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NOV 28 2023

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ORIGINAL

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NOV 28 2023

Attorneys for Plaintiff
CRYSTAL WALKER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF VENTURA

CRYSTAL WALKER, an individual;

Plaintiff,

v.

CITY OF OXNARD, a public entity; and DOES
1-99, inclusive;

Defendants.

Case No.:

UNLIMITED COMPLAINT FOR
DAMAGES

- 1) UNLAWFUL RETALIATION (LAB. CODE
§ 1102.5)
- 2) FEHA DISCRIMINATION: DISPARATE
TREATMENT
- 3) FEHA RETALIATION
- 4) FEHA FAILURE TO PREVENT
HARASSMENT, DISCRIMINATION, OR
RETALIATION

[JURY FEE DEPOSIT POSTED]

COMES NOW THE Plaintiff CRYSTAL WALKER, ("Plaintiff"), who heretofore alleges the following facts in support of their Unlimited Complaint for Damages and hereby respectfully demands a *speedy jury trial* on all causes of action stated herein as against Defendant CITY OF OXNARD (the "City"), who along with DOES 1-99, inclusive, are referred to herein as the "Defendants".

CASE SYNOPSIS

1. Plaintiff Crystal Walker has been a police officer with the City of Oxnard for more than 20 years. Over the course of her career, she has applied for promotion to sergeant several times,

1 but had been denied over and over.

2 2. The fact that the City's Police Department wanted anyone but Plaintiff is not
3 surprising. Since 1903, the City's Police Department has had a total of six female sergeants,
4 including Plaintiff. Of the five other females (excluding Plaintiff) who were promoted to sergeant,
5 one ended up suing the City for sexual harassment and settled for \$500,000 and another is the sister
6 of a former Commander.

7 3. After obtaining her promotion, Plaintiff was subjected to increased scrutiny and
8 criticized for "offenses" that her male colleagues were not. The City did this in order to justify
9 failing Plaintiff in her probationary period and demoting her back to a Corporal. When Plaintiff
10 complained of the discrimination, she was retaliated against.

11 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

12 **Jurisdiction and Venue**

13 4. This Court has jurisdiction of the subject matter of Plaintiff's claims. Jurisdiction is
14 proper in this Court because the damages and claims alleged and demanded herein by Plaintiff
15 exceeds \$25,000, and Plaintiff herein does make a demand and prayer for damages, in excess, of the
16 jurisdictional limit of this Court.

17 5. This Court has personal jurisdiction over Defendant City in that it was, at all relevant
18 periods of time covered by this complaint, a public entity maintaining a place of business where it
19 employed Plaintiff at: 300 West Third Street, Oxnard, California 93030.

20 6. Venue in this Court is proper in that, upon information and belief, all Defendants
21 reside in the County of Ventura.

22 7. All the harm suffered by Plaintiff took place within this judicial district.

23 8. Plaintiff was an employee of Defendants, jointly and severally.

24 **Relationship Between the Defendants**

25 9. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each
26 of them, were at all times mentioned herein the agents, servants, and employees of each other, or
27 otherwise were acting with the full knowledge and consent of each other. Plaintiff is further
28 informed and believes, and upon such basis and belief alleges, that in doing all of the things alleged

1 in this complaint, Defendants, and each of them, were acting within the scope and authority of their
2 agency, servitude, or employment, and were acting with the express and/or implied knowledge,
3 permission and consent of one another. Plaintiff is further informed and believes, and upon such
4 basis and belief alleges, that Defendants learned of, ratified, and/or approved the wrongful conduct
5 of its agents and/or employees identified in this Complaint as having engaged in wrongful conduct.

6 10. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times,
7 Defendants, and each of them, were business entities or individuals who owned, controlled, or
8 managed the business which has damaged Plaintiff, and are each therefore jointly, severally, and
9 individually liable to Plaintiff.

10 11. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times
11 mentioned herein, Defendants, and each of them, were the partners, agents, servants, employees,
12 joint venturers, or co-conspirators of each other defendant, and that each defendant was acting
13 within the course, scope, and authority of such partnership, agency, employment, joint venture, or
14 conspiracy, and that each defendant, directly or indirectly, authorized, ratified, and approved the
15 acts of the remaining Defendants, and each of them.

16 **No Claims Arising from Privileged Conduct**

17 12. In the avoidance of doubt, Plaintiff does not herein allege any claim for damages as
18 against Defendants for any privileged action, such as the conducting of an investigation by a public
19 entity. Plaintiff, however, reserves the right to claim all damages arising out of *consequences or*
20 *actions* resulting from, or occasioned by, such a privileged investigation by a public entity.

21 13. Plaintiff expressly excludes from this Complaint any privileged act by any Defendant
22 to this action that would otherwise result in a Special Motion to Strike pursuant to Code Civ. Proc.
23 § 425.16.

24 **Continuing Violations Doctrine Applicable**

25 14. Plaintiff is informed and believes, and thereupon alleges that the allegations in this
26 complaint were part and parcel of continuing violations by Defendants, and therefore none of these
27 bad acts are time-barred given the applicability of the continuing violations doctrine.

28 ///

1 **Defendant's Sham Investigation as Demonstrative of Actual Malice**

2 15. Defendant engaged in one or more investigations of Plaintiff's allegations as set forth
3 herein and as relayed to Plaintiff's superiors. However, the investigations constituted a purposeful
4 avoidance of truth, inaction, and failure to investigate which was a product of a deliberate decision
5 not to acquire knowledge of facts that would confirm Plaintiff's allegations.

6 16. The failure to meaningfully investigate Plaintiff's complaints establishes pretext,
7 because an inadequate investigation is evidence of pretext. The lack of a rigorous investigation by
8 Defendants is evidence suggesting that Defendant did not value the discovery of the truth so much
9 as a way to cover up the illegality that was uncovered when Plaintiff made their complaints.

10 17. Further, the failure to react promptly to Plaintiff's complaint, or to reprimand the
11 wrongdoers strongly, is evidence relevant to determine whether the employer took sufficient
12 remedial action. Defendants' failure to timely interview the material witnesses is evidence of
13 inadequate remedial action, as Defendant made little or no attempt to investigate Plaintiff's version
14 of events.

15 **Public Entity Liability for Wrongful Acts of Its Employees**

16 18. Pursuant to Gov. Code § 815.2, the public entity is liable for injury proximately
17 caused by acts or omissions of its employees within the scope of their employment if the act or
18 omission would, apart from this section, have given rise to a cause of action against that employee
19 or their personal representative. Plaintiff heretofore alleges that the wrongful acts by public entity
20 agent-employees caused the injuries to them as set forth in this complaint, in that these acts or
21 omissions would have given rise to a cause of action against them and in favor of Plaintiff,
22 independent of Gov. Code § 815.2.

23 19. Further, pursuant to Gov. Code § 820, the agent-employees of the public entity are
24 liable for injuries caused by their acts or omissions to the same extent as a private person. Plaintiff
25 further alleges that the agent-employees of the public entity caused their injuries, as set forth in his
26 complaint, and are therefore liable to them for damages arising out of those injuries as authorized
27 by Gov. Code § 820.

28 20. The public entity is additionally liable under Lab. Code § 1102.5 as provided by Lab.,

1 Code §§ 1102.5(e) & 1106, in addition to the bases set forth above.

2 **Satisfaction of Prelawsuit Requirements**

3 21. Plaintiff presented a Tort Claim to the City on August 16, 2023. (“EXHIBIT 1”) No
4 action was taken by the public entity pursuant to Gov. Code § 913 within forty-five (45) days of the
5 filing of the tort claim; therefore the claim was rejected by operation of law pursuant to Gov. Code
6 § 912.4 on September 30, 2023. This action was brought within two years of this rejection by
7 operation of law as authorized by Gov. Code § 945.6(a)(2).

8 22. Despite Defendant being a public entity, Plaintiff was not required to present a
9 Government Tort Claim for any claims brought under FEHA.

10 23. Plaintiff timely obtained a Right-to-Sue Letter from the Department of Fair
11 Employment and Housing on November 27, 2023. A true and correct copy of this letter is heretofore
12 attached as “EXHIBIT 2.”

13 **Factual Allegations**

14 24. Plaintiff Crystal Walker is a police officer holding the rank of Corporal and has been
15 employed by the City of Oxnard (“City”), specifically the City of Oxnard Police Department
16 (“OPD”), since 2002. Plaintiff was repeatedly and unlawfully denied promotion to the rank of
17 sergeant on multiple occasions as a result of her sex. Even after Plaintiff finally obtained a promotion
18 to the rank of sergeant, she was subjected to increased and unwarranted scrutiny, which led to her
19 demotion back to Corporal. The City and OPD have a history of discriminating and retaliating
20 against female officers, including refusing them earned promotions. Upon information and belief,
21 the OPD has had only six females promoted to the rank of sergeant in more than 120 years of
22 operation.

23 **History of Sexual and Racial Discrimination**

24 25. The OPD has approximately 240 sworn positions, 213 of them being currently filled.
25 Of the 213 sworn officer positions, there are only 30 females (14%). Of those 30 female officers,
26 only two hold a rank higher than corporal – Assistant Chief Denise Morehouse and Sergeant Hannah
27 Estrada (6.6%).

28 26. The OPD has 30 sergeant positions and only one (3%) of those is held by a female

1 (Estrada). OPD has 29 corporal positions and only six (20%) are female. Since its inception, the
2 OPD has only had six female sergeants, including Estrada and Plaintiff (on a probationary basis).
3 Hannah Estrada is the sister of former OPD Commander Marc Amon and his influence over
4 promotional processes is likely the reason that Estrada was promoted to Sergeant and able to pass
5 probation in contrast to other female officers.

6 27. The first female sergeant was Jana Young. Sgt. Young was promoted in 1995. In
7 1998, Sgt. Young sued the OPD for sexual harassment and discrimination and obtained a
8 \$500,000.00 settlement. The culture of the department's harassment and discrimination against
9 women has not changed in the years following Sgt. Young's settlement, as evidenced by Plaintiff's
10 claims. Plaintiff's complaints are echoed by other female officers, corporals, and sergeants.

11 28. Plaintiff was the first female Hispanic to be promoted to Sergeant, even on just a
12 probationary basis, but she was ultimately demoted from the position. Notably, the last five officers
13 who have been either fired or demoted at OPD were all Hispanic: Corporal Steve Ramirez III,
14 Officer Roger Garcia, Officer Brandon Mascorro, Sergeant Ricky Marquez, and Plaintiff.

15 **Plaintiff's Experience at OPD**

16 29. On June 29, 2022, Plaintiff was informed of an opening to promote to the rank of
17 Sergeant via email. From July 5, 2022 through July 7, 2022, Plaintiff underwent cursory, in-house
18 training with specific unit members of OPD regarding the training blocks needed prior to entering
19 the field as a probationary sergeant. Those training blocks were never completed, nor signed off as
20 of the date of this filing.

21 30. On July 9, 2022, Plaintiff was promoted from the rank of Corporal to the rank of
22 Sergeant. Plaintiff had previously applied for promotion to sergeant but had continuously been
23 denied the promotion in favor of lesser qualified and lesser experienced male officers.

24 31. Over the course of the following 10 months, Plaintiff was subjected to discrimination
25 and retaliation, which resulted in her being demoted back to the rank of corporal. At the same time
26 that Plaintiff was in her probationary period for the rank of Sergeant, several male colleagues were
27 in the same position – probationary sergeants. Plaintiff's male colleagues were not subjected to the
28 same criticisms or complaints that Plaintiff was, even when those male colleagues engaged in the

1 same behavior or committed the same mistakes as Plaintiff.

2 32. The dates of July 9, 14, 15, 20, 21, and 22, 2022 constituted the six days of on-the-
3 job training Plaintiff received, which included three days of riding with Sergeant Jon Keller and
4 three days with Sergeant Brian Woolley.

5 33. In August 2022, Plaintiff discovered that Sergeant Jose Velazquez was making
6 disparaging comments about Plaintiff to other sergeants. Ironically, before being promoted to
7 Sergeant, Plaintiff was told that Velazquez had been involved in an internal affairs investigation,
8 but was still placed on the sergeant's eligibility list for promotion.

9 34. Sgt. Paul Cumming informed Plaintiff that Sgt. Velazquez was alleging that Plaintiff
10 was not capable of performing the duties of a sergeant. When Sgt. Cumming challenged Velazquez's
11 assertions, giving latitude to sergeants carrying out duties differently but still successfully, Sgt.
12 Velazquez simply directed his comments to other sergeants. Specifically, Sgt. Velazquez found a
13 willing ear in Sgt. Woolley who, in turn, conveyed the disparaging comments to Commander Kevin
14 Baysinger.

15 35. In December 2022, Plaintiff spoke with another probationary sergeant, Todd
16 Johnson, and asked whether he was making mistakes and getting 'written up.' Johnson admitted
17 making mistakes but said that he had not 'received any paper' on those mistakes (i.e., not written
18 up). Plaintiff later shared various mistakes that had been reduced to a "performance concerns"
19 document and Johnson only shook his head, as he did not understand why such small mistakes were
20 being documented and that his similarly small mistakes had not been documented. Plaintiff also
21 asked another probationary sergeant, Mike Kohr, if he was 'getting talked to' about making
22 mistakes. Kohr said he was making mistakes everyday but they were not being documented. Plaintiff
23 also showed the "performance concerns" document to Sgt. Cumming who stated that he had never
24 heard of such a document ever being generated before. That is, it appears OPD held Plaintiff to a
25 much higher standard of performance than any of her male colleagues to such a degree that an
26 entirely new and never-before-used document was created to chastise her.

27 36. On January 9, 2023, Plaintiff was given her annual patrol sergeant evaluation by
28 Commander Baysinger. The evaluation was consistent with a performance that should have resulted

1 in her passing her probationary period, and Commander Baysinger told Plaintiff as much. This
2 evaluation came despite the fact that Plaintiff asked several times to be sent to state mandated
3 sergeant's training courses to help her complete her probationary period, but OPD failed or refused
4 to do so. Plaintiff was told that she was not scheduled to attend the school until after her probationary
5 period was to be completed (September 2023), yet all male probationary sergeants were sent to the
6 training prior to their probationary period being completed.

7 37. In February 2023, Plaintiff learned that Sgt. Woolley was providing false information
8 about her performance to Commander Baysinger and so she confronted Sgt. Woolley about it.
9 Woolley did not deny that he made the comments. The matter was brought to Commander
10 Baysinger's and Assistant Chief Morehouse's attention but they failed to take action to stop the false
11 comments. As a matter of fact, by this time, several sergeants, commanders and both assistant chiefs
12 were told about Plaintiff's complaints but nothing was done to alleviate the situation.

13 38. On February 22, 2023, Plaintiff was served with a notice of "Administrative
14 Investigation" by Sgt. Dale McAlpine. The investigation was initiated as a result of a complaint by
15 Sgt. Brandon Ordelle. Ordelle was a Watch Commander and alleged that Plaintiff had
16 entered a private residence for the purpose of executing arrest warrant, but that was not true. Plaintiff
17 had entered the residence to check the well-being of the children therein because an individual with
18 a warrant related to oral copulation with a child was also in the residence. The California Peace
19 Officer Legal Sourcebook, Search and Seizure, Section 3 gives an almost analogous example of the
20 facts of the incident and stated that such circumstances constitute a basis for reasonable entry. The
21 same example is cited in the California Commission on Peace Officer Standards and Training, Basic
22 Course Workbook Series, Student Materials, Learning Domain 9, Crimes against Children, Version
23 6.9 (2022). This exculpatory evidence was presented during a Skelly hearing but discipline was still
24 imposed.

25 39. On April 29, 2023, Plaintiff was formally reprimanded as a result of the investigation
26 initiated by Sgt. Ordelle. Plaintiff was also given a Letter of Reprimand for using an electronic
27 control device on a criminal suspect who was actively resisting arrest. Active resistance is one of
28 the legal bases for using an ECD on a criminal suspect, but Plaintiff was told that the OPD policy

1 on ECD use was intentionally vague to give “wiggle room” in the event OPD would be sued for
2 excessive force. Plaintiff was advised by Force Operations Unit instructors that her use of the Taser
3 in this situation was within the parameters taught by the OPD. Plaintiff is also informed and believes
4 that several other male officers have used ECDs in similar situations without receiving any sort of
5 reprimand. This points to a training deficiency due to the number of incidents by other officers, and
6 is not a matter of Plaintiff deliberately violating policy.

7 40. On May 12, 2023, Plaintiff was informed that she failed her sergeant probationary
8 period. A few weeks later, on June 1, 2023, Plaintiff was asked to meet for coffee with Assistant
9 Chief Morehouse and Assistant Chief Williams. The meeting took place on June 13, 2023 at 8:00
10 a.m. As the discussion commenced, it was clear that Williams and Morehouse were attempting to
11 gauge Plaintiff’s thoughts about OPD and convey that they understood Plaintiff’s concerns about
12 being demoted back to Corporal, though they offered no meaningful explanation about why Plaintiff
13 had been treated in a manner different from her male colleagues. Williams and Morehouse offered
14 assistance only after Plaintiff was denied promotion, rather than when she first asked.

15 41. After Plaintiff was demoted from Sergeant, Andrew Pinkstaff was promoted in her
16 place. Now-Sgt. Pinkstaff had been previously disciplined for using homophobic slurs on the job.
17 He was also found to have been sending inappropriate pictures of himself to a victim of domestic
18 violence. But neither of these incidents stopped the OPD from promoting him. Pinkstaff is a white
19 male.

20 42. Other examples of the apparent racist and sexist behavior at work in OPD are as
21 follows:

- 22 (a) Mike Wood, a white male, is/was on the intent-to-promote list, despite it being
23 known that he abuses alcohol and that officers have responded to his home on
24 multiple occasions for domestic violence incidents.
- 25 (b) In one of Plaintiff’s evaluations, Commander Baysinger mentioned that Plaintiff
26 was caught on her body worn camera using the word “shit.” Baysinger stated that
27 such comment was “conduct unbecoming of a sergeant at [OPD].” Yet, another
28 sergeant, Mike Johnson, routinely uses profanity on the job in front of

subordinates, fellow sergeants, and command staff and has not been formally disciplined for it.

(c) Former OPD Sgt. Ordelheide violated policy routinely by chewing tobacco on the job. He also directed Plaintiff and other officers to leave quickly from a search warrant because the officers had “fucked” up the house where the warrant occurred. His use of profanity had not been addressed by command staff. Shortly after Plaintiff brought Sgt. Ordelheide’s violations to the attention of Commander Baysinger, Plaintiff was denied promotion in what appeared to be a retaliatory act.

(d) Plaintiff was informed that Sgt. Hannah Estrada had a subpar probationary period and almost did not pass probation. As such, it appears that Estrada’s unsatisfactory performance a year prior caused supervisors to become biased against the Plaintiff, as she too is a female, and they assumed her performance would be similar to Estrada’s. This is evidenced by a comment made by Sgt. Woolley to Sgt. Perez while they were riding together. Sgt. Woolley was watching Plaintiff on the MDC mapper (tracks OPD vehicles) and told Sgt. Perez he was keeping tabs on Plaintiff to “avoid another Hannah (Estrada) situation.”

43. At all times relevant, Sgt. Ordelheide, Commander Baysinger, Assistant Chief Williams, Assistant Chief Morehouse, Sgt. Velazquez, and Sgt. Wooley were acting in the course and scope of their employment as peace officers employed by the City.

FIRST CAUSE OF ACTION

UNLAWFUL RETALIATION

Lab. Code § 1102.5 - CACI 4603

(Against All Defendants)

44. Plaintiff realleges, and incorporates herein by reference, each and every allegation contained in the foregoing paragraphs, inclusive, as though fully set forth herein. Further, all allegations set forth in this cause of action are pled upon information and belief, unless otherwise stated.

- 1 45. The City is an employer for purposes of California law.
- 2 46. The City employed Plaintiff, as provided by Lab. Code § 1106.
- 3 47. Plaintiff disclosed to a law enforcement agency, an activity which Plaintiff had
4 reasonable cause to believe constituted a violation of, or noncompliance with, a local, state, or
5 federal rule or regulation. This violation of, or noncompliance with, a local, state, or federal rule or
6 regulation that Plaintiff brought to the attention of their employer was one or more of the following:
7 Gov. Code §§ 12900-12996, which prevents discrimination and retaliation, among other things,
8 based on sex and gender.
- 9 48. Plaintiff had reasonable cause to believe the information disclosed a violation of, or
- 10 49. Defendants subjected Plaintiff to the following adverse employment actions:
11 demoted Plaintiff without cause or based on spurious bases; denied any employment benefit or
12 privilege in the form of a fair and equitable promotion and evaluation process; denied work
13 opportunities or assignments in the form of denial of transfers and demotion from the rank of
14 sergeant without cause; and reprimanded for actions or mistakes that Plaintiff's colleagues also
15 make without receiving reprimands.
- 16 50. Plaintiff's disclosure of an unlawful act was as contributing factor in the City's
17 decision to take one the aforementioned adverse employment actions against Plaintiff.
- 18 51. Plaintiff was harmed.
- 19 52. The City's conduct was a substantial factor in causing Plaintiff's harm.

20 **SECOND CAUSE OF ACTION**

21 **FEHA DISCRIMINATION: DISPARATE TREATMENT**

22 **Gov. Code § 12940(a) - CACI 2500**

23 **(Against Public Entity Defendants Only)**

- 24 53. Plaintiff realleges, and incorporates herein by reference, each and every allegation
25 contained in the foregoing paragraphs, inclusive, as though fully set forth herein. Further, all
26 allegations set forth in this cause of action are pled upon information and belief, unless otherwise
27 stated.
- 28 54. The City is an employer for purposes of California law and subject to the FEHA.

1 55. The City employs Plaintiff.

2 56. The City subjected Plaintiff to the following adverse employment actions: demoted
3 Plaintiff without cause or based on spurious bases; denied any employment benefit or privilege in
4 the form of a fair and equitable promotion and evaluation process; denied work opportunities or
5 assignments in the form of denial of transfers and demotion from the rank of sergeant without cause;
6 and reprimanded for actions or mistakes that Plaintiff's colleagues also make without receiving
7 reprimands.

8 57. Plaintiff's sex/gender, which is a protected status applicable to Plaintiff, was a
9 substantial motivating reason for the City to subject Plaintiff to the aforementioned adverse
10 employment action.

11 58. Plaintiff was harmed.

12 59. Thee City's conduct was a substantial factor in causing Plaintiff's harm.

13 **THIRD CAUSE OF ACTION**

14 **FEHA RETALIATION**

15 **Gov. Code § 12940(h) - CACI 2505**

16 **(Against Public Entity Defendants Only)**

17 60. Plaintiff realleges, and incorporates herein by reference, each and every allegation
18 contained in the foregoing paragraphs, inclusive, as though fully set forth herein. Further, all
19 allegations set forth in this cause of action are pled upon information and belief, unless otherwise
20 stated.

21 61. The City is an employer for purposes of California law and subject to the FEHA.

22 62. The City employs Plaintiff.

23 63. Plaintiff engaged in one or more of the following protected acts: reported and resisted
24 discrimination on the basis that she was being unfairly and uniquely critiqued, scrutinized,
25 reprimanded, denied transfers, and demoted.

26 64. The City took the following adverse employment actions against Plaintiff: demoted
27 Plaintiff without cause or based on spurious bases; denied any employment benefit or privilege in
28 the form of a fair and equitable promotion and evaluation process; denied work opportunities or

1 assignments in the form of denial of transfers and demotion from the rank of sergeant without cause;
2 and reprimanded for actions or mistakes that Plaintiff's colleagues also make without receiving
3 reprimands.

4 65. Plaintiff having engaged in one or more of the aforementioned protected acts was a
5 substantial motivating reason for the City's decision to subject Plaintiff to one or more of the above
6 adverse employment actions.

7 66. Plaintiff was harmed.

8 67. The City's decision to subject Plaintiff to one or more of these adverse employment
9 actions was a substantial factor in causing Plaintiff's harm.

10 **FOURTH CAUSE OF ACTION**

11 **FEHA FAILURE TO PREVENT HARASSMENT,**
12 **DISCRIMINATION, OR RETALIATION**

13 **Gov. Code § 12940(k) - CACI 2527**

14 **(Against Public Entity Defendants Only)**

15 68. Plaintiff realleges, and incorporates herein by reference, each and every allegation
16 contained in the foregoing paragraphs, inclusive, as though fully set forth herein. Further, all
17 allegations set forth in this cause of action are pled upon information and belief, unless otherwise
18 stated.

19 69. The City is an employer for purposes of California law and subject to the FEHA.

20 70. The City employs Plaintiff.

21 71. Plaintiff was subjected to discrimination and retaliation in the course of employment.

22 72. The City failed to take all reasonable steps to prevent the discrimination and
23 retaliation when it failed to investigate Plaintiff's complaints and when it failed to discipline any of
24 the lateral and supervisory level officers who were discriminating against Plaintiff.

25 73. Plaintiff was harmed.

26 74. The City's failure to take all reasonable steps to prevent the discrimination and
27 retaliation was as substantial factor in causing Plaintiff's harm.

28 ///

PRAYER FOR RELIEF

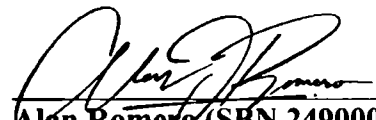
WHEREFORE, Plaintiff prays for judgment as against Defendants, jointly and severally, as follows, for:

- 1) Compensatory damages in an amount according to proof at time of trial.
- 2) Attorney's fees and costs pursuant to all applicable statutes or legal principles, including, but not limited to: Lab. Code § 1102.5 and Gov. Code § 12965(b).
- 3) Costs of suit incurred.
- 4) Civil penalties as permitted by statute.
- 5) Prejudgment interest on all amounts claimed as permitted by law.
- 6) All other general, specific, direct, indirect, consequential, and incidental damages, in an amount according to proof at time of trial.
- 7) Such other and further relief as the Court may deem proper.

ROMERO LAW, APC

DATED: November 27, 2023

By:


Alan Romero (SBN 249000)
Lucas E. Rowe (SBN 298697)
Sara Simms (SBN 268011)
Yaqi "Angela" Xie (SBN 333530)
Attorneys for Plaintiff
CRYSTAL WALKER

DEMAND FOR JURY TRIAL

Plaintiff hereby makes demand for Jury Trial, and has timely posted the jury fee deposit.

ROMERO LAW, APC

DATED: November 27, 2023

By:



Alan Romero (SBN 249000)

Lucas E. Rowe (SBN 298697)

Sara Simms (SBN 268011)

Yaqi "Angela" Xie (SBN 333530)

Attorneys for Plaintiff

CRYSTAL WALKER

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EXHIBIT 1

Submit Claim To: City Clerk
City of Oxnard
300 West Third Street, 4th Floor
Oxnard, CA 93030

**CLAIM FOR DAMAGES
TO PERSON OR PROPERTY
TO THE CITY OF OXNARD**

RI
11

CITY CLERK OXNARD
AUG 16 '23 11:21

INSTRUCTIONS

- Read and complete this form in full before submitting to the City Clerk
- A claim relating to damage or injury to person, personal property or growing crops, or death must be filed within six months of the event.
- A claim relating to any other damage or injury must be filed within one year of the event.
- Diagram the scene of an event on page 2.
- Attach separate sheets, if necessary, to give full details of the event.
- This form must be signed on page 2 and on any separate sheets.
- The City Clerk office staff cannot assist in completing this form.

Name of Claimant:

Crystal Walker

Date of Birth:

03/26/1975

Home Address of Claimant:

City, State & Zip Code

Home Telephone Number:

()

Business Address of Claimant:

City, State & Zip Code

Business Telephone Number:

()

300 West Third Street

Oxnard, CA 93030

☐ I prefer that the claims adjuster communicate with me in Spanish

State the address to which you desire notices or communications to be sent regarding this claim (if different than above):

251 S. Lake Avenue, Ste. 930, Pasadena, CA 91101

State when, where and how the damage or injury which gives rise to this claim occurred:

DATE: See Attachment

TIME: See Attachment

LOCATION: See Attachment

CIRCUMSTANCES: See Attachment

Describe the particular act or omission by the City or any of its employees which you allege caused the injury or damage:

See Attachment

State the names of City employees allegedly causing the injury or damage.

See Attachment

State the indebtedness, obligation, injury, damage, or loss allegedly resulting from this event:

In excess of \$25,000.00

State the amount claimant claims on account of each item of injury, damage, or loss, including prospective injury, damage, or loss as of the date of presentation of this claim, giving the basis of computation:

\$850,000 in lost past and future wages, and emotional distress

List all insurance payments received by claimant, and the name of any insurance company making a payment:

None

List all of claimant's expenditures made:

Amount of the injury, damage or loss, with date received:

Detailed description of each item:

See Attachment

State the name(s) and address(es) of witnesses and medical providers:

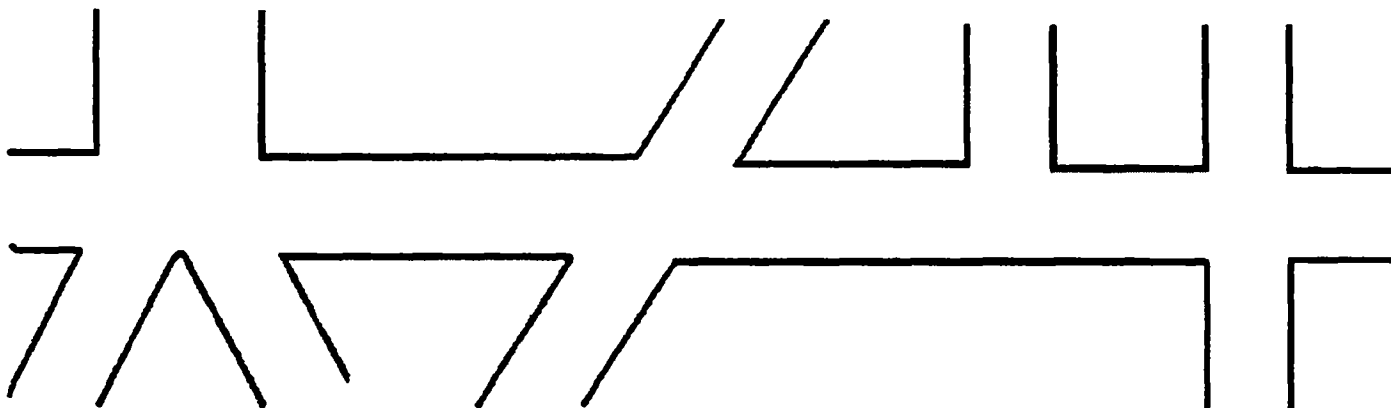
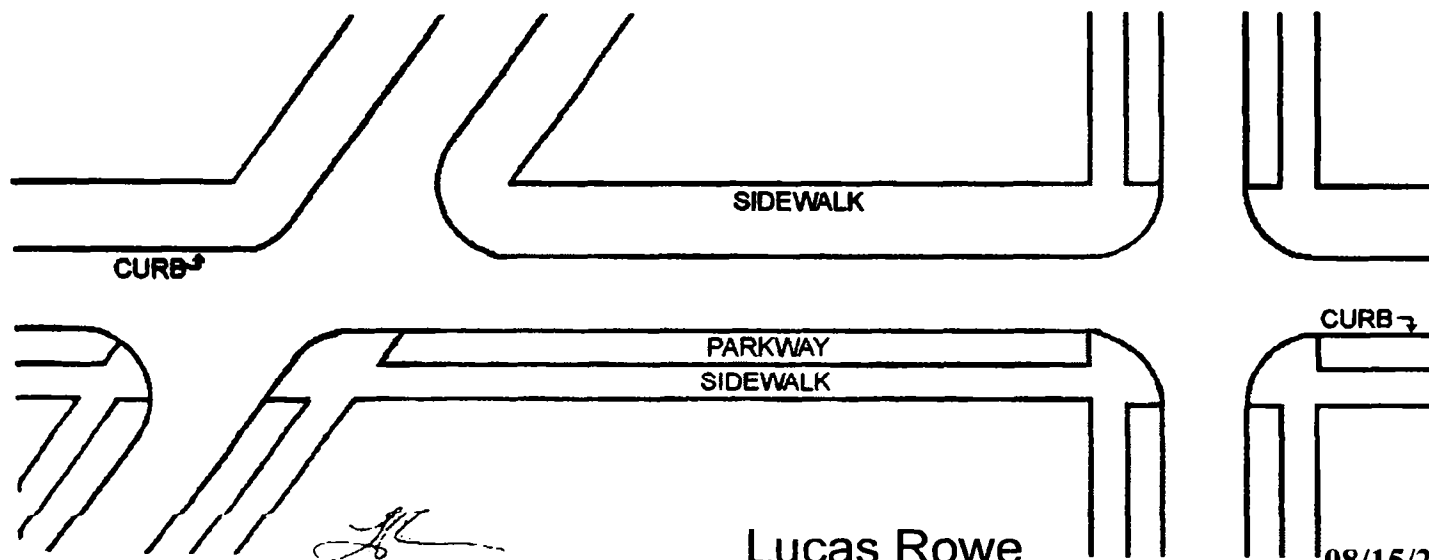
See Attachment

PLEASE READ CAREFULLY

For all claims, complete one of the diagrams below with the following:

- Street names, including north, east, south and west designations, and house numbers or distance to corner.
- Mark the diagram with the letter "X" to show where the event occurred.
- If a City vehicle was involved, mark the diagram with the letter "A" for the location of the City vehicle where claimant first saw it, and the letter "B" for claimant's location when claimant first saw the City vehicle. Use "A-1" for the location of the City vehicle at the time of the event, and "B-1" for claimant's location at the time of the event.

NOTE: If the diagrams below are not appropriate to describe the incident, please attach a diagram signed by the claimant.

EVENTS INVOLVING MOTOR VEHICLES**OTHER EVENTS**

Lucas Rowe

08/15/23

Signature of claimant or person filing on claimant's behalf:

Print or type name of person signing this claim:

Date:

Relationship to claimant: Attorney for Claimant

GOVERNMENT CLAIM FORM ATTACHMENT

Describe in detail how damage or injury occurred and list damages.

Claimant Crystal Walker is a police officer holding the rank of Corporal and has been employed by the City of Oxnard ("City"), specifically the City of Oxnard Police Department ("OPD"), since 2000. Claimant has been unlawfully denied promotion to the rank of sergeant on multiple occasions as a result of her sex. Upon Claimant finally obtaining a promotion to the rank of sergeant, she was subjected to increased and unwarranted scrutiny, which led to her demotion back to Corporal. The City and OPD have a history of discriminating and retaliating against female officers, including refusing them earned promotions. Upon information and belief, the OPD has had only six females promoted to the rank of sergeant in more than 120 years of operation.

History of Sexual and Racial Discrimination

The OPD has approximately 240 sworn positions, 213 of them being currently filled. Of the 213 sworn officer positions, there are only 30 females (14%). Of those 30 female officers, only two hold a rank higher than corporal – Assistant Chief Denise Morehouse and Sergeant Hannah Estrada (6.6%).

The OPD has 30 sergeant positions and only one (3%) of those is held by a female (Estrada). OPD has 29 corporal positions and only six (20%) are female. Since its inception, the OPD has only had six female sergeants, including Estrada and Plaintiff (on a probationary basis). Hannah Estrada is the sister of former OPD Commander Marc Amon and his influence over promotional processes is likely the reason that Estrada was promoted to Sergeant and able to pass probation.

The first female sergeant was Jana Young. Sgt. Young was promoted in 1995. In 1998, Sgt. Young sued the OPD for sexual harassment and discrimination and obtained a \$500,000.00 settlement. The culture of the department's harassment and discrimination against women has not changed in the years following Sgt. Young's settlement, as evidenced by Claimant's claims. Claimant's complaints are echoed by other female officers, corporals, and sergeants.

Claimant was the first female Hispanic to be promoted, even on just a probationary basis, to Sergeant, but she was ultimately demoted from the position. Notably, the last five officers who have been either fired or demoted at OPD were all Hispanic: Corporal Steve Ramirez III, Officer Roger Garcia, Officer Brandon Mascorro, Sergeant Ricky Marquez, and Claimant.

Claimant's Allegations

On June 29, 2022, Claimant was informed of an offer to promote to the rank of Sergeant via email. From July 5, 2022 through July 7, 2022, Claimant underwent cursory, in-house training with specific unit members of OPD regarding the training blocks needed prior to entering the field as a probationary sergeant.

On July 9, 2022, Claimant was promoted from the rank of Corporal to the rank of Sergeant. Claimant had previously applied for promotion to sergeant but had continuously been denied the promotion in favor of lesser qualified, lesser experienced male officers.

Over the course of the following 10 months, Claimant was subjected to discrimination, harassment, and retaliation, which resulted in her being demoted back to the rank of corporal. At the same time that Claimant was in her probationary period for the rank of Sergeant, several male colleagues were in the same position – probationary sergeants. Claimant’s male colleagues were not subjected to the same criticisms or complaints that Claimant was, even when those male colleagues engaged in the same behavior or committed the same mistakes as Claimant.

The dates of July 9, 14, 15, 20, 21, and 22, 2022 constituted the six days of on-the-job training Claimant received, which included three days of riding with Sergeant Jon Keller and three days with Sergeant Brian Woolley.

In August 2022, Claimant discovered that Sergeant Jose Velasquez was making disparaging comments about Claimant to other sergeants. Ironically, before being promoted to Sergeant, Claimant was told that Velasquez had been involved in an internal affairs investigation, but was still placed on the sergeant’s eligibility list for promotion.

Sgt. Paul Cumming informed Claimant that Sgt. Velasquez was alleging that Claimant was not capable of performing the duties of a sergeant. When Sgt. Cumming challenged Velasquez’s assertions, giving latitude to sergeants carrying out duties differently but still successfully, Sgt. Velasquez simply directed his comments to other sergeants. Specifically, Sgt. Velasquez found a willing ear in Sgt. Woolley who, in turn, conveyed the disparaging comments to Commander Kevin Baysinger.

In December 2022, Claimant spoke with another probationary sergeant, Todd Johnson, and asked whether he was making mistakes and getting ‘written up’. Johnson admitted making mistakes but said that he had not ‘received any paper’ on those mistakes (i.e., not written up). Claimant later shared various mistakes that had been reduced to a “performance concerns” document and he only shook his head, as he did not understand why such small mistakes were being documented and that his similarly small mistakes had not been documented. Claimant also asked another probationary sergeant, Mike Kohr, if he was ‘getting talked to’ about making mistakes. Kohr said he was making mistakes everyday but they were not being documented. Claimant also showed the “performance concerns” document to Sgt. Cummings who stated that he had never heard of such a document ever being generated before. That is, it appears OPD held Claimant to a much higher standard of performance than any of her male colleagues to such a degree that an entirely new and never-before-used document was created to chastise her.

On January 9, 2023, Claimant was given her annual patrol sergeant evaluation by Commander Baysinger. The evaluation was consistent with a performance that should have resulted in her passing her probationary period, and Commander Baysinger told Claimant as much. This evaluation came despite the fact that Claimant asked several times to be sent state mandated sergeant’s training courses to help her complete her probationary period, but OPD failed to do so.

In February 2023, Claimant learned that Sgt. Woolley was providing false information about her performance to Commander Baysinger and so she confronted Sgt. Woolley about it. Woolley did not deny that he made the comments. The matter was brought to Commander Baysinger’s and Assistant Chief Morehouse’s attention but they failed to take action to stop the false comments.

As a matter of fact, by this time, **several sergeants, commanders and both assistant chiefs** were told about Claimant's complaints but **nothing** was done to alleviate the situation.

On February 22, 2023, Claimant was served with a notice of "Administrative Investigation" by Sgt. Dale McAlpine. The investigation was initiated as a result of a complaint by Sgt. Brandon Ordelheide. Ordelheide was a Watch Commander and alleged that Claimant had entered a private residence for the purpose of executing arrest warrant, but that was not true. Claimant had entered the residence to check the well-being of the children therein because an individual with a warrant related to oral copulation with a child was also in the residence. The California Peace Officer Legal Sourcebook, Search and Seizure, Section 3 gives an example almost analogous to the facts of the incident and stated that such circumstances constitute a basis for reasonable entry. The same example is cited in the California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 9, Crimes against Children, Version 6.9 (2022). This exculpatory evidence was presented during a *Skelly* hearing but discipline was still imposed.

On April 29, 2023, Claimant was formally reprimanded as a result of the investigation initiated by Sgt. Ordelheide. Claimant was also given a Letter of Reprimand for using an electronic control device on a criminal suspect who was actively resisting arrest. Active resistance is one of the legal bases for using an ECD on a criminal suspect, but Claimant was told that the OPD policy on ECD use was intentionally vague to give "wiggle room" in the event OPD would be sued for excessive force. Claimant is also informed and believes that several other male officers have used ECDs in similar situations. This points to a training deficiency due to the number of incidents by other officers, and is not a matter of Claimant deliberately violating policy.

On May 12, 2023, Claimant was informed that she failed her sergeant probationary period. A few weeks later, on June 1, 2023, Claimant was asked to meet for coffee with Assistant Chief Morehouse and Assistant Chief Williams. The meeting took place on June 13, 2023 at 8:00 a.m. As the discussion commenced, it was clear that Williams and Morehouse were attempting to gauge Claimant's thoughts about OPD and that they understood Claimant's concerns about being demoted back to Corporal, though they offered no meaningful explanation about why Claimant had been treated in a manner different from her male colleagues. Williams and Morehouse offered assistance only after Claimant was denied promotion, rather than when she first asked.

After Claimant was demoted from Sergeant, Andrew Pinkstaff was promoted in her place. Now-Sgt. Pinkstaff had been previously disciplined for using homophobic slurs on the job. He was also found to have been sending inappropriate pictures of himself to a victim of domestic violence. But neither of these incidents stopped the OPD from promoting him. Pinkstaff is a white male.

Other examples of the apparent racist and sexist behavior at work in OPD are as follows:

Mike Wood, a white male, is on the intent-to-promote list, despite it being known that he abuses alcohol and that officers have responded to his home on multiple occasions for domestic violence incidents.

In one of Claimant's evaluations, Commander Baysinger mentioned that she was caught on her body worn camera using the word, "shit." Baysinger stated that such comment was "conduct

unbecoming of a sergeant at [OPD].” Yet, another sergeant, Mike Johnson, routinely uses profanity on the job in front of subordinates, fellow sergeants, and command staff and has not been formally disciplined for it.

Former OPD Sgt. Ordelheide violated policy routinely by chewing tobacco on the job. He also directed Claimant and other officers to leave quickly from a search warrant because the officers had “fucked” up the house where the warrant occurred. His use of profanity had not been addressed by command staff. Shortly after Sgt. Ordelheide’s violations were brought to the attention of Commander Baysinger by Claimant, Claimant was denied promotion in what appeared to be a retaliatory act.

The aforementioned bad acts by the City, OPD, and their agents violated the California Fair Employment and Housing Act.

Why do you claim City is responsible?

At all times relevant to the instant Claim, the tortfeasor employees of the City were working within the course and scope of their employment as an agent of the City, with a *respondent superior* relationship existing as between the employee-agent and the employer-principals. All bad acts alleged to have been undertaken by the City employee tortfeasors against Claimant were carried out under color of authority, that authority having been vested in these tortfeasors by the City. Had the tortfeasors not been City agent-employees, the harms herein alleged would not have transpired, and Claimant would not have been injured.

Pursuant to Gov. Code § 815.2, the City is liable for injury proximately caused by acts or omissions of its employees within the scope of their employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or their personal representatives. Claimant heretofore alleges that the wrongful acts by the tortfeasors caused the injuries to them as set forth in this complaint, in that these acts or omissions would have given rise to a cause of action against them and in favor of Claimant, independent of Gov. Code § 815.2.

Further, pursuant to Gov. Code § 820, the tortfeasors are liable for injuries caused by their acts or omissions to the same extent as a private person. Claimant further alleges that the individual tortfeasors caused their injuries, as set forth herein, and are therefore liable to Claimant for damages arising out of those injuries as authorized by Gov. Code § 820.

12. Witnesses to damages or injury:

See above narrative. All witnesses are employees of the City and can be contacted via their present units of assignment.

EXHIBIT 2



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 27, 2023

Alan Romero
251 S. Lake Avenue, Suite 930
Pasadena, CA 91101

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202311-22771428
Right to Sue: Walker / City of Oxnard

Dear Alan Romero:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
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November 27, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202311-22771428

Right to Sue: Walker / City of Oxnard

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 27, 2023

Crystal Walker

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202311-22771428
Right to Sue: Walker / City of Oxnard

Dear Crystal Walker:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective November 27, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

In the Matter of the Complaint of Crystal Walker

Complainant,

City of Oxnard

Respondents

1 increased and unwarranted scrutiny, which led to her demotion back to Corporal. The City
2 and OPD have a history of discriminating and retaliating against female officers, including
3 refusing them earned promotions. Upon information and belief, the OPD has had only six
4 females promoted to the rank of sergeant in more than 120 years of operation.

3 History of Sexual and Racial Discrimination

4 The OPD has approximately 240 sworn positions, 213 of them being currently filled.
5 Of the 213 sworn officer positions, there are only 30 females (14%). Of those 30 female
6 officers, only two hold a rank higher than corporal – Assistant Chief Denise Morehouse and
7 Sergeant Hannah Estrada (6.6%).

8 The OPD has 30 sergeant positions and only one (3%) of those is held by a female
9 (Estrada). OPD has 29 corporal positions and only six (20%) are female. Since its inception,
10 the OPD has only had six female sergeants, including Estrada and Plaintiff (on a
11 probationary basis). Hannah Estrada is the sister of former OPD Commander Marc Amon
12 and his influence over promotional processes is likely the reason that Estrada was promoted
13 to Sergeant and able to pass probation in contrast to other female officers.

14 The first female sergeant was Jana Young. Sgt. Young was promoted in 1995. In
15 1998, Sgt. Young sued the OPD for sexual harassment and discrimination and obtained a
16 \$500,000.00 settlement. The culture of the department's harassment and discrimination
17 against women has not changed in the years following Sgt. Young's settlement, as
18 evidenced by Plaintiff's claims. Plaintiff's complaints are echoed by other female officers,
19 corporals, and sergeants.

20 Plaintiff was the first female Hispanic to be promoted to Sergeant, even on just a
21 probationary basis, but she was ultimately demoted from the position. Notably, the last five
22 officers who have been either fired or demoted at OPD were all Hispanic: Corporal Steve
23 Ramirez III, Officer Roger Garcia, Officer Brandon Mascorro, Sergeant Ricky Marquez, and
24 Plaintiff.

15 Plaintiff's Experience at OPD

16 On June 29, 2022, Plaintiff was informed of an opening to promote to the rank of
17 Sergeant via email. From July 5, 2022 through July 7, 2022, Plaintiff underwent cursory, in-
18 house training with specific unit members of OPD regarding the training blocks needed prior
19 to entering the field as a probationary sergeant. Those training blocks were never
20 completed, nor signed off as of the date of this filing.

21 On July 9, 2022, Plaintiff was promoted from the rank of Corporal to the rank of
22 Sergeant. Plaintiff had previously applied for promotion to sergeant but had continuously
23 been denied the promotion in favor of lesser qualified and lesser experienced male officers.

24 Over the course of the following 10 months, Plaintiff was subjected to discrimination
25 and retaliation, which resulted in her being demoted back to the rank of corporal. At the
26 same time that Plaintiff was in her probationary period for the rank of Sergeant, several male
27 colleagues were in the same position – probationary sergeants. Plaintiff's male colleagues
28 were not subjected to the same criticisms or complaints that Plaintiff was, even when those
male colleagues engaged in the same behavior or committed the same mistakes as Plaintiff.

29 The dates of July 9, 14, 15, 20, 21, and 22, 2022 constituted the six days of on-the-
30 job training Plaintiff received, which included three days of riding with Sergeant Jon Keller
31 and three days with Sergeant Brian Woolley.

32 In August 2022, Plaintiff discovered that Sergeant Jose Velazquez was making
33 disparaging comments about Plaintiff to other sergeants. Ironically, before being promoted

1 to Sergeant, Plaintiff was told that Velazquez had been involved in an internal affairs investigation, but was still placed on the sergeant's eligibility list for promotion.

2 Sgt. Paul Cumming informed Plaintiff that Sgt. Velazquez was alleging that Plaintiff was not capable of performing the duties of a sergeant. When Sgt. Cumming challenged
3 Velazquez's assertions, giving latitude to sergeants carrying out duties differently but still successfully, Sgt. Velazquez simply directed his comments to other sergeants. Specifically,
4 Sgt. Velazquez found a willing ear in Sgt. Woolley who, in turn, conveyed the disparaging comments to Commander Kevin Baysinger.

5 In December 2022, Plaintiff spoke with another probationary sergeant, Todd Johnson, and asked whether he was making mistakes and getting 'written up.' Johnson
6 admitted making mistakes but said that he had not 'received any paper' on those mistakes (i.e., not written up). Plaintiff later shared various mistakes that had been reduced to a
7 "performance concerns" document and Johnson only shook his head, as he did not understand why such small mistakes were being documented and that his similarly small
8 mistakes had not been documented. Plaintiff also asked another probationary sergeant, Mike Kohr, if he was 'getting talked to' about making mistakes. Kohr said he was making
9 mistakes everyday but they were not being documented. Plaintiff also showed the "performance concerns" document to Sgt. Cumming who stated that he had never heard of
10 such a document ever being generated before. That is, it appears OPD held Plaintiff to a much higher standard of performance than any of her male colleagues to such a degree that
11 an entirely new and never-before-used document was created to chastise her.

12 On January 9, 2023, Plaintiff was given her annual patrol sergeant evaluation by Commander Baysinger. The evaluation was consistent with a performance that should have
13 resulted in her passing her probationary period, and Commander Baysinger told Plaintiff as much. This evaluation came despite the fact that Plaintiff asked several times to be sent to
14 state mandated sergeant's training courses to help her complete her probationary period, but OPD failed or refused to do so. Plaintiff was told that she was not scheduled to attend
15 the school until after her probationary period was to be completed (September 2023), yet all male probationary sergeants were sent to the training prior to their probationary period being
16 completed.

17 In February 2023, Plaintiff learned that Sgt. Woolley was providing false information about her performance to Commander Baysinger and so she confronted Sgt. Woolley about
18 it. Woolley did not deny that he made the comments. The matter was brought to Commander Baysinger's and Assistant Chief Morehouse's attention but they failed to take
19 action to stop the false comments. As a matter of fact, by this time, several sergeants, commanders and both assistant chiefs were told about Plaintiff's complaints but nothing was
20 done to alleviate the situation.

21 On February 22, 2023, Plaintiff was served with a notice of "Administrative Investigation" by Sgt. Dale McAlpine. The investigation was initiated as a result of a
22 complaint by Sgt. Brandon Ordelheide. Ordelheide was a Watch Commander and alleged that Plaintiff had entered a private residence for the purpose of executing arrest warrant, but
23 that was not true. Plaintiff had entered the residence to check the well-being of the children therein because an individual with a warrant related to oral copulation with a child was also
24 in the residence. The California Peace Officer Legal Sourcebook, Search and Seizure, Section 3 gives an almost analogous example of the facts of the incident and stated that
25 such circumstances constitute a basis for reasonable entry. The same example is cited in

1 the California Commission on Peace Officer Standards and Training, Basic Course
2 Workbook Series, Student Materials, Learning Domain 9, Crimes against Children, Version
3 6.9 (2022). This exculpatory evidence was presented during a Skelly hearing but discipline
4 was still imposed.

5 On April 29, 2023, Plaintiff was formally reprimanded as a result of the investigation
6 initiated by Sgt. Ordelheide. Plaintiff was also given a Letter of Reprimand for using an
7 electronic control device on a criminal suspect who was actively resisting arrest. Active
8 resistance is one of the legal bases for using an ECD on a criminal suspect, but Plaintiff was
9 told that the OPD policy on ECD use was intentionally vague to give "wobble room" in the
10 event OPD would be sued for excessive force. Plaintiff was advised by Force Operations
11 Unit instructors that her use of the Taser in this situation was within the parameters taught
12 by the OPD. Plaintiff is also informed and believes that several other male officers have
13 used ECDs in similar situations without receiving any sort of reprimand. This points to a
14 training deficiency due to the number of incidents by other officers, and is not a matter of
15 Plaintiff deliberately violating policy.

16 On May 12, 2023, Plaintiff was informed that she failed her sergeant probationary
17 period. A few weeks later, on June 1, 2023, Plaintiff was asked to meet for coffee with
18 Assistant Chief Morehouse and Assistant Chief Williams. The meeting took place on June
19 13, 2023 at 8:00 a.m. As the discussion commenced, it was clear that Williams and
20 Morehouse were attempting to gauge Plaintiff's thoughts about OPD and convey that they
21 understood Plaintiff's concerns about being demoted back to Corporal, though they offered
22 no meaningful explanation about why Plaintiff had been treated in a manner different from
23 her male colleagues. Williams and Morehouse offered assistance only after Plaintiff was
24 denied promotion, rather than when she first asked.

25 After Plaintiff was demoted from Sergeant, Andrew Pinkstaff was promoted in her
26 place. Now-Sgt. Pinkstaff had been previously disciplined for using homophobic slurs on the
27 job. He was also found to have been sending inappropriate pictures of himself to a victim of
28 domestic violence. But neither of these incidents stopped the OPD from promoting him.
Pinkstaff is a white male.

Other examples of the apparent racist and sexist behavior at work in OPD are as
follows:

(a) Mike Wood, a white male, is/was on the intent-to-promote list, despite it being known
that he abuses alcohol and that officers have responded to his home on multiple occasions
for domestic violence incidents.

(b) In one of Plaintiff's evaluations, Commander Baysinger mentioned that Plaintiff was
caught on her body worn camera using the word "shit." Baysinger stated that such comment
was "conduct unbecoming of a sergeant at [OPD]." Yet, another sergeant, Mike Johnson,
routinely uses profanity on the job in front of subordinates, fellow sergeants, and command
staff and has not been formally disciplined for it.

(c) Former OPD Sgt. Ordelheide violated policy routinely by chewing tobacco on the job.
He also directed Plaintiff and other officers to leave quickly from a search warrant because
the officers had "fucked" up the house where the warrant occurred. His use of profanity had
not been addressed by command staff. Shortly after Plaintiff brought Sgt. Ordelheide's
violations to the attention of Commander Baysinger, Plaintiff was denied promotion in what
appeared to be a retaliatory act.

1 (d) Plaintiff was informed that Sgt. Hannah Estrada had a subpar probationary period
2 and almost did not pass probation. As such, it appears that Estrada's unsatisfactory
3 performance a year prior caused supervisors to become biased against the Plaintiff, as she
4 too is a female, and they assumed her performance would be similar to Estrada's. This is
5 evidenced by a comment made by Sgt. Woolley to Sgt. Perez while they were riding
6 together. Sgt. Woolley was watching Plaintiff on the MDC mapper (tracks OPD vehicles) and
7 told Sgt. Perez he was keeping tabs on Plaintiff to "avoid another Hannah (Estrada)
8 situation."

9 At all times relevant, Sgt. Ordelheide, Commander Baysinger, Assistant Chief
10 Williams, Assistant Chief Morehouse, Sgt. Velazquez, and Sgt. Wooley were acting in the
11 course and scope of their employment as peace officers employed by the City.
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1 VERIFICATION

2 I, **Alan Romero**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On November 27, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

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Pasadena, CA