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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 **SAN BERNARDINO COUNTY SHERIFF'S**
22 **DEPARTMENT,**

23 Defendant.
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27
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Case No. CIVSB2625426

**COMPLAINT FOR INJUNCTIVE
RELIEF (Civ. Code, § 52.3)**

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 2. The Attorney General is authorized to initiate this action against defendants pursuant
8 to Civil Code section 52.3, and Government Code section 11180 et seq.

9 3. The declaratory and injunctive relief sought by the People is authorized by Civil
10 Code section 52.3.

11 **PARTIES**

12 4. Plaintiff Rob Bonta is the Attorney General of the State of California. The Attorney
13 General is the chief law officer of the State and has the duty to see that the State’s laws are uniformly
14 and adequately enforced for the protection of public rights and interests. (Cal. Const., art. V, § 13.)
15 The Attorney General is authorized to bring a civil action against a local governmental authority in
16 the name of the People of the State of California to obtain appropriate equitable and declaratory
17 relief to eliminate a pattern or practice of conduct by its law enforcement officers that deprives any
18 person or persons of rights, privileges, or immunities, secured or protected by the Constitution or
19 laws of the United States or the Constitution or laws of the State of California. (Civ. Code § 52.3.)

20 5. Defendant San Bernardino County Sheriff’s Department (“Sheriff’s Department” or
21 “Department”) is the law enforcement agency for San Bernardino County (“County”). It receives
22 state funds.

23 **FACTUAL BACKGROUND**

24 6. In May 2022, the Attorney General’s Office began a civil investigation to determine
25 whether the Sheriff’s Department complied with state laws with respect to the Department’s school-
26 based youth-ticketing program known as “Operation CleanSWEEP” (or “Program”) and related
27 issues involving the Department’s interactions with youth.
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1 7. The Sheriff's Department was cooperative throughout the Attorney General Office's
2 investigation, which was conducted from May 2022 through October 2023 and included the
3 production and review of documents and data, interviews with leadership and frontline personnel,
4 and site visits, among other sources of information.

5 8. The Program, which the Sheriff's Department administered in collaboration with
6 school districts and other law enforcement agencies across the County, was designed as a two-step
7 process. First, the Sheriff's Department trained school personnel, such as school administrators or
8 campus security officers, to investigate and draft citations for certain low-level offenses by youth
9 between the ages of 10 and 17. Second, after an incident, school personnel investigated and drafted
10 an infraction citation, which a peace officer, who may be assigned to a school as a School Resource
11 Officer ("SRO"), later signed and issued to the youth. Youth who received an Operation
12 CleanSWEEP citation and their parents were required to appear in an adult traffic court, where they
13 had no right to appointed counsel, and where they may face significant penalties, including fines
14 that may exceed \$1,400 for each offense.

15 9. The Sheriff's Department first developed Operation CleanSWEEP to cover two
16 offenses: Penal Code section 415 (fighting / disturbing the peace) and Penal Code section 308,
17 former subdivision (b) (tobacco possession). The Sheriff's Department later expanded the Program
18 to cover additional offenses, including San Bernardino County Ordinance section 25.0202 (daytime
19 loitering) and Health and Safety Code section 11357, subdivision (d) (possession of less than once
20 ounce of marijuana).

21 10. The Sheriff's Department administered Operation CleanSWEEP from 1997 until the
22 Department suspended the Program in August 2022. The Sheriff's Department first piloted
23 Operation CleanSWEEP at three high school campuses during the 1997-98 school year. The
24 Sheriff's Department later expanded the Program to include approximately 100 schools and 20
25 school districts across the County. From 1997 to 2022, the Sheriff's Department issued more than
26 20,000 Operation CleanSWEEP citations to youth across the County.

27 11. After a comprehensive investigation, in October 2023, the Attorney General's
28 Office made the following findings:

- a. The Sheriff's Department failed to ensure that Operation CleanSWEEP citations are supported by probable cause, as required by law. (Civil Code § 52.3; Welf. & Inst. Code §§ 601-602, 625-626.)
- b. The Sheriff's Department's practice was to issue citations to youth in violation of the law, including citations for tobacco possession, disturbing the peace, daytime loitering on campus, and for youth under the age of 12. (Civil Code § 52.3; Penal Code §§ 308, 415; *In re Fernando C.* (2014) 277 Cal.App.4th 499; San Bernardino County Ordinance § 25.0202; Welf. & Inst. Code §§ 601-602.)
- c. The Sheriff's Department's practice was to take youth into "temporary custody" and conduct "custodial interrogations" when investigating some violations, without advising youth of their rights or connecting youth with counsel, in violation of the law. (Civil Code § 52.3; Welf. & Inst. Code §§ 625, 625.6.)
- d. The Sheriff's Department's practice was to not report Operation CleanSWEEP citations as "stops" under RIPA, in violation of the law. (Civil Code § 52.3; Gov't Code § 12525.5; Cal. Code Regs., tit. 11, §§ 999.224, 999.227.)
- e. The Sheriff's Department's implementation of Operation CleanSWEEP disparately impacted several protected groups, including African American youth, youth with disabilities, youth with Limited English Proficiency, and foster youth. (Civil Code § 52.3; Gov. Code § 11135.)

12. Since October 2023, the Sheriff's Department has taken significant steps to address the Attorney General Office's investigation findings and collaborated with the Attorney General's Office to proactively revise or create policy and procedures. After initially suspending Operation CleanSWEEP in 2022, the Sheriff's Department voluntarily terminated the Program in January 2024. The Sheriff's Department has adopted revised or new policies to address the Attorney General Office's investigation findings, including the Department's policy regarding *Miranda* warnings and custodial interrogations (Policy No. 3.270.55); Juvenile Suspects Under the Age of 12 (SB 439 Protocol) (Policy No. 3.488.10); RIPA (Policy No. 3.146.10); and Citations (Policy Nos. 3.402, 3.270.45, and 3.270.50). The Sheriff's Department has, starting in November 2024,

1 trained personnel about the revised or new policies. The Sheriff's Department has, starting in July
2 2025, conducted internal audits of data relating to citations and RIPA stops, for compliance with
3 the revised or new policies. The Sheriff's Department has, starting in October 2025, published an
4 SRO Guide detailing the SRO's roles, functions, and operating procedures, and updated its SRO
5 website to solicit electronic submission of feedback and/or complaints regarding the SRO program.

6 13. Plaintiff now seeks an order requiring the Sheriff's Department to fully implement
7 these and other remedial measures, which the parties have negotiated in good faith, to fully address
8 the Attorney General Office's investigation findings. Plaintiff requests the court enter judgment as
9 set forth in the proposed Stipulated Judgment, concurrently filed with this Complaint.

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

15 CAUSES OF ACTION

16 FIRST CAUSE OF ACTION

17 (Violation of Civil Code section 52.3)

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

19 16. Civil Code section 52.3 prohibits governmental authorities, agents of governmental
20 authorities, and persons acting on behalf of governmental authorities, from engaging in a pattern or
21 practice of conduct by law enforcement officers that deprives any persons of rights, privileges, or
22 immunities secured or protected by the Constitution or laws of the United States or the Constitution
23 or laws of the State of California.

24 17. The Sheriff's Department violated Civil Code section 52.3 by engaging in the
25 actions described in this Complaint and as set forth in the causes of action below, including by:

- 26 a. subjecting African American youth, youth with disabilities, and youth with limited
27 English proficiency to disproportionate citations under CleanSWEEP, which has
28 resulted in adverse impacts, in violation of Government Code section 11135;

- 1 b. failing to advise youth of their rights whenever taking youth into temporary custody,
2 as required by Welfare and Institutions Code section 625;
3 c. issuing citations to youth for tobacco possession under former subdivision (b) of
4 Penal Code section 308 after the effective date of its repeal;
5 d. issuing citations to youth for disturbing the peace on school grounds under Penal
6 Code section 415;
7 e. issuing citations to youth for daytime loitering on school grounds under San
8 Bernardino County Ordinance section 25.0202 and municipal analogues;
9 f. issuing citations to youth under age 12 after January 1, 2019, in violation of Welfare
10 and Institutions Code section 602; and
11 g. failing to report stops pursuant to the Racial and Identity Profiling Act and as
12 required by Government Code section 12525.5 and implementing regulations.

13 **SECOND CAUSE OF ACTION**

14 (Violation of Government Code section 11135)

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

16 19. Government Code section 11135 prohibits discrimination based on race, ethnicity,
17 national origin, or disability in state-funded programs and activities.

18 20. The Sheriff's Department receives state funding, which it uses towards law
19 enforcement activities, including the issuance of citations under Operation CleanSWEEP.

20 21. The Sheriff's Department violated section 11135 by subjecting African American
21 youth, youth with disabilities, and youth with limited English proficiency to disproportionate
22 citations under Operation CleanSWEEP, which has resulted in adverse impacts on those youth.
23 (Gov't Code § 11135; Cal. Code Regs., tit. 2, §§ 14020, 14025—14030.)

24 **THIRD CAUSE OF ACTION**

25 (Violation of Welfare and Institutions Code section 625)

26 22. Plaintiff realleges all paragraphs set forth above and incorporates them by reference.
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23. Welfare and Institutions Code section 625 provides that, when officers take minors into temporary custody, they must advise them of their right to remain silent, their right to the presence of their attorney, and their right to appointed counsel.

24. The Sheriff's Department violated Welfare and Institutions Code section 625 by failing to advise youth of their rights when taken into temporary custody.

FOURTH CAUSE OF ACTION

(Violation of Welfare and Institutions Code section 625.6)

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

26. Welfare and Institutions Code section 625.6 provides that youth under the age of 18 have a non-waivable right to consult with an attorney before a custodial interrogation.

27. The Sheriff's Department violated Welfare and Institutions Code section 625.6 by failing to provide youth under the age of 18 with their non-waivable consultation with counsel before a custodial interrogation.

FIFTH CAUSE OF ACTION

(Issuance of Citations Not Authorized by Law)

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

29. The Sheriff's Department has 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;
- 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; and
- d. Citations to children under age 12 after January 1, 2019, contrary to the limit on juvenile court jurisdiction in Welfare and Institutions Code section 602.

SIXTH CAUSE OF ACTION

(Violation of Government Code section 12525.5, the Racial and Identity Profiling Act (RIPA))

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

31. The Racial and Identity Profiling Act (RIPA) requires peace officers to report specified data related to any “stop,” which includes any “detention” as defined by the law’s implementing regulations. (Gov’t Code § 12525.5; Cal. Code Regs., tit. 11, § 999.224, subds. (a)(7), (a)(14).) RIPA also has specific requirements regarding peace officer interactions with students on a K-12 public school campus, which require peace officers to report “[a]ny interaction that results in a temporary custody” under section 625 and also any “citation.” (Cal. Code Regs., tit. 11, § 999.227, subd. (e)(3).)

32. The Sheriff's Department violated RIPA by failing to report all citations issued under Operation CleanSWEEP citations as "stops."

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the Court to enter judgment as follows:

1. For the Court to issue an order: (1) enjoining the Sheriff's Department from engaging in the unlawful practices challenged in this Complaint; (2) requiring the Sheriff's Department to implement the injunctive relief 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 Sheriff's Department 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.

1 Dated: August 28, 2026

Respectfully submitted,

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5 

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