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

15  
16 KORON LEKEITH LOWE

17 Plaintiff,

18 v.

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20 COUNTY OF RIVERSIDE; CITY  
 21 OF HEMET; HEMET POLICE  
 22 DEPARTMENT OFFICER DYLAN  
 23 DETWILER; and DOES 1-10,  
 inclusive.

24 Defendants.

CASE No.:

**PLAINTIFF’S COMPLAINT FOR DAMAGES**

1. 42 U.S.C. § 1983 (Unreasonable Search and Seizure – Excessive Force)
2. 42 U.S.C. § 1983 (Supervisor Liability)
3. 42 U.S.C. § 1983 (Municipal Liability – Unconstitutional Custom, Practice, or Policy)
4. 42 U.S.C. § 1983 (Municipal Liability – Failure to Train)
5. 42 U.S.C. § 1983 (Municipal Liability – Ratification)

**DEMAND FOR JURY TRIAL**

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**COMPLAINT FOR DAMAGES**

COMES NOW, Plaintiff KORON LEKEITH LOWE for his Complaint against COUNTY OF RIVERSIDE, CITY OF HEMET, DYLAN DETWILER; and DOES 1-10, inclusive and hereby alleges as follows:

**INTRODUCTION**

1. This civil rights action seeks compensatory and punitive damages from Defendants for violating various rights under the United States Constitution in connection with law enforcement officers’ uses of force, including the deployment of a canine, and deployment of 40mm launcher rounds, and additional use of force on PLAINTIFF on January 26, 2022.

2. Defendant DYLAN DETWILER (“DETWILER”) caused PLAINTIFF’S injuries by ordering his canine to bite PLAINTIFF and continue to bite PLAINTIFF when PLAINTIFF was not a threat of harm to any person, while less-intrusive measures were available, and while PLAINTIFF was not attempting to flee, causing PLAINTIFF injury, harm, and damages.

3. DOE 1 caused various injuries herein by firing multiple 40mm rounds at PLAINTIFF when PLAINTIFF was not a threat of harm to any person, while less-intrusive measures were available, and while PLAINTIFF was not attempting to flee, causing PLAINTIFF injury, harm, and damages.

4. DOES 2-3, inclusive, (“DOE DEPUTIES”) caused various injuries herein by integrally participating or failing to intervene in the incident, and by engaging in other acts and/or omissions around the time of the incident.

5. DOES 4-6, inclusive, (“DOE OFFICERS”) caused various injuries herein by integrally participating or failing to intervene in the incident, and by engaging in other acts and/or omissions around the time of the incident.

1           6.     DOES 7-8, inclusive (“DOE SUPERVISORS”) caused various  
2 injuries herein by integrally participating or failing to intervene in the  
3 incident, and by engaging in other acts and/or omissions around the time of  
4 the incident. DOE SUPERVISORS were supervisors of each and every  
5 individually named and unnamed involved officer and/or deputy. DOE  
6 SUPERVISORS are liable for leading and instructing subordinates regarding  
7 their actions and omissions, tactics, and use of force during the incident.

8           7.     Defendants COUNTY OF RIVERSIDE (“COUNTY”) and DOE 9  
9 also caused various injuries and are liable under federal law and under the  
10 principles set forth in *Monell v. Department of Social Services*, 436 U.S. 658  
11 (1978). DOE 9 was and is the final policymaker for Defendant COUNTY, with  
12 final policymaking authority, who reviewed and ratified the constitutional  
13 violations of Defendant DOES 2-3, inclusive.

14           8.     Defendants CITY OF HEMET (“CITY”) and DOE 10 also caused  
15 various injuries and are liable under federal law and under the principles set  
16 forth in *Monell v. Department of Social Services*, 436 U.S. 658 (1978). DOE  
17 10 was and is the final policymaker for Defendant CITY, with final  
18 policymaking authority, who reviewed and ratified the constitutional  
19 violations of Defendant DOES 4-6, inclusive.

20           9.     This action is in the public interest as PLAINTIFF seeks by means  
21 of this civil rights action to hold accountable those responsible for their uses  
22 of force, including the deployment of the canine and use of 40mm rounds, and  
23 the serious bodily injury inflicted by DEFENDANTS, including by DYLAN  
24 DETWILER and DOES 1-8, as well as COUNTY OF RIVERSIDE’S and  
25 CITY OF HEMET’S ratification, failure to adequately train, and policy of  
26 inaction in the face of serious constitutional violations, as well as the unlawful  
27 custom and practice with respect to the use force, including the use of a K-9  
28 to bite people and the use of 40mm rounds.

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**THE PARTIES**

10. At all relevant times, PLAINTIFF was an individual residing in Riverside County, California.

11. Defendant COUNTY is a political subdivision of the State of California that is within this judicial district. Defendant COUNTY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the Riverside County Sheriff’s Department (“RCSD”) and its agents and employees. At all relevant times, Defendant COUNTY was responsible for assuring that the actions, omissions, policies, procedures, practices, and customs of the RCSD and its employees and agents complied with the laws of the United States and the State of California. At all relevant times, Defendant COUNTY was the employer of Defendants DOE DEPUTIES and DOE SUPERVISORS.

12. Defendant CITY is a political subdivision of the State of California that is within this judicial district. Defendant CITY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the Hemet Police Department (“HPD”) and its agents and employees. At all relevant times, Defendant CITY was responsible for assuring that the actions, omissions, policies, procedures, practices, and customs of the HPD and its employees and agents complied with the laws of the United States and the State of California. At all relevant times, CITY was the employer of Defendants DYLAN DETWILER, DOE OFFICERS and DOE SUPERVISORS.

13. Defendant DETWILER is and was an officer working for Defendant CITY and HPD. At all relevant times, Defendant DETWILER was acting under color of law within the course and scope of his employment and duties as an officer working for Defendant CITY and HPD. At all relevant

1 times, DETWILER was acting with the complete authority and ratification of  
2 his principal, Defendant CITY.

3 14. Defendant DOE 1 is a sworn police officer working for the either  
4 RCSD or HPD. At all relevant times, DOE 1 was acting under color of law  
5 within the course and scope of his duties as a deputy working for either RCSD  
6 or HPD. At all relevant times, DOE 1 was acting with the complete authority  
7 and ratification of his principal, Defendant COUNTY or CITY.

8 15. Defendant DOE DEPUTIES are deputies for RCSD. At all  
9 relevant times, these Defendants were acting under color of law within the  
10 course and scope of their duties as RCSD deputies and at other times they were  
11 working in their personal capacity as individuals outside the scope of their  
12 employment. At all relevant times, Defendant DOE DEPUTIES were acting  
13 with the complete authority and ratification of their principal, Defendant  
14 COUNTY.

15 16. Defendant DOE OFFICERS are officers for HPD. At all relevant  
16 times, these Defendants were acting under color of law within the course and  
17 scope of their duties as HPD officers and at other times they were working in  
18 their personal capacity as individuals outside the scope of their employment.  
19 At all relevant times, Defendant DOE OFFICERS were acting with the  
20 complete authority and ratification of their principal, Defendant CITY.

21 17. Defendant DOE SUPERVISORS are supervisors that were law  
22 enforcement officials on scene during the incident employed by Defendants  
23 COUNTY and/or CITY. At all relevant times, these Defendants were acting  
24 under color of law within the course and scope of their duties as COUNTY  
25 and/or CITY officers and at other times they were working in their personal  
26 capacity as individuals outside the scope of their employment. At all relevant  
27 times, Defendant DOE SUPERVISORS were acting with the complete  
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1 authority and ratification of their principal, Defendant COUNTY and/or  
2 CITY.

3 18. Defendant DOE 9 is the managerial, supervisory, or  
4 policymaking employee of RCSD who was acting under color of law within  
5 the course and scope of his or her duties as the supervisory official for RCSD.  
6 Defendant DOE 9 was acting with the complete authority of his or her  
7 principal, Defendant COUNTY.

8 19. Defendant DOE 10 is the managerial, supervisory, or  
9 policymaking employee of HPD who was acting under color of law within the  
10 course and scope of his or her duties as the supervisory official for HPD.  
11 Defendant DOE 10 was acting with the complete authority of his or her  
12 principal, Defendant CITY.

13 20. PLAINTIFF is ignorant of the true names and capacities of  
14 Defendants DOES 1-10, inclusive, and therefore sues these defendants by such  
15 fictitious names. PLAINTIFF will amend the complaint to allege the true  
16 names and capacities of those defendants when the same has been ascertained.  
17 PLAINTIFF is informed believes, and on that basis alleges, that DOES 1-10,  
18 inclusive, and each of them, are responsible in some manner for the  
19 occurrences alleged herein and proximately caused PLAINTIFF'S damages.  
20 On information and belief, DOES 1-10, inclusive, were at all relevant times  
21 residents of the County of Riverside.

22 21. PLAINTIFF is informed and believes, and on that basis alleges,  
23 that Defendants acted at all times mentioned herein as the actual and/or  
24 ostensible agents, employees, servants or representatives of each other and, in  
25 doing the activities alleged herein, acted within the scope of their authority as  
26 agents and employees, and with the permission and consent of each other.

27 22. PLAINTIFF is informed and believes, and on that basis alleges,  
28 that at all times mentioned herein Defendants DOES 1-3 and DOES 7-8 acted

1 under color of law, statute, ordinance, regulations, customs and usages of the  
2 State of California and COUNTY.

3 23. PLAINTIFF is informed and believes, and on that basis alleges,  
4 that at all times mentioned herein Defendants DETILLER and DOES 1, 4-6,  
5 and 9-10 acted under color of law, statute, ordinance, regulations, customs and  
6 usages of the State of California and CITY.

7 24. All Defendants who are natural persons, including DOES 1-10,  
8 inclusive, are sued individually and/or in his/her capacity as officers, deputies,  
9 investigators, sergeants, captains, commanders, supervisors, and/ or civilian  
10 employees, agents, policy makers, and representatives of the RCSD and/or  
11 HPD.

12 25. PLAINTIFF suffered serious bodily injury as a direct and  
13 proximate result of the actions of Defendants DETWILER and DOES 1-10  
14 inclusive. Defendants DETWILER and DOES 1-10 are directly liable for  
15 PLAINTIFF'S injuries under federal law pursuant to 42 U.S.C. § 1983.

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**JURISDICTION AND VENUE**

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26. The Court has jurisdiction over PLAINTIFF'S claims pursuant to  
28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because PLAINTIFF asserts claims  
arising under the laws of the United States including 42 U.S.C. § 1983 and the  
Fourth Amendment of the United States Constitution.

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27. Venue in this judicial district is proper pursuant to 28 U.S.C.  
§ 1391(b), because all incidents, events, and occurrences giving rise to this  
action occurred within this district.

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**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

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28. PLAINTIFF repeats and re-alleges each and every allegation of  
paragraphs 1 through 27, inclusive, as if fully set forth herein.

1           29. PLAINTIFF sustained injuries, including but not limited to pain  
2 and suffering when Defendant DETWILER repeatedly deployed his K-9 on  
3 PLAINTIFF.

4           30. PLAINTIFF sustained further injuries when he was shot  
5 repeatedly including in the face, head, and body by DOE 1 with 40mm rounds.

6           31. On January 26, 2022, PLAINTIFF was sitting in a car in the  
7 parking lot of Morongo Casino, 49500 Seminole Dr., Cabazon, CA 92230.

8           32. Upon information and belief, PLAINTIFF was not in the driver's  
9 seat of the car and was the sole occupant of the car at the time. PLAINTIFF  
10 was initially in the front passenger seat and eventually moved to the rear seat  
11 of his car. Several officers and deputies surrounded the subject car in such a  
12 way that it was clear they did not conclude PLAINTIFF was armed with any  
13 deadly weapons. PLAINTIFF did not have any weapons of any kind in the car  
14 or on his person.

15           33. Defendants DETWILER and DOE DEFENDANTS 1-8 sought to  
16 remove PLAINTIFF from his car. Instead of de-escalating the situation and  
17 giving PLAINTIFF a reasonable opportunity to comply, Defendant  
18 DETWILER released his canine and repeatedly ordered the canine to bite  
19 PLAINTIFF.

20           34. Defendant DETWILER deployed his canine several times, each  
21 time encouraging the canine to bite PLAINTIFF. The canine repeatedly bit  
22 PLAINTIFF causing serious bodily injury.

23           35. Officers are trained, including Defendants DETWILER, DOE 1,  
24 and DOE SUPERVISORS, that deadly force is any force that creates a  
25 substantial risk of causing serious bodily injury.

26           36. Upon information and belief, Defendants DETWILER and DOE  
27 SUPERVISORS knew at the time of the incident that a canine bite has a  
28 substantial risk of causing serious bodily injury. Further, Defendants



1 DETWILER and DOE SUPERVISORS knew that a canine bite would cause  
2 more than a minimal risk of injury. The canine's repeated vicious attacks  
3 constituted deadly force.

4 37. Prior to Defendant DETWILER first deploying the canine to  
5 attack PLAINTIFF, PLAINTIFF was alone in the vehicle, was not attempting  
6 to flee, was not armed with a gun or knife, was not armed with or had in his  
7 possession any weapon that could create a significant risk of injury, had not  
8 verbally threatened any officer, and had not attempted to harm any officer.  
9 PLAINTIFF did not present a danger to any person at the time of the canine  
10 attacks and was not an immediate threat of death or serious bodily injury.

11 38. At the same time that the canine attacked PLAINTIFF multiple  
12 times, Defendant DOE 1 shot PLAINTIFF multiple times with 40mm rounds.  
13 The rounds hit PLAINTIFF among other places in his head and face.

14 39. Upon information and belief, Defendants DOE 1 and DOE  
15 SUPERVISORS knew at the time of the incident that a 40mm round has a  
16 substantial risk of causing serious bodily injury especially when deployed at  
17 a person's head and face. Further, Defendants DOE 1 and DOE  
18 SUPERVISORS knew that a canine bite will cause more than a minimal risk  
19 of injury. The repeated use of the 40mm at PLAINTIFF'S head and face  
20 constituted deadly force.

21 40. Prior to Defendant DOE 1 first deploying the 40mm at  
22 PLAINTIFF and for each and every subsequent deployment, PLAINTIFF was  
23 alone in the vehicle, was not attempting to flee, was not armed with a gun or  
24 knife, was not armed with or had in his possession any weapon that could  
25 create a significant risk of injury, had not verbally threatened any officer, and  
26 had not attempted to harm any officer. PLAINTIFF did not present a danger  
27 to any person at the time of the 40mm deployments and was not an immediate  
28 threat of death or serious bodily injury.

1           41. PLAINTIFF made no efforts to escape from the officers or  
2 deputies, and was not being assaultive to the officers or deputies.

3           42. Upon information and belief, PLAINTIFF was not attempting to  
4 resist arrest. Even though PLAINTIFF was not resisting, PLAINTIFF had the  
5 right to resist excessive force and/or defend himself the continual use of  
6 excessive force.

7           43. PLAINTIFF writhed in pain from the vicious and prolonged K-9  
8 attacks and from the multiple 40mm round deployments.

9           44. PLAINTIFF was subjected to unreasonable and excessive force,  
10 including deadly force, inflicted through the unreasonable and excessive  
11 deployment of the police K-9, through the failure and/or refusal to terminate  
12 the unreasonable and excessive deployment and use of the police K-9, and  
13 through the improper and excessive use of restraint procedures, which caused  
14 PLAINTIFF to experience severe and debilitating injuries.

15           45. PLAINTIFF was further subjected to unreasonable and excessive  
16 force, including deadly force, inflicted through the unreasonable and excessive  
17 use of 40mm rounds fired among other places at PLAINTIFF's face and head  
18 which caused PLAINTIFF to experience severe and debilitating injuries,  
19 including a brain bleed and the loss of an eye.

20           46. Despite the presence of several armed officers and deputies  
21 against the lone PLAINTIFF, Defendant DETWILER repeatedly commanded  
22 the K-9 to bite PLAINTIFF. As a result of the K-9's bite, PLAINTIFF  
23 experienced serious bodily injury.

24           47. Despite the presence of several armed officers and deputies  
25 against the lone PLAINTIFF, Defendant DOE 1 repeatedly shot PLAINTIFF  
26 among other places in the head and face. As a result of the 40mm rounds,  
27 PLAINTIFF experienced serious bodily injury.

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1 multiple deputies, which show of force alone was sufficient to effectuate a  
2 seizure of PLAINTIFF.

3 54. Throughout the incident, PLAINTIFF presented no immediate  
4 threat to the safety of the Defendants or others, including not an immediate  
5 threat of death or serious bodily injury to any Defendant or other person.

6 55. Defendant DETWILER and DOES 1-8 used excessive and  
7 unreasonable force, including deadly force, against PLAINTIFF. PLAINTIFF  
8 was not an immediate threat of death or serious bodily injury to Defendants or  
9 anyone else when Defendants used excessive and unreasonable force,  
10 including deadly force, on PLAINTIFF.

11 56. Defendant DETWILER and DOES 1-8 caused various injuries  
12 herein by integrally participating or failing to intervene in the incident, and by  
13 engaging in other acts and/or omissions around the time of the incident.  
14 Defendants' acts and omissions deprived PLAINTIFF of his right to be secure  
15 in his person against unreasonable searches and seizures as guaranteed to  
16 PLAINTIFF under the Fourth Amendment to the United States Constitution  
17 and applied to state actors by the Fourteenth Amendment.

18 57. As a direct result of the aforesaid acts and omissions Defendant  
19 DETWILER and DOES 1-8, PLAINTIFF suffered great physical and mental  
20 injury, fear and emotional distress related to his physical injuries, and loss of  
21 his earning capacity in an amount according to proof.

22 58. The conduct of Defendant DETWILER and DOES 1-8 alleged  
23 above was willful, wanton, malicious, and done with reckless disregard for the  
24 rights and safety of PLAINTIFF and warrants the imposition of exemplary and  
25 punitive damages in an amount according to proof.

26 59. Defendant DETWILER and DOES 1-8 were acting under color of  
27 state law and within the course and scope of their employment as officers for  
28 CITY or deputies for COUNTY.

1           60. PLAINTIFF seeks compensatory and punitive damages under this  
2 claim. PLAINTIFF also seeks attorneys’ fees and costs under this claim.

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**SECOND CLAIM FOR RELIEF**

**Unreasonable Search and Seizure – Excessive Force (42 U.S.C. § 1983)**

(By PLAINTIFF against DOE SUPERVISORS)

61. PLAINTIFF repeats and re-alleges each and every allegation of paragraphs 1 through 60, inclusive, as if fully set forth herein.

62. At all relevant times herein, Defendants DETWILER and DOES 1-8 were acting under color of law and within the course and scope of their employment with Defendant COUNTY and/or CITY during this incident.

63. The acts of Defendants DETWILER and DOES 1-6 violated PLAINTIFF’S Constitutional rights as described and incorporated herein AS alleged above. In doing so, Defendants used excessive force against PLAINTIFF causing PLAINTIFF substantial injury, harm, and damages.

64. Upon information and belief, prior to the uses of excessive force, knowing that PLAINTIFF was calmly alone in the car and could be suffering from a mental health crisis, DOE SUPERVISORS instead failed to develop a plan to minimize injury and protect PLAINTIFF, failed collect and disseminate information, failed to coordinate and communicate with officers and deputies, failed to contact the appropriate mental health resources, and failed to de-escalate the situation.

65. Defendant DOE SUPERVISORS knew that PLAINTIFF was nto an immediate threat of harm to any person and failed to attempt to communicate with PLAINTIFF and build a rapport with him but instead instructed officers and deputies and/or acquiesced to officers and deputies escalating the situation to use of force and deadly force on PLAINTIFF.

1           66. Defendant DOE SUPERVISORS contributed to the planning and  
2 decision to escalate the situation.

3           67. Defendant DOE SUPERVISORS failed to instruct subordinates to  
4 maintain cover, maintain containment, and communicate with PLAINTIFF,  
5 failed to control the manner and scope of force used against PLAINTIFF, and  
6 failed to assess the effectiveness of that force prior to its continual use which  
7 resorted to deadly force.

8           68. Defendant DOE SUPERVISORS should have but failed to  
9 recognize that a person suffering from a mental health crisis can have, as  
10 PLAINTIFF displayed during the incident, impaired ability to understand,  
11 think and concentrate; disturbances in thinking, feeling, and relating to others;  
12 inability to cope with the ordinary demands of life; extreme fright to a threat;  
13 and that mental illness is often difficult for even trained professionals.

14           69. Defendant DOE SUPERVISORS knew that there are specific  
15 procedures were supposed to be followed according to training, but knowingly  
16 allowed subordinates to fail to follow, such as: utilizing professional mental  
17 health personnel, resources, and equipment, including a crisis team and  
18 County mental health agencies; respond in a manner that is humane,  
19 compassionate, and supportive; taking time to assess the situation; giving time  
20 for PLAINTIFF to calm down without further escalation of the situation;  
21 providing reassurance that officers and deputies are there to help; eliminate  
22 distractions; assume a nonthreatening posture and tone; and to not threaten  
23 PLAINTIFF or create additional fright or stress.

24           70. The lack of supervision, leadership, and control over subordinates,  
25 such as Defendants DETWILER and DOE 1, contributed to the unreasonable  
26 and unnecessary tactics and force used during the incident.

27           71. Upon information and belief, Defendant DOE SUPERVISORS  
28 had the responsibility as supervisor(s) to ensure that subordinates had the same

1 and accurate information, and the responsibility to formulate and ensure  
2 subordinates on scene understood the tactical plan but failed to adequately do  
3 so. Defendant DOE SUPERVISORS failed to intervene by not instructing  
4 subordinates to lower their weapons to a ready position such that they were  
5 not pointed directly at pointing but easily deployable, if necessary, despite  
6 knowing that PLAINTIFF was likely suffering from a mental health crisis and  
7 was merely sitting alone in in the car and despite there being time and  
8 opportunity to intervene and choose a different tactic. Defendant DOE  
9 SUPERVISORS participated in the planning and instructing of the positioning  
10 of patrol vehicles with inappropriate distance and position. Defendant DOE  
11 SUPERVISORS integrally participated in the use of force by instructing  
12 subordinates to do so. Defendant DOE SUPERVISORS did not give  
13 PLAINTIFF adequate commands or verbal warnings and did not attempt to  
14 de-escalate the situation with PLAINTIFF or direct subordinates to de-escalate  
15 the situation. Defendant DOE SUPERVISORS knew of and participated in the  
16 plan to use force on PLAINTIFF.

17 72. Defendant DOE SUPERVISORS knowingly contributed,  
18 participated in, and failed to terminate or intervene in the constitutional  
19 violations as described herein.

20 73. In other words, the conduct of Defendant DOE SUPERVISORS  
21 violated PLAINTIFF'S rights through their unconstitutional policies,  
22 procedures, training, supervision, and direct involvement in this action.

23 74. By their individual conduct as described herein, Defendant DOE  
24 SUPERVISORS set in motion a series of acts by their subordinates according  
25 to these Supervisors' plan and lack thereof. Once set in motion, Defendant  
26 DOE SUPERVISORS refused to terminate that series of acts by their  
27 subordinates, that Defendant DOE SUPERVISORS knew or reasonably should  
28 have known would cause the subordinates to deprive PLAINTIFF of his rights.





1           81. PLAINTIFF repeats and re-alleges each and every allegation of  
2 paragraphs 1 through 80, inclusive, as if fully set forth herein.

3           82. Defendants DETWILER, and DOES 1-10, inclusive, acted under  
4 color of state law.

5           83. Defendants DETWILER, and DOES 1-8, inclusive, acted pursuant  
6 to an expressly adopted of fiscal policy or longstanding practice or custom of  
7 the Defendant CITY and Defendant COUNTY, and DOES 9-10, inclusive.

8           84. On information and belief, Defendants DETWILER, and DOES 1-  
9 8, inclusive, were not disciplined, reprimanded, retrained, suspended, or  
10 otherwise penalized in connection with deprivation of PLAINTIFF'S rights.

11           85. Defendants CITY and COUNTY, and DOES 9-10, inclusive,  
12 together with other CITY and COUNTY policymakers and supervisors,  
13 maintained, inter alia, the following unconstitutional customs, practices, and  
14 policies:

15           (a) Using excessive and unreasonable force, including deadly  
16 force on unarmed persons who do not pose an immediate risk of death  
17 or serious bodily injury to others;

18           (b) Knowingly allowing a K-9 to inflict serious bodily injury on  
19 a person who is not assaultive and who is not an immediate threat of  
20 death or serious bodily injury;

21           (c) Knowingly firing 40mm rounds at the head and face of an  
22 individual who is not an immediate threat of death or serious bodily  
23 injury;

24           (d) Providing inadequate training regarding the use of force,  
25 including deadly force;

26           (e) Providing inadequate training regarding de-escalation;

27           (f) Employing and retaining as police officers, individuals such  
28 as Defendants DETWILER, and DOES 1-8, inclusive, who Defendants

1 CITY and COUNTY, and DOES 9-10, inclusive, at all times material  
2 herein, knew or reasonably should have known had dangerous  
3 propensities for abusing their authority and for using excessive force;

4 (g) Inadequately supervising, training, controlling, assigning,  
5 and disciplining CITY officers and COUNTY deputies, and other  
6 personnel, including Defendants DETWILER, and DOES 1-8, inclusive,  
7 who CITY and COUNTY knew or in the exercise of reasonable care  
8 should have known, had the aforementioned propensities or character  
9 traits;

10 (h) Maintaining grossly inadequate procedures for reporting,  
11 supervising, investigating, reviewing, disciplining and controlling  
12 misconduct by deputies of the CITY and COUNTY;

13 (i) Failing to adequately discipline CITY officers and  
14 COUNTY deputies for the above-mentioned categories of misconduct,  
15 including inadequate discipline and “slaps on the wrist,” discipline that  
16 is so slight as to be out of proportion with the magnitude of the  
17 misconduct, and other inadequate discipline that is tantamount to  
18 encouraging misconduct;

19 (j) Encouraging, accommodating, or facilitating a “blue code  
20 of silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or  
21 simply “code of silence,” pursuant to which officers do not report other  
22 officers’ errors, misconduct, or crimes. Pursuant to this code of silence,  
23 if questioned about an incident of misconduct involving another officer,  
24 while following the code, the officer being questioned will claim  
25 ignorance of the other officer’s wrongdoing.

26 86. By reason of the aforementioned acts and omissions, PLAINTIFF  
27 has endured substantial pain and suffering.  
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1           87. Defendants CITY and COUNTY, and DOES 9-10, inclusive,  
2 together with various other officials, whether named or unnamed, had either  
3 actual or constructive knowledge of the deficient policies, practices and  
4 customs alleged herein. Despite having knowledge as stated above, these  
5 Defendants condoned, tolerated and through actions and inactions thereby  
6 ratified such policies. Said Defendants also acted with deliberate indifference  
7 to the foreseeable effects and consequences of these policies with respect to  
8 the constitutional rights of PLAINTIFF and other individuals similarly  
9 situated.

10           88. By perpetrating, sanctioning, tolerating and ratifying the  
11 outrageous conduct and other wrongful acts, Defendants CITY and COUNTY,  
12 and DOES 9-10, inclusive, acted with intentional, reckless, and callous  
13 disregard for the PLAINTIFF'S Constitutional rights. Furthermore, the  
14 policies, practices, and customs implemented, maintained, and tolerated by  
15 Defendants CITY and COUNTY and DOES 9-10, inclusive, were  
16 affirmatively linked to and were a significantly influential force behind  
17 PLAINTIFF'S injuries.

18           89. The acts of each of Defendants DOES 9-10, inclusive, were  
19 willful, wanton, oppressive, malicious, fraudulent, and extremely offensive  
20 and unconscionable to any person of normal sensibilities, and therefore  
21 warrants imposition of exemplary and punitive damages as to DOES 9-10,  
22 inclusive.

23           90. Based on information and belief, the following are only a few  
24 examples of cases evidencing Defendant CITY's and COUNTY'S  
25 unconstitutional policies, where the involved deputies were not disciplined,  
26 reprimanded, retrained, suspended, or otherwise penalized in connection with  
27 the underlying acts giving rise to the below lawsuits, which indicates that the  
28

1 County of Riverside routinely ratifies such behavior and maintains a practice  
2 of allowing such behavior:

3 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-  
4 cv-01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy  
5 who attacked a man with his K-9 and shot used deadly force against him  
6 while he was not an immediate threat of death or serious bodily injury to  
7 anyone;

8 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-  
9 00700 VAP (OPx), Defendant COUNTY argued that the use of deadly  
10 force against an unarmed individual was reasonable; a federal jury found  
11 otherwise and returned a verdict in favor of plaintiff, an unarmed man who  
12 suffered a severe brain injury and partial paralysis after a use of force by a  
13 COUNTY sheriff's deputy;

14 (c) In *Travillion v. County of Riverside*, case number EDCV 14-  
15 0003 VAP (DTBx), Defendant COUNTY failed to discipline its deputy  
16 who used deadly force on a man who was not an immediate threat of death  
17 or serious bodily injury to anyone;

18 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352  
19 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who  
20 used deadly force on an unarmed man who was not an immediate threat of  
21 death or serious bodily injury to anyone;

22 (e) In *Castillo v. County of Riverside*, case number EDCV 13-  
23 00789 VAP (SPx), Defendant COUNTY failed to discipline its deputy who  
24 used deadly force on a man who was not an immediate threat of death or  
25 serious bodily injury to anyone;

26 (f) In *Munoz v. County of Riverside*, case number RIC120794,  
27 plaintiff argued that the involved COUNTY Sheriff's deputy used deadly  
28

1 force against her son at a time when he posed no immediate threat. The  
2 jury in that case returned a verdict in favor of plaintiff;

3 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-  
4 1767, Defendant COUNTY failed to discipline its deputy who used deadly  
5 force on an unarmed man who was not an immediate threat of death or  
6 serious bodily injury to anyone;

7 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-  
8 00384 JGB (SHKx), Defendant COUNTY failed to discipline its deputy  
9 who entered plaintiff's room while plaintiff was sleeping and immediately  
10 escalated the situation by commanding a canine to attack plaintiff, including  
11 being bit in the neck, a use of deadly force under the circumstances, while  
12 plaintiff was not an immediate risk of harm to anyone;

13 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-  
14 01585 DMG (SHKx), Defendant COUNTY failed to discipline its deputy  
15 who viciously punched plaintiff in the face resulting in loss of  
16 consciousness and a broken orbital bone, a use of deadly force under the  
17 circumstances, while plaintiff was not an immediate risk of harm to anyone;

18 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-  
19 01579 DDP (SPx), Defendant COUNTY failed to discipline its deputy who  
20 used force including deadly force, including deployment of a chemical  
21 agent, on an unarmed man who was not an immediate threat of harm to  
22 anyone;

23 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number  
24 5:18-cv-00762 DMG (SPx), Defendant COUNTY failed to discipline its  
25 deputy who used excessive force against the decedent who was not an  
26 immediate threat of death or serious bodily injury, arguing that the force  
27 was reasonable even after a unanimous jury returned a verdict in favor of  
28 plaintiffs;

1           (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-  
2 cv-01263 JGB (SHKx), Defendant COUNTY failed to discipline its  
3 deputies who used excessive force including deadly force against an  
4 unarmed man who was not an immediate threat of harm to anyone.

5           91. By reason of the aforementioned acts and omissions of  
6 DEFENDANTS COUNTY OF RIVERSIDE and DOES 7-10, inclusive,  
7 PLAINTIFF suffered past and future pain and suffering, loss of enjoyment of  
8 life, medical expenses, and loss of earning capacity.

9           92. Based on information and belief, the following are only a few  
10 examples of cases evidencing Defendant CITY'S unconstitutional policies,  
11 where the involved deputies were not disciplined, reprimanded, retrained,  
12 suspended, or otherwise penalized in connection with the underlying acts  
13 giving rise to the below lawsuits, which indicates that the CITY routinely  
14 ratifies such behavior and maintains a practice of allowing such behavior:

15           (a) In *Acosta v. City of Hemet, et al.*, case number 5:19-CV-  
16 00779-CJC, Defendant CITY settled with an unarmed man who was shot in  
17 the back by CITY officers;

18           (b) In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-  
19 00779-CJC, Defendant CITY settled with a man who was attacked by a K-  
20 9;

21           (c) In *Mendoza v. City of Hemet, et al.*, case number 5:21-cv-  
22 01134-JGB-SHK, Defendant CITY settled with an unarmed woman who  
23 was shot in the back with kinetic rounds requiring emergency surgery;

24           (d) In *Ladefoged, et al. v. City of Hemet, et al.*, case number  
25 5:19-cv-00903 SVW (SHKx), Defendant CITY failed to discipline its  
26 officer who used excessive force against an unarmed man, including  
27 deployment of a K-9, taser, baton, and hobble restraint, which  
28

1 constituted deadly force under the circumstances, while the man was not  
2 an immediate threat of death or serious bodily injury to anyone;

3 (e) In *Martin v. City of Hemet, et al.*, case number 5:18-cv-  
4 02377 JGB (KKx), Defendant CITY failed to discipline its officer who  
5 used excessive deadly force against plaintiff who was not an immediate  
6 threat of death or serious bodily injury to anyone.

7 (d) In the pre-litigation matter of *Gabriel Garcia v. City of*  
8 *Hemet*, Defendant CITY agreed to a money settlement with an unarmed  
9 man who was detained without cause and suffered a fractured orbital as  
10 the result of an unreasonable use of force by a CITY police officer.

11 (e) On August 17, 2023, CITY police officer Jacob Hobson was  
12 criminally charged by the Riverside County District Attorney’s Office  
13 with, among other things, two counts of assault by a peace officer under  
14 color of authority.

15 93. Accordingly, Defendants CITY and COUNTY and DOES 7-10,  
16 inclusive, each are liable for compensatory damages under 42 U.S.C. § 1983.

17 94. PLAINTIFF also seeks attorneys’ fees and costs under this claim.

18

19 **FOURTH CLAIM FOR RELIEF**

20 **Municipal Liability for Failure to Train (42 U.S.C. §1983)**

21 (By PLAINTIFF against CITY, COUNTY; and DOES 9-10, inclusive)

22 95. PLAINTIFF repeats and re-alleges each and every allegation in  
23 paragraphs 1 through 94 of this Complaint with the same force and effect as  
24 if fully set forth herein.

25 96. Defendants DETWILER, and DOES 1-8, inclusive, acted under  
26 color of law.

27

28

1           97. The acts of Defendants DETWILER, and DOES 1-8, inclusive,  
2 deprived PLAINTIFF of his particular rights under the United States  
3 Constitution.

4           98. On information and belief, CITY and COUNTY failed to properly  
5 and adequately train Defendants DETWILER, and DOES 1-8, inclusive,  
6 including but not limited to, with regard to the use of physical force, less than  
7 lethal force, lethal force, entry of one's residence, and deployment of K-9.

8           99. The training policies of Defendants CITY and COUNTY were not  
9 adequate to train their officers to handle the usual and recurring situations with  
10 which they must deal, including de-escalation techniques, and the use of less  
11 than lethal and lethal force.

12           100. Moreover, the training policies of Defendants CITY and  
13 COUNTY were not adequate to train their officers to handle the usual and  
14 recurring situations with which they must deal, including ensuring entry to  
15 one's residence is lawful, and deployment or use of K-9 is proper.

16           101. The training that CITY officers and COUNTY Sheriff's deputies,  
17 including Defendant DETWILER and DOES 1-8, should have received with  
18 regards to the use of deployment of a canine against an unarmed man and use  
19 of 40mm rounds against an unarmed man and includes training that officers  
20 should not employ a canine on an unarmed subject who posed no threat of  
21 harm to officers or anyone else or shot 40mm rounds at an unarmed subject  
22 who posed no threat of harm to officers or anyone else.

23           102. Defendants CITY and COUNTY and DOES 9-10, inclusive, were  
24 deliberately indifferent to the obvious consequences of its failure to train its  
25 officers adequately.

26           103. The failure of Defendants CITY and COUNTY and DOES 9-10,  
27 inclusive, to provide adequate training caused the deprivation of  
28 PLAINTIFF'S rights by Defendants DETWILER, and DOES 1-8, inclusive;



1 that is, DEFENDANTS' failure to train is so closely related to the deprivation  
2 of PLAINTIFF'S rights as to be the moving force that caused the ultimate  
3 injury.

4 104. The following are only a few examples of cases where the  
5 involved deputies were not disciplined, reprimanded, retrained, suspended, or  
6 otherwise penalized in connection with the underlying acts giving rise to the  
7 below lawsuits, which indicates that the County of Riverside failed to  
8 adequately train its deputies with regard to the use of force:

9 (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-  
10 cv-01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy  
11 who attacked a man with his K-9 and shot used deadly force against him  
12 while he was not an immediate threat of death or serious bodily injury to  
13 anyone;

14 (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-  
15 00700 VAP (OPx), Defendant COUNTY argued that the use of deadly  
16 force against an unarmed individual was reasonable; a federal jury found  
17 otherwise and returned a verdict in favor of plaintiff, an unarmed man who  
18 suffered a severe brain injury and partial paralysis after a use of force by a  
19 COUNTY sheriff's deputy;

20 (c) In *Travillion v. County of Riverside*, case number EDCV 14-  
21 0003 VAP (DTBx), Defendant COUNTY failed to discipline its deputy  
22 who used deadly force on a man who was not an immediate threat of death  
23 or serious bodily injury to anyone;

24 (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352  
25 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who  
26 used deadly force on an unarmed man who was not an immediate threat of  
27 death or serious bodily injury to anyone;

1 (e) In *Castillo v. County of Riverside*, case number EDCV 13-  
2 00789 VAP (SPx), Defendant COUNTY failed to discipline its deputy who  
3 used deadly force on a man who was not an immediate threat of death or  
4 serious bodily injury to anyone;

5 (f) In *Munoz v. County of Riverside*, case number RIC120794,  
6 plaintiff argued that the involved COUNTY Sheriff's deputy used deadly  
7 force against her son at a time when he posed no immediate threat. The  
8 jury in that case returned a verdict in favor of plaintiff;

9 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-  
10 1767, Defendant COUNTY failed to discipline its deputy who used deadly  
11 force on an unarmed man who was not an immediate threat of death or  
12 serious bodily injury to anyone;

13 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-  
14 00384 JGB (SHKx), Defendant COUNTY failed to discipline its deputy  
15 who entered plaintiff's room while plaintiff was sleeping and immediately  
16 escalated the situation by commanding a canine to attack plaintiff, including  
17 being bit in the neck, a use of deadly force under the circumstances, while  
18 plaintiff was not an immediate risk of harm to anyone;

19 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-  
20 01585 DMG (SHKx), Defendant COUNTY failed to discipline its deputy  
21 who viciously punched plaintiff in the face resulting in loss of  
22 consciousness and a broken orbital bone, a use of deadly force under the  
23 circumstances, while plaintiff was not an immediate risk of harm to anyone;

24 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-  
25 01579 DDP (SPx), Defendant COUNTY failed to discipline its deputy who  
26 used force including deadly force, including deployment of a chemical  
27 agent, on an unarmed man who was not an immediate threat of harm to  
28 anyone;

1 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number  
2 5:18-cv-00762 DMG (SPx), Defendant COUNTY failed to discipline its  
3 deputy who used excessive force against the decedent who was not an  
4 immediate threat of death or serious bodily injury, arguing that the force  
5 was reasonable even after a unanimous jury returned a verdict in favor of  
6 plaintiffs;

7 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-  
8 cv-01263 JGB (SHKx), Defendant COUNTY failed to discipline its  
9 deputies who used excessive force including deadly force against an  
10 unarmed man who was not an immediate threat of harm to anyone.

11 105. Based on information and belief, the following are only a few  
12 examples of cases evidencing Defendant CITY'S unconstitutional policies,  
13 where the involved deputies were not disciplined, reprimanded, retrained,  
14 suspended, or otherwise penalized in connection with the underlying acts  
15 giving rise to the below lawsuits, which indicates that the CITY OF HEMET  
16 routinely ratifies such behavior and maintains a practice of allowing such  
17 behavior:

18 (a) In *Acosta. v. City of Hemet, et al.*, case number 5:19-CV-  
19 00779-CJC, Defendant CITY settled with an unarmed man who was shot in  
20 the back by CITY officers;

21 (b) In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-  
22 00779-CJC, Defendant CITY settled with a man who was attacked by a K-  
23 9;

24 (c) In *Mendoza v. City of Hemet, et al.*, case number 5:21-cv-  
25 01134-JGB-SHK, Defendant CITY settled with an unarmed woman who  
26 was shot in the back with kinetic rounds requiring emergency surgery.

27 (d) In the pre-litigation matter of *Gabriel Garcia v. City of*  
28 *Hemet*, Defendant CITY agreed to a money settlement with an unarmed

1 man who was detained without cause and suffered a fractured orbital as  
2 the result of an unreasonable use of force by a CITY police officer.

3 (e) On August 17, 2023, CITY police officer Jacob Hobson was  
4 criminally charged by the Riverside County District Attorney’s Office  
5 with, among other things, two counts of assault by a peace officer under  
6 color of authority.

7 106. By reason of the aforementioned acts and omissions, PLAINTIFF  
8 has suffered past and future pain and suffering, loss of enjoyment of life,  
9 medical expenses, and loss of earning capacity.

10 107. Accordingly, Defendants CITY and COUNTY and DOES 9-10,  
11 inclusive, are liable to PLAINTIFF for compensatory damages under 42  
12 U.S.C. § 1983.

13 108. PLAINTIFF also seeks attorneys’ fees and costs of suit.

14

15 **FIFTH CLAIM FOR RELIEF**

16 **Municipal Liability – Ratification (42 U.S.C. § 1983)**

17 (By PLAINTIFF against CITY, COUNTY; and DOES 9-10, inclusive)

18 109. PLAINTIFF repeats and re-alleges each and every allegation in  
19 paragraphs 1 through 108 of this Complaint with the same force and effect as  
20 if fully set forth herein.

21 110. Defendants DETWILER, and DOES 1-8, inclusive, acted under  
22 color of law.

23 111. The acts of Defendants DETWILER, and DOES 1-8, inclusive,  
24 deprived PLAINTIFF of his particular rights under the United States  
25 Constitution.

26 112. Upon information and belief, a final policymaker, acting under  
27 color of law, has a history of ratifying unreasonable uses of force, including  
28 deadly force.

1           113. Upon information and belief, a final policymaker, acting under  
2 color of law, who had final policymaking authority concerning the acts of  
3 Defendants DETWILER, and DOES 1-8's, acts and the bases for them. Upon  
4 information and belief, the final policymaker knew of and specifically  
5 approved of Defendants DETWILER, and DOES 1-8's, acts.

6           114. On information and belief, CITY and COUNTY final  
7 policymakers, including DOES 9-10, inclusive, knew that PLAINTIFF never  
8 presented a risk of harm to an officer or anyone else and that PLAINTIFF was  
9 always unarmed during the incident and complied with officers' commands at  
10 the first moment he heard them.

11           115. On information and belief, the official policies with respect to the  
12 incident are that officers are not to use deadly force against an individual  
13 unless the individual poses an immediate risk of death or serious bodily injury  
14 to the officers or others, or if the individual has inflicted death or serious  
15 bodily injury against someone or threatened to do so, the officers may use  
16 deadly force to prevent the individual's escape. The officers' actions deviated  
17 from these official policies because PLAINTIFF did not pose an immediate  
18 threat of death or serious bodily injury to the involved officers or anyone.

19           116. On information and belief, the CITY and COUNTY approved of  
20 the officers' actions after a hearing presented by the officers' legal counsel to  
21 DOES 9-10, inclusive, after which DOES 9-10, inclusive, found the officers'  
22 actions to be within the official policies of HPD and/or RCSD. On information  
23 and belief, the basis for such approval was based on the deputies' self-serving  
24 statements that they feared PLAINTIFF presented a threat of harm to  
25 themselves or others, despite the plethora of evidence to the contrary,  
26 including evidence that PLAINTIFF was unarmed, submitted to the officers'  
27 commands when he heard them, and never presented a risk of harm to the  
28 officers or anyone else.

1           117. Upon information and belief, a final policymaker has determined  
2 that the acts of DETWILER and DOES 1-6 were “within policy.”

3           118. The following are only a few examples of cases where the  
4 involved deputies were not disciplined, reprimanded, retrained, suspended, or  
5 otherwise penalized in connection with the underlying acts giving rise to the  
6 below lawsuits, which indicates that the County of Riverside routinely ratifies  
7 such behavior:

8           (a) In *A.F., et al. v. County of Riverside, et al.*, case number 5:15-  
9 cv-01603 JGB (DTBx), Defendant COUNTY failed to discipline its deputy  
10 who attacked a man with his K-9 and shot used deadly force against him  
11 while he was not an immediate threat of death or serious bodily injury to  
12 anyone;

13           (b) In *Howard v. County of Riverside, et al.*, case number 5:12-cv-  
14 00700 VAP (OPx), Defendant COUNTY argued that the use of deadly  
15 force against an unarmed individual was reasonable; a federal jury found  
16 otherwise and returned a verdict in favor of plaintiff, an unarmed man who  
17 suffered a severe brain injury and partial paralysis after a use of force by a  
18 COUNTY sheriff’s deputy;

19           (c) In *Travillion v. County of Riverside*, case number EDCV 14-  
20 0003 VAP (DTBx), Defendant COUNTY failed to discipline its deputy  
21 who used deadly force on a man who was not an immediate threat of death  
22 or serious bodily injury to anyone;

23           (d) In *Bosch v. County of Riverside*, case number EDCV 13-02352  
24 (SVW)(FFM), Defendant COUNTY failed to discipline its deputy who  
25 used deadly force on an unarmed man who was not an immediate threat of  
26 death or serious bodily injury to anyone;

27           (e) In *Castillo v. County of Riverside*, case number EDCV 13-  
28 00789 VAP (SPx), Defendant COUNTY failed to discipline its deputy who

1 used deadly force on a man who was not an immediate threat of death or  
2 serious bodily injury to anyone;

3 (f) In *Munoz v. County of Riverside*, case number RIC120794,  
4 plaintiff argued that the involved COUNTY Sheriff's deputy used deadly  
5 force against her son at a time when he posed no immediate threat. The  
6 jury in that case returned a verdict in favor of plaintiff;

7 (g) In *L.R., et al. v. County of Riverside, et al.*, case number 15-cv-  
8 1767, Defendant COUNTY failed to discipline its deputy who used deadly  
9 force on an unarmed man who was not an immediate threat of death or  
10 serious bodily injury to anyone;

11 (h) In *Galvan v. County of Riverside, et al.*, case number 5:21-cv-  
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13 who entered plaintiff's room while plaintiff was sleeping and immediately  
14 escalated the situation by commanding a canine to attack plaintiff, including  
15 being bit in the neck, a use of deadly force under the circumstances, while  
16 plaintiff was not an immediate risk of harm to anyone;

17 (i) In *Arocha v. County of Riverside, et al.*, case number 5:18-cv-  
18 01585 DMG (SHKx), Defendant COUNTY failed to discipline its deputy  
19 who viciously punched plaintiff in the face resulting in loss of  
20 consciousness and a broken orbital bone, a use of deadly force under the  
21 circumstances, while plaintiff was not an immediate risk of harm to anyone;

22 (j) In *Cortina v. County of Riverside, et al.*, case number 5:18-cv-  
23 01579 DDP (SPx), Defendant COUNTY failed to discipline its deputy who  
24 used force including deadly force, including deployment of a chemical  
25 agent, on an unarmed man who was not an immediate threat of harm to  
26 anyone;

27 (k) In *Aguirre, et al. v. County of Riverside, et al.*, case number  
28 5:18-cv-00762 DMG (SPx), Defendant COUNTY failed to discipline its

1 deputy who used excessive force against the decedent who was not an  
2 immediate threat of death or serious bodily injury, arguing that the force  
3 was reasonable even after a unanimous jury returned a verdict in favor of  
4 plaintiffs;

5 (l) In *Orellana v. County of Riverside, et al.*, case number 5:19-  
6 cv-01263 JGB (SHKx), Defendant COUNTY failed to discipline its  
7 deputies who used excessive force including deadly force against an  
8 unarmed man who was not an immediate threat of harm to anyone.

9 119. Based on information and belief, the following are only a few  
10 examples of cases evidencing Defendant CITY'S unconstitutional policies,  
11 where the involved deputies were not disciplined, reprimanded, retrained,  
12 suspended, or otherwise penalized in connection with the underlying acts  
13 giving rise to the below lawsuits, which indicates that the CITY routinely  
14 ratifies such behavior and maintains a practice of allowing such behavior:

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16 00779-CJC, Defendant CITY settled with an unarmed man who was shot in  
17 the back by CITY officers;

18 (b) In *Erickson v. City of Hemet, et al.*, case number 5:19-CV-  
19 00779-CJC, Defendant CITY settled with a man who was attacked by a K-  
20 9;

21 (c) In *Mendoza v. City of Hemet, et al.*, case number 5:21-cv-  
22 01134-JGB-SHK, Defendant CITY settled with an unarmed woman who  
23 was shot in the back with kinetic rounds requiring emergency surgery.

24 (d) In the pre-litigation matter of *Gabriel Garcia v. City of*  
25 *Hemet*, Defendant CITY agreed to a money settlement with an unarmed  
26 man who was detained without cause and suffered a fractured orbital as  
27 the result of an unreasonable use of force by a CITY police officer.

28



1           (e) On August 17, 2023, CITY police officer Jacob Hobson was  
2 criminally charged by the Riverside County District Attorney’s Office  
3 with, among other things, two counts of assault by a peace officer under  
4 color of authority.

5           120. By reason of the aforementioned acts and omissions, PLAINTIFF  
6 has and will suffer past and future pain and suffering, loss of enjoyment of  
7 life, medical expenses, and loss of earning capacity.

8           121. Accordingly, Defendants CITY and COUNTY and DOES 9-10,  
9 inclusive, are liable to PLAINTIFF for compensatory damages under 42  
10 U.S.C. § 1983.

11           122. PLAINTIFF also seeks attorneys’ fees and costs of suit.

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**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF, KORON LEKEITH LOWE, requests entry of judgment in his favor against CITY OF HEMET, COUNTY OF RIVERSIDE, DYLAN DETWILER; and DOES 1-10, inclusive, as follows:

- 1. For compensatory damages, according to proof at trial, under federal and State law;
- 2. For punitive and exemplary damages against the individual defendants in an amount to be proven at trial;
- 3. For statutory damages;
- 4. For reasonable attorneys’ fees including litigation expenses;
- 5. For costs of suit and interest incurred herein; and
- 6. For such other and further relief as the Court may deem just and proper.

Dated: January 25, 2024

**LAW OFFICES OF DALE K. GALIPO  
LAW OFFICES OF GRECH & PACKER**

By:           /s/          Trenton C. Packer            
Dale K. Galipo, Esq.  
Trenton C. Packer, Esq.  
Marcel F. Sincich, Esq.  
*Attorneys for Plaintiff*

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**DEMAND FOR JURY TRIAL**

PLAINTIFF hereby submits this demand that this action be tried in front of a jury.

Dated: January 25, 2024

**LAW OFFICES OF DALE K. GALIPO  
LAW OFFICES OF GRECH & PACKER**

By:           /s/          Trenton C. Packer            
Dale K. Galipo, Esq.  
Trenton C. Packer, Esq.  
Marcel F. Sincich, Esq.  
*Attorneys for Plaintiff*