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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**
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16 COMMUNITY COALITION, BLACK LIVES
MATTER LOS ANGELES, AND SHEILANEE
17 SEN,

18 Petitioners/Plaintiffs,

19 vs.

20 CITY OF LOS ANGELES, LOS ANGELES
POLICE DEPARTMENT, AND MICHEL
21 MOORE,

22 Respondents/Defendants.

Case No: 23STCP04543

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(Code Civ. Proc. 1085, 526a)

Electronically FILED by
Superior Court of California,
County of Los Angeles
12/19/2023 8:20 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By R. Perez, Deputy Clerk

INTRODUCTION

1
2 1. This action challenges the unconstitutional policy of Respondents City of Los Angeles,
3 Los Angeles Police Department (“LAPD”), and LAPD Chief Michel Moore, of conducting “high-risk”
4 traffic stops of motorists based only upon a suspicion that their vehicle may be stolen. Under this policy,
5 when LAPD officers suspect vehicles may be stolen but no other unlawful conduct, they pull over the
6 vehicles, respond with at least seven and usually more police officers and a police helicopter, draw and
7 point their weapons at people inside the vehicle, order the people to get out of their vehicle and lie “prone”
8 face down and spread eagle in the street, and handcuff the people. LAPD officers engage in such
9 aggressive conduct even when the motorists are cooperative, follow all police commands, and present no
10 threat. LAPD officers conduct approximately one thousand “high-risk” traffic stops based only on
11 suspicion of a stolen vehicle per year.

12 2. The Fourth Amendment to the United States Constitution and the Article 1, § 13 of the
13 California Constitution prohibit unreasonable seizures including arrests conducted without a warrant or
14 probable cause. In 2014, the Ninth Circuit Court of Appeals held in *Green v. City and County of San*
15 *Francisco*, 51 F.3d 1039 (9th Cir. 2014), that the use of “high-risk” tactics based only on the reasonable
16 suspicion of a stolen vehicle constitutes an arrest without probable cause in violation of the Fourth
17 Amendment of the United States Constitution. LAPD’s policy on “high-risk” traffic stops violates the
18 United States and California Constitutions by directing LAPD officers to use aggressive and violent
19 tactics that constitute a *de facto* arrest without probable cause to believe that the people have committed
20 any crime.

21 3. LAPD knows that the vehicles it stops on suspicion of being stolen often are not stolen,
22 that the risks posed by traffic stops of suspected stolen vehicles is very low, and that its policy is
23 unnecessary to protect officer safety. According to LAPD’s own statistics, 74 percent of the vehicles
24 LAPD stopped between 2018 and 2021 on suspicion of being stolen were not in fact stolen. LAPD’s
25 statistics also show that objects that could be used as weapons in these vehicles are seized in fewer than
26 one percent of such stops. LAPD has no records that any of its officers has ever been injured when they
27 conducted a traffic stop based only upon the suspicion that the vehicle may be stolen.

28 4. The people subjected to these unconstitutional practices face great risks of harm. Many of

1 of stealing a vehicle to violent tactics and arrests without probable cause.

2 8. Petitioner Black Lives Matter Los Angeles is an unincorporated association in California
3 and was the first chapter to form in what is now a nationwide network dedicated to racial justice, Black
4 organizing, and an end to police brutality. Petitioner Black Lives Matter Los Angeles has a direct
5 beneficial interest in Respondents' performance of the legal duties alleged in this Petition and Complaint
6 in that it diverts resources and staff time to challenging LAPD's law enforcement policies and procedures
7 including its policies and procedures on traffic stops. Petitioner Black Lives Matter Los Angeles also has
8 a beneficial interest as a citizen because this lawsuit involves questions of public rights and seeks to
9 enforce public duties.

10 9. Petitioner Sheilanee Sen is 36-years old and resides in Los Angeles County. Petitioner
11 Sen has a direct beneficial interest in Respondents' performance of the legal duties alleged in this Petition
12 and Complaint in that she previously brought a lawsuit against the City of Los Angeles and the involved
13 LAPD officers over a high-risk traffic stop on February 8, 2020, and the parties thereafter reached a
14 settlement on July 28, 2022, in which the City paid very significant monetary damages but did not admit
15 to any wrongdoing. Petitioner Sen does not seek any further monetary damages and brings this lawsuit to
16 prevent LAPD from subjecting other Angelenos to the same unlawful conduct in the future. Petitioner
17 Sen also has a beneficial interest as a citizen because this lawsuit involves questions of public rights and
18 seeks to enforce public duties. Petitioner Sen additionally is a taxpayer within the meaning of Code of
19 Civil Procedure § 526a and brings this lawsuit with the goal of ending the City's illegal and wasteful
20 expenditure of public funds on LAPD's harmful and unconstitutional policy and practice of subjecting
21 motorists suspected only of stealing a vehicle to violent tactics and arrests without probable cause.

22 10. Respondent and Defendant ("Respondent") City of Los Angeles is a charter city organized
23 and existing under the laws of the State of California. Respondent City is responsible for the actions,
24 omissions, policies, procedures, practices, and customs of its various agents and agencies, which include
25 Respondents Los Angeles Police Department and Chief Moore. Defendant City owns, operates, manages,
26 directs, and controls the Los Angeles Police Department, as well as its officers, employees, and other
27 personnel. At all times relevant to the facts alleged herein, Defendant City was and is responsible for
28 ensuring that the actions, omissions, policies, procedures, practices, and customs of its employees

1 complied with the laws and the Constitutions of the United States and State of California.

2 11. Respondent Los Angeles Police Department (“LAPD”) is the law enforcement agency
3 with jurisdiction over the City of Los Angeles. LAPD maintains an unconstitutional policy of conducting
4 high-risk traffic stops based only on suspicion of a stolen vehicle and directs the officers it employs to
5 apply this policy to motorists within the City of Los Angeles on a regular basis.

6 12. Respondent Michel R. Moore (“Moore”) is Chief of LAPD and is responsible for
7 formulating, executing, and administering the laws, customs, and practices that comprise LAPD’s policy
8 of conducting high-risk traffic stops based only upon suspicion of a stolen vehicle. Respondent Moore is
9 sued in his official capacity only.

10 13. Petitioners are informed and believe and thereon allege that at all times mentioned below,
11 each Respondent was the principal, agent, representative, partner, or co-conspirator of the remaining
12 Respondents, and each other, and that in doing the acts alleged, each of the Respondents were acting
13 within the course and scope of their agency, employment, partnership, conspiracy, or other authorized
14 relationship with the other Respondents and with the permission and ratification of Respondents.
15 Whenever and wherever reference is made in this petition to any acts of Respondent or Respondents, such
16 allegations and references shall also be deemed to mean the acts of each Respondent acting individually,
17 jointly or severally.

18 **JURISDICTION AND VENUE**

19 14. Venue is proper in this Court because the causes of action alleged in this Petition arose in
20 Los Angeles County where Petitioners and Respondents are located and where the traffic stops conducted
21 pursuant to LAPD’s unconstitutional policy have occurred and will occur.

22 **FACTUAL ALLEGATIONS**

23 **A. LAPD Policy and Training Are to Conduct High-Risk Traffic Stops Based Only Upon the**
24 **Suspicion of a Stolen Vehicle**

25 15. At all times material herein, LAPD has an express written policy of conducting “high-
26 risk” or “felony” traffic stops whenever its officers suspect a vehicle may be stolen—a property crime
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1 that is neither violent nor high-risk.¹

2 16. LAPD officers typically identify potentially stolen vehicles by using the MDCs in their
3 patrol car to look up a license plate in CLETS. LAPD trains its officers to conduct a high-risk traffic stop
4 in response to any “hit” from CLETS indicating that a vehicle may be stolen. LAPD officers performing
5 a high-risk traffic stop are trained to:

- 6 a. respond with at least seven and frequently more than a dozen officers plus a police
7 helicopter,
- 8 b. hold the driver and any passengers at gunpoint by several officers,
- 9 c. order all the vehicle’s occupants to lie “prone,” meaning face down and spread
10 eagle in the street,
- 11 d. search the vehicle, and
- 12 e. handcuff each occupant before investigating whether the individuals they have just
13 detained had actually stolen the vehicle.²

14 17. LAPD requires its officers to conduct high-risk traffic stops in response to CLETS “hits”
15 indicating a vehicle may be stolen without confirming the CLETS information and without any
16 consideration of whether the “special circumstances” identified in *Green* are present.

17 **B. Traffic Stops of Suspected Stolen Vehicles Have a Low Level of Anticipated Risk**

18 18. Traffic stops of suspected stolen vehicles present a low level of anticipated risk. In
19 response to inquiries, LAPD has been unable to identify a single traffic stop ever based on suspicion of a
20 stolen vehicle where any officer was injured.

21 19. According to LAPD’s own statistics, between 2018 and 2022, weapons were seized in
22 fewer than one percent of the more than 8,000 stops performed based only on suspicion of a stolen
23 vehicle.

24 20. The traffic stop of Petitioner Sen and Ms. Balsaver is just one example of the many types
25 of errors involving CLETS information leading police officers to mistakenly believe that a vehicle is
26 stolen. LAPD’s statistics reveal that the vehicle turned out not to be even stolen in nearly three quarters

27 ¹ LAPD High-Risk Stop Policy (“Event 4 – Traffic Enforcement, Session 13, revised November 13,
28 2019”).

² *See id.*

1 (74 percent) of these stops.

2 21. Pursuant to its policy on conducting high risk traffic stops, LAPD has conducted
3 thousands of such stops since 2018.

4 **C. LAPD’s Traffic Stops of Suspected Stolen Vehicles Disproportionately Impacts Black**
5 **Angelenos**

6 22. Like many aspects of the criminal justice system, LAPD’s policy on conducting high risk
7 traffic stops places an especially heavy burden on people of color. LAPD’s statistics demonstrate that
8 between 2018 and 2022, Black Angelenos were subjected to 18%³ of LAPD’s traffic stops based on
9 suspicion of a stolen vehicle—more than twice their 8% share of the City’s population.⁴

10 **D. POST Standards and Training Limit the Use of High-Risk Procedures to Only Those**
11 **Traffic Stops Involving the Highest Level of Anticipated Risk**

12 23. The Commission on Peace Officer Standards and Training (POST) is an agency created
13 within the California Department of Justice that provides education and training for peace officers. Penal
14 Code §§ 832.3(b), 13503(e), 13510(a). Every law enforcement department that participates in
15 Commission programs and receives funding from the Commission is required to comply with the
16 Commission’s minimum selection and training standards for peace officers. Penal Code § 832.3(a).
17 LAPD participates in POST’s programs pursuant to a Memorandum of Agreement and is required to train
18 its officers on POST’s standards.⁵

19 24. POST Learning Domain 22 sets forth POST standards and training for conducting traffic
20 stops.⁶ It describes three categories of traffic stops consisting of traffic enforcement pullovers (lowest
21 risk), investigative pullovers (intermediate risk), and high-risk pullovers (highest risk), and directs that
22 their use be based upon the degree of anticipated risk.⁷ Pursuant to the POST standards and training, the
23 high-risk pullover should only be used in traffic stops with the highest level of anticipated risk, such as
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25 ³ LAPD AB953 data 2018-2022 obtained through Public Records Act request (Nov. 21, 2022).

26 ⁴ Los Angeles City Planning Department, *available at* <https://planning.lacity.org/resources/demographics> (last visited May 8, 2023).

27 ⁵ Commission on Peace Officer Standards and Training, Letter to Chief Charlie Beck (Jan. 28, 2015).

28 ⁶ POST Learning Domain 22 (“Vehicle Pullovers”) Version 3.2, *available at* https://post.ca.gov/portals/rkbooks/LD_22_V-3.2.pdf (last visited May 8, 2022).

⁷ *Id.* at 1-5.

1 those involving drive-by shootings and car jackings.⁸

2 25. LAPD’S use of high-risk traffic stops based only on suspicion of a stolen vehicle is
3 inconsistent with POST standards and training.

4 26. POST Learning Domain 36 expressly warns law enforcement officers throughout
5 California, which includes police officers in Los Angeles, that information in CLETS identifying a
6 vehicle as stolen is not sufficient alone to establish probable cause:

7 Information obtained from CLETS can be used by peace officers to establish or reinforce the
8 *reasonable suspicion* necessary to *lawfully detain a suspect*.

9 Because the information may be unreliable or unsubstantiated, however, *it is not sufficient alone*
10 for establishing the probable cause necessary for law enforcement actions such as conducting a
search, seizing property, or placing an individual under arrest.⁹

11 27. For this reason, California Department of Justice regulations *require* that officers “obtain
12 confirmation before an arrest or the confiscation of the property in response to the computer match.”¹⁰
13 Officers are also trained that “[t]he use of unreliable or unsubstantiated information by an officer when
14 establishing probable cause could lead to unlawful searches or seizures as well as incidents of false
15 arrest.”¹¹ LAPD does not train its officers to conduct the confirmation of CLETS information prior to
16 conducting a high-risk stop that is required by the Department of Justice and POST.

17 **E. Petitioners’ efforts to resolve dispute without filing a lawsuit.**

18 28. Prior to filing this lawsuit, Attorneys for Petitioners Community Coalition and Black
19 Lives Matter Los Angeles sent a letter to Respondents City of Los Angeles, LAPD, and LAPD Chief
20 Moore informing Respondents that LAPD’s policy violates the United States and California
21 Constitutions and demanding that the policy be changed. Respondents refused to comply even while
22 they offered no explanation or justification for LAPD’s policy. Meanwhile, LAPD officers continue to

23 ⁸ *Id.* at 1-7, 2-5.

24 ⁹ California Commission on Peace Officer Standards and Training (POST), Learning Domain 36
25 (Information Systems), Version 3.6, at 1-9 (emphasis in original), *available at*
https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_36_V-3.6.pdf (last visited
26 May 8, 2023).

27 ¹⁰ *Id.*; Office of the Attorney General, California Department of Justice, California Justice Information
28 Services Division California Law Enforcement Telecommunications System Policies, Practices and
Procedures (and Statutes) (Rev 12/19), at § 1.6.1(A), *available at*
<https://oag.ca.gov/sites/default/files/clets-ppp%2012-2019.pdf> (last visited September 14, 2023).

¹¹ POST Learning Domain 36, Version 3.6, at 1-9.

1 apply LAPD's unconstitutional policy on a regular basis.

2 29. Petitioners have performed any and all conditions precedent to filing this instant action
3 and has exhausted any and all available administrative remedies to the extent required by law, including
4 attempting to resolve this matter without resorting to legal action, as set forth herein.

5 30. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law unless
6 this Court grants the requested writ of mandate to require Respondents to cease implementing and
7 enforcing their unconstitutional policy. In the absence of such remedies, Respondents' policy and
8 practice of performing high-risk traffic stops based only on the suspicion of a stolen vehicle will proceed
9 in violation of federal and state law.

10 **FIRST CAUSE OF ACTION**

11 **(Writ of Mandate – Compel Compliance with Fourth Amendment to United States Constitution)**

12 **(Fourth Amendment to U.S. Constitution; Code Civ. Proc. § 1085)**

13 **(All Petitioners Against All Respondents)**

14 31. Petitioners reallege and incorporate by reference each allegation set forth in paragraphs 1
15 through 30 above.

16 32. The Fourth Amendment to the United States Constitution prohibits unreasonable seizures.
17 U.S. Const. amend. IV.

18 33. By its above-mentioned conduct, Respondents have violated the Fourth Amendment to the
19 United States Constitution, incorporated and made applicable to the states and their local governments by
20 the Fourteenth Amendment by, among other things, unlawfully seizing people by conducting high-risk
21 traffic stops and arrests based only upon the suspicion of a stolen vehicle and without any lawful basis,
22 probable cause, warrant, or exception thereto.

23 34. Petitioners have a clear and legal right to Respondents' performance of their duties as set
24 forth in this cause of action, and Respondents have refused to perform these duties despite their ability to
25 do so.

26 35. Petitioners have no plain, speedy, or adequate remedy other than the relief sought herein.

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1 **SECOND CAUSE OF ACTION**

2 **(Writ of Mandate – Compel Compliance with Article 1, § 13 of the California Constitution)**

3 **(Article 1, § 13 of the California Constitution; Code Civ. Proc. § 1085)**

4 **(All Petitioners Against All Respondents)**

5 36. Petitioners reallege and incorporate by reference each allegation set forth in paragraphs 1
6 through 35 above.

7 37. Article I, § 13 of the California Constitution prohibits unreasonable seizures. Cal. Const.,
8 Art. I, § 13.

9 38. By its above-mentioned conduct, Respondents have violated Article 1, § 13 of the
10 California Constitution by, among other things, unlawfully seizing people by conducting high-risk traffic
11 stops and *de facto* arrests based only upon the suspicion of a stolen vehicle and without any lawful basis,
12 probable cause, warrant, or exception thereto.

13 39. Petitioners have a clear and legal right to Respondents’ performance of their duties as set
14 forth in this cause of action, and Respondents have refused to perform these duties despite their ability to
15 do so.

16 40. Petitioners have no plain, speedy, or adequate remedy other than the relief sought herein.

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1 **THIRD CAUSE OF ACTION**

2 **(Relief from Illegal Expenditure of Public Funds: Violation of C.C.P. § 526(a))**

3 **(Petitioners Community Coalition and Sheilanee Sen Against All Respondents)**

4 41. Petitioners Community Coalition and Sheilanee Sen reallege and incorporate by reference
5 each allegation set forth in paragraphs 1 through 40 above.

6 42. Respondents have expended public funds in the promulgation and implementation of the
7 unlawful policy and practices alleged in this petition and complaint.

8 43. Petitioner Community Coalition has paid a tax within and to the State of California within
9 one year before commencement of this action.

10 44. Petitioner Sheilanee Sen has paid a tax within and to the State of California within one
11 year before commencement of this action.

12 45. Unless and until enjoined by this Court, Respondents' unlawful conduct will cause great
13 and irreparable injury to Petitioners Community Coalition and Sheilanee Sen in that Respondents will
14 continue to make illegal expenditures.

15 46. An actual controversy has arisen and now exists between Petitioners Community Coalition
16 and Sheilanee Sen, on the one hand, and Respondents, on the other hand, concerning their respective
17 rights and duties. These Petitioners desire a judicial determination of the rights and duties of the parties
18 and a declaration as to whether Respondents' practices as alleged herein violate the above-mentioned
19 laws. A judicial declaration is necessary and appropriate at this time so that all parties may ascertain
20 their rights and duties under these laws.

21 **PRAYER FOR RELIEF**

22 47. Issue a peremptory writ of mandate under Code of Civil Procedure § 1085 commanding
23 Respondents to comply with the Fourth Amendment to the United States Constitution and Article 1, § 13
24 of the California Constitution, and cease to enforce the policy and/or practice of conducting high-risk
25 traffic stops based only on suspicion of a stolen vehicle and without any of these other factors present: 1)
26 the suspect is uncooperative or takes action at the scene that raises a reasonable possibility of danger or
27 flight; 2) the police have information that the suspect is currently armed; 3) the stop closely follows a
28 violent crime; or 4) the police have information that a crime that may involve violence is about to occur

1 48. Issue a declaration that Respondents’ policy on conducting high-risk traffic stops based
2 only on suspicion of a stolen vehicle violates the Fourth Amendment to the United States Constitution
3 and Article 1, § 13 of the California Constitution.

4 49. Grant a preliminary and permanent injunction prohibiting Respondents from conducting
5 high-risk traffic stops based only on suspicion of a stolen vehicle and without any of the *Green* factors
6 present.

7 50. Award Petitioners cost of suit;

8 51. Award Petitioners reasonable attorney’s fees pursuant to all applicable fee statutes; and

9 52. Grant such other and further relief the Court deems just.

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11 Dated: December 19, 2023

Respectfully Submitted,

12 HADSELL STORMER RENICK & DAI LLP

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14 By: Brian Olney
15 Dan Stormer
16 Brian Olney
17 Attorney for Plaintiff

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing Petition and Complaint and know its contents. I am the Chief Culture Officer of Community Coalition, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. To the extent that the Petition is based upon facts known to me, I verify them to be true, and otherwise, I am informed and believe that all facts therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 14, 2023 at Los Angeles,
California.


Leslie Cooper Johnson

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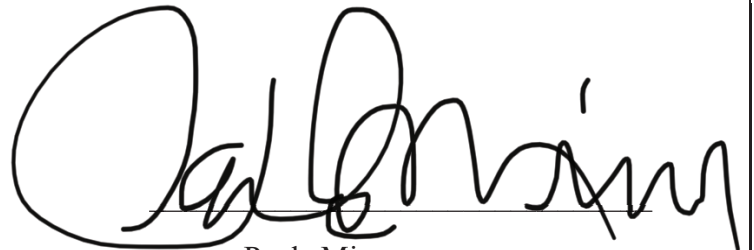
VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing Petition and Complaint and know its contents. I am a Board Member of Black Lives Matter Los Angeles, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. To the extent that the Petition is based upon facts known to me, I verify them to be true, and otherwise, I am informed and believe that all facts therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 15, 2023 at Los Angeles, California,
California.



Paula Minor

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing Petition and Complaint and know its contents. To the extent that the Petition is based upon facts known to me, I verify them to be true, and otherwise, I am informed and believe that all facts therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 17, 2023 at Los Angeles, California,
California.



Sheilanee Sen