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& “CT2” by & through his Guardian *ad Litem* **FIONA BELL**

**UNITED STATES DISTRICT COURT
IN AND FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**BARSHA KNOX, CARLOS
TOWNS & “CT2”** by and through his
Guardian *ad Litem* **FIONA BELL**

Plaintiffs,

vs.

**CITY OF PASADENA, CHIEF
EUGENE HARRIS, PASADENA
P.D. OFC. RALPH PALACIOS,
SGT. BLANCHARD, & LT. CHRIS
KIRBY**, individually and in their
official capacities and DOES 1-10
inclusive,

Defendants.

Case No.: 23-CV-04447

COMPLAINT FOR DAMAGES

- 1. CIVIL RIGHTS VIOLATIONS**
(Excessive Force /False Arrest)
- 2. *MONELL* ALLEGATIONS**
- 3. CONSPIRACY**
- 4. BATTERY**
- 5. NEGLIGENCE**
- 6. *BANE* CIVIL RIGHTS ACT**
- 7. TORTS-IN-ESSENCE**

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1 Plaintiffs allege:

2 **INTRODUCTION.**

3 1. This civil rights action seeks compensatory and punitive damages
4 from Defendants for violating various civil rights under the United States
5 Constitution and state law in connection with the fatal use force on the
6 **PLAINTIFFS.**

7 **PARTIES**

8 2. **BARSHA KNOX**, at all relevant times is a Black female and
9 resident of Pasadena, California, and is the natural mother of Plaintiff **CARLOS**
10 **TOWNS** and Minor, “**CT2**”.

11 3. **CARLOS TOWNS**, at all relevant times is a Black male and resident
12 of Pasadena, California.

13 4. “**CT2**” A Black male Minor who sues through his Guardian *ad Litem*
14 and maternal aunt, **FIONA BELL**.

15 5. Defendant, **RALPH PALACIOS**, a White male¹, at all relevant times
16 was and is a sworn police officer at the **PASADENA POLICE DEPARTMENT**
17 who was acting under color of law within the course and scope of his duties as a
18 peace officer at the Pasadena Police Department (“**PPD**”) when he used excessive
19 force on **PLAINTIFF TOWNS** and would have battered **PLAINTIFF KNOX**,
20 but-for the swift intervention of Pasadena PD rookie officer **TAISYN**
21 **CRUTCHFIELD**, a Black woman.

22 6. Defendant, **SGT. BLANCHARD**, at all relevant times was and is a
23 White male and supervisor at the Pasadena Police Department who was acting
24 under color of law within the course and scope of his duties as a peace officer and
25 supervisor for the Pasadena Police Department (“**PPD**”) with the complete
26 authority and ratification of his principal, Defendant **CITY**, when he stood by and
27 failed to intervene in the unnecessary use of force on Plaintiff **TOWNS** and assault
28

¹ Possibly Latino.

1 **KNOX. BLANCHARD**² then conspired and continues to conspire with Internal
 2 Affairs supervisor, **DEFENDANT CHRISTOPHER KIRBY** to terminate rookie
 3 **TAISYN CRUTCHFIELD** for being brave enough to protect **BARSHA KNOX**
 4 from certain doom at the hands of hothead/ man-child Defendant Officer
 5 **PALACIOS**.

6 7. Defendant, **LT. CHRISTOPHER KIRBY #4949**, at all relevant
 7 times was and is a White male and supervisor at the Pasadena Police Department
 8 who was acting under color of law within the course and scope of his duties as a
 9 peace officer and supervisor for the Pasadena Police Department ("**PPD**") with the
 10 complete authority and ratification of his principal, Defendant **CITY**, as he
 11 conspired and continues to conspire with Internal Affairs supervisor
 12 **DEFENDANT SGT. BLANCHARD**.

13 8. Defendant, **PASADENA POLICE CHIEF EUGENE HARRIS**, at
 14 all relevant times, was a sworn police officer, supervisor and policymaker at the
 15 Pasadena Police Department.

16 9. At all relevant times, Defendant **CITY OF PASADENA ("CITY")**
 17 is and was a duly organized public entity, form unknown, existing under the laws
 18 of the State of California. At all relevant times, CITY was the employer of
 19 Defendants and DOES who were either police officers or firefighters, and DOES
 20 1-10 who were police officer and supervisorial officers, and who were managerial,
 21 supervisorial, and policymaking employees of the CITY police department.

22 11. At all relevant times, Defendants and DOES 1-10 were duly
 23 appointed officers and/or employees or agents of the CITY, subject to oversight
 24 and supervision by CITY's elected and non- elected officials.

25 12. In doing the acts and failing and omitting to act as hereinafter
 26 described, Defendants were acting on the implied and actual permission and

27 ² **BLANCHARD** was recently involved in the cover-up and improper handling and destruction
 28 of evidence in the *Anthony McClain* case (*Williams et. al. v. City of Pasadena et. al.* 20-cv-
 9042VAP). He allowed shooting officer **DUMAGUIDIN** to dispose of bloody gloves in his
 patrol car after Mr. McClain was shot twice in the back by **DUMAGUINDIN**.

consent of CITY.

13. At all times mentioned herein, each and every CITY defendant was the agent of each and every other CITY defendant and had the legal duty to oversee and supervise the hiring, conduct and employment of each and every CITY defendant.

14. The true names of defendants DOES 1 - 10, inclusive, are unknown to Plaintiffs, who therefore sue these defendants by such fictitious names. Plaintiffs will seek leave to amend this complaint to show the true names and capacities of these defendants when they have been ascertained. Each of the fictitious named defendants is responsible in some manner for the conduct and liabilities alleged herein.

15. In May 2023, Plaintiffs filed comprehensive and timely claim for damages with CITY pursuant to applicable sections of the California Government Code.

JURISDICTION AND VENUE

16. This civil action is brought for the redress of alleged deprivations of constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

17. Venue is proper in this Court under 28 U.S.C. § 1391(b), because Defendants reside in, and all incidents, events, and occurrences giving rise to this action occurred in, the County of Los Angeles, California.

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BACKGROUND ON THE INSTANT LAWSUIT

18. On January 22, 2023, Charles TOWNS was shot and killed by Los Angeles Sheriffs' deputies on El Sereno Ave. in Altadena, California, on a street that borders Pasadena. Some Pasadena police officers provided mutual aid and crowd control at the scene of the shooting although it is County's jurisdiction. One of the officers that responded was **RALPH PALACIOS**. Plaintiffs **KNOX**, **TOWNS** and "**CT2**" went to the scene because Charles **TOWNS** and **KNOX** are the parents of **TOWNS** and "**CT2**". Upon their arrival, they encountered Defendant **PALACIOS** who treated them very harshly even after they told him that they believed their father was the person who was shot. **PALACIOS** did not care and instead yelled at them to move although they could see Charles **TOWNS** lying dead in the street, uncovered and freshly executed by police.

19. A short, heavy-set Caucasian LASD Deputy at the El Sereno shooting scene approached **PLAINTIFFS** and **PALACIOS** and ordered **PALACIOS** away from **PLAINTIFFS** and attempted to console **PLAINTIFFS** and explain that the scene needed to be secured. **PLAINTIFFS** later confirmed that their father was deceased and had no further contact with Defendant **PALACIOS** that evening.

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STATEMENT OF FACTS

20. A few weeks later, on or about February 20, 2023 at approx. 2AM while **PLAINTIFFS**, the **PLAINTIFFS**, were standing outside their home near the Pasadena Police station at the corner of Walnut and Marengo Ave. in the City of Pasadena. Unfortunately for the Plaintiffs, they were in their feelings over the loss of Mr. Towns and caught the eye of an officer believed to be Jared BLEDSOE. Officer Bledsoe made contact with the three Plaintiffs and was conversing with them when Defendant **PALACIOS** suddenly ran over from the police department and aggressively took hold of Plaintiff **TOWNS**. **PALACIOS** violently face-planted unarmed Plaintiff **TOWNS** in the flower planter and handcuffed him causing pain and bruising. Ms. **KNOX** observed her son being hurt, protested and tried to intervene. **PALACIOS** yelled at her and she was handcuffed by an unknown White female. **KNOX** feared for the life of her children and she recognized **PALACIOS** from the El Sereno Ave. shooting where he was rude and aggressive there as well. She told **PALACIOS** words to the effect that "you should not be on the street because you are too aggressive", to which he responded that she should respect "his officers". Although **PALACIOS** has only been at the Pasadena Police Department a couple of years, and although Defendant Sgt. **BLANCHARD** was on scene, **PALACIOS** assumed control. **PALACIOS** continued to yell at the handcuffed Barsha **KNOX** and suddenly approached her coming within 1-2 feet and causing her to have an apprehension imminent unlawful and harmful touching. But to Plaintiff **KNOX**' relief, rookie Black female officer **TAISYN CRUTCHFIELD** swiftly intervened, moved between **PALACIOS** and **KNOX**, protecting **KNOX** from assault. Defendant **PALACIOS** was guided away from **KNOX** and the situation was de-escalated. **PALACIOS** responded by violently pushing the **CRUTCHFIELD** and yelling "Don't fucking touch me!" or words to that effect.

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21. Both officers were ordered away from the scene by Defendant Sgt. **BLANCHARD** who watched **PALACIOS** face-plant **TOWNS** but failed to intervene, as required by law.

22. **DEFENDANTS** did not transport the **PLAINTIFFS** to jail, nor were they cited for any violation. **PLAINTIFFS** believe that a Use of Force report nor any other report was written. **PLAINTIFFS** were not given any forms after being battered, handcuffed and placed in patrol units.

23. Defendant Officer **PALACIOS**, **BLANCHARD** and Lt. **KIRBY** then conspired to terminate probationary officer /college track star (100-meter national title holder) / educated Black female and holder of a Masters' degree in Criminology from a UC school because she fulfilled her Constitutional obligation to protect **PLAINTIFFS** as required by law. Defendants (excluding Chief **HARRIS**) waited until the only other Black female at the department, Lt. **GORDON**, was no longer over the Internal Affairs Department to put rookie **TAISYN CRUTCHFIELD** on administrative leave for intervening. **CRUTCHFIELD** is believed to have been put on leave sometime in April, just before she would have completed probation in May, causing her probation to be extended and overtly signaling to everyone in the Department that:

-she will soon be terminated, and

-this is what happens to anyone who does not back "Blue"³ whether the actions of the officer is wrong or right.

Defendants **PALACIOS**, **BLANCHARD**, and **KIRBY** then engaged in specific actions amounting to witness-tampering by causing witness **CRUTCHFIELD** to be subjected to an internal affairs investigation and placed on administrative leave rendering her unable to speak about the excessive force. Witness **CRUTCHFIELD**, daughter of Pasadena Sports Hall of Famer, Tony Crutchfield, Sr., has approx. 100,000 Instagram followers. If Defendants treat this high-profile Black female in this manner, one need not image how they treat the

³ "Thin Blue line" aka code of silence in law enforcement.

1 average Black citizen in Northwest Pasadena. As a patrol officer, this is how Lt.
2 **KIRBY now IA Supervisor** treated Black folks:

3 -In 2009, the **CITY** settled a lawsuit against **KIRBY, Keith GOMEZ**
4 and others in which **KIRBY** was sued for violently throwing an unarmed
5 elderly Black female to the ground and beating up her three teenaged
6 children on El Sereno Ave. The mother and teens were then repeatedly
7 subjected to pretext stops used as a method to harass them afterwards.

8 (*Miller v. City of Pasadena*, Case #05-cv-7467 R-PJW). The mother said:

9 I tried to complain about the treatment of [my son], but
10 instead of answering any questions Officer **KIRBY** shoved
11 me to the ground. Sgt. **GOODMAN** also pushed me, as racial slurs,
12 such as “Nigger” was used, I feel that [my son] and I were
13 mistreated, threatened and abused because of race. [Dkt 86]

14 -In 2009, the **CITY** settled a lawsuit in which **KIRBY** and others were sued
15 after **KIRBY** deceived a Superior Court judge with trumped-up Field
16 Interrogation (FI) cards to get a search warrant and serving said search
17 warrant at the wrong address. When unarmed Black male resident
18 questioned the police presence, **KIRBY** and Keith **GOMEZ** beat him up in
19 front of his children as the kids cried and said, “stop hitting my Daddy”.
20 The resident, Damien Esteem, was not arrested or cited at the scene after
21 being face-planted into the cement. It was not until he made a personnel
22 complaint on **KIRBY, GOMEZ** and others that the **CITY** filed charges
23 against him for 148 PC. Said charge was later dismissed. (*Esteem v. City*
24 *of Pasadena*, Case# 04-662 GHK (MANx).

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1 The harsh reality that should cause Defendant **CHIEF EUGENE HARRIS**
 2 to stop burying his head in the sand and clear out the management level of
 3 suspected White Supremacists, is the fact that the Department allows non-Black
 4 officers to kill, beat-up and harass Black folks through “pretext stops” and trumped
 5 up “field-interrogation” cards, but **punishes or fires Black officers for very**
 6 **minor infractions** or in this case, a heroic effort that preserved life and/ or limb.
 7 Recent incidents more meritorious of examination of Pasadena IA have gone
 8 unaddressed:

9 24. **In July, 2020,** Pasadena Police Sergeant Michael **GLIGORIJEVIC**,
 10 a 20-year veteran of the department, fled from a CHP officer on foot in the Santa
 11 Clarita area while he was off duty. The sergeant was quietly offered diversion by
 12 embattled former District Attorney Jackie Lacey rather than face prosecution on
 13 allegations of resisting arrest, driving under the influence, child endangerment and
 14 leaving his weapon unattended in a vehicle. The California Highway Patrol
 15 provided Sgt. **GLIGORIJEVIC** with a date to appear in court recommending all
 16 of the alleged offenses be charged, but he was ultimately only charged with one
 17 misdemeanor count of resisting arrest. He never actually entered a plea to the
 18 charge and it was dismissed after he completed six months of diversion.⁴

19 25. Former **CHIEF PEREZ** and the Defendant **CITY** did not discipline
 20 Sgt. Michael **GLIGORIJEVIC** who was captured on video committing several
 21 crimes, including child endangerment, suspected drunk driving and fleeing the scene
 22 of a traffic stop or Lt. Shawn **DAWKINS** who was also at the scene. Former Chief
 23 **JOHN PEREZ** had the benefit of having a video which depicted **GLIGORIJEVIC**
 24 and **DAWKINS** committing crimes and he failed to put either of them on
 25 administrative leave for one single day, but witness **CRUTCHFIELD** who is
 26 tantamount to a whistle blower has seemingly been on leave for months now.
 27 (<https://www.facebook.com/TheConversation.Live/videos/724956018914441>)
 28

⁴ By Brennon Dixon Pasadena Star-News Published March 25, 2022 at 10:41 a.m. updated June 1, 2022 at 1:34 p.m.

1 26. Defendant **CHIEF HARRIS** has failed to put **DAWKINS** or
2 **GLIGORIJEVIC** on administrative leave for one single day for these crimes or
3 policy violations. These White officers' careers have been unfettered but this
4 Black female rookie's career has been changed forever. This disparate treatment
5 trickles down and affects the community and the **PLAINTIFFS**.

6 27. **In January 2023**, rookie officer **Osi NEGRETE** had a party at her
7 house while off-duty to which uninformed **on-duty Pasadena Police officers**
8 **attended and consumed copious amounts of alcoholic beverages before**
9 **returning to patrol the streets of Pasadena.**

10 28. Defendant Chief **HARRIS**, Defendant **KIRBY** and Sgt.
11 **BLANCHARD** failed to put one single drunk officer on administrative leave or
12 even open an Internal Affairs investigation about the on-duty officers' actions
13 until, **NEGRETE**'s ex-husband/ retired Pasadena Police officer Omar **EL**
14 **HOSSEINY** went to the police station to complain in March, 2023. **EL**
15 **HOSSEINY** made national headlines after a devastating diagnosis and a month of
16 being in a coma he woke up and married **NEGRETE** in the hospital bed⁵

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⁵ "Police Officer wakes up paralyzed, marries from hospital bed" Source: Today Show August 4,
2016 9:48 AM PDT.

FIRST CLAIM FOR RELIEF
Unreasonable Search and Seizure—Excessive Force, False Arrest, Assault
& Battery

(42 U.S.C. § 1983) (Against All Officer Defendants)

29. Plaintiffs repeat and re-allege each and every allegation in the paragraphs above in this Complaint with the same force and effect as if fully set forth herein.

30. The unjustified detention, assault and battery of Plaintiffs deprived them of their rights to be secure in their persons against unreasonable searches and seizures as guaranteed to them under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

31. The unreasonable use of force by all Defendant OFFICERS (excluding Chief **HARRIS**, and Lt. **KIRBY**) deprived the PLAINTIFFS of their right to be secure in their persons against unreasonable searches and seizures as guaranteed to under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

32. As a result, PLAINTIFFS suffered pain, discomfort and humiliation.

33. As a result of the conduct of the Officer Defendants, they are liable for Plaintiffs injuries, either because they were integral participants in the use of excessive force, or because they failed to intervene to prevent these violations.

34. This use of force was unreasonable under the circumstances, especially since PLAINTIFFS never physically injured or attempted to physically injure the Officer Defendants, or anyone else prior to being arrested. Further, PLAINTIFFS never verbally threatened anyone and never brandished a weapon at the Officer Defendants, or anyone else, prior to being accosted by Defendant **PALACIOS**.

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1 35. Defendants' actions deprived PLAINTIFFS of their right to be free
2 from unreasonable searches and seizures under the Fourth Amendment and applied
3 to state actors by the Fourteenth Amendment.

4 36. The conduct of the Officer Defendants was willful, wanton, malicious,
5 and done with reckless disregard for the rights and safety of PLAINTIFFS and
6 therefore warrants the imposition of exemplary and punitive damages as to the
7 Officer Defendants.

8 37. Plaintiffs also seek attorney fees under this claim.

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SECOND CLAIM FOR RELIEF

Monell Allegations

Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983) (Against HARRIS, KIRBY, BLANCHARD & CITY)

38. Plaintiffs repeat and re-allege each and every allegation in paragraphs listed above in this Complaint with the same force and effect as if fully set forth herein.

39. The assault, battery and false arrest of the **PLAINTIFFS** was immediately defended and covered up by supervisor and Defendant **BLANCHARD** was at the scene and failed to intervene. Defendants **BLANCHARD** and **KIRBY** neglected their duties to immediately admonish Defendant **PALACIOS**, but instead concocted a scheme to cover **PALACIOS'** and **BLANCHARD's** wrongdoing, by not filling out the requisite "Use of Force" forms. Instead, Defendant **KIRBY** placed witness **CRUTCHFIELD** on administrative leave just before her probationary period was set to expire and in order to tamper with her testimony as a witness against **PALACIOS**.

40. Defendant Chief **HARRIS**, seemingly devoid of the concept of witness tampering and equal protection under the law, ratified policies that inherently jeopardizes the safety the Black citizens in Pasadena, specifically in the Northwest Pasadena. Chief **HARRIS** has condoned and ratified policies that allow officers to view their body worn camera ("BWC") footage and patrol camera footage *before making a statement*; he refuses implement the recommendations of his own police consultant, Michael Gennaco, counseling against this practice and a number of other things⁶ discipline officers accused of wrongdoing against community members of color and he has emboldened the officers by creating and maintaining an environment where they know that no matter what they do they will

⁶ The OIR Report investigated the shooting deaths of Black men, Leroy Barnes, Kendrec McDade and Anthony McClain who recently fled from a pretext car stop while riding as a passenger. Former police Chief John Perez who later testify in a deposition in August 2022 that Mr. McClain had a right to walk away from the officer who shot him in the back twice. <https://www.cityofpasadena.net/city-manager/wp-content/uploads/sites/2/Pasadena-McClain-Review-Final-4-12-23.pdf?v=1682096147705>

1 not be punished in any way for inflicting serious bodily injury or killing people of
2 color. Top brass at the Pasadena Police Department have a long history of refusing
3 to discipline officers for excessive force on people of color, especially when they are
4 Non-Black officers⁷.

5 41. As customary with the Pasadena Police Department, Defendant CITY,
6 Chief and Chiefs before him have never been disciplined for the use of excessive
7 force on people of color.

8 42. For some time prior to February 2023 (and continuing to the present
9 date) the Defendant CITY, deprived PLAINTIFFS of the rights and liberties
10 secured to them by the Fourth and Fourteenth Amendments to the United States
11 Constitution, in that, said defendants and their supervising and managerial
12 employees, agents, and representatives, acting with gross negligence and with
13 reckless and deliberate indifference to the rights and liberties of the public in
14 general, and PLAINTIFFS, and of persons in their class, situation and comparable
15 position in particular, knowingly maintained, enforced and applied an official
16 recognized custom, policy, and practice of:

17 (a) Employing and retaining as police officers and other personnel, including
18 the Officer Defendants, DOES 1- 5, at all times material herein knew or reasonably
19 should have known had dangerous propensities for abusing their authority and for
20 mistreating citizens by failing to follow written CITY police department's policies,
21 including the use of excessive force;

22 (b) Of inadequately supervising, training, controlling, assigning, and
23 disciplining CITY officers, and other personnel, including the Officer Defendants,
24 who Defendant CITY knew or in the exercise of reasonable care should have
25 known had the aforementioned propensities and character traits, including the
26 propensity for violence and the use of excessive force;

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28 ⁷ Specifically in the case of the killing of Leroy Barnes, Kendrec McDade and Anthony McClain. In all three of those instances the CITY engaged the services of Michael Gennaco to evaluate the actions of the officers involved yet failing on each account to **implement his recommendations.**

1 (c) By maintaining grossly inadequate procedures for reporting, supervising,
 2 investigating, reviewing, disciplining and controlling the intentional misconduct by
 3 Defendant the Officer Defendants, who are police officers of CITY;

4 (d) By failing to discipline CITY officers' conduct, including but not limited
 5 to, excessive force;

6 (e) By ratifying the intentional misconduct of Defendants BLANCHARD,
 7 K, who are officers of CITY;

8 (f) By having and maintaining an unconstitutional policy, custom, and
 9 practice of using excessive force, including deadly force, which also is
 10 demonstrated by inadequate training regarding these subjects. The policies,
 11 customs, and practices of DOES 1- 5, were done with a deliberate indifference to
 12 individuals' safety and rights; and

13 (g) By failing to properly investigate claims of unlawful detention and
 14 excessive force by CITY police officers. The Pasadena Police Department has a
 15 pattern and practice of using excessive or deadly force on young men of color:

16 43. **On April 24, 2004**, Keith **GOMEZ** shot and killed a Black man,
 17 Maurice Clark. Initially, detectives could not locate Clark's weapon, leading to
 18 speculation that Clark was unarmed.

19 44. **In 2004**, rogue Pasadena Police officers beat, and choked unarmed
 20 Black man, **LAMONT ROBINSON** to death. Officers involved were and are still
 21 the subject of repeated complaints of misconduct and excessive force. Pasadena
 22 Police elected to pay out hundreds of thousands of dollars to resolve the civil
 23 litigation, but again failed to discipline or fire the officers responsible including but
 24 not limited to **Keith GOMEZ**.

25 45. **In 2003**, Pasadena Police officers face-planted **DAMIEN**
 26 **ESTEEM's**, face into cement after he merely asked why police was on his
 27 property. Officers released Mr. Esteem, a Black man, without arrest of citation, but
 28 later charged him criminally when he made a personnel complaint for excessive
 force. The criminal charges were dismissed and Mr. Esteem accepted a monetary

1 settlement to dismiss his excessive force lawsuit for the scratches to his face. In the
2 *Esteem* matter **CHRISTOPHER KIRBY** presented false and unreliable
3 information, namely, unreliable field interview cards to a Superior Court
4 Magistrate Judge and caused a search warrant to issue at 3057 N. Glen Ave.
5 Altadena, CA 91001, without legal cause and sufficient information on
6 the intended target: “Daniel Brown”. Further, Officer **KIRBY** knew or should have
7 known that Daniel Brown did not live at the above location on the date of entry.
8 On or about October 9, 2003, the defendant officers, there, forcibly and illegally
9 entered the plaintiffs’ residence without providing “knock and notice”. Officers
10 smashed a window and entered the bedroom of 15 year-old female, clad only in
11 pajamas, and chased the child with their guns drawn as she ran, screaming for her
12 mother. **KIRBY, KEITH GOMEZ** and others pointed handguns at women and
13 children who posed no threat and who were clearly not the male adult target they
14 had the search warrant for. The child was handcuffed for approx. 30 minutes.

15 46. **In March 2012**, unarmed Black teenager **KENDREC McDADE** was
16 fatally shot by Defendant Officers Jeffrey **NEWLEN** and Matthew **GRIFFIN**,
17 which left him bleeding out asking “why did they shoot me?” before dying. Griffin
18 and Newlen failed to perform CPR or first aid and even hit him with a patrol car
19 after shooting him. The District Attorney’s Office immediately rubberstamped the
20 statements of the officers with little or no investigations and ignored independent
21 counsel Michael Gennaco’s early indications that the Pasadena PD had failed to
22 implement the recommendations offered in the *Barnes Report* after the fatal 2009
23 officer involved shooting (“OIS”) of Leroy Barnes.

24 47. **In September 2016**, Officers Aaron **VILLACANA** and others tased
25 and choked unarmed and mentally unavailable Reginald THOMAS to death after
26 he called police for help. When asked under deposition testimony about the cold-
27 blooded murder, all Defendant Officers, including **VILLACANA** pled the 5th and
28 refused to answer questions for fear that they would be criminally implicated.

1 Aaron **VILLACANA** was a paramedic but refused to administer potentially life-
 2 saving medical assistance to Mr. Thomas. The **CITY** did not discipline
 3 **VILLACANA** but they allowed him to continue being a field training officer
 4 (“FTO”) and simply paid out on the wrongful death lawsuit (*Lindsey et. al v. City*
 5 *of Pasadena et. al.* Case # 16-8602). The Defendant **CITY** also allowed Officers
 6 Jeffrey **NEWLEN** and Matthew **GRIFFIN** to train officer Edwin
 7 **DUMAGUINDIN** and **Ryan MULROONEY** after they killed unarmed teenager
 8 **Kendrec McDADE** eight times and ran him over with a patrol car.

9 In August 2020, Officers Edwin **DUMAGUINDIN** and his partner, Ryan
 10 **MULROONEY** initiated a pretext car stop on a car Anthony McClain was a
 11 passenger in. While **MULROONEY** spoke with the driver on the sidewalk,
 12 **DUMAGUINDIN**, (a move that would later be criticized by police consultant
 13 Michael Gennaco) ordered Anthony McClain out of the vehicle. Mr. McClain ran
 14 and was shoot twice in the back by **DUMAGUINDIN**. The **CITY** settled part of
 15 that wrongful death lawsuit by for over \$8 million dollars in payments to Mr.
 16 McClain’s children and father. The final portion of the lawsuit involving
 17 McClain’s putative mother is still pending in federal district court.

18 48. Defendants, together with various other officials, whether named or
 19 unnamed, had either actual or constructive knowledge of the deficient policies,
 20 practices and customs alleged in the paragraphs above. Despite having knowledge
 21 as stated above these defendants condoned, tolerated and through actions and
 22 inactions thereby ratified such policies. Said defendants also acted with deliberate
 23 indifference to the foreseeable effects and consequences of these policies with
 24 respect to the constitutional rights of Plaintiffs, and other individuals similarly
 25 situated.

26 49. By perpetrating, sanctioning, tolerating and ratifying the outrageous
 27 conduct and other wrongful acts, “supervisory DEFENDANTS”, acted with an
 28 intentional, reckless, and callous disregard for Plaintiffs’ constitutional rights.

Each of their actions were willful, wanton, oppressive, malicious, fraudulent, and extremely offensive and unconscionable to any person of normal sensibilities.

50. Furthermore, the policies, practices, and customs implemented and maintained and still tolerated by the CITY, and “supervisory DEFENDANTS” and unknown Defendants were affirmatively linked to and were a significantly influential force behind the injuries of Plaintiffs.

51. By reason of the aforementioned acts and omissions of Defendants DOES 1-10, Plaintiffs have suffered, and accordingly, Defendants DOES 1-10, each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

52. By reason of the aforementioned policies and practices of Defendants, PLAINTIFFS have been injured and subjected to pain and suffering.

THIRD CAUSE OF ACTION CONSPIRACY (Per 42 U.S.C. Section 1985)

53. Plaintiffs repeat and re-allege each and every allegation in paragraphs above in this Complaint with the same force and effect as if fully set forth herein.

54. Defendant **PALACIOS, BLANCHARD, KIRBY** and DOES 1-10, have joined in and carried out a mutually supportive conspiracy to deprive **PLAINTIFFS** of their rights against unreasonable seizures, and due process guarantees by participating in a mutually supportive, corrupt effort to deny and violate Plaintiffs’ constitutional rights and to tamper with witnesses against them by fast tracking the termination of rookie, **Taisyn CRUTCHFIELD**.

55. Defendants, together with other unknown co-conspirators, including police supervisors, and command personnel, together reached an understanding, engaged and continue to engage in a course of conduct, and otherwise jointly acted and conspired among and between themselves to commit unconstitutional overt acts, including the racial discrimination, racial profiling and harassment of African Americans in Northwest Pasadena, retaliation against those who object to the

1 violations of constitutional rights, and deliberate indifference to those officers who
2 deprive others of constitutional rights. In this case, Defendants **PALACIOS**,
3 **BLANCHARD**, and **KIRBY** engaged in specific actions amounting to witness
4 tampering by causing witness **CRUTCHFIELD** to be subjected to an internal
5 affairs investigation and placed on administrative leave where she is prohibited
6 from speaking about the excessive force. Witness **CRUTCHFIELD** appears to
7 have a considerable Instagram following at nearly 100,000.

8 56. Because the conspiracy or conspiracies and the overt actions in
9 furtherance thereof were done and continue to be done with the knowledge and
10 purpose of depriving PLAINTIFFS, who are African American, and numerous
11 other African-American victims of the equal protection of the laws and equal
12 privilege and immunities under the law, and with racial animus toward the
13 Plaintiffs and the other victims of this racially motivated conspiracy, the
14 Defendants also deprived Plaintiffs of their right to equal protection of the laws
15 under the Fourteenth Amendment, and 42 U.S.C. § 1985.

16 57. Defendants together with other as yet unnamed Doe co-conspirators,
17 knowing that the above § 1985 conspiracy to deprive African-Americans of their
18 rights, and having the power, authority and duty to prevent or aid in preventing the
19 commission of the acts in furtherance of the conspiracy, neglected and refused to
20 do so, in violation of 42 U.S.C. § 1986.

21 58. As a direct and proximate result of the foregoing, PLAINTIFF
22 sustained injury and damage as alleged above.

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FOURTH CLAIM FOR RELIEF

Battery

(Cal. Govt. Code § 820 and California Common Law)

(Against the Defendant PALACIOS & Does 1-10)

59. Plaintiffs repeat and re-allege each and every allegation in paragraphs above in this Complaint with the same force and effect as if fully set forth herein.

60. Defendant Officer **PALACIOS**, while working as police officer was acting within the course and scope of his employment with the CITY, intentionally face-planted Plaintiff **CARLOS TOWNS** by shoving him face forward into a planter without cause, thereby using unreasonable and excessive force against him. **PALACIOS** also assaulted and falsely imprisoned **BARSHA KNOX** and minor **“CT2”**.

61. As a result of the actions of Defendant Officers actions, the plaintiffs suffered pain and humiliation. There was no legal justification for using force against PLAINTIFFS, and their use of force while carrying out their duties as officers for the CITY was an unreasonable and non-privileged use of force.

62. The CITY is vicariously liable for the wrongful acts of Defendants and DOE OFFICERS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee’s act would subject him or her to liability.

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FIFTH CLAIM FOR RELIEF

Negligence

(Cal. Govt. Code § 820 and California Common Law)

63. Plaintiffs repeat and re-allege each and every allegation in paragraphs above in this Complaint with the same force and effect as if fully set forth herein.

64. The actions and inactions of the Defendants, were negligent and reckless, including but not limited to:

(a) the failure to properly and adequately assess the need to detain, arrest, and use force on Plaintiffs;

(b) the negligent tactics and handling of the situation,

(c) the negligent detention, arrest, and use of force,

(d) negligent infliction of emotional distress; and

(e) the negligent handling of evidence and witnesses.

65. Specifically, CHIEF and unknown supervisors at the Pasadena Police Department had a duty to instruct and institute policies and procedures and as a direct result of their failure and as a proximate result of defendants' conduct as alleged above, and other undiscovered negligent conduct, PLAINTIFFS were caused pain and suffering. Also as a direct and proximate result of defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish and pain and have been injured in mind and body.

66. CITY is vicariously liable for the wrongful acts of the Officer Defendants pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

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SIXTH CAUSE OF ACTION

(Violation of the *BANE* Act Cal. Civil Code § 52.1)

(By All Plaintiffs against All Defendants)

67. Plaintiffs repeat and re-allege each and every allegation in paragraphs above this Complaint with the same force and effect as if fully set forth herein.

68. California Civil Code, Section 52.1 (the *Bane* Act), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person's constitutional rights.

69. On information and belief, Defendant Officers and DOE OFFICERS, inclusive, while working for the CITY and acting within the course and scope of their duties, intentionally committed and attempted to commit acts of violence against by integrally participating and failing to intervene in the above violence, and by denying him necessary medical care.

70. The conduct of Defendants was a substantial factor in causing Plaintiffs' harms, losses, injuries, and damages.

71. CITY is vicariously liable for the wrongful acts of Defendants and DOE OFFICERS, inclusive, pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

72. The conduct of Defendants was malicious, wanton, oppressive, and accomplished with a conscious disregard for PLAINTIFFS's and Plaintiffs' rights, justifying an award of exemplary and punitive damages as to the individual responding Defendants and DOE OFFICERS.

73. Plaintiffs seek attorneys' fees.

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**SEVENTH CAUSE OF ACTION
“TORTS-IN-ESSENCE”**

(Against Individual Defendant OFFICERS excluding CHIEF)

74. Plaintiffs restate and incorporate by reference, as though fully set forth herein, the allegations contained in all paragraphs above. Pursuant to CA Gov. Code Section 815.6, which creates a private right of action for the alleged breaches of the various penal code sections listed in this Complaint, the officers Defendants and each of them, owed to Plaintiffs non-consensual duties, and Plaintiffs hereby set forth that the individual Officer Defendants violated the following California Penal Code Sections: 149 (felonious excessive force by a peace officer), 240 (assault), and 242 (battery) §182 (conspiracy) §136.1 (witness tampering).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray, and request entry of judgment in their favor and against Defendants, as follows:

- 75. For compensatory damages, in the amount to be proven at trial;
- 76. For punitive damages against the individual defendants in an amount to be proven at trial;
- 77. For interest;
- 78. For reasonable costs of this suit and attorneys’ fees; and
- 79. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: 6/6/23

LAW OFFICES OF CAREE HARPER

/S/ Caree Harper
Attorneys for PLAINTIFFS

DEMAND FOR JURY TRIAL

All Plaintiffs demand a jury trial.

LAW OFFICES OF CAREE HARPER

/S/ Caree Harper

Attorneys for PLAINTIFFS