

April 5, 1991

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
RUSSELL K. CRUZ, ET AL. V. CITY OF SAN DIEGO
SAN DIEGO SUPERIOR COURT CASE NO. 601417

The City recently prevailed in a lawsuit brought by Russell K. Cruz and six members of his family based on an incident involving alleged police brutality. Plaintiffs claimed injuries for false arrest, battery, intentional infliction of emotional distress, and defamation.

FACTS

On December 25, 1987, San Diego Police Officers Curt Meyer and Rodolfo Reyes made a traffic stop on a car driven by plaintiff Russell Cruz. Plaintiff Louis Cruz was a passenger in the car. Russell stopped his car in the driveway of his parents' home, and Officer Meyer stopped the police vehicle in the street behind the Cruz vehicle. Both officers and both Cruz brothers got out of their cars. After a brief discussion regarding the purpose of the stop, an altercation ensued. Russell twice refused to produce his driver's license and appeared ready to fight, so Officer Meyer placed him in the back of the police car.

After both officers tried unsuccessfully to convince Louis not to interfere with their detention of Russell, Louis became combative and struck Officer Meyer in the arm. As the two officers struggled to gain control of Louis, other family members rushed out of the house and joined in the fracas.

Russell Cruz then kicked out the window of the police car, crawled out, and ran over to and jump-kicked Officer Meyer in the face. Meanwhile, Louis Cruz had wrestled Officer Reyes to the ground and was punching him in the face with one hand and tugging at his gun with the other. Several other brothers, and their mother, were holding and hitting the two officers.

After several minutes, additional police officers began to arrive. When these officers tried to break up the fight and take the fighting family members into custody, they too were

assaulted. One police officer had to use a baton, another a flashlight, to defend themselves. The only blows they struck with the baton and flashlight were to the arms of those who were fighting and resisting arrest.

After jump-kicking a second officer, Russell Cruz fled down

the street. The officers who pursued and tried to apprehend him found him still to be violent and uncooperative. A police service dog was used to subdue Russell, though he continued to resist even after the dog was called off.

Russell, Louis and two of their brothers were arrested and booked into jail. Both the mother and the father were detained briefly and released.

THE LITIGATION

The case proceeded to trial on March 4, 1991, before the Honorable J. Richard Haden, Judge, of the Superior Court. The witnesses for the City testified as stated above. Plaintiffs, as well as other family members and friends who were present at the scene, testified that police officers were hitting plaintiffs in the head and body with their batons and flashlights. Several witnesses testified that one police officer choked plaintiff Ivan Cruz, then 11 years old. Three neighbors testified that the use of the police dog was unnecessary because Russell had already surrendered to the police officers. These neighbors also testified that after the police dog was called off, three officers repeatedly struck Russell with their batons as he lay on the ground.

During the trial, the judge dismissed the six defamation causes of action. After deliberating several hours, the jury returned a verdict for the City, and against all plaintiffs, on all 20 remaining causes of action.

Deputy City Attorney Mark S. Stiffler tried the case on behalf of the City of San Diego.

Respectfully submitted,
JOHN W. WITT
City Attorney

MSS:tg:Lit.
RC-91-16