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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO
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15 **THE PEOPLE OF THE STATE OF**
16 **CALIFORNIA, EX. REL. ROB BONTA,**
17 **ATTORNEY GENERAL OF THE STATE**
18 **OF CALIFORNIA,**

19 Plaintiff,

20 v.

21 **CHAFFEY JOINT UNION HIGH**
22 **SCHOOL DISTRICT,**

23 Defendant.
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Case No. CIVSB2625375

**COMPLAINT FOR INJUNCTIVE
RELIEF**

Date:
Time:
Dept:
Judge:
Trial Date:
Action Filed:

1 The People of the State of California, by and through Rob Bonta, Attorney General of the
2 State of California, allege as follows:

3 JURISDICTION AND VENUE

4 1. This Court has jurisdiction over the subject matter of the People’s Complaint in this
5 action and the parties to this action; venue is proper in this County; and this Court has jurisdiction
6 to enter the judgment sought by this Complaint.

7 PARTIES

8 2. Plaintiff Rob Bonta is the Attorney General of the State of California. The Attorney
9 General is the chief law officer of the State and has the authority to see that the State’s laws are
10 uniformly and adequately enforced for the protection of public rights and interests. (Cal. Const.,
11 art. V, § 13.)

12 3. Defendant Chaffey Joint Union High School District (“Chaffey” or “District”) is a
13 public school district organized and existing under the laws of the State of California.

14 FACTUAL BACKGROUND

15 4. In Spring 2022, the Attorney General’s Office began a civil investigation to
16 determine whether the District complied with state laws with respect to a school-based youth-
17 ticketing program known as “Operation CleanSWEEP” (or “Program”) and related issues involving
18 the District’s handling of student behavior.

19 5. The District cooperated throughout the Attorney General Office’s investigation,
20 which was conducted from May 2022 through December 2023 and included the production and
21 review of documents and data, interviews with District leadership and school-level administrators,
22 teachers, and staff, and site visits, among other sources of information. In response to the Attorney
23 General Office’s investigation, the District suspended its implementation of the Program in May
24 2022.

25 6. The Program, which the District implemented in collaboration with the San
26 Bernardino County Sheriff’s Department and other law enforcement agencies, was designed as a
27 two-step process. First, the Sheriff’s Department trained District personnel, such as school
28 administrators or campus security officers, to investigate and draft citations for certain low-level

1 offenses by youth between the ages of 10 and 17. Second, after an incident, District personnel
2 investigated and drafted an infraction citation, which a peace officer, who may be assigned to a
3 District school as a School Resource Officer (“SRO”), later signed and issued to the youth. Youth
4 who received an Operation CleanSWEEP citation and their parents were required to appear in an
5 adult traffic court, where they had no right to appointed counsel, and where they may face
6 significant penalties, including fines that may exceed \$1,400 for each offense.

7 7. The District first implemented Operation CleanSWEEP by the 2001-2002 school
8 year, and the District continued to implement the Program until the District suspended its
9 participation in May 2022. From 2001 to 2022, the District referred over 5,000 students to be issued
10 Operation CleanSWEEP citations, more than twice as any other district in the County.

11 8. The District first implemented Operation CleanSWEEP to include fighting /
12 disturbing the peace (cited under Penal Code section 415) and tobacco possession (cited under
13 Penal Code section 308, former subdivision (b)). In more recent years, the District implemented
14 the Program to include daytime loitering (cited under San Bernardino County Ordinance section
15 25.0202, Rancho Cucamonga Municipal Code section 9.30.020, or Ontario Municipal Code section
16 5-7.04) and possession of less than once ounce of marijuana (cited under Health and Safety Code
17 section 11357, subdivision (d)). Since August 2016, approximately nine out of ten District students
18 issued CleanSWEEP citations were cited for daytime loitering or marijuana possession.

19 9. After a comprehensive investigation, in December 2023, the Attorney General’s
20 Office made the following findings:

- 21 a. The District’s practice was to have school personnel, who are not peace officers,
22 effectively issue CleanSWEEP citations, in violation of the law. (Welf. & Inst.
23 Code §§ 257, 625-626; Penal Code §§ 830 *et seq.*, 835.5-853.6)
- 24 b. The District’s practice was to effectively issue CleanSWEEP citations to youth in
25 violation of the law, including citations for tobacco possession, disturbing the peace,
26 and daytime loitering on campus. (Penal Code §§ 308, 415; *In re Fernando C.*
27 (2014) 277 Cal.App.4th 499; San Bernardino County Ordinance § 25.0202; Rancho
28 Cucamonga Municipal Code § 9.30.020; Ontario Municipal Code § 5-7.04.)

- 1 c. The District's practice was to conduct individualized student searches without a
2 reasonable basis, or outside the scope of any reasonable basis. (U.S. Const. amend.
3 IV; Cal. Const. art. I, § 13; *In re William G.* (1985) 40 Cal.3d 550; *see also* Ed.
4 Code, § 49050.)
- 5 d. The District's implementation of Operation CleanSWEEP caused a statistically
6 significant disproportionate adverse impact on several groups, including African
7 American and Pacific Islander youth, youth with disabilities, youth with Limited
8 English Proficiency, foster youth, and low-income youth, compared to their
9 similarly situated peers; the District's implementation of Operation CleanSWEEP
10 did not further a substantial legitimate justification, such as increasing school safety;
11 and effective nondiscriminatory alternatives exist, including to address student
12 misbehavior, student attendance issues, and student drug use. (Ed. Code § 220.)

13 10. The parties have negotiated in good faith a comprehensive agreement set forth in
14 the proposed Stipulated Judgment, which includes revisions to policies and practices and training
15 requirements to address the findings of the Attorney General's investigation. Plaintiff now seeks
16 an order requiring the District to fully implement the agreed-upon remedial measures and requests
17 the court enter judgment as set forth in the proposed Stipulated Judgment, concurrently filed with
18 this Complaint.

19 11. In light of the foregoing, and by the nature of the allegations, there exists no
20 alternative adequate remedy at law. Further, the various violations of law as alleged result in
21 irreparable harm to the People of the State of California, and the balance of the harms weighs in
22 favor of the People. Therefore, equitable relief in the form of an injunction is the appropriate
23 remedy here.

24 CAUSES OF ACTION

25 FIRST CAUSE OF ACTION

26 (Violation of Education Code section 220)

27 12. Plaintiff realleges all paragraphs set forth above and incorporates them by reference.
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13. Education Code section 220 prohibits discrimination based on race, ethnicity, national origin, or disability, among other protected characteristics, in state-funded programs and activities.

14. The District receives state funding, which it uses towards law enforcement activities, including Operation CleanSWEEP.

15. The District violated Education Code section 220 by having policies, practices, and procedures relating to the District's implementation of Operation CleanSWEEP that result in discrimination against African American and Pacific Islander youth, youth with disabilities, youth with limited English proficiency, foster youth, and low-income youth, and by failing to prevent discrimination in the District's programs and activities related to Operation CleanSWEEP.

SECOND CAUSE OF ACTION

(Violation of Penal Code sections 830 *et seq.* and 853.5, and Welfare and Institutions Code section 626)

16. Plaintiff realleges all paragraphs set forth above and incorporates them by reference.

17. Penal Code sections 830 *et seq.* clearly delineates who may serve as a “peace officer” under the law, with limited exceptions, and provides that “no person other than those designated” by those sections is a peace officer. *See Cnty. of Santa Clara v. Deputy Sheriffs’ Assn.*, 3 Cal. 4th 873, 879, 838 P.2d 781, 784 (1992).

18. Penal Code section 853.5 authorizes only a “peace officer” to issue a citation for an infraction offense. Under section 853.5, only a peace officer is authorized to “prepare” a written notice to appear in court; to “deliver” the written notice to the arrested person; and to require the arrested person give their written promise to appear in court.

19. Welfare and Institutions Code section 626 authorizes only a “peace officer” to issue a citation for an infraction offense. Under section 626, only a peace officer is authorized to “prepare” a written notice to appear; to “deliver” the written notice to the youth and/or their parent, guardian, or relative; and to “require” the youth and/or their parent, guardian, or relative sign a written promise to appear.

20. The District violated Penal Code sections 830 *et seq.* and 853.5 and Welfare and Institutions Code section 626 by purporting to authorize school personnel who do not qualify as a “peace officer” under the law to issue infraction citations to youth, including by preparing written notices to appear, delivering written notices appear to youth and/or their parent, guardian, or relative, and by requiring the youth and/or their parent, guardian, or relative sign a written promise to appear.

THIRD CAUSE OF ACTION

(Issuance of Citations Not Authorized by Law)

21. Plaintiff realleges all paragraphs set forth above and incorporates them by reference.

22. The District has effectively issued the following citations to youth not authorized by law:

- a. Citations under former subdivision (b) of Penal Code section 308, after the effective date of its repeal;
- b. Citations under Penal Code section 415, which does not apply on school grounds; and
- c. Citations for daytime loitering on school grounds under San Bernardino County Ordinance section 25.0202 and other ordinances not applicable to youth on campus.

FOURTH CAUSE OF ACTION

(Violation of the Fourth Amendment to the United States Constitution and Article I, Section 13 of the California Constitution)

23. Plaintiff realleges all paragraphs set forth above and incorporates them by reference.

24. The Fourth Amendment to the United States Constitution and Article I, Section 13 of the California Constitution prohibit unreasonable searches and seizures by government actors, including school officials. *See New Jersey v. T.L.O.*, 469 U.S. 325 (1985); *In re William G.* (1985) 40 Cal.3d 550.

25. The District violated the Fourth Amendment to the United States Constitution and Article I, Section 13 of the California Constitution by conducting individualized student searches without a reasonable basis, or outside the scope of any reasonable basis.

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1. For the Court to issue an order: (1) enjoining the District from engaging in the unlawful practices challenged in this Complaint; (2) requiring the District to implement the provisions set forth in the proposed Stipulated Judgment to be submitted to the Court; and (3) entering final judgment;
2. For the Court to exercise continuing jurisdiction over this action pursuant to Code of Civil Procedure section 664.6, subdivision (a), to ensure that the District complies with the judgment as set forth in the proposed Stipulated Judgment; and
3. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

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