

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEXIS TOVAR, INDIVIDUALLY AND AS §
NEXT FRIEND OF D.P., *a minor*, AND §
PHILLIP REYES AS NEXT FRIEND OF §
A.R. AND J.R., *minors* §
Plaintiffs §

v. §

Civil Action No. 5:23-cv-847

THE CITY OF SAN ANTONIO, TEXAS, §
ALFRED FLORES, ELEAZAR ALEJANDRO, §
AND NATHANIEL VILLALOBOS §
Defendants §

PLAINTIFFS’ ORIGINAL COMPLAINT

Come now Plaintiffs, Alexis Tovar, individually and as next friend of D.P., a minor, and Phillip Reyes, as next friend of A.R. and J.R., minors, and files this, their Original Complaint and would show unto the Court as follows:

I. PARTIES

1. Plaintiff Alexis Tovar is an individual resident of San Antonio, Bexar County, Texas. She is filing a wrongful death case individually, and also on behalf of her minor brother, D.P.
2. Phillip Reyes is the father of A.R. and J.R. and is filing a wrongful death case on behalf of his minor sons. Phillip Reyes is an individual resident of San Antonio, Bexar County, Texas.
3. Defendant, The City of San Antonio, Texas (“the City”), is a municipal corporation operating according to the Constitution and laws of the State of Texas. The City of San Antonio can be served with process by serving its City Clerk, Debbie Racca-Sittre or its City Manager, Erik Walsh at the City of San Antonio Offices at 100 W. Houston Street, San Antonio, Texas 78205 or wherever they may be found in any manner authorized by the Federal Rules of Civil Procedure.

4. The San Antonio Police Department (SAPD) is a municipal law enforcement department operating as an agency of the City of San Antonio. Police Chief William McManus (“Chief McManus”) was the Chief of Police for the San Antonio Police Department at the time these acts and/or omissions made the basis of this lawsuit occurred. At all times relevant to this suit, Chief McManus was a “policymaker” for the City as that term is defined by the relevant jurisprudence interpreting 42 U.S.C. § 1983.

5. Defendant Alfred Flores (hereinafter “Sergeant Flores”) is an individual resident of San Antonio, Bexar County, Texas and can be served with process at 711 W. Mayfield Blvd., San Antonio, Texas 78211, or wherever he may be found in any manner authorized by the Federal Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court. Sergeant Flores was, at all times material to this suit, an officer employed by the San Antonio Police Department. Each of the acts complained of herein arose from the conduct of Sergeant Flores while he was acting under color of state law and were committed within the scope of his employment and authority with the San Antonio Police Department.

6. Defendant Eleazar Alejandro is an individual resident of San Antonio, Bexar County, Texas and can be served with process at 711 W. Mayfield Blvd., San Antonio, Texas 78211, or wherever he may be found in any manner authorized by the Federal Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court. Officer Alejandro was, at all times material to this suit, an officer employed by the San Antonio Police Department. Each of the acts complained of herein arose from the conduct of Officer Alejandro while he was acting under color of state law and the acts were committed within the scope of his employment and authority with the San Antonio Police Department.

7. Defendant Nathaniel Villalobos is an individual resident of San Antonio, Bexar County, Texas and can be served with process at 711 W. Mayfield Blvd., San Antonio, Texas 78211, or wherever he may be found in any manner authorized by the Federal Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court. Officer Villalobos was, at all times material to this suit, an officer employed by the San Antonio Police Department. Each of the acts complained of herein arose from the conduct of Officer Villalobos while he was acting under color of state law and the acts were committed within the scope of his employment and authority with the San Antonio Police Department.

II. JURISDICTION AND VENUE

8. This action is brought pursuant to 42 U.S.C. § 1983, and this court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(3) (civil rights). Venue is proper in the Western District of Texas, San Antonio Division, as this is the district and division where the claim arose in accordance with 29 U.S.C. § 1391(b). Plaintiffs bring this action as the surviving children entitled to recover damages arising from decedent's wrongful death pursuant to TEX. CIV. PRAC. & REM. CODE §§ 71.000 et seq. and as applied through 42 U.S.C. § 1983.

III. FACTUAL BASIS FOR ALL CLAIMS

1. SAPD exercised excessive force when its officers shot and killed Melissa Perez.

9. On or about June 22, 2023, Melissa Perez (“Ms. Perez”) was at her residence at the Rosemont at Miller’s Pond Apartments when she began to experience a schizophrenic episode. She had previously been diagnosed with schizophrenia and had been prescribed medication for this condition. Late that evening, Ms. Perez began cutting the wires to her fire alarm system in the delusional belief that the FBI was using the fire alarm equipment to spy on her. The San Antonio Fire Department (SAFD) responded to a call at Ms. Perez’s apartment to investigate. After SAFD

arrived, they made contact with Ms. Perez in the parking lot. Ms. Perez provided SAFD with her name, date of birth and her apartment number. She also told them that she was destroying the fire alarm system because she believed that the FBI was using that equipment to conduct surveillance on her. Thus, it was clear to SAFD that Ms. Perez was experiencing a mental health crisis. SAFD then contacted the San Antonio Police Department (SAPD) and provided SAPD with Ms. Perez name, a description of what was happening and Ms. Perez' explanation of why she was destroying the fire alarm system.

10. SAPD arrived at Ms. Perez' apartment at approximately 12:27 am (June 23, 2023), where officers confronted Ms. Perez in the parking lot of her apartment. She correctly identified herself by name, date of birth and apartment number. She also told the police officers that she had cut the wires to the fire alarm because she thought that the FBI was listening to her. Thus, the SAPD officers who initially responded knew from the very beginning that Ms. Perez was experiencing a mental health crisis. After this initial exchange, Ms. Perez began to turn towards her apartment. When the officer said, "Hey, lady, get over here," she started running. She went into her apartment and locked the door.

11. When Ms. Perez refused to come out of her apartment, an SAPD officer called for backup. While he was waiting for backup to arrive, the SAPD officer had time to call and check Ms. Perez' history with SAPD. On information and belief, Plaintiffs allege that the SAPD officer did check Ms. Perez' history, which confirmed that Ms. Perez suffered from mental illness and had previously been taken into protective custody by SAPD. Unfortunately, SAPD's mental health team was not called. As explained below, even if the mental health team had been called, they would not have responded.

12. Shortly before 1:40 am, at least eight (8) additional SAPD officers arrived outside Ms. Perez' apartment. One group of officers positioned themselves at the front door of the apartment while at least six (6) SAPD officers positioned themselves at the back of the apartment near her rear patio. At least one of the officers at the rear patio was a lieutenant and another was a sergeant. At that time, there was no urgent need to intervene and no reason to escalate the encounter with Ms. Perez. Indeed, one reasonable option would have been to leave Ms. Perez in her apartment and to return the next day to make sure she had received proper medical attention. SAPD could have also attempted communication that would have de-escalated the situation. Unfortunately, neither of these options were chosen.

13. Given Ms. Perez' schizophrenic condition, one of the worst things a police officer could do would be to escalate the situation by intruding into her apartment in full police uniform, drawing a deadly weapon and threatening to shoot her. Unfortunately, that is exactly what happened. At approximately 1:40 am, an SAPD officer climbed over the gate onto Ms. Perez' porch and approached an open window to her apartment. He tore off the screen to that window and, as he moved his arms into her apartment, Ms. Perez threw a candle in his direction. In response, the officer pulled his pistol and shouted, "You're gonna get shot!" Ms. Perez responded: "Shoot me. You ain't got no warrant." Ms. Perez' comment that the officer should "shoot her" again confirmed that she was experiencing a mental health crisis.

14. For the next twenty minutes, the officers had time to de-escalate the situation, but they failed to do so. At approximately 2:02 am, Officer Eleazar Alejandro (five years of service with SAPD), climbed over the rail onto Ms. Perez' patio. He had five other officers, including supervisors, behind him. As he approached Ms. Perez' back door, he drew his pistol. He grabbed the back patio doorknob, but the door was still locked. From the inside of her apartment, Ms.

Perez shouted, “You ain’t got no warrant.” When Ms. Perez broke her window with a hammer, Officer Alejandro opened fire – shooting five rounds in the direction of Ms. Perez through the locked door. At the time Officer Alejandro opened fire, Ms. Perez posed no immediate threat to anyone. She was inside her own apartment with the door locked. She did have a hammer in her hand, but the officers on the other side of the locked door were not in danger. Even if the door had been unlocked, Ms. Perez, who was a physically small woman, posed no threat to the platoon of police officers outside her apartment. Officer Alejandro’s decision to start shooting into the apartment was clearly dangerous, unnecessary and an excessive use of force. For example, the bullets could have gone through the apartment’s walls and struck a neighbor. Of course, the bullets also could have hit the intended target, Ms. Perez. All of this was excessive, unnecessary, unreasonable and a clear violation of Ms. Perez’ rights under the Fourth Amendment to be free from excessive force.

15. Remarkably, none of the first five rounds fired by Officer Alejandro struck Ms. Perez, and she was uninjured at that time. Ms. Perez then stepped back away from the window and moved towards her hallway. Thus, even after Officer Alejandro started shooting, there was still time for him to de-escalate the situation. There was also time for his supervisors, including Sergeant Flores, to order him to stand down. Additionally, any of the five or more other SAPD officers who were positioned near the patio could have asked Officer Alejandro to put his gun away. However, nobody with SAPD said or did anything to prevent further shooting. Instead, after Officer Alejandro initially shot and missed, Sergeant Flores, (fourteen years of service with SAPD) and Officer Villalobos (two years of service with SAPD), also pulled their weapons. Officer Alejandro was still on the patio in front of the locked rear door, Sergeant Flores was on the porch with his gun aimed at the wall between the window and the door, and Officer Villalobos was on the other

side of the fence with his gun drawn towards the window of Ms. Perez' apartment. These three SAPD officers positioned their weapons in a way that triangulated Ms. Perez. When Ms. Perez started shouting "hey hey," the officers opened fire through the wall, door and window – shooting more than ten additional rounds.¹ These three officers knew that Ms. Perez did not have a firearm and that she did not pose any immediate threat to them. They also were able to clearly see inside the window and the glass door, and they could easily discern that there was nobody else visible in the apartment – meaning that all these SAPD officers knew that Ms. Perez did not pose an immediate threat to anyone inside the apartment. Under these circumstances, the use of deadly force against Ms. Perez was clearly excessive. Nevertheless, Sergeant Flores, Officer Villalobos, and Officer Alejandro shot and killed Ms. Perez. Bullets from all three weapons (i.e. bullets from the weapons shot by Sergeant Alfred Flores, Officer Nathaniel Villalobos, and Officer Eleazar Alejandro) all struck Ms. Perez. Ms. Perez died on the scene as a direct result of the gunshot wounds she received at the hands of Sergeant Flores, Officer Villalobos, and Officer Alejandro. Indeed, the gunshot wounds described herein were the only cause of Ms. Perez' death.

16. This use of deadly force was not only clearly excessive, it was also clearly unreasonable. The reasonable thing to do in this situation would have been for SAPD officers to offer Ms. Perez help and medical assistance. It was not reasonable to threaten her with a drawn pistol and start the conversation by stating, "You're gonna get shot." When Ms. Perez would not come out of her house, the reasonable thing would have been for SAPD to de-escalate the situation by simply leaving until Ms. Perez could get appropriate medical attention - not to shoot at her five times. Once Officer Alejandro somehow missed Ms. Perez in the initial volley of shots, the reasonable thing would have been for the other SAPD officers to intervene so that Officer Alejandro could

¹ A fourth SAPD officer positioned near the patio also had his gun drawn, but he did not fire his weapon.

put his gun away - not to have two other SAPD officers join him, triangulate Ms. Perez with their service weapons, and then to gun her down, execution style, while she was in her own home behind a locked door.

17. Plaintiffs also note that the actions by various SAPD officers described above were not the result of a “split second decision.” There were multiple opportunities to cool off and consider what to do. For example, there was an extended period of time after Ms. Perez initially went into her house. Then, there was a period of more than 20 minutes after the first officer told Ms. Perez that she was going to get shot. Then, there was the brief but important period between the time the initial shots were fired and the time the fatal shots were fired. All of this time should have been used to come up with a better plan on how to protect Ms. Perez and de-escalate the situation. None of that happened, but it was not because the officers were making split-second decisions in real time. Far from it.

2. The City of San Antonio and the Bexar County District Attorney’s Office agree that the shooting was excessive and unreasonable.

18. Within 24 hours of the shooting, the San Antonio Police Department Chief, Chief McManus, had reviewed the substantial evidence available to him. He also reviewed the evidence with attorneys at the civil rights division of the Bexar County’s District Attorney’s office. After this review, Chief McManus determined that Sergeant Flores, Officer Villalobos, and Officer Alejandro had used deadly force in a way that was both clearly excessive and objectively unreasonable. He suspended all three of these officers without pay pending a more complete investigation. Additionally, the Bexar County District Attorney’s office charged Sergeant Flores, Officer Villalobos, and Officer Alejandro with murder. Sergeant Flores, Officer Villalobos, and Officer Alejandro were all taken into custody and are currently out on bond. The affidavit supporting the arrest of these three SAPD officers states in part:

“After review of available digital evidence, the physical evidence, and the Defendant’s statements, your Affiant does not believe the use of deadly force was reasonable, given the totality of the circumstances. The Defendants were not in clear danger of death or serious bodily injury at the time the Defendants used deadly force, nor were the Defendants using deadly force in protection of a third party. Your Affiant does not believe a reasonable Officer, in light of the same facts and circumstances at the time, would have felt compelled to use deadly force. As such, your Affiant has probable cause to believe the Defendants, public servants acting under the color of their employment, committed Penal Code offense #19.02, Murder by a Public Servant against Victim 1.”

19. See the copy of the affidavit executed by Detective Ronald Soto, which is attached and incorporated herein as Exhibit “A.” Plaintiffs agree with and re-allege the allegations made in this affidavit.

20. Shortly after the shooting, Chief McManus conducted a press conference where he stated in part, “The shooting officers’ actions were not consistent with SAPD’s policy and training, and they placed themselves in a situation where they used deadly force, which was not reasonable given all the circumstances as we now understand them.”

21. Additionally, San Antonio Mayor Ron Nirenberg as well as several San Antonio City Counsel members have made public statements about Ms. Perez’ death, and they are unanimous in condemning the shooting, calling it very disturbing, unreasonable, excessive, unnecessary, avoidable and murder.

22. As explained more fully below, Plaintiffs have serious and legitimate complaints about the City of San Antonio policymakers, including Chief McManus, for the policies, procedures, training and lack of enforcement that directly led to this shooting. Plaintiffs feel strongly that the City itself is also liable for Ms. Perez’ death as alleged below. However, Plaintiffs agree with the City and with Bexar County’s after-the-fact statements confirming that the shooting was not reasonable.²

² In his press release, Chief McManus argued that the actions of Sergeant Flores and Officers Alejandro and Villalobos, should not “undermine” the City’s training. To the extent that this statement attempts to absolve the City of its responsibility and liability, Plaintiffs obviously disagree. But again, Plaintiffs agree with Chief McManus that the Officers’ actions on that evening were not reasonable.

At a minimum, the response by City and County officials demonstrates that the actions of the individual officers who shot and killed Ms. Perez were acting in an objectively unreasonable and clearly excessive manner. Thus, Sergeant Flores, Officer Villalobos, and Officer Alejandro are not entitled to qualified immunity in this case. It is well-established that it is unreasonable for a police officer to use deadly force on a person who is not an immediate threat of serious bodily injury.

3. SAPD's formal and informal policies were the moving force behind Ms. Perez' death.

23. Plaintiffs allege that the City is directly liable for Ms. Perez' death under *Monell* and its progeny. See, *Monell v. Dep't of Social Service of City of New York*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). Specifically, Plaintiffs allege that there were formal and informal policies promulgated and adopted by policymakers for the City that were the moving force behind the constitutional violations (i.e. excessive use of deadly force by SAPD officers), which violations directly resulted in Ms. Perez' death. The City's policymakers acted with deliberate indifference to the known or obvious constitutional violations that would result from such policies. The specific policies that directly led to Ms. Perez' death are as follows:

1. SAPD has a policy relating to the operating hours of its mental health team, which policy prevents the team from responding to a mental health crisis between 11:00 pm and 7:00 am;
2. SAPD has a culture that is rampant throughout the department such that uniformed SAPD officers regularly do not call on the mental health team to respond when a person is experiencing a mental health crisis;
3. SAPD has a culture of escalating mental health encounters such that unnecessary, unreasonable and excessive force is used against mentally ill people;
4. City policymakers, including Chief McManus, have repeatedly made the deliberate choice not to discipline officers for using excessive force, which created an informal policy of tolerance and support for officers who unconstitutionally use excessive force;
5. City policymakers failed to adequately train on the need to intervene to stop a fellow officer from using excessive force.

These policies will be addressed below.

A. SAPD's policies relating to mental health calls and the mental health unit caused Ms. Perez' death.

24. For decades, the City has known that special procedures are needed when SAPD officers encounter an individual experiencing a mental health crisis. For example, a person with autism can easily become agitated, and he may resist arrest if the police attempt to apprehend him or restrict his movements. A person with autism may not even understand what is happening with a law enforcement officer, and if the officer uses a show of force that is inappropriate for the situation, the encounter may escalate to violence very quickly. Likewise, a person with paranoid schizophrenia may experience delusions that are very real to him or her. If handled improperly, a law enforcement officer will feed into those delusions and unnecessarily create a violent encounter.

25. To address this reality, the City created the mental health unit in 2003, which is a unique unit of SAPD officers with specialized training. The mental health unit responds to live calls involving people who are experiencing a mental health crisis, they show up in plain clothes, they usually do not carry a weapon, and they have specialized training beyond what regular SAPD officers have received about how to de-escalate situations that could otherwise result in unreasonable violence. The City is very proud of the mental health team and touts its successes on the City's website.

26. Unfortunately, the City has created both formal and informal policies that negate most of the mental health unit's effectiveness, and such policies directly led to Ms. Perez' death. First, the City does not have its mental health team work late at night. The team's hours are from 7:00 am to 11:00 pm. Of course, the problem is that people such as Ms. Perez might have a mental health crisis between 11:00 pm and 7:00 am, and there is nobody from the mental health team who will respond to these calls. The City's decision to shut down the mental health team at 11:00 p.m. is a formal policy, and the City knew the obvious consequences that would result from such a policy –

specifically, that its regular, uniformed officers would be responding to all mental health calls and, many times, such calls would result in constitutional violations arising out of unreasonable and clearly excessive use of force.

27. Even worse, the City has an informal practice and culture in the Department, which practice and culture is sufficiently pervasive and widespread as to constitute the functional equivalent of an official policy, where SAPD's regular, uniformed officers do not call upon the mental health team in most situations. This practice and culture exists because the mental health team usually does not show up when called even during the daytime hours. This is well known throughout the department. Joe Smarro, who worked in SAPD's mental health unit for over a decade, has explained that the general consensus amongst SAPD's uniformed officers is that the "mental health [team] is never available." Thus, the rank and file officers say to themselves, "We're not going to call them. We're just going to do it ourselves." Thus, regardless of whether the call happens during the daytime hours or in the middle of the night, the resources of the mental health team are routinely missed when uniformed SAPD officers are called upon to interact with a person experiencing a mental health crisis.

28. The results of these formal and informal policies have been that SAPD has created a culture of escalating mental health encounters that are unnecessary, objectively unreasonable and clearly excessive. This practice and culture is so common and well-settled as to constitute a custom that fairly represents municipal policy. Consider the following examples, which represent only a sample of the cases involving mental illness that should have been avoided.

Example #1 – Jesse Aguirre

29. This tragic case is known as the "George Floyd case of San Antonio." On April 12, 2013, 911 dispatch received several calls from concerned citizens that a man who was mentally disturbed

was talking and waving his hands near the narrow median of HWY 90 in San Antonio. Highway 90 is a heavily traveled eight-lane expressway and would be very dangerous for pedestrians. Indeed, some of the callers thought the man was attempting suicide. The man was Jessie Aguirre. He had just learned of a family tragedy and was experiencing a mental health crisis at the time. SAPD Officers Cristina Gonzales, Roberto Mendez, Jennifer Morgan, and Bettina Arredondo responded to the call. The mental health team was not called. The first officer approached Aguirre on foot with her firearm pointed at him, ordering him to “come here” and threatening, “I’m going to shoot you, m-----r-f----r.” When Aguirre did not acknowledge the command and continued to walk, other officers grabbed him and handcuffed him. During the entire encounter, Aguirre never resisted arrest or struggled with the officers.

30. Three SAPD officers then pulled/threw the handcuffed Aguirre over the median barrier, causing him to land on his head on the asphalt. There was no reason for the officers to toss him headfirst over the median. The officers then patted Aguirre down, and finding no weapon, they put him in the prone position. Officer Gonzales pushed Aguirre’s legs up, crossed them and kneeled forward holding them near Aguirre’s bound hands in a hog-tie-like position. Officer Mendez then knelt with one knee on the ground and the other on Aguirre’s back. Additionally, Officers Morgan and Arredondo placed their hands on Aguirre’s arms and back to hold him prone in the maximal-restraint position. Several more officers arrived but they did nothing to intervene or question why Aguirre was being held in this way. Indeed, the officers were milling around near where Aguirre was being held, speaking to each other and laughing. Officer Arredondo observed that Aguirre’s lips had turned blue while he was held in the prone maximal-restraint position, but she said nothing. After the five-and-a-half minutes had elapsed, the Officers noticed that Aguirre

was no longer breathing or responsive. Aguirre was never resuscitated, and he died from asphyxia. The medical examiner's report classified Aguirre's death as a homicide.

31. SAPD did everything wrong in this encounter. Rather than call the mental health team, the officers escalated the situation by immediately pulling a gun on Aguirre and threatening to shoot him. Rather than give Aguirre the help he needed, the officers collectively used deadly force. Rather than have the other officers intervene when they saw force being used that was clearly unreasonable and excessive, they stood by, laughing and talking while Aguirre was dying from asphyxia. None of the officers were disciplined by SAPD for their role in Aguirre's death.

32. Certainly, the City's policymakers, including Chief McManus, knew all about this case. It garnered significant media attention and, after 10 years of litigation, the City entered into a favorable settlement with Aguirre's family. However, nothing changed in terms of how SAPD operates or handles mental health calls.

Example #2 – Kirsten Kloppe

33. On January 27, 2018, SAPD Officer Crystal Estrada was dispatched to conduct a welfare check for Kirsten Kloppe. After talking to Kloppe's mother, Officer Estrada decided to take Kloppe into emergency medical detention because Kloppe was experiencing a mental health crisis. Officer Estrada did not call the mental health team. Kloppe did not want to go with Officer Estrada, and she ran upstairs and barricaded herself behind an attic or closet door. A police cadet (Ricardo Neri) showed up at the home to help with the situation. While searching for a tool to unlock and/or pry open the closet/attic door, Officer Estrada discovered a handgun magazine. The officers then decided to force their way through the door where they found Ms. Kloppe holding a handgun. Rather than retreat or de-escalate, the officers tried to grab the handgun, which resulted in a

struggle with Kloppe. During the struggle, Officer Estrada shot Kloppe in the stomach. Kloppe died in a hospital from the gunshot wound later that evening.

34. Chief McManus investigated the incident and initially suspended Officer Estrada for 30 days, but he then reduced the punishment to a 7-day suspension. However, Officer Estrada's suspension was for putting a cadet in danger and for failing to keep her gun magazines fully loaded – not for unnecessarily escalating and killing a mentally ill person in her own home. After the one-week suspension, Officer Estrada was back on duty with SAPD and Kloppe's family was left questioning how this possibly could have happened – when they called the police for help with their daughter's mental illness only to have the police escalate the situation unnecessarily to the point where an officer shot and killed her.

Example #3 – Hannah Westall

35. On March 20, 2019, a 5' 2" 95-pound young lady named Hannah Westall was walking in a shopping center parking lot when she was approached by Sergeant David Perry of SAPD. The 911 call in this case is particularly important because the actual encounter between Sergeant Perry and Ms. Westall lasted less than 15 seconds. The 911 caller stated that Westall appeared to be "distraught." The 911 caller did not state that Westall had threatened anyone with any weapon, nor did she provide facts that would tend to show that any danger was imminent. Rather, the 911 caller suggested that the police should "get a cop over here at least check her out, see if it's safe. Hopefully, it's safe." Although SAPD knew that Westall was experiencing a mental health issue, SAPD did not call the mental health team. Instead, Sergeant Perry escalated the encounter by shouting at Westall. In response, Westall raised her hands and told the officer that she had a toy gun in her pants. Westall never removed the toy from her pants and never threatened the officer. Yet, within 14 seconds of their encounter, Sergeant Perry shot Westall five times, killing her. Chief

McManus certainly knew about this situation as it resulted in news coverage, an internal review, and litigation against the City.

Example #4 – John Montez

36. On March 26, 2021, 57-year-old John Montez, a veteran suffering from mental illness, was in the middle of a mental health crisis when he picked up a kitchen knife in the presence of his estranged wife and her children. His wife called both the hospital and the police, mostly because she was worried that Montez would hurt himself. SAPD Officers Stephen Ramos and Douglas Meynig responded to the call. Although they had reason to know that Mr. Montez was suffering from a mental health episode, they did not call the mental health team. Instead, they escalated the situation until Officer Meynig attempted unsuccessfully to deploy his taser. Officer Ramos, a one-year veteran of SAPD, then killed Montez with two bullets to the chest. The incident report justified the shooting because Montez supposedly lunged at the police with the knife in hand. However, this is incorrect. No such “lunge” ever occurred. Montez was just standing at the door, and there was no reason for Officer Ramos to shoot him.³ Chief McManus reviewed the case and sent it to the district attorney, who did not charge Ramos with murder after the grand jury issued a “no bill” on the case. However, the fact that Ramos was not charged with a crime for killing Montez does not mean that Ramos’s actions were constitutional. Indeed, most officers who engage in excessive force are not charged criminally. The mental health team should have been called, the encounter with Montez should never have been escalated, and deadly force was clearly excessive. Chief McManus did not discipline Ramos for the Montez shooting. Predictably, less than 16 months after Montez was killed, Ramos shot and killed another person unnecessarily – this time, a 13-year-old boy named AJ Hernandez. (See discussion below).

³ The information about what Montez was doing (and not doing) was obtained through reports from his family members, who saw the body cam footage.

Example #5 – Bryan Spangrud

37. On May 6, 2023 (approximately two months before Ms. Perez was killed), 22-year-old Bryan Spangrud was walking around naked, screaming and carrying a rifle. The mental health team was called, but they did not come. SAPD initially responded about 7:30 pm – when the mental health team was supposed to be on duty. The uniformed SAPD officers were at the scene for more than an hour without support from the mental health team. They formed a perimeter, and as Mr. Spangrud repeatedly walked in and out of his house, he could see numerous police officers who were all pointing guns at him. Eventually, Spangrud pointed his rifle at police, and he was shot in the arm and taken to the hospital by a supervising officer. As it turns out, Spangrud’s rifle was inoperable at the time, and he posed no threat to anyone. But the SAPD officers did not know that at the time. Plaintiffs do not criticize the SAPD officer who shot Spangrud after Spangrud pointed his rifle at the officers. Rather, Plaintiffs reference this incident because, if there ever was an emergency caused by a mental health crisis, this was it. The mental health team was called, and although more than an hour elapsed between the initial call and the shooting, the mental health unit never responded. As he walked in and out of his house, Spangrud seemed to be looking for a way out of the situation. Perhaps he would have listened to a trained person in plain clothes, but we will never know because the mental health team did not show up. This is exactly why most SAPD officers don’t bother to call the mental health team. Chief McManus and other City policymakers are fully aware of this situation. The Spangrud shooting resulted in significant news coverage, and it was reported on the City’s website. Yet, no discipline was given to anyone on the mental health team for not showing up. It was business as usual.

B. SAPD's consistent failure to discipline its officers created a culture of tolerance for the improper and unconstitutional use of excessive force.

38. The mental health cases cited above are not the only examples of excessive force by SAPD. SAPD has a long and well-documented history of excessive force, which has been caused and perpetuated by the policymakers' consistent failure to provide meaningful discipline when SAPD officers engage in excessive, unreasonable, and unconstitutional use of force. These policymakers include Chief McManus, who has been at the center of the City's failure to provide the necessary discipline needed to deter future misconduct. City policymakers, including Chief McManus, repeatedly made the deliberate choice not to discipline officers for using excessive force. Chief McManus knew that, as an obvious consequence of failing to discipline, SAPD officers would continue to engage in additional acts of excessive force.⁴

39. Not only does SAPD have a culture of not disciplining its officers, but in the rare case where the officers do get terminated for misconduct, these officers are re-instated the vast majority of the time – almost 70% of the time according to one study. For example, SAPD Lieutenant Lee Rankun was fired for misconduct six different times. Some of those terminations were for violent encounters, domestic abuse, and other misconduct. The first five times Rankun was terminated, he was reinstated with back pay. After his sixth termination, Rankun was allowed to retire from the department while his appeal was pending. After his retirement from SAPD, Rankun moved to Tennessee where he was indicted on charges of attempted first degree murder when he allegedly shot at Tennessee law enforcement officers. Rankun should never have been with the SAPD after his first termination, but SAPD, consistent with its culture of failing to discipline officers,

⁴ A policy need not be written or formal in order to constitute a “policy” for purposes of establishing the City’s liability for police misconduct. When the City fails to discipline the police with deliberate indifference to the obvious consequences of such failure, then the City can be liable for the harm directly caused by such failure to discipline.

continued to allow him to come back, usually with back pay for the time missed while the appeal process was pending.

40. Unfortunately, Lieutenant Rankun represents the rule at SAPD, not the exception. As indicated above, Chief McManus usually does not discipline officers for misconduct, and even when he does, the officers usually get reinstated by agreement or through the appeal process.

41. Policymakers at the City, including Chief McManus, certainly know that there is a persistent and serious problem of excessive force within SAPD and that there is a serious enforcement problem within SAPD. The policymakers are personally involved in investigating many of the cases. Additionally, on June 19, 2020, the Coalition for Police Reform and Accountability and the San Antonio Law Enforcement Accountability project (LEAP) held a press conference in San Antonio, with the stated goal of establishing “acceptable use of force standards that make public safety the primary goal of SAPD culture.” The press release, which is attached and incorporated herein as Exhibit “B,” contains a chart showing the number of citizen deaths occurring while the person is in SAPD’s custody. The data was compiled from public records with the Texas Attorney General’s office and shows that a staggering number of people have died while in SAPD’s custody – approximately one a month over the past 10 years.⁵ The press release also lists five examples of excessive force used by SAPD officers. It also states: “Our local media has covered George Floyd’s death as if it is the type of death that occurs in other parts of the country but not here. Sadly, this is not accurate. San Antonio has a high rate of persons dying in police custody.” Policymakers, including Chief McManus, knew about the press release and discussed it both internally and with the media.

⁵ The study shows that 106 people died between 2010 and 2020. However, only half of 2020 was reported. If the study had included all of 2020, the number of deaths would have been higher. Plaintiffs also note that approximately 73% of those deaths were Black or Hispanic individuals. While Plaintiffs are concerned with how SAPD’s policies disproportionately impact minorities, Plaintiffs are not alleging that Ms. Perez’ death was racially motivated.

42. Additionally, on November 18, 2021, Mario Salas, a former two-term council member for the City of San Antonio, sent a formal request to the US Department of Justice requesting that DOJ commence an investigation into the San Antonio Police Officers' Association, with a specific request that the DOJ look into the obstruction of investigations of persons killed while in SAPD's custody. Mr. Salas' request to the DOJ is attached and incorporated herein as Exhibit "C".

Excerpts from Mr. Salas' request to the DOJ are quoted below:

- "The San Antonio Police Department's (SAPD's) Internal Affairs Division protocols and staff intimidated countless victims of police misconduct into not filing serious complaints by establishing a pattern of stacking criminal charges against arrestees who complain and or threatening to file felony perjury charges if arrestees persisted with their complaints against officers. As a result, citizen complaints against police officers dropped sharply. This artificial reduction in citizen complaints meant there were fewer opportunities for police management to discipline the misconduct of problem officers."
- "The City of San Antonio has an unacceptably high number of in-custody deaths. It is a much higher rate than comparable cities and is on par with much larger cities such as Houston and Chicago."
- "Since 2013 to the present there have been at least 96 other citizens that have died unnecessarily in the custody of SAPD officers. This is about 1 per month."
- "Non-lethal excessive force is likewise a serious problem for our City and especially our communities of color."
- The vast majority of custodial deaths and other serious instances of excessive force are not reported by the victims because of fear of retaliation against the victims or their families. Therefore, the numbers of complaints of excessive force reported by the Internal Affairs (also known as Professional Standards) Division of the SAPD is artificially low."

43. Plaintiffs incorporate the factual allegations made in both LEAP's press release (Exhibit "B") and in Mr. Salas' request that DOJ investigate SAPD (Exhibit "C") into this Complaint. Plaintiffs further allege that policymakers for the City, including Chief McManus, were aware of the request from Mr. Salas. Thus, they were fully aware of the problems, the statistics and the concerns mentioned in this document long before Ms. Perez was shot.

44. In addition to the factual allegations described above, Plaintiffs also provide several additional examples of force that was clearly excessive and objectively unreasonable from SAPD officers that did not result in adequate discipline. Indeed, each of these examples were directly caused by SAPD's pattern of inadequate discipline. Plaintiffs point to the five "mental health" examples cited above. All five examples are relevant to the City's failure to discipline because none of the officers involved were properly disciplined. Plaintiffs also provide the following additional examples showing that SAPD's policy of failing to properly discipline its officer created a culture that both tolerated and caused excessive force within the department.

Example #6 – A.J. Hernandez

45. On June 3, 2022, thirteen year-old AJ Hernandez was driving a Toyota Corolla that the police thought might be stolen. Officer Ramos, who had shot and killed John Montez the previous year, shot and killed AJ because AJ was supposedly attempting to kill another officer by ramming the Corolla into the police car. The vehicles involved were not traveling faster than five miles per hour at any point during the incident. While there was contact between the vehicles, there was no deadly threat. Rather, there was a little boy behind the wheel of the car, surprised that there were two officers behind him. Officer Ramos gave no verbal warning before firing his gun, and within one second of Officer Ramos exiting his vehicle, he had already fired upon the vehicle occupied by Mr. Hernandez. Young AJ was killed by the gunshot wound. City policymakers were well aware of this case as it garnered significant media attention. Officer Ramos was initially suspended during an investigation but ultimately was not disciplined.

Example #7 – Erik Cantu

46. On October 2, 2022, Officer James Brennard of the San Antonio Police Department (SAPD) shot 17-year-old Erik Cantu 10 times in the parking lot of a McDonald's restaurant in San

Antonio, Texas. After responding to an unrelated disturbance, Brennand saw Cantu eating a hamburger in his vehicle, and thought he recognized the vehicle as the same one that had evaded him at a traffic stop the previous day.⁶ Brennand approached Cantu's vehicle, forced the door open, and demanded he get out. Cantu then attempted to flee in the car. Brennand then fired five times into the vehicle. As Cantu drove the car away, Brennand fired five more times at the moving vehicle. Following the incident, Cantu was immediately placed on life support and remained hospitalized for a number of weeks. Brennand has been indicted for aggravated assault and attempted murder. The case gained national attention because the shooting was so egregiously excessive. Thus, City policymakers were well aware of this case. This shooting was caused by the City's prior history of tolerating excessive force by SAPD officers.

Example #8 – Charles Roundtree and Devante Snowden

47. On October 17, 2018, Charles Roundtree and Devante Snowden were together at a local residence when SAPD Officer Casanova and two other SAPD officers were purportedly investigating a misdemeanor assault. Casanova entered the residence without any verbal warning and shone a bright light at Roundtree and the others. Casanova's entry startled the individuals, and Snowden walked towards the front door to see who was there. Snowden saw Casanova pointing a gun at him and attempted to turn and walk away when Casanova opened fire, striking Snowden in the back and buttocks and striking Roundtree in the chest. Roundtree died from his wounds. Officer Casanova claimed that he shot Roundtree and Snowden because Snowden supposedly had a gun. Indeed, the City went so far as to arrest Snowden and charge him with unlawful possession of a firearm. Snowden remained in jail for 10 months before being released. That strategy backfired when the City could not find Snowden's DNA or fingerprints on the gun

⁶ While the vehicle had license plates registered to another vehicle, it was not stolen.

they claim to have found outside the residence and when all the eye-witnesses (officers and victims alike) except for Casanova testified that they did not ever see a gun in the home and certainly not on Snowden. Indeed, there was body camera footage from Officer Casanova, but it did not show Snowden with a gun. Snowden claims that the entire charge of felony possession of a firearm was manufactured by law enforcement to try to protect SAPD from the unjustified shooting. A jury ultimately acquitted Snowden on the possession of a firearm charge. In the end, Casanova was not disciplined, but Snowden was seriously injured and Roundtree died. Chief McManus was fully aware of the situation as he defended Casanova's actions in Court proceedings.

Example #9 – Antronie Scott

48. On February 14, 2016, Antronie Scott was at Wood Hollow Apartments sitting in his vehicle with his wife. Officer John Lee of SAPD attempted to arrest Mr. Scott for outstanding drug warrants. Mr. Scott attempted to comply with the officer's instruction and began to exit the vehicle. Mr. Scott was unarmed and had no weapon in his hand or in his vehicle. At no time did Mr. Scott pose a threat to Lee or anyone else, nor did he act in a threatening manner. Yet, immediately as Mr. Scott was exiting the vehicle, Officer Lee shot him in the chest and he died a few minutes later. Officer Lee claimed that he thought Scott was holding a gun when he opened fire on him, but it turned out to be a cell phone. Police Chief William McManus initially moved to suspend Lee indefinitely, but later reversed course and only ordered that Lee undergo additional training. In 2022, a wrongful death suit filed by Mr. Scott's family was settled on terms favorable to the family.

Example #10 – Alfred Aragon

49. On July 27, 2012, Alfred Aragon was at the residence of Abigail Hernandez, the mother of Aragon's son. While Aragon was at Hernandez's home, Hernandez contacted Detective Michael

Garza from SAPD, who was in a bar consuming alcohol. Detective Garza picked up Hernandez and took her home. Then, Detective Garza confronted Aragon. Detective Garza eventually pursued Aragon to his home and shot Aragon multiple times, killing him. As a result of the incident, Detective Garza was initially suspended for violations of SAPD rules, including drinking while on duty, making false statements, and misuse of City property. With regard to the shooting incident itself, SAPD found that Detective Garza failed to use sound judgment. SAPD also found that Detective Garza was untruthful in his report of what happened. SAPD initially terminated Detective Garza, but he was later reinstated to the police force. City policymakers were well aware of this case and Chief McManus was the person who reinstated Garza.

50. In all ten of the representative examples cited above, the SAPD officers exhibited excessive force that was clearly excessive and objectively unreasonable in violation of the U.S. Constitution.⁷ Moreover, in only one of these examples (Erik Cantu) did SAPD meaningfully discipline the offending officers, and in that case, the conduct was so egregious that the Bexar County district attorney charged the offending officer with attempted murder. Again, the failure of the City's policymakers, including Chief McManus, to properly discipline SAPD officers for misconduct, including excessive use of force, was the key reason Ms. Perez died. If SAPD had cultivated a culture of proper discipline for police misconduct, then the officers in this case would never have pulled their weapons.

51. The culture of failing to meaningfully discipline police misconduct extended to Sergeant Flores and Officer Alejandro, who both received minor suspensions for police misconduct when

⁷ In the case of Bryan Spangrud, Plaintiffs allege that the shooting was unnecessary because the mental health team didn't arrive even though they were called. Again, the Plaintiffs do not criticize the officer for firing a single shot once the rifle was pointed at him, but it never should have gotten to that point and probably would not have escalated if the mental health team had responded as requested.

the punishment should have been much greater. Although much will be learned through the discovery process, the records publicly available reveal the following:

- In June of 2017, Sergeant Flores left his assigned area on three separate dates (June 6, 7, and 8 of 2017) to go to a residence that was out of his area. He did not get permission to leave his assigned area. On the last day (June 8, 2017), Sergeant Flores was involved in a “disturbance” at that location. The exact nature of the “disturbance” was not described in the public information we currently have, but the report states that “Officer Flores’ actions did not conform to the ordinary and reasonable rules of good conduct and behavior and/or brought reproach and discredit on himself and the San Antonio Police Department.” Sergeant Flores was given an indefinite suspension (i.e. termination) on Sept 30, 2017. As is typical with terminations involving SAPD police misconduct, Chief McManus reinstated Flores after a 10-day suspension.
- On July 14, 2018, Sergeant Flores pulled his service weapon and pointed it at a citizen who reportedly had been tailgating Sergeant Flores. Flores also did not initially activate his body camera. Remarkably, Sergeant Flores only received a 1-day suspension, and that suspension was because Sergeant Flores failed to activate the body camera in a timely manner – not for pulling a gun on a person who posed no threat to him and was merely tailgating Sergeant Flores. Chief McManus should have disciplined him for pulling a gun. City policy 501.05(E) states: “A weapon must not be displayed or brandished as a threat unless its potential use in the situation would be reasonable, or if the circumstances clearly call for the use of a weapon to control a dangerous situation or in accordance with Chapter 9 of the Texas Penal Code.” In this case, the circumstances did not justify Sergeant Flores shooting the person for tailgating, so he should not have pulled his weapon and pointed it at the driver. Chief McManus knew this, but didn’t discipline Officer Flores for this serious infraction.
- On April 25, 2019, one of Sergeant Flores’ fellow officers was responding to a loud music disturbance call and he called for backup, saying he was outnumbered. Flores was the nearest available cover officer — less than a mile away — but he did not respond and claimed that that he could not hear the call. Additionally, the day before (April 24, 2019), Sergeant Flores grossly exceeded the speed limit multiple times without authorization. During that same time frame, he also took more than the permitted number of coffee and lunch breaks during his regular tour of duty between 5 p.m. and 3 a.m. Sergeant Flores was initially suspended for 14 days on Sept. 20, 2019, but his suspension was later reduced to 8 days on Oct. 15, 2019.
- On December 29, 2019, Sergeant Flores was called to respond to a shooting incident, but he did not respond or go help his fellow officers. Instead, he went to get something to eat. He left his assigned area for a purpose not related to his duties without supervisor authorization, and he did not act together with other officers dispatched to the shooting in progress where danger might reasonably be impending. When he was able to respond to the shooting, he drove further away rather than come and help as directed. Sergeant Flores was suspended for 15 days for this incident on July 2, 2020.

- On March 11, 2021, Flores was dispatched to a hotel for a report of narcotics found, where he took custody of two purses, two backpacks and a laptop bag. Sergeant Flores searched the bags and found a large amount of marijuana inside the backpacks and the laptop bag. One of the bags contained a large amount of cash (\$1,850) but Flores didn't turn the bag in. Thirty days later, another officer found the bag with the cash and turned it in. Additionally, Sergeant Flores actively muted his bodycam during this call without explaining or documenting why. Flores was suspended for only 10 days on Aug. 17, 2021.

52. Collectively, these disciplinary records show that Sergeant Flores was a volatile officer who was willing to leave his area multiple times and to get involved in a personal "disturbance," he pulled his gun on a citizen when there was no danger to him, and he kept a bag containing a large amount of cash without turning it in. He should have been terminated in 2017, and if he had, he would not have shot Ms. Perez. Instead, he was allowed to stay with SAPD and was even promoted to Sergeant.

53. Additionally, Officer Alejandro was given light punishment for multiple acts of police misconduct. Public records currently available reveal the following:

- On Sept. 29, 2019, Officer Alejandro was flagged down to respond to a fist fight. He attempted to bring one of the males involved in the fight into custody and was heard using profanity on his bodycam. As part of this incident, Officer Alejandro went inside a home where he found a locked door and kicked it down to get access. All of this was excessive. Officer Alejandro was initially suspended for 15 days, but it was reduced by Chief McManus to a 2-day suspension.
- On Nov. 16, 2019, Officer Alejandro was the investigating officer for a two-vehicle crash. One of the drivers did not have a valid driver's license, did not have proof of insurance, had expired license plates and had two outstanding arrest warrants. Yet, Officer Alejandro did not issue any citations, did not arrest the person, and did not impound the vehicle. Moreover, there were two passengers who fled the scene but were not listed on the crash report. Additionally, the crash report was late, and when it was completed, it was wrong. For example, the unlicensed driver was listed as having a driver's license and the vehicle was listed as having been towed when there was no record of the vehicle being towed. For all this, Officer Alejandro was originally given a 30-day suspension, which was subsequently reduced by Chief McManus to 15 days.
- On January 3, 2020, Officer Alejandro was called upon to arrest a woman who was clearly shoplifting multiple items. He would not arrest the woman and refused an on-site female officer's inquiry as to whether she should search the woman. Officer Alejandro was heard

on the bodycam telling the suspect, “It’s time to go. I’m being real nice about it and I can be an asshole, but I want to be real nice today.” He was given a 25-day suspension for this.

54. Again, collectively, these records show a pattern of violence as well as a significant disregard for policy by Officer Alejandro, including charging into a house and kicking down a door of a private residence when there was no need to exhibit such force. Moreover, he was willing to disregard his duties and ignore policy. If discipline had been proper and consistent, then he would likely have been fired, or at least, he would not have shot Ms. Perez under these circumstances.

4. The events surrounding Ms. Perez’ death provide compelling evidence that SAPD has systemic problems in its culture, training and discipline.

55. Ms. Perez was not shot by a single officer who temporarily forgot his training in a split-second decision. There were multiple officers who acted over a two-hour period of time. Despite numerous opportunities to consider the situation and determine what to do, nobody seemed to know that they should stop threatening and provoking a woman who was suffering from an acute schizophrenic episode. When the first officer shouted through the window that Ms. Perez was “gonna get shot,” none of the other officers said anything to protect Ms. Perez or to de-escalate the situation. Moreover, none of the officers suggested that they should simply leave, call the family, and then conduct a well-check on Ms. Perez the next morning. When Officer Alejandro fired five rounds through Ms. Perez’ back door and somehow missed, none of the other officers acted like this was a problem. Instead, Sergeant Flores and Officer Villalobos joined in, and all three of them opened fire even though there was no imminent threat to anyone. Another SAPD officer had his gun drawn. In total, there were at least six different SAPD officers positioned near Ms. Perez’ rear porch, and none of them said anything to advocate for Ms. Perez or to question what was happening. Plaintiffs submit that it defies credulity for the City to argue that its policies and culture

are all pristine, but that all six of these officers simultaneously forgot everything they have been taught. No, these events could not have occurred without significant deficiencies in the policies and culture at SAPD that tolerated excessive force without repercussion.

5. The City's failure to adequately train its officers led to Ms. Perez' death.

56. Plaintiffs acknowledge that the City did at least some training on how to deal with people experiencing a mental health crisis. However, as explained above, training without enforcement or discipline is meaningless. Moreover, the City's policies prevented the officers on the mental health team, who had extensive training, from being called to the scene.

57. Additionally Plaintiffs allege that the City failed to train on the need for an officer to intervene when a fellow officer is using excessive and unreasonable force. Plaintiffs allege that the City's training on this issue was wholly inadequate, that the City was deliberately indifferent in adopting its training policy on this issue, and that the inadequate training directly caused Ms. Perez' death. Plaintiffs submit that deliberate indifference is demonstrated by the pattern of similar incidents described above, which collectively show that SAPD officers simply do not intervene when they see other officers using excessive force. In most of the examples cited above, there were multiple SAPD officers involved, and none of them intervened to prevent the excessive force. Significantly, even when SAPD officers are disciplined, it is never because the onlookers failed to intervene and advocate for the victim. Thus, there is a clear, persistent practice in SAPD where the officers do not question another officer who disregards SAPD's policies on the use of force, and there was inadequate training on this key point. If there had been training, then some other officer or supervisor would have spoken up long before the fatal shots were fired, and Ms. Perez would be alive today.

IV. CLAIMS FOR RELIEF

COUNT I – Liability under 42 U.S.C.S. § 1983

58. The allegations contained in Paragraphs 9 through 57 are herein incorporated by reference, the same as if fully set forth verbatim for any and all purposes of this pleading.

59. The Civil Rights Act of 1871, now codified as 42 U.S.C.S. § 1983 as federal law, provides: "Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any laws, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." 42 U.S.C.S. § 1983.

60. The state action requirement for standing under 42 U.S.C.S. § 1983 has more commonly been referred to as "color of state law," from the statute itself. When committing said acts and/or omissions, Defendants Flores, Villalobos, and Alejandro were acting under color of state law within their employment with the San Antonio Police Department.

61. The conduct of SAPD's officers violated Ms. Perez' clearly established constitutional rights. The Fourth Amendment protected Ms. Perez from unreasonable intrusions, and the unreasonable use of deadly force is the ultimate Fourth Amendment intrusion. Moreover, prior to Ms. Perez' death, opinions from U.S. Supreme Court and the 5th Circuit had clearly established that the use of deadly force is unreasonable when the officers do not have probable cause to believe that the suspect posed a threat of serious physical harm, either to the officer or to others. Furthermore, liability attaches when no reasonable officer would have thought that deadly force was appropriate. As confirmed by the language in the arrest warrant and also in Chief McManus' press conference, Defendants Flores, Villalobos, and Alejandro were not in clear danger of death

or serious bodily injury at the time they used deadly force, nor were they using deadly force to protect a third party. Furthermore, no reasonable officer, in light of the same facts and circumstances at the time, would have felt compelled to use deadly force. Defendants, acting under color of state law, violated decedent Ms. Perez' Fourth Amendment rights. The rights, privileges, and immunities secured by the Fourth Amendment of the Constitution, and incorporated and applied to the states through the Fourteenth Amendment, include the right to be free from an unreasonable seizure. These rights were violated when Defendants Flores, Villalobos, and Alejandro intentionally shot and killed Ms. Perez.

62. The deadly force used by Defendants Flores, Villalobos, and Alejandro against Ms. Perez was unjustified and objectively unreasonable under any circumstances. This force was clearly excessive to the need, and this excessiveness was objectively unreasonable in light of the facts and circumstances at the time of the shooting.

63. The actions of Defendants Flores, Villalobos, and Alejandro constitute excessive force in violation of the Fourth Amendment of the United States Constitution as decedent, Ms. Perez posed no immediate threat of serious danger to anyone at the time that Defendants Flores, Villalobos, and Alejandro shot and killed her.

64. Defendants Flores, Villalobos, and Alejandro's use of excessive force in violation of Ms. Perez' Fourth Amendment rights directly and proximately caused decedent Ms. Perez' death and the Plaintiffs' damages.

65. Plaintiffs allege that Defendants Flores, Villalobos, and Alejandro are individually liable under this statute. Plaintiffs also allege that all the individual defendants are jointly and severally liable to Plaintiffs because they worked in concert with each other and because all their actions involved a single, indivisible injury.

COUNT II- The City's Independent Liability Under 42 U.S.C.S. § 1983

66. The allegations contained in Paragraphs 9 through 57 are herein incorporated by reference, the same as if fully set forth verbatim for any and all purposes of this pleading.

67. Defendants the City of San Antonio and the San Antonio Police Department are liable under 42 U.S.C.S. § 1983 due to one or more official policies or customs of The City of San Antonio that deprived Ms. Perez of her constitutional rights.

68. It is well-established that municipalities are liable under 42 U.S.C.S. § 1983 for constitutional torts that are the result of compliance with the municipality's customs, practices, policies or procedures. A municipality is liable for constitutional deprivations which arise pursuant to governmental custom even though such custom has not received formal approval through the body's official decision-making channels.

69. The City is liable under 42 U.S.C.S. § 1983 due to the following:

- SAPD has a policy relating to the operating hours of its mental health team, which policy prevents the team from responding to a mental health crisis between 11:00 pm and 7:00 am;
- SAPD has a culture that is rampant throughout the department such that uniformed SAPD officers regularly do not call on the mental health team to respond when a person is experiencing a mental health crisis;
- SAPD has a culture of escalating mental health encounters such that unnecessary, unreasonable and excessive force is used against mentally ill people;
- City policymakers, including Chief McManus, made the deliberate choice not to discipline officers for using excessive force, which created an informal policy of tolerance and support for officers who unconstitutionally use excessive force; and
- City policymakers failed to adequately train on the need to intervene to stop a fellow officer from using excessive force.

70. These policies are so persistent and widespread as to practically have the force of law. The policies and/or customs of The City of San Antonio complained of herein were a direct cause in

fact and proximate cause of the decedent's deprivation of constitutional rights, as well as her death and other injuries and damages which were sustained.

71. All of these policies and procedures were made by those with final policymaking authority or were condoned as the custom and practices of the department by those in authority.

72. These policies and customs reflect a deliberate indifference to the known or obvious consequences of such policies – that members of the public would be subjected to constitutional violations, including the use of excessive force in violation of their Fourth Amendment rights. Because of SAPD's longstanding policies described herein, the SAPD officers involved, including Defendants Flores, Villalobos, and Alejandro, believed that their use of deadly force in conscious disregard of the rights and safety of Ms. Perez would meet with the approval of the City's policymakers.⁸ . Plaintiffs also allege that all the defendants are jointly and severally liable to Plaintiffs because they worked in concert with each other and because all their actions involved a single, indivisible injury.

V. DAMAGES

73. The allegations contained in Paragraphs 9 through 57 are herein incorporated by reference, the same as if fully set forth verbatim for any and all purposes of this pleading.

74. Plaintiffs are all the children of the deceased, Ms. Perez, and are heirs at law to the Estate of Ms. Perez. Thus, they are each a statutory beneficiary under the Texas wrongful death statute, and they bring this suit pursuant to Sections 71.002 et seq. of the Texas Civil Practice and Remedies Code. Plaintiffs note that it is well settled that a Plaintiff may bring a wrongful death claim under

⁸ In this case, the actions of Defendants Flores, Villalobos, and Alejandro did not meet with the approval of the City's policymakers, who have rightly condemned the shooting. However, the City's after-the-fact response to this shooting does not change the fact that, prior to this incident, the City had a policy of consistently allowing acts of excessive force to go unaddressed and unpunished, which directly caused the shooting of Ms. Perez.

Section 1983 pursuant to a state wrongful death statute, which is what Plaintiffs are doing in this case.

75. Plaintiffs seek damages for the following:

1. Past and future pecuniary loss;
2. Past and future loss of companionship and society;
3. Past and future mental anguish; and
4. Loss of inheritance.

76. In addition, Plaintiffs seek punitive damages against Sergeant Flores, Officer Alejandro and Officer Villalobos. (Plaintiffs are not seeking punitive damages against the City).

77. Punitive damages are designed to punish and deter persons such as Defendants who have engaged in egregious wrongdoing. Punitive damages may be assessed under § 1983 when a Defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally-protected rights of others. While municipal defendants are absolutely immune from § 1983 awards of punitive damages, such damages may be awarded against a public employee or official in their individual capacity. Therefore, Plaintiffs allege and pray for punitive damages against Defendants Flores, Villalobos, and Alejandro as they actually knew that their conduct was unconstitutional, and/or they were callously indifferent to its legality.

78. Plaintiffs seek recovery for these damages within the jurisdictional limits of this Court.

VI. ATTORNEYS FEES

79. Pursuant to the Civil Rights Attorney's Fees Award Act, 42 U.S.C.S. § 1988, a prevailing party in a § 1983 case is entitled to recover his or her attorney's fees. Hence, Plaintiffs further pray for all costs and attorney fees associated with bringing the present case to trial.

VII. DEMAND FOR JURY TRIAL

80. Plaintiffs hereby make their demand for a jury trial and acknowledges herein the payment on this date of the required jury fee.

VIII. CONCLUSION

81. The wounds caused by these tragic events are deep and painful – both for the Perez family and for the City at large. Mayor Nirenberg, Chief McManus and members of the City council have all publicly acknowledged that Ms. Perez died because multiple SAPD officers used deadly force that was clearly excessive and objectively unreasonable. This is an important step in the right direction. However, these wounds cannot fully heal as long as the City ignores its own role in this terrible outcome. Until the City addresses the policies, culture, training deficiencies and, most importantly, the failure to provide consistent, meaningful discipline for police misconduct, the numerous examples of police misconduct outlined in this Complaint will continue in the future.

82. For real healing to occur, two things need to happen. First, compensation needs to be paid to the Perez family in an amount that is commensurate with the harm done (four children lost their mother, three of them minors) and with the gravity of the wrong committed (three SAPD officers gunned down a mentally ill woman in her own home while other officers watched in silence). Second, people of good will need to come together, honestly address the improvements that need to be made, and then do the hard work needed to make sure that Melissa Perez is the last person in San Antonio wrongfully killed by the police.

IX. PRAYER

83. WHEREFORE, premises considered, Plaintiffs hereby request and pray that Defendants be cited to appear and answer herein and that upon final hearing Plaintiffs have and recover from the Defendants their actual damages, exemplary damages, attorney's fees, prejudgment and post judgment interest as allowed by law, court costs and other and further relief to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

THE PACKARD LAW FIRM

By: _____



Daniel W. Packard
State Bar No. 00791392
Email: dan@packardfirm.com
1100 NW Loop 410, Suite 104
San Antonio, Texas 78213
Telephone Number: (210) 340-8877
Fax Number: (210) 340-8787

Attorney for Plaintiff

State of Texas
County of Bexar

In the Magistrate Court
Number:

CM 110776

Affidavit for Arrest Warrant

The undersigned Affiant, Detective Roanald Soto # 2459, being a Peace Officer under the laws of the State of Texas and being duly sworn, on oath, makes the following statements and accusations:

- A victim in this case has been identified as Melissa Ann Perez, date of birth January 21, 1977, hereinafter referred to as the Victim.
- An actor in this case has been identified as Alfred Flores, date of birth March 14, 1978, hereinafter referred to as Defendant 1. Said Defendant is further identified in SAPD computer files under SID # 0898832
- An actor in this case has been identified as Eleazar Alejandro, date of birth February 25, 1995, hereinafter referred to as Defendant 2. Said Defendant is further identified in SAPD computer files under SID # 1084417
- An actor in this case has been identified as Nathaniel Villalobos, date of birth March 06, 1996, hereinafter referred to as Defendant 3. Said Defendant is further identified in SAPD computer files under SID # 1138619
- It is the belief of your Affiant that the offense of
Murder
was committed on or about the 23rd day of June, 2023, in Bexar County, Texas.
- Your Affiant has probable cause for said belief by reason of the following facts:

On Friday, June 23, 2023, at approximately 0027 hours, San Antonio Police Officers responded to the Rosemont at Millers Pond Apartments, located at 6200 Old Pearsall Road, for a Disturbance. When Officers arrived, they found Victim 1, Melissa Perez, speaking with San Antonio Firefighters in the parking lot. When Officers contacted Victim 1, she identified herself to police officers providing her name, date of birth, and the apartment number where she lives. Victim 1 told Officers she had cut the wires to the fire alarm because the FBI was listening to her. When officers asked Victim 1 to walk over to their patrol cars, Victim 1 became upset and ran back into her apartment and locked the front door. Officers communicated with Victim 1 through the door and asked her to come out. However, she refused.

Officers continued to speak with the Victim through an open window on the first floor. Upon further investigation, Officers determined that the Charge against Victim 1 for damaging the fire alarm was a Criminal Mischief State Jail Felony. When Officers removed a screen from an open window on the porch, Victim 1 threw an object at an officer, hitting him in the left forearm and causing him minor injury. Officers then backed away and waited for other officers and supervisors to arrive.

Additional Officers responded to the scene, including Defendant 1 (Sgt. Flores #3240), Defendant 2 (Officer Alejandro #0022), and Defendant 3 (Officer Villalobos #1584), who were in full police uniform and on duty as



CM 110776

San Antonio Police Department Officers assigned to the patrol division. When Defendant 3 arrived, Officers briefed him on the case, and Officers were positioned by the front door to the apartment and the rear balcony area of the apartment. In addition, Officers repeatedly yelled at the Victim to come outside, but she refused. While Defendant 2 spoke with Victim 1, Defendant 1 and Defendant 3 jumped over the guardrail and stood near the closed patio door and back window. Moments later, Defendant 2 saw the Victim pick up a hammer with her right hand and charge toward the closed patio door while swinging the hammer and striking the window near Defendant 1 and Defendant 3. Believing the Victim could throw the hammer, Defendant 2 discharged his weapon several times at Victim 1. After Defendant 2 fired his duty weapon, the Victim stepped backward toward the hallway but then rushed toward Defendant 1 and Defendant 3 a second time, who stood outside the closed patio door. As Victim 1 moved toward the back door, Defendant 1, Defendant 2, and Defendant 3 fired at Victim 1, striking her. After the shooting, Officers forced entry through the patio door and attempted life-saving measures for the wounded Victim. When EMS arrived, the Victim was pronounced deceased. The Victim had a hammer in her hand and did not pose an imminent threat of serious bodily injury or death when she was shot because the Defendants had a wall, a window blocked by a television, and a locked door between them.

After review of available digital evidence, the physical evidence, and the Defendant's statements, your Affiant does not believe the use of deadly force was reasonable, given the totality of the circumstances. The Defendants were not in clear danger of death or serious bodily injury at the time the Defendants used deadly force, nor were the Defendants using deadly force in protection of a third party.

Your Affiant does not believe a reasonable Officer, in light of the same facts and circumstances at the time, would have felt compelled to use deadly force. As such, your Affiant has probable cause to believe the Defendants, public servants acting under the color of thier employment, committed Penal Code offense #19.02 Murder by a Public Servant against Victim 1. This case is being investigated under SAPD23137586.

- Your Affiant has reason to believe, and does believe, the said Defendants, Alfred Flores, Eleazar Alejandro, and Nathaniel Villalobos, on or about the 23rd day of June, 2023, in Bexar County, Texas, intentionally shot and killed the Victim using a firearm.
- in violation of Section # 19.02 of the Penal Code of the State of Texas.

State of Texas
County of Bexar

In the Magistrate Court
Number: CM 110776

Therefore, your Affiant respectfully requests that a warrant be issued for the arrest of the Defendants,
Alfred Flores, Eleazar Alejandro, and Nathaniel Villalobos, charging them with the felony criminal offense of
Murder
in violation of Section # 19.02 of the Penal Code of the State of Texas.

Respectfully Submitted,
Signature of Affiant *[Handwritten Signature]* 2261

Sworn to and subscribed before me in person
this 23 day of June 2023
hour of 6:28 p.m.

[Handwritten Signature]
Signature of Magistrate
Bexar County, Texas



James Tocci

**REPORT SUMMARY ON DEATHS OF CITIZENS
WHILE IN SAPD CUSTODY FOR YEARS 2010 – 2019**

**FROM: SAN ANTONIO COALITION FOR
POLICE REFORM AND ACCOUNTABILITY**

RE: PRESS CONFERENCE ON JUNE 19, 2020

The horrific death of George Floyd in Minnesota has become a flashpoint in our country that has once again caused many Americans to see for themselves the unjustified violence and callousness that so many law enforcement officers use when dealing with unarmed people of color.

The Coalition for Police Reform and Accountability and the San Antonio Law Enforcement Accountability Project (LEAP) have noted that our local media has covered George Floyd's death as if it is the type of death that occurs in other parts of the country but not here. Sadly, this is not accurate. San Antonio has a high rate of persons dying in police custody.

Please note the Chart of Custodial Deaths in SAPD Custody for years 2010 - 2020 on page 4. This does not include custodial deaths that occur in the custody of the Bexar County Sheriff's Office (BCSO) or in the custody of any of our neighboring law enforcement agencies or the Texas Department of Public Safety (DPS).

These numbers have been compiled from the Texas Attorney General's office records on persons that have died while in police custody of the San Antonio Police Department.

Local cases in point: Norman Cooper (died by Tasing while in San Antonio Police Department (SAPD) custody on April 19, 2015)

Jesse Aguirre (died in SAPD custody by asphyxiation on April 12, 2013)

Charles Roundtree (died in SAPD custody at his home on October 17, 2018)



Antroine Scott (died in SAPD custody on February 4, 2016)

Marquise Jones (died in SAPD custody on February 28, 2014)

The Collective Bargaining Agreement (CBA) between the City of San Antonio and the San Antonio Police Officers Association (SAPOA) is literally beyond reform (Agreement expires September 30, 2021). We need a re-imagining of policing in our community. SAPD has become hopelessly intertwined with SAPOA's political agenda. We will use all lawful means at our disposal to reform the broken SAPD culture and make it an organization truly dedicated to transparency in protecting and serving its citizens and our neighborhoods and communities. This will include:

- (1) Initiative and referendums to eliminate SAPOA's CBA and Evergreen provisions in all other municipal contracts, as well as:
 - (2) Elimination of a disciplinary system that prevents the Chief of police from considering past officer misconduct from being effectively considered when subsequent allegations of police misconduct are sustained. We must prevent terminated officers from being returned to service time and again by arbitrators.
 - (3) "Dashcam" and "bodycam" videos and audio recordings should be released unedited within ten (10) days of a written request.
 - (4) Police reforms such as requiring all officers to receive the same training currently required by the SAPDMental Health Unit as well as:
 - (a) Decreases in custodial death rates;
 - (b) Decreases in officer involved shootings;
 - (c) Substantial decreases in excessive force complaints;
 - (d) Acceptance of responsibility by police when they engage in or observe excessive force by fellow officers; and
 - (e) Change the "warrior cop" mentality and toxic culture to a "guardian / protector" role and culture.
- (2) Require all complaints, regardless of disposition, to be published and immediately accessible to the public.

- (3) **Establish acceptable use of force standards that make public safety the primary goal of SAPD culture.**

- (4) Make the City of San Antonio and/or SAPOA or individual officers financially responsible to the healthcare providers for medical expenses caused by excessive force by officers against arrests or detainees.

“Policing the Police” oversight of police has become necessary as police have proven incapable and unwilling to police themselves. This does not mean oversight by civilians that have been “hand-picked” by the police or SAPOA but rather meaningful oversight by an independent commission with subpoena authority to investigate civilian complaints and final authority to discipline officers and refer for prosecution in appropriate circumstances involving police criminality, excessive force, sexual misconduct, and/or obstruction of justice. This means rejection of our current SAPD Police Action Advisory Board which has no independent authority to investigate and can only make recommendations to the Chief of Police.

DEATHS OF PERSONS IN SAPD CUSTODY BY YEAR

YEAR	TOTAL DEATHS	BLACK/HISPANIC DEATHS
2010	9	8
2011	3	3
2012	10	7
2013	11	7
2014	11	9
2015	14	10
2016	13	11
2017	6	5
2018	8	6
2019	10	7
2020	11	5
TOTAL	106	78

MARIO MARCEL SALAS
P.O. Box 200591
SAN ANTONIO, TEXAS 78220
(210) 454-3875
MSALAS7831@YAHOO.COM

NOVEMBER 18, 2021

**VIA FIRST CLASS MAIL AND
CERTIFIED MAIL RETURN RECEIPT REQUESTED
NUMBER 7020 3160 0001 1057 1518**

Honorable Merrick B. Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: REQUEST FOR INVESTIGATION

Dear Attorney General Garland,

As a former two-term City Council member of the City of San Antonio and a life-long resident of San Antonio, Texas, I am requesting an investigation of the San Antonio Police Officers' Association which is the recognized union of the San Antonio Police Department.

We are especially concerned about the obstruction of investigations of persons killed while in police custody.

In 1998 Union President Harold Flamia negotiated the most lucrative Collective Bargaining Agreement ("CBA") in the country for the SAPOA. The CBA required the City of San Antonio to set up a legal fund to pay for litigation by or against police officers.¹

The CBA also established a completely ineffective Police Chief's Advisory Civilian Review Board which effectively stopped civilian complaints against officers. Complainants were routinely threatened with lawsuits by taxpayer funded lawyers for police officers. The San Antonio Police Department's (SAPD's) Internal Affairs Division protocols and staff intimidated countless victims of

¹ This caused relentless litigation by police officers against their divorcing or former spouses because it cost them next to nothing.



Honorable Merrick B. Garland Letter
NOVEMBER 18, 2021

2

police misconduct into not filing serious complaints by establishing a pattern of stacking criminal charges against arrestees who complain and or threatening to file felony perjury charges if arrestees persisted with their complaints against officers. As a result, citizen complaints against police officers dropped sharply. This artificial reduction in citizen complaints meant there were fewer opportunities for police management to discipline the misconduct of problem officers.

The SAPOA was instrumental in forming the Combined Law Enforcement Association of Texas ("CLEAT"), CLEAT elected Flamia as their treasurer and soon thereafter Flamia started requiring kickbacks from CLEAT lawyers. Flamia later plead "guilty to federal fraud and money laundering charges for accepting \$500,000.00 in kickbacks" from the tax payer created legal fund. Incredibly, "Flamia's wife, who was never charged with her husband's crimes" served as head of the Internal Affairs Division of the SAPD. *See "Greedy Bastards" One City's Texas-Size Struggle to Avoid a Financial Crisis; p. 101, (2020) by former San Antonio City Manager Sheryl Sculley.*

As you know Texas law enforcement agencies and police departments are required to file Custodial Death Reports with the Texas Attorney General's office whenever arrestees or detainees die in police custody. Therefore, we know with some degree of certainty the number of persons killed every year while in police custody. The City of San Antonio has an unacceptably high number of in-custody deaths.² It is a much higher rate than comparable cities and is on par with much larger cities such as Houston and Chicago.

Non-lethal excessive force is likewise a serious problem for our City and especially our communities of color.

I know the United States Department of Justice (DOJ) also collects similar types of information and I respectfully request the DOJ compare its numbers with those reported by the Texas Attorney General's office.

The vast majority of custodial deaths and other serious instances of excessive force are not reported by the victims because of fear of retaliation against the victims

² The Calamity of Unaccountability: 123 persons died in the custody of SAPD Officers from 2002 to 2013. Since 2013 to the present there have been at least 96 other citizens that have died unnecessarily in the custody of SAPD Officers. This is about 1 per month.

Honorable Merrick B. Garland Letter
NOVEMBER 18, 2021

3

or their families. Therefore, the numbers of complaints of excessive force reported by the Internal Affairs (also known as Professional Standards) Division of the SAPD is artificially low. I have taken the liberty of identifying some of the custodial death and/or serious excessive force cases filed in the last few years in our local state courts and removed to federal district court:

Estate of Aguirre, Deceased Et. Al. v. City of San Antonio, Et. Al.; Appeal Number 17-51031, 2021 U.S. App. LEXIS 11975 (5th Cir. 2021) (finding video evidence showed Fourth Amendment violation in death by positional asphyxiation of hand cuffed arrestee).

Estate of Charles Roundtree, Jr. Et. Al. v. City of San Antonio, Et. Al.; (United States District Court Number 5:18-CV-01117).

Patricia Slack, Individually and as Surviving Mother of Charles Roundtree, Jr. Et. Al. v. City of San Antonio, Et. Al.; (United States Court of Appeals for the Fifth Circuit, Appeal Number SA-18-CV-01117)

Estate of Norman Cooper, Deceased Et. Al. v. City of San Antonio, Et. Al.; (United States District Court Cause Number 5:16-CV-77-DAE).

Estate of Norman Cooper, Deceased Et. Al. v. City of San Antonio, Et. Al.; (United States Court of Appeals for the Fifth Circuit, Appeal Number 18-50499).

Estate of Norman Cooper, Deceased Et. Al. v. Officer Oliver Flaig; Officer Arnoldo Sanchez; (Petition for Writ of Certiorari to Supreme Court of the United States, Case Number 19-1001), writ denied.

Estate of Antroine Scott, Deceased Et. Al. v. City of San Antonio, Et. Al.; (United States District Court Cause Number 5:10-CV-00588) (unarmed black man with cell phone in hand shot and killed).

Estate of Marquise Jones, Deceased Et. Al. v. City of San Antonio, Et. Al.; (United States District Court Cause Number 5:14-CV-00328) (“throw down” weapon).

Honorable Merrick B. Garland Letter
NOVEMBER 18, 2021

4

Estate of Marquise Jones, Deceased Et. Al. v. City of San Antonio, Et. Al.; (United States Court of Appeals for the Fifth Circuit Court, Appeal Number 17-50848) (appeal denied).

David Brian Ricks vs. City of San Antonio; San Antonio Police Department; Misty Floyd, Individually; Jacob Garcia, Individually; and Efren Alaniz, Individually; (United States District Court Cause Number SA-15-CV-00251-FB).

Rogelio Carlos, III and Myrna Carlos v. Carlos Chaves, Virgilio Gonzalez, James Ybarra, Mark Delgado, City of San Antonio, San Antonio Police Department, and Detective John Doe; (United States District Court Cause Number 5:16-CV-00251-FB) (homeowner mistaken for suspect seriously beaten by police and remains in wheelchair).

Peter T. Conner v. Officer Ernesto Juarez, Officer Cody Davis, Sgt. David Pruitt, City of San Antonio, Texas, G4S Secure Solutions (USA), Inc., and The Dominion Homeowners Association, Inc.; (United States District Court Cause Number 5:15-CV-00416-DAE).

Jane Doe vs. The City of San Antonio; William McManus, Chief of the San Antonio Police Department, Individually and, Officer, Jackie "Jack" Len Neal, Individually; (United States District Court Cause Number 5:14-CV-00102-XR).

Jane Doe vs. The City of San Antonio; William McManus, Chief of the San Antonio Police Department, Individually and, Officer, Jackie "Jack" Len Neal, Individually; (United States District Court Cause Number 5:14-CV-00590-OLG).

Thomas Mathieu vs. City of San Antonio, Texas; Juan Campacos, Individually; and Patrick Thomas, Individually; (United States District Court Cause Number 5:15-CV-00474-OLG).

Shavonda Bailey, as Next Friend of K.A., and P.A.; Vivian Lampkins, as Next Friend of J.L.; Belinda Carranco, as Next Friend of Z.A.; Brandie Oliver, as Next Friend of A.O.; and Christine Ownes, as Next Friend of M.O. vs. City of San Antonio, Texas; Nathan Preston, Individually; Vidal Diaz, Individually; Michael Fletcher, Individually; Francisco Galvan, Individually; Matthew Flores, Individually; Aubrey

Honorable Merrick B. Garland Letter
NOVEMBER 18, 2021

5

Plauche, Individually; Matthew Quintanilla, Individually; Robert Tamez, Individually; and Paul Trigo, Individually; (United States District Court Cause Number 5:13-CV-00700-RCL).

On behalf of our coalition of organizations and supporters we respectfully request the U.S. Department of Justice initiate an investigation of the San Antonio Police Officers Association. We have far too many citizens maimed or injured or die while in police custody.

Very truly yours,

MARIO MARCEL SALAS

P.O. Box 200591

San Antonio, Texas 78220

Telephone: (210) 454-3875

msalas7831@yahoo.com