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OF CALIFORNIA

**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**01/18/2019**  
**amacias**  
**By \_\_\_\_\_, Deputy**  
**Case Number:**  
**34-2019-00248756**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

**THE PEOPLE OF THE STATE OF CALIFORNIA, EX. REL. XAVIER BECERRA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,**

Case No.

Plaintiff,

**COMPLAINT FOR INJUNCTIVE RELIEF**

v.

**STOCKTON UNIFIED SCHOOL DISTRICT,**

Defendant.

1 The People of the State of California, by and through Xavier Becerra, Attorney General of  
2 the State of California, allege on information and belief as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over the allegations and subject matter of the People's  
5 Complaint filed in this action, and the parties to this action; venue is proper in this County; and  
6 this Court has jurisdiction to enter this Judgment.

7 **PARTIES**

8 2. Plaintiff Xavier Becerra is the Attorney General of the State of California. The  
9 Attorney General is the chief law officer of the state and has the duty to see that the State's laws  
10 are uniformly and adequately enforced for the protection of public rights and interests. (Cal.  
11 Const., art. V, § 13.)

12 3. Defendant Stockton Unified School District ("Defendant" or the "District") is a  
13 public school district organized and existing under the laws of the State of California. The  
14 District maintains its own school police department created pursuant to Education Code section  
15 38000 and has direct oversight over the police department (the "Department").

16 **FACTUAL BACKGROUND**

17 4. The State of California and the District have a strong interest in ensuring that  
18 every student, regardless of his or her disability, race, or ethnicity, are treated equally in all  
19 aspects of education. In California, there has been a growing trend for school districts to place  
20 law enforcement officers in schools (known as "school resource officers") to provide support and  
21 help protect the safety and security of schools. However, the addition of law enforcement officers  
22 in schools has also led to concerns about the increased criminalization of minor, low-level student  
23 misbehaviors typically subject to the administrative discipline system, contributing to increased  
24 contact with law enforcement. District schools and schools throughout California have begun to  
25 incorporate positive behavior supports, restorative justice practices, and other strategies to focus  
26 on addressing the root causes of student misconduct and minimizing involvement with the  
27 juvenile justice system. In particular, schools in California have focused on addressing disparities

1 in discipline to ensure that certain demographic groups of students are not disproportionately  
2 subject to disciplinary actions as compared with their similarly-situated peers.

3 5. In November 2015, the Attorney General's Office began an investigation to  
4 determine whether the Department and the District, as the oversight agency, complied with state  
5 and federal laws with respect to interactions between Department officers and students. After a  
6 comprehensive investigation of Department and District practices between 2013 and 2015, the  
7 Attorney General's Office concluded in October of 2017 that the District's policies, procedures,  
8 and practices with respect to referring students to law enforcement discriminated against students  
9 with disabilities and students of color. In addition, the investigation concluded that certain  
10 District search and seizure practices involving students were unconstitutional. Lastly, the  
11 investigation involving incidents between 2013 and 2016 raised significant concerns about the  
12 use of force, including the use of handcuffs and restraints, by Department officers and District  
13 staff, which had resulted in part from a lack of an effective force review and complaint process.  
14 Contributing to the identified violations was the District's lack of meaningful oversight of the  
15 Department pursuant to Education Code section 38000.

16 6. The District has taken a number of positive steps to improve the culture of the  
17 Department, including changes in leadership and a reorientation of the Department's mission to  
18 provide a safe educational environment. The Department made changes to its use of force review  
19 process in 2017 and the District, during the 2017-18 school year, began to incorporate positive  
20 behavior supports into its curriculum. These are constructive steps in the right direction.  
21 However, the District's lack of clear policies and procedures regarding referrals to law  
22 enforcement, specifically to the Department, and the prior lack of training of personnel that  
23 resulted in the identified issues in this Complaint warrant permanent and widespread changes. To  
24 that end, the parties worked cooperatively to agree on a remedial plan that includes the continued  
25 incorporation of positive behavior supports and restorative justice strategies into the District's  
26 school discipline program, the creation of a formal diversion program, clear policies and  
27 procedures with respect to referrals to law enforcement, revised policies and training regarding  
28 the use of force and restraints by law enforcement and school staff, and additional oversight of the

1 Department. Plaintiff now seeks an order requiring the District to implement the agreed-upon  
2 reforms and respectfully requests that the Court enter Judgment as set forth in the proposed  
3 Stipulated Judgment, concurrently filed with this Complaint.

4 7. The District created its own police department pursuant to Education Code section  
5 38000 and has direct oversight over the Department. The Chief of Police of the Department  
6 directly reports to the Superintendent of the District. The Department's sworn officers are peace  
7 officers pursuant to Penal Code section 830.32.

8 8. Other than Board Policy 3515.3, which addresses the purpose of creating the  
9 Department, there are no formal Board policies regarding the appropriate role of the Department,  
10 including when students should be referred to law enforcement outside of the mandatory  
11 notifications set forth in the Education Code. Thus, the practice of school administrators and staff  
12 has varied across school sites. Some schools requested police assistance frequently, including for  
13 minor disciplinary infractions such as students refusing to switch classrooms and disrupting class.  
14 In addition, the District lacked a uniform method of tracking referrals to law enforcement, leading  
15 to lack of detailed documentation regarding such referrals.

16 9. Beginning in 2014, the Department began revising procedures with the goal of  
17 centralizing uniformity in calls for service. However, the lack of administrative policies and  
18 training for school sites on the revised procedures led to frequent continued calls to the  
19 Department for service in response to minor disciplinary infractions, including conduct by young  
20 children and students with disabilities.

21 10. When Department officers responded to calls for service, the responses varied  
22 depending on the circumstances, from an informal warning, a counsel and release, a citation, or a  
23 formal booking into custody. Students who are the subject of a police referral, regardless of the  
24 resulting action, have records within the Department's system that may be accessed each  
25 subsequent time law enforcement is called. Repeat incidents change the consequences with  
26 respect to police enforcement and records of police contact may affect how police could respond  
27 to a student in subsequent interactions.

28 11. Until recently, other than ongoing, state-mandated specialized training for all

1 K-12 police officers, Department officers lacked training specific to the educational environment  
2 and there was little continued mandated training relating to child development or working in  
3 school settings. Though school administrators referenced the District's efforts to implement  
4 restorative justice programs and Positive Behavioral Interventions and Supports to reduce  
5 suspensions and expulsions, there was no consistent effort to build specific training into the police  
6 curriculum relating to these practices. As a result, any efforts on the part of the District to  
7 implement such strategies were rendered ineffective as the District at some of its schools  
8 continued to place authority in Department officers, rather than trained teachers or counselors, to  
9 respond to minor incidents, such disruptions in class and fights between young children. The lack  
10 of training and clear guidance on law enforcement referrals led to instances of students being  
11 criminalized for minor misconduct typical for school-age children and/or for behavior that  
12 resulted from their disabilities. These minor situations sometimes escalated into more severe  
13 consequences for the student, including use of force by a school official or by a school resource  
14 officer, including handcuffing and physical restraint techniques, and arrests.

15 12. The investigation found that the District failed to reasonably modify its policies  
16 and procedures relating to referrals to law enforcement, resulting in students with disabilities  
17 being subject to interrogation, use of force, and/or arrests for conduct resulting from their  
18 disabilities. The District also failed to ensure effective communication in the context of law  
19 enforcement investigations for students who are hard-of-hearing or deaf.

20 13. The investigation also found that the District's policies and procedures relating to  
21 law enforcement referrals had an adverse disparate impact on students of color. During the  
22 investigation, all Department incident reports involving minors for the selected time period of  
23 2013 through 2015 were reviewed and analyzed. While the analyses regarding race and ethnicity  
24 were limited by gaps in data due to the District's method of data collection, the investigation  
25 concluded that, during the selected time period, for both students under 10 and youth 10 and over,  
26 Black youth were over-represented in incident reports involving student misbehavior that were  
27 referred to the Department when compared to their overall District demographics, and also  
28 particularly with respect to incidents that resulted in a policing outcome. Furthermore, regression

1 analyses concluded that for children under 10, the odds of incidents with Black students resulting  
2 in police action were 176.9% higher than those of White students, and for youth 10 and over,  
3 incidents involving Black and Hispanic youth were more likely to result more severe policing  
4 outcomes compared to incidents involving students of other races/ethnicities, even when  
5 controlling for a number of variables indicating the severity of the offense and whether the  
6 incident resulted in medical attention. For Black youth 10 and over: (a) the odds that an incident  
7 involving a Black student resulted in being booked into custody were 148% greater than other  
8 students; (b) the odds that an incident involving a Black student resulted in a citation were 92%  
9 greater; and (c) the odds that an incident involving a Black student resulted in a counsel and  
10 release were 196% greater. For Hispanic youth 10 and over: (a) the odds that an incident  
11 involving a Hispanic student resulted in being booked into custody were 124% greater than other  
12 students; (b) their odds of a citation were 164% greater; and (3) their odds of being counseled and  
13 released were 144% greater.

14 14. Lastly, the investigation concluded that District engaged in certain unconstitutional  
15 search and seizure practices involving students. For example, until recently, without articulable  
16 findings, the District operated a canine inspection program wherein canines were brought to  
17 school sites on a random and suspicionless basis and students were directed to leave their  
18 belongings in the classroom without their consent to be sniffed by canines. If the canine had  
19 alerted to a belonging, the backpack could be searched by District administrators. Though the  
20 District's Board policy included that students could not be required to leave their belongings  
21 behind for such inspections, students in practice had no choice. Furthermore, the lack of training  
22 with respect to Fourth Amendment protections in schools led to highly intrusive practices in one  
23 high school wherein school administrators conducted classroom-wide random, suspicionless pat-  
24 down searches of students' persons. The District has since suspended its search and seizure  
25 program pending resolution of this matter.

26 15. Since October of 2017, the parties have negotiated in good faith on numerous  
27 policy and procedure changes and have come to an agreement to address the findings of the  
28 investigation. And, the District has already begun to make changes to its policies, procedures,

1 and practices and is in the process of implementing several of the terms agreed upon by the  
2 parties. Thus, Plaintiff respectfully requests that the Court enter Judgment as set forth in the  
3 proposed Stipulated Judgment.

4 **CAUSES OF ACTION**

5 **FIRST CAUSE OF ACTION**

6 **(Violation of Government Code section 11135)**

7 16. Plaintiff realleges all paragraphs set forth above and incorporates them by  
8 reference as though they were fully set forth in this cause of action.

9 17. Government Code section 11135 prohibits discrimination based on race, ethnicity,  
10 and disability in state-funded programs and activities. Violations of the Americans with  
11 Disabilities Act (ADA) constitute violations of Government Code section 11135, subsection (b).

12 18. Defendant has violated Government Code section 11135 by discriminating against  
13 students of color with respect to law enforcement referrals that result in an adverse disparate  
14 impact on students of color.

15 19. Defendant has violated Government Code section 11135 by discriminating against  
16 students with disabilities in violation of the ADA.

17 **SECOND CAUSE OF ACTION**

18 **(Violation of the Americans with Disabilities Act)**

19 20. Plaintiff realleges all paragraphs set forth above and incorporates them by  
20 reference as though they were fully set forth in this cause of action.

21 21. Title II of the ADA prohibits public entities such as schools and police  
22 departments from discriminating against an individual based on his or her disability. Defendant  
23 has failed to consistently provide reasonable modifications and accommodations for students with  
24 disabilities with respect to law enforcement referrals, resulting in some students with disabilities  
25 being denied meaningful access to the benefits, services, and activities of the District's  
26 educational program, including classroom instruction and behavioral rules. In addition,  
27 Defendant's methods of administration of its law enforcement policies have the effect of  
28 subjecting students with disabilities to discrimination on the basis of disability.

1            22. Defendant has failed to consistently provide effective communication to students  
2 with disabilities by failing to provide auxiliary aids and services such as qualified, unbiased  
3 interpreters during law enforcement investigations.

4    **THIRD CAUSE OF ACTION**

5                            **(Violation of the Fourth Amendment to the U.S. Constitution and**  
6    **Privacy Guarantee of the California Constitution)**

7            23. Plaintiff realleges all paragraphs set forth above and incorporates them by  
8 reference as though they were fully set forth in this cause of action.

9            24. The Fourth Amendment to the United States Constitution protects individuals from  
10 unreasonable searches and seizures. (U.S. Const., 4th Amend.) The California Constitution  
11 guarantees a right to privacy. (Cal. Const., art. I, § 1.)

12           25. Defendant’s practice of conducting canine inspections on a random, suspicionless  
13 basis without making the appropriate finding violates the United States Constitution and  
14 California Constitution. (*See* 83 Ops. Cal. Atty. Gen. 257 (2000).)

15           26. Defendant’s practice of conducting random, suspicionless pat-down searches of  
16 students violates the United States Constitution and California Constitution.

17    **PRAYER FOR RELIEF**

18           **WHEREFORE**, Plaintiff respectfully prays for the Court to enter judgment as follows:

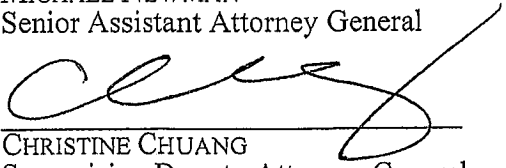
- 19           1. For the Court to issue an order enjoining Defendant from engaging in the unlawful  
20 practices challenged in this Complaint, requiring Defendant to implement the injunctive relief  
21 provisions as set forth in the proposed Stipulated Judgment, and entering final judgment;
- 22           2. For the Court to exercise, pursuant to the terms of the Stipulated Judgment,  
23 continuing jurisdiction over this action to ensure that Defendant complies with the judgment as  
24 set forth in the proposed Stipulated Judgment;
- 25           3. For such other and further relief as the Court deems just and proper.



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Dated: January 18, 2019

Respectfully Submitted,  
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