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10 ANGELA SANTA CRUZ, individually
11 and as Guardian ad litem for M.L.V., a
12 minor

13 **UNITED STATES OF DISTRICT COURT**
14 **CENTRALDISTRICTOF CALIFORNIA**

15 ANGELA SANTA CRUZ,
16 individually and as Guardian ad litem
17 for M.L.V., a minor,

18 Plaintiff,

19 vs.

20 CITY OF BEAUMONT, a public
21 entity; OFFICER GREGORY
22 ADAMS, individually; and DOES 1
23 through 20, inclusive,

24 Defendants.

CASE NO.: 2:18-CV-08427

COMPLAINT FOR DAMAGES:

1. **CIVIL RIGHTS VIOLATION – 42 U.S.C. SECTION 1983**
2. **UNRUH CIVIL RIGHTS ACT – SECTIONS 52 AND 52.1**
3. **VIOLATION OF PENAL CODE SECITON 4030**
4. **INVASION OF PRIVACY**
5. **NELIGENT INFLICTION OF EMOTIONAL DISTRESS**

JURY TRIAL DEMAND

INTRODUCTION

25 This is an action for monetary and punitive damages against the CITY OF
26 BEAUMONT, Officer GREGORY ADAMS, Individually and in his official capacity
27 and DOES 1 through 20 for violations of Plaintiff’s constitutional rights results from
28 application of the CITY OF BEAUMONT and the Beaumont Police Department’s

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1 policies, practices, and customs concerning the use of strip searches at the
2 BEAUMONT police station.

3 Defendants’ strip search policies, practices, and customs violate the Plaintiff’s
4 rights that are secured by the Fourth and Fourteenth Amendments to the United States
5 Constitution and entitles Plaintiff to recover damages under Federal Civil Rights Act
6 (42 U.S.C. Section 1983).

7 Additionally, Plaintiff includes supplemental state law claims under California
8 state law against Defendants: 1) for violation of California Penal Code § 4030 which
9 prohibits pre-arraignment strip searches of most misdemeanants, requires such
10 searches be conducted in an area of privacy, and be pre-approved in writing by a
11 supervisor; and, 2) for violation of the Bane Civil Rights Act (California Civil Code
12 §52 and §52.1(b)), which provides for civil penalties in cases where persons are
13 coerced to give up their constitutional or statutory rights. California Penal Code §
14 4030 provides for minimum damages of \$1,000 for each illegal search and the Bane
15 Act entitles Plaintiff, and each of those he represents, to receive statutory minimum
16 damages of \$4,000 per violation.

17
18 **JURISDICTION**

19 This action is brought pursuant to 42 USC §§1983 and 1988, and the Fourth
20 and Fourteenth Amendments to the United States Constitution. Jurisdiction is
21 founded upon 28 USC §§1331 and 1341(3) and (4) and the aforementioned statutory
22 and constitutional provisions. Under 28 USC § 1367(a) the Court has supplemental
23 jurisdiction over the state claims alleged herein.

24 **PARTIES**

25 1. Minor Plaintiff M.L.V. at all material times here, was a citizen of the United
26 States and resident of the State of California who was subjected to a strip search at
27 the Beaumont Police Station (hereinafter referred to as the “Beaumont Station”), prior
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1 to being arrested and/or without the Defendants first having, and recording in writing,
2 a reasonable suspicion that the searches would produce contraband or weapons.

3 2. Plaintiff ANGELA SANTA CRUZ (“Ms. SANTA CRUZ”) at all relevant
4 times mentioned here, was a citizen of the United States and resident of the State of
5 California and M.L.V.’s natural mother. Ms. SANTA CRUZ witnessed her minor
6 daughter being subjected to a strip search at Beaumont Police Station, prior to being
7 arrested and/or without the Defendants first having, and recording in writing, a
8 reasonable suspicion that the M.L.V.’s search would produce contraband or weapons.

9 3. Defendant BEAUMONT police officer GREGORY ADAMS
10 (“ADAMS”), is and at all material times referred to here, was an officer with the
11 CITY OF BEAUMONT (the “CITY” or “BEAUMONT”) and Beaumont Police
12 Department. He is sued in both his individual and official capacities.

13 4. Defendant BEAUMONT’s police officers, sued here by their fictitious
14 names (Does 1 through 20) are all officers who, as part of their duties at the Beaumont
15 Police Station, subjected M.L.V. to a pre-arrest strip search without having, and/or
16 recording in writing a reasonable suspicion that the search would produce contraband
17 or weapons and/or conducted the complained of search so that they could be observed
18 by persons not participating in the searches. In fact, there was no reason to conduct
19 the search at all since M.L.V. was not under arrest.

20 5. At all material times mentioned here, each of the Defendants ADAMS and
21 Does 1 – 20 was acting under the color of law and under color of statutes, ordinances,
22 regulations, policies, customs and usages of the State of California, the CITY OF
23 BEAUMONT and/or the Beaumont Police Department.

24 6. Defendant BEAUMONT is, and at all material times referred to here, was
25 a division of the State of California, that maintained or permitted an official policy or
26 custom or practice causing or permitting the occurrence of the types of wrongs
27 complained of here, which wrongs damaged M.L.V. Plaintiff’s allegations against
28 BEAUMONT are based on acts and omissions of the CITY and the Beaumont Police

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1 Department and on acts and omissions of persons who are BEAUMONT employees,
2 and on the CITY’s breach of its duty to protect M.L.V. from the wrongful conduct of
3 these persons and employees.

4 7. DOE Defendants 11through 20 also maintained or permitted an official
5 policy or custom of causing or permitting the occurrence of the types of wrongs
6 complained of here, which wrongs damaged M.L.V.

7
8 **FACTS**

9 8. This is a civil rights action for damages against the CITY OF BEAUMONT
10 and the Beaumont Police Department and Defendant GREGORY ADAMS on
11 account of their practice of viewing and videotaping and/or photographing strip-
12 searches conducted of women suspects, including minors like M.L.V. A strip search
13 is a visual scan of a suspect’s naked body after clothing has been removed. The
14 policy includes having women suspects like M.L.V. to take off her clothes and
15 perform a series of actions including turning around slowly. While this is occurring,
16 an officer with a video camera stands just a few feet away, facing the suspect and
17 records the strip search.

18 9. Defendant ADAMS is male, and in committing the acts complained of here
19 in violation of the United States Constitution, California law, national correctional
20 standards and the basic human dignity that these authorities are supposed to protect.
21 “The desire to shield one’s unclothed figure from the view of strangers, and
22 particularly strangers of the opposite sex is impelled by elementary self-respect and
23 personal dignity.” *Byrd v. Maricopa County Sheriff’s Dep’t*, 629 F.3d 1135, 1147
24 (9th Cir. 2011) [describing a litany of cases over the last thirty years finding that cross-
25 gender strip searches in the absence of an emergency are unconstitutional.]

26 10. Defendant CITY is responsible for this unconstitutional practice.
27 Defendant CITY has created and maintained written strip search policies that permit
28 male officers to record naked women (including minor girls). The CITY knows, or

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1 through the exercise of reasonable diligence should know of and condones the fact
2 that in practice, the officer recording the women suspects is almost always male.
3 Defendant CITY created and maintained written policies with knowledge that male
4 officers would routinely view naked female suspects (including minor girls) as they
5 were being strip searched or acted conscious and reckless disregard of this fact.
6 Defendant CITY was aware of this practice and permitted it to continue in violation
7 of the Fourth Amendment to the United States Constitution. The CITY had an
8 obligation to correct this practice so that it would conform to the Constitution. By
9 permitting the practice of routinely allowing male officers to film naked women
10 (including minor girls) being strip searched to continue, Defendants acted with
11 reckless indifference to the M.L.V.'s constitutional rights. Defendants deprived
12 M.L.V. of her clearly established right, guaranteed by the Constitution of the United
13 States, to be free from unreasonable searches.

14 11. On or about December 23, 2017, minor M.L.V. was subjected to an
15 invasive strip search where she was humiliated and degraded. Defendant GREGORY
16 ADAMS coerced her into an interview room under the guise of having to take
17 pictures for an investigation into a fight that had taken place days earlier. Even with
18 Ms. SANTA CRUZ present, and to her mother's disgust, Defendant ADAMS
19 instructed M.L.V. to remove her top, including her bra, while he recorded the process.
20 He then told her to turn around slowly. Furthermore, Defendant ADAMS told minor
21 M.L.V. to remove her jeans and to again, turn around slowly. As a result of having
22 to endure this unlawful and humiliating search and seizure, minor M.L.V. sustained
23 serious emotional injury to her mind and body, all in an amount to be determined
24 according to proof at trial. She has been required to incur medical costs for counselors
25 and therapists to examine, treat, and care for her. Accordingly, she has incurred
26 medical costs in the past, and is likely to incur similar costs in the future, all in an
27 amount to be determined according to proof at trial. As a result of having to watch
28 this, Ms. SANTA CRUZ also sustained serious emotional injury her mind and body

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1 beyond that which would be expected in a disinterested witness, all in an amount to
2 be determined according to proof at trial. She has also had to incur medical costs for
3 counselors to examine, treat and care for her. She has incur medical costs in the past,
4 and is likely to incur costs in the future, all in an amount to be determined according
5 to proof at trial. Consequently, Defendant ADAMS and DOES 1 – 10’s actions under
6 these circumstances was despicable, unlawful, malicious, oppressive, and with a
7 deliberate indifference to Plaintiffs’ rights, justifying the imposition of punitive
8 damages against him and the individual Defendants.

9 12. Defendant CITY failed to properly train Defendant ADAMS and other
10 Beaumont Police Officers on cross-sex strip searches. Alternatively, Defendant
11 ADAMS and DOES 1 through 10 failed to implement the training they had received
12 from the CITY concerning cross-sex strip searches. The Plaintiffs also allege that
13 each of the police officer Defendants ADAMS and DOES 1 - 10 negligently,
14 carelessly, and mistakenly conducted the cross-gender strip search.

15 13. Plaintiffs also contend that the CITY and DOES 11 - 20 negligently
16 trained Defendant ADMAS and DOES 1 - 10 as to the appropriate circumstances
17 regarding cross sex strip searches, leading to the actions and failures to act as alleged
18 here. The actions described here are unfortunately part of a long-standing custom,
19 habit, and practice of members of the Beaumont Police Department regarding cross
20 sex strip searches of female citizens.

21 14. Plaintiffs are further informed and believe that Defendant ADAMS and
22 DOES 1 – 20 has conspired, and continues to conspire to hide and distort the true
23 facts concerning this incident. This conspiracy is furthered by Defendant ADAMS
24 and Defendants 1 – 20 preparing false and misleading reports, as well as providing
25 false and misleading statements concerning the true nature of their interaction with
26 these Plaintiffs.

27 15. Within six (6) months of this strip search, Plaintiffs timely filed a
28 Government Tort Claim pursuant to *California Government Code* § 910 et seq.

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1 BEAUMONT rejected Plaintiff’s Claim allowing for the timely filing of this
2 complaint on state statute and constitutional violations.

3 16. Defendants CITY and DOES 11 – 20 are personally responsible for the
4 promulgation and continuation of the strip search policy, practice and custom
5 pursuant to which M.L.V. was subjected.

6 17. As a result of being subjected to the strip searches complained of here,
7 Plaintiffs suffered physical, mental, and emotional distress, invasion of privacy, the
8 loss of enjoyment of life, and a violation of due process of law and state and federal
9 statutory and constitutional rights all in an amount to be determined according to
10 proof at trial. In addition, Plaintiffs are entitled to recover at a minimum, \$1,000 as
11 specified in *California Penal Code* §§ 4030(p) and \$4,000 as specified in *California*
12 *Civil Code* §§ 52 and 52.1(b).

13
14 **COUNT ONE**

15 *(Violation of Fourth and Fourteenth Amendments to the*
16 *U. S. Constitution on behalf of Plaintiff M.L.V against all Defendants)*

17 18. Plaintiffs re-allege and hereby incorporate here the preceding paragraphs
18 of this complaint, to the extent relevant, as if fully set forth.

19 19. Defendants’ policies, practices, and customs regarding the strip search
20 complained of here violated M.L.V.’s rights, under the Fourth Amendment to be free
21 from unreasonable searches and seizures; violated M.L.V.’s rights to due process and
22 privacy under the Fourteenth Amendment; and directly and proximately damaged
23 Plaintiff, and all those similarly situated, as alleged here, all in an amount to be
24 determined according to proof at trial. Moreover, M.L.V, and all class members are
25 entitled to recover damages for these constitutional violations pursuant to 42 U.S.C.
26 Section 1983 all in an amount to be determined according to proof at trial.

27 **COUNT TWO**

28 *(California State Unruh Civil Rights Act, Civil Code §§ 52 and 52.1,*

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on behalf of Plaintiff M.L.V. against all Defendants)

20. Plaintiffs re-allege and hereby incorporate here the preceding paragraphs of this complaint, to the extent relevant, as if fully set forth.

21. Defendants’ policies, practices, and customs regarding the strip search complained of here violated M.L.V.’s rights to privacy as secured by Article I, Section 1 of the California Constitution and directly and proximately damaged Plaintiff, as alleged here in an amount to be determined according to proof at trial. Moreover, M.L.V in entitled to recover a minimum of \$4,000 for each violation pursuant to *California Civil Code* §§ 52.1 and 52, in addition to other damages.

COUNT THREE

(Violation of California Penal Code § 4030, California State Unruh Civil Rights Act, Civil Code §§ 52 and 52.1, on behalf of Plaintiff M.L.V. Against All Defendants)

22. Plaintiffs re-allege and hereby incorporate here the preceding paragraphs of this complaint, to the extent relevant, as if fully set forth.

23. Defendants’ policies, practices, and customs regarding the strip search complained of here violated M.L.V.’s rights secured under *California Penal Code* § 4030 and directly and proximately damaged M.L.V. all in an amount to be determined according to proof at trial. In addition, M.L.V. is entitled to recover a minimum of \$1,000 each pursuant to *California Penal Code* §4030(p), and to further minimum damages of \$4,000 each pursuant to *California Civil Code* §§ 52.1 and 52, in addition to other damages.

COUNT FOUR

(Invasion of Privacy on behalf of Plaintiff M.L.V. Against All Defendants)

24. Plaintiffs re-allege and hereby incorporate here the preceding paragraphs of this complaint, to the extent relevant, as if fully set forth.

1 25. By strip searching M.L.V. in a non-private area that could be viewed by
2 people not participating in the strip search, each of the Defendants ADAMS and
3 DOES 1 - 20, and each of them, violated M.L.V.'s rights to privacy as secured by the
4 California State Constitution, Article I, Section 1, and directly and proximately
5 damaged Plaintiff, by causing emotional distress, humiliation, and embarrassment to
6 her mind and body, all in an amount to be determined according to proof at trial.

7
8 **COUNT FIVE**

9 *(Negligent Infliction of Emotional Distress on behalf of Angela Santa Cruz*
10 *Against All Defendants)*

11 26. Plaintiff ANGELA SANTA CRUZ incorporates by reference the
12 allegations in paragraphs 1 – 25 above as if fully set forth here.

13 27. Ms. SANTA CRUZ watched in horror as her minor daughter was being
14 subjected to a strip search at Beaumont Police Station, prior to being arrested and/or
15 without the Defendants first having, and recording in writing, a reasonable suspicion
16 that the searches would produce contraband or weapons.

17 28. As a legal result of the violations of statute and civil rights of Defendants
18 and each of them, Ms. SANTA CRUZ suffered and continues to suffer severe
19 emotional trauma due to witnessing the unlawful strip search of her minor daughter,
20 beyond that which would be expected in a disinterested witness.

21 29. Plaintiff SANTA CRUZ is the biological mother of M.L.V. SANTA
22 CRUZ lived with her daughter at the time of the incident and was present at the scene
23 and witnessed the unlawful strip search. As the mother of M.L.V., her emotional
24 distress as a result of watching M.L.V. subject to an illegal and unlawful strip search
25 was foreseeable.

26 30. Plaintiff SANTA CRUZ incurred medical expenses in the past, and is
27 likely to incur similar expenses in the future, all in an amount to be determined
28 according to proof at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek judgment as follows:

1. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, Defendants’ policies, practices, and customs of subjecting pre-arraignment detainees to cross-gender strip and visual body cavity searches without having a reasonable suspicion that such searches would be productive of contraband or weapons and conducting said searches in a non-private area observable by persons not participating in the search.;

2. For compensatory, general, and special damages for Plaintiffs, as against all Defendants in an amount to be determined according to proof at trial;

3. For exemplary damages as against each of the individual Defendants in an amount sufficient to deter and to make an example of those Defendants, in an amount to be determined according to proof at trial;

4. In addition to compensatory and statutory damages as allowed by law, at least \$4,000 for each Plaintiff pursuant to *California Civil Code* § 52.1 and § 52, for each violation thereof;

5. In addition to compensatory and statutory damages as allowed by law and pursuant to *California Penal Code* § 4030, at least \$1,000 for each Plaintiff for each violation of *California Penal Code* § 4030 suffered thereby;

6. Attorneys’ fees and costs under 42. *U.S.C.* § 1988, *California Civil Code* § 52(b)(3), *California Civil Code* §52.1(h), *California Code of Civil Procedure* § 1021.5 and *California Penal Code* § 4030(p); and

7. The cost of this suit and such other relief as the court finds just and proper.

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Respectfully Submitted,

Dated: September 28, 2018

DOUGLAS / HICKS LAW, APC

By: /s/ Jamon R. Hicks
Jamon R. Hicks, Esq.
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Respectfully Submitted,

Dated: September 28, 2018

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By: /s/ Jamon R. Hicks
Jamon R. Hicks, Esq.
Attorneys for Plaintiffs