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JOLINA TAWASHA, through her father and guardian SAMER TAWASHA; ERIBERTO JIMENEZ, through his mother and guardian SOPHIA CHUMLEY; LUCY RIOS, through her mother and guardian GWEN LEE; and CARMEN LOPEZ, through her mother and guardian NAOMI LOPEZ;

Individually and on behalf of a class of all persons similarly situated, including all adults and minors arrested on July 8, 2023, in the 3500 block of 17<sup>th</sup> Street, San Francisco, as further described below;

v.

CITY AND COUNTY OF SAN FRANCISCO,  
WILLIAM SCOTT, MATT SULLIVAN,  
THOMAS HARVEY, and DOES 1-100.

**GOVERNMENT TORT  
CLAIM**  
(Govt. Code, § 910, et seq.)

**CLAIMANTS' NAMES:** JOLINA TAWASHA, through her father and guardian SAMER TAWASHA; ERIBERTO JIMENEZ, through his mother and guardian SOPHIA CHUMLEY; LUCY RIOS, through her mother and guardian GWEN LEE; CARMEN LOPEZ, through her mother and guardian NAOMI LOPEZ; *individually and on behalf of a class of all persons similarly situated.*

**CLAIMANTS' ADDRESS:** c/o Rachel Lederman, Senior Counsel, Partnership for Civil Justice Fund, 1720 Broadway, Suite 430, Oakland, CA 94612.

**CLAIMANTS' TELEPHONE NUMBER:** c/o Rachel Lederman, 415-508-4955.

**ADDRESS TO WHICH NOTICES ARE TO BE SENT:** Rachel Lederman, Senior Counsel, Partnership for Civil Justice Fund, 1720 Broadway, Suite 430, Oakland, CA 94612

**DATE OF THE INCIDENT:** July 8-9, 2023.

**LOCATION OF INCIDENT:** 3500 block of 17<sup>th</sup> Street and the general vicinity, and SFPD Mission Station, San Francisco, CA.

**BASIS OF CLAIM:**

On the evening of July 8, 2023, the San Francisco Police (SFPD) arrested approximately 113 people, including the claimants and approximately 80 children under the age of 18, on or near 17<sup>th</sup> Street between Guerrero and Dolores Streets. SFPD sealed off the area, trapping the claimants and others without any warning or opportunity to leave. The police did not have probable cause for any of these arrests. The police then detained the claimants and other arrestees outdoors on the street for approximately two and a half hours before taking the adults – most of whom were youth 18-20 years old – to jail, and not releasing them until the next morning. After transporting the adults, SFPD continued to detain the children outdoors and on buses for many more hours without access to bathrooms, water, food, or blankets. The majority of those arrested were Black, Indigenous and People of Color (BIPOC), including many Latinx youth.

Every July, skateboarders take to the Dolores Street hill, from 21<sup>st</sup> to 18<sup>th</sup> Streets near Dolores Park, in an informal event known as the Dolores Hill Bomb, typically organized by high school students. The annual event is an expression of San Francisco's skateboarding counterculture and values. The SFPD was aware at least as of June 17, 2023, three weeks in advance, that the Hill Bomb would occur again on July 8, and planned for the event, but did not try to make contact with the skateboarding community. On July 8, 2023, in the afternoon, the SFPD and the San Francisco Municipal Transportation Agency (MTA) set up barricades at Dolores and 20<sup>th</sup> Streets and Dolores and Cumberland Streets, blocking off the steepest part of the hill. There were no signs or other indication, however, that skateboarding or the Hill Bomb event were prohibited.

Indeed, the police allowed skateboarding to take place when skaters began to arrive between 4 and 6pm. The crowd grew to about 200 people, many of them children.

Thirteen-year-old Jolina Tawasha went to watch the skateboarding with some friends and was to be picked up by a friend's father before dark at 17<sup>th</sup> and Valencia. But when it was time to meet their ride, Jolina and her friends were corralled by SFPD officers, dressed in apparent riot gear and holding shields. The police gave the children no orders or instructions. Jolina communicated with an SFPD officer that her friend's dad was waiting on the corner to pick them up, but the officer would not allow them through the police line to meet him. She was told, "just listen to what we're going to say; we don't want to hurt you." Jolina was frightened by this implied threat. The police corralled her and her friends on 17<sup>th</sup> Street between Guerrero and Dolores and did not allow them to leave.

Seventeen-year-old Eriberto Jimenez lives in the Mission District and had attended the Hill Bomb for the last several years. On July 8, 2023, after leaving the event to head home, he and his friends were met by a line of SFPD officers pointing weapons at them and blocking them from proceeding east on 17<sup>th</sup> Street, toward Valencia Street. Despite the teens telling the officers that they were just trying to go home, the SFPD officers did not allow them to leave.

Fifteen-year-old Carmen Lopez lives near Dolores Park. The annual Hill Bomb usually goes past her home. On the afternoon of July 8, Carmen's mother noticed that barricades had been set up at Dolores and 20<sup>th</sup>. It appeared that the police and MTA were trying to make the skateboarding event safer by blocking the steepest part of the hill. Later that evening, Carmen walked over to watch the skateboarders with some friends. At some point between 7:15 and 7:30, Carmen and her friends heard an SFPD announcement to leave Dolores Street, but the police did not give specific instructions about how they could leave or where they should go. They complied by going out of the street and into the park. Once in the park, Carmen heard the police announce that Dolores Park was also closed. They left the park, but the way back to Carmen's home south of the park was blocked by police. Suddenly police seemed to be everywhere, and the children were not sure which way to go. Around 8:15pm, SFPD officers began walking behind them, giving no further announcements or instructions but moving everyone from 17<sup>th</sup> and Dolores toward 17<sup>th</sup> and Guerrero. Then, another line of SFPD officers blocked the way forward, trapping and surrounding them. The police did not allow Carmen and her friends to leave.

Lucy Rios and two other fifteen-year-olds, Deven and Braden, ate dinner at Deven's home on Potrero Hill before renting scooters at 8:18pm to go across town to another friend's house, taking the bike lane on 17<sup>th</sup> Street. At 17<sup>th</sup> and Guerrero, they paused for a few minutes to chat with someone they knew. Suddenly, SFPD officers came running toward them on Guerrero Street, yelling at them to go the other way on 17<sup>th</sup> Street, toward Dolores. When Lucy and her friends complied and moved west up 17<sup>th</sup> as instructed, they saw a large number young people coming east on 17<sup>th</sup> toward them.

They tried to get off 17<sup>th</sup> Street and go north on Guerrero, but they were stopped by police. When they tried to explain that they were not involved in whatever was happening, the SFPD officers told them to go back toward Dolores. When they complied, they were trapped between police lines. There was no way out.

Claimants and most of the other children were dressed for a sunny early evening. The arrests took place near sunset, and as the kids were kept sitting on the pavement, the temperature dropped and the night turned cold and windy. The police did not provide the children with shelter, coats or blankets. Jolina, Eriberto, Carmen and Lucy and their friends were all freezing. They needed to urinate. The children implored the officers to allow them access to bathrooms but their requests were denied. They asked if they could relieve themselves behind a car, but the officers did not answer. Eventually, a sympathetic neighbor tossed a bucket down from her window. Some of the kids were able to urinate in the bucket or on the street. Others were forced to urinate in their pants, causing them shame, humiliation and embarrassment, and compounding their cold and discomfort.

While the children continued to be detained on the street, parents were arriving and asking to take their children home. The police refused, and gave the parents little or no information. Parents waited on the street for hours, were first told the children would be taken to Ingleside Station, but then that they would be taken to nearby Mission Station, where the parents continued to wait, some from 9pm until 3 or 4am. When Lucy's parents tried to ask the police what the children had done to be arrested, an officer told them, "Every one of them is on video."

After the children and adults had been held on the street for at least two hours, the police began searching them, taking their phones and other property. The police handcuffed them behind their backs with painful plastic zip ties. The adults were taken in vans to the county jail on Seventh Street. Police placed the girls on a Muni bus that came to transport the minors. The girls sat on the bus for some time before being driven the one block to Mission Police Station at 17<sup>th</sup> and Valencia, arriving there at 11:30pm. The girls were then detained on the bus outside the police station for another 45 minutes. At first some of them were able to talk to their parents through the open bus windows, but then the police closed the windows and refused to open them even though girls pleaded for air. Jolina was very thirsty but there was no water. Some of the girls were crying and begging to use the bathroom.

Finally, at about 12:15am, approximately four hours after they were first detained, the police took some of the girls in small groups to the bathroom in the police station. An officer watched them use the toilet, causing them additional humiliation and embarrassment. The police then took thumbprints of the children and wrote them citations. Lucy and other high school students were very worried about how the arrests

might affect their future. An officer told them that this would be on their record, and she heard an officer say that they would have to “prove your innocence” in court.

Meanwhile, Eriberto and the other boys were handcuffed and searched. Hats and belts were taken. They were detained on the street until additional buses arrived. Lucy’s friend Deven and others were cold and asked the officers to zip up their jackets because their hands were ziptied behind their backs, but they refused. Deven asked to use the bathroom but was refused. Many of the skaters were wearing baggy pants, and after their belts were taken, Eriberto and some of the other boys’ pants were falling down and they struggled to hold them up while ziptied. One boy vomited, but the SFPD officers just told the children to move that boy away from the rest of the group and left them to care for their peer on the street. Eriberto gave the boy his water bottle. The police did not provide any water or food.

The second bus to arrive quickly filled up with boys and Eriberto was not able to get on. The remaining boys were told another bus was coming, but time went by with no bus. Around 1 or 1:30am, after 4.5 to five hours on the street, officers finally walked Eriberto and a few others to the police station. Other boys were left waiting on the street, made to stand against a wall, zip tied, until another bus finally came at approximately 2:30am.

Once Eriberto arrived at the station, the officers put him on one of the buses where other boys were already waiting, and then made him and the other approximately 58 boys all wait in an open air, concrete garage-like area. A sprinkler went off in this holding area and some of the boys got wet, but were not provided dry clothes. Like others, Eriberto was cold and desperately needed to urinate, but he was never allowed to go to the bathroom. Some other boys were taken to the bathroom between 3 and 3:30am, approximately seven hours after they were first detained.

Jolina, Eriberto, Carmen and Lucy suffered pain, discomfort and injury as a result of having their hands tied behind their backs for an extended period of time and from overly tight plastic handcuffs. The SFPD officers refused to loosen or remove the handcuffs until the children had been processed and were about to be released, late that night or in the early morning. The plastic handcuffs left visible marks on some of the children.

SFPD did not notify Lucy’s or Eriberto’s parents that their minor children had been arrested. The police only notified Carmen and Jolina’s parents late that night when they were about ready to release the children.

Lucy was one of the first to be released, about 12 or 12:30am. Her family had waited outside for her for about an hour to an hour and a half. They then waited outside the police station until after 3am for Deven and Braden to be released. Jolina’s father was finally able to take Jolina home around 1am. When Carmen was released to her parents at

1:15am, she was in tears. Eriberto's family was finally able to pick him up around 2am, when they got word from Eriberto that he was being released.

The SFPD did not check the parents' identification or check that the adults picking up children were authorized to do so. At least one child ended up walking home alone from Mission Station after 3am.

The last child was released from Mission Station at 4:15am. Some children were given bottles of water as they finally walked out the door.

The detention conditions violated SFPD's own policy for juvenile detention, which provides that the police should avoid bringing juveniles to district stations and requires that children be provided access to toilets and washing facilities, water and snacks, and that police immediately notify parents or guardians and the Public Defender when juveniles have been taken into custody.

Jolina, Eriberto, Carmen and Lucy and all of the other children who were arrested in the 3500 block of 17<sup>th</sup> Street were released with citations for violation of California Penal Code sections 404.6(a), inciting a riot; 182(a)(1), conspiracy; and 409 (failure to disperse). The adults were given similar citations. F for felony was written on some of the citations with regard to the inciting and conspiracy offenses; although it may have been crossed out, this was unclear and caused much alarm and anxiety for the children, their parents, and for the adult arrestees.

No juvenile petitions or adult charges were ever filed related to these alleged offenses or the mass arrest, but Claimants and the other arrestees and minor arrestees' parents were told that the charges were still under investigation, leaving them worried and uncertain about whether they would be prosecuted, what would happen to them, and how this arrest might affect their futures.

Claimants are informed and believe and thereon allege that the CITY AND COUNTY OF SAN FRANCISCO, WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100, individually and in their official capacities; and/or each of them, individually and/or while acting in concert with one another, violated Claimants' constitutional rights. Said constitutional violations included, but were not limited to, the violation of Claimants' rights under the California and United States Constitutions to be free from unreasonable seizures, arrest without probable cause and unreasonable conditions of confinement; the right to freedom of speech, association and assembly; the right to be free from arbitrary, capricious or excessive governmental action; and the right to equal protection of the laws and to due process of law.

Claimant is further informed and believe and thereon allege that said constitutional violations were authorized, condoned, encouraged and/or ratified by the CITY AND

COUNTY OF SAN FRANCISCO, including, but not limited to, Police Chief WILLIAM SCOTT, and other high-ranking members, supervisors and/or officials of the CITY AND COUNTY OF SAN FRANCISCO and its Police Department.

Claimants are further informed and believe and thereon alleges that the violations of Claimants' constitutional rights and damages as alleged herein were caused by customs, policies and/or practices of the CITY AND COUNTY OF SAN FRANCISCO, including, but not limited to, Police Chief WILLIAM SCOTT and other high ranking policy makers and/or each of them, which encouraged, authorized, condoned and/or ratified the violations and other misconduct as alleged herein.

Claimants are further informed and believe and thereon allege that the CITY AND COUNTY OF SAN FRANCISCO, WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and other high ranking officials, policy makers, police department command staff and/or supervisors, were on actual notice at the time of this incident that there was a custom, policy, pattern and/or practice of false arrests, biased policing, race and national origin profiling and discrimination, inadequate supervision, inadequate training, inadequate control and/or discipline of members of the SFPD, and/or other customs, policies and/or practices which the CITY AND COUNTY OF SAN FRANCISCO and/or its high ranking officials knew and/or reasonably should have known were likely to cause violations of the rights of, injury and/or damages to citizens having contact with members of those agencies, including, but not limited to, Claimants.

Claimants are further informed and believes that SFPD Police Chief WILLIAM SCOTT, Lt. MATT SULLIVAN, and Captain THOMAS HARVEY, were directly supervising the police actions complained of, and caused Claimants' injuries through their supervisory malfeasance.

Claimants are further informed and believes and thereon alleges that the conduct of WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100, individual employees, agents and/or servants of the CITY AND COUNTY OF SAN FRANCISCO, was intentional, malicious, oppressive and/or done with a conscious or reckless disregard for Claimants' rights, justifying the award of punitive damages.

Claimants are informed and believes and thereon allege that they have claims for damages arising from the acts and/or omissions of the employees, agents and/or servants of CITY AND COUNTY OF SAN FRANCISCO, WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100, and each of them, individually and/or while acting in concert with one another, as alleged herein based on theories of liability which include, but may not be limited to, false arrest, false imprisonment, negligence, intentional infliction of emotional distress, negligence per se, violation of civil rights, including, but not limited to, violation of constitutional and/or statutory rights under California and Federal law, discrimination, negligent hiring, training, supervision,

control and/or discipline, respondeat superior liability of the CITY AND COUNTY OF SAN FRANCISCO for acts and/or omissions committed within the course of scope of employment by its employees and/or other agents, and/or other causes of action subject to continuing discovery.

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants have and may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost income, damage to career, and/or other special damages in amounts to be determined according to proof.

In the event that the Claimants are the prevailing party in any litigation stemming from the incidents alleged herein, Claimants may be entitled to recover attorneys' fees and costs based on state and/or federal statutes.

Claimants are informed and believe and thereon alleges that the acts and/or omissions of the CITY AND COUNTY OF SAN FRANCISCO, WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100, and/or their employees, agents and/or servants as described herein, included but were not limited to interference by threats, intimidation or coercion with Claimants' exercise and enjoyment of the rights secured by the Constitution and laws of the United States and of California; and violence, and intimidation by threat of violence, committed against them because of their actual or perceived political affiliation, race, color, ancestry, and/or national origins. Claimants may also have claims for statutory damages in amounts to be determined according to proof under California law, including, but not limited to, claims for statutory damages and penalties under California Civil Code sections 51.7, 52 and 52.1.

#### INJURY OR DAMAGE:

Claimants' damages include or may include past, present and future damages for pain, suffering, emotional distress, humiliation, violation of civil rights, medical special damages, lost wages and/or damage to career, statutory damages and/or other general and/or special damages in amounts to be determined according to proof. Claimants may also be entitled to recover their attorneys' fees and costs pursuant to statutes in the event that Claimants are prevailing parties. Claimants may also be entitled to recover punitive damages against WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100, individual CITY OF SAN JOSÉ Police Officers, employees, agents and/or servants and/or each of them who are liable for the injuries and/or damages alleged herein. Discovery is continuing and Claimants reserve the right to supplement and/or amend this claim.



PUBLIC EMPLOYEES ALLEGED TO HAVE CAUSED INJURY OR DAMAGE:  
WILLIAM SCOTT, MATT SULLIVAN, THOMAS HARVEY, and DOES 1-100,  
inclusive, and/or each of them. Discovery is continuing.

AMOUNT OF CLAIM: Claim is in excess of \$25,000.00. Jurisdiction is designated as  
“unlimited” and jurisdiction would be in the Superior Court of the State of California for  
the City and County of San Francisco and/or the United States District Court for the  
Northern District of California.

DATED: October 2, 2023

Signed on behalf of the Claimants:

By *Rachel Lederman*

RACHEL LEDERMAN

PARTNERSHIP FOR CIVIL JUSTICE FUND

Attorneys for Claimants and Class Members