

D.A. won't file charges against students who claimed police abuse, unfair arrest

BY HAROLD PIERCE
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No criminal charges will be filed against two black college students who alleged in a video they were racially targeted, assaulted and arrested on bogus charges by the Bakersfield Police Department, prosecutors said Monday.

Police officers "mistakenly" believed Timothy Grismore and Xavier Hines violated a vehicle code in December related to a pedestrian being in a roadway, Kern County District Attorney Lisa Green said.

The pair was walking along the side of the street but that's not a violation of law if they're not impeding traffic — which they weren't, Green said.

Since they violated no laws, the officers had no right to stop the two, conduct a search or detain them, Green said.

"Sometimes officers can make good faith mistakes and there's exceptions built into the law that allows them to conduct a search. In this case there's no exception that allows them to," Green said. "They didn't have any reason to contact them."

Although Hines said

he's relieved by the D.A.'s decision, he doesn't believe officers stopped him for a vehicle code violation.

"It was racial profiling. It was because I'm African American walking down the street," said Hines, who described the events as traumatizing. "The officers need to be reprimanded and have some type of punishment for what they did."

The D.A.'s decision comes less than one week after the NAACP released a video that has gone viral describing the interaction, in which Grismore alleges he was assaulted by officers. He required stitches after his arrest, he said.

And the video's posting came just weeks after then-California Attorney General Kamala Harris launched a civil rights investigation into an alleged "pattern and practice of excessive force" by the BPD and Kern County Sheriff's Office.

The BPD has launched an internal inquiry into the claims made in the video. The officers involved, Santos Luevano and Nathan Poeteete, have not been placed on administrative leave, Sgt. Gary Carruesco said.



COURTESY NAACP

Xavier Hines and Timothy Grismore allege in a Facebook video they were racially profiled, roughed-up by police and arrested on trumped-up charges.

The D.A.'s decision will not affect the internal affairs investigation, Carruesco said.

"We don't use any of their decisions to weigh ours," Carruesco said. "The submittal to the district attorney is part of our investigative process ... and in this case they decided that there was some sort of mistake of law. We respect that decision and we'll move forward with our administrative investigation."

Green's office did not investigate the assault Grismore alleges, nor does it plan to, Green said.

"We never get involved

in internal affairs. That's the province of the police department," Green said.

NAACP Bakersfield chapter President Patrick Jackson, who described the incident as a "major injustice," said they want the D.A. to investigate their claims of assault, even if it means filing a report against the officer with the BPD.

"We definitely want to continue some of the efforts to make changes and improvements within the police department," Jackson said, adding that he will file a complaint with the state Department of Justice to aid its investigation.

When The Californian asked Hines to detail his encounter with police, he began to but Jackson stopped him when he started to discuss what happened after officers asked for their names. According to the video, that was the point at which Hines and Grismore declined to identify themselves to the police and detainment began.

"We're trying to not have as many stories right now," Jackson said.

According to the video, the incident took place Dec. 5, when Grismore and Hines were walking on Valhalla Drive behind West High School at about 10:40 p.m., heading to Taco Bell. Two officers in an unmarked patrol car stopped them and asked if they were on parole or had any open warrants.

They didn't, they said. Then the officers began searching the two, over their objections. Grismore and Hines said the officers didn't identify themselves as police.

"We didn't know what was going on," Hines said in the video. "They just kept searching us anyway."

Officers told Grismore to put his hands above his

head, according to the video. Neither officer told the two why they were being detained, Hines went on to say.

"When he told me to unbuckle my hands, he slammed me. When he slammed me to the floor, he hit me with his elbow in my chin, then yelled to get on my stomach," Grismore said.

Then, Hines said, two marked patrol cars rolled up from both directions.

"The guy hops out with a baton and runs at me and says, 'Stay seated boy unless you want to be beat, too,'" Hines said.

Then the officer struck Grismore with the baton while he was being handcuffed, Hines alleged.

Grismore sustained bruises on his thighs and received stitches on his chin, inside his lip, on the back of his knee, he said in the video. The video included still photographs of injuries to Grismore.

"I couldn't believe this was happening," Hines recalled thinking Monday. "I thought we were going to die if it had gotten any worse, and I'm grateful things didn't get any worse, but I'm mad things got as far as they did."

PUBLIC SAFETY

Body of missing 81-year-old found in Lamont area

THE BAKERSFIELD CALIFORNIAN

A body found in the Lamont area on Sunday afternoon has been identified as that of an 81-year-old woman reported missing the day before.

Vivian Mary Robinson, of Bakersfield, was found dead at 4:18 p.m. in the area of South Vineland Road, about a half mile south of Panama Lane, coroner's officials said. The body was about a mile

west of where her vehicle was found off South Edison Road the day before.

Robinson was last seen leaving work on Thursday, coroner's officials said. An autopsy will be scheduled to

determine how she died.

A man was shot Sunday evening and brought to a Bakersfield hospital, and police later found a

crime scene in southeast Bakersfield.

At 8 p.m., officers were called to San Joaquin Hospital for a victim of a gunshot wound, police said. The victim suffered injuries that were not life-threatening.

A crime scene was later found in the area of Madison Street and East White Lane, police said. There was no suspect information.

Anyone with information regarding this case is asked to call the Bakersfield Police Department at 327-7111.



KERN COUNTY SHERIFF'S OFFICE

Burglary suspect.

as Hispanic, 20 to 30 years old, thin to medium build, short hair, wearing a light-colored short-sleeve shirt and dark-colored pants.

Anyone with information regarding the suspect's identity is asked to call Detective John Smith at 392-4376 or Secret Witness at 322-4040.

Surveillance images have been released of a man accused of burglarizing a south Bakersfield business.

The man broke into the Crystal Water store at 228 White Lane on June 4, sheriff's officials said.

The suspect is described

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