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14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 ABDULLAH WRIGHT,

Case No.: '24CV2089 BEN BLM

17 Plaintiff,

COMPLAINT

FOR DAMAGES AND

18 vs.

DEMAND FOR JURY TRIAL:

19 CITY OF SAN DIEGO,

20 SDPD Off. Brandon Lopez,

1. 42 U.S.C. § 1983: Fourth
Amendment; Unlawful
seizure;

21 Defendants.

2. 42 U.S.C. § 1983: Equal
Protection;

3. 42 U.S.C. § 1983: Policy of
Failure to Train/Failure to
Prevent Violations of Law;

4. Bane Act: Cal. Civ. Code
§ 52.1;

5. Negligence;

6. False Arrest Without
Warrant by Peace Officer.

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 2 *Diego Police Treat People of Color Differently - SDPD has criticized*
 3 *other analyses by outside groups, but the latest one mirrors the*
 4 *findings of those efforts, and offers a familiar picture of the disparities*
 5 *that people of color face when encountering law enforcement. Police*
 6 *Chief David Nisleit said disparities are not evidence of discrimination,*
 7 *Voice of San Diego (June 17, 2021) 10, 11*

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14 Richard Allyn, *Community calls for change to San Diego Police practice*
 15 *of 'pretext stops' - San Diegans shared their own personal, sometimes*
 16 *emotional experiences being pulled over for minor reasons as a pretext*
 17 *to investigate them for other crimes, CBS8 (Aug. 7, 2024)..... 10*

19 Samuel Sinyangwe,
 20 *Police Scorecard: Evaluating Policing in San Diego..... 9*

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1 Racism is not merely a simplistic hatred. It is, more often,
2 broad sympathy toward some and broader skepticism toward
3 others. Black America ever lives under that skeptical eye.

4 —Ta-Nehisi Coates

5 INTRODUCTION

- 6 1. This is a civil rights action brought by Plaintiff Abdullah Wright,
7 to seek relief for Defendants’ violation of his rights, privileges and
8 immunities secured by 42 U.S.C. § 1983, the Fourth and the
9 Fourteenth Amendments to the U.S. Constitution, and the
10 Constitution and laws of the State of California.
- 11 2. At the time of his arrest in September 2023, Plaintiff Wright was
12 18-years old, and a law-abiding San Diego State University
13 sophomore.
- 14 3. On the Sunday afternoon of this incident, Mr. Wright’s actual
15 “crime” was seeking to enjoy some exercise with his younger
16 brothers (ages 16 and 13).
- 17 4. Without reasonable suspicion or probable cause, Defendant San
18 Diego Police Officer Brandon Lopez stopped, questioned,
19 handcuffed, and illegally arrested Plaintiff Wright after
20 witnessing him *legally* driving *his own vehicle* on the streets of San
21 Diego, less than a mile from his own home.
- 22 5. This suit follows.

23 THE PARTIES

- 24 6. Plaintiff Abdullah Wright is a resident of the City of San Diego.
- 25 7. Defendant Officer Brandon Lopez (SD1771) is a police officer with
26 the City of San Diego Police Department.
- 27
- 28

8. Defendant City of San Diego is a municipality located in San Diego County, within the Southern District of California.

JURISDICTION AND VENUE

9. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) & (4).

10. This Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367(a).

11. Venue is appropriate in this Court because all the events that give rise to this suit occurred in San Diego County, California. 28 U.S.C. § 1391.

12. Prior to filing this complaint, Plaintiff Wright timely filed a claim for damages pursuant to California Gov’t Code § 900.4, *et seq.* with the City of San Diego on February 1, 2024.

13. The City of San Diego denied his claim on May 10, 2024.

14. This suit is timely filed.

RELEVANT STATUTORY PROVISIONS

15. The Ku Klux Klan Act, now known commonly as 42 U.S.C. § 1983, “Civil action for deprivation of rights” provides in relevant part: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . , subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress

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1 16. The Tom Bane Civil Rights Act, Cal. Civ. Code § 52.1 provides in
2 relevant part:

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4 (b) If a person . . . , whether or not acting under color of law,
5 interferes by threat, intimidation, or coercion, or attempts to
6 interfere by threat, intimidation, or coercion, with the
7 exercise or enjoyment by any individual or individuals of
8 rights secured by the Constitution or laws of the United
9 States, or of the rights secured by the Constitution or laws of
10 this state . . .

11 (c) Any individual whose exercise or enjoyment of rights
12 secured by the Constitution or laws of the United States, or of
13 rights secured by the Constitution or laws of this state, has
14 been interfered with, or attempted to be interfered with, as
15 described in subdivision (b), may institute and prosecute in
16 their own name and on their own behalf a civil action for
17 damages

18 **A HISTORY OF RACIAL DISPARITIES IN SAN DIEGO POLICE**
19 **STOPS OF BLACK PEOPLE**

20 17. The Racial and Identity Profiling Act (RIPA) of 2015 requires law
21 enforcement agencies in California to report data on all vehicle
22 and pedestrian stops to the Attorney General’s Office. *See* Cal.
23 Gov. Code § 12525.5.

24 18. According to the most recently available data, Black individuals in
25 California were “stopped 131.5 percent more frequently than
26 expected, given their relative proportion of the California
27 population, using a comparison of stop data and residential
28 population data.” Racial and Identity Profiling Advisory Board,

1 *Annual Report 2024* at 6 (Jan. 1, 2024), available at
2 <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf>.

3 19. For 2023, “of all the racial and ethnic groups, stopped individuals
4 whom officers perceived to be Black had the highest rate of being
5 searched (20.1%), detained on the curb or in a patrol car (17.9%),
6 handcuffed (15.4%), and removed from a vehicle by order (7.6%).
7 Similar to findings from the 2022 Report, officers searched and
8 removed from vehicle by order more Black individuals than White
9 individuals, despite stopping over twice the number of White
10 individuals as Black individuals.” Racial and Identity Profiling
11 Advisory Board, *Annual Report 2023* at 9 (Jan. 1, 2023), available
12 at [https://oag.ca.gov/system/files/media/ripa-board-report-](https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf)
13 [2023.pdf](https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf).

14 20. Also in 2023, “Officers reported taking no action as the result of
15 stop most frequently during stops of individuals they perceived to
16 be Black compared to individuals of other racial/ethnic groups,
17 indicating those stopped Black individuals were not engaged in
18 criminal activity.” *Id.* at 10.

19 21. For the period July 2018 through June 2019, “San Diego Police
20 stopped black people . . . at the highest rates per population. . . .
21 Black people were stopped at the highest rates of any other group
22 - a rate 219% higher per population than white people.” Samuel
23 Sinyangwe, *Police Scorecard: Evaluating Policing in San Diego* at
24 3-4, available at [https://policesscorecard.org/san-diego/police-](https://policesscorecard.org/san-diego/police-scorecard-san-diego-report.pdf)
25 [scorecard-san-diego-report.pdf](https://policesscorecard.org/san-diego/police-scorecard-san-diego-report.pdf).

26 22. During that same time, “San Diego police made 35,038 stops of
27 black people during a 12 month period in a city with a total of
28

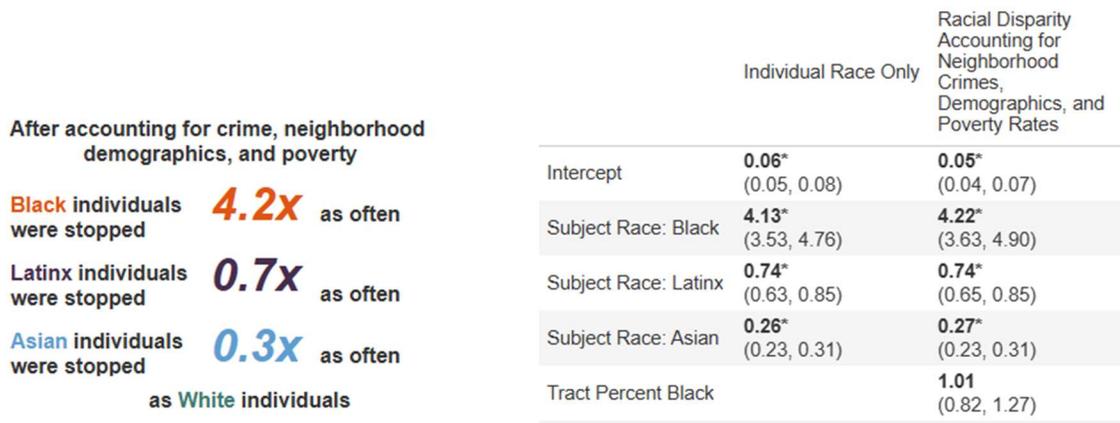
1 88,774 black residents – an extreme level of policing impacting
2 black San Diego residents.” *Id.* at 5.

3 23. During July 2018-June 2019, the “vast majority of these stops . . .
4 were initiated by officers. . . . only 4,911 of the 35,038 stops of black
5 people by San Diego police were initiated from civilian calls for
6 service. This suggests racial disparities in police stops are the
7 result of police decision-making, rather than the product of officers
8 simply responding to calls for service from communities.” *Id.*¹

9
10 ¹ This case does *not* involve a pretext stop. It involves a totally illegal,
11 baseless arrest of an individual who had committed no offense—not
12 even a “minor” one. But the City of San Diego is well aware of the racial
13 disparity in police stops (pretextual and otherwise) by its law
14 enforcement. *See also* Richard Allyn, *Community calls for change to San*
15 *Diego Police practice of 'pretext stops' - San Diegans shared their own*
16 *personal, sometimes emotional experiences being pulled over for minor*
17 *reasons as a pretext to investigate them for other crimes*, CBS8 (Aug. 7,
18 2024), [https://www.cbs8.com/article/news/local/community-calls-](https://www.cbs8.com/article/news/local/community-calls-change-san-diego-police-pretext-stops/509-296e6d19-1a01-42a6-829f-f0571e1459b4)
19 [change-san-diego-police-pretext-stops/509-296e6d19-1a01-42a6-829f-](https://www.cbs8.com/article/news/local/community-calls-change-san-diego-police-pretext-stops/509-296e6d19-1a01-42a6-829f-f0571e1459b4)
20 [f0571e1459b4](https://www.cbs8.com/article/news/local/community-calls-change-san-diego-police-pretext-stops/509-296e6d19-1a01-42a6-829f-f0571e1459b4); Alex Riggins, *Police commission hears from San Diegans*
21 *on 'pretext' stops. 'I know what it means to be profiled.'* - *Community*
22 *members said racial bias is at play during the stops in which officers use*
23 *minor infractions to search people and their vehicles for evidence of more*
24 *serious crimes*, San Diego Union-Tribune (Aug. 8, 2024),
25 [https://www.sandiegouniontribune.com/2024/08/08/police-commission-](https://www.sandiegouniontribune.com/2024/08/08/police-commission-hears-from-san-diegans-on-pretext-stops-i-know-what-it-means-to-be-profiled/)
26 [hears-from-san-diegans-on-pretext-stops-i-know-what-it-means-to-be-](https://www.sandiegouniontribune.com/2024/08/08/police-commission-hears-from-san-diegans-on-pretext-stops-i-know-what-it-means-to-be-profiled/)
27 [profiled/](https://www.sandiegouniontribune.com/2024/08/08/police-commission-hears-from-san-diegans-on-pretext-stops-i-know-what-it-means-to-be-profiled/); Center for Policing Equity (2021), *Assessment of San Diego*
28 *Police Department*, Justice Navigator, [https://justicenavigator.org/san-](https://justicenavigator.org/san-diego-city-ca-2021/summary/)
[diego-city-ca-2021/summary/](https://justicenavigator.org/san-diego-city-ca-2021/summary/); Center for Policing Equity (CPE) Report,
City of San Diego, [https://www.sandiego.gov/police/data-](https://www.sandiego.gov/police/data-transparency/center-policing-equity-report)
[transparency/center-policing-equity-report](https://www.sandiego.gov/police/data-transparency/center-policing-equity-report); Jesse Marx and Sofia
Mejias Pascoe, *Yet Another Report Shows San Diego Police Treat People*
of Color Differently - SDPD has criticized other analyses by outside
groups, but the latest one mirrors the findings of those efforts, and offers
a familiar picture of the disparities that people of color face when

24. According to the Center for Policing Equity, after adjusting for crime rates, neighborhood demographics, and poverty rates, Black San Diegans were stopped 4.2x as often as white San Diegans from Q3 2018 to Q3 2020. See Center for Policing Equity, *SD City CPE 2021* (June 15, 2021), available at https://public.tableau.com/app/profile/center.for.policing.equity/viz/SDCityCPE2021/1_SUMMARY:

Testing Common Explanations for the Frequency of Non-Traffic Stops



A YOUNG, BLACK COLLEGE STUDENT, OUT FOR EXERCISE EARLY ON A SUNDAY AFTERNOON

25. Plaintiff Wright, at the time of the events described herein, was an 18-year-old young man.

26. He is Black.

27. Plaintiff Wright had—and continues to have—no criminal history whatsoever.

encountering law enforcement. Police Chief David Nisleit said disparities are not evidence of discrimination, Voice of San Diego (June 17, 2021), <https://voiceofsandiego.org/2021/06/17/yet-another-report-shows-san-diego-police-treat-people-of-color-differently/>.

1 28. In September 2023, he was a sophomore at San Diego State
2 University studying business.

3 29. Plaintiff Wright lived with his mom, dad, 16-year-old brother,
4 M.W., and his 13-year-old brother, S.W., here in the City of San
5 Diego.

6 30. Plaintiff Wright was a high school graduate of Health Sciences
7 High, here in San Diego.

8 31. While attending college, he was also working part-time at Jersey
9 Mike’s, where he had worked for over a year at the time.

10 32. An avid athlete, Plaintiff Wright regularly exercises in his
11 neighborhood, which is what he was doing on the day of his arrest.

12 33. Plaintiff Wright and his younger brothers regularly exercise
13 outdoors in their College West neighborhood, including sometimes
14 running “wind sprints” up a hill near their home.

15 34. Plaintiff Wright and his brothers have exercised in this fashion
16 innumerable times in their neighborhood, as any other member of
17 the community would.

18 35. The hill that Plaintiff Wright and his brothers sprint up is
19 conveniently located less than a mile from their home.

20 **STOPPED, QUESTIONED, HANDCUFFED, AND ARRESTED**
21 **FOR FELONY VEHICLE THEFT—OF HIS OWN VEHICLE**

22 36. It was Sunday, September 24, 2023, a little after 1 p.m. when
23 Plaintiff Wright, his 16-year-old brother, M.W., and his 13-year-
24 old brother, S.W., were in their vehicle on 54th Street in the College
25 West neighborhood of San Diego.
26
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1 37. Plaintiff Wright and his brothers were on 54th Street, heading
2 north towards Collier Avenue and New Mills Road.

3 38. Plaintiff Wright and his brothers stopped at the corner of 54th
4 Street and Collier Avenue where there is a four-way stop sign.

5 39. While Plaintiff Wright was stopped at the stop sign, Defendant
6 Officer Lopez approached the same intersection on 54th Street
7 from the opposite direction.

8 40. Plaintiff Wright and his brothers continued north on 54th Street,
9 through the intersection, after properly stopping at the stop sign,
10 towards New Mills Road.

11 41. Defendant Officer Lopez proceeded south through the intersection
12 of 54th Street and Collier Avenue in the opposite direction.

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42. This image depicts the area where the following events occurred (according to the police report):



43. As is his habit, Plaintiff Wright legally parked his vehicle at the top of the hill (on 54th Street near Collier Avenue) pointing north towards New Mills Road.

44. Plaintiff Wright had on that day, and continues to have, a valid California driver's license.

45. Plaintiff Wright had on that day, and continues to have, valid auto insurance as required by California law.

46. Plaintiff Wright's vehicle does not have expired registration tags.

1 47. On information and belief, Defendant Officer Lopez knew Plaintiff
2 Wright's vehicle did not have expired registration tags.

3 48. Plaintiff Wright's vehicle does not have illegally tinted windows.

4 49. On information and belief, Defendant Officer Lopez knew Plaintiff
5 Wright's vehicle did not have illegally tinted windows.

6 50. Plaintiff Wright's vehicle does not have missing license plates.

7 51. On information and belief, Defendant Officer Lopez knew Plaintiff
8 Wright's vehicle did not have missing license plates.

9 52. Plaintiff Wright's vehicle has *no violations of the vehicle code*
10 *whatsoever*.

11 53. On information and belief, Defendant Officer Lopez knew Plaintiff
12 Wright's vehicle had no violations of the vehicle code.

13 54. While driving, Plaintiff Wright committed no violations of the
14 vehicle code whatsoever.

15 55. On information and belief, Defendant Officer Lopez knew Plaintiff
16 Wright had committed absolutely no violations of the vehicle code
17 while driving.

18 56. The three brothers exited the vehicle and began walking down the
19 hill (they usually walk down the hill and then run back up—doing
20 sprints).

21 57. Plaintiff Wright had to stop to tie his shoelaces, but he told his
22 brothers to keep walking, and he would catch up to them.

23 58. Plaintiff Wright noticed that Defendant Officer Lopez (who had
24 just driven past him at the intersection) *again* drove past him, this
25 time going north on 54th Street (he had apparently made a U-turn
26 and returned back down the same street).

1 59. Shortly after, Plaintiff Wright noticed that Defendant Officer
2 Lopez *yet again* drove past him going south on 54th Street (he had
3 apparently made another U-turn and returned back up the same
4 street for the third time).

5 60. Finally, on his *fourth approach of Plaintiff Wright*, Defendant
6 Officer Lopez turned on the emergency lights to his marked San
7 Diego Police vehicle.

8 61. As soon as Defendant Officer Lopez turned on the emergency
9 lights on to his marked San Diego Police vehicle, Plaintiff Wright
10 did not feel free to leave.

11 62. Plaintiff Wright is not a member of a gang.

12 63. Plaintiff Wright had, and has, nothing about his person that would
13 lead any reasonable person to believe he is a member of a gang.

14 64. He was a teenaged college student, getting ready to exercise with
15 his younger brothers, walking on a neighborhood sidewalk on a
16 Sunday afternoon.

17 65. On information and belief, at least one factor for why Plaintiff
18 Wright was stopped by Defendant Officer Lopez is because he is a
19 young Black man.

20 66. Defendant Officer Lopez exited his vehicle and left it parked in the
21 street.

22 67. Without any reasonable suspicion or probable cause, Defendant
23 Officer Lopez ordered Plaintiff Wright to come to him.

24 68. Plaintiff Wright, faced with a direct order from a uniformed police
25 officer who exited a marked police vehicle, felt compelled to comply
26 with Defendant Officer Lopez's orders.

1 69. On information and belief, at least one factor for why Defendant
2 Officer Lopez ordered Plaintiff Wright to come talk to him is
3 because he is a young Black man.

4 70. Plaintiff Wright immediately complied with Defendant Officer
5 Lopez's command.

6 71. Plaintiff Wright had to step off the sidewalk where he was walking
7 to go to Defendant Officer Lopez in the street as ordered.

8 72. Defendant Officer Lopez asked Plaintiff Wright if the car he was
9 driving was his.

10 73. Plaintiff Wright responded immediately that, yes, it was his car.

11 74. Plaintiff Wright explained that, being 18-years-old, the vehicle is
12 registered in his father's name.

13 75. Without any reasonable suspicion or probable cause, Defendant
14 Officer Lopez informed Plaintiff Wright that he was detaining
15 him.

16 76. On information and belief, at least one factor why Defendant
17 Officer Lopez decided to detain Plaintiff Wright is because he is a
18 young Black man.

19 77. Without any reasonable suspicion or probable cause, Defendant
20 Officer Lopez turned Plaintiff Wright around, handcuffed him
21 behind his back, and arrested him.

22 78. On information and belief, Defendant Officer Lopez decided to
23 place his hands on Plaintiff Wright, handcuffed him behind his
24 back, and arrested him because he is a young Black man.

25 79. Plaintiff Wright was not free to leave.

26 80. Defendant Officer Lopez placed Plaintiff Wright, handcuffed and
27 still in the street, next to the passenger side of his patrol vehicle.
28

1 81. Defendant Officer Lopez requested back up from other San Diego
2 Police officers.

3 82. Soon another San Diego patrol vehicle with two additional,
4 uniformed officers arrived on the scene, also with their emergency
5 lights on.

6 83. Plaintiff Wright's 16 and 13-year-old brothers, alarmed and
7 concerned by what they saw happening, came back up the street
8 to ask Plaintiff Wright what was going on.

9 84. Plaintiff Wright, worried about the safety of M.W. and S.W.
10 around Defendant Officer Lopez, advised them to stay calm.

11 85. Plaintiff Wright gave his 16-year-old brother, M.W., his cell phone
12 and told them to call their father.

13 86. Plaintiff Wright's father, SDSU Professor James Wright, was
14 working in a coffee shop nearby.

15 87. M.W. put his father on the phone with Defendant Officer Lopez.

16 88. Defendant Officer Lopez explained he had arrested Plaintiff
17 Wright for an "unreported vehicle theft."

18 89. By "unreported vehicle theft," Prof. Wright understood Defendant
19 Officer Lopez to be explaining that no one reported a vehicle theft.

20 90. For example, Defendant Officer Lopez did *not* say that a vehicle
21 matching that year, make, and model had been reported stolen.

22 91. Prof. Wright corroborated what Plaintiff Wright had said and
23 explained to Defendant Officer Lopez that it was in fact his vehicle
24 (by providing a description of the car, its year, make and model)
25 and immediately came to the scene of the arrest.

26 92. Plaintiff Wright was eventually released and not charged with any
27 offense—because there had been no offense whatsoever.
28

**ERRONEOUSLY ARRESTED FOR FELONY VEHICLE THEFT,
OF HIS OWN VEHICLE—BUT SDPD REFUSES TO SEAL OR
DESTROY THE RECORDS**

93. Defendant Officer Lopez completed an “Arrest Report,” documenting Plaintiff Wright’s arrest.

94. On the “Arrest Report,” Defendant Officer Lopez indicated that Plaintiff Wright was arrested and that the primary charge was “10851 (A) – VC – TAKE VEHICLE W/O OWNER’S CONSENT/VEHICLE THEFT (F).”

95. He gave it a case number of 23041233 and a CAD (“computer aided dispatch”) Event No: E23090034949.

96. On October 4, 2023, Plaintiff Wright requested a copy of the arrest report in his case from the San Diego Police Department.

97. On October 16, 2023, Plaintiff Wright received from the San Diego Police Department the police report that is attached to this complaint at Exhibit A.

98. On October 25, 2023, Plaintiff Wright submitted a petition to San Diego Police Department Records Division and the San Diego District Attorney requesting that they seal and destroy his arrest records pursuant to Cal. Penal Code § 851.8(a).

99. Plaintiff Wright, in that same request, asked SDPD to “issue a written declaration to [Mr. Wright] stating that it is the determination of the law enforcement agency having jurisdiction over the offense . . . that [Mr. Wright] is factually innocent of the charges for which [he] was arrested and that [he] is thereby exonerated.” See Cal. Penal Code 851.8(f).

1 100. On information and belief, Plaintiff Wright’s arrest for a suspected
2 violation of Vehicle Code § 10851 remains in the Automated
3 Regional Justice Information System (“ARJIS”) system with his
4 name and identifying information.

5 101. On information and belief, Plaintiff Wright’s arrest for a suspected
6 violation of Vehicle Code § 10851 remains in the California Law
7 Enforcement Telecommunications System (“CLETS”) with his
8 name and identifying information.

9 102. On October 31, 2023, the San Diego Police Department Records
10 Unit *denied* Plaintiff Wright’s requests under Cal. Penal Code
11 § 851.8 asserting that—even though it maintained records of his
12 arrest in its system—they could not grant his petition to seal,
13 destroy, and declare him exonerated because: “Other: Detention
14 only – No certificate of release or sealing can be given since never
15 booked into system. Abdullah Abdierahman [sic] Wright will not
16 have this arrest follow him since its [sic] was a detention only and
17 was released on scene. No criminal record.”

18 103. Plaintiff Wright, as a young Black man in a city with a police force
19 that disproportionately stops Black men, is understandably
20 concerned that he will be illegally stopped again by San Diego
21 Police.

22 104. Plaintiff Wright, as a young Black man in a city with a police force
23 that disproportionately stops Black men, is understandably
24 concerned that he will be illegally arrested again by San Diego
25 Police.

26 105. Plaintiff Wright is understandably concerned that if he is illegally
27 stopped again by San Diego Police this misleading “Arrest Report”
28

1 will lead the detaining officer to believe he might be a danger or
2 threat or had previous criminal involvement.

3 106. Plaintiff Wright is understandably concerned that if he is illegally
4 arrested again by San Diego Police this misleading “Arrest Report”
5 will lead the arresting officer to believe he might be a danger or
6 threat or had previous criminal involvement.

7 107. Plaintiff Wright is understandably concerned that if he is illegally
8 detained or illegally arrested again, this misleading “Arrest
9 Report” may lead to an unnecessary escalation of uses of force
10 against him that could place him in danger.

11 108. This unlawful arrest has caused Plaintiff Wright to be
12 hypervigilant around police.²

13 109. This unlawful arrest caused Plaintiff Wright substantial worry,
14 anxiety, and stress.³

15
16 ² See Racial and Identity Profiling Advisory Board, Annual Report 2023
17 at 11 (Jan. 1, 2023), (“The Board reviewed studies and surveys of Black
18 individuals living in urban areas, and the researchers suggest that
19 individuals who are stopped experience high rates of distress, a sense of
20 injustice, feelings of hopelessness, and even feelings of dehumanization.
21 Rather than bolster public safety, increased police presence may have
22 the opposite effect and erode the community’s feeling of security. For
23 Black individuals, merely seeing the police can increase anxiety levels,
24 and interacting with officers correlates with higher distress, anxiety,
25 trauma, and depression. Higher levels of police intrusion also
26 corresponded with worse mental health. Heightened police surveillance
27 can have especially acute mental health impacts on youth.”).

28 ³ See Racial and Identity Profiling Advisory Board, Annual Report 2023
at 11 (Jan. 1, 2023), (“Research shows that the types of contact and
frequency of involuntary contacts with law enforcement may have a
harmful impact on the individual stopped, triggering stress responses,

1 110. Plaintiff Wright seeks damages from his illegal arrest, the sealing
2 and destruction of this misleading “Arrest Report,” and a
3 statement of exoneration from the San Diego Police Department.

4 **FIRST CLAIM – Violation of 42 U.S.C. § 1983 (Fourth**
5 **Amendment/Fourteenth Amendment; Unlawful seizure)**
6 **(Against Defendant Officer Lopez)**

7 111. Plaintiff Wright hereby alleges and incorporates by reference each
8 and every allegation contained in paragraphs 1 through 110 above,
9 inclusive.

10 112. Defendant Officer Lopez was acting under color of law during his
11 encounter with Plaintiff Wright.

12 113. Defendant Officer Lopez did not have a warrant to arrest Plaintiff
13 Wright.

14 114. Defendant Officer Lopez did not have reasonable suspicion to stop
15 Plaintiff Wright.

16 115. Defendant Officer Lopez did not have probable cause to arrest
17 Plaintiff Wright.

18 116. Defendant Officer Lopez’s authoritative manner in commanding
19 Plaintiff Wright to come to him implied to Plaintiff Wright that his
20 compliance would be compelled.

21 117. Defendant Officer Lopez did not tell Plaintiff Wright that he was
22 free to leave.

23
24
25 _____
26 depressive symptoms, anxiety, and other related negative mental
27 health impacts. This research suggests that racial and identity profiling
28 goes beyond the criminal legal system and policing; it is also a critical
public health issue.”).

1 118. Defendant Officer Lopez did not tell Plaintiff Wright that he could
2 terminate the encounter.

3 119. Defendant Officer Lopez seized Plaintiff Wright by placing his
4 hands on him.

5 120. Defendant Officer Lopez seized Plaintiff Wright by handcuffing
6 him.

7 121. In seizing Plaintiff Wright, Defendant Officer Lopez acted
8 intentionally.

9 122. The seizure of Plaintiff Wright was unreasonable.

10 123. Plaintiff Wright's constitutional right to be free from unlawful
11 seizure was violated by Defendant Officer Lopez.

12 **SECOND CLAIM – Violation of 42 U.S.C. § 1983 (Fourteenth**
13 **Amendment; Equal protection) (Against Defendant Officer**
14 **Lopez)**

15 124. Plaintiff Wright hereby alleges and incorporates by reference each
16 and every allegation contained in paragraphs 1 through 110 above,
17 inclusive.

18 125. Defendant Officer Lopez was acting under color of law during his
19 encounter with Plaintiff Wright.

20 126. Plaintiff Wright is a member of a protected class.

21 127. Plaintiff Wright's constitutional right to be free from unlawful
22 seizure was violated by Defendant Officer Lopez.

23 128. A motivating factor in Defendant Officer Lopez's stop and seizure
24 of Plaintiff Wright was his race.

25 129. Plaintiff Wright was intentionally treated differently by
26 Defendant Officer Lopez than white individuals in San Diego.

THIRD CLAIM – Violation of 42 U.S.C. § 1983 (Policy of Failure to Train/Failure to Prevent Violations of Law) (Against Defendant City of San Diego)

130. Plaintiff Wright hereby alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 110 above, inclusive.

131. Defendant City of San Diego, including by and through its final policymakers, knows and has known that Black individuals are disproportionately stopped by San Diego Police officers compared to their proportion in the community.

132. Defendant City of San Diego, including by and through its final policymakers, knows and has known that Black individuals are disproportionately stopped by San Diego Police officers compared to their proportion in the community even when controlling for crime rates, poverty rates, and neighborhood demographics.

133. Defendant City of San Diego, including by and through its final policymakers, knew or should have known that its officers use race, in particular being Black, as a factor contributing to warrantless stops and seizures.

134. Defendant City of San Diego, including by and through its final policymakers, knew or should have known that continuing to allow its officers use race, in particular being Black, as a factor contributing to warrantless stops and seizures, would continue to cause Black persons in San Diego to be deprived of their constitutional rights, including to be free of illegal searches and seizures, and the right to equal protection under the law.

1 135. The failure of Defendant City of San Diego and its final
2 policymakers to train its officers not to use race as a factor in
3 stopping individuals deprived Plaintiff Wright of his Fourth
4 Amendment rights and his right to equal protection under the law.

5 136. The failure of Defendant City of San Diego and its final
6 policymakers to train its officers that consideration of a target's
7 race does not constitute reasonable suspicion to stop or probable
8 cause to arrest deprived Plaintiff Wright of his right to be free from
9 unlawful seizures and equal protection under the laws of the
10 United States.

11 137. Defendant Officer Lopez was acting under color of law during his
12 encounter with Plaintiff Wright.

13 138. The training policies of Defendant City of San Diego were not
14 adequate to prevent violations of the Fourth and Fourteenth
15 Amendments by San Diego Police officers.

16 139. Defendant City of San Diego was deliberately indifferent to the
17 substantial risk its policies were inadequate to prevent violations
18 of law by its officers.

19 140. The failure of Defendant City of San Diego to prevent violations of
20 law by its officers caused the deprivation of Plaintiff Wright's
21 rights by Defendant Officer Lopez, that is, Defendant City of San
22 Diego's failure to prevent violations of law by its officers played a
23 substantial part in bringing about or actually causing the injury
24 or damage to Plaintiff Wright. *See Monell v. Dep't of Soc. Servs. of*
25 *City of New York*, 436 U.S. 658, 694 (1978).

26 ///

27 ///

28

1 **FOURTH CLAIM – Bane Act – Cal. Civ. Code § 52.1 (Against All**
2 **Defendants)**

3 141. Plaintiff Wright hereby alleges and incorporates by reference each
4 and every allegation contained in paragraphs 1 through 110 above,
5 inclusive.

6 142. Defendant Officer Lopez, by intimidation, coercion or with reckless
7 disregard for Plaintiff Wright’s rights, interfered or attempted to
8 interfere with Plaintiff Wright’s rights to be free from unlawful
9 arrest and to equal protection of the laws.

10 143. Plaintiff Wright was harmed by Defendant Officer Lopez’s
11 conduct.

12 144. Defendant Officer Lopez’s conduct was a substantial factor in
13 causing Plaintiff Wright’s harm.

14 145. Defendant City of San Diego is vicariously liable for Defendant
15 Officer Lopez’s actions and/or omissions pursuant to Cal. Gov.
16 Code § 815.2, because Defendant Officer Lopez was acting within
17 the scope of his employment.

18 **FIFTH CLAIM – Negligence (Against All Defendants)**

19 146. Plaintiff Wright hereby alleges and incorporates by reference each
20 and every allegation contained in paragraphs 1 through 110 above,
21 inclusive.

22 147. Defendants had a duty to use reasonable care regarding members
23 of the public, their rights to freedom of movement, and autonomy
24 of person.

25 148. Defendants had a duty to use reasonable care in determining
26 whether reasonable suspicion or probable cause existed to stop,
27 detain, and arrest Plaintiff Wright.

1 149. Defendants breached their duty of care and caused harm to
2 Plaintiff Wright, including fear, mental anguish, humiliation,
3 indignity, and degradation based on their conduct described above.

4 150. As a direct, proximate, and foreseeable result of the breach of
5 Defendants' duties of care, Plaintiff Wright suffered damages in
6 an amount according to proof at the time of trial.

7 151. Pursuant to Cal. Gov. Code § 815.2, Defendant City is vicariously
8 liable for the actions and/or omissions of its employees, Defendant
9 Officer Lopez, acting within the scope of his employment.

10 **SIXTH CLAIM – False arrest (Against All Defendants)**

11 152. Plaintiff Wright hereby alleges and incorporates by reference each
12 and every allegation contained in paragraphs 1 through 110 above,
13 inclusive.

14 153. Defendant Officer Lopez arrested Plaintiff Wright without a
15 warrant.

16 154. Defendant Officer Lopez arrested Plaintiff Wright without
17 probable cause.

18 155. Plaintiff Wright was harmed.

19 156. Defendant Officer Lopez's conduct was a substantial factor in
20 causing Plaintiff Wright's harm.

21 157. Defendant City of San Diego is vicariously liable for Defendant
22 Officer Lopez's actions and/or omissions pursuant to Cal. Gov.
23 Code § 815.2, because Defendant Officer Lopez was acting within
24 the scope of his employment.

25 158. Plaintiff Wright suffered personal injury and damages as a result
26 of Defendants' conduct in an amount to be proven at trial.
27
28

DEMAND FOR JURY TRIAL

159. Plaintiff Wright hereby demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Wright prays that the Court enter judgment in his favor and against the Defendants, and grant the following relief:

160. General and compensatory damages in an amount according to proof;

161. Punitive and exemplary damages to the extent permitted by law;

162. Civil penalties as provided by law;

163. Reasonable attorneys’ fees, expert witness fees, and costs pursuant to, among other things, 42 U.S.C. § 1988 and Fed. R. Civ. P. 54;

164. Pre- and post-judgment interest at the maximum rate allowed by law;

165. Damages to make up for any adverse tax consequences for any award to Plaintiff Wright; and

166. Such other relief as this Court may deem appropriate.

Respectfully submitted,

DATED: November 7, 2024

s/Michele Akemi McKenzie

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