

LOCAL

Black students arrested on bogus charges file claim against police department

BY HAROLD PIERCE
hpierce@bakersfield.com

Two black college students allege they were racially profiled, falsely imprisoned and arrested by negligent officers of the Bakersfield Police Department last month in a government claim filed Wednesday against the City of Bakersfield.

That claim, filed by Bakersfield law firm Chain Cohn Stiles, is a precursor to a civil suit attorney Neil Gehlawat said he and his clients will file this year, putting more pressure on a department that is already being investigated by the state Department of Justice for a pattern of alleged civil rights violations.

The BPD referred all press inquiries to the City Attorney's office, and City Attorney Ginny Gennaro was unavailable for comment.

The incident involves Timothy Grismore, 21, and Xavier Hines, 19, who according to Gehlawat were walking on a Valhalla Drive sidewalk Dec. 5 at about 10:40 p.m. when they were stopped by two BPD officers who approached them in an unmarked car.

The two were taking a break from studying for finals and heading to Taco Bell.

By the end of the interaction, Grismore needed stitches and both were arrested on suspicion of walking in a roadway and resisting arrest. The Kern County District Attorney's office declined to press charges and said that officers had no reason to stop Grismore



A press conference was called Wednesday by the law firm of Chain, Cohn, Stiles to bring attention to a claim filed against the City of Bakersfield on behalf of Timothy Grismore and Xavier Hines for injuries and damages they say they suffered when Bakersfield police officers stopped them on Dec. 5, 2016. Pictured from left, attorney Neil K. Gehlawat, Timothy Grismore, Bakersfield NAACP President Patrick Jackson, and Xavier Hines, right. Photographs of Timothy Grismore are displayed on a table.

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and Hines. Neither one has a criminal history.

"We're very troubled and disturbed by what happened, which was entirely inappropriate, and we think what happened was a result of these two young men being black and being out at night," Gehlawat said during a press conference

Wednesday announcing the claim.

Oftentimes when a claim is filed against a government agency, the agency rejects it and then the plaintiff has clearance to file a civil suit in court.

BPD Chief Lyle Martin ordered an internal investigation into the matter earlier this month, after a video Grismore and Hines published on the NAACP Bakersfield chapter's Facebook page detailing the incident went viral. The

department has not commented on the details of the incident but did release the police report that the officers involved filed on the matter.

According to Gehlawat, officers questioned whether Grismore and Hines were on probation or had any warrants, then things turned violent when the pair asked why police needed to identify them. One officer drew his taser and ordered Hines to the ground while Grismore was

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— Neil K. Gehlawat, attorney for the plaintiffs

being searched, Gehlawat said. Then when handcuffing Hines, another officer struck him with a baton on the back side of his knees, which later needed stitches.

"We think they drew the conclusion that these two men were affiliated with a gang simply because it was at night and they were in the area," Gehlawat said. "That would constitute racial profiling, and if the officers are doing things that are racially motivated, that's obviously a serious concern."

The BPD report said the two officers, Danni Melendez and Santos Luevano,

are members of a Special Enforcement Unit who were patrolling a neighborhood heavily populated by black gangs. That was when they spotted Grismore and Hines.

It said Grismore and Hines cursed and swore at them, called them "pigs" and disobeyed commands, including walking away from police when told to stop.

Those are all things Gehlawat refutes.

"These young men didn't do those things. They didn't cuss at officers, and they were not refusing commands," Gehlawat said, suggesting the report was falsified. "It wouldn't surprise me if a lot of the things in the report were trumped-up."

The situation has been traumatic, said Grismore.

And Hines said it's how he suspects Bakersfield police routinely hassle young black men.

"Just because you're walking down the street late at night, and because of the color of your skin, you get pulled over by an officer and the situation escalates," Hines said. "We don't want this to happen to anyone."

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