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BERNARD ROBINS

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

23ST CV 12170

BERNARD ROBINS

Plaintiffs,

vs.

CITY OF LOS ANGELES; LOS ANGELES
POLICE DEPARTMENT (LAPD); LAPD
CAPTAIN FERNANDEZ; DOES 1 through 50,
inclusive,

Defendants.

COMPLAINT FOR DAMAGES

- (1) Interference with Constitutional Rights (*Bane Act – Cal. Civ. Code §52.1*)
- (2) Violation of Civil Rights (42 U.S.C. §1983)(*Unlawful Search and Seizure*)
- (3) Negligent Training
- (4) False Imprisonment
- (5) Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

Plaintiff BERNARD ROBINS alleges on information and belief as follows:

PARTIES

1. At all relevant times mentioned in this Complaint, Plaintiff BERNARD ROBINS (hereinafter also “Bernard” or “Mr. Robins” or “PLAINTIFF”) was a resident of Los Angeles County, California. At the time relevant to this action, PLAINTIFF was employed by CITY as a police officer for LAPD.
2. DEFENDANT CITY OF LOS ANGELES (hereinafter, “CITY”) was at all times relevant herein, and is, a public entity duly organized and existing under and by virtue of the laws of the State of California. DEFENDANT CITY is responsible for the funding, staffing, and direction of Los Angeles Police Department (hereinafter also “LAPD”); for the hiring, retention, training, and supervision of LAPD employees; and for the observation of rights of LAPD employees and persons subject to LAPD jurisdiction.
3. DEFENDANT LOS ANGELES POLICE DEPARTMENT (hereinafter, “LAPD”) was at all times relevant herein, and is, a public entity duly organized and existing under and by virtue of the laws of the State of California. DEFENDANT LAPD is a branch of the City of Los Angeles, and the City delegates authority with respect to the hiring, retention, training, and supervision of LAPD employees; and for the observation of rights of LAPD employees and persons subject to LAPD jurisdiction.
4. At all times applicable herein, LASD CAPTAIN FERNANDEZ (hereinafter “DEFENDANT CAPTAIN FERNANDEZ” or “FERNANDEZ”) was an individual residing, on information and belief, in the County of Los Angeles.
5. Hereinafter, all individual Defendants, including those presently named as DOE defendants, shall be collectively referred to as “LAPD DEFENDANTS.”

- 1 6. PLAINTIFFS are ignorant of the true names and capacities of those Defendants sued
2 herein as DOES 1 through 50, inclusive, and therefore sue them by such fictitious names.
3 PLAINTIFFS will amend this Complaint to show the true names and capacities of said
4 DOE Defendants when the same are ascertained. PLAINTIFFS are informed and believe,
5 and thereon allege, that each of the fictitiously named Defendants was in some manner
6 liable and legally responsible, in that their conduct caused the damages and injuries set
7 forth herein.
8
9 7. PLAINTIFFS are informed and believe and based upon such information and belief
10 allege that each of the above-named parties was and is an agent, employee, principal, or
11 employer of each of the remaining defendants and vice/versa. In addition, PLAINTIFFS
12 are informed and believe and, on such basis, allege that the defendants named herein, and
13 each of them, are responsible in some manner for the occurrences herein alleged, and that
14 each of the above-named defendants conspired with, and/or aided and/or abetted each of
15 the remaining defendants in committing the acts herein alleged.
16
17

18 **JURISDICTION AND VENUE**

- 19 8. This court has jurisdiction over this matter because all events at issue occurred in Los
20 Angeles County and DEFENDANTS CITY and LAPD are public entities existing and
21 situated in Los Angeles County that operate exclusively in Los Angeles County.
22
23 9. This court has personal jurisdiction over all DEFENDANTS because CITY and LAPD
24 are government entities existing in and by virtue of the laws of the state of California and
25 the County of Los Angeles, and the remaining DEFENDANTS are agents or employees
26 of CITY and LAPD and, on information and belief, all reside in Los Angeles County. All
27
28

1 of DEFENDANTS' official activities take place in Los Angeles County which is located
2 within the jurisdiction of this court.

3 10. This court has supplemental jurisdiction over Plaintiff's claims that arise under the laws,
4 treaties, and Constitution of the United States because those claims arise from the same
5 occurrence that gave rise to the causes of action that form the primary causes of action
6 alleged here.
7

8 11. On November 9, 2022, PLAINTIFFS filed a notice of government claim with the Los
9 Angeles City Attorney's Office pursuant to the California Tort Claims Act. *Cal. Gov.*
10 *Code section 910-945.6.*
11

12 12. On December 12, 2022, PLAINTIFFS received notice from CITY that his government
13 claim was denied.
14

15 **COMMON ALLEGATIONS**

16 13. Bernard Robins is a 25-year-old African American man who was born and raised in
17 South Los Angeles. Through living in South Los Angeles in his youth, Bernard was well
18 aware of the tensions between law enforcement and the citizens of the predominantly
19 African American community in which he has always lived. From a young age, Bernard
20 aspired to become a police officer to serve the community that he loved and in which he
21 grew up, with a goal of providing protection and compassion to the community and to
22 serve as an example that police and citizens of the community can, and should, work in
23 harmony to improve the community.
24

25 14. Mr. Robins was employed as an LAPD intern from approximately June 2018 to August
26 2019. In August 2019, Mr. Robins was hired as an LAPD police officer by the City of
27 Los Angeles and began training at the LAPD Police Academy.
28

1 15. After the academy, Bernard was first assigned to work as a patrol officer stationed at
2 West Los Angeles Division in January 2020. After completing his probationary period,
3 he worked patrol at Southwest division starting February 2021. From patrol, Bernard
4 volunteered to serve at Southwest Division in the Community Relationship Division
5 (CRD), in which officers attend community events in a security capacity, represent
6 LAPD in community service events such as “Backpack Drives,” “Read Alongs” at public
7 libraries, “Community Clean Up Days,” and provide support to patrol operations. The
8 mission and goal of the CRD as stated on LAPD’s public website is to “build
9 relationships and trust between the Department and the diverse communities in Los
10 Angeles while leveraging best practices in community outreach, community policing, and
11 community engagement” and to “ensure that community relations efforts are consistent
12 and directly support patrol operations with the goal of building long-lasting relationships
13 with all communities.” Bernard began serving with the CRD in May 2022.

14 16. At its branch at LAPD’s Southwest Division, the CRD’s efforts were heavily
15 concentrated on the Leimert Park neighborhood within Southwest’s jurisdiction, which is
16 historically a predominantly African American community. Working with the CRD
17 allowed Bernard to fulfill the purpose that motivated him to become a police officer in
18 community like the one in which he grew up, not far from his family home.

19 17. Prior to working in the CRD, Bernard learned through other officers and personal
20 observations that a large portion of LAPD officers viewed the CRD and its officers with
21 disdain, perceiving them as traitors to the force due to their efforts in building
22 relationships with sectors of the community that viewed LAPD in general with distrust.

1 18. Once he joined the CRD, Bernard learned that around the time of the civil unrest in Los
2 Angeles following the infamous public, video-recorded killing of George Floyd in
3 Minnesota, officers at Southwest Division that were part of the CRD before Bernard
4 posed for a picture with a protester who was an alleged former gang member that had
5 become a community activist. In the picture, the individual was seen wearing a shirt
6 bearing an anti-police slogan. The picture made its way to the internet and was soon
7 widely circulated among LAPD officers. Very soon after the picture was circulated, the
8 officers who posed for the picture were reprimanded by superiors and forced to apologize
9 for the picture to the entire shift at Southwest station during the day's roll-call. The
10 incident greatly increased disdain for the CRD amongst other officers, specifically
11 including those at Southwest Division.
12

13
14 19. As a member of the CRD, a number of officers refused to talk to Bernard, and others
15 were outright hostile toward him. On several occasions, officers that had been cordial
16 with him prior to his joining the CRD made overt comments directly to him to the effect
17 of "come on Robins, you're better than that." Bernard understood this to be a reference to
18 his volunteering to work with the CRD.
19

20
21 20. On August 27, 2022 at around 7:30 p.m. Bernard Robins parked his car on the west side
22 of West Boulevard near 67th Street in Inglewood near his family home. West Blvd. is one
23 of the dividing lines that separate Inglewood from Los Angeles: Bernard's home on the
24 west side of West Blvd is in the city of Inglewood, and the east side of West Blvd. is Los
25 Angeles.
26

27 21. At the time referenced above, Bernard was arriving at home to return equipment with
28 members of a film crew with whom he was working that day to produce a documentary.

1 There was one passenger in Bernard's car, D'Quan Clarke. Two additional cars
2 containing crew members had followed Bernard's car to the house from a nearby filming
3 location and also parked on West Boulevard behind Bernard's car, south of his home.
4

5 22. Bernard exited the vehicle and began to walk toward his house, then returned to the car to
6 retrieve other items from the car that he had forgotten to bring with him into the house.

7 When he exited the car the second time, Mr. Clarke also exited the vehicle. At least one
8 other crew member exited one of the other cars and stood on the sidewalk near Bernard's
9 car as Bernard and Mr. Clarke exited the car. Bernard and Mr. Clarke are African
10 American, while the crew member that exited the other car is of Asian descent.
11

12 Approximately two minutes passed from the time the cars parked to when Bernard exited
13 the car the second time.
14

15 23. Just after Bernard exited the second time and Mr. Clarke exited, an LAPD vehicle sped
16 up then stopped almost parallel to Bernard's vehicle and three armed, uniformed LAPD
17 officers quickly exited the car. Through his training as an LAPD officer, Bernard
18 recognized the officers' conduct to be consistent with protocol for a high-risk traffic stop.
19 Hereinafter, the three officers referenced in this paragraph shall be identified as
20 DEFENDANTS DOES 1-3.
21

22 24. Upon seeing the officers' actions, Bernard immediately raised his hands in the air and
23 identified himself as a police officer. When the officers approached, he again identified
24 himself by his name and as a police officer and informed the officers that he had his
25 LAPD service firearm with him.
26

27 25. The three officers then detained Bernard and Mr. Clarke, first ordering them to stand
28 against and face the gate, then handcuffing them both. The other crew member of Asian

1 descent that had exited the car and was standing next to Bernard and his passenger was
2 not detained at any point during the incident.

3
4 26. Knowing that he had committed no crime, Bernard asked the officers why they were
5 being detained, to which the officers replied that they were stopping him for having tinted
6 windows on his car. Based on his training and knowledge of the law and police
7 procedure, Bernard told the officers that he did not believe that was the reason for the
8 stop, again emphasized that he was a police officer, and stated that he knew that the
9 reasons that the officers stated were pretextual and that he believed that they were being
10 targeted based on their race.
11

12 27. Despite Bernard immediately providing them with his official LAPD officer
13 identification card, the officers claimed that they couldn't confirm that Bernard was a
14 police officer and continued to detain him, stating "you know how it is around here, it's a
15 bad neighborhood."
16

17 28. Despite knowing that the officers' actions were unlawful, Bernard did not physically
18 resist any officer and he complied with all of their orders.

19 29. The officers then asked Bernard for permission to search his vehicle. When Bernard
20 declined to consent to the search, one officer stated, "you're a cop too, why won't you
21 just let us search the car?" Bernard replied that they had no reason to stop them let alone
22 search his vehicle, and if the reason for the encounter was truly an issue with his car
23 windows, they should just write him a ticket. At no point during the events at issue did
24 Bernard consent to a search of his vehicle.
25

26
27 30. The officers never wrote Bernard a ticket for claimed illegally tinted windows.
28

1 31. While one officer spoke to Bernard, the others began to ask for consent to search Mr.

2 Clarke and his belongings and inquire about his personal information. Bernard told Mr.

3 Clarke that he did not need to consent to a search because they had done nothing wrong.

4 32. Bernard and Mr. Clarke remained in handcuffs for an estimated time of over an hour, all

5 the while urging the officers to contact a CRD sergeant, a commanding officer at

6 Southwest Division, or any superior that could verify his identity.

7 33. A police sergeant and multiple other police vehicles responded to the location based on

8 Bernard's repeatedly telling them that he was a police officer. The responding sergeant

9 shall hereinafter be referred to as DEFENDANT DOE 4. Bernard made a report of officer

10 misconduct to the sergeant at the scene. The sergeant, however, also claimed that he was

11 unable to verify that Bernard was a police officer.

12 34. When Bernard was distracted while continuing to urge the sergeant to call his watch

13 commander or anyone that could verify who he was, the officers finally removed the

14 handcuffs from him, then simultaneously other officers compulsorily searched Mr.

15 Clarke's belongings.

16 35. The search allegedly uncovered contraband in Mr. Clarke's closed bag.

17 36. Criminal charges were never filed against Mr. Clarke for the alleged contraband.

18 37. Though no alleged contraband was in Bernard's possession, after Mr. Clarke was

19 searched, Bernard was immediately placed in handcuffs again —he was only out of

20 handcuffs for about two minutes.

21 38. Multiple other officers then arrived in police vehicles. Throughout the incident, more

22 than one dozen police officers responded to the location in nearly as many police

23 vehicles. The large police presence created such a commotion outside that Bernard's

1 family and several neighbors came out of their homes and began filming the encounter on
2 their phones.

3 39. Humiliated by being detained and treated this way publicly, and now fearful for his safety
4 because of the officers' aggressive conduct, Bernard plead with the officers and was
5 upset to the point of shedding tears.
6

7 40. Bernard was eventually placed in the back of a police car and transported to LAPD 77th
8 Division Police Station. There, Bernard was taken to the homicide division and remained
9 in handcuffs until about 4:00 a.m.
10

11 41. While handcuffed at 77th Division station, Bernard spoke to an LAPD Union
12 representative who told him that he was going to be charged with possession of the
13 contraband allegedly found in Mr. Clarke's bag. Bernard also spoke to an LAPD police
14 captain: on information and belief, that individual was Defendant Captain Fernandez.
15 Captain Fernandez advised Bernard not to speak with the press or make any other
16 statements about the matter other than to his attorney or a Union representative.
17

18 42. Around 4:00 a.m., Bernard was informed that he was not being charged and shortly
19 thereafter he was finally released.
20

21 43. The following morning, Bernard was again contacted by Captain Fernandez who again
22 told Bernard not to speak to the press or the public about the incident. This time,
23 however, the captain was clear that it not just advice but was a formal **order**.

24 44. Captain Fernandez advised Bernard that he was being placed on leave for over one week
25 and was expected to be cleared to return to work on September 8, 2022.
26

27 45. Two days after the incident described herein, the LA Times newspaper published a story
28 about the encounter. Despite Bernard being formally ordered not to speak to the press, the

1 story cited unidentified sources within the LAPD and claimed that Bernard had been
2 arrested in a car with an armed associate of a criminal street gang.

3
4 46. Plaintiff is informed and believes that the allegation that the passenger in Bernard's car is
5 a gang member or associate is categorially false, and there was no source in LAPD that
6 had a good faith basis to believe that it was true. Plaintiff is further informed and believes
7 that Mr. Clarke was born and raised in the Washington D.C. metropolitan area and had
8 only recently moved to Southern California at the time of the incident—he has no ties
9 whatsoever to any criminal street gang.
10

11 47. Plaintiff is informed and believes that the allegation that Mr. Clarke was with a street
12 gang associate was made by the LAPD to the LA Times with knowledge that it was false
13 and that it would be made public in order to smear Bernard's character in service of the
14 goal of forging a justification for the discriminatorily motivated unlawful seizure, search,
15 and arrest to which he was subject on August 27.
16

17 48. Immediately after the story was published, Bernard received at least two anonymous
18 emails to his LAPD email account. These emails referred to the LA Times story and the
19 senders harassed Bernard with statements including accusations that he is a "Rollin 60"
20 gang member trying to be a police officer. Claimant is informed and believes that the
21 senders of these anonymous emails were employed by the LAPD or otherwise have
22 access to internal LAPD databases or were individual(s) that had been provided
23 Bernard's email by LAPD employees or persons that otherwise have access to internal
24 LAPD databases.
25

26
27 49. As a result of the discriminatory treatment that led to his approximately 9-hour detention,
28 the story about the detention citing false information given by sources within LAPD, and

1 the emails in response to the story apparently from person(s) associated with LAPD,
2 Bernard informed a sergeant on September 5, 2022 that he felt compelled to resign from
3 his position as a police officer because he believed that, in light of the history of adverse
4 treatment that he received as a member of the CRD, the sequence of events was racially
5 motivated or otherwise attributable to disdain that other officers and LAPD as a whole
6 held toward the CRD and its members. The sergeant advised Bernard to spend more time
7 thinking about it before formally resigning.
8

9
10 50. On September 8, Bernard reported for duty but was overcome with the same feelings of
11 unwelcomeness to the point that he informed his superiors that he felt compelled to
12 formally resign within a few short hours of beginning his shift.

13 51. All of the facts surrounding this sequence of events have mentally and emotionally
14 traumatized Bernard, tarnished his good name, and deprived him of a duly earned
15 position that represented a lifelong career goal and on which he depended to support his
16 family.
17

18 **FIRST CAUSE OF ACTION– VIOLATION CIVIL CODE SECTION 52.1(B)**

19 **INTERFERENCE WITH CONSTITUTIONAL RIGHTS**

20
21 **By Plaintiff Bernard Robins**

22 **Against ALL DEFENDANTS:**

23 52. PLAINTIFF hereby repeats, re-alleges and incorporates the allegations contained in all
24 paragraphs above as thought fully set forth herein.

25 53. At all times relevant to this complaint, DEFENDANTS acted under color of law.
26
27
28

1 54. PLAINTIFFS have, and at all times referenced in this Complaint has had, a right, secured
2 by the Constitution and laws of the United States and the Constitution and laws of the State
3 of California, to be safe and secure in the unmolested integrity of body.
4

5 55. PLAINTIFFS have, and at all times referenced in this Complaint has had, a right, secured
6 by the Constitution and laws of the United States and the Constitution and laws of the State
7 of California, against search and seizure by law enforcement officers where the facts
8 possessed by said officers objectively fail to furnish legal cause to believe that a crime is
9 being, will be, or has been committed.
10

11 56. DEFENDANTS have, by way of physical force, threats, intimidation, or coercion as set
12 forth herein interfered with or attempted to interfere with the Plaintiff's right to be safe and
13 secure in the unmolested integrity of body through the conduct described herein.
14

15 57. DEFENDANTS have, by way of physical force, threats, intimidation, or coercion as set
16 forth herein interfered with or attempted to interfere with PLAINTIFFS' right against
17 unreasonable search and seizure.

18 58. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer,
19 great pain of mind and body, shock, emotional distress, physical manifestations of
20 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
21 enjoyment of life; was prevented and will continue to be prevented from obtaining the full
22 enjoyment of life; and will incur medical expenses for injuries including but not limit4d to
23 psychological treatment, therapy, and counseling.
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1 **SECOND CAUSE OF ACTION – VIOLATION OF CIVIL RIGHTS (42 U.S.C.**
2 **§1983)(UNLAWFUL SEARCH AND SEIZURE)**

3 **By Plaintiff Bernard Robins**

4 **Against ALL DEFENDANTS**

5
6 59. PLAINTIFFS reallege and incorporate herein as if set forth in full, paragraphs 1 through
7 58, above.

8 60. At all times relevant herein, PLAINTIFF had, and has, a right, secured by the Fourth
9 Amendment to the United States Constitution, made applicable to the states through the
10 Fourteenth Amendment, to be secure in their persons and property and free from
11 unreasonable searches and seizures.

12
13 61. From the moment that officers sped up beside Mr. Robins making a show of force that
14 Mr. Robins immediately recognized to be consistent with a felony or high-risk traffic
15 stop, PLAINTIFF was seized because a reasonable person would not feel free to leave or
16 terminate the encounter.

17
18 62. By seizing PLAINTIFF while he was violating no law through the display of force and
19 actual use of force including officers making commands and forcibly moving
20 PLAINTIFF to the curb then handcuffing him for an extended period, DEFENDANTS
21 violated PLAINTIFF’S right against unreasonable search and seizure with deliberate
22 indifference and willful disregard for his civil rights under the Constitution and laws of
23 the United States and the State of California.

24
25 63. DEFENDANTS acted deliberately and with knowledge that it was against the law to
26 seize PLAINTIFF without legal cause.
27
28

1 64. DEFENDANTS acted under color of law and abused their authority as a law enforcement
2 officers not only by seizing PLAINTIFF without cause although he was not violating any
3 law or resisting any lawful order by any officer, but by, after the initial unlawful seizure,
4 keeping PLAINTIFF in custody for an extended period of time while DEFENDANTS
5 attempted to forge a justification for seizing PLAINTIFF.
6

7 65. After seizing PLAINTIFF, DEFENDANTS continued the unlawful detention by feigning
8 ignorance with respect to their ability to verify his status as a police officer which
9 dispelled any possible justification could have stemmed from him informing them that he
10 was carrying his service firearm.
11

12 66. Furthermore, once DEFENDANTS finally acknowledged that he was a police officer
13 who was authorized to carry his service weapon, DEFENDANTS continued to detain
14 Bernard and escalated the encounter to a full-blown arrest, taking and driving him away
15 as if he were a criminal in full view of everyone in the neighborhood, based on
16 contraband allegedly found in the possession of another person.
17

18 67. PLAINTIFF is further informed and believes that the officers' unlawful conduct was
19 motivated by a racial animus because their statement to the effect that "you know how it
20 is around here, it's a bad neighborhood" reflects that they were stopping PLAINTIFF and
21 Mr. Clarke because they were African American young men in a neighborhood that is
22 inhabited by predominantly African American people.
23

24 68. PLAINTIFF is informed and believes that this brazen conduct was part of an unlawful
25 custom within LAPD and the CITY that occasioned and facilitated the conditions where
26 the officers believed that they could unlawfully detain PLAINTIFF without repercussions
27
28

1 for no other reason than that he is an African American in a predominantly African
2 American neighborhood.

3 69. DEFENDANTS' was so brazen, and all officers that were present for the unlawful
4 actions resulting in PLAINTIFF's injuries were so familiar and comfortable with the
5 actions that, on information and belief, the wrongful acts were undertaken pursuant to an
6 established custom of LAPD and the CITY, under which LAPD officers unreasonably
7 seize citizens for reasons unrelated to any legitimate law enforcement objective, and
8 other representatives of LAPD and the CITY with knowledge of the unlawful conduct
9 adhere to silence and refuse to intervene or report the unlawful activity.
10

11 70. Officers, support staff, supervisors, and legislating authorities within LAPD and the
12 CITY know of specific instances of this conduct undertaken as part of said custom and
13 are aware of complaints and grievances stemming from this conduct, yet despite such
14 knowledge, intentionally fail to take action to prevent or remedy the perpetuation and
15 consequences of this custom. Indeed, the sergeant, DEFENDANT DOE NUMBER 4,
16 was present for much of the incident at issue and was working in a supervisory capacity
17 at the time in question, yet deliberately failed to intervene in or report the unlawful
18 conduct that he witnessed. DEFENDANT CAPTAIN FERNANDEZ ordered
19 PLAINTIFF not to speak about the incident despite apparent knowledge that LAPD
20 would scheme to forge a false media story in attempts to justify the discriminatory and
21 unlawful conduct to which PLAINTIFF was subjected. PLAINTIFF made a complaint of
22 the misconduct to the sergeant at the scene, and no person, including the sergeant or his
23 superiors, took any action to address the violations of PLAINTIFF'S rights.
24
25
26
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1 71. PLAINTIFF further alleges on information and belief that the entire chain of command in
2 LAPD and the CITY, up to and including the LAPD Police Chief and the Mayor of Los
3 Angeles, are aware of this practice or custom and knowingly approve of, facilitate,
4 participate in, and/or fail to prevent the perpetuation of said custom or practice.
5

6 72. DEFENDANTS acted with impunity and without fear of punishment or reprimand from
7 supervisors or any other authority. In addition to the presence of many officers including
8 supervising officers, the conduct in question occurred on a public street in the presence of
9 numerous civilian witnesses. All officers cooperated and helped facilitate the unlawful
10 conduct of the others without question. In addition, LAPD officers' uniforms are
11 equipped with Body-Worn Cameras (BWC) capable of recording any incidents that occur
12 while an officer is on duty. DEFENDANTS' actions despite the certainty that their
13 conduct would be seen by fellow officers and civilians and likely captured on camera
14 reflects the actors' knowledge of the custom or policy and their belief that superiors or
15 other officials would allow, affirm, or not punish them for such conduct.
16
17

18 73. On information and belief, the unlawful seizure to which PLAINTIFFS were subjected is
19 a routine component of the custom within the LAPD and CITY, under which countless
20 other individuals have been, and continue to be, victims of unlawful seizures causing
21 serious and permanent injuries and subjected to similar threats, intimidation, and abuse to
22 which PLAINTIFF was subjected in violation of his civil rights.
23

24 74. As a direct and proximate result of DEFENDANTS' actions pursuant to its established
25 practice, policy, or custom, PLAINTIFF was deprived of his constitutional rights, and
26 sustained severe financial, mental, and emotional damages in an amount subject to proof
27 at trial.
28

1 75. Plaintiff is informed and believes that DEFENDANTS acted knowingly and willfully,
2 with malice and oppression and with the intent to harm PLAINTIFF. Therefore,
3 PLAINTIFF is entitled to an award of punitive damages against the individual
4 defendants, and not any public entity, for the purpose of punishing deterring them and
5 others from such conduct in the future.
6

7 **THIRD CLAIM – NEGLIGENT TRAINING**

8 **By Plaintiff Bernard Robins**

9 **Against ALL DEFENDANTS:**

10
11 76. PLAINTIFF BERNARD ROBINS reincorporates and realleges as if set forth fully
12 herein, paragraphs 1 through 75, above.

13 77. CITY and LAPD agents working in a supervisory capacity had a duty to adequately train
14 all representatives and employees that interact with employees that are likely to come in
15 personal contact with members of the community during the course and scope of their
16 employment as police officers.
17

18 78. It was foreseeable that PLAINTIFF would be injured by the failure to adequately train
19 LAPD officers that come in contact with members of the public, including off-duty police
20 officers, because officers patrol the streets armed with numerous weapons including
21 firearms and possess the inherent ability to intimidate and forcibly violate the rights of
22 members of the public if not adequately trained on when to exercise authority to detain
23 individuals and/or when to intervene when other officers are acting improperly.
24

25 79. A reasonable party charged with training LAPD officers would know that officers are
26 likely to violate the constitutional rights of citizens within its jurisdiction if they are not
27
28

1 properly trained as to the circumstances that furnish lawful grounds to detain or arrest an
2 individual.

3 80. At all times relevant herein, DEFENDANTS, including Doe Defendants, had a duty to
4 adequately train its officers on circumstances that give rise only to potentially consensual
5 encounters as opposed to grounds to lawfully detain or arrest a person.
6

7 81. On information and belief, DEFENDANTS breached the duty to sufficiently train its
8 officers, due to the manifestations of negligent and inadequate training, including but not
9 limited to the following:
10

- 11 a. Officers' actions consistent with a felony-type stop when initiating the encounter
12 with PLAINTIFF;
- 13 b. Claiming an inability to verify that PLAINTIFF was in fact an active LAPD
14 officer despite his presentation of his credentials and identification, which would
15 have dispelled any feigned justification for the detention that could have arisen
16 from the knowledge that PLAINTIFF was carrying his service firearm;
- 17 c. Failing to intervene when one or more officers were taking steps to illegally
18 detain PLAINTIFF;
19
- 20 d. Placing PLAINTIFF in handcuffs without any reasonable suspicion of criminal
21 wrongdoing for an extended period of time;
22
- 23 e. Compulsorily searching D'Quan Clarke despite the refusal of consent to search
24 and the absence of legal cause to compel such a search;
- 25 f. Again handcuffing PLAINTIFF and arresting him based on allegedly finding
26 contraband in the possession of another individual's personal bag;
27
28

1 g. Failure of supervisors to intervene despite knowledge of the totality of the
2 circumstances;

3 82. DEFENDANTS' failure to sufficiently train its agents, employees, or representatives was
4 the proximate cause of PLAINTIFF suffering indignities and injuries because it was
5 foreseeable that an individual would be placed at risk of grievous harm, up to and
6 including death, when his safety and well-being depend on inadequately trained
7 individuals.
8

9 83. DEFENDANTS' failure to sufficiently train its employees or representatives was the
10 direct cause of PLAINTIFF'S injuries because but for DEFENDANTS' inadequate
11 training, he would not have been illegally detained in the first place; would not have been
12 handcuffed; an unlawful search would not have occurred; PLAINTIFF would not have
13 been publicly humiliated and arrested; would not have had false narratives disseminated
14 about him in efforts to justify the illegal conduct; and would not have lost his position
15 that was a life-long dream to hold.
16

17 84. As a result of DEFENDANTS' breach of its duty of care, PLAINTIFF is entitled to
18 recover damages for his injuries in an amount according to proof.
19

20 **FOURTH CAUSE OF ACTION– FALSE IMPRISONMENT**

21
22 **By Plaintiff Bernard Robins**

23 **Against LAPD DEFENDANTS:**

24 85. PLAINTIFFS reincorporate, and reallege as if set forth fully herein, paragraphs 1 through
25 84, above.
26
27
28

1 86. By engaging in the conduct described herein, DEFENDANTS unlawfully and
2 intentionally imprisoned PLAINTIFF and thus deprived PLAINTIFF of his liberty
3 without lawful privilege or authority.
4

5 87. By engaging in the conduct described herein, DEFENDANTS acted with express
6 knowledge that no legal cause existed to seize PLAINTIFF, but intentionally deprived
7 PLAINTIFF of his liberty against his will despite such knowledge.
8

9 88. As a direct and proximate result of DEFENDANTS' conduct, PLAINTIFFS suffered the
10 damages including but not limited to indignation, fear, stress, anxiety, stigma, and
11 humiliation.
12

13 89. On information and belief, DEFENDANTS and DOES 1 through 50, inclusive, acted
14 knowingly and willfully, with reckless disregard for the substantial risk of severe harm to
15 PLAINTIFFS. Therefore, PLAINTIFFS are entitled to an award of punitive damages
16 against the individual defendants, not any public entity, in order to punish those
17 defendants and to deter them and others from such conduct in the future.
18

19 **FIFTH CLAIM - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

20 **By PLAINTIFF BERNARD ROBINS**

21 **Against LAPD DEFENDANTS:**

22 90. PLAINTIFFS hereby repeat, re-allege and incorporate the allegations contained in
23 paragraphs 1 through 89, above, as if fully set forth herein.
24

25 91. Through the acts described herein, DEFENDANTS engaged in conduct that was extreme
26 and outrageous, beyond the scope of conduct that which is acceptable in a civil society,
27 and that DEFENDANTS engaged in such conduct wantonly and for the purpose of
28

1 harassing, bullying, and harming PLAINTIFF with knowledge that they had no legal
2 cause for their actions.

3 92. PLAINTIFF is informed and believes that DEFENDANTS engaged in this conduct of
4 knowingly and with the intent to cause him to suffer extreme emotional distress, or with
5 reckless disregard for the substantial certainty that they would suffer extreme emotional
6 distress as a result of DEFENDANTS' conduct.
7

8 93. As a result of this intentional, extreme, and outrageous conduct, PLAINTIFFS suffered
9 extreme emotional distress including but not limited to extreme grief, fear, terror,
10 frustration, helplessness, confusion, and anxiety.
11

12 94. PLAINTIFFS are informed and believes that DEFENDANTS and DOES 1 through 50,
13 inclusive, acted knowingly and willfully, with reckless disregard for the substantial risk
14 of severe harm Plaintiff. Therefore, Plaintiff is entitled to an award of punitive damages
15 against the individual defendants, not any public entity, in order to punish those
16 defendants and to deter them and others from such conduct in the future.
17

18 **PRAYER**

19 WHEREFORE, Plaintiff prays for judgment against Defendants, as to all causes of action
20 as follows:
21

- 22 1. Plaintiff demands a jury trial as to the issues triable;
- 23 2. General damages and special damages according to proof;
- 24 3. Punitive damages against the individual defendants, and not any public entity;
- 25 4. Attorney's fees pursuant to 42 U.S.C. §1983, California Civil Code §52.1, and
26 any other appropriate statute;
- 27 5. Injunctive relief, both preliminary and permanent, as allowed by law;
28

1 6. Costs of suit incurred herein; and

2 7. Such further relief as the Court deems just and proper.

3
4 Dated: May 20, 2023

5 Respectfully submitted,

6 LAW OFFICE OF J. BLACKNELL

7
8
9 By: *Kellen J. Davis*
10 KELLEN DAVIS
11 Attorney for Plaintiff
12 BERNARD ROBINS