defendants claimed NETT was “merely detained.” and not arrested.
20 Neither of them was convicted of any charges. Neither of them plead to any
21 crimes.

22 99. Like other members of the class, NETT and SWIFT were detained, falsely
23 arrested, grabbed, handcuffed, and/or jailed by the defendants who deprived
24 plaintiffs of their constitutional rights. NEWMAN played racist and menacing
25 songs while driving NETT
26

- 1
2 100. On or about September 7, 2020, WILLIAMS & WHITE were riding a scooter
3 and not violating any laws. Nevertheless, they were detained, falsely arrested,
4 subjected to excessive force, grabbed and threatened with being tased,
5 handcuffed, jailed, and maliciously prosecuted with false charges by ILUSORIO
6 & SGT. DRUMMOND all of which were then dismissed by the prosecution in
7 the interest of justice. Before being arrested and handcuffed, Ms. WILLIAMS
8 was pushed, hit or struck by a male officer then jailed. Neither WHITE nor
9 WILLIAMS was convicted of any crime. Neither of them plead to any crimes.
- 10 101. On or about September 15, 2020, ROGERS was driving a rental car. ROGERS
11 was detained by MAITLAND under the pretext of not having a front license
12 plate. Upon detaining ROGERS, MAITLAND falsely claimed to have smelled
13 marijuana. Subsequently, MAITLAND undertook an illegal search of the rental
14 vehicle, and allegedly uncovered evidence of EDD fraud. MAITLAND falsely
15 arrested ROGERS. On information and belief, prosecutors refused to charge
16 ROGERS given the numerous unlawful actions taken by MAITLAND.
- 17 102. On or about August 5 and September 7, 2020 and on other dates over the two
18 month Task Force, Defendants DALE DRUMMOND, JON ILUSORIO,
19 JONATHAN DE LA CRUZ were working as members of the RDT task force
20 following the directions of their superiors, and detained plaintiffs and the Class
21 Members without any reasonable suspicion and arrested them without any
22 probable cause.
- 23 103. Defendants and each of them had a policy, practice and widespread custom to
24 demand identification of Black People, search them for weapons, detain them
25 and falsely arrest them with excessive force and false charges when they would
26 not engage in similar conduct to other racial groups.

1
2 104. The false arrests, deliberate fabrication of charges and malicious prosecution of
3 Black Americans resulted in the deprivation of liberty to all class members. The
4 actions of the defendants were the cause in fact of the deprivation of each
5 plaintiffs' liberty. In other words, the injuries and handcuffing of all of the
6 plaintiffs would not have occurred in the absence of the conduct. The actions of
7 the defendants in racially profiling all of the plaintiffs in the class because of
8 their race is a violation of constitutional rights and was the proximate or legal
9 cause of the injuries. A reasonable person would see the actions of the
10 defendants and the resultant injury to the plaintiffs as a likely result of the
11 conduct in question.

12 105. After prosecutors reviewed the (fabricated) police reports and the incidents, all
13 charges against each class member were dropped or they were found not guilty.
14 Thus, once prosecutors exercised independent judgment, they found there was no
15 probable cause for the arrests of each class member, or Judges and juries
16 determined that each class member was not guilty of any crime.

17 106. Each of the plaintiffs in this action and class members have suffered harm and
18 injuries as a direct and legal result of the actions of the defendants and each of
19 them. The plaintiffs are entitled to economic and non-economic damages in a
20 sum in excess of the minimum jurisdiction of this court, to fees, costs, penalties,
21 fines, and such further relief as the court deems just. Punitive damages are
22 justified against the individual defendants.

23 107. An injunction is requested to compel the City of Beverly Hills to only arrest
24 Black Americans in accordance with Federal Constitutional requirements, to stop
25 repetitions of unconstitutional conduct towards Black Americans.

26 **FIRST CAUSE OF ACTION**
27 **FOR UNREASONABLE SEIZURES**

ON BEHALF OF ALL PLAINTIFFS
AGAINST ALL DEFENDANTS EXCEPT THE CITY

108. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

109. This action is brought pursuant to 42 U.S.C. §1983 and the Fourth Amendment of the United States Constitution.

110. At all times relevant hereto, Plaintiffs possessed the right, guaranteed by the Fourth Amendment of the United States Constitution, to be free from unreasonable seizures by peace officers acting under the color of law.

111. As described in above, Defendants violated all class members' Fourth Amendment rights by unlawfully and unreasonably detaining, handcuffing, arresting and imprisoning them without reasonable suspicion or probable cause. Moreover, race was a motivating reason for stopping, detaining, handcuffing, jailing and/or arresting the plaintiffs. All of the arrests to the class members were without a warrant. They were intentional and the seizures were unreasonable.

112. As delineated above, WILLIAMS, WHITE, NETT, SWIFT, and ROGERS, and YORK and all class members were wrongfully detained, handcuffed and/or arrested without probable cause, and detained without any justification and/or charged with multiple criminal counts based upon the false charges, statements, police reports, evidence and testimony presented pursuant to Defendants policies and common operational plan.

113. On or about November 25, 2019, YORK was detained by Officer COOKE. YORK was detained for allegedly having expired registration. Under the pretext of expired registration, COOKE conducted a warrant check, absent any legal

1 basis. YORK was allegedly arrested for outstanding warrants. Defendants have
2 destroyed the video tape evidence of this arrest.

3
4 114. On or about August 5, 2020, NETT and SWIFT were driving through Beverly
5 Hills on Wilshire Boulevard, on their way to the beach, when they were
6 followed by BHPD officers. SWIFT was driving. NETT was a passenger.
7 After approximately one mile of being followed, defendant NEWMAN pulled
8 them over based on the pretext that they were approximately three inches over
9 the limit line. NETT and SWIFT were both handcuffed and detained by
10 NEWMAN. NETT was taken to jail and held there for more than 72 hours.
11 Neither NETT, nor SWIFT were ever charged with any criminal act. Despite
12 spending three days in jail, Defendants claimed NETT was “merely detained.”
13 and not arrested. Neither of them were convicted of any charges. Neither of
14 them plead to any crimes.

15 115. Like other members of the class, NETT and SWIFT were detained, falsely
16 arrested, grabbed, handcuffed, and/or jailed by the defendants who deprived
17 plaintiffs of their constitutional rights.

18 116. On or about September 7, 2020, WILLIAMS & WHITE were wrongfully
19 detained, handcuffed and/or arrested without probable cause, and detained
20 without any justification and/or charged with multiple criminal counts based
21 upon the false charges, statements, police reports, evidence and testimony
22 pursuant to ILUSORIO, DRUMMOND, and BHPD policies and common
23 operational plan.

24 117. On or about September 15, 2020, ROGERS was driving a rental car. ROGERS
25 was detained by MAITLAND under the pretext of not having a front license
26 plate. Upon detaining ROGERS, MAITLAND falsely claimed to have smelled
27 marijuana. Subsequently, MAITLAND undertook an illegal search of the rental
28

1 vehicle, and allegedly uncovered evidence of EDD fraud. MAITLAND falsely
2 arrested ROGERS. On information and belief, prosecutors refused to charge
3 ROGERS given the numerous unlawful actions taken by MAITLAND.

4 118. On information and belief, WILLIAMS, WHITE, NETT, SWIFT, ROGERS,
5 YORK and subclass members were wrongfully detained, handcuffed and/or
6 arrested without probable cause, and detained without any justification and/or
7 charged with multiple criminal counts based upon the false charges, statements,
8 police reports, evidence and testimony pursuant to Defendants policies and
9 common operational plan.

10 119. Defendants directed subordinates in actions that deprived the plaintiffs and
11 class members of their constitutional rights.

12 120. Additionally, the defendants set in motion a series of acts by their subordinates
13 that the supervisors, managers and policy makers knew or reasonably should
14 have known would cause the subordinates to deprive the plaintiffs of their
15 rights, or defendants knew or reasonably should have known that their
16 subordinates were engaging in conduct that would deprive the plaintiffs of their
17 rights and the defendants failed to act to prevent the subordinates from
18 engaging in such conduct.

19 121. Between August 30, 2019 and August 30, 2021 based on information and belief
20 BHPD arrested 3,213 people of which 34% or 1,088 were Black. Based on
21 information and belief only 2 or 3 of the 1,088 Black People arrested were
22 prosecuted or convicted.

23 122. All class members were wrongfully detained, handcuffed and/or arrested
24 without justification and criminally charged based upon the false charges,
25 statements, police reports, evidence and testimony presented by Defendants.
26

- 1
2 123. Defendants had a widespread custom and practice in violation of Penal Code
3 section 118.1 to knowingly file materially false police reports, and make
4 materially false statements to target Black Americans because of their race with
5 illegal detentions, arrests, imprisonments and prosecutions.
- 6 124. At no time did said defendants have probable cause to detain, arrest and/or
7 charge any class members for any crime or to recommend that they be
8 prosecuted. Notwithstanding this, with malice and conscious disregard for their
9 rights to due process, said defendants presented false evidence and
10 recommended all class members be charged and prosecuted. Thereafter, they
11 meaningfully participated in the prosecution to ensure their wrongful conviction
12 and wrongful imprisonment. But the class members were never convicted of
13 any crime.
- 14 125. As the actual and proximate result of the acts and omissions of said defendants
15 as described herein, Plaintiffs were made to lose their freedom and liberty, this
16 in violation of the Fourteenth Amendment's procedural and substantive due
17 process guarantees.
- 18 126. As a direct and legal result of the actions of defendants and each of them,
19 plaintiffs suffered harm and economic and non-economic damages in a sum
20 according to proof and in excess of the minimum jurisdiction of this court and
21 are entitled to costs of suit. Further, plaintiffs have incurred attorneys fees and
22 costs for defending the criminal claims. Plaintiffs have also incurred costs in
23 relation to the criminal case, including without limitation charges for bail,
24 attorneys fees and other special damages all in a sum according to proof at time
25 of trial.
- 26 127. Plaintiffs are informed and believe that, unless restrained and enjoined by this
27 court, defendants will continue to falsely imprison and/or maliciously prosecute
28

1 Black Americans who travel through the City of Beverly Hills. It is extremely
2 likely that defendants will continue with such unconstitutional violations.

3
4 128. Being stopped by the police has both a lasting and traumatizing effect on Black
5 people's mental and physical health. "There's evidence to show that worsened
6 mental health can occur even after lower levels of contact not involving an
7 arrest or incarceration." These seemingly minor police interactions can trigger a
8 variety of responses such as harmful stigma, stress and depressive symptoms.
9 Further, studies show a significant association between police interactions and
10 lowered mental health, including "psychotic experiences, psychological
11 distress, depression, post-traumatic stress. disorder, anxiety, suicidal ideation
12 and attempts, indicating a nearly twofold higher prevalence of poor mental
13 health among those reporting a prior police interaction compared to those with
14 no interaction." "Racial discrimination has been associated with a range of
15 poorer health outcomes including respiratory conditions, diabetes, somatic
16 complaints and chronic health conditions." A 2019 study suggests that racism
17 can lead to increased inflammation, increased risk of developing heart and
18 kidney. disease and decreased quality of sleep. The effects of defendants actions
19 have harmful and severe health implications.

20 129. The aforementioned acts of said defendants were willful, wanton, malicious,
21 despicable and oppressive and said misconduct shocks the conscience thereby
22 justifying the awarding of exemplary and punitive damages against the
23 individual defendants. (No punitive damages are sought against the city as it is
24 statutorily immune.)

25 **SECOND CAUSE OF ACTION**
26 **VIOLATION OF CONSTITUTIONAL RIGHT TO BE FREE**
27 **FROM UNREASONABLE SEARCHES**

ON BEHALF OF ALL PLAINTIFFS AND
AGAINST ALL DEFENDANTS EXCEPT CITY

130. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

131. This action is brought pursuant to 42 U.S.C. §1983 and the Fourth Amendment of the United States Constitution.

132. At all times relevant hereto, Plaintiffs possessed the right, guaranteed by the Fourth Amendment of the United States Constitution, to be free from unreasonable searches by peace officers acting under the color of law.

133. As described in above, Defendants violated all class members' Fourth Amendment rights by unlawfully and unreasonably detaining, handcuffing, arresting and imprisoning them without reasonable suspicion or probable cause. Moreover, race was a motivating reason for stopping, detaining, handcuffing, jailing and/or arresting the plaintiffs. All of the arrests the class members were without a warrant. They were intentional and the seizures were unreasonable.

134. On or about November 25, 2019, YORK was detained by Officer COOKE. YORK was detained for allegedly having expired registration. Under the pretext of expired registration, COOKE conducted a warrant check, absent any legal basis. YORK was allegedly arrested for outstanding warrants.

135. On or about August 5, 2020, NETT and SWIFT were driving through Beverly Hills on Wilshire Boulevard, on their way to the beach, when they were followed by BHPD officers. SWIFT was driving. NETT was a passenger. After approximately one mile of being followed, defendant NEWMAN pulled them over based on the pretext that they were approximately three inches over the limit line. NETT and SWIFT were both handcuffed and detained by

NEWMAN. NETT was taken to jail and held there for more than 72 hours. Neither NETT, nor SWIFT were ever charged with any criminal act. Despite spending three days in jail, Defendants claimed NETT was “merely detained.” and not arrested. Neither of them were convicted of any charges. Neither of them plead to any crimes.

136. Like other members of the class, NETT and SWIFT were detained, falsely arrested, grabbed, handcuffed, and/or jailed by the defendants who deprived plaintiffs of their constitutional rights.

137. On or about September 7, 2020, WILLIAMS & WHITE were wrongfully detained, handcuffed and/or arrested without probable cause, and detained without any justification and/or charged with multiple criminal counts based upon the false charges, statements, police reports, evidence and testimony pursuant to ILUSORIO, DRUMMOND, and BHPD policies and common operational plan.

138. On or about September 15, 2020, ROGERS was driving a rental car. ROGERS was detained by MAITLAND under the pretext of not having a front license plate. Upon detaining ROGERS, MAITLAND falsely claimed to have smelled marijuana. Subsequently, MAITLAND undertook an illegal search of the rental vehicle, and allegedly uncovered evidence of EDD fraud. MAITLAND falsely arrested ROGERS. On information and belief, prosecutors refused to charge ROGERS given the numerous unlawful actions taken by MAITLAND.

139. WILLIAMS & WHITE NETT, SWIFT, ROGERS, and all class members were wrongfully searched by Defendants.

140. Defendants violated all class members' Fourth Amendment rights by unlawfully and unreasonably searching Plaintiffs and/or Plaintiffs' property

1 without a warrant or reasonable suspicion. Moreover, race was a motivating
2 reason for searching the plaintiffs and/or plaintiffs' property.

3
4 141. In doing the things described herein, said defendants acted specifically with the
5 intent to deprive all class members of their constitutional rights under the
6 Fourth Amendment to be free from unreasonable seizures including
7 unreasonable, excessive force.

8 142. At all relevant times herein, Defendants were policy makers or subordinates
9 under the direction and control of the policy makers, and were acting under
10 color of law.

11 143. Defendants further set in motion a series of acts by their subordinates, or
12 knowingly refused to stop unconstitutional actions by the subordinates, that
13 they knew or reasonably should have known would cause the subordinates to
14 deprive the civil rights of all class members, but failed to act to prevent their
15 subordinates from engaging in such conduct.

16 144. Accordingly, the defendants engaged in conduct that showed a reckless or
17 callous indifference to the deprivation by the subordinate of the rights of
18 others.

19 145. Defendants' conduct was so closely related to the deprivation of all class
20 members' rights as to be the moving force that caused the ultimate injuries to
21 each class member.

22 146. Said defendants subjected all class members to the aforementioned
23 deprivations by either actual malice, deliberate indifference or a reckless
24 disregard of their rights under the U.S. Constitution.

25 147. As a direct and legal result of the actions of defendants and each of them,
26 plaintiffs suffered harm and economic and non economic damages in a sum
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1 according to proof and in excess of the minimum jurisdiction of this court.

2 Plaintiffs are entitled to costs of suit and attorneys fees.

3
4 148. Plaintiffs are informed and believe that, unless restrained and enjoined by this
5 court, defendants will continue unreasonable searches and/or seizures of Black
6 Americans who travel through the City of Beverly Hills. It is extremely likely
7 that defendants will continue with such unconstitutional violations. Indeed,
8 according to statements to the media, Beverly Hills plans on setting up further
9 task forces in the future that will continue to perpetuate racial stereotypes and
10 racial profiling if not enjoined.

11 149. Being stopped by the police has both a lasting and traumatizing effect on Black
12 people's mental and physical health. Supra, ¶126.

13 150. The aforementioned acts of said defendants were willful, wanton, malicious,
14 despicable and oppressive and said misconduct shocks the conscience thereby
15 justifying the awarding of exemplary and punitive damages against the
16 individual defendants. Because the City is immune, punitive damages are
17 NOT sought against City.

18 **THIRD CAUSE OF ACTION**
19 **MUNICIPAL LIABILITY FOR VIOLATION**
20 **OF CONSTITUTIONAL RIGHTS**
21 **ON BEHALF OF ALL PLAINTIFFS**
22 **AGAINST DEFENDANT CITY OF BEVERLY HILLS**

23
24 151. Each and every allegation set forth in the preceding paragraphs is incorporated
25 herein by this reference with the same effect as if realleged herein. However,
26 there are no punitive damages sought against the City.

- 1
2 152. This action is brought pursuant to 42 U.S.C. §1983 for violation of Plaintiffs’
3 rights under the Fourth and Fourteenth Amendments.
4 153. From March 2016 to May 2020, SPAGNOLI was the chief of the BHPD.
5 Defendant RIVETTI became the Interim Chief after SPAGNOLI was forced to
6 resign following her misconduct.
7 154. RIVETTI was the Interim Chief From May 2020 to November 2021, of the
8 BHPD.
9 155. While serving as police chief, SPAGNOLI and RIVETTI, respectively, were
10 the final policy-making authorities for police policy in the City of Beverly Hills.
11 156. RIVETTI like his predecessor SPAGNOLI exercised control and management
12 over the City's police department and they were the final policymakers for
13 Defendants. At all relevant times, each defendant acted under color of law.
14 157. As police chief, SPAGNOLI and RIVETTI promulgated policies wherein
15 police officers were ordered and encouraged to stop, detain, arrest, forcefully
16 seize, and/or prosecute Black Americans who visited the City of Beverly Hills.
17 SPAGNOLI and RIVETTI implemented policies, procedures and practices that
18 deprived Black Americans of their rights under the laws of the United States
19 and the United States Constitution.
20 158. Defendants espoused the false belief that Black Americans were a criminal
21 threat in the City. This is demonstrated by the long standing practice and
22 custom of racially profiling Black Americans, with detentions and arrests that
23 did not lead to any convictions.
24 159. To further their discriminatory policies, SPAGNOLI and RIVETTI promoted
25 and delegated implementation of their policies to DOWLING. SPAGNOLI and
26 RIVETTI were both aware DOWLING harbored racial beliefs towards Black
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28

- 1 Americans and other minorities. However, DOWLING was continually
2 rewarded and delegated policymaking authority by SPAGNOLI and RIVETTI.
3
4 160. SPAGNOLI and RIVETTI were aware of the racial profiling and constitutional
5 violations of Black Americans because of complaints received from citizens,
6 various lawsuits and newspaper articles. Moreover, SPAGNOLI and RIVETTI
7 were aware of continuous prosecutorial rejections for charges against Black
8 Americans improperly arrested and charged by BHPD. However, SPAGNOLI
9 and RIVETTI implemented an express policy, custom, or widespread practice
10 of targeting Black Americans as criminals rather than engaging in constitutional
11 policing. The defendants had deliberate indifference to the violations of
12 constitutional rights for Black Americans. BHPD had a policy to violate
13 Federal Law and the US Constitution by deprivation of equal protection,
14 substantive and procedural due process rights and illegal searches and seizures.
15 161. At all relevant times herein, class members suffered constitutional deprivations
16 by Defendants DRUMMOND, ILUSORIO, DE LA CRUZ, FAIR, KRUG,
17 BLAIR, WHITTAKER, LYGA because these named officers and sergeants
18 were part of the RDT team, implementing the unconstitutional policies of
19 Chiefs Spagnoli & Rivetti, and the City of Beverly Hills.
20 162. SPAGNOLI and RIVETTI ratified the unconstitutional actions of subordinates
21 by continually rewarding officers for unconstitutional conduct through awards,
22 positive evaluations, better assignments, promotions, and increased
23 income/overtime. For instance, Defendants DRUMMOND, ILUSORIO, DE LA
24 CRUZ, FAIR, KRUG, BLAIR, WHITTAKER, and LYGA the members of the
25 RDT received awards, accolades, positive evaluations, better assignments,
26 promotions, and increased income/overtime from the City and its' police chiefs
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1 because they implemented the CITY OF BEVERLY HILLS AND BHPD's
2 unconstitutional policies.

3
4 163. Thus, the policy, practice and custom of defendants resulted in violating the
5 rights of Black Americans to be free from equal protection, unreasonable
6 seizures, unlawful arrests, and excessive force. Thereafter in violation of
7 Plaintiffs' due process rights Defendants proceeded to falsify evidence, and
8 submit false police reports so as to ensure that Plaintiffs and the Class would be
9 wrongfully convicted.

10 164. At the time of these constitutional violations, defendants CITY OF BEVERLY
11 HILLS had policies in place, and had ratified customs and practices which
12 permitted and encouraged their police officers to violate the US Constitution.

13 165. Said policies, customs and practices also called for the City of Beverly Hills
14 and its Police Department not to discipline, prosecute, or objectively or
15 independently investigate known incidents and complaints of unconstitutional
16 violations of the rights of Black individuals' rights under the Fourth and
17 Fourteenth Amendments to the U.S. Constitution. These violations were
18 exacerbated by defendants' lack of properly training its officers in
19 constitutional policing.

20 166. Defendant CITY OF BEVERLY HILLS was aware of and deliberately
21 indifferent to a pervasive and widespread pattern and practice within the BHPD,
22 and particularly the RDT task force to violate the rights of Black individuals'
23 rights under the Fourth and Fourteenth Amendments to the U.S. Constitution.
24 Said defendants failed to take any reasonable measures to correct this pattern
25 and practice and as a result ratified the actions, and Defendants have been
26 deliberately indifferent to the civil rights violations which resulted to Black
27 Americans as a class, including those which are described herein.

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167. Said customs and practices called for said defendants, by means of inaction and coverup, to encourage an atmosphere of lawlessness within the police department and to encourage their police officers to believe that engaging in illegal searches, seizures, due process violations and violations of Equal Protection was permissible, and that such conduct would be overlooked or would not result in any discipline for BHPD employees violating the civil rights of Black Americans demonstrating ratification of these customs and practices towards Black Americans as a group.
168. Said policies, customs and practices of said Defendants and each of them evidenced a deliberate indifference to the violations of the constitutional rights of Plaintiffs. This indifference was manifested by the failure to change, correct, revoke, or rescind or otherwise address said customs and practices in light of prior knowledge by said defendants and their subordinate policymakers of indistinguishably similar incidents of unjustified, unreasonable and unlawful arrests, falsification of evidence and police reports, excessive force and other constitutional violations against the class of Black citizens.
169. Defendants and each of them demonstrated a deliberate indifference to the civil rights of Black victims of the BHPD's actions as further evidenced by defendants ignoring the history and pattern of prior civil lawsuits alleging civil rights violations, similar to those alleged herein, arising from such misconduct and the related payment of judgments or settlements of such suits, including those alleging racial discrimination and harassment, which revealed racial animus harbored by SPAGNOLI, DOWLING and others at BHPD showing a belief by them that African Americans are inferior to other groups and ratification of racial animus towards the class of Black Americans.

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2 170. Deliberate indifference is also evidenced by an absence of or by maintenance of
3 an inadequate system of tort claims tracking and by maintaining an inadequate
4 system of officer discipline and independent and objective investigation by the
5 City of Beverly Hills and its police department which failed to identify and
6 investigate instances of false and unlawful arrests, excessive force, falsification
7 of evidence, denial of equal protection and other acts of wrong doing towards
8 Black Americans.

9 171. Deliberate indifference to the civil rights of victims of the BHPD's unlawful
10 arrests and falsified evidence was also evidenced by the failure of said
11 defendants to adequately train and more closely supervise or retrain officers
12 and/or discipline or recommend prosecution of those officers who engaged in
13 unconstitutional actions towards Black Americans.

14 172. Other systemic deficiencies of said defendants which indicated, and continue to
15 indicate, a deliberate indifference to the violations of the civil rights by the
16 officers of the BHPD towards Black Americans include:

- 17 a. Illegal detentions and arrests without reasonable suspicion or probable cause.
- 18 b. preparation of untrue police reports and investigative reports designed to
19 vindicate and/or justify false and unlawful arrests;
- 20 c. preparation of investigative reports which uncritically rely solely on the word of
21 BHPD officers involved in unlawful arrests or in the planting of evidence and
22 which systematically fail to credit testimony by non-officer witnesses;
- 23 d. preparation of investigative reports which omit factual information and physical
24 evidence which contradicts the accounts of the officers involved;
- 25 e. issuance of public statements exonerating officers involved in such incidents
26 prior to the completion of investigations of wrongful arrests or that are
27 contradicted by actual evidence.

- 1 173. Said defendants also maintained a system of grossly inadequate training
2 pertaining to the lawful making of arrests, police ethics, the law pertaining to
3 searches and seizures, testifying in trial and perjury, the collection of evidence,
4 and the preparation of police reports regarding the arrests of Black Americans.
5
6 174. The foregoing acts, omissions, and systemic deficiencies are practices and
7 customs of said defendants as such caused, permitted and/or allowed under
8 official sanction Defendants SPAGNOLI, RIVETTI, Dowling to be unaware of,
9 or intentionally overlook and ignore, the rules and laws governing the
10 unconstitutional actions towards African Americans.
11
12 175. The foregoing acts, omissions, and systemic deficiencies are practices and
13 customs of said defendants which caused, permitted and/or allowed under
14 official sanction said police officer defendants to believe that unconstitutional
15 arrests would not result in any discipline of them.
16
17 176. Plaintiffs are informed and believe that, unless restrained and enjoined by this
18 court, defendant City will continue with its unconstitutional policy towards
19 Black Americans. It is extremely likely that defendants will continue with such
20 unconstitutional violations. Defendant has indicated it plans to set up new task
21 forces which are likely to harm the civil rights of Black people.
22
23 177. Being stopped by the police has both a lasting and traumatizing effect on Black
24 people's mental and physical health. Supra, ¶126.
25
26 178. As a direct and legal result of the defendants actions, the plaintiffs were
27 harmed, and are entitled to economic and non economic damages in excess of
28 the minimum jurisdiction of this court, to attorneys fees, litigation costs, fines,
penalties, interest and such other relief as the court deems just and proper.

FOURTH CAUSE OF ACTION
FOR VIOLATION OF EQUAL PROTECTION

ON BEHALF OF ALL PLAINTIFFS
AGAINST DEFENDANT CITY OF BEVERLY HILLS

179. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein. However, there are no punitive damages sought against the City.

180. 1,088 Black People were treated differently than other people because of their race in violation of their rights to Equal Protection. Based on information and belief, of those 1,088 Black Americans arrested, 1,086 or 1085 were never convicted of the crimes they were accused of, or of any crimes whatsoever.

181. Equal Protection Class Action claims can be brought where one class of people is treated differently than another by a Federal, state or local government or its officials. This is the case when "minorities" bring discrimination claims against governmental entities. Here, the "minorities" are Black Americans. Violations of Equal Protection are particularly appropriate for class action treatment. " Here 1,085 members of the class and 179 members of the subclass were singled out for irrational or differential treatment by Defendants in the same way, making their claims typical of one another.

182. Here, there is an identifiable class of the 1,086 Black individuals who because of wide spread policies, practices and customs were arrested or detained by Defendants during the class period without a conviction of any crime, and no plea agreement. There are two identifiable sub classes totaling 179 Black Americans.

183. A Class action is the preferred method to resolve the Equal Protection claim because there are multiple parties with essentially identical claims.

184. Plaintiffs are part of a recognized, identifiable and protected class.

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2 185. Defendant City had a widespread practice and custom of treating Black people
3 differently than other races in Beverly Hills. Black people were viewed by
4 Defendants as “suspicious,” “terrorists” “animals” “lazy” part of the “Black
5 mafia” as “criminals” as thugs, making the city look too ghetto and otherwise
6 inferior to White people and those who were not Black.
- 7 186. Defendant City was deliberately indifferent to the discriminatory treatment
8 towards Black Americans - a recognized class.
- 9 187. The policy of the City to view Black people as inferior, suspicious, “terrorists,”
10 “animals” and otherwise differently than non-Black people was a moving force
11 behind the constitutional violations alleged herein, and explains why 1.9% of
12 the City is Black, and under 6% of the State is Black, but over 90% of the
13 people arrested in the RDT Task Force were Black. Defendants wanted to
14 make their streets safe - their policy, practice and custom was to arrest Black
15 people to accomplish their “safe street” objective.
- 16 188. The City’s policies, practices and customs had a discriminatory effect and intent
17 - over 90% of the arrests during the RDT and EDD subclass period and 34%
18 over the total class period were of Black people while less than 2% of the
19 people in Beverly Hills are Black. Black people are part of an identifiable
20 group of citizens. They were treated differently than other races.
- 21 189. Black people are readily apparent as a race, and the Courts have treated race as
22 a protected characteristic.
- 23 190. Here, characteristics that identify the plaintiffs in this class as Black are
24 ascertainable and demonstrate that Black Americans suffered discrimination
25 because of their race. (179 out of 197 people arrested by the RDT Task Force
26 are Black (90%) and 34% of the persons arrested in the total class period were
27 Black.)

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2 191. Based on information and belief: In the two years of the class approximately
3 3,213 people arrested and approximately 1,088 were Black. 1,086 of those
4 Black individuals were not convicted of any crime. If there was not a wide
5 spread custom and practice to target Black American's, based on the statistics in
6 Beverly Hills that less than 2% of the City is black, the RDT task force should
7 have arrested 4 Black American's. During the two year period when 3,213
8 people were arrested, only 64 of them should have been arrested, not 1,088.
- 9 192. Defendant City's policies and widespread practices and customs had a
10 discriminatory effect or discriminatory intent.
- 11 193. Plaintiffs lawfully sought to travel through or visit the City of Beverly Hills.
- 12 194. Under the guise of various euphemisms, Defendants believed Black Americans
13 were an undesirable presence in the City of Beverly Hills. Defendants adopted
14 the false belief of constituents that Black Americans had criminal propensities.
15 As such, Black individuals, in sharp statistical contrast to any other racial
16 group, were racially profiled and regularly stopped and harassed for engaging in
17 innocent conduct. Other racial groups were not stopped and harassed for similar
18 conduct. The arrests of the members of the class and sub classes were
19 unconstitutional as demonstrated by the lack of convictions for any alleged
20 crime.
- 21 195. Defendants prevented Plaintiffs from lawfully walking in, driving through or
22 otherwise visiting the City of Beverly Hills because Plaintiffs were Black
23 Americans. Defendants implemented a policy to intimidate and deter Black
24 Americans from coming to the City. Defendants utilized the BHPD to violate
25 the constitutional rights of Plaintiffs because of their race which resulted in
26 deterring Black individuals from visiting or traveling through the City of
27 Beverly Hills.

- 1 196. Defendants did not take similar actions against White people and non-Black
2 Americans. Black Americans were treated differently than similarly situated
3 White people and non-Black Americans.
- 4 197. Illustratively, Black Americans were falsely stopped, detained, arrested,
5 imprisoned, maliciously prosecuted and subjected to false, and perjured police
6 reports for “crimes” that only Black people were detained or arrested for,
7 specifically: “Roller Skating on the Sidewalk” when they were not even on
8 Roller Skates; stopping one inch or less over a limit line in a car; For J-walking
9 one inch out of a cross walk just before stepping onto the curb; For making a U
10 turn. For smoking cigarettes. White people were not stopped for these same
11 types of activities. The discriminatory impact, coupled with years of racially
12 insensitive and derogatory comments, and repeated acts of discrimination
13 shows conclusively that Defendants had a discriminatory purpose which was a
14 motivating factor of the policy and widespread practices and customs to target
15 and treat Black people differently than any other racial group.
- 16 198. Plaintiffs are informed and believe that, unless restrained and enjoined by this
17 court, defendant City will continue to treat Black Americans worse, i.e., violate
18 their constitutional rights, who travel through the City of Beverly Hills. It is
19 extremely likely that defendants will continue with such unconstitutional
20 violations.
- 21 199. Being stopped by the police has both a lasting and traumatizing effect on Black
22 people’s mental and physical health.
- 23 200. As a direct and legal result of the defendants actions, the plaintiffs were
24 harmed, and are entitled to economic and non economic damages in excess of
25 the minimum jurisdiction of this court, to attorneys fees, litigation costs,
26 interest, penalties and such other relief as the court deems just and proper.
27
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WHEREFORE, Plaintiffs pray for the following:

1. Compensation for both economic and non-economic damages suffered and to be suffered in a sum according to proof at time of trial;
2. Medical, legal and other expenses incurred by Plaintiffs;
3. Compensatory damages and nominal damages caused by deprivation of Plaintiffs' constitutional rights;
4. Litigation costs;
5. Attorneys' fees, as allowed by statute;
6. Interest;
7. Civil Penalties as allowed by law.
8. Punitive damages against individual defendants but not as to Defendant CITY;
9. Injunctive Relief in the form of a consent decree to prevent BHPD from engaging in racial profiling of Black Americans again in the future.
10. Any other relief or damages allowed by law, or statutes not set out above, and such further relief as this Court deems just and proper at conclusion of trial.

Dated: March 6, 2025

Respectfully Submitted,
BRAD GAGE LAW, APC
The BEN CRUMP LAW FIRM
The SPENCER LAW FIRM

By /s/ Bradley C. Gage

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