

## **For Immediate Release**

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Lawyers' Committee for Civil Rights of the San Francisco Bay Area

### **\*\*\*PRESS RELEASE\*\*\***

## **NAACP, Demonstrators Sue City of San Jose for Brutal Police Violence During Protests**

*Class action civil rights lawsuit seeks to end unlawful police violence and arrests targeting racial justice protesters*

SAN JOSE — A class action civil rights lawsuit was filed today against City of San Jose on behalf of the NAACP of San Jose/Silicon Valley, the San Jose Peace and Justice Center, and demonstrators and observers who were brutalized by San Jose Police during the late May 2020 demonstrations in response to the murder of George Floyd. San Jose demonstrators were met by the City of San Jose with brutal and racially targeted repression.

"I was out running an errand when I happened to come across the protest and decided to document what looked to be a historic event in my downtown San Jose neighborhood. At the time, while simply photographing the protest a block from my home, I never could have imagined that I would be shot in the face and end up losing my eye. I still have trouble believing it happened," said plaintiff Michael Acosta, who is struggling to adjust to life with only one eye.

The plaintiffs are seeking redress for the violation of their constitutional rights to assemble and protest and be free from racial discrimination, disability discrimination, excessive force, and wrongful arrest. The case is filed as a class action on behalf of all those who were subjected to police violence, including the use of teargas and other chemical weapons, explosive grenades, impact munitions, and batons; and all those who were arrested for violating the curfew.

"The actions of the San Jose Police Department's Command Staff that were involved are inexcusable and warrant consequences. Their actions represent a dangerous precedent set forth by the racist, xenophobic, and prejudicial sentiment in our society against Black people. We witnessed a violation of our human rights on May 29<sup>th</sup>, 2020," said Rev. Jethroe Moore II, President of the NAACP of San Jose/Silicon Valley. "We must press for justice through the court

system and, echoing our CEO of the NAACP, call on the UN to classify mistreatment of black people by police as a human rights violation.”

"When the people of San José organized to use their First Amendment right to peaceably assemble in response to the murder of an innocent man by a police officer, they were ironically met with an unjust response from militarized local law enforcement," said Michele Mashburn, Director of the San Jose Peace and Justice Center. "The police have shown that they cannot be trusted with the weapons used during this summer. San Jose residents should have the right to protest without the threat of violent repression and wrongful arrests."

The plaintiffs are represented by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and civil rights attorneys Rachel Lederman, James B. Chanin, and R. Michael Flynn.

“The San Jose Police Department deployed extreme violence against its communities who protested police brutality against Black people. This display of force was an egregious disregard of San Jose residents' rights to freely express their disapproval of violent and discriminatory policing,” said Tifanei Ressler-Moyer, Thurgood Marshall Civil Rights Fellow at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. “The city must reconcile with the harm its police have caused, interrupt its culture of white supremacy, and end the legacy of violence.”

“SJPD shot two people in the eye, and at least four others in the groin, on May 29,” said Rachel Lederman, the plaintiffs' lead attorney. “Whether you call them “foam rounds,” “sponge rounds,” or “bean bags,” the fact is that all of these so-called “less lethal” projectiles are highly dangerous. When police are allowed to use them in a crowd, there's a good chance that people will be hit in a vulnerable area such as the head, neck, torso or groin, and suffer permanent injuries or even death. We hope that this case will result in SJPD no longer being allowed to shoot impact munitions into crowds.”

The class action complaint can be viewed [here](#).