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7 ESTATE OF ABEL CHACON, by and through successors in interest, Becky Shorty  
8 and Charles Chacon; BECKY SHORTY, individually; CHARLES CHACON,  
individually

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11  
12 ESTATE OF ABEL CHACON, by and  
13 through successors in interest, Becky  
14 Shorty and Charles Chacon; BECKY  
SHORTY, individually; CHARLES  
CHACON, individually,

15 Plaintiffs,

16 v.

17 COUNTY OF RIVERSIDE, a public  
18 entity; RIVERSIDE COUNTY  
19 SHERIFF'S DEPARTMENT;  
20 SHERIFF CHAD BIANCO, in his  
21 individual and official capacities;  
EDWARD DELGADO; JAMES  
KRACHMER; DAVID HOLM; and  
DOES 1 through 10, individually,  
jointly and severally,

22 Defendants.

12 **CASE NO.**

13 **COMPLAINT FOR DAMAGES**

- 14 1. Failure to Protect from Harm,  
Fourteenth Amendment Violation (42  
15 U.S.C. § 1983);
- 16 2. Failure to Provide Medical Care,  
Fourteenth Amendment Violation (42  
17 U.S.C. § 1983);
- 18 3. Deprivation of the Right to Familial  
Relationship with Decedent (42  
19 U.S.C. § 1983);
- 20 4. Policies, Customs, Practices Causing  
Constitutional Violations (*Monell*, 42  
21 U.S.C. § 1983);
- 22 5. Supervisory Liability Causing  
Constitutional Violations (Failure to  
23 Properly Train, Supervise and  
Discipline, 42 U.S.C. § 1983);
- 24 6. Negligence – Wrongful Death;
- 25 7. Negligence – Medical Malpractice;
- 26 8. Violation of California Government  
Code §845.6;
- 27 9. Violation of California Civil Code  
§52.1 (Tom Bane Act);
- 28 10. Intentional Infliction of Emotional  
Distress;
11. Declaratory Relief (28 U.S.C. § 2201)

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

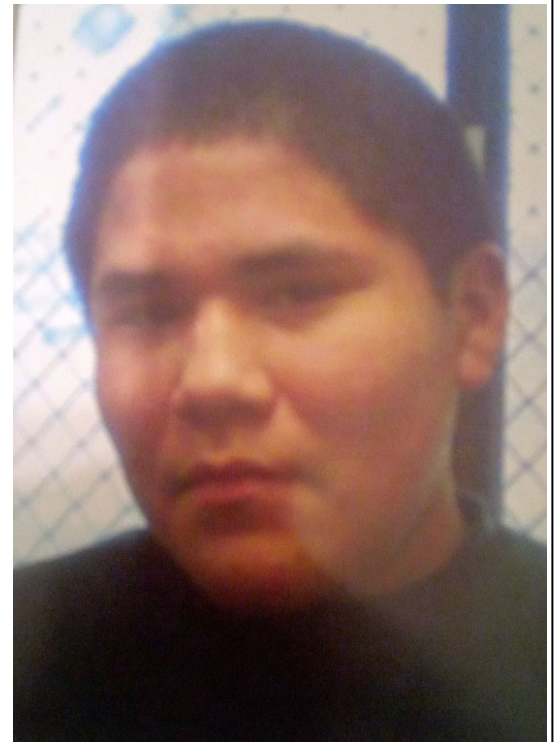
2 **COME NOW** Plaintiffs ESTATE OF ABEL CHACON, by and through  
3 successors in interest, Becky Shorty and Charles Chacon; BECKY SHORTY,  
4 individually; and CHARLES CHACON, individually, and allege as follows:

5 **I.**

6 **INTRODUCTION**

7 1. This civil rights action seeks to establish the true and unequivocal facts  
8 surrounding the in-custody death of pretrial detainee Abel Chacon at the Riverside  
9 County Sheriff’s Department, Cois M. Byrd Detention Center on August 25, 2022.  
10 This action also seeks to bring to public light the deliberate disregard for safety and  
11 protection carried out by the individual defendants in the present action.

12 2. Abel Chacon was the loving son of  
13 Becky Shorty and Charles Chacon. He was  
14 described by his family as a happy person who  
15 always wore a big smile on his face – a smile  
16 which complimented his big and loyal heart.  
17 Abel’s death has been a profound and  
18 unimaginable loss to his parents. To this day,  
19 his parents imagine walking up to their dear son  
20 and yelling out, “Hey, Abel!” and having him  
21 turn around with that big smile of his and  
22 saying, “What’s up?!” in his happy-go-lucky  
23 voice. At the time of his death, Abel was only  
24 25 years old with his whole life in front of him.



25 Abel left behind his beloved parents and his five (5) siblings, all of whom miss him  
26 dearly.

27 ///

28 ///

1           3.     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           4.     Long before Abel Chacon’s death, each of the individually named  
9 defendants from the County of Riverside and the Riverside County Sheriff’s  
10 Department knew that there existed a great indifference to the safety and protection  
11 of the inmates who were in the government’s custody within the Riverside County  
12 correctional facilities, including Cois M. Byrd Detention Center, Robert Presley  
13 Detention Center, Larry D. Smith Correctional Facility, John J. Benoit Detention  
14 Center and the Blythe Jail.

15           5.     The individuals named in the present lawsuit were repeatedly put on  
16 notice of the great dangers which existed within the Riverside County correctional  
17 facilities through the long history of in-custody deaths; the record-breaking amount of  
18 fentanyl overdoses throughout all Riverside County correctional facilities; the federal  
19 class action *Quinton Gray, et al. v. County of Riverside*, case number 13-0444 VAP  
20 (OPx) (C.D. Cal.) (hereinafter the “*Gray Class Action*”) targeting the Riverside  
21 County Sheriff’s Department custody and medical staff’s deliberate indifference to  
22 the safety and protection of inmates; the warnings from neutrally-selected experts  
23 regarding the Riverside County Sheriff’s Department’s custody and medical staff’s  
24 failures amounting to constitutional violations; a court ordered Consent Decree  
25 directing the Riverside County Sheriff’s Department to implement a Remedial Plan to  
26 meet the minimum level of health care necessary to fulfill the Riverside County  
27 Sheriff’s Department’s obligations under the Eighth and Fourteenth Amendments;  
28 and through a voluntarily entered Settlement Agreement which required that the

1 Riverside County Sheriff’s Department remedy all of the deficiencies addressed in  
2 the *Gray* class action.

3 6. Despite this long history of complete disregard to inmate safety and  
4 protection, each of the individually named defendants in this lawsuit deliberately  
5 failed to take even modest actions to prevent in-custody deaths at the Riverside  
6 County correctional facilities. Thus, by the time Abel Chacon was taken into custody  
7 and placed at the Cois M. Byrd Detention Center, the jail was infested with endemic,  
8 ongoing and unabated risks of injury or death to inmates – risks which indeed  
9 resulted in Abel Chacon’s death on August 25, 2022.

10 **II.**

11 **JURISDICTION AND VENUE**

12 7. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the  
13 Fourth and Fourteenth Amendments to the United States Constitution, and the laws  
14 and Constitution of the State of California. Jurisdiction is conferred upon this Court  
15 by 28 U.S.C. §§ 1331 and 1343.

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

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

22 **III.**

23 **PENDANT CLAIMS**

24 10. Plaintiffs have complied with the California Tort Claims Act  
25 requirements with respect to their claims arising under state law.

26 11. With respect to these supplemental state claims, Plaintiffs request that  
27 this Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over such  
28

1 claims as they arise from the same facts and circumstances which underlie the federal  
2 claims.

3 **IV.**

4 **PARTIES**

5 **A. Plaintiffs**

6 12. Decedent Abel Chacon was a 25-year-old young man, who was a brother  
7 to his five (5) siblings and the son of Becky Shorty and Charles Chacon. At the time  
8 of his death, he was a pretrial detainee who resided in the County of Riverside,  
9 California. The claims made by Plaintiff ESTATE OF ABEL CHACON, are brought  
10 by the successors in interest, Becky Shorty and Charles Chacon.

11 13. Plaintiff BECKY SHORTY, is and was, at all times relevant hereto, the  
12 natural mother of decedent Abel Chacon, and at all times relevant hereto was a  
13 resident of the County of Riverside, California. Plaintiff brings these claims pursuant  
14 to California Code of Civil Procedure §§ 377.20 et seq. and 377.60 et seq., which  
15 provide for survival and wrongful death actions. Plaintiff also brings her claims  
16 individually and on behalf of decedent Abel Chacon on the basis of 42 U.S.C. §§  
17 1983 and 1988, the United States Constitution, federal and state civil rights law and  
18 California law. Plaintiff also brings these claims as a Private Attorney General, to  
19 vindicate not only her rights, but others' civil rights of great importance.

20 14. Plaintiff CHARLES CHACON, is and was, at all times relevant hereto,  
21 the natural father of decedent Abel Chacon, and at all times relevant hereto was a  
22 resident of the County of Riverside, California. Plaintiff brings these claims pursuant  
23 to California Code of Civil Procedure §§ 377.20 et seq. and 377.60 et seq., which  
24 provide for survival and wrongful death actions. Plaintiff also brings his claims  
25 individually and on behalf of decedent Abel Chacon on the basis of 42 U.S.C. §§  
26 1983 and 1988, the United States Constitution, federal and state civil rights law and  
27 California law. Plaintiff also brings these claims as a Private Attorney General, to  
28 vindicate not only his rights, but others' civil rights of great importance.

1       **B. Defendants**

2           15. Defendant COUNTY OF RIVERSIDE (hereinafter also “COUNTY”)  
3 owns, operates, manages, directs and controls Defendant RIVERSIDE COUNTY  
4 SHERIFF’S DEPARTMENT (hereinafter also “RCSD”), also a separate public  
5 entity, which employs other Doe Defendants in this action. At all times relevant to the  
6 facts alleged herein, Defendant COUNTY was responsible for assuring that the  
7 actions, omissions, policies, procedures, practices and customs of its employees,  
8 including RCSD employees and the Correctional Health Services (hereinafter also  
9 “CHS”) employees, complied with the laws and the Constitutions of the United States  
10 and of the State of California. Defendant COUNTY, through RCSD and CHS, is and  
11 was responsible for ensuring the protection and safety of all persons incarcerated at  
12 the RCSD correctional facilities, including the Cois M. Byrd Detention Center  
13 (hereinafter “CBDC”), Robert Presley Detention Center (hereinafter “RBDC”), Larry  
14 D. Smith Correctional Facility (hereinafter “LSCF”), John J. Benoit Detention Center  
15 (hereinafter “JBDC”), and the Blythe Jail (hereinafter collectively “COUNTY Jails”).

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

28 ///

1           17. Defendant EDWARD DELGADO (“DELGADO”), at all times  
2 mentioned herein, was employed by Defendant COUNTY as the Corrections  
3 Assistant Chief of the COUNTY Jails, including the CBDC, for the COUNTY, and  
4 he was acting within the course and scope of that employment. In that capacity,  
5 Defendant DELGADO was a policy making official for the COUNTY OF  
6 RIVERSIDE. During the relevant time period, Defendant DELGADO was  
7 responsible for the general management and control of the COUNTY Corrections  
8 Operations, with primary authority and responsibility for the operations, staff  
9 assignments, program development, personnel supervision and training, maintenance  
10 and auxiliary inmate services at the jail, subordinate only to the Sheriff and/or  
11 Undersheriff. Defendant DELGADO is being sued in his individual capacity.

12           18. Defendant JAMES KRACHMER (“KRACHMER”), at all times  
13 mentioned herein, was employed by Defendant COUNTY as the Corrections Chief  
14 Deputy of the COUNTY Jails, including the CBDC, for the COUNTY, and he was  
15 acting within the course and scope of that employment. In that capacity, Defendant  
16 KRACHMER was a policy making official for the COUNTY OF RIVERSIDE.  
17 During the relevant time period, Defendant KRACHMER was responsible for the  
18 general management and control of the COUNTY Corrections Operations, with  
19 primary authority and responsibility for the operations, staff assignments, program  
20 development, personnel supervision and training, maintenance and auxiliary inmate  
21 services at the jail, subordinate to the Corrections Assistant Chief, Defendant  
22 EDWARD DELGADO. Defendant KRACHMER is being sued in his individual  
23 capacity.

24           19. Defendant DAVID HOLM (hereinafter also “HOLM”) is and was at all  
25 times relevant herein the Corrections Captain at CBDC, one of the highest-level  
26 supervisory positions. During the relevant time period, Defendant HOLM was the  
27 Corrections Captain at CBDC, and was primarily responsible for assisting the Sheriff-  
28 Coroner with oversight and administration of the CBDC, including ensuring the

1 safety of the inmates housed therein. As Corrections Captain, Defendant HOLM was  
2 responsible for supervision of RCSD and CHC employees and/or agents at the  
3 CBDC, and for the promulgation of the policies and procedures and allowance of the  
4 practices/customs pursuant to which the acts of the RCSD and CHC's employees  
5 alleged herein were committed. Defendant HOLM also directly supervised Defendant  
6 DOES 9 and 10. Defendant HOLM is being sued in his individual capacity.

7 20. Defendants COUNTY OF RIVERSIDE, RIVERSIDE COUNTY  
8 SHERIFF'S DEPARTMENT, SHERIFF BIANCO, DELGADO, KRACHMER and  
9 HOLM will hereinafter be referred to as the COUNTY DEFENDANTS.

10 21. Plaintiffs are ignorant of the true names and capacities of Defendants  
11 DOES 1 through 10 ("DOE Defendants") and therefore sue these Defendants by such  
12 fictitious names. Plaintiffs are informed and believe and thereon allege that each  
13 Defendant so named is responsible in some manner for the injuries and damages  
14 sustained by Plaintiffs as set forth herein. Plaintiffs will amend their complaint to state  
15 the names and capacities of each DOE Defendant when they have been ascertained.

16 22. The identities, capacities, and/or nature of involvement of the defendants  
17 sued as DOES 1 through 10 are presently unknown to the Plaintiffs who therefore sue  
18 these defendants by fictitious names. Plaintiffs are informed, believe, and thereupon  
19 allege that DOES 1 through 10 include individual law enforcement personnel and  
20 medical personnel employed by the RCSD and the COUNTY Correctional Health  
21 Services, and that they were involved in some manner and are legally responsible for  
22 the wrongful acts and conduct alleged herein. Plaintiffs will amend this complaint to  
23 substitute the DOE Defendants' true names and capacities when they have been  
24 ascertained. Plaintiffs are informed, believe, and thereupon allege that each DOE  
25 defendant is a resident of California. On information and belief, DOES 1 through 10  
26 were and still are residents of the County of Riverside, California. DOES 1 through 10  
27 are sued in both their individual and official capacities.

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1           23. At all relevant times, DOES 7 and 8 were managerial, supervisory,  
2 training, and/or policymaking employees of Defendant COUNTY Correctional Health  
3 Services. At the time of the incident, DOES 7 and 8 were acting under color of law  
4 within the course and scope of their duties as employees for the COUNTY  
5 Correctional Health Services. They had supervisory authority over DOES 1-10, and  
6 the COUNTY Correctional Health Services employees at the COUNTY Jails. DOES 7  
7 and 8 were acting with the complete authority and ratification of their principal,  
8 Defendant COUNTY.

9           24. At all relevant times, DOES 9 and 10 were managerial, supervisory,  
10 training, and/or policymaking employees of Defendant COUNTY. At the time of the  
11 incident, DOES 9 and 10 were acting under color of law within the course and scope of  
12 their duties as employees for the RCSD and/or the COUNTY. They had supervisory  
13 authority over DOES 1-10, and the employees of the RCSD. DOES 9 and 10 were  
14 acting with the complete authority and ratification of their principal, Defendant  
15 COUNTY.

16           25. Each of the defendants, including the DOE defendants, caused, and is  
17 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs 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; by failing to enact policies to  
23 address the constitutional rights of protesters despite the obvious need for such a  
24 policy; and by ratifying the unlawful conduct that occurred by agents and officers  
25 under their direction and control, including failing to take remedial or disciplinary  
26 action.

27           26. Plaintiffs are informed and believe and thereon allege that each of the  
28 Defendants was at all material times an agent, servant, employee, partner, joint

1 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing the  
2 things herein alleged, was acting within the course and scope of that relationship.

3 Plaintiffs are further informed and believe and thereon allege that each of the  
4 Defendants herein gave consent, aid, and assistance to each of the remaining  
5 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as  
6 alleged herein, except as may be hereinafter specifically alleged. At all material times,  
7 each Defendant was jointly engaged in tortious activity and an integral participant in  
8 the conduct described herein, resulting in the deprivation of Plaintiffs' and decedent  
9 Abel Chacon's constitutional rights and other harm.

10 27. Plaintiffs are informed, believe, and thereupon allege that, at all times  
11 relevant hereto, Defendants, and each of them, acted as the agents, servants, and  
12 employees of each of the other defendants.

13 28. In doing each of the acts and/or omissions alleged herein, Defendants,  
14 and each of them, acted within the course and scope of their employment.

15 29. In doing each of the acts and/or omissions alleged herein, Defendants,  
16 and each of them, acted under color of authority and/or under the color of law.

17 **V.**

18 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

19 30. On August 25, 2022, at approximately 4:30 a.m., Abel Chacon  
20 (hereinafter also "Decedent") was found unresponsive in his cell at the Cois M. Byrd  
21 Detention Center, located at 30755-B Auld Road, Murrieta, California 92563.

22 31. Upon information and belief, Abel Chacon had been experiencing a  
23 medical emergency for an appreciable amount of time prior to his death.

24 32. Upon information and belief, due to the COUNTY Jails patterns and  
25 practices of not conducting proper and timely Title 15 welfare and safety checks,  
26 Abel Chacon's dire need for emergency medical intervention went unnoticed by the  
27 CBDC custody staff, who were responsible for monitoring and ensuring the welfare  
28 of all inmates, including Abel Chacon.

1 33. Upon information and belief, the CBDC custodial and medical staff  
2 administered inadequate emergency medical care to Abel Chacon.

3 34. Due to the great delays in securing adequate emergency medical  
4 attention for Abel Chacon, and the failures on behalf of the CBDC custody staff in  
5 performing the required safety and welfare checks, Mr. Chacon did not respond to  
6 medical intervention and died on August 25, 2022 at approximately 5:08 a.m.

7 35. Abel Chacon was only twenty-five years old when he died on August 25,  
8 2022 while he was in custody at the Cois M. Byrd Detention Center. Abel Chacon  
9 was not a known drug user or involved in other illicit activity.

10 36. Abel Chacon was a pretrial detainee, and therefore, innocent until  
11 proven guilty.

12 37. Plaintiffs timely and properly filed tort claims with the County of  
13 Riverside pursuant to California Government Code sections 910, *et seq.*, and this  
14 action is timely filed within all applicable statutes of limitation.

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

17 **VI.**

18 **FACTUAL ALLEGATIONS COMMON TO *MONELL* AND**  
19 **SUPERVISORIAL CAUSES OF ACTION**

20 39. Based upon the principles established in *Monell v. Dep't of Soc. Servs. of*  
21 *City of New York*, 436 U.S. 658 (1978), Defendants are liable for all injuries sustained  
22 by Plaintiffs as set forth herein. To establish municipal liability under *Monell v. Dep't*  
23 *of Soc. Servs. of City of New York*, 436 U.S. 658 (1978), a plaintiff must prove: (1)  
24 that [the plaintiff] possessed a constitutional right of which she was deprived; (2) that  
25 the municipality had a policy/custom/practice; (3) that this policy/custom/practice  
26 amounts to deliberate indifference to the plaintiff's constitutional right; and, (4) that  
27 the policy/custom/practice is the moving force behind the constitutional violation.  
28 *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir, 2011). The

1 policy/custom/practice “need only cause the constitutional violation; it need not be  
2 unconstitutional per se.” *Chew v. Gates*, 27 F.3d 1432, 1444 (9th Cir. 1994).  
3 Recognized paths to *Monell* liability include: (1) an unconstitutional custom, practice  
4 or policy behind the violation of rights; (2) a deliberately indifferent omission, such  
5 as a failure to train or failure to have a needed policy; and (3) a final policy-maker’s  
6 involvement in or ratification of the conduct underlying the violation of rights.  
7 *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1249-1250 (9th Cir. 2010).

8 **A. The COUNTY Jails Experienced Their Deadliest Year in 2022.**

9 40. In 2022, Defendant RIVERSIDE COUNTY SHERIFF’S  
10 DEPARTMENT’S COUNTY Jails have resulted in eighteen (18) in-custody deaths.  
11 Prior to 2022, Riverside County had not logged more than twelve (12) such deaths in  
12 any year since 2005.<sup>1</sup>

13 41. Abel Chacon’s death is one of eighteen (18) in-custody deaths within the  
14 COUNTY Jails during the 2022 calendar year, and was the ninth death that year:

- 15 a. Alicia Upton (Date of Loss: April 28, 2022; Manner of Death:  
16 “Suicide”)  
17 b. Abel Valencia Cruz (Date of Loss: May 1, 2022; Manner of Death:  
18 “Natural”)  
19 c. Justin Kail (Date of Loss: May 17, 2022; Manner of Death:  
20 “Accident-Overdose”)  
21 d. Brawn Lamar Hampton (Date of Loss: May 26, 2022; Manner of Death:  
22 “Natural”)

23  
24  
25  
26  
27 <sup>1</sup> See State of California Department of Justice Press Release: “Attorney General Bonta Launches  
28 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 e. Michael Vasquez (Date of Loss: May 26, 2022; Manner of Death:  
2 “Accident-Overdose”)<sup>2</sup>
- 3 f. Yareth Villagomez (Date of Loss: June 20, 2022; Manner of Death:  
4 “Accident-Overdose”)
- 5 g. Richard Edward Biscotti (Date of Loss: July 11, 2022; Manner of Death:  
6 “Natural”)
- 7 h. Richard Matus Jr. (Date of Loss: August 11, 2022; Manner of Death:  
8 “Accident-Overdose”)
- 9 i. Abel Anthony Chacon (Date of Loss: August 25, 2022; Manner of  
10 Death: “Accident-Overdose”)
- 11 j. Octavio Zazueta (Date of Loss: August 26, 2022; Manner of Death:  
12 “Accident-Overdose”)
- 13 k. Gary Roy Haneline (Date of Loss: August 27, 2022; Manner of Death:  
14 “Natural”)
- 15 l. Mario Solis (Date of Loss: September 3, 2022; Manner of Death:  
16 “Accident”)<sup>3</sup>
- 17 m. Kaushal Niroula (Date of Loss: September 6, 2022; Manner of Death:  
18 “Strangulation”)<sup>4</sup>
- 19

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20 <sup>2</sup> Pretrial detainee Michael Vasquez was just 20 years old at the time of his death. He had been in  
21 the facility for only six days prior to being exposed to the dangers and risks permeating the CBDC,  
22 all of which ultimately resulted in his death.

23 <sup>3</sup> Notably, while the COUNTY DEFENDANTS have reported to the Department of Justice that  
24 pretrial detainee Mario Solis’ death was an “accident,” what is known through the Coroner’s  
25 Investigative Narrative and Autopsy Report is that Mr. Solis was indeed in a safety cell (*i.e.*, cells  
26 intended for suicidal inmates) an ingested multiple foreign objects, including a pencil, toothbrush,  
27 and plastic bags with soap. Mr. Solis ultimately died due to the pencil puncturing his right jugular  
28 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.

<sup>4</sup> 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.

- n. Robert Louis Robinson (Date of Loss: September 7, 2022; Manner of Death: “Suicide/Hanging”)
- o. Ulyses Munoz Ayala (Date of Loss: September 29, 2022; Manner of Death: “Homicide Willful”)<sup>5</sup>
- 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”)

42. 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. Seven (7) of the in-custody deaths have occurred at the Cois M. Byrd Detention Center in Murrieta, California.

43. The Defendants’ deliberate indifference towards protecting pretrial detainees from hazards resulted in illegal drugs permeating the COUNTY Jails. According to Defendant KRACHMER, from November 2021 through November 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at least twice a week within the COUNTY Jails.<sup>6</sup>

44. The Defendants’ deliberate indifference towards pretrial detainees suffering from mental health issues resulted in several completed and attempted

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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.

<sup>5</sup> 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/>

<sup>6</sup> See “Families Question Suspected Fentanyl Deaths of Loved Ones Behind Bars; Riverside Co. Sheriff Reacts” (Fox11 News, November 7, 2022), available at <https://www.fox11.com/news/fentanyl-responsible-for-a-third-of-riverside-county-jail-deaths-in-2022-families-demand-answers>

1 suicides. On November 23, 2022, pretrial detainee Charles Wall attempted suicide by  
2 jumping off the top tier of his housing module at RPDC. From November 19, 2022  
3 through November 23, 2022, Mr. Wall made repeated requests for psychiatric care  
4 and medication. Mr. Wall suffered from schizophrenia and suicidal ideations, which  
5 was known to the COUNTY custody and medical staff given his prior attempts to  
6 commit suicide at RPDC in 2015, as well as his extensive medical and mental health  
7 history. These requests were ignored by the custody and medical staff. On November  
8 23, 2022, Mr. Wall pled with a custody staffer, begging for an opportunity to speak  
9 with a psychiatrist. The custody staffer demanded to know why Mr. Wall needed to  
10 speak with a psychiatrist. When Mr. Wall hesitated, the custody staffer shouted, “Do  
11 what you gotta do! Stop pushing my fucking buttons or you’re gonna give me a  
12 reason to come in!” Shortly thereafter, Mr. Wall attempted suicide by jumping off the  
13 second story of his housing module.

14 **B. The COUNTY Jails Are On Track to Surpass the Number of In-Custody**  
15 **Deaths in 2023.**

16 45. Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT’S  
17 COUNTY Jails will have the deadliest year in 2023 – surpassing the eighteen (18) in-  
18 custody deaths from 2022.

19 46. As of May of 2023, the COUNTY has already claimed the lives of six  
20 (6) persons who died while in the custody of the COUNTY:

- 21 a. On January 12, 2023, pretrial detainee Mark Spratt died as a result of  
22 injuries he suffered during a brutal attack by his cellmate at CBDC. Mr.  
23 Spratt was only 24 years old at the time of his death.
- 24 b. On February 5, 2023, pretrial detainee Christian Viramontes was found  
25 unresponsive in his cell at RPDC. Upon information and belief, Mr.  
26 Viramontes’ death was caused by hazards permeating the RPDC. Mr.  
27 Spratt was only 26 years old at the time of his death. An investigation  
28 into the manner and means of death remains pending.

- 1 c. On February 6, 2023, pretrial detainee Jesus Rodriguez died in-custody  
2 due to injuries suffered during an arrest. An investigation into the  
3 manner and means of death remains pending.
- 4 d. On February 21, 2023, pretrial detainee Christian Drye died in-custody  
5 at a COUNTY hospital due to injuries suffered during an arrest. An  
6 investigation into the manner and means of death remains pending.
- 7 e. On March 11, 2023, an unidentified pretrial detainee was found  
8 unresponsive in his cell at CBDC. Upon information and belief, the  
9 death was caused by hazards permeating the CBDC. An investigation  
10 into the manner and means of death remains pending.
- 11 f. On May 27, 2023, pretrial detainee Ruben Guzman died following an  
12 undisclosed incident at JBDC. Upon information and belief, Mr.  
13 Guzman received numerous threats to his life by inmates and custody  
14 staff at the COUNTY Jails. Mr. Guzman was in fear of his life and  
15 attempted suicide by jumping off of a top tier at the COUNTY Jails. Mr.  
16 Guzman survived the attempted suicide and was told by custody staff:  
17 “You should have gone headfirst.” Upon information and belief, Mr.  
18 Guzman was found unresponsive in a holding cell on May 22, 2023. He  
19 died four days later on May 27, 2023. An investigation into the manner  
20 and means of death remains pending.

21 47. The Defendants’ deliberate indifference towards protecting pretrial  
22 detainees from violence has resulted in numerous deaths and assaults at the  
23 COUNTY Jails. Upon information and belief, this indifference has resulted in the  
24 2022-2023 deaths of Kaushal Niroula, Ulyses Munoz Ayala Mark Spratt, and Ruben  
25 Guzman, and the brutal sexual assault of a pretrial detainee in April of 2023 at the  
26 COUNTY Jails.

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1           **C. RCSD Refuses to Comply with California Department Justice Mandates**  
2           **Regarding In-Custody Death Reporting Abating Transparency and**  
3           **Accountability.**

4           48. Despite the record-braking in-custody deaths at the COUNTY Jails, and  
5 the suspicious circumstances surrounding the in-custody deaths, the COUNTY  
6 DEFENDANTS have refused to adhere to state mandates and regulations which were  
7 explicitly created to ensure accountability and transparency, including California  
8 Government Code section 12525<sup>7</sup> and Title 15 Minimum Standards for Local  
9 Detention Facilities, section 1046 Death in Custody.<sup>8</sup>

10           49. The COUNTY DEFENDANTS have refused to comply with these  
11 mandates which were enacted to provide transparency and accountability when  
12 inmates and prisoners die in-custody within California correctional facilities.

13           50. The COUNTY DEFENDANTS reported some of the in-custody deaths  
14 six weeks after they occurred, despite the 10-day mandate.<sup>9</sup>

15           51. The COUNTY DEFENDANTS provided inaccurate information to the  
16 Department of Justice, classifying the pretrial detainees, who had died in their  
17 custody as “sentenced” post-convicted prisoners.<sup>10</sup> Upon information and belief, this  
18 orchestrated misclassification of the pretrial status of the decedents was done

19 \_\_\_\_\_  
20 <sup>7</sup> See Cal. Gov. Code § 12525 (“In any case in which a person dies while in the custody of any law  
21 enforcement agency or while in custody in a local or state correctional facility in this state, the law  
22 enforcement agency or the agency in charge of the correctional facility shall report in writing to the  
23 Attorney General/DOJ, within 10 days after the death, all facts in the possession of the law  
24 enforcement agency or agency in charge of the correctional facility concerning the death.”)

25 <sup>8</sup> See Title 15 Minimum Standards for Local Detention Facilities, Section 1046 Death (“The facility  
26 administrator, in cooperation with the health administrator, shall develop written policy and  
27 procedures to ensure that there is an initial review of every in-custody death within 30 days. The  
28 review team shall include the facility administrator and/or the facility manager, the health  
administrator, the responsible physician and other health care and supervision staff who are relevant  
to the incident.”)

<sup>9</sup> 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/](https://www.desertsun.com/story/news/crime_courts/2022/09/16/riverside-county-sheriffs-failed-report-inmate-deaths-state-time/8017820001/)

<sup>10</sup> *Id.*

1 purposely by the COUNTY DEFENDANTS so as to impose the Eighth Amendment  
 2 higher degree of culpability standard, rather than the less stringent Fourteenth  
 3 Amendment degree of culpability.<sup>11</sup>

4 **D. California Department of Justice Launches Patterns and Practices**  
 5 **Investigation into Recording Breaking In-Custody Deaths at the**  
 6 **COUNTY Jails.**

7 52. On February 23, 2023, the California Department of Justice (DOJ)  
 8 announced its decision to launch a formal investigation into Defendant RIVERSIDE  
 9 COUNTY SHERIFF’S DEPARTMENT’s unconstitutional patterns and practices  
 10 resulting in record-breaking in-custody deaths at the COUNTY Jails and the use of  
 11 excessive force by sheriff’s deputies, disproportionately affecting Latino and African  
 12 American communities.<sup>12</sup> The raw data and the per capita data make clear that the  
 13 COUNTY Jails are a death sentence for any pretrial detainee, some of whom have  
 14 died just days after being booked.<sup>13</sup> For reference, San Diego County had 19 in-

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 17 <sup>11</sup> Pretrial detainees are perceived as innocent under the eyes of the law. Because they are mere  
 18 detainees who are simply awaiting their day in court, the Constitution mandates that additional  
 19 protective measures be put in place to ensure that the detainees are not harmed while in the  
 20 government’s custody. More specifically, the 14th Amendment requires that correctional facilities  
 21 not be deliberately indifferent towards the detainees’ safety and protection. *See Gordon v. County*  
 22 *of Orange*, 888 F.3d 1118 (9th Cir. 2018). Once an inmate has been formally convicted of a crime,  
 23 they are deemed to be a post-conviction prisoner. While the Constitution too protects post-  
 24 conviction prisoners, the 8th Amendment merely requires that the prisoners not be subjected to  
 25 cruel and unusual punishment while in the government’s custody. *See Castro v. County of Los*  
 26 *Angeles*, 833 F.3d 1060 (9th Cir. 2016). The end result is that the legal standard under which a civil  
 27 rights lawsuit is premised upon is much higher and more difficult to prove for a post-conviction  
 28 prisoner (*i.e.*, subjective standard) rather than a pretrial detainee (*i.e.*, objective standard). Upon  
 information and belief, the COUNTY DEFENDANTS purposely classified the pretrial 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.

<sup>12</sup> *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](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county)

<sup>13</sup> *Id.*

1 custody deaths in 2022, despite an average *daily* jail population of *500 more people*  
2 *than* Riverside County.

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

15 54. In response to the California Department of Justice’s civil rights  
16 investigation in the COUNTY Jails, SHERIFF BIANCO issued the following  
17 offensive statement illustrating indifference towards the lives lost in his jails: “This  
18 investigation is based on nothing but false, and misleading statements, and straight-  
19 out lies from activists, including their attorneys. This will prove to be a complete  
20 waste of time and resources.”<sup>14</sup>

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27 <sup>14</sup> See Riverside County Sheriff’s Department YouTube video titled: “Sheriff Bianco’s Response to  
28 Frivolous Civil Rights Investigation by DOL” (February 23, 2023), available at  
<https://www.youtube.com/watch?v=6ttMVVLYfaQ>

1           **E. RCSD’s History of Indifference Towards Inmates Incarcerated at the**  
2           **COUNTY Jails.**

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

7           56. The “2010-11 Grand Jury Report: Riverside County Detention Health  
8 Care Administration” found systemic failures in treatment, medication management,  
9 record-keeping, and administration of forced medications, among other areas.<sup>15</sup>

10          57. The Grand Jury released an updated report in June 2012, noting that  
11 mental health staffing had in fact decreased since its prior year’s report.<sup>16</sup>

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

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

- 23               a. RCSD, by policy and practice, maintains and runs a health care system  
24               that lacks basic elements necessary to provide constitutional care;

25 \_\_\_\_\_  
26 <sup>15</sup> See 2010-2011 Grand Jury Report re: Detention Mental Health Services, available at  
[https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2010-2011/11mentalhealth\\_detentionserv.pdf](https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2010-2011/11mentalhealth_detentionserv.pdf)

27 <sup>16</sup> See 2011-2012 Grand Jury Report re: Detention Mental Health Services, available at  
28 <https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2011-2012/12mentalhealthdetention.pdf>

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

15          60. On September 2, 2014, the Court granted Plaintiffs' Motion for Class  
16 Certification.

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

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

26          63. Due to the COUNTY DEFENDANTS' ongoing failures to comply with  
27 the Consent Decree, Plaintiffs in the *Gray* class action have had to seek emergency  
28 relief from the Court to ensure that the Consent Decree is enforced.

1           **F. Sheriff Bianco’s Indifference to the Constitutional Violations and Failures**  
2           **Permeating His COUNTY Jails.**

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

20           65. The endemic, ongoing and unabated risks of injury or death to inmates  
21 incarcerated in the COUNTY Jails are well established. SHERIFF BIANCO has long  
22 been aware of these risks and harms which have resulted in injury and death to  
23 inmates incarcerated in his COUNTY Jails. SHERIFF BIANCO’s failure to take  
24 action to ameliorate these conditions constitutes deliberate indifference to the safety  
25 and health of inmates incarcerated in his COUNTY Jails.

26           66. SHERIFF BIANCO has made several public statements all of which  
27 serve as illustrations of his great indifference towards the inmates, most of whom are  
28

1 pretrial detainees and innocent under the eyes of the law, who are in the  
2 government’s custody in his COUNTY Jails.

3 67. Despite the alarming trends in overdoses and in-custody deaths,  
4 SHERIFF BIANCO blames the decedents and their families for the in-custody deaths  
5 and overdoses in the COUNTY Jails – all of which are fully controlled and managed  
6 by him.

7 68. On September 16, 2022, The Press-Enterprise posted the article “Sheriff  
8 Explains How 13 Riverside County Inmates Died This Year” on Facebook with the  
9 following caption: “Less than an hour after the family of a man who died in jail  
10 publicly complained about a lack of information on his death and that of 12 other  
11 Riverside County inmates this year, Sheriff Chad Bianco explained how they died.”<sup>17</sup>

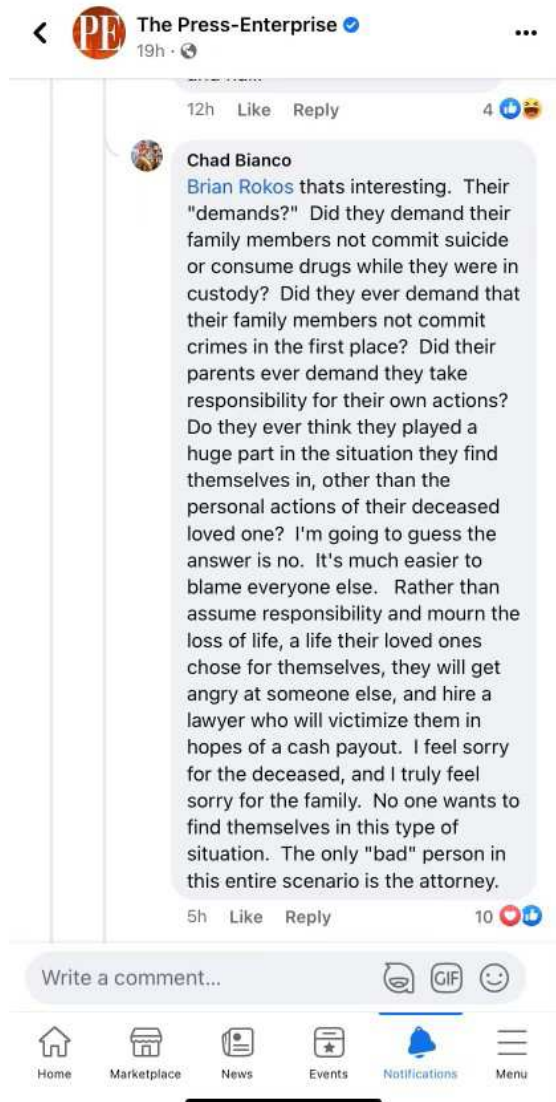
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26 <sup>17</sup> See “Sheriff Explains How 13 Riverside County Inmates Died This Year” (The Press-Enterprise  
27 Facebook Page, September 16, 2022), available at:  
28 <https://www.facebook.com/page/50855317267/search/?q=chad%20bianco%2013%20riverside%20county%20inmates%20died>

69. Within fourteen hours of article being posted on Facebook, SHERIFF BIANCO went on to publicly shame and harass the families and their deceased loved ones, posing the following offensive rhetorical questions to the Facebook community and calling the Matus family attorney, Christian Contreras, a “bad” person:<sup>18</sup>

- (1) Did they demand that their family members not commit suicide or consume drugs while they were in custody?
- (2) Did they ever demand that their family members not commit crimes in the first place?
- (3) Did their parents ever demand they take responsibility for their own actions?
- (4) Do they ever think they played a huge part in the situation they find themselves in, other than the personal actions of their deceased loved one?



<sup>18</sup> Notably, SHERIFF BIANCO deleted the post thereafter. SHERIFF BIANCO did this despite the post being highly relevant and material to Plaintiffs’ supervisorial claims against him. This is textbook definition of spoliation. Courts generally agree that the duty to preserve is triggered as soon as a potential claim is identified. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 888 F. Supp. 2d 976, 991 (N.D. Cal. 2012) (“duty to preserve material evidence arises not only during litigation but also extends to that period before the litigation when a party reasonably should know that the evidence may be relevant to anticipated litigation”); *Colonies Partners, L.P. 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 Systems Corp.*, 464 F.3d 951, 959, (9th Cir. 2006) (“A party’s destruction of evidence qualifies as willful spoliation if the party has ‘some notice that the documents were potentially relevant to the litigation before they were destroyed.’”).



1 70. SHERIFF BIANCO also blames the inmates themselves: “There are  
2 inmates that purposely get arrested just to smuggle drugs into jail. It is either for  
3 money, money on the outside, money or favor on the inside [...] It’s part of that  
4 culture of power inside the jails, and drugs are a part of it.”<sup>19</sup>

5 71. In response to the Department of Justice’s recent announcement about its  
6 decision to investigate the patterns and practices existing within the COUNTY Jails,  
7 SHERIFF BIANCO expressed the following indifference towards pretrial detainees  
8 dying at alarming rates within his COUNTY Jails: “Of course I’m not happy, this is  
9 going to waste our time. Every single one of these inmate deaths was out of anyone’s  
10 control. The fact of the matter is that they just happened to be in our custody.”<sup>20</sup>

11 **VII.**

12 **PUNITIVE/EXEMPLARY DAMAGES ALLEGATIONS**

13 **(Against individual Defendants SHERIFF CHAD BIANCO, EDWARD**  
14 **DELGADO, JAMES KRACHMER, DAVID HOLM, and DOES 1-10)**

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

17 73. Long before Abel Chacon’s death, Defendants SHERIFF CHAD  
18 BIANCO, EDWARD DELGADO, JAMES KRACHMER, DAVID HOLM knew  
19 that there existed a great indifference to the safety and protection of the inmates who  
20 were in the government’s custody within the COUNTY Jails.

21 74. Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO,  
22 JAMES KRACHMER, DAVID HOLM were repeatedly put on notice of the great  
23

24 <sup>19</sup> See “California Jails Are Trying to Keep Fentanyl Out, But Inmates Are Still Dying. In Riverside  
25 County, Fentanyl is Blamed in 38% of In-custody Deaths So Far This Year,” (Mercury News,  
26 September 26, 2022), available at: <https://www.mercurynews.com/2022/09/26/southern-california-jails-trying-to-keep-fentanyl-out-but-inmates-are-still-dying/>

27 <sup>20</sup> See “Kudos to Bonta for Investigating the Sheriff. Let’s Hope He Moves Quickly” (The Desert  
28 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/>

1 dangers which existed within the COUNTY Jails through the long history of in-  
2 custody deaths; the record-breaking amount of fentanyl overdoses throughout all  
3 COUNTY Jails; the federal class action *Quinton Gray, et al. v. County of Riverside*,  
4 case number 13-0444 VAP (OPx) (C.D. Cal.) targeting Defendant RIVERSIDE  
5 COUNTY SHERIFF'S DEPARTMENT's custody and medical staff's deliberate  
6 indifference towards the safety and protection of inmates; the warnings from the  
7 neutrally-selected experts regarding failures amounting to constitutional violations; a  
8 Consent Decree directing Defendant RIVERSIDE COUNTY SHERIFF's  
9 DEPARTMENT to implement a Remedial Plan to meet the minimum level of health  
10 care necessary to fulfill its obligations under the Eighth and Fourteenth Amendments;  
11 and through a Settlement Agreement which the COUNTY voluntarily entered into  
12 requiring that Defendant RIVERSIDE COUNTY SHERIFF'S DEPARTMENT  
13 remedy all of the deficiencies in healthcare and disability accommodations alleged in  
14 the *Gray* class action complaint.

15 75. Despite this long history of complete disregard to inmate safety and  
16 protection, Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO, JAMES  
17 KRACHMER, and DAVID HOLM have deliberately failed to take even modest  
18 actions to prevent in-custody deaths at the COUNTY Jails which have for a very long  
19 time been infested with endemic, ongoing and unabated risks of injury or death to  
20 inmates.

21 76. The Defendant officers, and each of them, acted with malice and  
22 oppression and with a conscious disregard for Plaintiffs' rights, making the individual  
23 defendants, including DOES 1-10, liable for punitive damages.

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**VIII.**

**FIRST CAUSE OF ACTION**

**Failure to Protect from Harm,**

**Violation of the Fourteenth Amendment to the United States Constitution**

**(Survival Action – 42 U.S.C. § 1983)**

**By Plaintiff Estate of Abel Chacon As Against DOES 1 through 10**

77. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

78. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice that their deficient policies, procedures, and practices alleged herein created substantial risk of serious harm to an inmate in decedent Abel Chacon's position.

79. Each Defendant could have taken action to prevent unnecessary harm to decedent Abel Chacon but refused or failed to do so.

80. By policy, procedure, and practice, Defendants COUNTY, RCSD and DOES 1 through 10 deliberately disregarded the hazards and risks posed to persons incarcerated at the CBDC, as alleged above. Defendants failed to take any reasonable steps to mitigate the obvious and well-known risks of harm that was attendant to housing decedent Abel Chacon at CBDC.

81. Defendants including SHERIFF BIANCO, EDWARD DELGADO, JAMES KRACHMER, DAVID HOLM and DOES 8 through 10 also knew that deputies routinely failed to conduct required welfare and safety checks at the COUNTY Jails, including CBDC, and failed to take sufficient actions to correct this problem and ensure that necessary checks were performed.

82. Defendant SHERIFF BIANCO failed to take corrective action, discipline, or remove the command staff at the COUNTY Jails, including CBDC, who, upon information and belief, directed the deputies to falsify safety check logs and violate the COUNTY's safety check policies. Defendant SHERIFF BIANCO ratified their actions, and the practices used under his watch.

1 83. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice  
2 that their policies, procedures, and practices for monitoring inmates at the COUNTY  
3 Jails, including CBDC, were inadequate and gave rise to a substantial risk of serious  
4 harm.

5 84. Defendants including SHERIFF BIANCO, EDWARD DELGADO,  
6 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10 failed to properly  
7 train and supervise RCSD custody and medical staff regarding policies, procedures,  
8 and practices necessary for the protection of inmates from risks and hazards existing  
9 within the COUNTY Jails, including CBDC.

10 85. Defendants including SHERIFF BIANCO, EDWARD DELGADO,  
11 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10's failure to correct  
12 their policies, procedures, and practices despite notice of significant and dangerous  
13 problems evidences deliberate indifference to the inmates in their care.

14 86. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
15 KRACHMER, DAVID HOLM and DOES 8 through 10 ratified Defendants DOES's  
16 actions and inactions amounting to constitutional violations.

17 87. Defendants DOES 1 through 10's failure to conduct the required safety  
18 check of decedent Abel Chacon's housing unit on the date of his death evidences  
19 deliberate indifference to the risk of harm to decedent Abel Chacon.

20 88. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
21 KRACHMER, DAVID HOLM and DOES 8 through 10 ratified Defendants DOES's  
22 failure to conduct safety checks and falsification of logs.

23 89. As a direct and proximate result of Defendants' conduct, the civil right  
24 of Abel Chacon, as protected by the Fourteenth Amendment of the United States  
25 Constitution were violated. Further, decedent Abel Chacon experienced physical  
26 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
27 other damages alleged herein.

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

5 91. As a direct and proximate result of Defendants' acts and/or omissions as  
6 set forth above, Decedent, through Plaintiffs herein, sustained injuries and damages.

7 92. The conduct of Defendants entitles Plaintiff to punitive damages and  
8 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not  
9 seek punitive damages against Defendants COUNTY.

10 93. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42  
11 U.S.C. § 1988, and other applicable United States and California codes and laws.

12 **IX.**

13 **SECOND CAUSE OF ACTION**

14 **Failure to Provide Medical Care,**

15 **Violation of the Fourteenth Amendment to the United States Constitution**

16 **(Survival Action – 42 U.S.C. § 1983)**

17 **By Plaintiff Estate of Abel Chacon As Against DOES 1 through 10**

18 94. Plaintiffs reallege and incorporate herein by reference each of the  
19 preceding paragraphs of this complaint, and any subsequent paragraphs.

20 95. By the actions and omissions described above, Defendants DOES 1  
21 through 10, as alleged herein, violated 42 U.S.C. § 1983, depriving decedent Abel  
22 Chacon, through Plaintiffs herein, of the following clearly established and well-  
23 settled constitutional rights protected by the Fourth and Fourteenth Amendments to  
24 the United States Constitution: Decedent's right to be free from deliberate  
25 indifference to Abel Chacon's serious medical needs while in custody as a pretrial  
26 detainee as secured by the Fourth and/or Fourteenth Amendments.

27 96. By the actions and omissions described above, Defendants DOES 1  
28 through 10, as alleged herein, including but not limited to their failure to provide

1 decedent Abel Chacon with appropriate emergency medical care, along with the acts  
2 and/or omissions of Defendants in failing to train, supervise, and/or promulgate  
3 appropriate policies and procedures to provide emergency medical care and life  
4 saving care to persons in their custody, constituted deliberate indifference to Abel  
5 Chacon's serious medical needs, health, and safety.

6 97. As a direct and proximate result of Defendants' conduct, the civil rights  
7 of Abel Chacon, as protected by the Fourteenth Amendment of the United States  
8 Constitution were violated. Further, decedent Abel Chacon experienced physical  
9 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
10 other damages alleged herein.

11 98. Defendants subjected Decedent to their wrongful conduct, depriving  
12 Decedent of rights described herein, knowingly, maliciously, and with conscious and  
13 reckless disregard for whether the rights and safety of Decedent and others would be  
14 violated by their acts and/or omissions.

15 99. As a direct and proximate result of Defendants' acts and/or omissions as  
16 set forth above, Decedent, through Plaintiff herein, sustained injuries and damages.

17 100. 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 not  
19 seek punitive damages against Defendants COUNTY.

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

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1 X.

2 **THIRD CAUSE OF ACTION**

3 **Deprivation of the Right to Familial Relationship with Decedent,**  
4 **Violation of the Fourteenth Amendment to the United States Constitution**  
5 **(42 U.S.C. § 1983)**

6 **By Plaintiffs Becky Shorty and Charles Chacon**

7 **As Against DOES 1 through 10**

8 102. Plaintiffs reallege and incorporate herein by reference each of the  
9 preceding paragraphs of this complaint, and any subsequent paragraphs.

10 103. The aforementioned acts and/or omissions of Defendants DOES 1  
11 through 10 in being deliberately indifferent to decedent Abel Chacon's protection,  
12 safety, and serious medical needs, violating decedent Abel Chacon's constitutional  
13 rights, and their failure to train, supervise, and/or take other appropriate measures to  
14 prevent the acts and/or omissions that caused the untimely and wrongful death of  
15 Abel Chacon deprived Plaintiffs BECKY SHORTY and CHARLES CHACON of  
16 their liberty interests in the parent-child relationship in violation of their substantive  
17 due process rights as defined by the Fourteenth Amendments of the Constitution.

18 104. All of the acts of Defendants DOES 1 through 10 and the persons  
19 involved were done under color of state law.

20 105. The acts and omissions of each Defendant deprived Plaintiffs BECKY  
21 SHORTY and CHARLES CHACON of rights, privileges, and immunities secured by  
22 the Constitution and laws of the United States, including but not limited to the  
23 Fourteenth Amendment by, among other things, depriving Plaintiffs of their rights to  
24 a parent-child relationship with decedent Abel Chacon without due process of law by  
25 their deliberate indifference in denying Abel Chacon protection and safety while  
26 incarcerated at CBDC and access to medical care while suffering a medical  
27 emergency at CBDC.

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1           106. Defendants DOES 1 through 10 and the other involved agents and  
2 employees acted pursuant to expressly adopted official policies or longstanding  
3 practices or customs of the COUNTY and RCSD. These include policies and  
4 longstanding practices or customs of failing to provide persons in pretrial custody  
5 who are experiencing medical emergencies access to medical care as stated above and  
6 incorporated herein.

7           107. In addition, the training policies of the COUNTY and RCSD were not  
8 adequate to train its deputies, agents and employees to handle the usual and recurring  
9 situations with which they must deal with, including but not limited to encounters  
10 with individuals in pretrial custody who are experiencing medical emergencies. These  
11 Defendants and each of them knew that its failure to adequately train its COUNTY  
12 Jails custody and medical staff, including other agents and employees, to interact with  
13 individuals suffering from medical emergencies made it highly predictable that its  
14 custody and medical staff would engage in conduct that would deprive persons such  
15 as decedent Abel Chacon, and thus Plaintiffs BECKY SHORTY and CHARLES  
16 CHACON, of their rights. These Defendants were thus deliberately indifferent to the  
17 obvious consequences of their failure to train their deputies, agents and employees  
18 adequately.

19           108. Defendants COUNTY and RCSD's official policies and/or longstanding  
20 practices or customs, including but not limited to its training policies, caused the  
21 deprivation of the constitutional rights of Plaintiffs BECKY SHORTY, CHARLES  
22 CHACON and decedent Abel Chacon by each individual Defendant's official  
23 policies and/or longstanding practices or customs are so closely related to Abel  
24 Chacon's injuries and death and thus the deprivation of the rights of Plaintiffs as to be  
25 the moving force causing those injuries.

26           109. Defendant SHERIFF BIANCO, a final policymaker for the COUNTY  
27 and RCSD, ratified the actions and omissions of Defendants DOES 1 through 10, all  
28 of whom were custody and medical staff at the COUNTY Jails, including CBDC, in



1 that he had knowledge of and made a deliberate choice to approve their unlawful acts  
2 and omissions.

3 110. As a direct and proximate result of Defendants' conduct, the civil rights  
4 of Abel Chacon, as protected by the Fourteenth Amendment of the United States  
5 Constitution were violated. Further, decedent Abel Chacon experienced physical  
6 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
7 other damages alleged herein.

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

12 112. As a direct and proximate result of Defendants' acts and/or omissions as  
13 set forth above, Plaintiffs sustained injuries and damages.

14 113. The conduct of Defendants entitles Plaintiffs to punitive damages and  
15 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not  
16 seek punitive damages against Defendants COUNTY.

17 114. Plaintiffs are also entitled to reasonable costs and attorneys' fees under  
18 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

19 **XI.**

20 **FOURTH CAUSE OF ACTION**

21 **Municipal Policies, Customs, Practices Causing Constitutional Violations**

22 **(*Monell* - 42 U.S.C. § 1983)**

23 **By Plaintiff Estate of Abel Chacon As Against Defendants COUNTY OF**  
24 **RIVERSIDE and RIVERSIDE COUNTY SHERIFF'S DEPARTMENT**

25 115. Plaintiffs reallege and incorporate herein by reference each of the  
26 preceding paragraphs of this complaint, and any subsequent paragraphs.

27 116. The unconstitutional actions and/or omissions of Defendants DOES 1  
28 through 10, as well as other employees or officers employed by or acting on behalf of

1 the Defendants COUNTY and RCSD, on information and belief, were pursuant to the  
2 following customs, policies, practices, and/or procedures of Defendants COUNTY  
3 and RCSD, stated in the alternative, which were directed, encouraged, allowed,  
4 and/or ratified by policymaking officers for Defendant COUNTY and RCSD:

- 5 a. To deny pretrial detainees and other inmates access to timely,  
6 appropriate, competent, and necessary care for serious medical needs,  
7 requiring such inmates in crisis to remain untreated in jail instead of  
8 providing for their emergency medical needs;
- 9 b. To allow and encourage deputies doing regular cell checks on inmates,  
10 including in safety cells, to fail to document their actual observations of  
11 the inmate's condition and status, in violation of the County of  
12 Riverside's written policies and state law;
- 13 c. To allow and encourage inadequate and incompetent medical care for  
14 jail inmates and arrestees;
- 15 d. To hire, retain and contract for obviously inadequate medical care for  
16 jail inmates and arrestees, including creating financial incentives for  
17 custodial and medical personnel not to send inmates with emergency  
18 medical needs to a hospital;
- 19 e. To allow, encourage, and require medical staff, including licensed  
20 vocational nurses and registered nurses, to work outside their legal scope  
21 of practice and without appropriate supervision;
- 22 f. To fail to train custody staff that medical staff, including licensed  
23 vocational nurses, are not competent to assess or decide inmates'  
24 medical conditions, medical needs, or whether the inmate should be  
25 permitted to remain in the jail versus being sent to a hospital;
- 26 g. To allow, encourage, and require unlicensed, incompetent, inadequately  
27 trained and/or inadequately supervised staff to assess inmates' medical  
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- 1 condition, needs, and treatment, including to decide whether or not to  
2 provide inmates with necessary emergency care and hospitalization;
- 3 h. To fail to institute, require, and enforce proper and adequate training,  
4 supervision, policies, and procedures concerning handling persons in  
5 medical crisis;
- 6 i. To cover up violations of constitutional rights by any or all of the  
7 following:
- 8 i. By failing to properly investigate and/or evaluate incidents of  
9 violations of rights, including by unconstitutional medical care at  
10 the jail;
- 11 ii. By ignoring and/or failing to properly and adequately investigate  
12 and/or investigate and discipline unconstitutional or unlawful  
13 conduct by custodial and medical personnel;
- 14 iii. By turning a blind eye to custodial and medical personnel who  
15 direct, aid, and/or assist with the distribution of hazards, including  
16 illicit drugs, into the Riverside County jails; and
- 17 iv. By allowing, tolerating, and/or encouraging custodial and medical  
18 personnel to: fail to file complete and accurate reports; file false  
19 reports; make false statements; and/or obstruct or interfere with  
20 investigations of unconstitutional or unlawful conduct by  
21 withholding and/or concealing material information;
- 22 j. To allow, tolerate, and/or encourage a “code of silence” among law  
23 enforcement officers, RCSD personnel, custodial personnel and medical  
24 personnel at the jail whereby an officer or member of the RCSD, or  
25 medical staff does not provide adverse information against a fellow  
26 officer, or member of the RCSD or the medical staff;
- 27 k. To fail to have and enforce necessary, appropriate, and lawful policies,  
28 procedures, and training programs to prevent or correct the

1 unconstitutional conduct, customs, and procedures described in  
2 subparagraphs (a) through (j) above, with deliberate indifference to the  
3 rights and safety of pretrial detainees, such as Decedent, and in the face  
4 of an obvious need for such policies, procedures, and training programs.

5 117. The unconstitutional actions and/or omissions of Defendants DOES 1  
6 through 10, as well as other officers employed by or acting on behalf of the  
7 COUNTY and RCSD, on information and belief, were pursuant to the following  
8 customs, policies, practices, and/or procedures of the COUNTY and the RCSD,  
9 stated in the alternative, which were directed, encouraged, allowed, and/or ratified by  
10 policymaking officers for the COUNTY and RCSD, including SHERIFF BIANCO,  
11 EDWARD DELGADO, JAMES KRACHMER and DAVID HOLM:

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

1 witnesses to give false information and/or to attempt to bolster  
2 officers' stories; and/or obstruct or interfere with investigations of  
3 unconstitutional or unlawful law enforcement conduct by  
4 withholding and/or concealing material information;

5 e. To allow, tolerate, and/or encourage a "code of silence" among law  
6 enforcement officers whereby an officer does not provide adverse  
7 information against a fellow law enforcement officer;

8 f. To allow, tolerate, and/or encourage a "code of silence" among custodial  
9 and medical personnel at the COUNTY jails whereby custodial and  
10 medical personnel does not provide adverse information against a fellow  
11 staffer;

12 g. To fail to have and enforce necessary, appropriate, and lawful policies,  
13 procedures, and training programs to prevent or correct the  
14 unconstitutional conduct, customs, and procedures described in  
15 subparagraphs (a) through (g) above, with deliberate indifference to the  
16 rights and safety of pretrial detainees, such as Decedent, and in the face  
17 of an obvious need for such policies, procedures, and training programs.

18 118. Defendants COUNTY and RCSD, through their employees and agents,  
19 and through their policy-making supervisors, SHERIFF BIANCO, EDWARD  
20 DELGADO, JAMES KRACHMER, DAVID HOLM and DOES 8 through 10, failed  
21 to properly hire, train, instruct, monitor, supervise, evaluate, investigate, and  
22 discipline Defendants DOES 1 through 10, and other COUNTY and RCSD  
23 personnel, with deliberate indifference to the constitutional rights of decedent Abel  
24 Chacon, Plaintiffs and others in similar positions, as described above, and therefore,  
25 those rights thereby violated.

26 119. The unconstitutional actions and/or omissions of Defendants DOES 1  
27 through 10, and other RCSD custody and medical staff, as described above, were  
28 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and

1 RCSD, including Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
2 KRACHMER, DAVID HOLM and DOES 8 through 10. Plaintiff is informed and  
3 believes and thereon alleges that the details of this incident have been revealed to the  
4 authorized policymakers within the COUNTY and RCSD, and that such  
5 policymakers have direct knowledge of the fact that the death of Abel Chacon was  
6 the result of deliberate indifference to his rights to be protected and safe while in the  
7 custody of the COUNTY/RCSD, and his rights to have access to medical care when  
8 suffering a medical emergency. Notwithstanding this knowledge, the authorized  
9 policymakers within the COUNTY and RCSD have approved of the conduct and  
10 decisions of Defendants DOES 1 through 10 in this matter, and have made a  
11 deliberate choice to endorse such conduct and decisions, and the basis for them, that  
12 resulted in the death of Abel Chacon. By so doing, the authorized policymakers  
13 within the COUNTY and RCSD have shown affirmative agreement with the  
14 individual Defendants' actions and have ratified the unconstitutional acts of the  
15 individual Defendants. Furthermore, Plaintiffs are informed and believe, and  
16 thereupon allege, that Defendants SHERIFF BIANCO, EDWARD DELGADO,  
17 JAMES KRACHMER, DAVID HOLM and DOES 8 through 10, and other policy-  
18 making officers for the COUNTY and RCSD were and are aware of a pattern of  
19 misconduct and injury caused by COUNTY Jails custody and medical staff similar to  
20 the conduct of Defendants described herein, but failed to discipline culpable custody  
21 and medical staff and failed to institute new procedures and policy within the  
22 COUNTY and RCSD.

23 120. The aforementioned customs, policies, practices, and procedures; the  
24 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,  
25 investigate, and discipline; and the unconstitutional orders, approvals, ratification,  
26 and toleration of wrongful conduct of Defendants COUNTY and RCSD were a  
27 moving force and/or a proximate cause of the deprivations of decedent Abel  
28 Chacon's clearly established and well-settled constitutional rights in violation of 42

1 U.S.C. § 1983. Defendants subjected decedent Abel Chacon to their wrongful  
2 conduct, depriving decedent Abel Chacon of rights described herein, knowingly,  
3 maliciously, and with conscious and reckless disregard for whether the rights and  
4 safety of decedent Abel Chacon, Plaintiffs and others would be violated by their acts  
5 and/or omissions.

6 121. As a direct and proximate result of the unconstitutional actions,  
7 omissions, customs, policies, practices, and procedures of Defendants COUNTY and  
8 RCSD, as described above, decedent Abel Chacon suffered serious injuries and death,  
9 Plaintiff is entitled to damages, penalties, costs, and attorneys' fees against  
10 Defendants COUNTY and RCSD.

11 **XII.**

12 **FOURTH CAUSE OF ACTION**

13 **Supervisory Liability Causing Constitutional Violations,**

14 **(Failure to Properly Train, Supervise and Discipline, 42 U.S.C. § 1983)**

15 **By Plaintiff Estate of Abel Chacon As Against Defendants SHERIFF CHAD**  
16 **BIANCO, EDWARD DELGADO, JAMES KRACHMER, DAVID HOLM and**  
17 **DOES 7 through 10**

18 122. Plaintiffs reallege and incorporate herein by reference each of the  
19 preceding paragraphs of this complaint, and any subsequent paragraphs.

20 123. At all material times, SHERIFF BIANCO, DELGADO, KRACHMER,  
21 HOLM and DOES 8 through 10 had the duty and responsibility to constitutionally  
22 hire, train, instruct, monitor, supervise, evaluate, investigate, staff, and discipline the  
23 other Defendants employed by their respective agencies in this matter, as well as all  
24 employees and agents of the COUNTY and RCSD.

25 124. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM  
26 and DOES 8 through 10 failed to properly hire, train, instruct, monitor, supervise,  
27 evaluate, investigate, and discipline the respective employees of their agencies,  
28 including Defendants DOES 1 through 10, and other COUNTY and RCSD personnel,

1 with deliberate indifference to Plaintiffs', decedent Abel Chacon's, and others'  
2 constitutional rights, which were thereby violated as described above.

3 125. As supervisors, Defendants SHERIFF BIANCO, DELGADO,  
4 KRACHMER, HOLM and DOES 8 through 10 each permitted and failed to prevent  
5 the unconstitutional acts of other Defendants and individuals under their supervision  
6 and control, and failed to properly supervise such individuals, with deliberate  
7 indifference to the rights to safety and protections while incarcerated at CBDC and  
8 the rights to the serious medical needs of decedent Abel Chacon. Each of these  
9 supervising Defendants either directed his or her subordinates in conduct that violated  
10 Decedent's rights, or set in motion a series of acts and omissions by his or her  
11 subordinates that the supervisor knew or reasonably should have known would  
12 deprive decedent Abel Chacon of rights, or knew his or her subordinates were  
13 engaging in acts likely to deprive decedent Abel Chacon of rights and failed to act to  
14 prevent his or her subordinate from engaging in such conduct, or disregarded the  
15 consequence of a known or obvious training deficiency that he or she must have  
16 known would cause subordinates to violate decedent Abel Chacon's rights, and in  
17 fact did cause the violation of decedent Abel Chacon's rights. (*See*, Ninth Circuit  
18 Model Civil Jury Instruction 9.4). Furthermore, each of these supervising Defendants  
19 is liable in their failures to intervene in their subordinates' apparent violations of  
20 decedent Abel Chacon' rights.

21 126. The unconstitutional customs, policies, practices, and/or procedures of  
22 Defendants COUNTY and RCSD, as stated herein, were directed, encouraged,  
23 allowed, and/or ratified by policymaking officers for Defendants COUNTY and  
24 RCSD, including Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
25 HOLM and DOES 8 through 10, respectively, with deliberate indifference to  
26 Plaintiff's, decedent Abel Chacon's, and others' constitutional rights, which were  
27 thereby violated as described above.

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1           127. The unconstitutional actions and/or omissions of Defendants DOES 1  
2 through 10, and other COUNTY and RCSD personnel, as described above, were  
3 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and  
4 RCSD, including Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
5 HOLM and DOES 8 through 10. Plaintiff is informed and believes and thereon  
6 alleges that the details of this incident have been revealed to Defendants SHERIFF  
7 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 and that such  
8 Defendant-policymakers have direct knowledge of the fact that the death of decedent  
9 Abel Chacon was not justified or necessary, but represented deliberate indifference to  
10 his rights to be protected and safe while in the COUNTY's custody and his rights to  
11 his serious medical needs, as set forth above. Notwithstanding this knowledge, on  
12 information and belief, Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
13 HOLM and DOES 8 through 10 have approved and ratified of the conduct and  
14 decisions of Defendants DOES 1 through 10 in this matter, and have made a  
15 deliberate choice to endorse such conduct and decisions, and the basis for them, that  
16 resulted in the death of Abel Chacon. By so doing, Defendants SHERIFF BIANCO,  
17 DELGADO, KRACHMER, HOLM and DOES 8 through 10 have shown affirmative  
18 agreement with the individual Defendants' actions and have ratified the  
19 unconstitutional acts of the individual Defendants. Furthermore, Plaintiffs are  
20 informed and believe, and thereupon allege, that Defendants SHERIFF BIANCO,  
21 DELGADO, KRACHMER, HOLM and DOES 8 through 10 and other policymaking  
22 officers for the COUNTY and RCSD were and are aware of a pattern of misconduct  
23 and injury, and a code of silence, caused by COUNTY and RCSD custody and  
24 medical staff personnel similar to the conduct of Defendants described herein, but  
25 failed to discipline culpable law enforcement officers and employees and failed to  
26 institute new procedures and policy within the COUNTY and RCSD.

27           128. The aforementioned customs, policies, practices, and procedures; the  
28 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,

1 investigate, and discipline; and the unconstitutional orders, approvals, ratification,  
2 and toleration of wrongful conduct of Defendants SHERIFF BIANCO, DELGADO,  
3 KRACHMER, HOLM and DOES 8 through 10 were a moving force and/or a  
4 proximate cause of the deprivations of decedent Abel Chacon’s clearly established  
5 and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as more fully  
6 set forth above.

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

11 130. As a direct and proximate result of the unconstitutional actions,  
12 omissions, customs, policies, practices, and procedures of Defendants SHERIFF  
13 BIANCO, DELGADO, KRACHMER, HOLM and DOES 8 through 10 as described  
14 above, Plaintiff sustained serious and permanent injuries and is entitled to damages,  
15 penalties, costs, and attorneys’ fees.

16 **XIII.**

17 **SIXTH CAUSE OF ACTION**

18 **Negligence – Wrongful Death**

19 **Plaintiffs Becky Shorty and Charles Chacon As Against All Defendants**

20 131. Plaintiffs reallege and incorporate herein by reference each of the  
21 preceding paragraphs of this complaint, and any subsequent paragraphs.

22 132. At all times, Defendants DOES 1 through 10 owed Plaintiffs and  
23 decedent Abel Chacon the duty to act with due care in the execution and enforcement  
24 of any right, law, or legal obligation.

25 133. At all times, these Defendants owed Plaintiffs and decedent Abel  
26 Chacon the duty to act with reasonable care.

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1           134. These general duties of reasonable care and due care owed to Plaintiffs  
2 and decedent Abel Chacon by these Defendants include but are not limited to the  
3 following specific obligations:

- 4           a. To summon, or transport Decedent to, necessary and appropriate  
5 emergency medical care;
- 6           b. To refrain from unreasonably creating danger or increasing Decedent's  
7 risk of harm;
- 8           c. To use generally accepted law enforcement procedures and tactics that  
9 are reasonable and appropriate for Decedent's status as a person in  
10 medical crisis with serious medical needs;
- 11           d. To conduct state mandated safety and welfare checks of inmates in the  
12 custody of the COUNTY Jails;
- 13           e. To refrain from abusing their authority granted them by law; and
- 14           f. To refrain from violating Plaintiffs' and Decedent's rights as guaranteed  
15 by the United States and California Constitutions, as set forth above, and  
16 as otherwise protected by law.

17           135. Defendants DOES 1 through 10, through their acts and omissions,  
18 breached each and every one of the aforementioned duties owed to Plaintiffs and  
19 decedent Abel Chacon.

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

23           137. As a direct and proximate result of these Defendants' negligence,  
24 Plaintiffs and decedent Abel Chacon sustained injuries and damages, and against each  
25 and every Defendant named in this cause of action in their individual capacities are  
26 entitled to relief, including punitive damages against such individual Defendants.

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**XIV.**

**SEVENTH CAUSE OF ACTION**

**Negligence – Medical Malpractice**

**Plaintiff Estate of Abel Chacon As Against All Defendants**

138. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

139. Decedent Abel Chacon was under the care and treatment of Defendants DOES 1 through 10, all of whom were COUNTY medical staff assigned to the COUNTY Jails, including CBDC, who were required to examine, treat, monitor, prescribe for and care for him and to provide him with medical attention when he suffered a medical emergency. These Defendants, acting within the scope and course of their employment with Defendants COUNTY and RCSD, negligently, carelessly and unskillfully cared for, attended, handled, controlled; failed to monitor and follow-up; abandoned; failed to classify, failed to appropriately diagnose and/or refer decedent Abel Chacon to specialist medical care providers; negligently failed to provide physician care; carelessly failed to detect, monitor, and follow-up with his condition; and negligently, carelessly and unskillfully failed to possess and exercise that degree of skill and knowledge ordinarily possessed and exercised by others in the same profession and in the same locality as Defendants for the benefit of their patient and dependent pre-trial detainee Abel Chacon.

140. Defendant supervisors and each of them failed to supervise, train and monitor their subordinates, to maintain proper supervision, classification and staffing, to timely provide decedent Abel Chacon emergency medical care, failed to provide adequate and competent staffing, and to ensure the care and treatment ordered for decedent Abel Chacon was provided.

141. As a direct and legal result of the aforesaid negligence and carelessness of Defendants' actions and omissions, Plaintiffs sustained injuries and damages, and

1 against these Defendants, and each of them, are entitled to compensatory damages  
2 and as applicable to this claim for Medical Negligence, to be proven at time of trial.

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

6 **XV.**

7 **EIGHTH CAUSE OF ACTION**

8 **Violation of California Government Code § 845.6**

9 **Plaintiff Estate of Abel Chacon As Against All Defendants**

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

12 144. Defendants DOES 1 through 10 was in need of immediate medical care  
13 and treatment, and each failed to take reasonable action to summon immediate  
14 medical care and treatment. Each such individual defendant, employed by and acting  
15 within the course and scope of his/her employment with Defendants COUNTY and  
16 RCSD, knowing and/or having reason to know of decedent Abel Chacon's need for  
17 immediate medical care and treatment, failed to take reasonable action to summon  
18 such care and treatment in violation of California Government Code § 845.6.

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

22 146. As a direct and proximate result of the aforementioned acts of these  
23 Defendants, decedent Abel Chacon was injured as set forth above, and their losses  
24 entitle Plaintiff to all damages allowable under California law. Plaintiff sustained  
25 serious and permanent injuries and is entitled to damages, penalties, costs, and  
26 attorney fees under California law, including punitive damages against these  
27 individual Defendants.

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**XVI.**

**NINTH CAUSE OF ACTION**

**Violation of California Civil Code §52.1 (Tom Bane Act)**

**Plaintiff Estate of Abel Chacon As Against All Defendants**

147. Plaintiffs reallege and incorporate herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

148. Plaintiff brings the claims in this cause of action as a survival claim permissible under California law, including Cal. Code of Civ. Proc. § 377.20 *et. seq.*

149. By their acts, omissions, customs, and policies, Defendants, each acting in concert/conspiracy, as described above, while decedent Abel Chacon was in custody, and by threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and violated Abel Chacon'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 Decedent's serious medical needs 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 for the familial association to be free from government interference as secured by the Fourteenth Amendments to the United States Constitution;
- c. 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
- d. The right to emergency medical care as required by California Government Code §845.6.

150. Defendants' violations of decedent Abel Chacon's due process rights with deliberate indifference, in and of themselves constitute violations of the Bane

1 Act.1<sup>21</sup> Alternatively, separate from, and above and beyond, Defendants’ attempted  
2 interference, interference with, and violation of Abel Chacon’s rights as described  
3 above, Defendants violated Abel Chacon’s rights by the following conduct  
4 constituting threat, intimidation, or coercion:

- 5 a. With deliberate indifference to Decedent’s serious medical needs,  
6 suffering, and risk of grave harm including death, depriving Decedent 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 Decedent;
- 10 c. Subjecting Decedent to ongoing violations of his rights to prompt care  
11 for his serious medical needs over days, 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 and  
14 incompetent medical health care to Riverside County jail detainees and  
15 inmates;
- 16 e. Requiring medical staff to work outside their scope of practice, and  
17 conduct assessments, triage, and make medical and housing decisions for  
18 patients, including Decedent, they are not competent to make; and
- 19 f. Instituting and maintaining the unconstitutional customs, policies, and  
20 practices described herein, when it was obvious that in doing so,  
21 individuals such as Decedent would be subjected to violence, threat,  
22 intimidation, coercion, and ongoing violations of rights as Decedent was  
23 here.

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24  
25 <sup>21</sup> See *Atayde v. Napa State Hosp.*, No. 1:16-cv-00398-DAD-SAB, 2016 U.S. Dist. LEXIS 126639,  
26 at \*23 (E.D. Cal. Sept. 16, 2016) (citing *M.H. v. Cty. of Alameda*, 90 F. Supp. 3d 889, 899 (N.D.  
27 Cal. 2013); see also, *Cornell v. City and County of San Francisco*, Nos. A141016, A142147, 2017  
28 Cal. App. LEXIS 1011 at \*58, f.n. 32 (Cal. Ct. App. Nov. 16, 2017) (approving *M.H.*, supra.);  
*Reese v. County of 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*).

1 151. The threat, intimidation, and coercion described herein were not  
2 necessary or inherent to Defendants' violation of decedent Abel Chacon's rights, or  
3 to any legitimate and lawful jail or law enforcement activity.

4 152. Further, all of Defendants' violations of duties and rights, and coercive  
5 conduct, described herein were volitional acts; none was accidental or merely  
6 negligent.

7 153. Further, each Defendant violated decedent Abel Chacon's rights reckless  
8 disregard and with the specific intent and purpose to deprive him of his enjoyment of  
9 those rights and of the interests protected by those rights.

10 154. Defendant COUNTY is vicariously liable for the violations of state law  
11 and conduct of their officers, deputies, employees, and agents, including individual  
12 named defendants, under California Government Code § 815.2.

13 155. As a direct and proximate result of Defendants' violation of California  
14 Civil Code § 52.1 and of decedent Abel Chacon's rights under the United States and  
15 California Constitutions, Plaintiff sustained injuries and damages, and against each  
16 and every Defendant is entitled to relief, including punitive damages against all  
17 individual Defendants and CFMG, and all damages allowed by California Civil Code  
18 §§ 52 and 52.1 and California law, not limited to costs attorneys' fees, and civil  
19 penalties.

20 **XVII.**

21 **TENTH CAUSE OF ACTION**

22 **Intentional Infliction of Emotional Distress**

23 **Plaintiffs Becky Shorty and Charles Chacon As Against Defendant SHERIFF**

24 **CHAD BIANCO**

25 156. Plaintiffs reallege and incorporate herein by reference each of the  
26 preceding paragraphs of this complaint, and any subsequent paragraphs.

27 157. On September 16, 2022, The Press-Enterprise posted the article "Sheriff  
28 Explains How 13 Riverside County Inmates Died This Year" on Facebook with the



1 following caption: “Less than an hour after the family of a man who died in jail  
2 publicly complained about a lack of information on his death and that of 12 other  
3 Riverside County inmates this year, Sheriff Chad Bianco explained how they died.”

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

- 9 a. Did they demand that their family members not commit suicide or  
10 consume drugs while they were in custody?
- 11 b. Did they ever demand that their family members not commit crimes in  
12 the first place?
- 13 c. Did their parents ever demand they take responsibility for their own  
14 actions?
- 15 d. Do they ever think they played a huge part in the situation they find  
16 themselves in, other than the personal actions of their deceased loved  
17 one?

18 159. Defendant SHERIFF BIANCO posted these comments on the public  
19 form with the intent to harass and cause Plaintiffs Becky Shorty and Charles Chacon  
20 mental anguish and turmoil. He knew that given the public forum nature of the  
21 Facebook post that the family of Abel Chacon, including the present Plaintiffs, would  
22 read said harassing and offensive comments and that his actions would cause them  
23 great mental/psychological pain and anguish. Notwithstanding, SHERIFF BIANCO  
24 deliberately engaged in this harassing and confrontational behavior.

25 160. It was his intention to cause them great mental/psychological pain and  
26 anguish, and he did so through these actions.

27 161. Plaintiffs Becky Shorty and Charles Chacon seek compensatory  
28 damages incurred as a proximate result of Defendant SHERIFF BIANCO’s deliberate

1 and intentional misconduct. Plaintiffs have suffered great emotional harm and will  
2 continue to suffer such harm in the future as a direct and proximate result of the  
3 aforementioned acts or omissions by Defendant SHERIFF BIANCO.

4 162. The acts or omissions of Defendant SHERIFF CHAD BIANCO, as  
5 alleged above were willful, wanton, malicious, oppressive, and outrageous, and  
6 justify the awarding of exemplary and punitive damages against him.

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

10 164. As a direct and proximate result of these Defendant SHERIFF  
11 BIANCO's intentional conduct, Plaintiffs Becky Shorty and Charles Chacon  
12 sustained injuries and damages, and against each and every Defendant named in this  
13 cause of action in their individual capacities are entitled to relief, including punitive  
14 damages against such individual Defendants.

15 **XVIII.**

16 **ELEVENTH CAUSE OF ACTION**

17 **Declaratory Relief**

18 **(28 U.S.C § 2201)**

19 **Plaintiffs As Against All Defendants**

20 165. Plaintiffs reallege and incorporate herein by reference each of the  
21 preceding paragraphs of this complaint, and any subsequent paragraphs.

22 166. There is an actual controversy between Plaintiffs and Defendants  
23 concerning their respective rights and duties in that Plaintiffs contend that the acts of  
24 Defendants, as described herein, are in violation of federal law, and Defendants  
25 contend in all aspects to the contrary.

26 167. Plaintiffs are entitled to a legal declaration of their rights and  
27 Defendants' obligations under the applicable laws as alleged in this Complaint.

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**XIX.**

**REQUEST FOR RELIEF**

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

- A. Wrongful death of Abel Chacon, pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- B. Loss of support and familial relationships, including loss of love, companionship, comfort, affection, society, services, solace, and moral support, pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- C. Abel Chacon’s coroner’s fees, funeral and burial expenses, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq.;
- D. Violation of Abel Chacon’s constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq. and federal civil rights law;
- E. Abel Chacon’s loss of life, pursuant to federal civil rights law;
- F. Abel Chacon’s conscious pain, suffering, and disfigurement, pursuant to federal civil rights law;
- G. General Damages, including wrongful death and survival damages, in excess of the mandatory amount for jurisdiction in the Unlimited Superior Court;
- H. Non-Economic Damages, including wrongful death and survival damages, according to proof plus all further and proper relief;
- I. Punitive damages as to individual peace officer defendants;
- J. Attorney’s fees pursuant to State Law (Cal. Code Civ. Proc. § 1021.5 & private attorney general doctrine);
- K. Penalties under the Tom Bane Act;
- L. Interest; and

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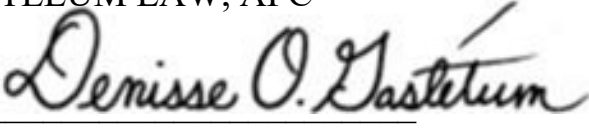
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M. All other damages, penalties, costs, interest, and attorneys’ fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure §§ 377.20 et seq., 377.60 et seq., and 1021.5; California Civil Code §§ 52 et seq., 52.1; and as otherwise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

Dated: May 30, 2023

GASTÉLUM LAW, APC

By: 

Denisse O. Gastélum, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF ABEL CHACON, by and through  
successors in interest, Becky Shorty and Charles  
Chacon; BECKY SHORTY, individually;  
CHARLES CHACON, individually

Dated: May 30, 2023

THE LAW OFFICES OF CHRISTIAN CONTRERAS  
A Professional Law Corporation

By: 

Christian Contreras, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF ABEL CHACON, by and through  
successors in interest, Becky Shorty and Charles  
Chacon; BECKY SHORTY, individually;  
CHARLES CHACON, individually

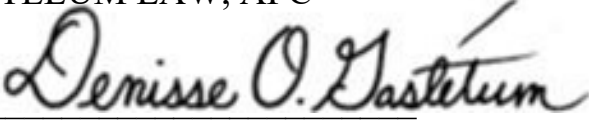
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**DEMAND FOR JURY TRIAL**

Plaintiffs, ESTATE OF ABEL CHACON, by and through successors in interest, Becky Shorty and Charles Chacon; BECKY SHORTY, individually; and CHARLES CHACON, individually, hereby make a demand for a jury trial in this action.

Dated: May 30, 2023

GASTÉLUM LAW, APC

By: 

Denisse O. Gastelum, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF ABEL CHACON, by and through  
successors in interest, Becky Shorty and Charles  
Chacon; BECKY SHORTY, individually;  
CHARLES CHACON, individually

Dated: May 30, 2023

THE LAW OFFICES OF CHRISTIAN CONTRERAS  
A Professional Law Corporation

By: 

Christian Contreras, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF ABEL CHACON, by and through  
successors in interest, Becky Shorty and Charles  
Chacon; BECKY SHORTY, individually;  
CHARLES CHACON, individually