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ACLU Announces Settlement in Hmong Family's Lawsuit Against Yuba County Sheriff's Dept. (10/4/1999)

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SACRAMENTO -- The settlement of a 1997 police misconduct lawsuit filed by the American Civil Liberties Union of Northern California and others on behalf of Yuba County family has resulted in new policies aimed at preventing future abuses by local authorities, the ACLU said today.

The federal lawsuit was filed in August 1997 by the family of Vang Her, alleging a series of acts of police misconduct by Yuba County Sheriff's deputies while responding to a neighbor's claim that the Her's three-year-old toddler had fired a B.B. gun. The Her family, like many in the community, are Hmong, originally from Southeast Asia.

According to the lawsuit, between August and September 1996, the deputies subjected the family to unlawful searches, at one point detaining the family -- including seven small children -- at the Sheriff's station.

The suit also charged that deputies interrogated the Hers' 10-year-old daughter in a Sheriff's Department vehicle without her parents' consent and that the Her children were seized from their elementary school classes without their parents' knowledge or consent.

The incidents occurred and the lawsuit was filed during the tenure of the prior Yuba County Sheriff, Gary Tindel. The settlement was agreed to by the current Sheriff, Virginia Black, who was elected in June 1998 and took office in January 1999.

The consent decree, the related settlement agreement and policy changes were negotiated by the ACLU and private attorneys on behalf of the Her family.

"This package of reforms should help prevent future police misconduct and also help in the effort to ensure a strong working relationship between the Hmong community and the Sheriff's Department," said ACLU attorney John Crew, who along with Mark Merin of Dickstein & Merin, are co-counsel for the Her family.

The settlement package includes:

- A new department Search and Seizure General Order aimed at guarding against abuses of Fourth Amendment rights in private homes;
- A new Hate Crimes General Order to ensure that criminal acts of ethnic and racial hatred will be properly identified and thoroughly investigated;
- A new Temporary Custody of Juveniles General Order spelling out how children should be treated by deputies and ensuring the protection of parental rights if students are questioned by deputies while in school;
- A strengthened Personnel Complaint Procedure General Order to improve the department's handling of allegations of misconduct;
- The translation into Hmong, Spanish and Punjabi languages of key forms and materials on the complaints process and the right to refuse consent to searches of private homes;

- An agreement on the part of the current Sheriff to continue her problem-solving meetings with leaders of the local Hmong community and to, if necessary, agree to later assistance from the U.S. Justice Department's Community Relations Service to facilitate further discussions. In return, the Her family agreed to waive any claim to financial damages.

"We are hopeful that this case and the consent decree we were able to craft with Yuba County will both help improve the professionalism of the Sheriff's Department and address some of the concerns in the Hmong community," said co-counsel Mark Merin.

"By agreeing to a number of new or strengthened policies and by readily agreeing to formalize a process of discussion and mutual problem-solving with the Hmong community, we are hopeful that the current Sheriff is moving in the right direction."

The case is *Her v. Yuba County*.

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