

CITY OF SACRAMENTO - CLAIM FORM

For official use only

◆◆◆ PLEASE READ INSTRUCTIONS ON OTHER SIDE FIRST ◆◆◆

Name of Claimant: Sabrina Cervantes
(First Name) (Middle Initial) (Last Name)

Home Address: c/o Quadra & Coll, 1 Embarcadero Center

City, State, Zip: San Francisco, CA 94111

Daytime (415) 426-3502 Evening (415) 426-3502

Type of Loss ☐ Personal Injury ☒ Other See Exhibit A attached hereto. Police Report # _____
☐ Property Damage ☐ Indemnity-Date complaint served

When did injury or damage occur? May 19, 2025 AM/PM
(Month/Day/Year) (Day of Week) (Time)

Where did injury or damage occur? (Street address, intersecting streets, or other location) _____
See Exhibit A attached hereto.

How did injury or damage occur? (Describe accident or occurrence) See Exhibit A attached hereto.

What action or inaction of City employee(s) caused your injury or damage? See Exhibit A attached hereto.

What injury or damage did you suffer? See Exhibit A attached hereto.
See Exhibit A attached hereto.

Name of any witnesses: See Exhibit A attached hereto.
(Name) (Address) (Phone Number)
(Name) (Address) (Phone Number)

Name of City employee(s) involved: See Exhibit A attached hereto.

Amount of Claim: Personal Injury \$ _____ Property Damage \$ _____ Other \$ _____
Limited Civil Case: Yes _____ No X

State the amount of your claim if the total amount is \$10,000.00 or less. If it is over \$10,000.00, no dollar amount shall be stated, but you are required to state whether the claim would be a limited civil case (total amount of claim does not exceed \$25,000).

Damages exceed \$25,000.

ALL NOTICES AND/OR COMMUNICATIONS SHOULD BE SENT TO:

Name James Quadra Daytime Phone (415) 609-6296

Address (Street, City, State, Zip): _____
Quadra & Coll, 1 Embarcadero Center, SF, CA 94111

WARNING:

CCFORM 6 (Rev 12/14)

It is unlawful to knowingly present or cause to be presented any false or fraudulent claim for payment of a loss or injury. (P.C. § 550(c)(1).) Every person who violates this paragraph is guilty of a felony punishable by imprisonment in state prison for two, three, or five years and by a fine not exceeding fifty thousand dollars (\$50,000). (P.C. § 550(c)(1).) Pursuant to Code of Civil Procedure § 1038, the City may seek to recover all costs of defense in the event an action is filed that is later determined not to have been brought in good faith and with reasonable cause.

Declaration and Signature of Claimant(s): I declare under penalty of perjury that I have read the foregoing claim for damages and know the contents thereof; that the same is true of my knowledge and belief, save and except as to those matters stated on information and belief, and as to them, I believe to be true.

Signature: [Signature] Relationship: Claimant's Attorney Date: September 8, 2025

CCFORM 6 (Rev 12/14)

EXHIBIT A

This claim arising out the false arrest of Claimant Sabrina Cervantes on May 19, 2025 by the Sacramento Police Department's wrongly claiming she was driving while under the influence of drugs or alcohol. Since the arrest, Claimant has been completely exonerated from the false allegations by the Sacramento Police Department, and the Sacramento District Attorney's Office has declined to prosecute.

As described below, upon information and belief, Claimant alleges that her false detention and arrest were motivated in retaliation of her political views. In addition, Claimant alleges that her false detention and arrest were motivated in part by animus due to her ethnic background and sexual orientation.

SENATOR CERVANTES' BACKGROUND

Claimant Sabrina Cervantes is a duly elected California state senator and a member of the Democratic party. She is married and a mother of triplets. Senator Cervantes is a lifelong resident of Riverside County.

First elected to the State Assembly in 2016 California's 58th Assembly District, which encompasses portions of northwestern Riverside County and southwestern San Bernardino County, she was the first openly LGBTQ+ Latina to represent her district in the Assembly. In November 2024, she was elected to represent California's 31st Senate District, which encompasses urbanized and suburban parts of the Inland Empire in northwestern Riverside County. It forms an arc stretching from Corona in the west to Perris in the southeast, centered on the city of Riverside.

Senator Cervantes is the immediate past Chair of the California Latino Legislative Caucus, and is the only representative from the Inland Empire to hold this role in the Caucus' history. As Chair, she led a record-breaking 35 legislative members, including a historic number of 21 Latinas. Senator Cervantes is the current Chair of the State Senate's Elections and Constitutional Amendments Committee. She is a member of California Legislative Women's Caucus, the California Latino Legislative Caucus, the California Native American Legislative Caucus, and the California Legislative LGBTQ Caucus.

During her tenure as the State Assembly and Senate, Senator Cervantes has championed legislation to improve access to maternal mental health services, reduce barriers to student financial aid, protect survivors of sexual assault, and support an inclusive economy. To date, she has had 49 bills signed into law. Through her advocacy, she has secured over \$650 million in investments from the State Budget for programs and initiatives that strengthen the economy, wildfire resilience, and voting protections, while increasing access to open spaces and vital resources for working families, children, veterans, and students in her District.

SB 274 - AUTOMATED LICENSE PLATE RECOGNITION DATA ACCOUNTABILITY ACT

On January 4, 2025, Senator Cervantes introduced State Bill 274 to curb potential abuses associated with use of automated license plate reader (ALPR) systems, which are searchable

computerized databases resulting from the operation of one or more cameras combined with computer algorithms to capture and convert images of registration plates and the characters they contain into computer readable data. The cameras can be mobile, e.g., mounted on patrol cars, or fixed, e.g., mounted on light poles. ALPR systems allow for the widespread and systematic collection of license plate information. Today, over 230 police and sheriff departments in California use Automated License Plate Recognition (ALPR) systems, with dozens more planning to adopt them. For example, the Los Angeles Police Department alone has accumulated more than 320 million license plate scans and the Sacramento Police Department recorded up to 1.7 million scans in just one week.

While ALPR technology can be a useful law enforcement tool, it poses serious risks to privacy when misused. Despite this expansive data collection effort, many police departments have not developed a policy to govern the use of ALPR technology or provided privacy protections. ALPR systems are a form of location surveillance and the data they collect can reveal the travel patterns and daily routines of California drivers, the places drivers visit, and the people with whom they associate. Along with the threat to civil liberties, these data systems pose significant security risks.

In 2020, an audit revealed that ALPR data was being misused across our state. Since then, agencies have continued to share sensitive information with entities like ICE and CBP. This undermines public trust and puts entire communities at risk, particularly immigrants and communities of color.

To curb potential abuses, SB 274 primarily does four things: (1) Requires that license plate data that does not match information contained on a “hot list” must be deleted within 60 days; (2) Requires an ALPR operator to institute safeguards for managing which employees can see the data from their systems; (3) Requires data security training and data privacy training for all employees that access ALPR information; and (4) Requires the Department of Justice (DOJ) to conduct annual random audits of agencies using ALPR to determine whether they have implemented a usage and privacy policy in compliance with the law.

OPPOSITION TO SB 274

Law enforcement agencies throughout the State and their associations, such as the California Police Chiefs Association, oppose California SB 274, arguing it would hinder their ability to solve crimes. Sacramento Police Chief Kathy Lester is a member of the California Police Chiefs Association.

MISUSE OF ALPR DATA BY THE SACRAMENTO POLICE DEPARTMENT

In its 2024 investigative report titled: *Warning: Keep Your Eyes Off My Privacy*, the Sacramento County Grand Jury found that the Sacramento Police Department, along with other law enforcement agencies operating in Sacramento County, had violated SB 34, which limits the use of ALPR data, by sharing ALPR data with out-of-state law enforcement agencies. The Grand Jury concluded this practice aided the potential prosecution by the home state of women who traveled to California to seek or receive healthcare services.

On August 8, 2025, Sacramento Police Chief Lester responded to the Grand Jury by claiming that the Sacramento Police Department had ceased providing ALPR data to out-of-state law enforcement agencies on June 11, 2024. Chief Lester provided no further information.

ACCIDENT

On May 19, 2025, Senator Cervantes was driving a state-owned vehicle heading east on S Street in Sacramento. At approximately 12:55 pm at the intersection of S Street and 14th Street, a driver ran a stop sign and crashed into Senator Cervantes' passenger side door, causing significant damage to the vehicle and injuring her. Senator Cervantes immediately called Senate Special Services, which responded that the State Fleet Manager, who manages state vehicles, would be dispatched to the scene. Senator Cervantes then attempted to reach her wife, and then called her Chief of Staff and asked him to come to the scene. The Fleet Manager and Chief of Staff arrived separately at the scene within minutes of being contacted.

Senator Cervantes' Chief of Staff brought Senator Cervantes to Kaiser Hospital in Sacramento to receive medical treatment, while the Fleet Manager moved Senator Cervantes' vehicle from its location near the curb on the opposite side of S Street where it came to rest after the accident to a safe parking space around the corner on 14th Street.

Upon arriving at the emergency room, Senator Cervantes checked in and waited in the public waiting room, wearing a cap and sunglasses to protect her privacy.

DISPARATE TREATMENT OF DRIVER WHO CAUSED THE ACCIDENT AND SENATOR CERVANTES

Upon arriving at the scene of the accident at approximately 1:35 p.m., on information and belief, Sacramento Police Officer Daniel Williams was already aware that one of the vehicles involved in the accident had been driven by Senator Cervantes. When Officer Williams arrived, Senator Cervantes had already left to seek medical care.

Despite clear damage to the vehicles showing that the other driver had t-boned Senator Cervantes' vehicle after entering an intersection where the driver had a stop sign and Senator Cervantes had the right of way, Officer Williams treated the young white woman with deference and respect.

Upon approaching the other driver while she was seated in the driver's seat with a companion in the front passenger seat, he immediately stepped away for more than a minute and patiently waited while she completed a phone call before speaking with her (assuring her, "It's okay, take your time"). He did not ask her to exit the vehicle to check her gait/balance and did not get close enough to detect if there was alcohol on her breath. He did not ask to speak to her privately. He did not question her obviously false story about entering the intersection lawfully. He did not immediately cite her for failing to produce a driver's license in violation of California Vehicle Code Section 12951. He did ask her to submit to any sobriety tests, and asked minimal questions in a leading way designed to help her (e.g., "No alcohol today, right?").

Officer Williams' entire conversation with the at-fault driver lasted less than three minutes, including periods of silence. Officer Williams also spoke to other law enforcement officers on

the scene and the state Fleet Manager on the scene. According to body cam footage, Officer Williams reentered his vehicle at 1:54 pm. There is then a gap in footage until he arrives outside of Kaiser Hospital at 2:21 pm.

Officer Williams first approached Senator Cervantes at the hospital at approximately 2:29 p.m. In contrast to his interview of the at-fault driver, Officer Williams and a second officer, Officer Bailey Foster, interviewed Senator Cervantes for much longer, requiring exact details about what happened during the accident, how fast she had been going, how her vehicle moved after the impact, how her vehicle ended up at rest next to the curb, who she spoke to after the impact, what information was exchanged at the scene, etc. Senator Cervantes explained that she had been propelled into oncoming traffic and managed to direct her vehicle to the curb on the opposite side of the street. In contrast to the leading question Officer Williams offered to the at-fault driver (“*No alcohol today, right?*”) he asked Senator Cervantes, “Had you been drinking?” Senator Cervantes responded that she had not. Senator Cervantes also responded to questions about her injuries. During the interview by Officer Williams, Senator Cervantes remained standing despite being in pain from the accident. She displayed no balance issues despite the pain she was experiencing in her back, legs, and entire left side of her body, all of which she described to the officers.

Officer Williams admitted that Senator Cervantes was not at fault for the accident but nevertheless requested that she submit to a subjective sobriety test involving the officer observing Senator Cervantes’ eyes in response to stimulus. Senator Cervantes asked whether the at-fault driver had been given such a test, which Officer Williams declined to answer. Senator Cervantes, who had broken no traffic rules and who was the victim of a dangerous driver, was troubled by the officers’ attitude and request. Concerned about the officers’ motivation and their use of subjective observations to decide whether she was under the influence, Senator Cervantes requested to contact Senate counsel before submitting to the subjective test. She also offered to provide the results of the tests that the hospital could perform to demonstrate her sobriety.

Rather than accept Senator Cervantes’ offer of having the hospital provide test results to the police officers, Officer Williams responded that they could not accept the hospital’s test result because they are protected by Senator Cervantes’ privacy rights. Obviously, Senator Cervantes was able to consent to disclosure of drug and alcohol tests (which the hospital performed, and which were negative), but Officer Williams and Officer Foster wanted to perform their less accurate and subjective test instead of accepting the chemical tests performed by the hospital.

LACK OF PROBABLE CAUSE AND FALSE STATEMENTS BY OFFICER FOSTER

Officer Williams’ initial interview of Senator Cervantes lasted approximately 10 minutes. She did not slur her words, walk with an unsteady gait, smell of alcohol, or have any indicators of being under the influence. She was suffering from a spine injury, which resulted in moving with care, but she did not sway, stumble, weave back and forth as she walked down a long hallway from the emergency room waiting area to be interviewed, or give any other indicator of being under the influence.

Despite being anxious after having been the victim in a serious accident, Senator Cervantes provided a clear straightforward explanation for how she drove to the curb after she was struck,

despite being injured and in pain. She explained that her vehicle was propelled to the opposite side of the street she was driving on, and to avoid oncoming traffic, she managed to steer the vehicle over to the curb on the opposite side of the street. Security video from a nearby building confirms the accuracy of her statements.

Senator Cervantes was unaware that the Fleet Manager had moved her vehicle from the curb facing oncoming traffic on S street to a safe spot on 14th Street, and therefore misunderstood Officer Williams' question about the car being found around the corner on 14th Street. Nevertheless, Officer Williams certainly must have understood that the vehicle had been moved when he spoke to Senator Cervantes' Chief of Staff a few moments later, who confirmed that the state vehicle was at the curb on S Street when he arrived on the scene. Again, Officer Williams did not ask the at-fault driver any questions about how the vehicle ended up where it was, did not ask her if the vehicle had been moved, did not ask the Fleet Manager where the vehicle was when he arrived at the scene, and did not ask him if he had moved the car out of oncoming traffic on S Street.

In the moments following the initial interview with Senator Cervantes, Officer Foster spoke by phone to a person he referred to as "Sarg" saying, *"I DO think she is intoxicated – the state senator."* Officer Foster did not advise the sergeant that Senator Cervantes had offered to have the hospital disclose her test results to demonstrate she was sober. He falsely stated that Senator Cervantes was slurring her words. Officer Foster then had an additional phone call a few moments later, again referring to the person he spoke to as "Sarg" and made additional false statements, including stating that Senator Cervantes' "story" did not "add up," because of where the State vehicle was found parked after the accident, even though Officer Foster had been present when Senator Cervantes' Chief of Staff explained that the state car was parked on S Street when he arrived on the scene, and even though neither Officer Foster nor Officer Williams ever asked anyone if the vehicle had been moved after Senator Cervantes left for the hospital, which is evident in video obtained by the Sacramento Police from a nearby security camera.

SENATOR CERVANTES' SECOND OFFER TO PROVIDE CHEMICAL TEST DEMONSTRATING SOBRIETY

Approximately 30 minutes after first approaching Senator Cervantes, Officer Williams and Officer Foster decided to inform Senator Cervantes that she was being detained and was in police custody.

At approximately 2:55 pm, before she could reach counsel, Officer Williams approached Senator Cervantes and again asked her to voluntarily submit to a Horizontal Gaze Nystagmus, which is a test that relies on the police officer subjectively judging the eyes' response to stimulus. Senator Cervantes again asked if the person who was at fault for the accident was being subjected to the same treatment, which Officer Williams again declined to answer. Senator Cervantes asked for the justification for testing her, and Officer Williams responded that he was conducting a DUI investigation.

Although she was not under any legal obligation to submit to any type of testing, Senator Cervantes asked again if she could simply receive a blood test instead (which would objectively show that she had taken no drugs or alcohol), and at first Officer Williams seemed to agree, so

Senator Cervantes stated she would step aside to contact counsel to confirm she could provide a blood test.

DECISION TO OBTAIN WARRANT DESPITE NO PROBABLE CAUSE AND DESPITE OFFER OF VOLUNTARY BLOOD TEST

At approximately 3:04 p.m., as Senator Cervantes was attempting to reach counsel, Officer Foster received a call on his cell phone, and explained that Senator Cervantes was on the phone checking with counsel about simply providing a blood test. Officer Foster then stated, “*I don’t know if THEY still want a warrant?*” Before an answer is provided, Officer Foster appeared to turn off his body camera, resulting in a gap in bodycam footage of approximately five minutes. Turning off his body camera was a violation of Sacramento Police Department’s General Order 525.07, which states in part, “Once their BWC is activated, employees shall not deactivate their BWCs until the investigative or enforcement activity has concluded.” (Sacramento Police Department General Order 525.07(F)(1).) Furthermore, the policy states, “(4). Employees shall audibly record the reason for deactivation in all instances.” (Sacramento Police Department General Order 525.07(F)(4).)

Following that gap in body cam footage, Officer Foster then approached Officer Williams and told him that they would be obtaining a warrant even though Senator Cervantes had stated she would agree to voluntarily provide a blood test and was just checking with counsel, stating, “So, pretty much, no matter what, we’re writing a warrant.”

While Senator Cervantes was on the phone attempting to reach counsel, Officer Williams also spoke by phone with unknown persons. During those conversations, he stated he only had “reasonable suspicion” (quickly correcting himself when he first incorrectly said “probable cause”), even commenting, “If I had to make a wild guess, there is a possibility – I have a reasonable suspicion that she has something on board....” Neither reasonable suspicion nor a “wild guess” is a basis to effect a lawful arrest in California.

Despite only having a “wild guess” and admittedly having no probable cause to obtain a warrant, at approximately 3:17 p.m., Officer Williams informed Senator Cervantes that regardless of her willingness to provide a blood test, the Sacramento Police Department was getting a warrant to draw her blood. Officer Williams reiterated that she was detained.

The affidavit in support of the warrant was signed under oath by Police Officer Kevin Lucas, and falsely claimed there was probable cause for a blood draw warrant because of supposed “slurred speech,” “slow speech,” and “unsteady of feet,” claiming that when Senator Cervantes walked from the waiting room to a private room to be interviewed by the police officers, that she had an “unsteady gait” and “appeared to be drowsy while speaking to Sacramento Police officers.” Outrageously, the warrant affidavit referenced Senator Cervantes’ declining to undergo a subjective sobriety test by the officers as part of the reason for the alleged “probable cause,” even though Officer Williams repeatedly admitted to Senator Cervantes that it was her absolute right to refuse the test, and that it was purely voluntary. The warrant affidavit also falsely stated that Senator Cervantes had refused to submit to a blood test. Based on the false information in the warrant affidavit submitted to the Sacramento Superior Court under penalty of perjury, the Court issued the warrant.

At approximately 6:10 pm Officer Williams told Senator Cervantes for the first time that she would be cited for driving under the influence and that the citation would be considered an arrest. A few minutes later, Senator Cervantes' blood was drawn. The results of the blood test showed that Senator Cervantes was not under the influence of drugs or alcohol, and the district attorney announced it was not pressing charges.

FALSE REPORT TO DEPARTMENT OF MOTOR VEHICLES

At some point after Senator Cervantes' blood was drawn, Officer Williams completed a false statement under penalty of perjury, which the Sacramento Police Department transmitted to the Department of Motor Vehicles. The statement falsely asserted that Senator Cervantes had refused to complete a chemical test after her arrest in violation of California Vehicle Code Section 23612, and that Senator Cervantes had refused to state what time she stopped driving.

Because of this false report, Senator Cervantes' driver's license would have been suspended or revoked. Senator Cervantes was forced to retain counsel to demonstrate to the Department of Motor Vehicles that Officer Williams' sworn statement to DMV that Senator Cervantes committed a "violation" through a "chemical test refusal" was false. The DMV's hearing officer reviewed the evidence provided by Senator Cervantes' counsel, including irrefutable body cam footage showing that Senator Cervantes did not violate any law, and set aside the order that would have suspended her driver's license.

Despite Senator Cervantes' innocence, unknown actors at the Sacramento Police Department maliciously released to the press the false claim that Senator Cervantes had been driving under the influence, to the detriment of Senator Cervantes' reputation.

MISSING BODY CAM FOOTAGE

In addition to the apparent improper deactivation of one officer's body camera, the Sacramento Police Department failed to produce the body camera footage of Sergeant Kristen Beal, who came to the hospital and spoke with Senator Cervantes. Furthermore, at least one of the conversations that Officer Williams and/or Officer Foster had on their cell phones was with Sergeant Beal. Follow up requests to the City for Sergeant Beal's missing footage were ignored.

SACRAMENTO POLICE VIOLATED STATE AND FEDERAL STATUTES

Sacramento police violated Senator Cervantes' rights under the Fourth Amendment of the U.S. Constitution and Article I, Section 13 of the California Constitution unreasonable searches and seizures by detaining and arresting Senator Cervantes without probable cause and by conducting a blood test by obtaining a warrant without probable cause.

Sacramento Police violated Penal Code §236 by detaining Senator Cervantes without reasonable suspicion or probable cause.

Sacramento Police violated Penal Code §836 by arresting Senator Cervantes without probable cause.

Sacramento Police violated Penal Code §1525 by obtaining a warrant and conducting a blood test of Senator Cervantes without probable cause.

Sacramento Police violated Penal Code §118.1 by intentionally and knowingly including false information in the police report relating to Sen. Cervantes' false arrest.

Sacramento police violated Penal Code §118 by knowingly submitting false statements under oath to the Sacramento Superior Court and the California Department of Motor Vehicles.

CALIFORNIA STATE LAW CLAIMS

California False Imprisonment/Arrest Claim

Sacramento Police lacked reasonable suspicion to detain or probable cause to arrest Senator Cervantes. The unlawful detention and arrest of Senator Cervantes was effected without a warrant and was a substantial factor in causing Sen. Cervantes harm. (*See Carcamo v. Los Angeles County Sheriff's Dept.* (2021) 68 Cal.App.5th 608, 616 [283 Cal.Rptr.3d 647].)

The City of Sacramento is liable for injuries proximately caused to Senator Cervantes by an act or omission of its employees within the scope of their employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative. (*See Gov. Code, § 815.2(a).*)

Senator Cervantes is entitled to recover damages, compensation for lost liberty, humiliation, emotional distress and reputational harm. In addition, given the Sacramento Police acted with malice and oppression, Senator Cervantes is entitled to recover punitive damages.

California Civil Code § 52.1 - Violation of the Bane Act

The California Bane Act provides a private right of action for damages against any person who "interferes," or "attempts to interfere by threat, intimidation, or coercion," with the exercise or enjoyment of a constitutional or other right under California or federal law. (Civ. Code, § 52.1, subd. (b)–(c); *see also Zamora v. Sacramento Rendering Co.* (E.D. Cal. 2007) No. Civ. S-05-00789 DFL KJM, 2007 WL 137239, *8, n. 6 [defining intimidation "to make timid or fearful"; *McCue v. S. Fork Union Elem. Sch.* (E.D. Cal. 2011) 766 F. Supp. 2d 1003, 1011 [explaining "[f]or the purposes of the Bane Act, the term 'threat' means 'an expression of an intent to inflict evil, injury, or damage to another.']." Liability under the Bane Act does not require actual interference with a plaintiff's legal rights. Rather, even an attempted interference is enough to give rise to a Bane Act claim. (Civ. Code, § 52.1, subds. (a), (b); *Ramirez v. County of Los Angeles* (C.D. Cal. 2005) 397 F. Supp. 2d 1208). Public entities are vicariously liable for Bane Act violations. (*See Gov. Code, § 815.2.*)

Sacramento Police officers violated the Bane Act by: interfering by means of intimidation with Senator Cervantes's rights under to be free of unlawful and unreasonable search and seizures under the Fourth Amendment of the U.S. Constitution and Article I, Section 13 of the California Constitution; and by violating Penal Code §§ 236, 836, 118.1 and 1525 as described above.

Sacramento police violated Penal Code §118 by knowingly submitting false statements under oath to the Sacramento Superior Court and the California Department of Motor Vehicles.

Sacramento police officers also violated the Bane Act by knowingly submitting false statements under oath in violation of Penal Code §118 to the Sacramento Superior Court to obtain a warrant without probable cause.

In addition, Sacramento police officers violated the Bane Act knowingly submitting false statements under oath to the California Department of Vehicles (DMV) falsely claiming that Senator Cervantes had violated California Vehicle Code Section 23612 by refusing to submit to a chemical test to determine if she was under the influence after being arrested and admonished. This was patently false and forced Senator Cervantes to successfully defend an administrative action by DMV to regain her driving privileges. Ultimately, a DMV hearing officer set aside the suspension of Senator Cervantes without hearing, finding: “After a review of the information on file, including any evidence which you may have presented, the action(s) effective June 18, 2025, pursuant to §13353 of the Vehicle Code (VC), is set aside.”

Sacramento police officers’ violation of the Bane Act, was the legal cause of harm to Senator Cervantes. She is, thus, entitled to recover compensatory damages, including compensation for lost of liberty, emotional distress and humiliation. In addition, Senator Cervantes is entitled to recover civil penalties, attorney’s fees and punitive damages.

Intentional Infliction Of Emotional Distress

Sacramento police officers owed Senator Cervantes a general duty of care under California Civil Code §1714. The officers violated this duty and, instead, engaged outrageous conduct with the intent to cause Senator Cervantes emotional distress or with reckless disregard of the likelihood of causing such distress. As a result of Sacramento Police officers intentional infliction of emotion distress, Senator Cervantes suffered severe emotional distress and is, thus, entitled to recover compensatory damages and punitive damages.

Defamation

As described above, unknown Sacramento employees released false information to the press claiming that Senator Cervantes had driven while under the influence or drugs when there was no basis for these false statements. The information was released before the Sacramento Police Department had concluded its investigation.

These false statements were made with the malicious intent of harming Senator Cervantes’ reputation and constitute defamation per se. As a result of these false statements, headlines in news sources throughout California and the country proclaimed that Senator Cervantes had been “cited for DUI,” seriously damaging Senator Cervantes’ previously untarnished reputation. Senator Cervantes is entitled to recover damages for loss of reputation, emotional distress and punitive damages arising from the wrongful dissemination of false claims that Senator Cervantes drove a vehicle while under the influence of alcohol or drugs.

FEDERAL CLAIMS

The unlawful acts by Sacramento Police officers also give rise to claims under federal law, including claims for violation of Senator Cervantes' rights under the Fourth Amendment of the U.S. Constitution which are actionable under 42 U.S. Code § 1983. No government claim is required to assert those claims and Senator Cervantes hereby reserves her rights to assert those claims in future litigation.

NAMES OF CITY EMPLOYEES INVOLVED

Officer Daniel Williams

Officer Bailey Foster

Officer Kevin Lucas

Sergeant Kristen Beal

NAMES OF ADDITIONAL WITNESSES

Senate Fleet Manager Alex Cruz

Senator Cervantes' Chief of Staff Cesar Anda