

1 Walter T. Clark (SBN 53303)
2 Dan C. Bolton (SBN 104236)
3 WALTER CLARK LEGAL GROUP
4 A Professional Corporation
5 76-861 Highway 111
6 Rancho Mirage, CA 92270
7 Tel: (760) 862-9254
8 Fax: (760) 862-1121

9 Attorneys for Plaintiff
10 Johnathin James Onello

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JOHNATHIN JAMES ONELLO

14 Plaintiff,

15 v.

16 SHERIFF CHAD BIANCO, in his
17 individual and official capacities,
18 COUNTY OF RIVERSIDE, a public
19 entity; RIVERSIDE COUNTY
20 SHERIFF'S DEPARTMENT; and
21 DOES 1 through 25,

22 Defendants

23 **Case No.**

24 **COMPLAINT FOR DAMAGES**

- 25 1. Failure to Protect from Harm, Fourteenth Amendment Violation (42 U.S.C. § 1983);
- 26 2. Failure to Provide Medical Care, Fourteenth Amendment Violation (42 U.S.C. § 1983);
- 27 3. Policies, Customs Practices Causing Constitutional Violations (*Monell*, 42 U.S.C. § 1983);
- 28 4. Supervisory Liability Causing Constitutional Violations (Failure to Properly Train, Supervise and Discipline, 42 U.S.C. § 1983);
5. Violation of California Government Code §844.6;
6. Violation of California Government Code §845.6;
7. Violation of California Civil Code §52.1 (Tom Bane Act);
8. Intentional Infliction of Emotional Distress;
9. Cruel and Unusual Punishment, Eighth Amendment Violation (42 U.S.C. §1983); and
10. Declaratory Relief (28 U.S.C. § 2201)

29 **DEMAND FOR JURY TRIAL**

30 **WALTER CLARK LEGAL GROUP**
31 A PROFESSIONAL LAW CORPORATION
32 71-861 HIGHWAY 111
33 RANCHO MIRAGE, CA 92270
34 TEL 760-862-9254 | FAX 760-862-1121

1 Plaintiff JOHNATHIN JAMES ONELLO alleges the following:

2 **INTRODUCTION**

3 “An inmate must rely on prison authorities to treat his medical needs; if the
4 authorities fail to do so, those needs will not be met. In the worst cases, such a
5 failure may actually produce physical ‘torture or a lingering death’ (citation
6 omitted) In less serious cases, denial of medical care may result in pain and
7 suffering which no one suggests would serve any penological purpose (citation
8 omitted). The infliction of such unnecessary suffering is inconsistent with
9 contemporary standards of decency as manifested in modern legislation.

9 *We therefore conclude that deliberate indifference to serious medical needs of
10 prisoners constitutes the ‘unnecessary and wanton infliction of pain’ (citation
11 omitted) proscribed by the Eighth Amendment. This is true whether the
12 indifference is manifested by prison doctors in their response to the prisoner’s
13 needs or by prison guards in intentionally denying or delaying access to medical
14 care.”*

13 *Estelle v. Gamble* (1976) 97 S.Ct. 285, 290-291 (emphasis added).

14 1. This civil rights action seeks to establish the true and disturbing facts
15 surrounding the horrific in-custody near-fatal injury of pretrial detainee Johnathin
16 James Onello (the “Plaintiff”), who suffered life threatening injuries while in-
17 custody of the Riverside County Sheriff’s Department at the John J. Benoit
18 Detention Center (“Benoit DC”) on or about April 1, 2025. Denied critical and
19 immediate medical care for hours and tossed around in different cells while his pleas
20 for help were repeatedly ignored, the Sheriffs in the Benoit DC showed a shocking
21 and deliberate indifference to Plaintiff’s serious medical needs—essentially
22 torturing Plaintiff while he suffered enormous pain hour after hour—while
23 wantonly and intentionally violating elementary standards of decency in violation
24 of the Eighth Amendment and his civil rights. Benoit DC is operated by the
25 Riverside County Sheriff’s Department. This action also seeks to bring to public
26 light the deliberate disregard for safety and protection carried out by the individual
27 defendants in the present action.

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WALTER CLARK LEGAL GROUP
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71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

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1 2. In 2022, eighteen (18) individuals died while incarcerated at the
2 Riverside County Jails, the highest number for the County in the last fifteen (15)
3 years. In response to these alarming numbers, the California Department of Justice
4 launched an investigation into the Riverside County Sheriff’s Department’s
5 unconstitutional patterns and practices resulting in the record-breaking in-custody
6 deaths. The raw data and the per capita data make clear that the Riverside County
7 Jails are a death sentence for any pretrial detainee.

8 3. Indeed, in 2023, 2024, and 2025, the Riverside County Jails have
9 continued to experience an alarming number of in-custody deaths, ranging from
10 inmate-on-inmate violence and sexual assault to severely injured arrestees dying at
11 intake to pretrial detainees not receiving the necessary medical care to treat chronic
12 health conditions. The Riverside County Jails continue to take the lives of pretrial
13 detainees who are subjected to cruel and inhumane treatment by custody and
14 medical staff.¹

15 4. Long before Plaintiff’s near-fatal injury that is the subject of this
16 complaint, each of the individually named defendants from the County of Riverside
17 and the Riverside County Sheriff’s Department knew that there existed a great
18 indifference to the safety and protection of the inmates who were in the
19 government’s custody within the Riverside County correctional facilities, including
20 Cois M. Byrd Detention Center, Robert Presley Detention Center, Larry D. Smith
21 Correctional Facility, the Blythe Jail, and Benoit DC.

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23
24 ¹ Indeed, on April 22, 2024, RCSD Corrections Captain Alyssa Vernal sent an email
25 to the corrections sergeants. The email was sent in response to Mr. Ramos and Mr.
26 Price’s 2024 in-custody deaths, and it served to admonish the sergeants for not
27 complying with proper jail policies and procedures. The email read, in relevant part:
28 “Sergeants, last week we had a suicide and last night an OD. In assisting in security
checks and reviewing DVR, it has become obvious we are not keeping house or
following the rules we should be.”

1 and Constitution of the State of California. Jurisdiction is conferred upon this Court
2 by 28 U.S.C. §§ 1331 and 1343.

3 8. This Court has the authority to grant the requested declaratory relief
4 pursuant to 28 U.S.C. §§ 2201, as well as Federal Rules of Civil Procedure 57,
5 including pursuant to the Court’s inherent equitable powers.

6 9. Venue is proper within the Central District of California pursuant to
7 28 U.S.C. § 1391(b)(1) and (2) because all Defendants reside within this district and
8 the events and omissions giving rise to Plaintiff’s claims occurred within this
9 district.

10 **EXHAUSTION OF ADMINISTRATIVE**
11 **REMEDIES/PENDANT CLAIMS**

12 10. Plaintiff has complied with the California Tort Claims Act
13 requirements with respect to his claims arising under state law.

14 11. With respect to the supplemental state claims, Plaintiff requests that
15 this Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over
16 such claims, as they arise from the same facts and circumstances which underlie the
17 federal claims.

18 **PARTIES**

19 12. Plaintiff, Johnathin James Onello, is a 25-year-old man who is and
20 was, at all times relevant hereto, a resident of the County of Riverside. At the time
21 of his injury, Plaintiff was a pretrial detainee at Benoit DC.

22 13. Defendant COUNTY OF RIVERSIDE (hereinafter also “COUNTY”)
23 owns, operates, manages, directs and controls Defendant RIVERSIDE COUNTY
24 SHERIFF’S DEPARTMENT (hereinafter also “RCSD”), also a separate public
25 entity, which employs other Doe Defendants in this action. At all times relevant to
26 the facts alleged herein, Defendant COUNTY was responsible for assuring that the
27 actions, omissions, policies, procedures, practices and customs of its employees,
28 including RCSD employees and the Correctional Health Services (hereinafter also

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71-861 HIGHWAY 111
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TEL 760-862-9254 | FAX 760-862-1121

1 “CHS”) employees, complied with the laws and the Constitutions of the United
2 States and of the State of California. Defendant COUNTY, through RCSD and
3 CHS, is and was responsible for ensuring the protection and safety of all persons
4 incarcerated at the RCSD correctional facilities, including the Cois M. Byrd
5 Detention Center (hereinafter “CBDC”), Robert Presley Detention Center
6 (hereinafter “RBDC”), Larry D. Smith Correctional Facility (hereinafter
7 “LDSCF”), John J. Benoit Detention Center (Benoit DC), and the Blythe Jail
8 (hereinafter collectively “COUNTY Jails”).

9 14. Defendant SHERIFF CHAD BIANCO (“SHERIFF BIANCO”), at all
10 times mentioned herein, is and, since November 6, 2018, has been the Sheriff-
11 Coroner of Defendant COUNTY OF RIVERSIDE, the highest position in the
12 COUNTY Jails. As Sheriff, Defendant SHERIFF BIANCO is and was responsible
13 for the hiring, screening, training, retention, supervision, discipline, counseling, and
14 control of all COUNTY Jails’ employees and/or agents. Defendant SHERIFF
15 BIANCO is and was charged by law with oversight and administration of the
16 COUNTY Jails, including ensuring the safety of the inmates housed therein.
17 Defendant SHERIFF BIANCO also is and was responsible for the promulgation of
18 the policies and procedures and allowance of the practices/customs pursuant to
19 which the acts of the COUNTY Jails alleged herein were committed. Defendant
20 SHERIFF BIANCO is being sued in his individual and official capacities.

21 15. Defendants COUNTY OF RIVERSIDE, RIVERSIDE COUNTY
22 SHERIFF’S DEPARTMENT, and SHERIFF BIANCO will also hereinafter be
23 referred to collectively as the “COUNTY DEFENDANTS”.

24 16. The identities, capacities, and/or nature of involvement of the
25 defendants sued as DOES 1 through 25 are presently unknown to the Plaintiff, who
26 therefore sues these defendants by fictitious names. Plaintiff is informed, believes,
27 and thereupon alleges that DOES 1 through 25 include individual law enforcement
28 personnel and medical personnel employed by the RCSD and the COUNTY

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71-861 HIGHWAY 111
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TEL 760-862-9254 | FAX 760-862-1121

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1 Correctional Health Services, and that they were involved in some manner and are
2 legally responsible for the wrongful acts and conduct alleged herein. At all relevant
3 times, certain of the DOES 1 through 25 were managerial, supervisory, training,
4 and/or policymaking employees of Defendant COUNTY Correctional Health
5 Services. At the time of the incident, such DOES were acting under the color of law
6 within the course and scope of their duties as employees for the COUNTY
7 Correctional Health Services. They had supervisory authority over other DOES 1-
8 25 and the COUNTY Correctional Health Services employees at the COUNTY
9 Jails. Such DOES were acting with the complete authority and ratification of their
10 principal, Defendant COUNTY. Plaintiff will amend this complaint to substitute
11 the DOE Defendants' true names and capacities when they have been ascertained.
12 Plaintiff is informed, believes, and thereupon alleges that each DOE defendant is a
13 resident of California. On information and belief, DOES 1 through 25 were and still
14 are residents of the County of Riverside, California. DOES 1 through 25 are sued
15 in both their individual and official capacities.

16 17. Each of Defendants, including the DOE Defendants, caused, and is
17 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiff by,
18 among other things, personally participating in the unlawful conduct, acting jointly,
19 or conspiring with others who did so; by ordering, authorizing, acquiescing in, or
20 setting in motion policies, plans, or actions that led to the unlawful conduct, by
21 failing to take action to prevent the unlawful conduct; by failing and refusing to
22 initiate and maintain adequate training and supervision; and by ratifying the
23 unlawful conduct that occurred by agents and officers under their direction and
24 control, including failing to take remedial or disciplinary action.

25 18. Plaintiff is informed and believes and thereon alleges that each of the
26 Defendants was at all material times an agent, servant, employee, partner, joint
27 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing
28 the things herein alleged, was acting within the course and scope of that

1 relationship. Plaintiff is further informed and believes and thereon alleges that each
2 of the Defendants herein gave consent, aid, and assistance to each of the remaining
3 Defendants, and ratified and/or authorized the acts or omissions of each Defendant
4 as alleged herein, except as may be hereinafter specifically alleged. At all material
5 times, each Defendant was jointly engaged in tortious activity and an integral
6 participant in the conduct described herein, resulting in the deprivation of Plaintiff’s
7 constitutional rights and other harm.

8 19. Plaintiff is informed, believes, and thereupon alleges that, at all times
9 relevant hereto, Defendants, and each of them, acted as the agents, servants, and
10 employees of each of the other defendants.

11 20. In doing each of the acts and/or omissions alleged herein, Defendants,
12 and each of them, acted within the course and scope of their employment.

13 21. In doing each of the acts and/or omissions alleged herein, Defendants,
14 and each of them, acted under color of authority and/or under the color of law.

15 **FACTUAL ALLEGATIONS COMMON TO**
16 **ALL CAUSES OF ACTION**

17 22. On or about March 26, 2025, Plaintiff was arrested for property theft
18 and/or reckless riding of an e-bike. Plaintiff was taken into custody and booked at
19 Benoit DC, pending his court hearing.

20 23. Despite being detained for a relatively minor and non-violent offense
21 (i.e., the alleged theft of a bait bike), Plaintiff was housed at Benoit DC in shared
22 spaces with incarcerated individuals who were being detained for serious felonies,
23 including an individual charged with first degree murder.

24 24. On or about April 1, 2025, while in custody at Benoit DC, Plaintiff was
25 viciously assaulted by two incarcerated men (the “Assault”). The men beat up
26 Plaintiff, striking him repeatedly in the stomach and chest. Furthermore, RCSD
27 correctional officers did nothing to intervene in the Assault or help Plaintiff.

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1 25. After the Assault, and once back in his cell, Plaintiff began to
2 experience increasing and intolerable pain in his abdomen. Plaintiff requested
3 urgent access to medical attention but the RCSD correctional officers accused him
4 of lying about his pain and refused to permit Plaintiff to see a medical professional.

5 26. Since Plaintiff would not stop pleading for medical assistance, the
6 RCSD correctional officers relocated Plaintiff to a separate holding cell and left him
7 there for hours. Throughout this time, Plaintiff continued to beg for help. RCSD
8 correctional officers continued to demonstrate deliberate indifference to his
9 immediate medical needs by ignoring his requests for medical help and accusing
10 him of faking his pain. Simply stated, this was torture.

11 27. At one point, six RCSD correctional officers came into the room,
12 stripped down Plaintiff until he was naked, and moved Plaintiff into a suicide
13 prevention cell. No reason existed to throw Plaintiff into a suicide prevention cell
14 since he was not suicidal; but rather, needed immediate medical care. The RCSD
15 correctional officers carried Plaintiff and pushed him forcefully into the suicide
16 prevention cell while continuing to refuse to provide Plaintiff the requested medical
17 treatment. Plaintiff was kept in the isolation cell for another extended period of time.
18 Plaintiff had no way to contact anyone from inside the suicide prevention cell.

19 28. Eventually, after hours of suffering and begging for medical attention,
20 the RCSD correctional officers took Plaintiff down to a waiting area at Benoit DC
21 and handcuffed him to a bench. After another approximately 90 minutes of waiting
22 in intense pain, Plaintiff was transported to JFK Memorial Hospital in a patrol
23 vehicle.

24 29. Once Plaintiff was in the Emergency Room at JFK Memorial Hospital,
25 the medical providers determined that Plaintiff was septic, with an infection
26 spreading throughout his body, and that he needed emergency surgery. Despite the
27 serious and life-threatening diagnosis, it took significant insistence from the
28 medical providers in order to convince the RCSD correctional officers to agree to

1 remove the chains placed on Plaintiff’s body by RCSD so that he could undergo a
2 CT scan and be prepared for surgery. Once the handcuffs were removed, Plaintiff
3 was put under general anesthesia.

4 30. Plaintiff underwent two operations at JFK Memorial Hospital,
5 including a splenectomy (surgical removal of the spleen) and an exploratory
6 laparotomy (a procedure where the surgeon makes a large incision in the abdomen
7 to directly examine the abdominal organs and determine the cause of a health
8 problem).

9 31. Plaintiff woke up from the surgery and found himself at Desert
10 Regional Hospital in Palm Springs, California, where he had been air-lifted once
11 stabilized. Plaintiff had 36 staples in his stomach, holding together a large incision
12 from an emergency splenectomy and exploratory laparotomy.

13 32. No RCSD correctional officers or other personnel from Benoit DC
14 returned to the hospital and no one was present when Plaintiff was eventually
15 discharged from hospital seven days later.

16 33. Plaintiff received no further communications from Benoit DC. To
17 Plaintiff’s knowledge, neither the COUNTY nor Benoit DC have performed an
18 investigation or evaluation of the horrific misconduct—which can best be described
19 as torture—that occurred during Plaintiff’s detention at Benoit DC.

20 34. The decision of Defendants, and their employees and agents, to place
21 Plaintiff, an individual with no history of violence, in a confined area with violent
22 felons was negligent, reckless, and a breach of Plaintiff’s constitutional rights.
23 Defendants also failed to meet the standard of care required in evaluating and
24 responding to Plaintiff’s injuries. Furthermore, Doe Defendants are liable for
25 Plaintiff’s injuries and the intentional infliction of emotional distress inflicted by
26 their deliberate indifference to Plaintiff’s need for immediate medication condition
27 and throwing an obviously physically injured individual in an isolation cell in an
28 attempt to stop him from begging for help and to keep him quiet.

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1 35. In addition to the further allegations set out below and throughout this
2 Complaint, Defendants caused Plaintiff’s injuries, in part, by:

- 3 a. failing to properly house and classify the individuals under their
4 supervision;
- 5 b. failing to protect Plaintiff from violence when they knew or should
6 have known that there was a substantial risk of serious harm by
7 housing together both violent and non-violent detainees;
- 8 c. being deliberately indifferent to the harmful situation they created
9 for Plaintiff;
- 10 d. failing to supervise and ensure the safety and security of the inmates
11 under their supervision;
- 12 e. failing to provide a reasonably safe custodial environment;
- 13 f. failing to maintain order within the Benoit DC facility;
- 14 g. failing to monitor the premises and intervene in the assault of
15 Plaintiff;
- 16 h. failing to provide prompt access to medical attention when it was
17 plain and obvious that Plaintiff was injured and that his symptoms
18 were increasing in severity;
- 19 i. failing to have Plaintiff assessed by Benoit DC’s nursing staff; and
20 j. delaying Plaintiff’s access to medical treatment such that
21 emergency surgical intervention was required.

22 36. At the time of his injury, Plaintiff was a pre-trial detainee and
23 therefore, was innocent until proven guilty.

24 37. Plaintiff’s timely and properly filed tort claims with the County of
25 Riverside pursuant to California Government Code sections 910, *et seq.*, and this
26 action is timely filed within all applicable statutes of limitation.

27 38. This complaint may be pled in the alternative pursuant to Federal Rule
28 of Civil Procedure 8(d).

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A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

FACTUAL ALLEGATIONS COMMON TO

MONELL AND SUPERVISORIAL CAUSES OF ACTION

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3 39. Based upon the principles established in *Monell v. Dep’t of Soc. Servs.*
4 *of City of New York*, 436 U.S. 658, 98 S.Ct.2018, 56 L.Ed.2d 611 (1978) [*Monell*],
5 Defendants are liable for all injuries sustained by Plaintiff as set forth herein. In
6 *Monell*, the Supreme Court held that municipalities were “persons” under § 1983
7 and thus could be held liable for causing a constitutional deprivation. The Court in
8 *Monell* explained that, while a municipality may not be held liable under § 1983 for
9 the torts of its employees on a theory of respondeat superior, liability may attach
10 where the municipality *itself* causes the constitutional violation through the
11 execution of an official policy, practice, or custom (*Monell*, at 690-691).

12 40. To establish municipal liability under *Monell*, a plaintiff must prove:
13 (1) that [the plaintiff] possessed a constitutional right of which she was deprived;
14 (2) that the municipality had a policy/custom/practice; (3) that this
15 policy/custom/practice amounts to deliberate indifference to the plaintiff’s
16 constitutional right; and, (4) that the policy/custom/practice is the moving force
17 behind the constitutional violation. (*Dougherty v. City of Covina*, 654 F.3d 892, 900
18 (9th Cir, 2011)). The policy/custom/practice “need only cause the constitutional
19 violation; it need not be unconstitutional per se.” (*Chew v. Gates*, 27 F.3d 1432,
20 1444 (9th Cir. 1994)). Recognized paths to *Monell* liability include: (1) an
21 unconstitutional custom, practice or policy behind the violation of rights; (2) a
22 deliberately indifferent omission, such as a failure to train or failure to have a
23 needed policy; and (3) a final policy-maker’s involvement in or ratification of the
24 conduct underlying the violation of rights. (*Clouthier v. County of Contra Costa*,
25 591 F.3d 1232, 1249-1250 (9th Cir. 2010)).

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A. THE COUNTY Jails Experienced Their Deadliest Year in 2022.

41. In 2022, Defendant RCSD’s Jails have resulted in eighteen (18) in-custody deaths. Prior to 2022, the COUNTY had not logged more than twelve (12) such deaths in any year since 2005.²

42. Less than three years prior to Plaintiff’s near-fatal in-custody injury, there were eighteen (18) in-custody deaths within the COUNTY Jails during the 2022 calendar year:

- a. Alicia Upton (Date of Loss: April 28, 2022; Manner of Death: “Suicide”)
- b. Abel Valencia Cruz (Date of Loss: May 1, 2022: Manner of Death: “Natural”)
- c. Justin Kail (Date of Loss: May 17, 2022; Manner of Death: “Accident-Overdose”)
- d. Brawn Lamar Hampton (Date of Loss: May 26, 2022; Manner of Death: “Natural”)
- e. Michael Vasquez (Date of Loss: May 26, 2022; Manner of Death: “Accident-Overdose”) ³
- f. Yareth Villagomez (Date of Loss: June 20, 2022; Manner of Death: “Accident-Overdose”)
- g. Richard Edward Biscotti (Date of Loss: July 11, 2022; Manner of Death: “Natural”)

² See State of California Department of Justice Press Release: “Attorney General Bonta Launches Civil Rights Investigation into Riverside County Sheriff’s Office,” February 23, 2023, available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county>

³ Pretrial detainee Michael Vasquez was just 20 years old at the time of his death. He had been in the facility for only (6) six days prior to being exposed to the dangers and risks permeating the CBDC, all of which ultimately resulted in his death.

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71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

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- h. Richard Matus Jr. (Date of Loss: August 11, 2022; Manner of Death: “Accident-Overdose”)
- i. Abel Anthony Chacon (Date of Loss: August 25, 2022; Manner of Death: “Accident-Overdose”)
- j. Octavio Zazueta (Date of Loss: August 26, 2022; Manner of Death: “Accident-Overdose”)
- k. Gary Roy Haneline (Date of Loss: August 27, 2022; Manner of Death: “Natural”)
- l. Mario Solis (Date of Loss: September 3, 2022; Manner of Death: “Accident”)⁴
- m. Kaushal Niroula (Date of Loss: September 6, 2022; Manner of Death: “Strangulation”)⁵
- n. Robert Louis Robinson (Date of Loss: September 7, 2022; Manner of Death: “Suicide/Hanging”)

⁴ Notably, while the COUNTY DEFENDANTS have reported to the Department of Justice that pretrial detainee Mario Solis’ death was an “accident,” what is known through the Coroner’s Investigative Narrative and Autopsy Report is that Mr. Solis was indeed in a safety cell (i.e., cells intended for suicidal inmates) an ingested multiple foreign objects, including a pencil, toothbrush, and plastic bags with soap. Mr. Solis ultimately died due to the pencil puncturing his right jugular vein. Upon information and belief, the COUNTY DEFENDANTS have attempted to classify this death as an “accident” in an effort to absolve themselves from liability arising from a suicidal pretrial detainee who is housed in a safety cell, but is nevertheless able to access such hazardous objects to commit suicide. What is more is that Mr. Solis’ family was not notified about his death until six (6) days had passed.

⁵ Decedent Kaushal Niroula was a transgender HIV-positive female inmate, who was brutally and repeatedly beaten and strangled by her cellmate, Ronald Sanchez—a convicted sex offender. Ms. Niroula was killed just three days before trial. Upon information and belief, Ms. Niroula had been assisting state and federal authorities to help uncover the illegal wiretapping at the COUNTY Jails.

- o. Ulyses Munoz Ayala (Date of Loss: September 29, 2022; Manner of Death: “Homicide Willful”)⁶
- p. Cynthia Heredia (Date of Loss: October 13, 2022; Manner of Death: “Pending”)
- q. Katie Patton (Date of Loss: November 20, 2022 Manner of Death: “Pending”)
- r. Ronald Cook (Date of Loss: December 12, 2022 Manner of Death: “Pending”)

43. The deaths include six (6) overdoses, two (2) homicides resulting from inmate-on-inmate violence, three (3) suicides, four (4) natural cause deaths, and three (3) pending.

44. The Defendants’ deliberate indifference towards protecting pretrial detainees from hazards resulted in illegal drugs permeating the COUNTY Jails. According to James Krachmer, Former Chief Deputy at Riverside County Sheriff’s Office, from November 2021 through November 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at least twice a week within the COUNTY Jails.⁷

45. The Defendants’ deliberate indifference towards pretrial detainees suffering from mental health issues resulted in several completed and attempted suicides. On November 23, 2022, pretrial detainee Charles Wall attempted suicide by jumping off the top tier of his housing module at RPDC. From November 19,

⁶ Pretrial detainee Ulyses Munoz Ayala was brutally killed by a *known* violent inmate, Erik Martinez, whom he was forced to share a cell with. *See* “Corona Man Killed In Riverside County Jail Cell” (The Sun, September 30, 2022), available at <https://www.sbsun.com/2022/09/30/corona-man-killed-in-riverside-county-jail-cell/>

⁷ *See* “Families Question Suspected Fentanyl Deaths of Loved Ones Behind Bars; Riverside Co. Sheriff Reacts” (Fox11 News, November 7, 2022), available at <https://www.foxla.com/news/fentanyl-responsible-for-a-third-of-riverside-county-jail-deaths-in-2022-families-demand-answers>

1 2022 through November 23, 2022, Mr. Wall made repeated requests for psychiatric
2 care and medication. Mr. Wall suffered from schizophrenia and suicidal ideations,
3 which was known to the COUNTY custody and medical staff given his prior
4 attempts to commit suicide at RPDC in 2015, as well as his extensive medical and
5 mental health history. These requests were ignored by the custody and medical staff.
6 On November 23, 2022, Mr. Wall pled with a custody staffer, begging for an
7 opportunity to speak with a psychiatrist. The custody staffer demanded to know
8 why Mr. Wall needed to speak with a psychiatrist. When Mr. Wall hesitated, the
9 custody staffer shouted, “Do what you gotta do! Stop pushing my fucking buttons
10 or you’re gonna give me a reason to come in!” Shortly thereafter, Mr. Wall
11 attempted to die by suicide by jumping off the second story of his housing module.

12 **B. The COUNTY Jails Continued to Experience a Deadly Year in 2023.**

13 46. In 2023, Defendant RCSD’s COUNTY Jails continued to experience
14 a deadly year:

- 15 a. On January 12, 2023, pretrial detainee Mark Spratt died as a result
16 of injuries he suffered during a brutal attack by his cellmate at
17 CBDC. According to inmates who perceived the attack, Mr. Spratt
18 was physically and sexually assaulted by his cellmate for an
19 appreciable amount of time. At the conclusion of the assault, the
20 cellmate proceeded to throw Mr. Spratt’s body from the second tier
21 of the housing module. Mr. Spratt was only 24 years old at the time
22 of his death.
- 23 b. On February 5, 2023, pretrial detainee Christian Viramontes was
24 found unresponsive in his cell at RPDC. Upon information and
25 belief, Mr. Viramontes’ death was caused by hazards permeating
26 the RPDC. Mr. Viramontes was only 26 years old at the time of his
27 death.
- 28

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- c. On February 6, 2023, pretrial detainee Jesus Rodriguez died in-custody due to injuries suffered during an arrest. An investigation into the manner and means of death remains pending.
- d. On February 21, 2023, pretrial detainee Christian Drye died in-custody at a COUNTY hospital due to injuries suffered during an arrest. An investigation into the manner and means of death remains pending.
- e. On March 11, 2023, pretrial detainee Asher Saunders was found unresponsive in his cell at CBDC. Upon information and belief, the death was caused by hazards permeating the CBDC. An investigation into the manner and means of death remains pending.
- f. On May 26, 2023, pretrial detainee Ruben Guzman died following an undisclosed incident at JBDC. Upon information and belief, Mr. Guzman received numerous threats to his life by inmates and custody staff at the COUNTY Jails. Upon information and belief, Mr. Guzman was found unresponsive in a holding cell on May 22, 2023. He died four days later on May 26, 2023. While the RCSD’s investigation into the manner and means of death remains pending, an independent autopsy evidenced blunt force trauma to Mr. Guzman’s head and upper body.
- g. On July 5, 2023, Astrid Johnson, a 62-year-old man female inmate housed in the JBDC, died in-custody. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Ms. Johnson with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “natural.”
- h. On August 14, 2023, Steven Crawford, 71-year-old pretrial detainee, was found unresponsive in his cell at JBDC. Upon information and belief, RCSD personnel and CHS medical

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personnel failed to provide Mr. Crawford with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “natural.”

- i. On August 27, 2023, Tavea Starks-Walker, a 31-year-old pretrial detainee, was found unresponsive in his cell at CBDC. Upon information and belief, Mr. Starks-Walker’s death was caused by hazards permeating the CBDC. An investigation into the manner and means of death remains pending.
- j. On September 14, 2023, Tina Atchley, a 65-year-old pretrial detainee, was found unresponsive in her cell. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Ms. Atchley with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “natural.”
- k. On September 14, 2023, Damon Beitz, a 46-year-old pretrial detainee, was found unresponsive in the intake area at RPDC. Hours prior to being found unresponsive, Mr. Beitz had been arrested by police officers from the Riverside Police Department. Upon information and belief, Mr. Beitz was physically assaulted by the Riverside Police Department police officers causing severe injuries to his person. Upon information and belief, Mr. Beitz’s succumbed to those injuries while in-custody at the RPDC intake area due to the arresting police officers failing to provide Mr. Beitz with medical care, and due to the RCSD custody personnel and CHS medical personnel being deliberately indifferent towards Mr. Beitz obvious physical injuries. Nonetheless, the RCSD reported the manner of death to be “drug overdose.”
- l. On September 18, 2023, Jess Flores, a 46-year-old pretrial detainee, was found unresponsive in his cell at CBDC. Upon information and

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belief, RCSD personnel and CHS medical personnel failed to provide Mr. Flores with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “natural.”

m. On November 4, 2023, Charles Giurbino, a 58-year-old pretrial detainee, was found unresponsive in the intake area of CBDC. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Mr. Giurbino with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “pending.”

n. On December 13, 2023, Luke Hanchette, a 44-year-old pretrial detainee, was found unresponsive in his cell at RCSD. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Mr. Hanchette with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “pending.”

o. On December 15, 2023, Shaundale Booker, a 21-year-old pretrial detainee, was found unresponsive in his cell at RCSD. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Mr. Booker with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “pending.”

p. On December 17, 2023, Heather Hendy, a 29-year-old pretrial detainee, was found unresponsive in her cell at RCSD. Upon information and belief, RCSD personnel and CHS medical personnel failed to provide Ms. Hendy with adequate medical care. Nonetheless, the RCSD reported the manner of death to be “pending.”

///

C. In 2024, the COUNTY Jails Continued to Experience In-Custody Death Resulting from Egregious Failures on Behalf of the RCSD Custody Staff and the CHS Medical Staff.

47. In 2024, the COUNTY Jails continued to take the lives of pretrial detainees who are subjected to cruel and inhumane treatment by RCSD custody staff and CHS medical staff:

a. On January 9, 2024, Richard Contreras, a 44-year-old pretrial detainee, succumbed to brain injuries in the hospital following a gruesome attack by his cellmate. Upon information and belief, Mr. Contreras had been physically assaulted by the same cellmate days prior and taken to the hospital. Upon returning to the RCSD from the hospital, Mr. Contreras was housed in the same cell with the same violent cellmate resulting in his death. Despite the RCSD custody personnel’s deliberate failures in protecting Mr. Contreras from the violent inmate, the RCSD reported the manner of death to be “pending.”

b. On April 16, 2024, Reynold Ramos, a 55-year-old pretrial detainee, was found unresponsive in his cell at the RPDC. Upon information and belief, an inmate observed Mr. Ramos fashioning a noose in an attempt to hang himself. The inmate proceeded to utilize the cell intercom to get the custody staff’s attention, however, the custody staff ignored the intercom calls. Mr. Ramos was found 45 minutes later hanging from the noose. Nonetheless, the RCSD reported the manner of death to be “pending.”

c. On April 19, 2024,⁸ Mack Price, a 53-year-old pretrial detainee, was found unresponsive in his cell at CBDC. Upon information and

⁸ Indeed, on April 22, 2024, RPDC Corrections Captain Alyssa Vernal sent an email to the RPDC sergeants. The email was sent in response to Mr. Ramos and Mr.

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1 belief, RCSD personnel and CHS medical personnel failed to
2 provide Mr. Price with adequate medical care. Nonetheless, the
3 RCSD reported the manner of death to be “pending.”

4 d. On August 18, 2024, an unidentified 41-year-old male pretrial
5 detainee was found unresponsive in a sobering cell at the CBDC.
6 Upon information and belief, RCSD personnel and CHS medical
7 personnel failed to provide the detainee with adequate medical care.
8 Nonetheless, the RCSD reported the manner of death to be
9 “pending.”

10 48. Furthermore, the Defendants’ deliberate indifference towards
11 protecting pretrial detainees from violence has resulted in numerous deaths and
12 assaults at the COUNTY Jails. Upon information and belief, this indifference has
13 resulted in the 2022-2024 deaths of Kaushal Niroula, Ulyses Munoz Ayala, Mark
14 Spratt, Ruben Guzman and Richard Contreras, and the brutal sexual assault of a
15 pretrial detainee in April of 2023 at the COUNTY Jails.

16 **D. RCSD Refuses to Comply with California Department Justice**
17 **Mandates Regarding In-Custody Death Reporting Abating**
18 **Transparency and Accountability.**

19 49. Despite the record-breaking in-custody deaths at the COUNTY Jails,
20 and the suspicious circumstances surrounding the in-custody deaths, the COUNTY
21 DEFENDANTS have refused to adhere to state mandates and regulations which
22 were explicitly created to ensure accountability and transparency, including
23

24
25
26 Price’s in-custody deaths, and it served to admonish the RPDC sergeants for not
27 complying with proper jail policies and procedures. The email read, in relevant part:
28 “Sergeants, last week we had a suicide and last night an OD. In assisting in security
checks and reviewing DVR, it has become obvious we are not keeping house or
following the rules we should be.”

1 California Government Code section 12525⁹ and Title 15 Minimum Standards for
2 Local Detention Facilities, section 1046 Death in Custody.¹⁰

3 50. The COUNTY DEFENDANTS have refused to comply with these
4 mandates which were enacted to provide transparency and accountability when
5 inmates and prisoners die in-custody within California correctional facilities.

6 51. The COUNTY DEFENDANTS reported some of the in-custody
7 deaths six weeks after they occurred, despite the 10-day mandate.¹¹

8 52. The COUNTY DEFENDANTS provided inaccurate information to the
9 Department of Justice, classifying the pretrial detainees, who had died in their
10 custody as “sentenced” post-convicted prisoners.¹² Upon information and belief,
11 this orchestrated misclassification of the pretrial status of the decedents was done
12 purposely by the COUNTY DEFENDANTS so as to impose the Eighth
13

14
15
16 ⁹ See Cal. Gov. Code § 12525 (“In any case in which a person dies while in the
17 custody of any law enforcement agency or while in custody in a local or state
18 correctional facility in this state, the law enforcement agency or the agency in
19 charge of the correctional facility shall report in writing to the Attorney
20 General/DOJ, within 10 days after the death, all facts in the possession of the law
21 enforcement agency or agency in charge of the correctional facility concerning the
22 death.”)

23 ¹⁰ See Title 15 Minimum Standards for Local Detention Facilities, Section 1046
24 Death (“The facility administrator, in cooperation with the health administrator,
25 shall develop written policy and procedures to ensure that there is an initial review
26 of every in-custody death within 30 days. The review team shall include the facility
27 administrator and/or the facility manager, the health administrator, the responsible
28 physician and other health care and supervision staff who are relevant to the
incident.”)

¹¹ See “Riverside Sheriff Failed to Report Inmate Deaths to State On time; Names
of Dead Made Public” (Desert Sun, September 16, 2022), available at
https://www.desertsun.com/story/news/crime_courts/2022/09/16/riverside-county-sheriffs-failed-report-inmate-deaths-state-time/8017820001/

¹² *Id.*

1 Amendment higher degree of culpability standard, rather than the less stringent
2 Fourteenth Amendment degree of culpability.¹³

3 **E. California Department of Justice Launched Patterns and Practices**
4 **Investigation into Record Breaking In-Custody Deaths at the**
5 **COUNTY Jails.**

6 53. On February 23, 2023, the California Department of Justice (DOJ)
7 announced its decision to launch a formal investigation into Defendant
8 RIVERSIDE COUNTY SHERIFF'S DEPARTMENT's unconstitutional patterns
9 and practices resulting in record-breaking in-custody deaths at the COUNTY Jails
10 and the use of excessive force by sheriff's deputies, disproportionately affecting
11 Latino and African American communities.¹⁴ The raw data and the per capita data
12 make clear that the COUNTY Jails are a death sentence for any pretrial detainee,

13 ¹³ Pretrial detainees are perceived as innocent under the eyes of the law. Because
14 they are mere detainees who are simply awaiting their day in court, the Constitution
15 mandates that additional protective measures be put in place to ensure that the
16 detainees are not harmed while in the government's custody. More specifically, the
17 14th Amendment requires that correctional facilities not be deliberately indifferent
18 towards the detainees' safety and protection. *See Gordon v. County of Orange*, 888
19 F.3d 1118 (9th Cir. 2018). Once an inmate has been convicted of a crime, they are
20 deemed to be a post-conviction prisoner. While the Constitution too protects post-
21 conviction prisoners, the 8th Amendment merely requires that the prisoners not be
22 subjected to cruel and unusual punishment while in the government's custody. *See*
23 *Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016). The end result is
24 that the legal standard under which a civil rights lawsuit is premised upon is much
25 higher and more difficult to prove for a post-conviction prisoner (i.e., subjective
26 standard) rather than a pretrial detainee (i.e., objective standard). Upon information
27 and belief, the COUNTY DEFENDANTS purposely classified the pretrial
28 detainees as inmates who had already been "sentenced" in an effort to make it
merely impossible for the families to establish liability because of the heightened
standard of culpability imposed on civil rights cases filed by post-conviction
prisoners.

¹⁴ *See* State of California Department of Justice Press Release: "Attorney General
Bonta Launches Civil Rights Investigation into Riverside County Sheriff's Office,"
February 23, 2023, available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county>

1 some of whom have died just days after being booked.¹⁵ For reference, San Diego
 2 County had 19 in-custody deaths in 2022, despite an average daily jail population
 3 of 500 more people than Riverside County.

4 54. During the press conference, the California Attorney General Rob
 5 Bonta expressed his grave concerns with regard to Defendant RIVERSIDE
 6 COUNTY SHERIFF'S DEPARTMENT: "All Californians deserve fairness and
 7 respect from the institutions that serve them [...]. When some communities don't
 8 see or feel they are being treated equitably by law enforcement, it contributes to
 9 distrust and hurts public safety. Unfortunately, it is clear that — amid concerning
 10 levels of in-custody deaths and allegations of misconduct — too many families and
 11 communities in Riverside County are hurting and looking for answers. As part of
 12 my office's ongoing efforts to support constitutional policing, the California
 13 Department of Justice is opening a civil rights investigation into the Riverside
 14 County Sheriff's Office. Whether you have a loved one in jail or are worried about
 15 crime in your neighborhood, we all benefit when there is action to ensure the
 16 integrity of policing in our state."

17 55. In response to the California Department of Justice's civil rights
 18 investigation in the COUNTY Jails, SHERIFF BIANCO issued the following
 19 offensive statement illustrating indifference towards the lives lost in his jails: "This
 20 investigation is based on nothing but false, and misleading statements, and straight-
 21 out lies from activists, including their attorneys. This will prove to be a complete
 22 waste of time and resources."¹⁶

23 **F. RCSD's History of Indifference Towards Inmates Incarcerated at the**
 24 **COUNTY Jails.**

25
 26 ¹⁵ *Id.*

27 ¹⁶ See Riverside County Sheriff's Department YouTube video titled: "Sheriff
 28 Bianco's Response to Frivolous Civil Rights Investigation by DOL" (February 23,
 2023), available at <https://www.youtube.com/watch?v=6ttMVVlyfaQ>

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1 56. For well over a decade now, the COUNTY’s own Grand Jury, as well
2 as several independent auditors, have come to the same conclusion: dangerous
3 deficits in health care services at the jails threaten the lives and health of the
4 thousands of men and women they hold.

5 57. The “2010-11 Grand Jury Report: Riverside County Detention Health
6 Care Administration” found systemic failures in treatment, medication
7 management, record-keeping, and administration of forced medications, among
8 other areas.¹⁷

9 58. The Grand Jury released an updated report in June 2012, noting that
10 mental health staffing had in fact decreased since its prior year’s report.¹⁸

11 59. On March 8, 2023, the federal class action lawsuit *Quinton Gray, et al.*
12 *v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D. Cal.) was filed
13 against Defendants COUNTY OF RIVERSIDE and RIVERSIDE COUNTY
14 SHERIFF’S DEPARTMENT. The class action alleged that the COUNTY failed to
15 provide minimally adequate medical and mental health care to the people
16 incarcerated in its jails, in violation of the Eighth and Fourteenth Amendments to
17 the United States Constitution. The class action also alleged discrimination against
18 certain inmates with disabilities in violation of the Americans with Disabilities Act
19 and Section 504 of the Rehabilitation Act.

20 60. The *Gray* operative complaint (Dkt. 150) alleged the following
21 unconstitutional patterns and practices permeating the COUNTY Jails:
22

23 _____
24 ¹⁷ See 2010-2011 Grand Jury Report re: Detention Mental Health Services, available
25 at

26 https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/20102011/11mentalhealth_detentionserv.pdf

27 ¹⁸ See 2011-2012 Grand Jury Report re: Detention Mental Health Services, available
28 at

29 <https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/20112012/12mentalhealthdetention.pdf>

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- 1 a. RCSD, by policy and practice, maintains and runs a health care
- 2 system that lacks basic elements necessary to provide constitutional
- 3 care;
- 4 b. RCSD, by policy and practice, systematically fails to identify and
- 5 diagnose serious conditions, to provide timely care, to administer
- 6 appropriate medications, to employ adequate staff to meet inmates’
- 7 basic needs, to maintain records that allow informed treatment
- 8 decisions, to establish legally required confidentiality, and to
- 9 identify and correct its own failings;
- 10 c. RCSD, by policy and practice, maintains and runs substandard
- 11 medication management and administration;
- 12 d. RCSD, by policy and practice, is severely understaffed at the
- 13 COUNTY Jails;
- 14 e. RCSD, by policy and practice, maintains and runs substandard
- 15 medication management and administration;
- 16 f. RCSD, by policy and practice, provides substandard mental health
- 17 care to inmates.

18 61. On September 2, 2014, the Court granted plaintiffs’ Motion for Class
19 Certification in *Gray*.

20 62. On February 20, 2015, the parties agreed to hire neutral experts to
21 determine whether the health care provided at the COUNTY Jails posed a
22 significant risk of serious harm to inmates confined in the COUNTY Jails and, if
23 so, to make recommendations for improvements that will provide the minimum care
24 guaranteed by the United States Constitution.

25 63. On July 15, 2015, the neutrally-appointed experts issued reports,
26 determining that the health care failed to meet the constitutional minimum. As such,
27 the parties agreed to negotiate a Remedial Plan to address the identified deficiencies
28 in the expert reports.

1 64. Due to the COUNTY DEFENDANTS’ ongoing failures to comply
2 with the Consent Decree, plaintiffs in the *Gray* Class Action have had to seek
3 emergency relief from the Court to ensure that the Consent Decree is enforced.

4 **G. Sheriff Bianco’s Indifference to the Constitutional Violations and**
5 **Failures Permeating his COUNTY Jails.**

6 65. A County Sheriff, like SHERIFF BIANCO, “may be held liable as a
7 supervisor under § 1983 if there exists either (1) his or her personal involvement in
8 the constitutional deprivation, or (2) a sufficient causal connection between the
9 supervisor’s wrongful conduct and the constitutional violation.” *Starr v. Baca*, 652
10 F.3d 1202, 1207 (9th Cir. 2011). This causal connection can exist either “by setting
11 in motion a series of acts by others or by knowingly refusing to terminate a series
12 of acts by others, which the supervisor knew or reasonably should have known
13 would cause others to inflict a constitutional injury.” *Id.* at 1207–08. Ninth Circuit
14 has long held that a supervisor “need not be ‘directly and personally involved in the
15 same way as are the individual officers who are on the scene inflicting constitutional
16 injury.’” *Id.* at 1205-06 (9th Cir. 2011), cert. den’d, 132 S. Ct. 2101 (2012) (quoting
17 *Larez v. City of Los Angeles*, 946 F.2d 630, 645-46 (9th Cir. 1991)). “Rather, the
18 supervisor’s participation could include his ‘own culpable action or inaction in the
19 training, supervision, or control of his subordinates,’ ‘his acquiescence in the
20 constitutional deprivations of which the complaint is made,’ or ‘conduct that
21 showed a reckless or callous indifference to the rights of others.’” *Id.* “We have
22 never required a plaintiff to allege that a supervisor was physically present when
23 the injury occurred.” *Id.*

24 66. The endemic, ongoing and unabated risks of injury or death to inmates
25 incarcerated in the COUNTY Jails are well established. SHERIFF BIANCO has
26 long been aware of these risks and harms which have resulted in injury and death
27 to inmates incarcerated in his COUNTY Jails. SHERIFF BIANCO’s failure to take
28

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1 action to ameliorate these conditions constitutes deliberate indifference to the safety
2 and health of inmates incarcerated in his COUNTY Jails.

3 67. SHERIFF BIANCO has made several public statements all of which
4 serve as illustrations of his great indifference towards the inmates, most of whom
5 are pretrial detainees and innocent under the eyes of the law, who are in the
6 government’s custody in his COUNTY Jails.

7 68. Despite the alarming trends in overdoses and in-custody deaths,
8 SHERIFF BIANCO blames the decedents and their families for the in-custody
9 deaths and overdoses in the COUNTY Jails – all of which are fully controlled and
10 managed by him.

11 69. On September 16, 2022, The Press-Enterprise posted the article
12 “Sheriff Explains How 13 Riverside County Inmates Died This Year” on Facebook
13 with the following caption: “Less than an hour after the family of a man who died
14 in jail publicly complained about a lack of information on his death and that of 12
15 other Riverside County inmates this year, Sheriff Chad Bianco explained how they
16 died.¹⁹

17 ///
18 ///
19 ///

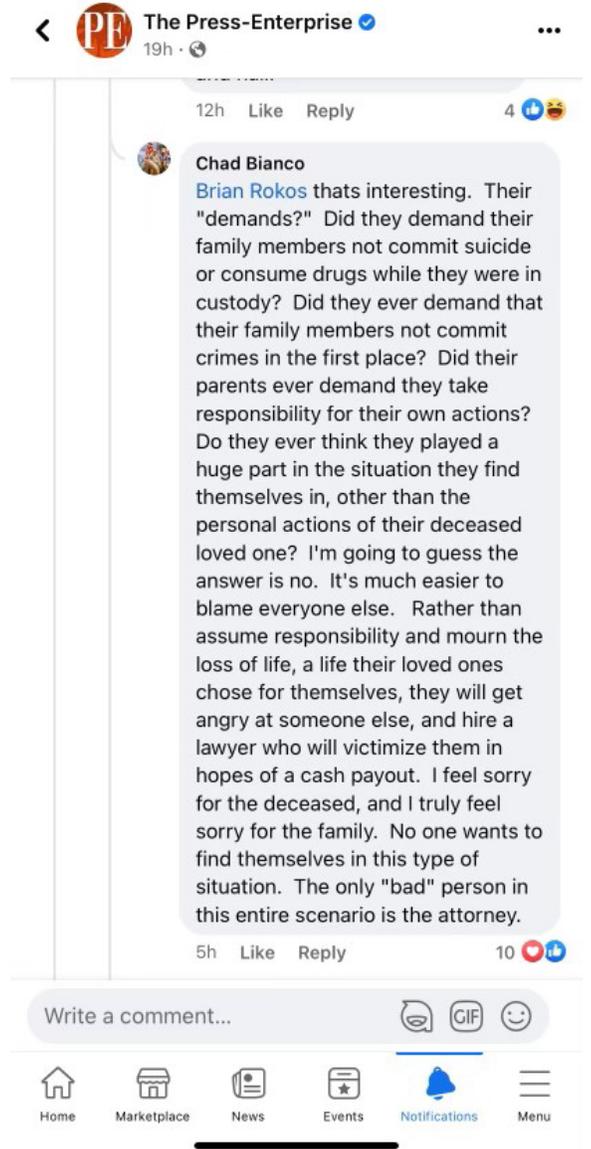
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26 ¹⁹ See “Sheriff Explains How 13 Riverside County Inmates Died This Year” (The
27 Press-Enterprise Facebook Page, September 16, 2022), available at:
28 <https://www.facebook.com/page/50855317267/search/?q=chad%20bianco%2013%20riverside%20county%20inmates%20died>

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1 70. Within fourteen hours of the
2 article being posted on Facebook,
3 SHERIFF BIANCO went on to publicly
4 shame and harass the families and their
5 deceased love ones, posing the following
6 offensive rhetorical questions to the
7 Facebook community and calling the
8 Matus family attorney, Christian
9 Contreras, a “bad” person:²⁰

- 10 (1) Did they demand that their
- 11 family members not commit
- 12 suicide or consume drugs while
- 13 they were in custody?
- 14 (2) Did they ever demand that their
- 15 family members not commit
- 16 crimes in the first place?



20 ²⁰ Notably, SHERIFF BIANCO deleted the post thereafter. SHERIFF BIANCO did
21 this despite the post being highly relevant and material to Plaintiffs’ supervisory
22 claims against him. This is textbook definition of spoliation. Courts generally agree
23 that the duty to preserve is triggered as soon as a potential claim is identified. *Apple*
24 *Inc. v. Samsung Electronics Co., Ltd.*, 888 F. Supp. 2d 976, 991 (N.D. Cal. 2012)
25 (“duty to preserve material evidence arises not only during litigation but also
26 extends to that period before the litigation when a party reasonably should know
27 that the evidence may be relevant to anticipated litigation”); *Colonies Partners, L.P.*
28 *v. County of San Bernardino*, 2020 WL 1496444, at *6-7 (C.D. Cal. 2020), report
and recommendation adopted, 2020 WL 1491339 (C.D. Cal. 2020). Spoliation is
“the destruction or significant alteration of evidence, or the failure to preserve
property for another’s use as evidence, in pending or future litigation.” *Kearney v.*
Foley & Lardner, LLP, 590 F.3d 638, 649 (9th Cir.2009); see also *Leon v. IDX*

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1 (3) Did their parents ever demand they take responsibility for their own
2 actions?

3 (4) Do they ever think they played a huge part in the situation they find
4 themselves in, other than the personal actions of their deceased loved one?

5 71. SHERIFF BIANCO also blames the inmates themselves: “There are
6 inmates that purposely get arrested just to smuggle drugs into jail. It is either for
7 money, money on the outside, money or favor on the inside [. . .] It’s part of that
8 culture of power inside the jails, and drugs are a part of it.”²¹

9 72. In response to the Department of Justice’s recent announcement about
10 its decision to investigate the patterns and practices existing within the COUNTY
11 Jails, SHERIFF BIANCO expressed the following indifference towards pretrial
12 detainees dying at alarming rates within his COUNTY Jails: “Of course I’m not
13 happy, this is going to waste our time. Every single one of these inmate deaths was
14 out of anyone’s control. The fact of the matter is that they just happened to be in
15 our custody.”²²

16 73. Interestingly, SHERIFF BIANCO has taken this hardline (and
17 insulting) position when asked about fentanyl overdoses in his jails. Yet, upon
18 information and belief, SHERIFF BIANCO is currently being investigated by the
19 Federal Bureau of Investigation (“FBI”) for his interference with a murder

20 _____
21 *Systems Corp.*, 464 F.3d 951, 959, (9th Cir. 2006) (“A party’s destruction of
22 evidence qualifies as willful spoliation if the party has ‘some notice that the
23 documents were potentially relevant to the litigation before they were destroyed.’”).

24 ²¹ See “California Jails Are Trying to Keep Fentanyl Out, But Inmates Are Still
25 Dying. In Riverside County, Fentanyl is Blamed in 38% of In-custody Deaths So
26 Far This Year,” (Mercury News, September 26, 2022), available at:
27 <https://www.mercurynews.com/2022/09/26/southern-california-jails-trying-to-keep-fentanyl-out-but-inmates-are-still-dying/>

28 ²² See “Kudos to Bonta for Investigating the Sheriff. Let’s Hope He Moves
Quickly” (The Desert Sun, March 5, 2023), available at
<https://www.desertsun.com/story/opinion/editorials/2023/03/05/kudos-to-bonta-for-investigating-riverside-county-sheriffs-department/69967829007/>

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1 investigation arising from two fentanyl overdoses in the City of Riverside which
2 occurred on February 21, 2022 before many of the fentanyl overdoses in COUNTY
3 Jails.

4 74. On February 21, 2022, 22-year-old Sierra Riane Rangel and 21-year-
5 old Arrena Marie Mariotti died from fentanyl overdoses.²³

6 75. On February 24, 2022, murder charges were filed against Peter Luis
7 Mera Garcia.²⁴ Upon information and belief, Peter Luis Mera Garcia is the son of a
8 senior level deputy at RIVERSIDE COUNTY SHERIFF’S DEPARTMENT.
9 Notably, the criminal case received wide public attention as this was the first time
10 in the COUNTY OF RIVERSIDE that a person had been charged with murder due
11 to a fentanyl death.

12 76. Upon information and belief, the Riverside Police Department
13 (“RPD”) Special Weapons and Tactics (“SWAT”) was charged with executing the
14 search warrant of suspect Peter Luis Mera Garcia’s home.

15 77. Upon information and belief, suspect Peter Mera Garcia lived with his
16 parents, including his father who was a senior level deputy employed by the
17 RIVERSIDE COUNTY SHERIFF’S DEPARTMENT.

18 78. Upon information and belief, Former RPD Sergeant, Frank Hoyos,
19 was one of the SWAT Team members assigned to execute the search warrant.

20 79. Upon information and belief, prior to the execution of the search
21 warrant, RPD Chief of Police Larry Gonzalez was called by SHERIFF BIANCO
22 for a favor. SHERIFF BIANCO asked Chief Gonzalez to provide him with the name
23 of the RCSD senior level deputy.

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26 ²³ See “Man Charged with Murder After 2 Riverside Woman Died from Fentanyl
27 Overdoses,” (The Press-Enterprise, April 28, 2022), available at
[https://www.pressenterprise.com/2022/04/28/man-charged-with-murder-after-2-
riverside-women-died-from-fentanyl-overdoses/](https://www.pressenterprise.com/2022/04/28/man-charged-with-murder-after-2-riverside-women-died-from-fentanyl-overdoses/)

28 ²⁴ *Id.*

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1 80. Upon information and belief, RPD Chief Gonzalez proceeded to call
2 RPD Sergeant Jimmy Simmons, who had no involvement with the investigation of
3 this double homicide. RPD Chief Gonzalez informed Sgt. Simmons that he was
4 calling him because SHERIFF BIANCO wanted to know the name of his deputy
5 whose son had been booked. RPD Chief Gonzalez tasked Sgt. Simmons with the
6 assignment of finding out the name for SHERIFF BIANCO.

7 81. Upon information and belief, RPD Sgt. Simmons secured the name of
8 the RCSD senior deputy and relayed the name to RPD Chief Gonzalez.

9 82. Upon information and belief RPD Chief Gonzalez then relayed the
10 name to SHERIFF BIANCO.

11 83. Upon information and belief, SHERIFF BIANCO then alerted his
12 senior level deputy that the RPD SWAT Team would be executing the search
13 warrant on a specific date and time and looking for very specific evidence in his
14 home.

15 84. Upon information and belief, the RCSD Senior Level Deputy
16 convened with his son, suspect Peter Luis Mera Garcia, and together they ensured
17 that when the RPD SWAT Team arrived at their home, they would find zero traces
18 of a crime.

19 85. Upon information and belief, when the RPD SWAT Team executed
20 the search warrant during the early morning hours, the SWAT Team was greeted
21 by the RCSD Senior Level Deputy who welcomed the SWAT Team into his home.
22 Indeed, no evidence of a crime was found.

23 86. Clearly, SHERIFF BIANCO is personally responsible for the fentanyl
24 crisis in RIVERSIDE COUNTY and has intentionally refused to make adequate
25 measures within his jail to prevent individuals from dying from fentanyl.

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PUNITIVE/EXEMPLARY DAMAGES ALLEGATIONS
(Against individual Defendant SHERIFF CHAD BIANCO and Defendant DOES 1-25)

87. Each Defendants’ conduct as alleged herein was done with reckless disregard for human life, oppression, and malice.

88. Long before Plaintiff’s serious injury, Defendants SHERIFF CHAD BIANCO and DOES 1 through 25 knew that there existed a great indifference to the safety and protection of the inmates who were in the government’s custody within the COUNTY Jails.

89. Defendants SHERIFF CHAD BIANCO and DOES 1 through 25 were repeatedly put on notice of the great dangers which existed within the COUNTY Jails through the long history of in-custody deaths; the record-breaking amount of fentanyl overdoses throughout all COUNTY Jails; inmate-on-inmate violence; the federal class action *Quinton Gray, et al. v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D. Cal.) targeting Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT’s custody and medical staff’s deliberate indifference towards the safety and protection of inmates; the warnings from the neutrally-selected experts regarding failures amounting to constitutional violations; a Consent Decree directing Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT to implement a Remedial Plan to meet the minimum level of health care necessary to fulfill its obligations under the Eighth and Fourteenth Amendments; and through a Settlement Agreement which the COUNTY voluntarily entered into requiring that Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT remedy all of the deficiencies in healthcare and disability accommodations alleged in the *Gray* Class Action complaint.

90. Despite this long history of complete disregard to inmate safety and protection, Defendants SHERIFF CHAD BIANCO and DOES 1 through 25 have deliberately failed to take even modest actions to prevent in-custody injuries and

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1 deaths at the COUNTY Jails which have for a very long time been infested with
2 endemic, ongoing, and unabated risks of injury or death to inmates.

3 91. The Defendant officers, and each of them, acted with malice and
4 oppression and with a conscious disregard for Plaintiffs’ rights, making the
5 individual defendants, including DOES 1-25, liable for punitive damages.

6 **FIRST CAUSE OF ACTION**

7 **Failure to Protect from Harm, Violation of Fourteenth Amendment to the**
8 **United States Constitution**
9 **(42 U.S.C. § 1983)**

10 **As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF**
11 **RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and**
12 **DOES 1 through 25**

13 92. Plaintiff realleges and incorporates herein by reference each of the
14 preceding paragraphs of this complaint, and any subsequent paragraphs.

15 93. Pretrial detainees such as Plaintiff have a Fourteenth Amendment due
16 process right to be free from harm. See *Castro v. County of Los Angeles*, 833 F.3d
17 1060 (9th Cir. 2016) (en banc); *see also Gordon v. County of Orange*, 888 F.3d
18 1118, 1124–25 (9th Cir. 2018).

19 94. Defendants, by virtue of detaining individuals such as Plaintiff, are
20 given the responsibility to ensure that their correctional facilities are safe and that
21 the constitutional rights of their detainees, such as Plaintiff, are not violated.

22 95. Despite the fact that Plaintiff was detained for a relatively minor, non-
23 violent property theft offense, Defendant RCSD made the deliberate decision to
24 place Plaintiff in shared spaces with incarcerated individuals who were being
25 detained for serious felonies, including an individual charged with first degree
26 murder. The dangerous condition of confinement at Benoit DC significantly
27 exposed Plaintiff to a disproportionately high risk of harm and physical violence.
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1 Furthermore, Defendants provided Plaintiff insufficient supervision and protection
2 in such condition of confinement.

3 96. Ultimately, and not unexpectedly, on April 1, 2025, Plaintiff was
4 viciously assaulted by two incarcerated men at Benoit DC in the dangerous
5 condition of confinement that Defendants had created or permitted to exist. The
6 incarcerated men, who were under RCSD custody at the time, beat up Plaintiff,
7 striking him repeatedly in the stomach and chest. RCSD correctional officers did
8 nothing to intervene in the Assault or to help Plaintiff.

9 97. Indeed, well before April 2025, Defendants had express knowledge
10 concerning the conditions of confinement in the COUNTY jails which placed
11 inmates at substantial risk of serious harm or death. However, Defendants failed to
12 take reasonable available measures to abate or reduce that risk, even though any
13 reasonable person in such circumstances would have appreciated the high degree of
14 risk involved. It was clear that the consequence of not abating or reducing such risks
15 would entail injury and death which was obvious under the circumstances. Clearly,
16 by not taking such measures, Defendants caused Plaintiff's injuries.

17 98. Defendants, and each of them, failed to conduct proper and timely Title
18 15 welfare and safety checks, thereby authorizing, permitting, and/or encouraging
19 a correctional environment that posed a substantial risk to the health and safety of
20 inmates. Because of Defendants' deliberate and/or negligent conduct, Plaintiff
21 sustained life threatening injuries on April 1, 2025.

22 99. Plaintiff's injuries and losses were compounded due to the wrongful
23 and deliberate conduct of Defendants in failing to adequately monitor and supervise
24 inmates and the great delays in securing adequate emergency medical attention for
25 Plaintiff.

26 100. Defendants were on notice that their deficient policies, procedures, and
27 practices alleged herein created substantial risk of serious harm to an inmate in
28 Plaintiff's position.

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1 101. Each Defendant could have taken action to prevent unnecessary harm
2 to Plaintiff but refused or failed to do so.

3 102. By policy, procedure, and practice, Defendants deliberately
4 disregarded the risks posed to persons incarcerated at Benoit DC, as alleged above.
5 Defendants failed to take any reasonable steps to mitigate the obvious and well-
6 known risks of harm that was attendant to housing Plaintiff in the manner he was
7 housed at Benoit DC.

8 103. Defendants also knew that deputies routinely failed to conduct
9 required welfare and safety checks at the County Jails, including Benoit DC, and
10 failed to take sufficient actions to correct this problem and ensure that necessary
11 checks were performed.

12 104. Defendants were on notice that their policies, procedures, and practices
13 for monitoring inmates at the COUNTY Jails, including Benoit DC, were
14 inadequate and gave rise to a substantial risk of serious harm.

15 105. Defendants failed to properly train and supervise RCSD custody and
16 medical staff regarding policies, procedures, and practices necessary for the
17 protection of inmates from risks and hazards existing within the COUNTY Jails,
18 including Benoit DC.

19 106. Defendants' failure to correct their policies, procedures, and practices
20 despite notice of significant and dangerous problems evidences deliberate
21 indifference to the health and safety of the inmates in their care.

22 107. Defendants ratified Defendants DOES' actions and inactions
23 amounting to constitutional violations.

24 108. As a direct and proximate result of Defendants' conduct, the civil
25 rights of Plaintiff, as protected by the Fourteenth Amendment of the United States
26 Constitution, were violated. Further, Plaintiff experienced physical pain, severe
27 emotional distress, and mental anguish, as well as other damages alleged herein.

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1 109. Defendants subjected Plaintiff to their wrongful conduct, depriving
2 Plaintiff of rights described herein, knowingly, maliciously, and with conscious and
3 reckless disregard for whether the rights and safety of Plaintiff and others would be
4 violated by their acts and/or omissions.

5 110. As a direct and proximate result of Defendants’ acts and/or omissions
6 as set forth above, Plaintiff sustained injuries and damages.

7 111. Defendants have failed to ensure that detainees do not suffer serious
8 jail-related injuries and have failed to protect the civil rights and constitutional
9 rights of detainees within COUNTY correctional facilities. Accordingly, this
10 complaint seeks judicial intervention to ensure that further constitutional violations
11 and jail-related deaths and serious bodily injuries do not occur.

12 112. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
13 25, and each of them, as herein alleged, were willful, wanton, malicious and
14 oppressive, and justify the awarding of punitive damages against Defendants
15 SHERIFF BIANCO and DOES 1 through 25, and each of them.

16 113. The conduct of Defendants entitles Plaintiff to punitive damages and
17 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does
18 not seek punitive damages against Defendant COUNTY.

19 114. Plaintiff is also entitled to reasonable costs and attorneys’ fees under
20 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

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SECOND CAUSE OF ACTION

Failure to Provide Medical Care, Violation of the Fourteenth

Amendment to the United States Constitution

(42 U.S.C. § 1983)

As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and

DOES 1 through 25

115. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

116. By the actions and omissions described above, Defendants violated 42 U.S.C. § 1983, depriving Plaintiff of the clearly established and well-settled constitutional right protected by the Fourth and Fourteenth Amendments to the United States Constitution to be free from deliberate indifference to his medical needs, health, and safety while in custody as a pretrial detainee.

117. Despite having been viciously assaulted by other inmates, Plaintiff was denied his urgent request for medical care. Instead, the RCSD correctional officers accused Plaintiff of lying about his pain, ignored his pleas, and punished Plaintiff by relocating him to an isolated cell.

118. After many critical hours of wasted time, RCSD took Plaintiff to the hospital where it was discovered that Plaintiff was septic, with an infection spreading throughout his body. Plaintiff underwent emergency surgery for the removal of his spleen and an exploratory laparotomy. Plaintiff awoke with 36 staples in his stomach, holding together a large incision that ran the length of his torso.

119. Defendants failed to reasonably recognize Plaintiff’s urgent need for emergency medical care. Defendants also failed to train, supervise, and/or promulgate appropriate policies and procedures to provide emergency medical care and life saving care to persons in their custody. Defendants’ acts and omissions

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1 described above constituted deliberate indifference to Plaintiff’s serious medical
2 needs, health, and safety.

3 120. As a direct and proximate result of Defendants’ conduct, Plaintiff’s
4 civil rights, as protected by the Fourteenth Amendment of the United States
5 Constitution, were violated. Further, Plaintiff experienced physical pain, severe
6 emotional distress, and mental anguish, as well as other damages alleged herein.

7 121. Defendants subjected Plaintiff to their wrongful conduct, depriving
8 Plaintiff of rights described herein, knowingly, maliciously, and with conscious and
9 reckless disregard for whether the rights and safety of Plaintiff and others would be
10 violated by their acts and/or omissions.

11 122. As a direct and proximate result of Defendants’ acts and/or omissions
12 as set forth above, Plaintiff sustained injuries and damages.

13 123. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
14 25, and each of them, as herein alleged, were willful, wanton, malicious and
15 oppressive, and justify the awarding of punitive damages against Defendants
16 SHERIFF BIANCO and DOES 1 through 25, and each of them.

17 124. The conduct of Defendants entitles Plaintiff to punitive damages and
18 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does
19 not seek punitive damages against Defendant COUNTY.

20 125. Plaintiff is also entitled to reasonable costs and attorneys’ fees under
21 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

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THIRD CAUSE OF ACTION

**Municipal Policies, Customs, Practices Causing Constitutional
Violations (*Monell* – 42 U.S.C. § 1983)**

**As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF
RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and
DOES 1 through 25**

126. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

127. In *Monell*, the Supreme Court held that municipalities were “persons” under § 1983 and thus could be held liable for causing a constitutional deprivation. The Court explained that while a municipality may not be held liable under § 1983 for the torts of its employees on a theory of respondeat superior, liability may attach where the municipality itself causes the constitutional violation through the execution of an official policy, practice or custom.²⁵

128. The unconstitutional actions and/or omissions of Defendants, as well as other employees or officers employed by or acting on behalf of Defendants, on information and belief, were pursuant to the following customs, policies, practices, and/or procedures of Defendants COUNTY and RCSD, stated in the alternative, which were directed, encouraged, allowed, and/or ratified by policymaking officers for Defendant COUNTY and RCSD:

- a. To deny pretrial detainees and other inmates access to timely, appropriate, competent, and necessary care for serious medical needs, requiring such inmates in crisis to remain untreated in jail instead of providing for their emergency medical needs;

²⁵ See *Fairley v. Luman*, 281 F.3d 913, 917 (9th Cir. 2002) (“These alleged constitutional deprivations were not suffered as a result of actions of the individual officers, but as a result of the collective inaction of the Long Beach Police Department.”).

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- b. To allow and encourage deputies doing regular cell checks on inmates, including in safety cells, to fail to document their actual observations of the inmate’s condition and status, in violation of the County of Riverside’s written policies and state law;
- c. To allow and encourage inadequate and deficient medical care for jail inmates and arrestees;
- d. To hire, retain, and contract for obviously inadequate medical care for jail inmates and arrestees, including creating financial incentives for custodial and medical personnel not to send inmates with emergency medical needs to a hospital;
- e. To allow, encourage, and require medical staff, including licensed vocational nurses and registered nurses, to work outside their legal scope of practice and without appropriate supervision;
- f. To fail to make custody staff aware that COUNTY jail medical staff, including licensed vocational nurses, are not qualified to assess or decide inmates’ medical conditions, medical needs, or whether the inmate should be permitted to remain in the jail versus being sent to a hospital;
- g. To allow, encourage, and require unlicensed, incompetent, inadequately trained and/or inadequately supervised staff to assess inmates’ medical condition, needs, and treatment, including to decide whether or not to provide inmates with necessary emergency care and hospitalization;
- h. To fail to institute, require, and enforce proper and adequate training, supervision, policies, and procedures concerning handling persons in medical crisis;
- i. To cover up violations of constitutional rights by any or all of the following:

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- i. By failing to properly investigate and/or evaluate incidents of violations of rights, including by unconstitutional medical care at the jail;
- ii. By ignoring and/or failing to properly and adequately investigate and/or investigate and discipline unconstitutional or unlawful conduct by custodial and medical personnel;
- iii. By turning a blind eye to custodial and medical personnel who direct, aid, and/or assist with the distribution of hazards, including illicit drugs, into the COUNTY jails; and
- iv. By allowing, tolerating, and/or encouraging custodial and medical personnel to: fail to file complete and accurate reports; file false reports; make false statements; and/or obstruct or interfere with investigations of unconstitutional or unlawful conduct by withholding and/or concealing material information;
- j. To allow, tolerate, and/or encourage a “code of silence” among law enforcement officers, RCSD personnel, custodial personnel, and medical personnel at the jail, whereby an officer or member of the RCSD, or medical staff does not provide adverse information against a fellow officer, or member of the RCSD or the medical staff;
- k. To fail to have and enforce necessary, appropriate, and lawful policies, procedures, and training programs to prevent or correct the unconstitutional conduct, customs, and procedures described in subparagraphs (a) through (j) above, with deliberate indifference to the rights and safety of pretrial detainees, such as Plaintiff, and in

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1 the face of an obvious need for such policies, procedures, and
2 training programs.

3 129. The unconstitutional actions and/or omissions of Defendants, on
4 information and belief, were pursuant to the following customs, policies, practices,
5 and/or procedures of COUNTY and RCSD, stated in the alternative, which were
6 directed, encouraged, allowed, and/or ratified by policymaking officers for
7 COUNTY and RCSD, including SHERIFF BIANCO:

- 8 a. To fail to properly and adequately hire, train, supervise, and monitor
9 custodial and medical personnel at the jails;
- 10 b. To fail to use appropriate and generally accepted law enforcement
11 procedures for handling persons in medical crisis;
- 12 c. To fail to institute, require, and enforce proper and adequate training,
13 supervision, policies, and procedures concerning handling persons in
14 medical crisis;
- 15 d. To cover up violations of constitutional rights by any or all of the
16 following:
 - 17 i. By failing to properly investigate and/or evaluate complaints or
18 incidents of handling of persons in medical crisis;
 - 19 ii. By ignoring and/or failing to properly and adequately
20 investigate and/or discipline unconstitutional or unlawful law
21 enforcement activity; and
 - 22 iii. By allowing, tolerating, and/or encouraging law enforcement
23 officers to: fail to file complete and accurate reports; file false
24 reports; make false statements; intimidate, bias and/or “coach”
25 witnesses to give false information and/or to attempt to bolster
26 officers’ stories; and/or obstruct or interfere with investigations
27 of unconstitutional or unlawful law enforcement conduct by
28 withholding and/or concealing material information;

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- 1 e. To allow, tolerate, and/or encourage a “code of silence” among law
- 2 enforcement officers whereby an officer does not provide adverse
- 3 information against a fellow law enforcement officer;
- 4 f. To allow tolerate, and/or encourage a “code of silence” among
- 5 custodial and medical personnel at the COUNTY jails whereby
- 6 custodial and medical personnel does not provide adverse information
- 7 against a fellow staffer; and
- 8 g. To fail to have and enforce necessary, appropriate, and lawful policies,
- 9 procedures, and training programs to prevent or correct the
- 10 unconstitutional conduct, customs, and procedures described in
- 11 subparagraphs (a) through (g) above, with deliberate indifference to
- 12 the rights and safety of pretrial detainees, such as Plaintiff, and in the
- 13 face of an obvious need for such policies, procedures, and training
- 14 programs.

15 130. Defendants COUNTY and RCSD, through their employees and
 16 agents, and through their policy-making supervisors, SHERIFF BIANCO and
 17 certain DOES 1 through 25, failed to properly hire, train, instruct, monitor,
 18 supervise, evaluate, investigate, and discipline Defendants DOES 1 through 25, and
 19 other COUNTY and RCSD personnel, with deliberate indifference to the
 20 constitutional rights of Plaintiff and others in similar positions, as described above.

21 131. The unconstitutional actions and/or omissions of Defendants, and
 22 other RCSD custody and medical staff, as described above, were approved,
 23 tolerated, and/or ratified by policymaking officers for the COUNTY and RCSD,
 24 including Defendants SHERIFF BIANCO and DOES 1 through 25.

25 132. Plaintiffs are informed and believe, and thereupon allege, that
 26 Defendants SHERIFF BIANCO and DOES 1 through 25, and other policy-making
 27 officers for the COUNTY and RCSD were and are aware of a pattern of misconduct
 28 and injury caused by COUNTY Jails custody and medical staff similar to the

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1 conduct of Defendants described herein, but failed to discipline culpable custody
2 and medical staff and failed to institute new procedures and policy within the
3 COUNTY and RCSD.

4 133. In violation of 42 U.S.C. § 1983, the Defendants deprived Plaintiff of
5 his clearly established and well-settled constitutional rights through: the
6 aforementioned customs, policies, practices, and procedures; the Defendants’
7 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
8 investigate, and discipline; and the unconstitutional orders, approvals, ratification,
9 and toleration of wrongful conduct of Defendants COUNTY and RCSD.
10 Defendants subjected Plaintiff to their wrongful conduct, depriving Plaintiff of
11 rights described herein, knowingly, maliciously, and with conscious and reckless
12 disregard for whether the rights and safety of Plaintiff and others would be violated
13 by their acts and/or omissions.

14 134. As a direct and proximate result of Defendants’ unconstitutional
15 actions, omissions, customs, policies, practices, and procedures, as described above,
16 Plaintiff suffered serious injuries and is entitled to damages, penalties, costs, and
17 attorneys’ fees against Defendants.

18 135. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
19 25, and each of them, as herein alleged, were willful, wanton, malicious and
20 oppressive, and justify the awarding of punitive damages against Defendants
21 SHERIFF BIANCO and DOES 1 through 25, and each of them. The conduct of
22 Defendants entitles Plaintiff to punitive damages and penalties allowable under 42
23 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages
24 against Defendant COUNTY.

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FOURTH CAUSE OF ACTION

Supervisory Liability Causing Constitutional Violations, (Failure to Properly Train, Supervise and Discipline, 42 U.S.C. § 1983)

As Against Defendants SHERIFF CHAD BIANCO and DOES 1 through 25

136. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

137. At all material times, SHERIFF BIANCO and DOES 1 through 25 the duty and responsibility to constitutionally hire, train, instruct, monitor, supervise, evaluate, investigate, staff, and discipline the other Defendants employed by their respective agencies in this matter, as well as all employees and agents of the COUNTY and RCSD.

138. Defendants SHERIFF BIANCO and DOES 1 through 25 failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and discipline the respective employees of their agencies, including Defendants DOES 1 through 25, and other COUNTY and RCSD personnel, with deliberate indifference to Plaintiff’s constitutional rights, which were thereby violated as described above.

139. As supervisors, Defendants SHERIFF BIANCO and DOES 1 through 25 each permitted and failed to prevent the unconstitutional acts of other Defendants and individuals under their supervision and control, and failed to properly supervise such individuals, with deliberate indifference to Plaintiff’s rights to safety and protections while incarcerated at Benoit DC. Each of these supervising Defendants either directed his or her subordinates in conduct that violated Plaintiff’s rights, or set in motion a series of acts and omissions by his or her subordinates that the supervisor knew or reasonably should have known would deprive Plaintiff of rights, or knew his or her subordinates were engaging in acts likely to deprive Plaintiff of rights, and failed to act to prevent his or her subordinate from engaging in such

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1 conduct, or disregarded the consequence of a known or obvious training deficiency
2 that he or she must have known would cause subordinates to violate Plaintiff's
3 rights, and in fact did cause the violation of Plaintiff's rights. (See, Ninth Circuit
4 Model Civil Jury Instruction 9.4). Furthermore, each of these supervising
5 Defendants is liable in their failures to intervene in their subordinates' apparent
6 violations of Plaintiff's rights.

7 140. The unconstitutional customs, policies, practices, and/or procedures of
8 Defendants COUNTY and RCSD, as stated herein, were directed, encouraged,
9 allowed, and/or ratified by policymaking officers for Defendants COUNTY and
10 RCSD, including Defendants SHERIFF BIANCO and DOES 1 through 25,
11 respectively, with deliberate indifference to Plaintiff's and others' constitutional
12 rights, which were thereby violated as described above.

13 141. The unconstitutional actions and/or omissions of Defendants DOES 1
14 through 25, and other COUNTY and RCSD personnel, as described above, were
15 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and
16 RCSD, including Defendants SHERIFF BIANCO and DOES 1 through 25.

17 142. Plaintiff is informed and believes, and thereupon allege, that
18 Defendants SHERIFF BIANCO and DOES 1 through 25 and other policymaking
19 officers for the COUNTY and RCSD were and are aware of a pattern of misconduct
20 and injury, and a code of silence, caused by COUNTY and RCSD custody and
21 medical staff personnel similar to the conduct of Defendants described herein, but
22 failed to discipline culpable law enforcement officers and employees and failed to
23 institute new procedures and policy within the COUNTY and RCSD.

24 143. In violation of 42 U.S.C. § 1983, the Defendants deprived Plaintiff of
25 his clearly established and well-settled constitutional rights through: the
26 aforementioned customs, policies, practices, and procedures; the Defendants'
27 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
28 investigate, and discipline; and the unconstitutional orders, approvals, ratification,

1 and toleration of wrongful conduct of Defendants COUNTY and RCSD.
2 Defendants subjected Plaintiff to their wrongful conduct, depriving Plaintiff of
3 rights described herein, knowingly, maliciously, and with conscious and reckless
4 disregard for whether the rights and safety of Plaintiff and others would be violated
5 by their acts and/or omissions.

6 144. Defendants subjected Plaintiff to their wrongful conduct, depriving
7 Plaintiff of rights described herein, knowingly, maliciously, and with conscious and
8 reckless disregard for whether the rights and safety of Plaintiff and others would be
9 violated by their acts and/or omissions.

10 145. As a direct and proximate result of the unconstitutional actions,
11 omissions, customs, policies, practices, and procedures of Defendants SHERIFF
12 BIANCO and DOES 1 through 25 as described above, Plaintiff sustained serious
13 and permanent injuries and is entitled to damages, penalties, costs, and attorneys’
14 fees.

15 146. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
16 25, and each of them, as herein alleged, were willful, wanton, malicious and
17 oppressive, and justify the awarding of punitive damages against Defendants
18 SHERIFF BIANCO and DOES 1 through 25, and each of them. The conduct of
19 Defendants entitles Plaintiff to punitive damages and penalties allowable under 42
20 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages
21 against Defendant COUNTY.

22 **FIFTH CAUSE OF ACTION**

23 **Violation of California Government Code § 844.6**

24 **As Against Defendants DOES 1 through 25**

25 147. Plaintiff realleges and incorporates herein by reference each of the
26 preceding paragraphs of this complaint, and any subsequent paragraphs.

27 148. Defendants DOES 1 through 25, and each of them, are public
28 employees within the meaning of California Government Code § 844.6 and as, such,

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1 are liable for injuries to Plaintiff caused by their negligent or wrongful acts or
2 omissions.

3 149. Defendants DOES 1 through 25, and each of them, had a legal duty to
4 Plaintiff, as a foreseeable victim, to exercise reasonable care as set forth herein.

5 150. Defendants DOES 1 through 25, and each of them, breached their duty
6 of care owed to Plaintiff by: a) placing Plaintiff in area of confinement in the
7 COUNTY jail where individuals incarcerated for violent felonies were permitted to
8 interact directly with individuals incarcerated for minor, non-violent offenses; b)
9 permitting, facilitating, or failing to intervene in the in-custody Assault against the
10 Plaintiff; and c) directing or permitting RCSD correctional officers to deny Plaintiff
11 medical attention for his severe injuries for a dangerous amount of time. As a result
12 of the Defendants' acts and omissions, including the above-noted acts and
13 omissions, Defendants DOES 1 through 25 failed to keep Plaintiff safe.

14 151. The breaches of duty of care by Defendants DOES 1 through 25 were
15 the direct and legal cause of the injuries and damages suffered by Plaintiff.

16 152. As a result of the negligent conduct of Defendants, Plaintiff was
17 subjected to: the in-custody Assault; being denied medical assistance while
18 suffering from severe injury of his internal organs; having his spleen surgically
19 removed and his torso surgically explored; and a post-surgical scar that runs the
20 length of his torso.

21 153. Defendants knew or should have known that Plaintiff would be harmed
22 as a result of their acts, omissions, conduct, and/or other wrongdoing. Defendants'
23 negligence was a substantial factor in causing Plaintiff serious injuries, including
24 serious emotional distress.

25 154. By reason of said negligence of Defendants DOES 1 through 25, and
26 each of them, and as a proximate result thereof, Plaintiff received severe injuries to
27 his body and suffered serious emotional distress. The physical and emotional
28 injuries received by Plaintiff have greatly impaired his health, strength, and activity

1 and have thereby caused and continue to cause his great mental, physical, and
2 nervous pain and suffering, and an extreme shock to his nervous system. Plaintiff
3 is informed and believes, and thereon alleges, that said injuries will result in some
4 disability, all to his damages in an amount according to proof.

5 155. As a further, direct and proximate result of the negligence of
6 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
7 required to, and did employ, and continues to employ, physicians and others for
8 medical care of said injuries, and did incur medical and incidental expenses in an
9 amount according to proof. Plaintiff is informed and believes, and thereon alleges,
10 that he will incur further medical and incidental expenses for the care and treatment
11 of said injuries, the amount of which is unknown at this time, all to his further
12 damages in an amount according to proof.

13 156. As a further, direct and proximate result of the negligence of
14 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
15 prevented from performing his usual occupation, or any occupation whatsoever, or
16 has otherwise suffered a reduction in his capacity to work, and, as a result, has been
17 damaged in an amount according to proof. Plaintiff is informed and believes, and
18 on such information and belief alleges, that by reason of said carelessness and
19 negligence of Defendants, and each of them, Plaintiff will, in the future, be
20 prevented from attending to his usual occupation for an undetermined period of
21 time, or will continue to have a reduced capacity to earn income, all to his further
22 damages in an amount according to proof.

23 157. The acts of the Defendants DOES 1 through 25, and each of them, as
24 herein alleged, were willful, wanton, malicious and oppressive, and justify the
25 awarding of punitive damages against Defendants DOES 1 through 25, and each of
26 them. The conduct of Defendants entitles Plaintiff to punitive damages and
27 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does
28 not seek punitive damages against Defendant COUNTY.

SIXTH CAUSE OF ACTION

Violation of California Government Code § 845.6

As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and DOES 1 through 25

158. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

159. Defendants knew, or ought to have known, that Plaintiff was in need of immediate medical care and treatment, and each failed to take reasonable action to summon immediate medical care and treatment. Each such individual defendant, employed by and acting within the course and scope of his/her employment with Defendants COUNTY and RCSD, knowing and/or having reason to know of Plaintiff’s need for immediate medical care and treatment, failed to take reasonable action to summon such care and treatment in violation of California Government Code § 845.6.

160. Defendants COUNTY and RCSD are vicariously liable for the violations of state law and conduct of their officers, deputies, employees, and agents, including individual named defendants, under California Government Code § 815.2.

161. By reason of said negligence of Defendants DOES 1 through 25, and each of them, and as a proximate result thereof, Plaintiff received severe injuries to his body and suffered serious emotional distress. The physical and emotional injuries received by Plaintiff have greatly impaired his health, strength, and activity and have thereby caused and continue to cause his great mental, physical, and nervous pain and suffering, and an extreme shock to his nervous system. Plaintiff is informed and believes, and thereon alleges, that said injuries will result in some disability, all to his damages in an amount according to proof.

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WALTER CLARK LEGAL GROUP
A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

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A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

1 162. As a further, direct and proximate result of the negligence of
2 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
3 required to, and did employ, and continues to employ, physicians and others for
4 medical care of said injuries, and did incur medical and incidental expenses in an
5 amount according to proof. Plaintiff is informed and believes, and thereon alleges,
6 that he will incur further medical and incidental expenses for the care and treatment
7 of said injuries, the amount of which is unknown at this time, all to his further
8 damages in an amount according to proof.

9 163. As a further, direct and proximate result of the negligence of
10 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
11 prevented from performing his usual occupation, or any occupation whatsoever, or
12 has otherwise suffered a reduction in his capacity to work, and, as a result, has been
13 damaged in an amount according to proof. Plaintiff is informed and believes, and
14 on such information and belief alleges, that by reason of said carelessness and
15 negligence of Defendants, and each of them, Plaintiff will, in the future, be
16 prevented from attending to his usual occupation for an undetermined period of
17 time, or will continue to have a reduced capacity to earn income, all to his further
18 damages in an amount according to proof.

19 164. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
20 25, and each of them, as herein alleged, were willful, wanton, malicious and
21 oppressive, and justify the awarding of punitive damages against Defendants
22 SHERIFF BIANCO and DOES 1 through 25, and each of them. The conduct of
23 Defendants entitles Plaintiff to punitive damages and penalties allowable under 42
24 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages
25 against Defendant COUNTY.

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SEVENTH CAUSE OF ACTION

Violation of California Civil Code §52.1

(Tom Bane Act)

As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and DOES 1 through 25

165. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

166. By their acts, omissions, customs, and policies, Defendants, each acting in concert/conspiracy, as described above, while Plaintiff was in custody, and by threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and violated Plaintiff’s rights under California Civil Code § 52.1 and under the United States Constitution and California Constitution as follows:

- a. The right to be free from objectively unreasonable treatment and deliberate indifference to Plaintiff’s serious medical condition while in custody as a pretrial detainee as secured by the Fourth and/or Fourteenth Amendments to the United States Constitution and by California Constitution, Article 1, §§ 7 and 13;
- b. The right to enjoy and defend life and liberty; acquire, possess, and protect property; and pursue and obtain safety, happiness, and privacy, as secured by the California Constitution, Article 1, § 1; and
- c. The right to emergency medical care as required by California Government Code §845.6.

167. Defendants’ violations of Plaintiff’s due process rights with deliberate indifference, in and of themselves constitute violations of the Bane Act.²⁶

²⁶ See *Atayde v. Napa State Hosp.*, No. 1:16-cv-00398-DAD-SAB, 2016 U.S. Dist. LEXIS 126639, at *23 (E.D. Cal. Sept. 16, 2016) (citing *M.H. v. Cty. of Alameda*, 90 F. Supp. 3d 889, 899 (N.D. Cal. 2013); see also, *Cornell v. City and County of*

WALTER CLARK LEGAL GROUP
A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

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71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121

1 Alternatively, separate from, and above and beyond, Defendants’ attempted
2 interference, interference with, and violation of Plaintiff’s rights as described above,
3 Defendants violated Plaintiff’s rights by the following conduct constituting threat,
4 intimidation, or coercion:

- 5 a. With deliberate indifference to Plaintiff’s serious medical needs,
6 suffering, and risk of grave harm including death, depriving Plaintiff of
7 necessary, life-saving care for his medical needs;
- 8 b. With deliberate indifference to hazards that posed a risk to pretrial
9 detainees, such as Plaintiff;
- 10 c. Subjecting Plaintiff to ongoing violations of his rights to prompt care
11 for his serious medical condition over hours, causing immense and needless
12 suffering, intimidation, coercion, and threats to his life and well-being;
- 13 d. Deliberately contracting for and causing the provision of inadequate
14 and incompetent medical health care to COUNTY jail detainees and inmates;
- 15 e. Requiring medical staff to work outside their scope of practice, and
16 conduct assessments, triage, and make medical and housing decisions for
17 patients, including Plaintiff, they are not competent to make; and
- 18 f. Instituting and maintaining the unconstitutional customs, policies, and
19 practices described herein, when it was obvious that in doing so, individuals
20 such as Plaintiff would be subjected to violence, threat, intimidation,
21 coercion, and ongoing violations of rights as Plaintiff was here.

22 168. The threats, intimidation, and coercion described herein were not
23 necessary or inherent to Defendants’ violation of Plaintiff’s rights, or to any
24 legitimate and lawful jail or law enforcement activity.

25
26 *San Francisco*, Nos. A141016, A142147, 2017 Cal. App. LEXIS 1011 at *58, f.n.
27 32 (Cal. Ct. App. Nov. 16, 2017) (approving M.H., supra.); *Reese v. County of*
28 *Sacramento*, 888 F.3d 1030, 1043-44 (9th Cir. 2018) (following *Cornell*);
Rodriguez v. County of L.A., 891 F.3d 776, 799, 802 (9th Cir. 2018) (following
Cornell).

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1 169. Further, all of Defendants’ violations of duties and rights, and coercive
2 conduct, described herein were volitional acts; none was accidental or merely
3 negligent.

4 170. Further, each Defendant violated Plaintiff’s rights with reckless
5 disregard and with the specific intent and purpose to deprive him of his enjoyment
6 of those rights and of the interests protected by those rights.

7 171. Defendant COUNTY is vicariously liable for the violations of state
8 law and conduct of their officers, deputies, employees, and agents, including
9 individual named defendants, under California Government Code § 815.2.

10 172. As a direct and proximate result of Defendants’ violation of California
11 Civil Code § 52.1 and of Plaintiff’s rights under the United States and California
12 Constitutions, Plaintiff sustained injuries and damages, and against each and every
13 Defendant is entitled to relief, including punitive damages against all individual
14 Defendants, and all damages allowed by California Civil Code §§ 52 and 52.1 and
15 California law, not limited to costs attorneys’ fees, and civil penalties.

16 173. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
17 25, and each of them, as herein alleged, were willful, wanton, malicious and
18 oppressive, and justify the awarding of punitive damages against Defendants
19 SHERIFF BIANCO and DOES 1 through 25, and each of them. The conduct of
20 Defendants entitles Plaintiff to punitive damages and penalties allowable under 42
21 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages
22 against Defendant COUNTY.

23 **EIGHTH CAUSE OF ACTION**

24 **Intentional Infliction of Emotional Distress**

25 **As Against Defendants DOES 1 through 25**

26 174. Plaintiff realleges and incorporates herein by reference each of the
27 preceding paragraphs of this complaint, and any subsequent paragraphs.

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1 175. The conduct of Defendants DOES 1 through 25, as set forth herein was
2 intentional, malicious, extreme and outrageous, and done for the purpose of causing
3 Plaintiff to suffer humiliation, mental anguish, and severe emotional and physical
4 distress. Defendants DOES' conduct was done with the knowledge that Plaintiff's
5 emotional and physical distress would thereby increase and was done with a wanton
6 and reckless disregard of the consequences to Plaintiff.

7 176. As a result of the intentional conduct of Defendants DOES 1 through
8 25, Plaintiff suffered: the in-custody Assault; being ignored, kept in solitary
9 confinement, and denied medical assistance while suffering from severe injury of
10 his internal organs; having his spleen surgically removed and his torso surgically
11 explored; and a post-surgical scar that runs the length of his torso, all of which
12 caused Plaintiff to suffer serious emotional distress.

13 177. As a proximate result of the acts alleged above and herein, Plaintiff
14 suffered humiliation, mental anguish, and emotional and physical distress, and has
15 been injured in his mind and body, all to Plaintiff's damages.

16 178. As a further proximate result of the acts of Defendants DOES 1
17 through 25, Plaintiff sustained severe injuries to his body. The injuries sustained by
18 Plaintiff have greatly impaired his health, strength, and activity, and have thereby
19 caused, and continue to cause, him great mental, physical, and nervous pain and
20 suffering, and an extreme shock to his nervous system. Plaintiff is informed and
21 believes, and thereon alleges, that said injuries will result in some disability and
22 permanent scarring to him, all to his damages in an amount according to proof.

23 179. As a further, direct, and proximate result of the negligence of
24 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
25 required to, and did employ, and continues to employ, physicians and others for
26 medical care of said injuries, and he did incur medical and incidental expenses in
27 an amount according to proof.

28 ///

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1 180. Plaintiff is informed and believes, and thereon alleges, that he will
2 incur further medical and incidental expenses for the care and treatment of said
3 injuries, the amount of which is unknown at this time, all to his further damages in
4 an amount according to proof.

5 181. As a further, direct, and proximate result of the negligence of
6 Defendants DOES 1 through 25, and each of them, as herein alleged, Plaintiff was
7 prevented from performing his usual occupation, or any occupation whatsoever, or
8 has otherwise suffered a reduction in his capacity to work, and, as a result, has been
9 damaged in an amount according to proof. Plaintiff is informed and believes, and
10 on such information and belief alleges, that by reason of said carelessness and
11 negligence of Defendants DOES 1 through 25, and each of them, Plaintiff will, in
12 the future, be prevented from attending to his usual occupation for an undetermined
13 period of time, or will continue to have a reduced capacity to earn income, all to his
14 further damages in an amount according to proof.

15 182. The acts of the Defendants DOES 1 through 25, and each of them, as
16 herein alleged, were willful, wanton, malicious and oppressive, and justify the
17 awarding of punitive damages against Defendants DOES 1 through 25, and each of
18 them.

19 **NINTH CAUSE OF ACTION**

20 **Cruel and Unusual Punishment, Violation of the Eighth Amendment to**
21 **the United States Constitution**

22 **(42 U.S.C. § 1983)**

23 **As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF**
24 **RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and**
25 **DOES 1 through 25**

26 183. Plaintiff realleges and incorporates herein by reference each of the
27 preceding paragraphs of this complaint, and any subsequent paragraphs.

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1 184. While incarcerated at Benoit DC, Defendants exposed Plaintiff to the
2 Assault by vicious inmates and subsequently denied Plaintiff immediate medical
3 treatment for his life-threatening injuries that were caused by the Assault.

4 185. By the actions and omissions described above and herein, Defendants
5 violated 42 U.S.C. § 1983, depriving Plaintiff of the clearly established and well-
6 settled constitutional right protected by the Eighth Amendment to the United States
7 Constitution to be free from cruel and unusual punishment.

8 186. The Defendants were repeatedly put on notice of the great dangers
9 which existed within the Riverside County correctional facilities through the long
10 history of inmate-on-inmate violence which permeated the jails. Despite their
11 awareness of the prevalence of inmate-on-inmate violence at Benoit DC,
12 Defendants knowingly and with deliberate indifference placed Plaintiff, an
13 individual with no history of violence and who was being detained for a relatively
14 minor and non-violent offense (i.e. the alleged theft of a bait bike), in a confined
15 area with violent inmates who were being detained for serious felonies, including
16 an individual charged with first degree murder.

17 187. Defendants knew that placing Plaintiff in a confined space with violent
18 felons exposed the Plaintiff to a severe risk of being subjected to violence from the
19 other inmates.

20 188. As a consequence of Defendants' decision to place Plaintiff in a
21 confined space with violent felons, Plaintiff was subjected to the Assault. During
22 the Assault, the violent inmates beat up Plaintiff, striking him repeatedly in the
23 stomach and chest. Defendants, including RCSD correctional officers, did nothing
24 to prevent, intervene in, or terminate the Assault or help Plaintiff. As a result of
25 Defendants' deliberate indifference to Plaintiff's safety, Plaintiff sustained a
26 ruptured spleen during the Assault.

27 189. After the Assault, Plaintiff began to experience increasing and
28 intolerable pain in his abdomen. Plaintiff requested urgent access to medical

1 attention but the RCSD correctional officers accused him of lying about his pain
2 and refused to permit Plaintiff to see a medical professional.

3 190. Plaintiff was denied medical assessment, treatment, and/or
4 medications and was taunted and accused of lying by RCSD correctional officers.

5 191. Because Plaintiff would not stop pleading for medical assistance, the
6 RCSD correctional officers relocated Plaintiff to a separate holding cell and left him
7 there for multiple hours. Throughout this time, Plaintiff continued to beg for help.
8 RCSD correctional officers continued to ignore Plaintiff and accuse him of faking
9 his pain.

10 192. At one point, six RCSD correctional officers came into the room,
11 stripped down Plaintiff until he was almost naked, and moved Plaintiff into an
12 suicide prevention cell. The RCSD correctional officers had to carry Plaintiff and
13 push him forcefully into the isolation cell while simultaneously refusing to provide
14 Plaintiff the requested medical treatment. Plaintiff was kept in the isolation cell for
15 another extended period of time.

16 193. Defendants' denial of medical attention for Plaintiff was done with
17 deliberate indifference to Plaintiff's medical and psychological health.

18 194. Eventually, after hours of suffering and begging for medical attention,
19 the RCSD correctional officers took Plaintiff down to a waiting area at Benoit DC
20 and handcuffed him to a bench. After another approximately 90 minutes of waiting
21 in intense pain, Plaintiff was transported to JFK Memorial Hospital emergency
22 room in a patrol vehicle.

23 195. Once assessed by a physician, Plaintiff was diagnosed with a ruptured
24 spleen and an infection spreading throughout his body. Despite the serious and life-
25 threatening diagnosis—approximately twelve hours after the Assault—it took
26 significant insistence from the medical providers in order to convince the RCSD
27 correctional officers to agree to remove the chains placed on Plaintiff's body by
28

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1 RCSD so that he could undergo a CT scan and be prepared for surgery. Once the
2 handcuffs were removed, Plaintiff was put under general anesthesia.

3 196. As a result of Defendants' refusal to provide prompt medical attention
4 to Plaintiff, Plaintiff required extensive emergency surgery, including a
5 splenectomy and exploratory laparotomy.

6 197. Plaintiff woke up from the surgery and found himself at Desert
7 Regional Hospital in Palm Springs, California, where he had been air-lifted once
8 stabilized. Plaintiff had 36 staples in his stomach, holding together a large incision
9 from the emergency splenectomy and exploratory laparotomy.

10 198. Defendants, with knowledge of Plaintiff's life-threatening injuries
11 and/or with deliberate indifference to such injuries and medical needs, acted in such
12 a way as to deprive Plaintiff of necessary and adequate medical care, thereby
13 endangering Plaintiff's health and well-being. The acts and omissions of
14 Defendants, and each of them, were done with the purpose of subjecting him to
15 cruel and unusual punishment in violation of the Eighth Amendment to the United
16 States Constitution.

17 199. Defendants, with knowledge of Plaintiff's injuries and/or with
18 deliberate indifference to such injuries and medical needs, acted in such a way as to
19 prevent Plaintiff from obtaining necessary and adequate medical care, or to prevent
20 needed medical treatment and care from reaching Plaintiff, thereby endangering
21 Plaintiff's health and well-being. The acts and omissions of Defendants, and each
22 of them, were done with the purpose of subjecting him to cruel and unusual
23 punishment in violation of the Eighth Amendment to the United States Constitution.

24 200. Defendants, with knowledge of Plaintiff's injuries and medical needs,
25 had a duty under the Eighth Amendment to the United States Constitution to provide
26 needed medical care to inmates of Benoit DC, including Plaintiff, in conformity
27 with the standards for delivery of such medical care in the State of California as a
28 whole.

1 201. Defendants, with knowledge of Plaintiff’s injuries and/or with
2 deliberate indifference to such injuries and medical needs, failed to provide medical
3 care to Plaintiff in conformity with the standard for delivery of such medical care
4 in the State of California as a whole, thereby endangering Plaintiff’s health and
5 well-being in violation of rights secured to Plaintiff by the Eighth Amendment to
6 the United States Constitution.

7 202. Defendants, knowing of the injuries and medical needs of Plaintiff, and
8 knowing also of the inadequacies and deficiencies in the medical care at Benoit DC,
9 had a duty under the Eighth Amendment to establish and implement policies,
10 practices, and procedures designed to ensure that inmates, including Plaintiff,
11 receive medical care and treatment in conformity with the standards for delivery of
12 such medical care and treatment in the State of California as a whole.

13 203. Defendants, knowing of the injuries and medical needs of Plaintiff, and
14 knowing also of the inadequacies and deficiencies in the medical care at Benoit DC,
15 failed and neglected to establish and implement policies, practices, and procedures
16 designed to assure that inmates, including Plaintiff, receive medical treatment and
17 care at the standards therefor in California as a whole, or have adopted policies,
18 practices, and procedures which Defendants knew, or reasonably should have
19 known, would be ineffective in delivering medical treatment and care at such
20 standards, thereby endangering Plaintiff’s health and well-being in violation of
21 rights secured to Plaintiff by the Eighth Amendment to the United States
22 Constitution.

23 204. Defendants, knowing of the injuries and medical needs of Plaintiff,
24 have a duty under the Eighth Amendment to the Constitution of the United States
25 to instruct, supervise, and train their employees and agents to assure the delivery of
26 medical care to Plaintiff which is consistent with the standards of medical care in
27 the State of California as a whole.

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A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
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1 205. Defendants, with knowledge of Plaintiff’s injuries and/or with
2 deliberate indifference to such injuries and medical needs, failed to instruct,
3 supervise, and train their employees and agents in such a manner as to assure the
4 delivery of medical care to Plaintiff which is consistent with the standards of
5 medical care in the State of California as a whole, thereby endangering Plaintiff’s
6 health and well-being in violation of rights secured to Plaintiff by the Eighth
7 Amendment to the United States Constitution.

8 206. The Defendants’ actions and/or omissions were negligent and/or
9 reckless and/or intentional.

10 207. Defendants’ actions and/or omissions were committed under color of
11 law and/or pursuant to policies, customs, practices, rules, regulations, ordinances,
12 statutes and/or usages of the State of California, the County of Riverside, Riverside
13 County Sheriff’s Department and/or Benoit DC.

14 208. As a direct and proximate result of the above described actions and
15 omissions of Defendants, Plaintiff has sustained injuries and damages.

16 209. The acts of the Defendants SHERIFF BIANCO and DOES 1 through
17 25, and each of them, as herein alleged, were willful, wanton, malicious and
18 oppressive, and justify the awarding of punitive damages against Defendants
19 SHERIFF BIANCO and DOES 1 through 25, and each of them.

20 210. The conduct of Defendants entitles Plaintiff to punitive damages and
21 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does
22 not seek punitive damages against Defendant COUNTY.

23 211. Plaintiff is also entitled to reasonable costs and attorneys’ fees under
24 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

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TENTH CAUSE OF ACTION

Declaratory Relief

(28 U.S.C. § 2201)

As Against Defendants SHERIFF CHAD BIANCO, COUNTY OF RIVERSIDE, RIVERSIDE COUNTY SHERIFF’S DEPARTMENT, and DOES 1 through 25

212. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

213. There is an actual controversy between Plaintiff and Defendants concerning their respective rights and duties in that Plaintiff contends that the acts of Defendants, as described herein, are in violation of federal law, and Defendants contend in all aspects to the contrary.

214. Plaintiff is entitled to a legal declaration of his rights and Defendants’ obligations under the applicable laws as alleged in this Complaint.

REQUEST FOR RELIEF

Wherefore, Plaintiff respectfully requests that the Court enter a judgment as follows:

- A. Violation of Plaintiff’s constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20, et. seq. and federal civil rights law;
- B. Plaintiff’s conscious pain, suffering, and disfigurement, pursuant to federal civil rights law;
- C. General Damages in excess of the mandatory amount for jurisdiction in the Unlimited Superior Court;
- D. Non-Economic Damages according to proof plus all further and proper relief;
- E. Punitive damages as to individual peace officer defendants;
- F. Attorney’s fees pursuant to State Law (Cal. Code Civ. Proc. § 1021.5 & private attorney general doctrine);

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A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
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1 G. A multiplier of damages, including treble damages, and penalties
2 under the Tom Bane Act;

3 H. Interest; and

4 I. All other damages, penalties, costs, interest, and attorneys' fees as
5 allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure §§
6 377.20, et seq., 377.60, et seq., and 1021.5; California Civil Code §§ 52, et seq.,
7 52.1; and as otherwise may be allowed by California and/or federal law.

8
9 DATED: October 14, 2025

Respectfully submitted,

10 WALTER CLARK LEGAL GROUP

11 By: /s/ Dan C. Bolton
12 Dan C. Bolton
13 Attorneys for Plaintiff

14
15 **DEMAND FOR JURY TRIAL**

16 Plaintiff JOHNATHIN JAMES ONELLO hereby makes a demand for a jury
17 trial in this action.

18
19 WALTER CLARK LEGAL GROUP

20 By: /s/ Dan C. Bolton
21 Dan C. Bolton
22 Attorneys for Plaintiff

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25
26
27
28
WALTER CLARK LEGAL GROUP
A PROFESSIONAL LAW CORPORATION
71-861 HIGHWAY 111
RANCHO MIRAGE, CA 92270
TEL 760-862-9254 | FAX 760-862-1121