

1 David B. Sapp (SBN 264464)
dsapp@aclu-sc.org
2 Peter Bibring (SBN 223981)
pbibring@aclu-sc.org
3 ACLU FOUNDATION OF
SOUTHERN CALIFORNIA
4 1313 West Eighth Street
Los Angeles, California 90017
5 T: (213) 977-9500, F: (213) 977-5297

6 Bert Voorhees (SBN 137623)
bv@tvlegal.com
7 TRABER & VOORHEES
128 N. Fair Oaks, Suite 204
8 Pasadena, CA 91103
T: (626) 585-9611, F: (626) 585-1400

9 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 K.L., by her Guardian Ad Litem Osiel Lopez;
13 ANTHONY PARKER; L.P., by his Guardian
Ad Litem Juana Farfan; C.M., by his Guardian
14 Ad Litem Christine Clavesilla; GIOVANNI
PABLO; A.F. by her Guardian Ad Litem
15 Cristina Pablo; and ALEJANDRO
BARAJAS, on behalf of themselves and all
16 those similarly situated,

17 Plaintiffs,

18 vs.

19 CITY OF GLENDALE; COUNTY OF LOS
ANGELES; CITY OF LOS ANGELES;
20 MICHAEL ROCK, in his individual and
official capacities; OFFICER RILEY, in his
21 individual capacity; OFFICER BICKELLS,
his individual capacity; OFFICER
22 QUINTERO, his individual capacity;
OFFICER PARK, his individual capacity;
23 THOMAS VAN HOOFF, in his official and
individual capacity; GILDA DAVIS, in her
24 individual capacity; JENNIFER EARL, in her
individual and official capacities; HAGOP
25 EULMESSEKIAN, in his individual capacity;
CAROLINE SWEENEY, in her individual
26 capacity; ARA MGRDICHIAN, in his
individual capacity; ALEX GARCIA, in his
27 individual capacity; and DOES 1-30, in their
individual capacities,

28 Defendants.

CASE NO.:

CLASS ACTION

**COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY
RELIEF, AND
DAMAGES**

JURY TRIAL DEMANDED

INTRODUCTION¹

1
2 1. It is not against the law to be a Latino high school student. Yet, on
3 Friday, September 24, 2010, administrators at Hoover High School (“HHS”) in
4 Glendale, California, in coordination with officers from the Glendale Police
5 Department (“GPD”), the Los Angeles Police Department (“LAPD”), and the Los
6 Angeles County Probation Department (“Probation Department”), acted as though
7 it were, when they rounded up, interrogated, photographed, and collected personal
8 information from approximately 56 students solely because they are or appear to
9 be Latino.

10 2. At the start of the lunch period, school administrators rounded up
11 students into two classrooms, where approximately a dozen armed uniformed and
12 plainclothes police officers were stationed. Police, probation officers, and school
13 administrators proceeded to detain the students for between 30 and 90 minutes.
14 During that time, the police officers interrogated the students about their personal
15 information and activities, forced them to pose for mock “mug shots,” threatened
16 them with recurring police visits, told students to “sit down and shut up” when they
17 asked why they were being detained, and in some cases searched students and their
18 belongings without consent. Police and administrators told the students that they
19 could not leave until they had submitted to interrogation, and enforced this order
20 with armed police officers stationed around the classrooms and by the classroom
21 doors.

22 3. During their detention, police officers told various students that they
23 could no longer eat lunch at certain tables on school property; that they could no
24 longer spend time with their Latino classmates who had also been targeted; that the

25
26 ¹ The allegations of this Complaint are based on information and belief, unless
27 otherwise specified.

1 police officers would show up at their houses at 6 a.m. if the students did not
2 provide their personal information as the officers demanded; that they were on a
3 “gang list” and that the police would keep their photographs and information
4 collected during the operation on file; that if the students got in trouble in the
5 future, the police would easily identify them based on the information they were
6 collecting; and that their personal information was being collected so that the
7 officers could assess whether the students were “on the right path.”

8 4. At the time they were targeted, the students were doing nothing
9 wrong. They were not violating any laws or school rules, and the school officials
10 and law enforcement officers who conducted the operation had no basis to believe
11 any of the students were engaged in unlawful conduct.

12 5. All of the students whom Defendants targeted are or appear to be
13 Latino, even though the student body at HHS is only about 25 percent Latino.
14 Additionally, in identifying students who were to be detained in a classroom on the
15 first floor of HHS, HHS administrators ordered a group of Latino males sitting at a
16 cluster of tables to report to a classroom, while allowing another student sitting at
17 those tables, who does not appear to be Latino, to remain outside. Although this
18 student regularly sits with the group of Latino students, he was not required to
19 report to the classroom because he does not appear to be Latino. Finally,
20 Defendant Michael Rock, a captain in GPD who approved the operation,
21 responded to concerns that Defendants had targeted only Latino students by stating
22 that, at the time Defendants planned and executed the roundup of the Latino
23 students, they planned to conduct a similar operation targeting Armenian students.

24 6. This operation was illegal and violated the rights of the students
25 whom Defendants targeted. It also was harmful to the students, many of whom
26 were terrified and intimidated by the show of force and believed they might be
27 arrested, even though they had broken no laws and had not violated any school
28 rules. Finally, the operation undermined trust between school officials and law

1 enforcement officers, on the one hand, and students, parents and the community,
2 on the other hand. Those harms were compounded by the refusal of administrators
3 at HHS and within Glendale Unified School District and supervisory officers
4 within GPD and LAPD to confirm, in writing, that any information collected by
5 HHS or the police during the September 24 operation had been destroyed or to
6 acknowledge formally that the operation was a mistake and that similar operations
7 would not occur in the future.

8 7. The government employees who planned, coordinated, and executed
9 this operation acted under color of state law and used their positions of authority
10 not only to violate the rights of Plaintiffs and their peers, but also to intimidate
11 students, most of whom were minors, into changing behavior that was not illegal
12 and forcing them to stop hanging out with certain other students at HHS, even
13 though they were not breaking any laws by associating with their friends. This
14 outrageous conduct is all the more offensive because it occurred at school, which is
15 supposed to be a safe place with a welcoming environment that supports academic
16 success, and occurred with the active involvement of school administrators, who
17 are supposed to be educators first and foremost. In a free society, such coercive
18 tactics cannot and should not be tolerated.

19 8. Although each Defendant took an active role in planning and
20 executing the roundup, the plan for the roundup was based on similar roundups
21 that Los Angeles County Probation officers regularly plan and conduct at other
22 schools.

23 9. Plaintiffs seek injunctive relief and declaratory relief on behalf of
24 themselves and a class of similarly situated students whom Defendants subjected to
25 detention, interrogation, threats, photographing, and in some cases search, because
26 of their race and without their consent, at Hoover High School on September 24,
27 2010. Additionally, the named Plaintiffs seek compensatory and punitive damages
28 for themselves against Defendants for the violations of numerous rights during the

1 September 24 roundup.

2
3 **JURISDICTION**

4 10. Plaintiffs' claims for declaratory, injunctive, and monetary relief are
5 brought pursuant to the Fourth, and Fourteenth Amendments to the Constitution of
6 the United States; 42 U.S.C. § 1983; 42 U.S.C. § 1985; Article 1, Sections 7 and 13
7 of the California Constitution; and Cal. Civ. Code §§ 52 and 52.1.

8 11. This Court has jurisdiction over Plaintiffs' federal claims under 28
9 U.S.C. §§ 1331, 1343, and 2201. The Court has supplemental jurisdiction over the
10 state law claims alleged in this complaint pursuant to 28 U.S.C. § 1367.

11 Declaratory relief is authorized under 28 U.S.C. §§ 2201 and 2202.

12 12. All administrative remedies have been exhausted. Plaintiffs have each
13 filed administrative claims for damages under the California Government Claims
14 Act, based on the violations of California law alleged in this complaint, and those
15 claims have been denied.

16
17 **VENUE**

18 13. Venue is proper in the Central District of California under 28 U.S.C.
19 § 1391(b) because all of the acts and/or omissions complained of herein occurred
20 or will occur in the District.

21
22 **PARTIES**

23 14. Plaintiff K.L. is a 16-year old resident of Los Angeles County,
24 California. K.L. was a tenth-grade student at HHS at the time of the roundup.

25 15. Plaintiff Anthony Parker is an 18-year old resident of Los Angeles
26 County, California. Mr. Parker was a tenth-grade student at the time of the
27 roundup.

28 16. Plaintiff L.P. is a 16-year old resident of Los Angeles County,

1 California. L.P. was a tenth-grade student at the time of the roundup.

2 17. Plaintiff C.M. is a 17-year old resident of Los Angeles County,
3 California. C.M. was an eleventh-grade student at the time of the roundup.

4 18. Plaintiff Giovanni Pablo is an 18-year old resident of Los Angeles
5 County, California. Mr. Pablo was an eleventh-grade student at the time of the
6 roundup.

7 19. Plaintiff A.F. is a 16-year old resident of Los Angeles County,
8 California. A.F. was a tenth-grade student at the time of the roundup.

9 20. Plaintiff Alejandro Barajas is an 18-year old resident of Los Angeles
10 County, California. Mr. Barajas was an eleventh-grade student at the time of the
11 roundup.

12 21. Defendant Michael Rock is and was at all relevant times a Captain in
13 GPD and Supervisor of the Detective Division, acting in the course and scope of
14 his employment and under color of state law. As more fully set forth herein,
15 Defendant Rock personally approved of and authorized the seizure, search,
16 detention, interrogation, and/or collection and maintenance of personal data
17 relating to one or more of the Plaintiffs. Defendant Rock is sued in his individual
18 and official capacities.

19 22. Defendant Officers Riley, Bickells, Quintero, Park, and Does 1-10 are
20 and at all relevant times were, duly appointed and employed as police officers by
21 the GPD and were at all relevant times acting in the course and scope of their
22 employment and under color of state law. As more fully set forth herein, each of
23 these defendants participated in the seizure, search, detention, interrogation, and/or
24 collection and maintenance of personal data relating to one or more of the
25 Plaintiffs. These police officers are sued in their individual capacities.

26 23. Defendant City of Glendale ("City") is a municipality duly organized
27 under the laws of the State of California. At all relevant times, the Glendale Police
28 Department was a branch or agency of City. Liability under California law for

1 Defendant City and its employees is based on California Government Code § 815.2
2 and § 820. Plaintiffs timely filed a tort claim with Defendant City and therefore
3 complied with the California Government Claims Act.

4 24. Defendant Los Angeles County (“County”) is a municipality duly
5 organized under the laws of the State of California. At all relevant times, the Los
6 Angeles Probation Department was a branch or agency of County. Liability under
7 California law for Defendant County and its employees is based on California
8 Government Code § 815.2 and § 820. Plaintiffs timely filed a tort claim with
9 Defendant County and therefore complied with the California Government Claims
10 Act.

11 25. Defendant City of Los Angeles is a municipality duly organized under
12 the laws of the State of California. At all relevant times, the Los Angeles Police
13 Department was a branch or agency of the City of Los Angeles. Liability under
14 California law for Defendant City of Los Angeles and its employees is based on
15 California Government Code § 815.2 and § 820. Plaintiffs timely filed a tort claim
16 with Defendant City of Los Angeles and therefore complied with the California
17 Government Claims Act

18 26. Defendant Officers Does 11-20 are, and at all relevant times were,
19 duly appointed and employed as police officers by the LAPD, acting in the course
20 and scope of their employment and under color of state law. As more fully set
21 forth herein, each of these defendants participated in the seizure, search, detention,
22 interrogation, and/or collection and maintenance of personal data relating to one or
23 more of the Plaintiffs. These officers are sued in their individual and official
24 capacities. Liability under California law for Defendant City of Los Angeles and
25 its employees is based on California Government Code § 815.2 and § 820.
26 Plaintiffs timely filed a tort claim with Defendant County and therefore complied
27 with the California Government Claims Act.

28 27. Defendant Thomas Van Hoof is and was at all times duly appointed

1 and employed by the Los Angeles County Probation Department as a supervising
2 probation officer, in which capacity Defendant Van Hoof directs school-based
3 probation officers. As more fully set forth herein, Defendant Van Hoof was
4 involved in the planning and the seizure, search, detention, interrogation, and/or
5 collection and maintenance of personal data relating Plaintiffs, and was present at
6 HHS and in at least one of the rooms during the roundups. He is sued in his
7 individual and official capacities.

8 28. Defendant Gilda Davis is and was at all relevant times duly appointed
9 and employed by the Los Angeles Probation Department as a school-based
10 probation officer and was at all relevant times acting in the course and scope of her
11 employment and acting under color of state law. As more fully set forth herein,
12 Defendant Davis was involved in the planning and the seizure, search, detention,
13 interrogation, and/or collection and maintenance of personal data relating to one or
14 more of the Plaintiffs. She is sued in her individual capacity.

15 29. Defendant Jennifer Earl is and was at all relevant times employed by
16 the Glendale Unified School District as Principal at Hoover High School. All
17 actions taken by Defendant Earl at Hoover High School were taken while acting in
18 the course and scope of her employment and were taken under color of state law.
19 As more fully set forth herein, Defendant Earl was involved in the planning and the
20 seizure, search, detention, interrogation, and/or collection and maintenance of
21 personal data relating to one or more of the Plaintiffs. She is sued in her individual
22 and official capacities.

23 30. Defendant Hagop Eulmessekian is and was at all relevant times
24 employed by the Glendale Unified School District as an Assistant Principal at
25 Hoover High School. All actions taken by Defendant Eulmessekian at Hoover
26 High School were taken while acting in the course and scope of his employment
27 and were taken under color of state law. As more fully set forth herein, Defendant
28 Eulmessekian was involved in the planning and the seizure, search, detention,

1 interrogation, and/or collection and maintenance of personal data relating to one or
2 more of the Plaintiffs. He is sued in his individual capacity.

3 31. Defendant Caroline Sweeney is and was at all relevant times
4 employed by the Glendale Unified School District as an Assistant Principal at
5 Hoover High School. All actions taken by Defendant Sweeney at Hoover High
6 School were taken while acting in the course and scope of her employment and
7 were taken under color of state law. As more fully set forth herein, Defendant
8 Sweeney was involved in the planning and the seizure, search, detention,
9 interrogation, and/or collection and maintenance of personal data relating to one or
10 more of the Plaintiffs. She is sued in her individual capacity.

11 32. Defendant Ara Mgrdichian is and was at all relevant times employed
12 by the Glendale Unified School District as a Counselor. All actions taken by
13 Defendant Mgrdichian at Hoover High School were taken while acting in the
14 course and scope of his employment and were taken under color of state law. As
15 more fully set forth herein, Defendant Mgrdichian was involved in the planning
16 and the seizure, search, detention, interrogation, and/or collection and maintenance
17 of personal data relating to one or more of the Plaintiffs. He is sued in his
18 individual capacity.

19 33. Defendant Alex Garcia is and was at all relevant times employed by
20 the Glendale Unified School District as a Counselor. All actions taken by
21 Defendant Garcia at Hoover High School were taken while acting in the course and
22 scope of his employment and were taken under color of state law. As more fully
23 set forth herein, Defendant Garcia was involved in the planning and the seizure,
24 search, detention, interrogation, and/or collection and maintenance of personal data
25 relating to one or more of the Plaintiffs. He is sued in his individual capacity.

26 34. Defendants Does 21-25 are and were at all relevant times employed
27 by the Glendale Unified School District and acting under color of state law and in
28 the course and scope of their employment. Does 21-25 were involved in the

1 planning and the seizure, search, detention, interrogation, and/or collection and
2 maintenance of personal data relating to one or more of the Plaintiffs. They are
3 sued in their individual capacities.

4 35. Defendants Does 26-30 are and were at all relevant times employed
5 by the County of Los Angeles Probation Department and acting under color of
6 state law and in the course and scope of their employment. Does 26-30 were
7 involved in the planning and the seizure, search, detention, interrogation, and/or
8 collection and maintenance of personal data relating to one or more of the
9 Plaintiffs. They are sued in their individual capacities.

10 11 **FACTUAL ALLEGATIONS**

12 36. Approximately 2,100 students attend HHS. The student body is
13 diverse. About 57 percent of the students are Caucasian (of which 43 percent are
14 of Middle Eastern, primarily of Armenian descent); 25 percent are Latino; 9
15 percent are Asian; 7 percent are Filipino; and 2 percent are of other backgrounds.²

16 37. Various groups of friends and classmates eat lunch in different places
17 around the campus. One group of mostly Latino students, including Plaintiffs K.L,
18 Parker, L.P., C.M., Pablo, and A.F., regularly ate lunch at a cluster of tables on the
19 first floor of HHS. Another group of mostly Latino students, including Plaintiff
20 Barajas, regularly ate lunch on the second floor of HHS.

21 **The Roundup of Latino Students on September 24, 2010**

22 38. Before the lunch period on Friday, September 24, 2010, gang officers
23 from GPD and LAPD arrived at HHS and stationed themselves in two classrooms,
24 which were near the tables where the two groups of mostly Latino students

25
26 _____
27 ² Hoover High School History and Info, available at
28 <http://www.hooverhs.org/23191091185641103/site/default.asp> (last visited
October 11, 2011).

1 regularly ate lunch. As the students walked to the tables, HHS administrators
2 stopped them and directed them to the classrooms, one on the first floor and one on
3 the second floor.

4 39. Two HHS administrators – Defendants Eulmessekian and Mgrdichian
5 – approached the students on the first floor and told them that they needed to attend
6 a “meeting.” The administrators then escorted the students into a classroom where
7 at least four uniformed GPD officers and one plainclothes police officer were
8 waiting. These officers included Defendants Bickells, Riley, Quintero, and Park.
9 Also in the room were Defendant Sweeney, an assistant principal, and Defendant
10 Davis, the school-based probation officer, and, for a portion of the incident,
11 Defendant Earl. Plaintiffs K.L, Parker, L.P., C.M., Pablo, and A.F. and
12 approximately 20 other students – all of whom are Latino – were corralled into this
13 first-floor classroom. Armed and uniformed police officers were stationed near the
14 classroom’s two doors, and other police officers, as well as HHS administrators,
15 were arrayed around the room. Toward the end of the incident, three or four
16 officers wearing LAPD uniforms entered the room and helped process the students.

17 40. Meanwhile, on the second floor, an HHS administrator – Defendant
18 Garcia – directed students into the second-floor classroom. At least three LAPD
19 officers, one GPD officer, and an HHS administrator were waiting inside. As in
20 the first floor classroom, armed and uniformed police officers were stationed near
21 the classroom’s entrance, and other police officers, as well as HHS administrators,
22 were arrayed around the room. Officers in this classroom frisked many of the
23 students as they were brought into the room. In total, approximately 25 Latino
24 students, including Plaintiff Barajas, were detained in the second-floor classroom.

25 41. In both classrooms, police officers told students that the police would
26 interview each student and that they had to provide the police with their personal
27 information. The students were informed that they could not leave the classroom
28 until they had provided their information.

1 42. The police officers in both rooms then interrogated students
2 individually. Officers demanded students' personal information such as their
3 name, address, phone number, hair and eye color, age, weight, and birthday. The
4 officers asked about any tattoos or scars, took notes based on the students'
5 responses, and took photographs of students' tattoos. Officers also asked students
6 about criminal involvement, including whether they had ever been arrested or
7 placed on probation. Some officers used their police radios to relay information
8 that students provided.

9 43. During the individual interrogations, officers in both classrooms wrote
10 notes of what students told them on white index cards. The officers then took
11 "mug shots" of each student by instructing the student to hold up the card with his
12 or her information, facing out, and then taking a photograph of the student with the
13 card. Each one of the Plaintiffs was interviewed and photographed in this manner.
14 When one student objected and said that he wanted the information that had been
15 collected shredded because he had done nothing wrong, the police ignored him and
16 took his picture before releasing him.

17 44. During the operation, police officers told various students that they
18 were on a "gang list," that the police were gathering the students' photographs and
19 personal information so the police could easily identify the students if they got in
20 trouble in the future, and that the students' personal information was being
21 collected so that the officers could assess whether the students were "on the right
22 path." Defendants also asserted that the students who had been targeted either
23 belonged to or admired particular gangs.

24 45. While the students were detained, the police officers threatened the
25 students and used their official authority to intimidate the students into complying
26 with their demands, including, but not limited to the following:

- 27 • When one student raised his voice and asked why the police were targeting
28 only one race, a police officer handcuffed the student and announced to the

1 rest of the students, "This is what happens to tough guys," as police officers
2 removed the student from the classroom.

- 3 • When other students asked why they were being detained, a police officer
4 told them, "Be quiet and keep your mouths shut."
- 5 • Another police officer told the students that they could no longer sit together
6 at lunch or hang out with each other in or outside of school and that, if they
7 did, the police would come back and the students would be in "even more
8 trouble."
- 9 • When another student protested that he was not a gang member, a police
10 officer proceeded to interrogate the student over his objections.
- 11 • When one male student tried to refuse to have his picture taken, the officers
12 threatened him and the other students, saying that if the students did not
13 cooperate, the officers would have to go to their homes at 6 a.m. and tell
14 their parents that the students were associating with gang members and
15 would obtain the students' information then.

16 46. During the operation, police officers confiscated several students' cell
17 phones and held them until the students were released. Officers reviewed text
18 messages on at least one student's phone. Neither the police nor the school
19 administrators asked for the consent of these students to search their cell phones,
20 nor did police or administrators have any reasonable basis to suspect that the cell
21 phones contained contraband or evidence of wrongdoing.

22 47. During the operation, defendants also confiscated the backpacks of
23 several students, including Plaintiffs K.L. and A.F., searched the bags, and
24 removed student IDs that had been kept in the bags. Neither the police nor the
25 school administrators asked for the consent of these students to search their
26 backpacks, nor did police or administrators have any reasonable basis to suspect
27 that the bags contained contraband or evidence of wrongdoing.

28 48. During the time the students were detained in the classrooms,

1 Defendants made it clear that the students were not free to leave. When one
2 student asked why he was there and stated that he wanted to leave, a police officer
3 told him to "sit down and shut up," while Defendant Eulmessekian told him that he
4 needed to be interviewed before he could leave. When another student asked to
5 use the bathroom, a police officer told her that she could not leave the room until
6 after her interview. When a third student protested that the police were intruding
7 on their lunch period, Defendant Eulmessekian called security officials who then
8 brought food for the students to the classroom. Finally, Plaintiff K.L.'s sister
9 learned that students, including her sister, were being questioned by police and
10 went directly to HSS to request an early dismissal for her sister. When the school
11 employee at the front office contacted Defendant Eulmessekian via radio to notify
12 him that K.L. needed to report to the front office for early dismissal, Defendant
13 Eulmessekian told the police officers that K.L. had to be interrogated and
14 photographed because she had to leave the classroom. Only after she had been
15 interrogated and photographed was she allowed to leave.

16 49. Students on the first floor were detained between about 60 and 90
17 minutes. Students on the second floor were detained for between about 30 and 60
18 minutes. Many students missed most or all of their fifth-period classes following
19 the lunch period because the police did not let them leave until they were
20 interviewed and photographed.

21 **Defendants Conspired to Violate Plaintiffs' Rights by Targeting Them**
22 **Because They Are or Appear to Be Latino and by Detaining and Searching**
23 **Them without Individualized Suspicion**

24 50. Based on the execution of the roundup and the interaction of the
25 various officers, the operation was clearly coordinated among the various
26 government agencies involved, with the police officers from GPD and LAPD
27 arriving just prior to lunch and positioning themselves in classrooms near where
28 the targeted students typically sat for lunch. School administrators identified the

1 students who were required to enter the classrooms for interrogation as they
2 approached the tables, and Defendant Davis maintained a list of the students who
3 were detained during the operation. When the police officers who had been
4 stationed in the classroom on the second floor finished interrogating the students
5 on the second floor, they proceeded downstairs to the first floor classroom to assist
6 the school administrators and police officers in processing the remaining students.

7 51. Defendants targeted the students because they were or appeared to be
8 Latino. One student who is part Filipino and does not appear Latino regularly sat
9 at the tables on the first floor. This student was not instructed by the police
10 officers or school administrators to join the other students with whom he regularly
11 sits, and he continued to eat lunch while the other students, all of whom are or
12 appear to be Latino, were detained and interrogated in the classroom. Defendant
13 Rock later suggested that Defendants had not targeted only Latino students because
14 they had planned a similar operation at HHS targeting Armenian students.

15 52. In total, approximately 56 students – all Latino, and all of whom were
16 on school property and engaged in ordinary and proper activities associated with
17 attending school – were directed to enter one of the two classrooms, detained,
18 interrogated, threatened, and in many cases photographed and searched.
19 Defendants never identified any particular reason to believe that plaintiffs or any
20 other students in either room had violated any school policy, rule, or regulation or
21 had otherwise engaged in any unlawful conduct, nor did they have any such reason
22 or belief.

23 53. In coordinating and executing the roundup, the individual Defendants
24 abused their authority, took advantage of the weakness of Plaintiffs' position to
25 violate Plaintiffs' rights, and acted with willful and conscious disregard of the
26 plaintiff's rights and with knowledge that their conduct would cause emotional
27 harm to Plaintiffs.

28 //

1 **Defendants' Actions Caused Plaintiffs Emotional Harm**

2 54. The event left many of the students traumatized, fearful that they
3 would be arrested or detained in the future as a consequence of being targeted in
4 this operation, and wondering why only they – and not their non-Latino classmates
5 – had been targeted by the police and HHS administration.

6 55. Some of the Plaintiffs and other students became terrified from the
7 moment they first entered the classrooms filled with school administrators and
8 armed police, and remained terrified while Defendants held them there against
9 their will and subjected them to abusive language, invasive questioning, and threats
10 of further police action. Plaintiffs felt powerless and humiliated while police
11 questioned them, photographed tattoos, and forced them to pose for mock mug
12 shots. Because the officers told the students that they would come back if the
13 students continued hanging out together and that their photographs would be kept
14 in a gang file, Plaintiffs and other students believed that the police and school had
15 somehow marked them as gang members.

16 56. Following the incident, Plaintiffs and other students continued to
17 suffer from fear and shock. Plaintiffs variously lost their appetites, became
18 withdrawn around family, and stopped spending time with friends or sitting
19 regularly at the lunch tables. At least one Plaintiff became concerned about
20 associating with a cousin whom Defendants also detained in the roundup.
21 Plaintiffs remain fearful that the police and school administrators are watching
22 them and will follow through on their threats to engage in further action.

23 57. Students, teachers and administrators at HHS act differently toward
24 Plaintiffs since Defendants targeted them in the September 24 roundup. Plaintiffs
25 feel that teachers, administrators and even other students at HHS have identified
26 them as troublemakers because they were targeted in the roundup, and Plaintiffs no
27 longer view their high school as a safe and supportive environment. Indeed, one
28 Plaintiff transferred to another school in part because of how administrators treated

1 him on September 24 and afterwards.

2 58. Because Defendants targeted them in the roundup and collected
3 information on them, Plaintiffs also fear that they have been identified by police as
4 gang members or likely criminals. Since the roundup, the police have stopped at
5 least one Plaintiff and questioned him about affiliating with the same gang he had
6 been questioned about during the roundup, even though the police had never asked
7 about him about gang affiliation before the roundup.

8 59. The roundup has also affected the hopes and aspirations of the high
9 school students whom Defendants detained. Among Plaintiffs are students who
10 want to join the military or become police officers, but who now fear that because
11 of Defendants' actions they have been placed on lists as gang members that will
12 prevent them from attaining their goals.

13 **Defendants' Shifting Explanations for the Roundup**

14 60. During the weeks that followed the roundup, parents and family
15 members of the targeted students and other adults spoke with various Defendants,
16 including Defendants Earl, Rock, and Davis, as well as with other representatives
17 of GUSD, about the roundup on several occasions. The parents and other adults
18 expressed concerns about the roundup, sought additional information about its
19 planning and execution, and requested that Defendants ensure that all information
20 collected during the roundup was destroyed.

21 61. Defendants responded to the expressed concerns with shifting and
22 conflicting explanations of who had initiated the roundups and what purpose they
23 served. School officials (including Defendant Earl) first maintained that the police
24 had requested the roundup and that they did not have a list of the students targeted
25 or that the list had been destroyed, but later admitted having such a list. GPD
26 officials (including Captain Rock) told Plaintiffs and others that the roundup was
27 an "educational seminar" intended to teach them the risks of gang involvement and
28 that the operations had been requested by the school. Other Defendants stated that

1 the idea for the roundup had come from Defendant Davis, the school-based
2 probation officer assigned to HHS.

3 62. For months after the September 24 incident, Plaintiffs, their parents,
4 and others repeatedly requested written confirmation from Defendants that the
5 information gathered in the roundups would be destroyed and not retained in any
6 of Defendants' files. Although various Defendants initially agreed and stated that
7 the September 24, 2010 operation was a mistake, they later retracted their offer to
8 provide such written confirmation that all information collected would be
9 destroyed, and none was ever provided.

10 **The September 24, 2010 Roundup Is Part of a Custom and Practice by the**
11 **Probation Department and GPD of Detaining Students based on Their Race**
12 **or Ethnicity and without Individualized Suspicion of Wrongdoing**

13 63. Similar roundups have been conducted at the behest of school-based
14 probation officers on other campuses in Los Angeles County, and those operations
15 served as the model for the September 24 roundup at HHS. The plan for the
16 roundup was approved by Defendant Van Hoof, who supervises school-based
17 probation officers for the County, and who was personally present during the
18 September 24 roundup and approved the manner in which the roundup was
19 conducted.

20 64. In the days following the roundup, Defendant Rock, in responding to
21 concerns that the GPD had discriminatorily targeted Latino students, stated that
22 GPD intended to conduct similar operations targeting Armenian students at HHS.

23
24 **CLASS ALLEGATIONS**

25 65. Plaintiffs K.L., Parker, L.P., C.M., Pablo, A.F., and Barajas bring all
26 claims for injunctive and declaratory relief on behalf of themselves and all other
27 persons similarly situated, pursuant to Federal Rule of Civil Procedure 23.

28 66. The plaintiff class consists of:

1 Hoover High School on September 24, 2010.

2 71. Defendants were acting under color of state law, thereby violating 42
3 U.S.C. § 1983.

4
5 **SECOND CAUSE OF ACTION**

6 **Violation of 42 U.S.C. § 1983**

7 **(Discrimination on Account of Race, Ancestry or National Origin in Violation**
8 **of the Equal Protection Clause of the Fourteenth Amendment)**

9 72. Plaintiffs incorporate by reference the foregoing paragraphs of this
10 Complaint as though fully set forth herein.

11 73. Defendants, acting in concert with one another, targeted Plaintiffs in
12 the roundup because of the race, ancestry, or national origin during the operation
13 conducted at Hoover High School on September 24, 2010, in violation of the Equal
14 Protection Clause of the Fourteenth Amendment.

15 74. Defendants were acting under color of state law, thereby violating 42
16 U.S.C. § 1983.

17
18 **THIRD CAUSE OF ACTION**

19 **Violation of 42 U.S.C. § 1985(3)**

20 **(Conspiracy to Violate Civil Rights)**

21 75. Plaintiffs incorporate by reference the foregoing paragraphs of this
22 Complaint as though fully set forth herein.

23 76. In planning and executing the roundup at Hoover High School on
24 September 24, 2010, Defendants conspired to target students who are or appear to
25 be Latino and then to detain and interrogate only the targeted students, without
26 lawful justification, thereby depriving them of their right to equal protection under
27 the law.

28 77. Defendants did, in fact, intentionally target students during the

1 roundup because they are or appear to be Latino, and understood at the time they
2 were conducting the operation that the operation was intended to target students
3 who are or appear to be Latino.

4 78. The acts done by Defendants in furtherance of the conspiracy,
5 including directing Plaintiffs to enter the classrooms and then detaining Plaintiffs
6 in the classroom until they had submitted to interrogation and, in some cases,
7 searches and being photographed, resulted in an injury to Plaintiffs and prevented
8 them from enjoying the rights to equal protection and to be free of unreasonable
9 searches and seizures.

10
11 **FOURTH CAUSE OF ACTION**

12 **Violation of Article 1, Section 7 of the California Constitution**
13 **(Discrimination on Account of Race, Ancestry, and National Origin)**

14 79. Plaintiffs incorporate by reference the foregoing paragraphs of this
15 Complaint as though fully set forth herein.

16 80. Defendants, acting in concert with one another, targeted Plaintiffs in
17 the roundup because of the race, ancestry, or national origin during the operation
18 conducted at Hoover High School on September 24, 2010, in violation Article 1,
19 Section 7 of the California Constitution.

20
21 **FIFTH CAUSE OF ACTION**

22 **Violation of Article I, Section 13 of the California Constitution**
23 **(Unlawful Search and Seizure)**

24 81. Plaintiffs incorporate by reference the foregoing paragraphs of this
25 Complaint as though fully set forth herein.

26 82. Defendants, acting in concert with one another, violated Plaintiffs'
27 right to be free from unreasonable searches and seizures under Article 1, Section
28 13 of the California Constitution during the operation conducted at Hoover High

1 School on September 24, 2010.

2
3 **SIXTH CAUSE OF ACTION**

4 **Violation of California Civil Code Section 52.1**

5 83. Plaintiffs incorporate by reference the foregoing paragraphs of this
6 Complaint as though fully set forth herein.

7 84. Defendants threatened, intimidated, and coerced plaintiffs in a manner
8 that interfered with their exercise and enjoyment of rights secured by the
9 Constitution and laws of the United States and rights secured by the Constitution
10 and laws of the State of California, including but not limited to their rights to be
11 free from unreasonable searches and their right to equal protection of the laws.

12 85. Defendants' conduct described above interfered and/or attempted to
13 interfere with Plaintiffs' exercise and/or enjoyment of their rights secured by the
14 Constitution and laws of the United States and by the Constitution and laws of the
15 state of California, in violation of California Civil Code Section 52.1.

16
17 **REQUEST FOR RELIEF**

18 Plaintiffs respectfully request that this Court grant the following relief:

19 A. Certify a class for all claims for injunctive and declaratory relief in
20 this Complaint pursuant to Federal Rule of Civil Procedure 23, in accordance with
21 the allegations in this Complaint and the forthcoming class certification motion.

22 B. Issue an injunction prohibiting Defendants, and all those acting in
23 concert with them or acting under their supervision or control, from detaining,
24 searching, seizing the belongings of, interrogating, or photographing students at
25 Hoover High School, without probable cause or reasonable suspicion to believe
26 that the student has violated a valid school rule or has violated the law, or based on
27 their race, ethnicity, or national origin;

28 C. Issue an injunction requiring the Defendants to destroy or return any

1 information about Plaintiffs and the Plaintiff class gathered by Defendants during
2 the September 24, 2010 roundup, to ensure that no information about Plaintiffs and
3 the Plaintiff class gathered during the September 24, 2010 roundup is retained in
4 any file, database, or other system maintained by Defendants or to which
5 Defendants have access, and to clear Plaintiffs of any wrongdoing in connection
6 with the September 24, 2010 roundup before any entities with whom Defendants
7 have shared information about the roundup;

8 D. Award Plaintiffs compensatory and general damages, in an amount to
9 be proven at trial, against the City of Glendale and the Los Angeles Probation
10 Department and against each of the individual Defendants sued in his or her
11 personal capacity;

12 E. Award Plaintiffs exemplary damages for violations of California law
13 and punitive damages for violations of federal law, each in an amount to be proven
14 at trial, against each of the individual Defendants sued in his or her personal
15 capacity;

16 F. Award statutory damages and penalties to Plaintiffs pursuant to
17 California Civil Code §§ 52 and 52.1(b) against the City Glendale and the Los
18 Angeles County Probation Department and against each of the individual
19 defendants sued in his or her personal capacity;

20 G. Declare that Defendants' conduct, as described in this Complaint,
21 violated the rights of Plaintiffs and the Plaintiff class under the constitutions and
22 laws of the United States and the State of California;

23 H. Award Plaintiffs their costs, expenses and reasonable attorney's fees
24 pursuant to 42 U.S.C. § 1988, California Civil Codes §§ 52(b) and 52.1(h),
25 California Code of Civil Procedure § 1021.5, and any other appropriate statutory
26 basis; and
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. Grant such other relief as the Court may deem just and proper.

Respectfully Submitted,

ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

Dated: October 13, 2011

By: David B. Sapp
David B. Sapp
Attorneys for Plaintiffs

TRABER & VOORHEES

Dated: October 13, 2011

By: Bert Voorhees (dc)
Bert Voorhees
Attorneys for Plaintiffs