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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

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|------------------------------|---|--|
| CHU DING, an individual, |) | CASE NO. 25-cv-01683-AJB-JLB |
| |) | |
| Plaintiff, |) | FIRST AMENDED COMPLAINT FOR: |
| v. |) | 1) Excessive Force (42 U.S.C. § 1983) |
| |) | 2) Wrongful Detention and False |
| CITY OF SAN DIEGO, |) | Arrest (42 U.S.C. § 1983) |
| JONATHAN FERRARO, an |) | 3) Denial of Medical Care (42 U.S.C. |
| individual, PATRICK |) | § 1983) |
| RICHARDS, an individual, |) | 4) Failure to Supervise and Discipline |
| AUSTIN LEWIS, an individual, |) | (42 U.S.C. § 1983) |
| JOHN ABMROSE, an individual, |) | 5) Monell (42 U.S.C. § 1983) |
| ERIC COOPER, an individual, |) | 6) Negligence |
| EMILEE EMAMJOMEH, an |) | 7) Assault and Battery |
| individual, DAVID BRECHT, an |) | 8) False Imprisonment |
| individual, SCOTT WAHL, an |) | 9) Violation of Civil Code § 52.1 |
| individual, and DOES 5-25, |) | (Bane Act) |
| |) | 10) Violation of Civil Code § 51.7 |
| Defendants. |) | (Ralph Act) |
| |) | 11) Intentional Infliction of Emotional |
| |) | Distress |

JURY TRIAL DEMANDED

1 **INTRODUCTION**

2 On a July afternoon in 2024, three witnesses called San Diego Police
3 Department 911 to report that an “off duty officer flashed a badge and slammed
4 someone on the ground” at a Costco parking lot. The 911 operator immediately
5 called his supervisor and they turned the calls into “Cover Now-Hot call, Priority
6 0.” This designates a life-or-death emergency that requires an immediate,
7 maximum-urgency response involving *an officer who needs help*. Long before
8 calling for an ambulance, the San Diego Police Department dispatched ten marked
9 units to provide backup to San Diego police officer Jonathan Ferraro, who would
10 later admit that he jumped out of his truck screaming “what the F...” and “what the
11 hell” at the 53-year-old Chu Ding. He then slammed Mr. Ding into the ground,
12 knocking him unconscious. What enraged Ferraro was Mr. Ding tapping on the
13 back of Ferraro’s truck to let him know Mr. Ding was trying to leave so Ferraro
14 could have his parking spot. For this, Ferraro had called Mr. Ding a “Chinese piece
15 of shit,” shoved him, then slammed his head and shoulder to the asphalt.

16 After Ferraro’s crime came the San Diego Police Department’s coverup.
17 When multiple bystanders called 911 to report one of their officers assaulting a
18 citizen, SDPD responded with an extraordinary deployment of officers so large and
19 high-ranking (the contingent of fourteen officers included a lieutenant, a sergeant,
20 two detectives, and the spokesperson from the media relations office) that, on
21 information and belief, the chief of police had to have been be notified. Consistent
22 with longstanding SDPD practice of avoiding public exposure of its employees’
23 misconduct— and, upon information and belief, at the authorization of Department
24 leadership — the officers attempted to cover up Ferraro’s wrongdoing by falsely
25 portraying Mr. Ding as the aggressor and Ferraro as the victim and then falsely
26 charging Mr. Ding with felony assault.

27 Despite the reports in the computerized system that the male did not “242 the
28 officer”, meaning that the civilian did not use force on Ferraro, officers

1 immediately handcuffed Chu Ding while allowing Ferraro to roam about the
2 parking lot talking to potential witnesses. When the bystanders protested the
3 handcuffing of Mr. Ding, who had been a victim of violence, officers ignored them.
4 Instead of separating the eyewitnesses to interview them, officers allowed Ferraro
5 to speak loudly in front of an audience his own version of what
6 happened. When Mr. Ding asked why only he was being handcuffed and searched,
7 Defendant Richards said “You are the subject of the call.” Every officer knew
8 that *Ferraro* was the subject of three 911 calls.

9 SDPD officers had spoken with witnesses who had repeatedly described
10 Ferraro as the aggressor who “completely freaked out” and said Mr. Ding hadn’t hit
11 Ferraro at all. These same officers nonetheless circled around to discuss what
12 charges they could bring against Ding. The sergeant, Jake Johnson, initially told
13 the others that Ferraro had only a little scrape so if he wanted to press charges, they
14 would cite and release Mr. Ding on a misdemeanor battery on an officer pursuant
15 to Penal Code § 243(b). The plan was to issue a citation and have the ambulance
16 transport Mr. Ding to the hospital. But the officers had learned that Mr. Ding was
17 also law enforcement — an employee of the Department of Homeland Security,
18 who worked as an immigration officer. And from inside the ambulance, Mr. Ding
19 was asking for Ferraro’s name. The news that an off-duty SDPD officer had
20 screamed a racial epithet and body-slammed a federal officer, knocking him out,
21 would be a public relations nightmare.

22 The assembled officers, the PR office and the supervisor believed that the
23 only way they could keep Mr. Ding quiet was to charge him with a felony. But they
24 also knew, after seeing the surveillance footage and listening to the 911 calls and
25 witness interviews, that that they lacked any basis for the charge and that the District
26 Attorney would never prosecute. Not only that, the bystanders who had witnessed
27 Ferraro “screaming and yelling the second he was out of his truck,” were yelling at
28 Ferraro that he was going to jail and telling him this is why everyone hates cops.

1 So instead of even booking Mr. Ding into jail, they took the highly unusual step of
2 sending the ambulance away and transporting him to a substation, holding him for
3 hours, denying him food, water and medical care, while they pressured him into
4 signing a letter of apology to Ferraro. SDPD took Mr. Ding into custody at 3 p.m.,
5 but held him so long he did not get pain medication at the emergency room until
6 9:30 p.m. The injured Mr. Ding remained in tight handcuffs behind his back the
7 entire time he was in their custody.

8 Even with the fabricated evidence, the District Attorney rejected the charges.
9 But the damage was already done. Mr. Ding suffered significant injuries to his head
10 and shoulder and harm to his reputation. He suffered the humiliation of being
11 forced to write a letter of apology to the man who assaulted him. Because Mr.
12 Ding's coworkers discovered immediately that he had been booked into the Central
13 Jail, and DHS started an internal investigation that took months to resolve. Mr. Ding
14 suffered fear and anxiety while the internal investigation of his conduct dragged on.
15 While the DHS Office of Professional Responsibility cleared Mr. Ding of any
16 wrongdoing, its findings are not public, unlike the arrest itself. Mr. Ding's
17 coworkers now look at him with suspicion, and he continues to live in the shadow
18 of the embarrassment caused by these Defendants.

19 **GENERAL ALLEGATIONS**

20 1. This is an action under 42 U.S.C. § 1983 to redress the deprivation
21 under color of statute, ordinance, regulation, custom or usage of rights, privileges,
22 and immunities secured to the plaintiff by the Fourth, and Fourteenth Amendments
23 to the Constitution of the United States. This action involves state law causes of
24 action as well.

25 2. Jurisdiction is based upon the existence of a federal question, pursuant
26 to 28 U.S.C. §§ 1331, 1343(a)(3) and (a)(4).

27 3. This Court has supplemental jurisdiction over any pendent state law
28 claims under 28 U.S.C. § 1367(a).

1 4. Pursuant to 28 U.S.C. § 1391(b), venue is proper in the Southern
2 District of California because the acts or omissions which form the basis of the
3 Plaintiff's claims occurred in San Diego County, within the Southern District of
4 California.

5 5. Plaintiff complied with Cal. Gov. Code §§ 800 et seq.

6 6. Plaintiff submitted his tort claim to the City of San Diego on
7 November 11, 2024.

8 7. The City of San Diego rejected the tort claim on April 17, 2025.

9 **PARTIES**

10 8. Plaintiff Chu Ding is a 53-year-old resident of San Diego. Mr. Ding is
11 employed by the United States Department of Homeland Security.

12 9. At all times relevant to this complaint, Defendant Jonathan Ferraro was
13 an officer with the San Diego Police Department (SDPD). Even though Ferraro
14 was in plain clothes, he invoked his authority over citizens by announcing himself
15 as "the police" before using force on Chu Ding. Ferraro caused Mr. Ding to be
16 charged with Obstructing or Resisting an *Executive Officer*. Thus, Ferraro was
17 acting under the color of law at the time of the incident.

18 10. At all times relevant to this complaint, Defendant Patrick Richards was
19 an officer with SDPD.

20 11. At all times relevant to this complaint, Defendants Eric Cooper and
21 Emilee Emamjomeh were detectives with SDPD.

22 12. At all times relevant to this complaint, Defendant David Brecht was a
23 Lieutenant with SDPD. Brecht is believed to be the supervisor of the investigating
24 officers and other Doe defendants.

25 13. At all times relevant to this complaint, Scott Wahl was the Chief of
26 Police for the San Diego Police Department. Before being sworn in on June 7,
27 2024, Wahl had been with the SDPD for 26 years and previously served as an
28

1 Assistant Chief from September 2023 to June 7, 2024. Wahl is the final decision
2 and policy maker for the Department.

3 14. Defendants Cooper, Lewis, Ambrose and Brecht have now been
4 identified as Defendants who were previously designated as Doe defendants.

5 15. At all times relevant to this complaint, Defendants DOES 5-25 were
6 San Diego police officials and other agents of the CITY OF SAN DIEGO. At all
7 times relevant hereto, these defendants were acting in their professional capacity.

8 16. Upon information and belief, Does 6-10 are officers other than those
9 named below who responded to the scene of the incident.

10 17. Upon information and belief, Does 11-18 are supervisors who
11 supervised or directed the actions of the officers alleged below, or ratified and
12 approved them afterwards.

13 18. Upon information and belief, Does 19-24 are dispatchers who
14 responded to the 911 calls regarding the facts described below.

15 19. Upon information and belief, Doe 25 was an SDPD officer and
16 commander of SDPD's Northeastern division who participated in, supervised, and
17 directed the events alleged below.

18 20. Plaintiff is ignorant of the true names and capacities of DOES 5-25
19 and/or the facts giving rise to their liability and will amend this complaint once their
20 identities as well as the facts giving rise to their liability have been ascertained.

21 21. Defendants, including DOES 5-25 were the agents, servants and
22 employees of each other and of the other named defendants and were acting at all
23 times within the full course and scope of their agency and employment, with the full
24 knowledge and consent, either expressed or implied, of their principal and/or
25 employer. Each of the defendants had approved or ratified the actions of the other
26 defendants, thereby making the currently named defendants herein liable for the acts
27 and/or omissions of their agents, servants and/or employees.

28

FACTUAL ALLEGATIONS

I. SDPD’S Detention, Arrest and Excessive Force Against Chu Ding

22. Chu Ding was born in Singapore. He moved to the United States in 2004 and became a U.S. citizen in 2006.

23. Mr. Ding served in the United States Navy for five years, during which he deployed to the Middle East, Japan, and Australia.

24. Mr. Ding is married. He and his wife, Yanbo Jiang, who works as a nurse, have a daughter who was 15 years old at the time of the incident.

25. In 2024, Mr. Ding was an employee of the Department of Homeland Security working in the Alternative to Detention (“ATB”) program, which allowed certain noncitizens to avoid detention facilities and remain in their communities under supervision or case management while awaiting immigration proceedings.

26. The ATB program allowed noncitizens to avoid being detained in custody and stay in their own communities. Officers in the ATB program determine whether the noncitizen would be placed in intensive supervision; case management services; or Case Management Pilot Program (CMPP), a trauma-informed approach to case management, which offered psychiatric support and identified and assisted human trafficking victims.

27. Mr. Ding as an immigration officer would also process paperwork for people convicted of crimes for removal from the United States.

28. During this time, Chu Ding worked in the federal building at 880 Front street, which housed the immigration court, officers in the ATB program, and other federal officers.

A. Ferraro’s Assault of Mr. Ding

29. On July 2, 2024, Mr. Ding went to the Costco located at 12350 Carmel Mountain Road, San Diego, CA 92198, to do some shopping for his wife and daughter. He parked in the Costco parking lot.

1 30. July 2, 2024, was a busy shopping day, two days before the Fourth of
2 July.

3 31. As Mr. Ding was approaching his car in the parking spot after returning
4 from the store, he saw that Defendant Jonathan Ferraro had stopped his truck in the
5 middle of the lane, blocking multiple cars. Ferraro was not moving.

6 32. Mr. Ding tapped on the passenger side window so that the driver,
7 Defendant Ferraro, would know that Mr. Ding was leaving and Ferraro could take
8 Mr. Ding's parking spot.

9 33. Ferraro then moved his car forward.

10 34. Chu Ding walked back to his car. Just as he sat down, Ferraro reversed
11 his truck, now fully blocking Mr. Ding and preventing him from leaving.

12 35. Ferraro remained stationary with his truck blocking cars parked on
13 either side of Mr. Ding.

14 36. After waiting for another ten seconds or so, Mr. Ding started to pull
15 his car out slowly, attempting to get Ferraro's attention. Mr. Ding drives a small
16 car so he pulled out a little hoping the driver would see him and move up.

17 37. Ferraro's truck had dark tinted car windows, so that Mr. Ding could
18 not see anything or anyone inside the truck.

19 38. Ferraro's wife would later tell the detectives that she saw Mr. Ding in
20 her rearview mirror inching up his car and she told Ferraro that another car was
21 trying to leave his parking spot.

22 39. Ferraro did not move his car.

23 40. Because he could not see into the car, Mr. Ding got out and tapped on
24 the rear side of Ferraro's truck to get Ferraro's attention to let him know Mr. Ding
25 was trying to leave.

26 41. Chu Ding then turned around to get into his car.

27 42. Mr. Ding was about to get into his car when Ferraro leaped out of his
28 truck, yelling.

1 43. Ferraro screamed, “What the fuck did you do?” and “why did you hit
2 my fucking car?”

3 44. When Mr. Ding saw the enraged Ferraro turning the corner at the edge
4 of his truck bed, he started to walk towards him.

5 45. They were standing in front of Mr. Ding’s car as Ferraro continued to
6 scream and curse about his truck.

7 46. Ferraro’s hysterical screaming about his truck as he advanced towards
8 Mr. Ding had drawn an audience and multiple bystanders began telling Ferraro to
9 calm down.

10 47. When Mr. Ding responded that Ferraro was blocking him, Ferraro said,
11 “you Chinese piece of shit” and shoved him.

12 48. After being shoved, Mr. Ding took a step towards Ferraro.

13 49. Ferraro then screamed at Mr. Ding that he (Ferraro) was the police.

14 50. Ferraro was off-duty at the time. He was driving his personal vehicle
15 and wearing civilian clothes.

16 51. Mr. Ding asked “where is your badge?”

17 52. Ferraro shoved Mr. Ding against the back of Ferraro’s truck.

18 53. Within seconds of the two men facing each other and putting hands on
19 each other’s arms, Ferraro picked Mr. Ding up off the ground and slammed him to
20 the on his head and shoulder onto the pavement.

21 54. Mr. Ding lost consciousness.

22 **B. Witnesses Call 911 to Report that Ferraro Assaulted Ding, and**
23 **Dispatch Begins a Cover-up**

24 55. Ferraro’s angry screaming about his truck as he advanced towards Mr.
25 Ding caught people’s attention and multiple bystanders began telling Ferraro to
26 calm down.

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1 56. Ferraro went inside his truck, took his badge out of his wallet, and
2 began flashing it around to the bystanders. Mr. Ding was still unconscious on the
3 ground.

4 57. One of the witnesses exclaimed, “this is why everyone hates cops.”

5 58. A witness named Mr. Taghavi called 911 at 3:02 p.m. and reported that
6 an off-duty police officer had slammed somebody down. He reported that the man
7 had a badge.

8 59. The operator did not ask a single question regarding the victim. She
9 did not ask if the victim was injured.

10 60. Instead, she asked Mr. Taghavi whether the officer worked for SDPD.
11 When Mr. Taghavi responded that he did not know, the 911 operator got a
12 supervisor on the line and reported “officer flashed a badge and slammed him on
13 the ground.”

14 61. In speaking with the 911 supervisor, Mr. Taghavi reported “he
15 slammed the guy down really hard... he hit him down on the ground. He slammed
16 him on the ground.”

17 62. The 911 operator then asked Mr. Taghavi whether the *officer* was
18 injured.

19 63. Mr. Taghavi then gave the 911 operator and his supervisor Ferraro’s
20 badge ID number and confirmed that he worked for SDPD.

21 64. When Mr. Taghavi gave Mr. Ding’s description, the supervisor asked
22 “is this the unit or the *suspect*, the other male.”

23 65. 911 Dispatch then broadcast this into the system:

24
25 EVENT CREATED - Type: COVER - HC - COVER NOW - HOT CALL, Location: 12350 CARMEL
MOUNTAIN RD SD: @COSTCO, Agency: SDPD, Group: P2, Beat: 232, Status: P, Priority: 0

26 INITIAL CALL - [REDACTED]

1 66. “Cover Now – Hot Call ... Priority 0” means a life-or-death emergency
2 that requires an immediate, maximum-urgency response involving an officer who
3 needs help.

4 67. During this call, Mr. Taghavi could be heard saying, “yeah but that
5 was too much man, I kept telling you guys to calm it down, you are the officer!”
6 The 911 operator immediately chided him for antagonizing an officer.

7 68. Neither the operator nor his supervisor ever asked Mr. Taghavi
8 whether Mr. Ding was injured.

9 69. About ten seconds after this call was initiated, a witness named Ms.
10 Chambers called 911 and reported two males fighting at Costco. She reported
11 “white male slammed the Asian man on the ground.”

12 70. The operator only reported “2 males in a physical fight” and did not
13 report that Ms. Chambers had reported Ferraro being the aggressor.

14 71. Dispatch did not ask Ms. Chambers whether anyone was injured.

15 72. A third witness named Ms. Delatorre called 911 and reported
16 “Caucasian slammed the Asian man down.”

17 73. At the same time, Dispatch reported in the Dispatch Log that there
18 were no weapons out, that the male “did not 242 the ofcr” meaning Mr. Ding did
19 not assault Ferraro and that the off-duty officer was SDPD.

20 74. Twenty seconds after the first 911 call, Ferraro’s wife, Jessica Ferraro,
21 called 911. Jessica Ferraro reported that her husband got out of his car and that he
22 is an off duty SDPD sergeant. She reported that the two men were physically
23 fighting. She provided Johnathan Ferraro’s full name. The operator then called an
24 official at SDPD who got on the line.

25 75. The operator told this supervisor stated that she did not want to go any
26 further with the call without reporting this incident. The operator reported “SDPD
27 sergeant with SDPD in an altercation at Costco.” The supervisor jumped on the
28 line with Jessica Ferraro.

1 76. When the operator asked Ms. Ferraro whether they needed medics, she
2 replied, "I don't know." Mr. Ding was unconscious on the ground when she
3 initiated this call. She repeated twice that nobody had requested medics. She then
4 said maybe the medics to just be on the safe side.

5 77. This call with Jessica Ferraro lasted 6 minutes and 40 seconds, and the
6 operator stayed on the line with her until officers arrived.

7 78. During this call, Jonathan Ferraro could be heard in the background
8 arguing with the crowd. He was exclaiming "everybody's against me! Everyone is
9 against me. I don't know if it's because I slammed him down."

10 79. Twice the operator coached Jessica Ferraro to tell him that she was on
11 the call with Dispatch. After Jessica Ferraro relayed that message, Jonathan Ferraro
12 stopped making admissions that would be recorded on the line.

13 80. This call was in stark contrast to the way the other 911 callers were
14 treated. An operator hung up on Ms. Delatorre, causing her to call again. Another
15 operator rebuked Mr. Taghavi for talking back to Ferraro. The operator asked no
16 questions of Ms. Chambers as to what she observed. That call lasted 50 seconds.

17 81. At 3:06 p.m., during the call with Jessica Ferraro, the 911 supervisor
18 called a lieutenant detective of the San Diego Police Department to report that
19 Jonathan Ferraro had gotten into a fight at Costco.

20 82. Despite three calls from citizens to 911 that an Asian man had been
21 slammed down to the ground but that the officer was not injured, Dispatch did not
22 call for an ambulance until 3:08 p.m., six minutes after the first 911 call and two
23 minutes after reporting the incident up the chain of SDPD command.

24 83. Instead, 911 operators dispatched a total of ten units and a lieutenant
25 to respond to Costco before contacting the medics.

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1 **C. Despite Clear Evidence Ferraro Assaulted Ding, Responding**
2 **Officers Focus from the Start on Justifying Charges Against Ding**

3 84. In total, at least fourteen SDPD officers were called to respond to the
4 scene: a PERT officer, three K9 officers, five uniformed patrol officers, a sergeant,
5 a lieutenant, two detectives and the Department's media spokesperson.

6 85. The deployment of an overwhelming number of patrol cars and
7 officers, which included three K9s, was to demonstrate their force and to scare Mr.
8 Ding and the bystanders. This was to send a strong message to witnesses that Mr.
9 Ding was the one in the wrong in an attempt to influence witness statements.

10 86. During this time, a bystander named Ms. Humphrey who had
11 witnessed the entire event ran back to Costco to tell the employees that a Caucasian
12 male had aggressively screamed something about his truck, then slammed an Asian
13 male into the ground. She heard a loud thud as Mr. Ding's head crashed into the
14 pavement. Ms. Humphrey thought that Mr. Ding was dead.

15 87. Ms. Humphrey made a report and left her contact information with the
16 management so that the police could contact her. As she was leaving the parking
17 lot, Ms. Humphrey saw multiple marked cars.

18 88. To date, no one from the SDPD has ever contacted Ms. Humphrey.

19 89. At 3:07 p.m., Defendant Richards was the first to arrive. As he
20 approached, Ferraro introduced himself as "Sergeant Ferraro" and relayed his
21 version of events.

22 90. Ferraro could see that Richards was a patrol officer and that Ferraro
23 outranked him.

24 91. Ferraro told Richards that he jumped out of his truck when Mr. Ding
25 hit the side of his truck, that Mr. Ding charged him, that he told Mr. Ding he was a
26 cop and told him to back off, and that Mr. Ding said "show me your badge." Ferraro
27 stated that he decided to detain Mr. Ding so he grabbed him, put him against his
28 truck, grabbed him and slammed him down.

 92. Ferraro told Richards that all the witnesses were "super upset."

1 93. Richards did not ask Ferraro any questions and did not ask him for
2 identification.

3 94. He walked over to Mr. Ding, who was sitting on the ground, and
4 immediately started to pat him down for weapons. Mr. Ding explained that he was
5 a law enforcement officer and told Richards that Richards had no reasonable
6 suspicion to pat him down.

7 95. One of the witnesses, believed to be Ms. Delatorre, asked Richards,
8 “Did you pat *him* down?” referring to Ferraro. Richards ignored her.

9 96. Richards grabbed Mr. Ding’s arms as he was yelling out in pain, “hold
10 on, hold on.”

11 97. Mr. Ding told Richards, “My shoulder is hurt, I should get medical
12 attention.” Richards knew this already from the multiple 911 calls by citizens.

13 98. Richards forced Mr. Ding’s arms behind his back and handcuffed him.

14 99. Richards then told Mr. Ding he was being detained for a “242,”
15 meaning a violation of Penal Code section 242, misdemeanor battery.

16 100. Each of the witnesses who called 911 had identified Ferraro as the
17 perpetrator, and Dispatch had specifically told the officers that Mr. Ding “did not
18 242 the officer.”

19 101. Richards then said to Mr. Ding, “You are not free to leave. You are
20 detained.”

21 102. By this time, patrolmen Javier Flores, John Ambrose, Austen Lewis,
22 Matthew Herkelman, PERT officer Godinez and sergeant Jake Johnson had arrived.
23 Three K9 units had already arrived or were on their way.

24 103. Mr. Ding does not carry his DHS identification when off duty, but he
25 provided Richards his access keypass to the federal building at 880 Front Street
26 where he works. Richards told Mr. Ding that the pass “doesn’t look official.” This
27 was the official pass Mr. Ding uses to access the federal building downtown because
28 he is an immigration officer.

1 104. Mr. Ding asked the officers to remove the handcuffs. When they
2 refused, Mr. Ding stood up and attempted to videotape the officers with his cell
3 phone. Ambrose and Lewis immediately pushed him down, grabbed his cell phone,
4 and threw it down away from Mr. Ding.

5 105. There was no basis to keep the injured Mr. Ding handcuffed behind
6 his back when these officers knew that he was unarmed and that he was the victim
7 of Ferraro's attack.

8 106. At 3:15 p.m., the ambulance finally arrived.

9 107. Ambrose and Lewis still refused to remove the handcuffs, yelling at
10 Mr. Ding in front of the medics, "they are not coming off."

11 108. Even after the medics placed Mr. Ding on a gurney, Ambrose refused
12 to take the cuffs off.

13 109. While Mr. Ding was inside the ambulance with the medics, Sgt.
14 Johnson was interviewing Ferraro.

15 110. Ferraro complained to the officers that after he slammed Mr. Ding to
16 the ground, everyone around him started yelling and telling him that he (Ferraro)
17 was going to jail.

18 111. Ferraro told the officers that everybody was upset because they saw
19 him body slamming an older gentleman. Ferraro told Johnson that every single
20 person who witnessed the incident was against him.

21 112. Ferraro said Mr. Ding was "hitting my truck. Like, that's not cool.
22 You're hitting my truck. So I get out to like that's where I guess I screwed up, right?
23 I get out to be like what the F..."

24 113. When Sgt. Jonson asked Ferraro if Mr. Ding damaged his truck,
25 Ferraro told him no.

26 114. Godinez interviewed Ms. Delatorre, who gave this statement:

27 The guy in the baseball hat [Ferraro] was completely aggressive. He
28 got out of his car and came towards the Asian man. The Asian man

1 was trying to push him back. He flipped out, picked him up. That's
2 when several of us said, hey, hey. Calm down. Calm down, calm down.
3 He body slammed his whole body, shoulders and head smacked on the
pavement. And then he was down.

4 He got out of his truck and he complete, I mean, he completely freaked
5 out. He was screaming and yelling the second he was out of his truck,
6 and then, like I said, lifted, lifted him up, and body slammed him.

7 115. When Godinez asked her if she had seen anything prior to that, Ms.
8 Delatorre stated that they were talking about their cars and the man in the truck got
9 out first. Ms. Delatorre told Godinez that bystanders were telling Ferraro “calm
10 down, calm down,” but she saw Mr. Ding’s head hit the pavement.

11 116. According to Ms. Delatorre, Ferraro only calmed down because he
12 realized they were all calling 911.

13 117. Ms. Delatorre told Godinez:

14 Even when the police did arrive, they were very aggressive with [Mr.
15 Ding], and of course, not with the other police officer. And he was the
16 one who was also injured, and they immediately put him in handcuffs
17 before even checking his injuries, and his entire head was slammed on
the concrete. He could have a concussion.

18 118. Godinez then told Ms. Delatorre, “Yeah, it's one of those things that
19 we have to do during an altercation. we have to place someone in handcuffs.”

20 119. When Ms. Delatorre protested that this was unfair treatment because
21 Ferraro was the most aggressive but not in handcuffs, Godinez ignored her.

22 120. Herkelman interviewed Mr. Taghavi who gave the following
23 statement:

24 All of a sudden, the gentleman baseball cap ran out, he said, you can't
25 be touching my truck. And he came, and he ran towards him. [Mr.
26 Ding] definitely put his hands on him first. The officer grabbed him,
27 the, with the baseball cap, and then I immediately walked towards him.
28 Saying, hey guys, calm down, calm down, you don't need to do this.
And they started pushing each other. And obviously he said, I'm a

1 police officer, I think. And then they started walking towards the gap,
2 curb, and he grabbed him from behind. He had him all. He completely
3 had him. All of a sudden, he slammed him so hard on the ground, I
4 think he might have hit his head. Definitely at least his shoulder.

5 121. Mr. Taghavi stated that Mr. Ding walked aggressively toward Ferraro
6 with his hands out in front of him then Ferraro slammed him to the ground. Mr.
7 Taghavi told Herkelman that Ferraro showed everyone his badge, then sat on top of
8 Mr. Ding after he was knocked unconscious.

9 122. While there were multiple witnesses milling about the parking lot, not
10 a single officer went to them to ask if they had seen anything.

11 123. Instead, another witness, Mr. Hoven, had to approach Herkelman and
12 ask to provide a statement. Mr. Hoven heard Ferraro say he was a cop and there
13 was shouting and pushing and shoving. Ferraro threw Mr. Ding against the back of
14 his truck, pushed him over to the curb, then body slammed him.

15 **D. High-Level Supervisors and Policymakers Approve the Cover-up**

16 124. Before calling for an ambulance, a 911 operator contacted Lt. David
17 Brecht. He arrived at Costco parking lot two minutes later.

18 125. At 3:13 p.m., after hearing Chu Ding identify himself as a federal
19 officer, Lt. Brecht walked back to his unmarked car and started making phone calls.

20 126. Upon information and belief, Brecht reported this situation up his
21 chain of command. At 3:17 p.m., Colin Steinbroner was called to the scene.
22 Steinbroner is the media spokesperson for SDPD.

23 127. Steinbroner's chain of command at the time was through the Media
24 Services Office which reported directly to the Chief of Police.

25 128. Upon information and belief, to call out a member of the media
26 relations team, Brecht had to call up the chain of command or the on-duty Watch
27 Commander in order to get Steinbroner out to a scene. SDPD generally calls a
28 public information officer to a scene only if an incident is large enough to require
activating a Command Post, for large-scale SWAT operations; for the death or

1 critical injury of a San Diego police officer; for an incident involving the death or
2 critical injury of a citizen as a result of police action.

3 129. A lieutenant showing up at an investigation of a battery is rare. The
4 paramedics who encounter the police everyday commented on Brecht's presence.
5 They talked about "the big boss" and "the boss's boss" being at the scene.

6 130. Several officers asked each other and talked about the lieutenant being
7 present. Several times, they commented "the lieutenant is making phone calls."

8 131. Lt. Brecht arrived at Costco at 3:10 p.m. He did not leave until 4:25
9 p.m., when the two detectives arrived at Costco per his request. Brecht was on his
10 cell phone nearly the entire time. Upon information and belief, he was reporting
11 the events up his chain of command and coordinating how they could charge Mr.
12 Ding with a crime to prevent a PR disaster.

13 132. Brecht did so because media coverage and public perception of the
14 Department has been Chief Wahl's number one priority since being sworn in.

15 133. The SDPD spokesperson Steinbroner arrived at Costco at 3:27 p.m.
16 He did not leave until 5:10 p.m. as Richards was transporting Mr. Ding to the
17 substation.

18 **E. Responding Officers Decide to Charge Chu Ding with a Felony**

19 134. At approximately 3:22 p.m., Richards, Godinez, Herkelman and
20 Johnson circled around to discuss the evidence. Sgt. Johnson said that because
21 Ferraro identified himself as an officer, "it could be a little 243(b)," which is a
22 misdemeanor battery on a peace officer.

23 135. After a discussion, the group of officers agreed that they would issue
24 a citation against Mr. Ding. Johnson told Richards that "243(b) would be fine" and
25 Richards confirmed that it would be a misdemeanor citation.

26 136. Herkelman later relayed to Godinez that the officers were going to
27 issue a citation to Mr. Ding and that Mr. Ding was asking for Ferraro's information.
28

1 137. Herkelman then said that he “didn’t know what the plan was with that
2 (providing Ferraro’s identification)”, but that a Lieutenant on the scene was
3 “making phone calls.”

4 138. At 3:30 p.m. Mr. Ding asked the paramedics to transport him to the
5 hospital in the ambulance. He asked for the name of the person who assaulted him.
6 The medics relayed this information to the officers.

7 139. Mr. Ding asked Lewis who was standing outside the ambulance for
8 Ferraro’s name. Lewis refused to give it to him.

9 140. Herkelman reported to Richards that Mr. Ding would be going to the
10 hospital. He then said “they are waiting for information, but that information would
11 be a citation.” Herkelman told Richards it was up to him which direction he wanted
12 to take this.

13 141. Herkelman also told Sgt. Johnson that Mr. Ding wants to be
14 transported to the hospital and that he was asking for Ferraro’s name.

15 142. At approximately 3:32, Lt. Brecht went to the back of the ambulance
16 and spoke to the medics who had been discussing transporting Mr. Ding to the
17 hospital once he obtained Ferraro’s name.

18 143. Lt. Brecht then walked back to his unmarked car and got in the driver’s
19 seat. He called Sgt. Johnson over to his car. They spoke for a minute.

20 144. At 3:35 p.m., Sgt. Johnson walked over and told Herkelman that a
21 detective was coming and that they would no longer cite and release Mr. Ding.

22 145. Herkelman walked back to the rest of the officers and made a gesture
23 with his hand cutting his neck and told them they would no longer release Mr. Ding.

24 146. Herkelman told Richards that Sgt. Johnson wanted to talk to him.

25 147. Richards, as he was walking over to Sgt. Johnson, turned off his BWC.
26 Richards’ BWC had only been activated for 33 minutes and there was no basis for
27 shutting it off.

28

1 148. At 3:26 p.m. and again at 3:44 p.m., the medics noted that Mr. Ding
2 had sinus tachycardia (rapid heart beat) on the EKG, which has symptoms of heart
3 palpitations, shortness of breath, dizziness, and chest pains.

4 149. At approximately 3:52 p.m., Mr. Ding was taken out of the ambulance
5 and placed into the back of Richards' patrol car. He was still handcuffed behind his
6 back.

7 150. Richards strapped Mr. Ding into the car. When Mr. Ding said his
8 handcuffs were too tight, Richards refused to loosen them and shut the door as Mr.
9 Ding was asking him to keep the door open because it was so hot.

10 151. The ambulance left without Mr. Ding.

11 **F. Defendants Cooper and Emamjomeh's Conduct in the Cover-up**

12 152. At 4:34 p.m., Detective Emamjomeh arrived. This was more than 90
13 minutes after Mr. Ding had been knocked unconscious.

14 153. When she arrived, Mr. Ding was still handcuffed in the back of
15 Richards' car, sitting in the sun.

16 154. Emamjomeh's body worn camera was muted as she approached
17 Ferraro and his wife, who were laughing and joking with Defendant Cooper who
18 had already arrived. Ferraro smiled at Emamjomeh.

19 155. Ferraro admitted that he was unhappy when he got out of the truck and
20 he came around the truck like "what the hell?" He admitted he may have pushed
21 Mr. Ding first and that he slammed him into the back of his truck.

22 156. Ferraro told the detectives that Mr. Ding did not land any blows on
23 him. Ferraro denied being punched.

24 157. These were Ferraro's exact words in justifying the use of force:

25 His behavior was like, you know, I, I get that I got out of my truck after
26 he hit my, after he hit my truck, but I wasn't expecting him to just
27 charging me like that, like it really caught me off guard. But it
28 continues over there, and I finally just said screw it. He's standing on
the red curb in front of me. I bear hug him, I pick him up, and we both
went to the ground. Okay, took him to the ground.

1 158. Ferraro continued to talk about his truck. “In hindsight, maybe I
2 shouldn't have gotten out of the truck, but he instantly charges at me. He's hitting
3 my truck. I'm like, Yeah, he completely escalated something, and he should never
4 put his hands on my vehicle. You should never.”

5 159. After Ferraro finished telling his story, Cooper asked him a series of
6 leading and rhetorical questions intended to transform this event into a felony.

7 160. Cooper says, “So your goal was to stop him from assault, and to effect
8 a” while looking at Ferraro. Ferraro then fills in the blank and says “arrest.”
9 This was the first time Ferraro or anyone uttered the word “arrest.”

10 161. Cooper needed Ferraro to say this because the only felony charge
11 available here was a violation of Penal Code 69, Obstructing or Resisting an
12 Executive Officer, which requires that a person prevent an executive officer from
13 performing any duty by use of force.

14 162. Cooper then told Ferraro what he needed Ferraro to say. Those
15 statements contradicted his prior statements. Cooper’s version now had Ferraro
16 immediately telling Mr. Ding he is a cop despite his earlier statement he said it at a
17 later point after Ferraro had already shoved Mr. Ding.

18 163. Cooper then said “a 69 PC, correct, as opposed to 242.”

19 164. At 4:49 p.m., Cooper and Emamjomeh confirmed with Ferraro that
20 they would charge Mr. Ding with a felony.

21 165. They discussed whether Ferraro wanted to go to receive medical care
22 and whether he would be eligible for workplace benefits and Cooper told Ferraro “it
23 depends.”

24 166. At 4:50, Cooper told Emamjomeh to turn off her body worn camera.

25 167. Two minutes later, Emamjomeh turned her camera back on, but it was
26 on mute for the first two minutes during which Ferraro was continuing to make
27 statements. He was pulling out his wallet, gesticulating and laughing.

28 168. Cooper did not wear a body worn camera.

1 169. By 5:09 p.m., Cooper and Emamjomeh were huddled together with
2 Ferraro and his wife in the parking lot. They were watching the Costco surveillance
3 video together, talking about what they could see. Because Richards had again
4 turned off his camera and his audio had not yet activated, Cooper's and Ferraro's
5 statements were not captured.¹

6 170. Standing to the side were Sgt. Johnson and Herkeles.

7 171. At 5:11 p.m., Richards left the Costco parking lot to drive Mr. Ding to
8 the Northeastern substation. When Mr. Ding asked why, Richards told him it was
9 because the detectives wanted to interview him there.

10 172. They arrived at 5:24 p.m.

11 173. Cooper and Emamjomeh started their interrogation of Mr. Ding at 5:43
12 p.m. By then Mr. Ding had been handcuffed for nearly three hours. The cuffing
13 was aggravating his painful shoulder injury.

14 174. Upon information and belief, between 5:09 p.m., when they watched
15 the videotape together with Ferraro and 5:43 p.m. when they started the interrogation,
16 Cooper and Emamjomeh were discussing the plan for the interrogation with the PR
17 spokesperson and their chain of command including Lt. Brecht, the shift
18 commander.

19 175. They knew that they had insufficient evidence to prove a PC 69 even
20 if Ferraro changed his story to "effectuating an arrest." No one ever heard Ferraro
21 tell Mr. Ding he was under arrest. No one heard Ferraro give any commands.
22
23

24 ¹ Ferraro's written report, drafted at the Northeastern Division, stands in stark
25 contrast to everything he told the investigators immediately after they showed up.
26 Contrary to all his prior statements, he now claimed: 1) Mr. Ding was clinching
27 his muscles in his face and jaw; 2) Mr. Ding swung his arms and hit him in his
28 upper torso several times; 3) Mr. Ding was screaming "show me your gun!";
4) Mr. Ding hit him in his torso several times; and 5) Mr. Ding was attempting to
reach for Ferraro's firearm and badge.

1 Ferraro never told anyone that he uttered these words at any time. The only words
2 other than cursing and the racial epithet Ferraro used was “I am a police officer.”

3 176. The video from Costo clearly showed Ferraro aggressively advancing
4 towards Mr. Ding. It showed Ferraro clearing the entirety of the side of his truck
5 and the entirety of the back of the truck while Mr. Ding took three steps towards
6 Ferraro. The two men faced each other in front of Mr. Ding’s car, not behind
7 Ferraro’s truck.

8 177. The video from Costo showed Ferraro shoving Mr. Ding first before
9 Mr. Ding stepped towards him again.

10 178. Ferraro had admitted to Cooper and Emamjomeh and other officers
11 that he “might” have shoved Mr. Ding first.

12 **G. Instead of Taking Mr. Ding to Jail or the Hospital, Defendants**
13 **Coerce Him to Write an Apology Letter to the Man Who Assaulted**
14 **Him**

15 179. Brecht, Cooper and Emamjomeh knew that the District Attorney
16 would never bring charges given what the video showed.

17 180. Cooper and Emamjomeh knew that they had another problem, which
18 was Ms. Delatorre, who had called 911 and provided a statement.

19 181. Had Mr. Ding been taken to the jail, he would have been rejected at
20 the gate during medical screening given his head injury and loss of consciousness.
21 He would have been taken immediately to the hospital.

22 182. Had he been taken to the hospital, Mr. Ding would have contacted his
23 family and his lawyer.

24 183. They could not book Mr. Ding into jail because he would have bailed
25 out immediately and they knew no prosecutor would bring a charge given Ferraro’s
26 outrageous misconduct.

27 184. Brecht, Cooper and Emamjomeh devised a plan to obtain a signed
28 confession from Mr. Ding by prolonging his serious pain and discomfort to force it
out of him and to falsify the police reports that would be submitted to the DA.

1 185. Instead of permitting the ambulance to transport Mr. Ding to get
2 medical care or taking him to the jail to be booked, they decided to transport him to
3 the substation. They then kept Mr. Ding in handcuffs while he was suffering from
4 a serious injury to his head and shoulder. They denied him food, water, or medical
5 care for the next two and a half hours. In total, Mr. Ding was handcuffed behind
6 his back for five hours. Brecht, Cooper and Emamjomeh knew that Mr. Ding was in
7 serious pain from multiple injuries.

8 186. This is a photo of Mr. Ding's wrist a full day after the incident:
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21 187. This was Mr. Ding's condition and physical appearance after being
22 assaulted by Ferraro:
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13 188. Cooper went into the interrogation room ready to show a grainy
14 surveillance video and stopping at various points and told Mr. Ding that the video
15 shows him punching Ferraro.

16 189. Ferraro had denied multiple times that Mr. Ding punched him.

17 190. Not a single witness saw Mr. Ding punch Ferraro.

18 191. Cooper and Emamjomeh knew that Mr. Ding was exhausted from
19 being knocked unconscious. They knew that Mr. Ding had been slammed to the
20 ground on his shoulder and his head and that Mr. Ding was disoriented. They knew
21 that for hours, Mr. Ding had asked multiple times for the handcuffs to be loosened
22 and every officer had refused.

23 192. Multiple officers had also seen Mr. Ding struggle to walk due to his
24 injuries to his knee.

25 193. They knew that Mr. Ding was in excruciating pain and he was
26 experiencing dizziness and a headache.

27 194. Mr. Ding told them he was very uncomfortable but they continued to
28 pepper him with assertions that Mr. Ding had punched Ferraro.

1 195. They continued to bully and intimidate Mr. Ding. Cooper and
2 Emamjomeh demanded Mr. Ding's supervisor's name and phone number and told
3 him that he would have to report being arrested.

4 196. While discussing the way Mr. Ding walked up to Ferraro, Emamjomeh
5 told Mr. Ding "If you did that to me, I would have punched you in the face."

6 197. Mr. Ding was thirsty from being left for hours in the beating July sun
7 in the back seat of the patrol car and then in the police station.

8 198. Mr. Ding told them that he was exhausted. Mr. Ding asked for water.

9 199. Officers brought him one single small paper cup of water.

10 200. They then refused to provide him with any more water. Mr. Ding
11 asked several times for water.

12 201. Instead, Cooper and Emamjomeh told Mr. Ding to write an apology
13 letter to Ferraro.

14 202. Instead of asking Mr. Ding what occurred, Cooper and Emamjomeh
15 told Mr. Ding the events and told him to sign an apology letter.

16 203. The first time Mr. Ding attempted to write the letter, he was so
17 disoriented that he could not write sentences that made sense. It was difficult for
18 Mr. Ding to breathe because he had a fractured rib.

19 204. Mr. Ding could not think straight from the crushing headache he had
20 as a result of the concussion Ferraro had inflicted on him.

21 205. Defendants then provided Mr. Ding with another piece of paper. Mr.
22 Ding wrote whatever Emamjomeh and Doe 6 wanted so that he could be taken to
23 get medical attention.

24 206. There was no legitimate legal purpose for obtaining an apology letter
25 from a concussed arrestee by denying him water, food and medical attention.

26 207. The only reason Richards, Cooper and Emamjomeh kept Mr. Ding in
27 custody for hours after Mr. Ding suffered a concussion was to cover up Ferraro's
28 misconduct.

1 208. Richards, Cooper and Emamjomeh knew that the surveillance footage
2 showed Ferraro to be the aggressor and that the District Attorney would reject the
3 case against Mr. Ding.

4 209. As soon as Mr. Ding signed an apology letter, Emamjomeh told Mr.
5 Ding he was under arrest.

6 **H. Defendants Finally Take Mr. Ding to the Emergency Room Only**
7 **After They Have Obtained the Coerced Apology**

8 210. By this time, Mr. Ding's wife, Ms. Jiang, had finally located Mr. Ding
9 after driving to Palomar hospital and Costco to search for her husband.

10 211. Cooper and Emamjomeh had not advised dispatch that they were
11 taking Mr. Ding to their substation and Dispatch had sent Ms. Jiang on a wild,
12 hours-long goose chase. Ms. Jiang had been in a full-blown panic for five hours
13 frantically searching for her missing husband.

14 212. Costco told Ms. Jiang that the ambulance had taken to the hospital but
15 the ambulance company refused to answer any questions. The ambulance company
16 finally gave Ms. Jiang the number of the nonemergency line at the SDPD.

17 213. After multiple attempts, Ms. Jiang spoke with an official on the SDPD
18 nonemergency line. This agent told Ms. Jiang to hold the line and called Doe 25,
19 who was the commander or the captain at the substation. This was a person Ms.
20 Jiang understood to be the person in charge of that station. Upon information and
21 belief, Doe 25 was Captain of SDPD's Northeastern Division.

22 214. Commander Doe 25 accepted this call on his cell phone. He told Ms.
23 Jiang to hold the line as soon as she identified Mr. Ding by name. He then walked
24 up to Mr. Ding who was in the parking lot about to be transported to the jail. He
25 placed his cell phone on Mr. Ding's shoulder so that he could speak to his wife.

26 215. Dispatch knew to connect Ms. Jiang with the Commander Doe 25 and
27 called him on his cell phone because they knew that he was aware of his
28 subordinates' conduct.

1 216. Commander Doe 25 knew what Ms. Jiang was calling about because
2 Lt. Brecht had reported it up the chain of command and Doe 25 was made aware of
3 the detectives' interrogation of Mr. Ding.

4 217. When Ms. Jiang called to ask for Mr. Ding, she was patched through
5 to the Commander because he already knew what had been transpiring with his
6 subordinates coercing a confession from a badly injured man.

7 218. Mr. Ding told Ms. Jiang that he was in great pain. Mr. Ding's voice
8 was weak, and his wife could not hear him clearly.

9 219. Ms. Jiang, who is a nurse, made a request to the Commander that Mr.
10 Ding be taken for medical care.

11 220. The commander then told Richards to take Mr. Ding to the Emergency
12 Room.

13 221. Richards complained that taking him to the hospital would be "a waste
14 of time" because it would be quicker for Mr. Ding to be processed and released at
15 the Jail.

16 222. Richards placed Mr. Ding back in tight handcuffs behind his back,
17 causing extreme pain to his shoulder and his wrists.

18 223. He refused to loosen them.

19 224. When they arrived at Scripps Health San Diego Emergency Room,
20 Richards took Mr. Ding out of the patrol car and told Mr. Ding that he had to be
21 searched again. Richards had already searched him, and Mr. Ding had been in an
22 interrogation room in police custody the entire time.

23 225. Richards again searched Mr. Ding in public in front of the hospital for
24 the purpose of humiliating the handcuffed Mr. Ding.

25 226. When he arrived at the hospital, Mr. Ding had an elevated blood
26 pressure of 164/92, and multiple abrasions to his knee, lower bilateral anterior chest
27 wall, right shoulder and on right side of his face.

28

1 227. Mr. Ding was not seen at the hospital until 8:30 p.m.,-approximately
2 five (5) hours after Richards detained and handcuffed Mr. Ding at Costco.

3 228. The ER doctor noted that Mr. Ding only had partial recall of the
4 incident involving Ferraro. Mr. Ding reported head pain, neck pain, right shoulder
5 pain, right sided rib pain and left knee pain.

6 229. Mr. Ding reported that he had lost consciousness after being slammed
7 to the ground.

8 230. Imaging taken at the ER showed a “right AC Joint separation,” *i.e.*, a
9 separated shoulder.

10 231. The differential diagnosis was fracture, dislocation, contusion and
11 concussion.

12 232. Mr. Ding was finally provided pain medication at 9:45 p.m.

13 233. The doctor noted, “The patient's presentation and medical history
14 required multiple tests and monitoring with moderate to complex medical decision
15 making in order to determine that the patient appears safe for Discharge.”

16 234. Mr. Ding’s right arm was placed in a sling.

17 235. As Mr. Ding was being discharged, Richards attempted to place Mr.
18 Ding back in handcuffs behind his back despite having been told Mr. Ding had a
19 dislocated shoulder and a fractured rib. The ER doctor would not permit this to
20 occur.

21 236. Richards finally agreed to handcuff Mr. Ding with his hands to the
22 front.

23 237. Mr. Ding was not discharged from the hospital until midnight and
24 booked at Central Jail for felony resisting arrest.

25 238. Mr. Ding was released from custody at 2 or 3 p.m. on July 3, 2024.

26 239. Because the criminal charge against Mr. Ding was a felony, bail was
27 set at \$20,000.

28 240. Mr. Ding paid the bail bond company a total of \$1,800.

1 241. Mr. Ding was in custody for a total of 23-24 hours.

2 **I. Mr. Ding Suffered Serious Harm from Defendants' False Arrest**

3 242. On July 11, 2024, the District Attorney's Office declined to file
4 charges against Mr. Ding.

5 243. On the day Mr. Ding was booked into jail, federal agents checked the
6 database of all people in custody in the County of San Diego. Checking the jails'
7 database occurs several times per shift throughout the day at DHS.

8 244. An agent who works with Mr. Ding saw that Mr. Ding had been
9 arrested for a felony.

10 245. Within a day or two, the agents who work with Mr. Ding knew that he
11 had been arrested and booked into the Central Jail with a felony.

12 246. This allegation that Mr. Ding assaulted an off-duty police officer was
13 forwarded to the United States Department of Homeland Security Office of
14 Professional Responsibility.

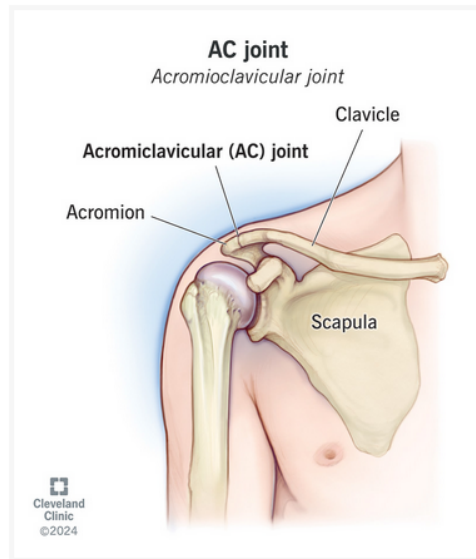
15 247. Nine months later, on April 8, 2025, after fully investigating this
16 allegation, the Deputy Assistant Director of Investigations cleared Mr. Ding of any
17 misconduct.

18 248. As a result of the misconduct of Defendants, Mr. Ding suffered
19 physical and emotional injuries.

20 249. As a result of his false arrest, Mr. Ding suffered significant reputational
21 harm and embarrassment.

22 250. X-rays taken the day after Mr. Ding's arrest showed 1) mildly
23 displaced fracture involving the right acromion; 2) separation of the right AC joint
24 and 3) nondisplaced fracture of the right rib cage at the T4 level. This is a depiction
25 of the acromion and the AC joint:

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The AC joint helps you rotate your shoulder and move it back-to-front.

<https://my.clevelandclinic.org/health/body/ac-joint-acromioclavicular-joint>

251. Mr. Ding was suffering from a headache, blurred vision, right shoulder pain and rib pain causing him to feel short of breath.

252. Two weeks later, a doctor noted unchanged fracture at the base of the right acromion.

253. By July 9, 2024, Mr. Ding was diagnosed with vertigo after suffering from dizziness with a spinning sensation when getting up or changing positions. He was continuing to suffer nausea, pain in the neck, right shoulder and right chest.

254. Mr. Ding missed work for four months as a result of his injuries.

255. Mr. Ding is suffering from ongoing injuries and pain from the assault.

J. Defendants Continue to Press Their False Accusations Against Mr. Ding

256. On July 9, 2024, Emamjomeh wrote a report. She presented the following misstatements and omissions: She wrote: Ding was transported to Scripps Mercy Hospital where medical staff advised Ding had a “space in right shoulder joint, requiring a sling.” According to his medical records, Mr. Ding

1 suffered a fracture, dislocation, contusion and a concussion. Emamjomeh excluded
2 all of Mr. Ding’s symptoms in her report.

3 257. Emamjomeh wrote that Ferraro told the bystanders to call 911. Ferraro
4 in fact told his wife to call 911 because he saw upset bystanders on the phone calling
5 911.

6 258. In writing her report, Emamjomeh then decided to call only Mr.
7 Taghavi and Mr. Hoven at 11 p.m. Instead of transcribing their statements,
8 Emamjomeh only included “paraphrased statements” which were now much more
9 favorable to Ferraro. Mr. Hoven told Emamjomeh that a female witness had seen
10 the entire event.

11 259. Emamjomeh did not call Ms. Delatorre, who had called 911 and had
12 provided a lengthy statement.

13 260. Cooper and Emamjomeh had officers write a report narrative for their
14 interviews of only Mr. Taghavi and Mr. Hoven.

15 261. Missing in the packet of reports submitted to the District Attorney was
16 any report narrative by Officer Godinez who had interviewed Ms. Delatorre.

17 262. On January 8, 2026, 18 months after the incident, Officer Godinez was
18 asked to draft a report narrative. This report was generated only after the Complaint
19 was filed in this case, and a news report had generated over 900,000 views on
20 youtube: <https://www.youtube.com/watch?v=C5xCt7X5uCE>

21 **II. Ferraro acted under color of law**

22 263. According to the witnesses, in the middle of shouting about his truck,
23 Ferraro yelled at Mr. Ding that he was a police officer.

24 264. Ferraro admitted that he told Mr. Ding more than once that he was the
25 police. Ferraro admitted that he did not do so immediately, but after Mr. Ding
26 refused to back down. While Ferraro’s initial verbal attack on Mr. Ding and the
27 first shove were as an off-duty officer, once he identified himself and shoved Mr.
28 Ding against the truck to detain him, he was acting under color of state law.

1 265. Ferraro told the investigating officers that he shoved Mr. Ding against
2 his truck in order to detain him.

3 266. After he knocked Mr. Ding unconscious, Ferraro yelled at the
4 bystanders that he was a police officer. He grabbed his badge and displayed it to
5 everyone around him. He then went back to Mr. Ding and sat on him, according to
6 a witness.

7 267. As a result of Ferraro identifying himself and displaying his badge, no
8 bystander approached Mr. Ding to assist him.

9 268. Ferraro wrote in his report that when he slammed Mr. Ding to the
10 ground he was “using a takedown technique to take him to the ground to facilitate
11 an arrest.”

12 269. The investigating officers initially agreed to charge Mr. Ding with a
13 Penal Code § 243 violation, which is a battery committed against a peace officer
14 engaged in the performance of their duties.

15 270. According to the Defendants, Ferraro was performing his duties at the
16 time of the incident.

17 271. Defendants ultimately charged Mr. Ding with a violation of Penal
18 Code § 69, which requires that the person knowingly resist, by the use of force or
19 violence, an officer in the performance of his or her duty.

20 272. The San Diego Police Department treated the incident from the
21 beginning as one involving law enforcement by announcing to all officers in the
22 Computer Assisted Dispatch that the call was a “cover now” of an officer in need
23 of backup.

24 273. Ferraro identified himself as a sergeant with SDPD to all bystanders,
25 Costco employees and the officers who responded to the scene.

26 274. Ferraro then approached people in the parking lot to ask them if they
27 had witnessed the event.

28

1 275. Ferraro asked the detectives about employment benefits related to his
2 injuries as work related because he had sustained a scrape to his toe and knee.

3 **III. Monell: SDPD's Pattern and Practice of Excessive Use of Force**

4 276. The San Diego Police Department has a long history of the use of
5 excessive and unnecessary force. It has a long history of supervisors acquiescing
6 to the misconduct of their subordinates.

7 **A. Ariel Savage and Daniel McClain**

8 277. On March 30, 2010, Shannon Robinson and Dante Harrell drove to
9 Canada Steak Burger on 36th and University to get lunch. Officers Savage and
10 McClain misread their license plate and initiated a traffic stop based on their error.
11 By the time the officers got out of the car, they already knew from Dispatch that
12 they had made a mistake. They nevertheless detained everyone in the car and
13 demanded drivers' licenses from the passengers.

14 278. When Ms. Robinson protested and called 911 to speak with a
15 supervisor, Savage and McClain used pepper spray, discharged the Taser on Mr.
16 Harrell, and dragged them out of the car.

17 279. Ms. Robinson had called to complain about officer misconduct, and 911
18 operator dispatched ten marked units, over a dozen officers and a helicopter to respond
19 to provide "cover for the officers."

20 280. These defendants then charged Ms. Robinson and Mr. Harrell with
21 violations of California Penal Code §§ 148 and 243(b), resisting arrest and battery
22 on a police officer.

23 281. During an interview with Internal Affairs, the investigators accused
24 Ms. Robinson and Mr. Harrell of violating the law by aggressively asking officers
25 questions. IA took no action against Savage or McClain.

26 282. In the order granting Plaintiffs' partial motion for summary judgment
27 on liability, taking the facts in light most favorable to the defendants, the Court
28 found that as a matter of law, Savage and McClain unlawfully detained the

1 occupants of the car. The Court found that as a matter of law, defendants unlawfully
2 arrested Ms. Robinson without probable cause.

3 283. Even after the Court issued this opinion in *Robinson v. City of San*
4 *Diego*, 954 F. Supp. 2d 1010, 1014 (S.D. Cal. 2013), the Department failed to
5 discipline or retrain any of the officers involved in the misconduct.

6 284. While *Robinson* was pending, Savage and McClain were reported to
7 IA by another citizen who alleged that they unlawfully arrested him and that Savage
8 accelerated and braked abruptly while transporting him in what they call a “rough
9 ride.”

10 285. One year after unlawfully detaining and arresting the plaintiffs in
11 *Robinson*, Savage and another officer falsely arrested yet another plaintiff in
12 downtown San Diego. In 2015, a federal jury in that case unanimously found that
13 Savage had falsely arrested the plaintiff without probable cause.

14 286. Ariel Savage was then promoted to Sergeant.

15 287. In 2014, Daniel McClain and other officers pointed their AR-15s at the
16 head of a black man who had committed no crimes for a period of ten minutes. The
17 victim had identified himself and it was evident he was not suspected of committing
18 a crime but they continued to point their guns at his head. By this time, McClain
19 had been made a supervisor.

20 288. Daniel McClain was then promoted to Sergeant.

21 289. As sergeants, Savage and McClain train and supervise other police
22 officers.

23 **B. Neal Browder**

24 290. On April 30, 2015, Officer Neal Browder of the San Diego Police
25 Department responded to a 911 call about a man making threats with a knife.
26 Browder arrived at the scene, where he encountered Fridoon Nehad walking at a
27 steady pace in Browder's direction. The surveillance footage showed Browder
28

1 exiting his vehicle and less than five seconds later, fatally shooting Nehad who had
2 been standing about seventeen feet away from him.

3 291. A few hours after the shooting, police investigators arrived at the
4 scene. They asked Browder whether he saw any weapons and where in the alley
5 they might be. Browder told the investigators that he had not seen any weapons.
6 Browder's attorney stopped the questioning and would not allow investigators to
7 ask Browder any more questions that night. The investigators did not find any
8 weapons in the alley, and determined that Nehad had been carrying a metallic blue
9 pen when Browder shot him.

10 292. On May 5, 2015, five days after the shooting, Browder and his attorney
11 met with homicide investigators at a police station. Police officials provided
12 Browder and his attorney with surveillance video of the shooting, which Browder
13 and his attorney reviewed in a police lieutenant's office for approximately twenty
14 minutes *before* the interview commenced. During the interview, Browder stated
15 that he first saw Nehad when Nehad was twenty-five to thirty feet from Browder's
16 car and that Nehad was "aggressing" the car and "walking at a fast pace ... right
17 towards [the] car." Browder also stated, for the first time, that he had thought Nehad
18 was carrying a knife, and that he had fired on Nehad because he thought Nehad was
19 going to stab him. See *S.R. Nehad v. Browder*, 929 F.3d 1125, 1131 (9th Cir. 2019).

20 293. This has been the ongoing pattern and practice within the Department
21 in which officers who engage in misconduct are given several days to meet with
22 their lawyers, view all footage of the incident, and come up with a story to justify
23 charging the victim with resisting arrest or being a threat.

24 294. One year after killing Mr. Nehad, Browder accidentally fired his gun
25 into a baby's crib during a probation check. There had been no reason for Browder
26 to have a gun pointed at a baby's crib in an empty bedroom.

27 295. The Department took no action.
28

1 296. As of 2020, Browder was receiving a total pay of \$249,946 from the
2 San Diego Police Department, having been promoted. As of 2022, Browder was
3 receiving a total pay of \$263,043 from the San Diego Police Department.

4 297. This was and is the culture inside the San Diego Police Department.
5 When an officer engages in misconduct and the use of excessive force, the
6 Department officials and supervisors engage in a coverup instead of an independent
7 investigation.

8 298. The ongoing pattern and practice are for Department officials to
9 review the footage and to share the information with the officers who had engaged
10 in misconduct so that they can get their story straight.

11 299. The ongoing pattern and practice are to disregard the statements of the
12 victims and to discredit the victims.

13 300. The ongoing pattern and practice are to engage in retaliation against
14 the citizen complainant.

15 301. The ongoing pattern and practice are to refuse to take corrective action
16 when officers engage in misconduct.

17 302. The ongoing pattern and practice are to cover up misconduct,
18 shrouding information in secrecy. See [https://voiceofsandiego.org/tag/neal-](https://voiceofsandiego.org/tag/neal-browder/)
19 [browder/](https://voiceofsandiego.org/tag/neal-browder/) Libby, Sarah, "Secrecy, Misinformation Defined Every Turn in Police
20 Shooting Case" August 17, 2021, last accessed June 12, 2025.

21 303. As outlined in Voice of San Diego, the Department withheld
22 information and documents involving the shooting of Mr. Nehad from the review
23 board.

24 304. Browder faced no consequences by IA even after the City of San Diego
25 paid 3 million dollars to Mr. Nehad's family.

26 **C. Officers Bainbridge, Dabbaghian, Duncan and Bigler**

27 305. In 2018, Johnathan Felix who worked as an executive sous-chef was
28 in the parking lot of McGregors Bar & Grill, where he would leave his car

1 overnight. There were four off duty San Diego police officers who had spent a
2 night drinking. One officer's tab included multiple shots of Jägermeister and
3 whiskey totaling over \$100. A physical confrontation followed where everyone
4 drew their firearms. Officers Bainbridge, Dabbaghian, Duncan and Bigler beat Mr.
5 Félix unconscious as he was trying to pedal away from them on his bicycle. Mr.
6 Felix sustained a fractured vertebra, a fractured hand, and head injuries requiring
7 three staples to close. One officer broke his own hand from the force of punching
8 Felix.

9 306. Instead of calling 911 to get the medics, the officers instead called their
10 watch commander.

11 307. The San Diego Police Department charged Mr. Felix with a crime for
12 having a weapon.

13 308. SDPD did not discipline any of the officers for beating a man
14 unconscious and fracturing his bones as he was pedaling away from them.

15 309. One year later, Officer Dabbaghian and another officer beat a man who
16 was experiencing a mental health crisis in a hotel lobby, resulting in a civil
17 settlement.

18 **IV. Monell: SDPD's Pattern and Practice of Actively Covering Up**
19 **Misconduct**

20 **A. The San Diego Police Department Has Been Shielding Officer**
21 **Misconduct from Commission on Police Practices for Years**

22 310. In 2020, 75% of San Diego voters approved Measure B, which
23 required the creation of a new police oversight body called the Commission on
24 Police Practices ("CPP"). It would have the power to independently investigate
25 complaints against officers and subpoena witnesses.

26 311. The approved ballot measure read, in part: "[t]he Commission would
27 also be required to receive, register, review, and evaluate all complaints against City
28 police officers. The Commission may investigate complaints, unless the

1 complainant has requested that a complaint be handled without investigation or
2 where no specific allegation or police officer can be identified.”

3 312. CPP was formed as a result of years long complaints by members of
4 the public that San Diego police officers were engaging in excessive force and
5 dishonest conduct that went unchecked. There had been a long history of the
6 Department refusing to investigate its own.

7 313. This included dismantling an existing early warning system, which
8 would have supervisors and the chain of command be notified when an officer
9 engaged in misconduct so that they could be monitored.

10 314. CPP was intended to have independent oversight over the misconduct
11 of police officers.

12 315. In response, the City of San Diego dragged its feet, taking years to set
13 up the commission. Despite the clear mandate of the public, to date, CPP still has
14 no power to conduct independent investigations because of the delays involving the
15 police union.

16 316. CPP may only rely on the investigations conducted by SDPD itself.

17 317. But, as KBPS reported in April of 2026, SDPD had been shielding the
18 vast majority of complaints from even the limited oversight by labelling them as
19 “miscellaneous,” a category the CPP is not permitted to review.

20 318. In 2025 alone, 481 out of 723 complaints received by the CPP were
21 labelled “miscellaneous.” When accounting for complaints resolved informally or
22 withdrawn, the CPP can review fewer than 1 in 7 complaints.

23 319. The mechanism behind this drastic limitation in oversight lies in how
24 complaints are internally processed. Every complaint receives a preliminary review
25 by a detective sergeant who can apply the “miscellaneous” label for a range of
26 reasons, including by deeming the complaint unfounded, frivolous or objectively
27 without merit, all after internal review and without CPP involvement.

28

1 320. If they classify a complaint as “miscellaneous,” the detective sergeant
2 prepares a memo summarizing the review and the basis for that classification and
3 submits it to an Internal Affairs lieutenant for approval.

4 321. Lyndsay Winkley, a spokesperson for the SDPD, said that 79% of
5 complaints as labeled miscellaneous.

6 322. CPP Executive Director Roger Smith has stated that CPP is actively
7 being prevented from doing its work in the vast majority of complaints received.

8 323. According to the KPBS reporting, the non-profit Pillars of the
9 Community filed a detailed three-page complaint on behalf of Muslah Abdul-
10 Hafeez, whose 2024 arrest left his then 3-year-old daughter with a complete stranger
11 in the middle of a shopping center. Pillars provide the date and location of the
12 incident and cited six specific policy and law violations. In response, the SDPD
13 labeled the complaint as “miscellaneous,” effectively blocking any independent
14 review.

15 324. SDPD’s thwarting of CPP creates a culture of impunity for
16 misconduct, and conveys to its officers the departments support for covering up
17 misconduct and avoiding accountability. SDPD refuses to allow CPP to investigate
18 more than 14 percent of complaint; SDPD’s refuses to provide investigative
19 materials unless an SDPD officer conducts the initial screening and decides the case
20 warrants a review by CPP. This is despite the clear language of the bill which passed
21 with overwhelming majority of the voters of this County. CPP was supposed to be
22 given independence and autonomy. This has never happened in the six years since
23 the bill passed because SDPD has dragged its feet.

24 325. Though Chief Scott Wahl agreed in August of 2025 to share
25 summaries of “miscellaneous” complaints with the CPP, as of the time of
26 publication eight months later, none had been given to CPP.

27
28

1 326. To date, Chief Wahl has never made any information public and
2 continues to endorse the process of hiding facts from CPP and preventing its
3 investigation.

4 327. Neither the CPP nor the City of San Diego has ever answered why the
5 SDPD is permitted to limit the scope of CPP's complaint oversight despite the clear
6 mandate of the voters.

7 **B. SDPD Does Not Implement Reforms on Officer Misconduct**
8 **Despite Telling City Council It Already Had**

9 328. On June 3, 2020, the Voice of San Diego published an article titled
10 "SDPD Reforms Have Come in Stops and Starts, Without Much Follow-Up."²
11 According to article, the Department had told the City Council in 2017 that it had
12 implemented 40 recommendations after Police Executive Research Forum (PERF)
13 conducted a review.³ And yet, court cases revealed those reforms had not worked
14 as planned and that the Council had done little to follow up.

15 329. Voice of San Diego reported that a memo signed by then-Police Chief
16 Zimmerman stated that all 40 of the proposed changes had been put in place. But
17 behind closed doors, according to one elected official, Zimmerman dragged her feet
18 on implementation and resisted the reforms.

19 330. For example, PERF suggested that the entire chain of command have
20 access to negative performance reviews and civil lawsuits against individual
21 officers as a part of an early intervention system. Supervisors would be required to

22 ² Jesse Marx, *SDPD Reforms Have Come in Stops and Starts, Without Much*
23 *Follow-Up*, Voice of San Diego (June 3, 2020), available at
24 <https://voiceofsandiego.org/2020/06/03/sdpd-reforms-have-come-in-stops-and-starts-without-much-follow-up/>

25 ³ Founded in 1976 as a nonprofit organization, the Police Executive Research
26 Forum (PERF) is a police research and policy organization and a provider of
27 management services, technical assistance, and executive-level education to
28 support law enforcement agencies. PERF helps to improve the delivery of police
services through the exercise of strong national leadership; public debate of police
and criminal justice issues; and research and policy development.

1 review their employees on a monthly basis and look for signs of problematic
2 behavior before it manifested into something more severe.

3 331. The Voice of San Diego found that case after case demonstrated that
4 supervisors routinely missed red flags and even if they took a closer look at an
5 officer’s history and found something concerning, they were not required to follow
6 up or provide a written record.

7 332. The article highlighted the fact that Internal Affairs never even
8 interviewed Officer Neal Browder after he killed a man. The shooting did not even
9 come up during his performance reviews.

10 333. When a legislator questioned why the recommendations were taking
11 so long to implement, then-Chief Zimmerman would accuse her of being “against
12 the cops.”

13 **C. SDPD Does Not Maintain Officer Discipline Records**

14 334. On March 8, 2023, *inewsourc*e and KPBS published an article titled
15 “These Officers Committed Misconduct. But What Were the Consequences?”⁴

16 335. California’s Senate Bill 16, which went into effect in 2022, requires
17 California police agencies to release records on several categories of misconduct,
18 including discrimination, excessive force and unlawful searches and arrests.

19 336. SB 16 only covers cases where findings were sustained — if Internal
20 Affairs exonerates an officer or refuses to conduct an investigation, the records do
21 not have to be disclosed.

22 337. When the San Diego Police released the records as required by law, a
23 third of the reports were missing disciplinary records, as the article reported:
24
25

26 ⁴ Jill Castellano and Gustavo Solis, *These officers committed misconduct. But*
27 *what were the consequences?*, INEWSSOURCE and KPBS (Mar. 8, 2023), available
28 at [- 42 -](https://inewsourc<i>e.org/2023/03/08/sb16-police-transparency-misconduct-</i>
<i>discipline-san-diego/</i></p></div><div data-bbox=)



12 338. Out of the total 93 cases of sustained misconduct released in 2023, a
13 third were for officers causing physical harm to citizens, with excessive force
14 ranging from punching to hitting with a flashlight to using carotid restraints for too
15 long. Six of those excessive force cases were missing disciplinary records,
16 including:

- 17
- 18 • An officer who pressed his elbow into a suspect’s head for 40 seconds and failed to document it;
 - 19 • An officer who released a police dog on a man with his hands in the air; and
 - 20 • An officer who hit a man with a flashlight who was running away, then
 - 21 shoved him after he was in handcuffs.
- 22

23 339. A quarter of the total cases were for discrimination, with officers
24 making racist, homophobic or sexually suggestive comments to members of the
25 public and other sworn personnel. Half of those cases were lacking disciplinary
26 records, including:

- 27
- 28 • An officer who used a racial slur while saying he killed Black people for a living;

- 1 • An officer who had sexual photos of women in his cubicle and sent an
2 email using a homophobic slur; and
- 3 • An officer who told a prisoner to “walk to the back of the bus like Rosa
4 Parks”

5 340. A captain overseeing police records stated that one reason for the
6 missing disciplinary action was due to the officer’s not receiving formal discipline,
7 but rather only a verbal warning, that does not stay in the officer’s employment
8 files.

9 341. One such case with missing disciplinary action was Officer Timothy
10 Romberger. In 2017, a simple call to the police about three young people being
11 drunk in public ended with one young man bleeding from his face after being
12 smashed into a police vehicle and another young man covered in pepper spray, in
13 the back of a police car. IA found Romberger violated policy by using excessive
14 force five times during the arrest of the three young Black males and refusing to
15 provide the arrestee medical care.

16 342. There is no record of Romberger being disciplined. As *inewsourc*
17 reported, Romberger was not fired over this incident, but went on to face two
18 additional IA investigations the following two years. Romberger was only fired
19 after he held a gun to his fiancé’s head, pled guilty to felony assault and was
20 sentenced to six months in jail.

21 **D. Allegations of Retaliation Brought by Officer Allyson Ford**

22 343. According to a lawsuit filed by retired officer Allyson Ford, a Captain
23 of the Mid-City division accidentally chose another officer over her in the “horse
24 trade” of officers. In a group meeting, Captain Bell asked a group of officers
25 “Where’s the hot young blonde that I picked?” One of the new recruits explained
26 that Captain Ball had inadvertently chosen a different name starting with the same
27 letter placed next to Plaintiff’s on the horse trade list. Captain Ball stated: “You
28 mean I accidentally picked a short, fat, Asian guy?” According to the Mid-City

1 officer, all the new recruits laughed at Captain Ball's pejorative and harassing
2 statements.

3 344. In 2020, when Officer Ford reported the misconduct of her then-
4 husband and fellow officer who had threatened physical violence, she faced serious
5 retaliation by fellow officers.

6 345. Officer Ford alleged that when she reported the retaliation to IA, they
7 chose to take no action.

8 **E. Allegations of Corruption, Cover Up and Retaliation Brought by**
9 **Captain Leos**

10 346. Alberto Leos, a Captain with the San Diego Police Department,
11 discovered documents were illegally forged under his name by other officers within
12 the Department in order to cover up or to reduce punishment for officer misconduct.

13 347. On or about June 8, 2021, official city documents were prepared for
14 Officer Katherine Lonthair with findings of a Cat-III collision (punishment for a
15 Category III finding is 240 hours of suspension (24 workdays) and an 8-hour traffic
16 class). Officer Lonthair, with the assistance of her attorney, appealed the collision
17 findings. On August 6, 2021, Lieutenant Duane Voss upheld the Cat-III findings.
18 Captain Leos was not part of the original findings nor the appeal process. So
19 Captain Leos was surprised when on December 16, 2021, Captain Jeffery Peterson
20 called him into his office thanking him for changing Officer Lonthair's Cat-III
21 findings, to a Cat-II (reprimand with 8-hour traffic class). Captain Leos reviewed
22 the documents and discovered that they were in fact changed from Cat-III to Cat-II
23 without his knowledge or permission, and the documents were fraudulently
24 prepared with his name on the documents. Captain Leos called his subordinate
25 Sergeant Brandy Sorbie to inquire further. Sorbie informed him that Leos' direct
26 supervisor, Chief Terrence Charlot had instructed Sorbie to change Officer
27 Lonthair's collision from a Cat-III to a Cat-II and to forge Captain Leos' signature.

1 348. Captain Leos, shocked at this admission, inquired whether there were
2 other, similar situations. Sorbie advised him there had been another case involving
3 Officer Victoria Hickman in which Chief Charlot instructed Sorbie to reduce
4 Hickman’s report from a Cat-III to a Cat-II. Captain Leos requested Sorbie resubmit
5 Lonthair’s documents with Chief Charlot’s name instead of his.

6 349. On January 12, 2022, Executive Chief Chris McGrath and Chief
7 Charlot emailed Leos inviting him to a meeting the following day. Captain Leos
8 inquired about the reason for the meeting and asked if he was in trouble. Chief
9 Charlot responded “Maybe yes, maybe no.” The next day, McGrath and Charlot
10 met with Leos and began berating Leos, accusing him of being unsupportive of
11 “Unit #1”, a reference to Chief Dave Nisleit (“Chief D. Nisleit”). Chief McGrath
12 referred to the Cat-III documents and demanded that Captain Leos “go along with
13 the program.”

14 350. Captain Leos told Chief McGrath that the documents were changed by
15 Chief Charlot without his permission after being upheld on appeal, and that this was
16 illegal. Chief McGrath told Leos to “go along with the program.” Captain Leos
17 requested Chief McGrath investigate Chief Charlot’s illegal acts. Chief McGrath
18 responded, “No, we are just having a conversation here.”

19 351. Officer Ryan Nisleit (“Officer R. Nisleit”) is the son of Police Chief
20 Nisleit, who was the immediate predecessor of Chief Wahl.

21 352. R. Nisleit was involved in a collision on April 3, 2020 and was never
22 disciplined.

23 353. Chief Nisleit’s friend, Captain Danny Grubbs, was the Captain at the
24 Central Division where Officer R. Nisleit was assigned at the time of the collision.
25 After Captain Leos gave Grubbs the documents recording a Cat-III collision
26 finding, Captain Grubbs called Captain Leos stating that he disagreed with the
27 findings. Captain Leos informed Captain Grubbs he should not get personally
28 involved and there was an appeal process Officer R. Nisleit could follow.

1 354. Two years later, on February 14, 2022, several community members
2 went to the media and social media and demanded an investigation into Chief
3 Nisleit for changing his son's collision from Cat-III to Cat-II. They demanded a
4 formal investigation into Chief Nisleit's son.

5 355. On February 15, 2022, Chief Nisleit called Captain Leos regarding the
6 community activists. Chief Nisleit requested to meet at a Starbucks in La Mesa to
7 discuss the community activist and insinuated that Captain Leos had leaked the
8 information. Chief Nisleit asked about Officer R. Nisleit's collision and why
9 Captain Leos disagreed about the Cat-III collision, making Captain Leos feel
10 uncomfortable. Captain Leos provided Chief Nisleit with the background of his
11 issues with Chief Charlot, the fraudulent collision reports, and his pushback on the
12 issues, creating a stressful, hostile work environment at the Traffic Division.
13 Captain Leos also advised him that Chief Charlot had threatened Captain Leos on
14 many occasions for not being "loyal" to him and the "7th floor."

15 356. In response, Chief D. Nisleit admitted to Captain Leos that he directed
16 Chief Charlot to change the discipline on Cat-III documents, but not to change them
17 to Cat-II's.

18 357. On March 8, 2022, Captain Leos received a call from David McKean,
19 Supervising Investigator with City Attorney's Office, Fraud/Criminal Division
20 requesting to ask a few questions in a confidential investigation regarding the
21 allegations involving R. Nisleit. Captain Leos told McKean that to his knowledge,
22 many of the allegations made by community members had truth to them, and that
23 he had evidence and witnesses to back the allegations against Chief Nisleit and the
24 other Chiefs.

25 358. Several months passed with no feedback from McKean. Captain Leos
26 emailed him requesting an update on his investigation. Investigator McKean
27 responded that did not find any substantiation to the allegations. Captain Leos
28 reiterated that he had evidence which was never reviewed and witnesses who were

1 never interviewed. In response, McKean, who was supposed to be conducting an
2 independent investigation on behalf of the City Attorney, stated he was “looking
3 out for the department heads and the city.”

4 359. On January 13, 2022, a White police officer named Christopher Pate
5 was in the station break room with an Acting Sergeant and other police officers.
6 Officer Pate showed a video that depicted a white man on a motorcycle and a
7 chimpanzee getting upset after being removed from the motorcycle. Pate pointed
8 to the chimpanzee and referred the animal to a Black officer. A publicly available
9 reprimand was issued by Captain Leos, transferring Pate from the Traffic Division,
10 which was led by Captain Leos at the time. There is no indication that after being
11 transferred out of Captain Leo’s division Pate received any discipline. Public
12 records show that Pate continued to receive approximately 250,000 in 2022 and
13 2023 in total pay and benefits.

14 360. Racism and misconduct was so rampant within the SDPD that officers
15 openly compared Black officers with primates in front of fellow officers and
16 supervisors.

17 361. Less than one week after being sworn in as the Chief, Wahl announced
18 a significant restructuring plan on how tax payer money would be spent. Chief
19 Wahl had been preparing for his leadership and policy changes.

20 362. The plan called for the creation of three new positions. First was a
21 Communications Manager who would focus on communicating with the media. A
22 second position was a Community Liaison Officer who would help “coordinate our
23 messaging.” A third new position was a Government Affairs Advisor, who would
24 help the Police Department engage with state and federal elected officials and their
25 staffers, to make sure they were meeting the police officers’ needs when there are
26 legislative changes.

27
28

1 363. Nowhere in this plan did Chief Wahl discuss professional standards,
2 accountability, or building public trust by substantively dealing with training and
3 discipline. Wahl's focus from the beginning was PR.

4 364. As the Assistant Chief, Wahl oversaw the Northern Patrol Branch,
5 Southern Patrol Branch, the Investigative Branch, Special Operations Branch and
6 Neighborhood Services Branch. He was intimately familiar with the multiple
7 allegations by his own employees that there had been a long tradition of covering
8 up misconduct only to promote the bad actors. Yet, he did nothing.

9 **F. The Existing Culture Within the Department**

10 365. The lengthy history of supervisors refusing to investigate and
11 discipline officer misconduct ranging from excessive force, sexual harassment and
12 racism created a culture in which officers believe they are above the law.

13 366. There has been a long tradition of looking the other way and retaliating
14 against officers who come forward to report misconduct.

15 367. There exists a culture and a code of silence.

16 368. Ferraro screamed "you Chinese piece of shit" to a man in public and
17 knocked him unconscious because he knew he would be protected by his badge and
18 his fellow officers.

19 369. Richards, Cooper and Emamjomeh mistreated Mr. Ding to cover for
20 a fellow officer because that was the existing pattern of conduct within the
21 Department and they knew they could get away with it.

22 **FIRST CAUSE OF ACTION**

23 **Excessive Force (42 U.S.C. § 1983)**
24 **(Against Defendants Ferraro, Richards, Ambrose, Lewis, Cooper, and**
Emamjomeh, and Does xxx)

25 370. Plaintiff realleges all prior paragraphs of this complaint and
26 incorporates the same herein by this reference.

27 371. Defendant Ferraro identified himself as "the police" then used so much
28 force that he dislocated Mr. Ding's shoulder.

1 372. According to Ferraro, he was attempting to detain Mr. Ding when he
2 shoved Mr. Ding against his truck and when he slammed him down.

3 373. There was no basis for the use of such force in picking up a man and
4 slamming him down onto concrete, causing a concussion.

5 374. Ferraro used such force on an unarmed man that he lost consciousness.

6 375. Because Mr. Ding had broken no laws, there was no basis to detain
7 him in the first instance. Any use of physical force was unconstitutional.

8 376. Richards knew immediately that Mr. Ding was a federal law
9 enforcement officer because he saw Mr. Ding's identification card used to access
10 the federal building. Richards knew Mr. Ding presented no threat and had a serious
11 injury, yet he told Mr. Ding he was in handcuffs because Richards didn't "know
12 him."

13 377. Defendant Richards immediately handcuffed Mr. Ding when he
14 arrived at the Costco parking lot without asking Mr. Ding a single question.
15 Richards left Mr. Ding in his patrol car for hours. He knew that Mr. Ding was in
16 pain from being handcuffed behind his back. Instead of double cuffing or cuffing
17 Mr. Ding to the front, he left Mr. Ding in handcuffs so tight that they were cutting
18 off the circulation to his hands.

19 378. Richards continued to use his handcuffs to cause Mr. Ding unnecessary
20 suffering when he handcuffed Mr. Ding while transporting him to the hospital. He
21 then tried to handcuff Mr. Ding behind his back even after he had been told that Mr.
22 Ding had a dislocated shoulder and a rib fracture and saw that Mr. Ding's arm was
23 placed in a sling in the Emergency Room.

24 379. The only reason for the tight handcuffs was in retaliation for the
25 argument Mr. Ding had gotten into with Richard's fellow officer.

26 380. Defendants Ambrose, Lewis, Cooper, and Emamjomeh, and Does xxx
27 continued to keep Mr. Ding handcuffed to his back despite his repeated pleas.
28

1 381. There was no need and no justification for using handcuffs to cause
2 unnecessary pain.

3 **SECOND CAUSE OF ACTION**

4 **Wrongful Detention and False Arrest (42 U.S.C. § 1983)**
5 **(Against Defendants Ferraro, Richards, Brecht, Cooper, Emamjomeh,**
6 **and Does 5-25)**

7 382. Plaintiff realleges all prior paragraphs of this complaint and
8 incorporates the same herein by this reference.

9 383. 42 U.S.C. § 1983 provides in part:

10 384. Every person who, under color of any statute, ordinance, regulation,
11 custom, or usage of any State or Territory subjects, or causes to be subjected, any
12 person of the United States or other person within the jurisdiction thereof to the
13 deprivation of any rights, privileges, or immunities secured by the Constitution and
14 laws shall be liable to the party injured in an action at law, suit at equity or other
15 proper proceeding for redress.

16 385. Plaintiff had a firmly established right under the Fourth Amendment
17 to be free from unreasonable seizure.

18 386. A detention without reasonable suspicion that a citizen has committed
19 a crime violates the Fourth Amendment prohibition on unreasonable searches and
20 seizure.

21 387. A police officer may stop and briefly detain a citizen based on a
22 reasonable suspicion of involvement in a crime.

23 **A. Ferraro**

24 388. Defendant Ferraro identified himself as “the police” then used force
25 and threats to unlawfully detain Mr. Ding.

26 389. Ferraro then flashed his badge and told the bystanders and responding
27 officers that he was a sergeant with SDPD.

28 390. There was no basis to detain Mr. Ding who had committed no crimes.

1 391. Ferraro never told Mr. Ding that he was under arrest. Because Ferraro,
2 who was in plain clothes, never told Mr. Ding that he was being arrested, it was not
3 possible for Mr. Ding to resist arrest.

4 392. A search or seizure is reasonable only if it falls within one of a few
5 well established and carefully delineated exceptions to the warrant requirement.
6 There was no basis for Ferraro to detain or arrest Mr. Ding who was the victim not
7 the aggressor.

8 393. Defendant Ferraro then conspired to have Mr. Ding charged with
9 felony resisting an officer by fabricating a story that he was placing Mr. Ding under
10 arrest.

11 **B. Richards**

12 394. Defendant Richards searched, handcuffed and detained Mr. Ding when
13 he knew that witnesses identified Ferraro as the aggressor.

14 395. He knew through Dispatch that witnesses had reported Mr. Ding did
15 not assault Ferraro.

16 396. Ferraro denied Ding hit him or punched him. Indeed, he told the
17 officers he may have shoved Mr. Ding first. Ferraro admitted he shoved Mr. Ding
18 again against the truck before knocking him unconscious.

19 397. As Richards grabbed Mr. Ding's arms, Mr. Ding protested in pain. He
20 pulled Mr. Ding's arms back and forced them into handcuffs.

21 398. When a witness asked why Richards didn't detain Ferraro, he ignored
22 her.

23 399. Richards told Mr. Ding, "you are not free to leave."

24 400. At no time did Richards or anyone else place handcuffs on Ferraro or
25 detain him.

26 401. Richards saw that Mr. Ding had been slammed onto the concrete
27 ground of the parking lot, dazed and bruised. and saw the medics place him on a
28

1 gurney. The only information Richards had was that 1) Mr. Ding had visible
2 injuries; 2) Mr. Ding had been lying on the ground; and 3) Ferraro had no injuries.

3 402. Richards kept Mr. Ding in handcuffs in the backseat of his patrol car
4 from approximately 3 p.m. until Mr. Ding was transported to the jail by another
5 officer. He told Mr. Ding multiple times that he was being detained and that he was
6 not free to leave. He did so when he knew that bystanders had identified Ferraro as
7 the assailant, not Chu Ding.

8 **C. Brecht, Cooper and Emamjomeh**

9 403. There was no legal basis for fourteen police officers in ten patrol cars
10 to detain Mr. Ding in the back of a patrol car in a public parking lot for hours. There
11 was no reason why they delayed providing Mr. Ding with due process, which would
12 have included access to a telephone, medical attention and the ability to bail out of
13 custody in a timely fashion.

14 404. These defendants knew that there was footage from inside Costco.
15 They obtained and reviewed the footage shortly after they arrived at Costo. Within
16 half an hour, officers had confirmation of the veracity of the eyewitness accounts.
17 The video showed Ferraro advancing towards Mr. Ding, shoving him away;
18 shoving him against the truck; then slamming Mr. Ding to the ground.

19 405. Brecht, Cooper and Emamjomeh had witness statements and video
20 evidence that Ferraro had committed a serious crime.

21 406. For hours, they stood around talking to each other and Ferraro, firming
22 up Ferraro's version of events. Mr. Ding was detained without basis during those
23 hours.

24 407. In order to phony up a felony charge against Mr. Ding, Brecht told Sgt.
25 Johnson not to cite and release Mr. Ding.

26 408. Brecht then told the officers to "hold off" when they were about to
27 send Mr. Ding to the hospital in an ambulance.

28

1 409. Not long after that, the ambulance left without Mr. Ding who was then
2 placed in the back of the patrol car. Upon information and belief, this occurred
3 because Brecht and the SDPD public relations officer were making phone calls to
4 do damage control by setting up a false arrest of Chu Ding.

5 410. Brecht had Cooper and Emamjomeh come to the parking lot so that
6 they could coach Ferraro into a statement they could use to charge Mr. Ding with a
7 felony.

8 411. Cooper and Emamjomeh arrested and charged Mr. Ding with a
9 violation of Penal Code 69 despite the fact that Ferraro never gave Mr. Ding any
10 commands and never told him he was under arrest.

11 412. In order to be guilty of Penal Code 69, the person making the arrest
12 must be an executive officer acting in the lawful performance of their duties and the
13 suspect must use threats, violence, or force to deter or prevent them from
14 performing those duties. Ferraro was not engaged in the lawful performance of his
15 duties because at the time of the arrest, the only thing he was engaging in was to
16 getting out of his truck screaming “what the hell” and what the F” and call Mr. Ding
17 a Chinese piece of shit before shoving him.

18 413. They knew that this was a baseless charge.

19 414. In order to make sure that Mr. Ding would be charged with a crime,
20 they brought the battered and injured Mr. Ding into their station for interrogation.

21 415. They knew that Mr. Ding was suffering from a concussion and serious
22 injuries.

23 416. They told Mr. Ding that he had to write an apology letter.

24 417. They knew that Mr. Ding was dazed and not fully appreciating what
25 was occurring as a result of his head injury.

26 418. These defendants denied Mr. Ding rest or any food into the evening.

27 419. They repeatedly denied Mr. Ding any water.
28

1 420. They knew that Mr. Ding had been sitting in the back of a patrol car
2 for hours in the sun before being brought to the interrogation room.

3 421. They saw that Mr. Ding could not even write a few sentences.

4 422. They then gave Mr. Ding a fresh sheet of paper so that he could tell
5 them what they wanted to hear.

6 423. They knew that there was no basis and no probable cause to arrest Mr.
7 Ding. They knew that Ferraro had committed a crime by assaulting and battering
8 Mr. Ding but decided to bring false charges in order to cover up Ferraro's
9 misconduct.

10 **THIRD CAUSE OF ACTION**

11 **Denial of Medical Care (42 U.S.C. § 1983)**

12 **(Against Defendants Brecht, Cooper, Emamjomeh, and Does 6-18 and 25)**

13 424. Plaintiff realleges all prior paragraphs of this complaint and
14 incorporates the same herein by this reference.

15 425. Under the Fourth Amendment, Mr. Ding was entitled to reasonable
16 medical care.

17 426. The Fourth Amendment requires law enforcement officers to provide
18 objectively reasonable post-arrest care.

19 427. Brecht would not let the ambulance take Mr. Ding to the hospital to
20 receive treatment for his separated shoulder and his concussion.

21 428. Brecht, the most senior officer on the scene, permitted his officers to
22 refuse to take the handcuffs off when Mr. Ding was on a gurney. Being handcuffed
23 to the back while lying on a gurney is extremely dangerous and can cause serious
24 pain and injury to someone's wrists. He also knew that this was against policy and
25 standard procedure.

26 429. A patient being handcuffed to the back prevents EMTs from getting
27 accurate readings and being able to provide any meaningful medical care. A patient
28 is not able to breathe normally when positioned this way.

1 430. Upon information and belief, Brecht and Does 6-10 sent the ambulance
2 away and placed Mr. Ding in the backseat of a patrol car. This decision delayed
3 Mr. Ding's medical care for hours.

4 431. Cooper and Emamjomeh delayed Mr. Ding's medical care until 9:30
5 p.m. in the evening by taking him to the substation instead of the hospital to treat
6 his serious injuries. They knew from the witness accounts and the video footage
7 that Ferraro smashed Mr. Ding in the head and shoulder.

8 432. Does 11 to 18 and 25 supervised and directed the defendants named
9 above in their denial and withholding of medical care.

10 433. These defendants not only denied Mr. Ding his pain medication and
11 assessment by a doctor, they denied him the most basic and humane treatment by
12 refusing to give him water until Mr. Ding would agree to write a confession.

13 **FOURTH CAUSE OF ACTION**

14 **Failure to Supervise and Discipline (42 U.S.C. § 1983)**
15 **(Against Defendants Wahl, Brecht, and Supervisory Does 11-18, 25)**

16 434. Plaintiff realleges all prior paragraphs of this complaint and
17 incorporates the same herein by this reference.

18 435. As alleged above, Brecht was present at the Costco parking lot
19 overseeing the operation. It was Brecht's failure to properly supervise that led to
20 Mr. Ding's detention and false arrest.

21 436. Chief Wahl, as a matter of custom, practice and policy, failed to
22 supervise police officers to prevent, deter and punish the unconstitutional and
23 excessive use of force.

24 437. Upon information and belief, Wahl and Doe number 8, believed to be
25 the Captain or the Commander of the Northeastern Division were notified by Lt.
26 Brecht that one of theirs had just knocked a federal officer out. Upon information
27 and belief, Wahl and Does 8-12 were informed of Brecht's plan to charge Chu Ding
28 with a felony in order to avoid a PR nightmare.

1 438. When Mr. Ding's wife called SDPD, the operator immediately
2 connected her with the Commander by his cellphone who immediately know who
3 Chu Ding was and knew that he was about to be transported to jail.

4 439. Upon information and belief, Wahl and supervisory Does had been
5 fully informed that a PR disaster was brewing and sent the Department's
6 spokesperson to the scene to coordinate the messaging. This lead to Chu Ding's
7 wrongful detention and false arrest.

8 440. Upon information and belief, Wahl and other supervisory Does were
9 advised that an ambulance had left without the seriously injured Chu Ding. They
10 took no action to ensure he would receive prompt medical attention.

11 441. These supervisory defendants condoned and acquiesced in the abusive
12 behavior of police officers by refusing to retrain them, discipline them, or correct
13 their abusive behavior.

14 442. Wahl served in the Chain of Command for years, including time as the
15 Assistant Chief, during which he was preparing for leadership as Chief.

16 443. Wahl already had a fully formulated plan and publicly announced his
17 priorities and newly created positions just one week after being sworn in as the
18 Chief.

19 444. He made clear to all officers that his priorities were public relations by
20 creating three leadership positions that centered around the Department's
21 messaging and image. He made no mention of accountability.

22 445. One of Wahl's primary priorities and objectives as the Chief was the
23 Department's PR. In the face of mounting complaints of officer misconduct,
24 excessive force, and dishonesty, Wahl created positions within the department for
25 public relations, not accountability.

26 446. In keeping with this goal, Chief Wahl or someone in the chain of
27 command sent a spokesperson to make decisions about Chu Ding's account that
28 would make the Department look good.

1 447. The lack of adequate supervision and discipline caused plaintiff's
2 damages.

3 **FIFTH CAUSE OF ACTION**
4 ***Monell (42 U.S.C. § 1983)***
5 **(Against Defendant City of San Diego)**

6 448. Plaintiff realleges all prior paragraphs of this complaint and
7 incorporates the same herein by this reference.

8 **A. The Moving Force Behind Ferraro's Misconduct**

9 449. Ferraro's conduct was so outrageous that multiple bystanders
10 contacted called 911 to report his crime. Ferraro told the investigators that every
11 person there was against him, condemning his conduct.

12 450. Ferraro engaged in this conduct, screaming profanities and racial slurs
13 in public, because his badge gave him the license to abuse others. He believed he
14 could behave this way because the longstanding culture of violence and misconduct
15 within SDPD not only tolerated this appalling behavior but promoted him to
16 sergeant for it. And in fact, Ferraro was correct that he did get away with it.

17 451. This was a result of the City's persistent pattern in not disciplining
18 officers who had engaged in similar misconduct: Savage, McClain, Bowder,
19 Bainbridge, Dabbaghian, Duncan and Bigler and many others. These officers were
20 not disciplined even after inflicting serious injuries or even death. They then
21 engaged in more violent misconduct only to get away with it again. In each of their
22 cases, these officers relied on their chain of command to get them out of trouble.
23 Savage, McClain, Bowder, had been promoted to supervisory roles after a lengthy
24 pattern of abusing citizens. They then trained and supervised others to behave in
25 the same way.

26 452. There had been a long history of SDPD failing to discipline officers in
27 the most egregious conduct including sergeants threatening physical abuse on their
28 spouses.

1 453. There had been a long history of supervisors routinely missing red
2 flags in reviewing their subordinates' performance and even if they took a closer
3 look at an officer's history and found something concerning, they were not required
4 to follow up or provide a written record.

5 454. The Department got rid of its early warning system, which served to
6 identify and correct dangerous conduct rather than rewarding officers who engaged
7 in excessive force with promotion.

8 455. PERF suggested that the entire chain of command have access to
9 negative performance reviews and civil lawsuits against individual officers as a part
10 of an early intervention system. SDPD publicly claimed to have accepted PERF's
11 recommendations, but in practice dragged their feet on implementing them,
12 allowing a culture permissive of excessive force to persist.

13 456. There had been a long history of normalizing and accepting racist
14 behaviors. Even in rare cases the Department sustained the complaint of
15 misconduct for racist conduct, SDPD would not then maintain those discipline
16 records. This ensured that no one would know if there was any meaningful
17 discipline for outrageous conduct and it made it possible to bury it.

18 457. Because the City never implemented an early warning system and
19 permitted lawlessness to go unchecked, officers like Jonathan Ferraro engaged in
20 outrageous misconduct in public without any fear of consequences.

21 **B. The Moving Force Behind the Coverup**

22 458. Every employee of the San Diego Police Department willingly
23 participated in the coverup of Ferraro's crime.

24 459. When three citizens called to report Ferraro's assault, every 911
25 operator who answered the calls input the information in the system as "cover now"
26 for an officer instead of a battery on Chu Ding. All three witnesses had called to
27 complain about Ferraro slamming Mr. Ding to the ground. The operators, who are
28 SDPD employees, identified Ferraro as the victim who needed assistance instead of

1 Mr. Ding, labeling the event as category 0, which requires immediate action for an
2 officer in need of back up. They called for ten marked units to respond to Costco.

3 460. Not a single 911 operator asked the callers if Mr. Ding was injured or
4 needed a medic. When Jessica Ferraro called 911, the operator asked if her
5 husband, the officer, was injured. This consistent reaction by the six 911 operators
6 on separate calls shows the pattern and practice of San Diego to cover for one of
7 their own.

8 461. Two Dispatch operators called their chain of command to report an
9 officer involved incident so that they could immediately contact the lieutenant.

10 462. While hanging up on one of the callers who complained about Ferraro
11 and chastising another caller for the way he was speaking to Ferraro, a 911 operator
12 and her supervisor stayed on the call with Jessica Ferraro to provide emotional
13 support until they verified an officer had arrived at the parking lot and was speaking
14 to Jonathan Ferraro.

15 463. The conduct of the 911 operators was a part of the longstanding policy
16 of covering up the misconduct of one of their own.

17 464. Each time a caller mentioned that a police officer was involved in the
18 incident, 911 operators contacted their supervisors who then reported it up their
19 chain of command. The operators did so before contacting the medics to provide
20 an ambulance to the scene.

21 465. This is how SDPD trains their operators to handle emergency calls
22 involving one of their own officers. The first question the operator asked to the first
23 witness was whether the off-duty officer worked for SDPD.

24 466. Upon information and belief, the policy of the San Diego Police
25 Department is to control the information when an officer engages in misconduct so
26 that it appears it is the officer who is in need of help. This information causes all
27 responding officers to treat the victim as the suspect.

28

1 467. Every single SDPD officer who arrived at the scene either handcuffed
2 Chu Ding or left him in the handcuffs for hours.

3 468. Not a single officer patted Ferraro down or placed him in handcuffs.
4 When a bystander asked why Ferraro, the subject of the 911 call, was not in
5 handcuffs, every officer ignored her.

6 469. Despite multiple requests, not a single officer loosened or removed the
7 handcuffs that were hurting Mr. Ding's handcuffs.

8 470. Richards told Mr. Ding that he was the subject of the 911 calls. Every
9 officer knew that Ferraro was the subject of the calls.

10 471. Multiple officers challenged and belittled Mr. Ding, saying to each
11 other that his identification card used to access 880 Front street looked fake.

12 472. The fact that every officer behaved in the same way of subjugating and
13 treating Mr. Ding like a criminal shows that engaging in a coverup is endemic to
14 the Department. The similar and consistent conduct of fourteen officers, six
15 Dispatch operators shows that this is a long-accepted tradition and culture.

16 473. The fact that not a single person questioned whether the off-duty
17 officer should be investigated or handcuffed shows that this preferential treatment
18 was a part of the Department's deeply embedded culture.

19 474. Not a single officer questioned whether Ferraro committed a crime
20 despite Ferraro's own admissions and field interviews of the witnesses who
21 identified Ferraro as the aggressor.

22 475. These employees' misconduct in ignoring witness accounts and
23 physical evidence of Ferraro's use of force is as a direct result of the City's custom
24 of not investigating citizen complaints.

25 476. Every officer participated in the attempt to charge Mr. Ding with a
26 crime, first a battery on a peace officer then a felony offence of obstructing a peace
27 officer with violence. Not a single officer responded to the bystanders' statement
28

1 that Ferraro slammed Mr. Ding to the ground, knocking him unconscious. They
2 each ignored it.

3 477. This misconduct was a result of the City's longstanding custom of
4 permitting CPP to investigate only 14 percent of citizen complaints.

5 478. These officers knew that they would not be investigated and would not
6 be disciplined for falsely charging Mr. Ding with a crime.

7 479. Their misconduct was a direct result of the longstanding custom of
8 labeling citizen complaints as "miscellaneous" in order to prevent any oversight by
9 the citizen review board.

10 480. Every officer knew that even if the bystanders filed a complaint, it
11 would be labeled "miscellaneous" because Ferraro was in plain clothes and no one
12 knew his name.

13 481. Despite multiple requests by Chu Ding, every officer refused to
14 provide Ferraro's name. Mr. Ding did not even know if Ferraro was an employee
15 of the City of San Diego.

16 482. The officers' attempt to cover up Ferraro's misconduct resulted
17 directly from the agency's longstanding custom and practice of covering up officer
18 misconduct, and for the same reason knew that their cover-up would not draw
19 scrutiny.

20 483. Because serious allegations of misconduct are not investigated by
21 CPP, these employees had no fear of any consequences for falsely arresting Chu
22 Ding and keeping him in handcuffs for five hours.

23 484. During the relevant period, defendant police officers were acting
24 pursuant to the long-standing policies of defendant San Diego which was to permit
25 and encourage lawless conduct and dishonesty.

26 485. Even when there was an internal investigation, the City did not keep
27 track of the discipline, making sure there was no outside scrutiny or accountability
28 when the leadership failed to take action after misconduct.

1 486. When the leadership at the top of the Department are themselves
2 engaging in dishonest conduct and covering up for the misconduct of their
3 employees, the result is a culture in which no officer thinks they will be held
4 accountable.

5 487. The San Diego Police Chief was never investigated or disciplined
6 when he used his chain of command to retaliate against those who would not go
7 with the program to cover up for other officers.

8 488. When the Chief of police himself is involved in a coverup to help his
9 own son and captains are intimidating other officers to cover up falsified police
10 reports, there is a culture in which lying and falsifying official records is the norm.

11 489. When these officers saw Lt. Brecht “making phone calls,” they already
12 knew what was coming. No one questioned it. When suddenly a decision was
13 made to not release Chu Ding and to not let him go to the hospital in the ambulance,
14 no officer asked why. They all knew that the priority was the Department’s PR.

15 490. Charging Mr. Ding with a felony and interrogating him for hours was
16 to ensure SDPD did not receive bad publicity. Brecht and his chain of command
17 knew that this would dominate the news cycle if any of the concerned bystanders
18 from Costco or Chu Ding contacted the media. In order to get ahead of this problem,
19 the spokesperson for the Department responded to the scene to coordinate the
20 optics. The only way to prevent Mr. Ding from criticizing the Department was to
21 get him to admit to wrongdoing.

22 491. Chief Wahl, as the policymaker, focused on the Department’s image
23 by restructuring the Department’s leadership and creating three upper-level
24 positions dealing with SDPD’s image.

25 492. The decisions officers made in their treatment of Chu Ding was based
26 on how they would look to the public, particularly given the anger expressed by the
27 bystanders who witnessed Ferraro’s outrageous behavior.

28

1 493. As a result of Chief Wahl's policies and priorities, officers set out to
2 cover up his crime instead of holding him accountable.

3 494. The individual defendant officers in this case acted pursuant to the
4 existing de facto policy and culture in which they believed they could mistreat
5 people and charge them with crimes they did not commit. These officers knew they
6 would not be held accountable and that no other officer would report their
7 misconduct.

8 495. As a result of San Diego's longstanding policy and culture, every
9 employee, including at least six 911 Dispatch operators and their supervisors, 14
10 police officers, and the Department's spokesperson, engaged in a coverup to ensure
11 that Jonathan Ferraro would not face any consequences for slamming Chu Ding to
12 the ground.

13 496. As reported in several newspaper articles, reports by PERF and
14 lawsuits brought by their own employees, the City was well aware of the
15 longstanding problems of the culture of violence and the institutional failure to
16 investigate and discipline officers who engage in serious misconduct.

17 497. The *de facto* policies of failing to investigate and discipline and the
18 culture of covering up misconduct were the moving force behind the individual
19 defendants' mistreatment of Chu Ding.

20 498. Upon information and believe, the decision to cover up Ferraro's
21 misconduct by falsely charging Chu Ding was approved and directed at the highest
22 levels of the Department.

23 499. The incident prompted an extraordinary response. Fourteen officers
24 responded to the scene. A lieutenant responded to the scene. A department
25 spokesperson from the media services office — an office that at the time reported
26 directly to the Chief — also responded to the scene. When Mr. Ding's wife called
27 dispatch to get information, a dispatcher transferred immediately to the commander
28 of the Northeastern division, who was present with Mr. Ding and allowed him to

1 speak to his wife on the phone. Defendants also took the extraordinary step of
2 detaining Mr. Ding and withholding water and medical care until he wrote an
3 apology to Ferraro. Upon information and belief, this extraordinary response from
4 high-ranking officers would only have occurred if the Chief had personally
5 approved it.

6 500. Upon information and belief, due to the attention the incident
7 generated, the department examined the incident, but no officer was disciplined for
8 failing to investigate or follow up on Ferraro's misconduct, or for falsely charging
9 Mr. Ding in order to cover up Ferraro's misconduct.

10 501. The defendant City was deliberately indifferent to the right of Mr.
11 Ding to be free from, and protected from, harm by the brutality of police officers
12 and to be secure in his bodily integrity.

13 502. The defendant was deliberately indifferent to the right of Mr. Ding to
14 be free from, and protected from, false arrest and imprisonment.

15 503. As a direct result, Mr. Ding was battered, intentionally and negligently
16 inflicted with emotional distress and his Constitutional rights were violated.

17 **SIXTH CAUSE OF ACTION**

18 **Negligence**
19 **(Against All Defendants)**

20 504. Plaintiff realleges all prior paragraphs of this complaint and
21 incorporate the same herein by this reference.

22 505. Defendants had a duty to Plaintiff to act with ordinary care and
23 prudence so as not to cause harm or injury to another.

24 506. Per Gov. Code, § 820, except as provided by statute, a public employee
25 is liable for injury caused by his/her act or omission to the same extent as a private
26 person, and said liability is subject to any defenses that would be available to the
27 public employee if he/she were a private person.

28 507. Per Government Code §820.4, public employees are liable for false
arrest or false imprisonment.

1 508. Per Government Code §820.8, ‘nothing in this section exonerates a
2 public employee from liability for injury proximately caused by his own negligent
3 or wrongful act or omission.’

4 509. By engaging in the acts alleged herein, Defendants failed to act with
5 ordinary care and breached their duty of care owed to Plaintiff.

6 510. Defendants Ferraro, Lewis, Ambrose, Lewis, Brecht, Cooper and
7 Emamjomeh failed to use ordinary care in their investigation and as a result, falsely
8 arrested and falsely imprisoned Chu Ding.

9 511. Defendant Brecht was negligent in coordinating the unlawful arrest
10 and false imprisonment.

11 512. Defendants Ferraro, Lewis, Ambrose, Lewis, Brecht, Cooper and
12 Emamjomeh failed to use ordinary care in the manner in which they detained Ding
13 so as to exacerbate his injuries and cause further pain and injury, by handcuffing
14 him unnecessarily when he was an injured victim of violence who posed no threat,
15 by refusing to handcuff him in the front rather than behind his back, refusing to take
16 the handcuffs off, keeping him handcuffed behind his back while he was on a
17 gurney, and refusing to loosen the cuffs despite Mr. Ding’s repeated pleas that they
18 do so.

19 513. Defendants Wahl, Supervisory Does and City of San Diego failed to
20 act with ordinary care in failing to properly train and supervise their officers with
21 respect to proper procedures on detention and arrest of citizens and the use of force.

22 514. The City of San Diego is also vicariously liable for the negligent
23 conduct of its employees.

24 515. As a direct, proximate and foreseeable result of defendants’ breach of
25 their duty of care, Plaintiff suffered damages in an amount according to proof at the
26 time of trial.

27 **SEVENTH CAUSE OF ACTION**
28 **Assault and Battery**

1 **(Against Defendants Ferraro, Ambrose, Lewis, Richards, Cooper**
2 **Emamjomeh, and Does 11-18 and 25)**

3 516. Plaintiff realleges all prior paragraphs of this complaint and
4 incorporates the same herein by this reference.

5 517. Defendant Ferraro assaulted Mr. Ding by placing him in imminent
6 apprehension of physical violence. He did so by screaming at Mr. Ding and calling
7 him a “Chinese piece of shit” while advancing on him and then shoving him.

8 518. Ferraro acted with an intent to cause harmful or offensive contact with
9 the Plaintiff and the intended harmful or offensive contact did in fact occur when
10 he shoved Mr. Ding, picked him up and slammed him into the ground.

11 519. Defendant Richards battered Mr. Ding by placing the injured man into
12 tight handcuffs and refused to loosen them for hours.

13 520. Richards acted with an intent to cause harmful or offensive contact
14 with the Plaintiff and the intended harmful or offensive contact did in fact occur.

15 521. The harmful or offensive contact was not privileged nor consented to
16 and was excessive, unreasonable and done with deliberate indifference to the rights
17 and safety of Plaintiff and was done with the intent to inflict punishment.

18 522. Defendants Lewis and Ambrose refused to remove the handcuffs
19 despite repeated request that they were too tight. It was against policy to force
20 someone to be handcuffed to their back while laying down on a gurney because of
21 the high risk of additional injury, but Lewis and Ambrose yelled at Mr. Ding that
22 they were not coming off.

23 523. Cooper and Emamjomeh had no basis to keep Mr. Ding in handcuffs
24 for hours while interrogating him. Mr. Ding was seriously injured and they knew
25 that he presented no threat. The only reason to keep Mr. Ding in tight handcuffs
26 was to maximize the pain and discomfort to obtain a confession.

27 524. As a result of the defendants’ intent to cause harmful or offensive
28 contact with Plaintiff and the fact that the intended harmful or offensive contact did
in fact occur, Plaintiff suffered damages according to proof at the time of trial.

1 525. Because the Defendants’ conduct amounts to oppression, fraud or
2 malice, Mr. Ding is entitled to punitive damages.

3 **EIGHTH CAUSE OF ACTION**

4 **False Imprisonment**

5 **(Against Defendants Ferraro, Richards, Lewis, Ambrose, Cooper,
6 Emamjomeh, Brecht and Supervisory Does 1-25)**

7 526. Plaintiff realleges all prior paragraphs of this complaint and
8 incorporates the same herein by this reference.

9 527. Government Code 820.4 provides: “a public employee is not liable for
10 his act or omission, exercising due care, in the execution or enforcement of any law.
11 Nothing in this section exonerates a public employee from liability for false arrest
12 or false imprisonment.”

13 528. A person is liable for false imprisonment if he or she “authorizes
14 encourages, directs, or assists an officer to do an unlawful act or procures an
15 unlawful arrest, without process, or participates in the unlawful arrest.”

16 529. Defendant Ferraro encouraged and conspired to have Mr. Ding
17 charged with a felony resisting an officer by fabricating a story that he was placing
18 Mr. Ding under arrest.

19 530. There was no legal basis to detain or arrest Mr. Ding who had
20 committed no crimes.

21 531. Richards and Johnson detained Mr. Ding for a battery on a peace
22 officer by ignoring the witness accounts that it was Ferraro who shoved and
23 slammed Mr. Ding to the ground.

24 532. Defendants Richards, Cooper, Emamjomeh and Brecht saw the
25 footage from Costco and knew that Ferraro was the aggressor who assaulted and
26 battered Mr. Ding.

27 533. Supervisory Doe defendants including the Captain or the Commander
28 at the substation were made aware of the false imprisonment of Mr. Ding and
authorized it.

1 534. These defendants knowingly caused and procured an unlawful arrest.

2 535. They knew that the District Attorney would not bring charges against
3 Mr. Ding who was the victim.

4 536. In order to make sure that Mr. Ding would be charged with a crime,
5 they brought the battered and injured Mr. Ding into their station for interrogation.

6 537. They knew that Mr. Ding was suffering from a concussion and serious
7 injuries.

8 538. They told Mr. Ding that he had to write an apology letter.

9 539. They knew that Mr. Ding was dazed and not fully appreciating what
10 was occurring as a result of his head injury.

11 540. They saw that Mr. Ding could not even write a few sentences.

12 541. They then gave Mr. Ding a fresh sheet of paper so that he could tell
13 them what they wanted to hear.

14 542. They knew that there was no basis and no probable cause to arrest Mr.
15 Ding.

16 **NINTH CAUSE OF ACTION**
17 **Violation of Civil Code § 52.1 (Bane Act)**
18 **(Against All Defendants)**
19 **(Against Defendants Ferraro, Richards, Cooper, Emamjomeh, Brecht and**
20 **Supervisory Does 11-18 and 25)**

21 543. Plaintiff realleges all prior paragraphs of this complaint and
22 incorporates the same herein by this reference.

23 544. Defendants, by threat, intimidation, and/or coercion, interfered with,
24 attempted to interfere with, and violated Chu Ding's rights under California Civil
25 Code § 52.1 and under the United States Constitution and California Constitution
as follows:

- 26 • The right to be free from objectively unreasonable treatment and
27 deliberate indifference to Mr. Ding's serious medical needs while in
28 custody as a detainee, as secured by the Fourth Amendment to the

1 United States Constitution and by California Constitution, Article 1,
2 §§ 7 and 13;

- 3 • The right to enjoy and defend life and liberty; acquire, possess, and
4 protect properly; and pursue and obtain safety, happiness, and privacy,
5 as secured by the California Constitution, Article 1, § 1; and
6 • The right to protection from bodily restraint, harm, or personal insult,
7 as secured by California Civil Code § 43.

8 545. Defendants Plaintiff had a firmly established right to be free from
9 excessive force under the Fourth Amendment through the Fourteenth Amendment
10 to the United States Constitution and the equivalent provisions of the California
11 Constitution.

12 546. Each Defendant violated Mr. Ding's rights with the specific intent and
13 purpose to deprive him of his enjoyment of those rights and of the interests
14 protected by those rights. Each defendant acted with reckless disregard for Mr.
15 Ding's rights.

16 547. Cal. Gov't Code § 815.2(a) states that “[a] public entity is liable for
17 injury proximately caused by an act or omission of an employee of the public entity
18 within the scope of his employment if the act or omission would, apart from this
19 section, have given rise to a cause of action against the employee or his personal
20 representative.”

21 548. California law does not “exonerate[] a public employee from liability
22 for false arrest or false imprisonment.” Cal. Gov't Code § 820.4.

23 549. § 820.2 does not confer immunity on peace officers for unreasonable
24 use of force.

25 550. Defendant City of San Diego is vicariously liable pursuant to
26 California Government Code, § 815.2.

27 551. Defendant Ferraro conspired to have Mr. Ding charged with a felony
28 resisting an officer by fabricating a story that he was placing Mr. Ding under arrest.

1 552. There was no legal basis to detain or arrest Mr. Ding who had
2 committed no crimes.

3 **TENTH CAUSE OF ACTION**
4 **Civ. Code, § 51.7 (Ralph Act)**
5 **(Against Defendant Ferraro)**

6 553. Plaintiff realleges all prior paragraphs of this complaint and
7 incorporates the same herein by this reference.

8 554. Defendant Ferraro committed an act of violence against Mr. Ding
9 because he perceived Mr. Ding to be a “Chinese” piece of shit.

10 555. Ferraro intentionally blocked Mr. Ding’s car in the first instance
11 because of his racist attitude towards Asians.

12 556. Ferraro engaged in the passive aggressive move with his truck, moving
13 it forward, waiting for Mr. Ding to get in his car only to reverse his truck back to
14 fully block Mr. Ding. The motivation in doing so was to harass and torment
15 someone he perceived as being Chinese.

16 557. The substantial motivating reason for his conduct in blocking his car
17 then slamming Mr. Ding to the ground was Ferraro’s perception of Mr. Ding’s race
18 or national origin.

19 558. As a result of Ferraro’s conduct, Mr. Ding suffered harm and Ferraro’s
20 conduct was a substantial factor in causing Mr. Ding’s physical and emotional
21 injuries.

22 **ELEVENTH CAUSE OF ACTION**
23 **Intentional Infliction of Emotional Distress**
24 **(Against Defendants Ferraro, Richards, Emamjomeh, Brecht,**
25 **Supervisory Does 11-18 and 25and City)**

26 559. Plaintiff realleges all prior paragraphs of this complaint and
27 incorporates the same herein by this reference.
28

1 560. By engaging in the acts alleged herein, Defendants engaged in
2 outrageous conduct with an intent to or a reckless disregard of the probability of
3 causing Plaintiff to suffer emotional distress.

4 561. Because Plaintiff's claims against the City arise from the false arrest
5 claim, employee would not be immune from the IIED and negligence claims, and
6 the City can be held vicariously liable.

7 562. As a direct, proximate and foreseeable result, Plaintiff suffered severe
8 emotional distress and the outrageous conduct was the cause of the emotional
9 distress suffered by Plaintiff.

10 563. The conduct of Defendants also amounts to oppression, fraud or malice
11 and punitive damages should be assessed against Defendants for the purpose of
12 punishment and for the sake of example.

13 **PRAYER FOR RELIEF**

14 Plaintiff pray for judgment as follows:

- 15 1) For compensatory general and special damages in an amount in
16 accordance with proof.
17 2) For punitive damages against the individual defendants.
18 3) Treble damages as allowed by law.
19 4) For reasonable attorneys' fees, expenses and costs of suit.
20 5) For any other relief that is just and proper.

21 **JURY DEMAND**

22 Pursuant to the Seventh Amendment of the U.S. Constitution and Rule 38
23 of the Federal Rules of Civil Procedure, Plaintiff demand a jury trial.

24
25 DATED: May 26, 2026

Respectfully submitted,
IREDALE AND YOO, APC

27 s/ Julia Yoo
28 Eugene G. Iredale

Julia Yoo
Attorney for Plaintiff

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