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7 **ESTATE OF MICHAEL VASQUEZ**, by and through successor in interest, Kathy
8 Nigro; **KATHY NIGRO**, individually

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 **ESTATE OF MICHAEL VASQUEZ**,
12 by and through successor in interest,
13 **Kathy Nigro; KATHY NIGRO**,
individually,

14 Plaintiffs,

15 v.

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

21 Defendants.

11 **CASE NO.**

12 **COMPLAINT FOR DAMAGES**

- 13 1. Failure to Protect from Harm,
14 Fourteenth Amendment Violation (42
U.S.C. § 1983);
- 15 2. Failure to Provide Medical Care,
16 Fourteenth Amendment Violation (42
U.S.C. § 1983);
- 17 3. Deprivation of the Right to Familial
18 Relationship with Decedent (42
U.S.C. § 1983);
- 19 4. Policies, Customs, Practices Causing
20 Constitutional Violations (*Monell*, 42
U.S.C. § 1983);
- 21 5. Supervisory Liability Causing
22 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 MICHAEL VASQUEZ, by and through
3 successor in interest, Kathy Nigro, and KATHY NIGRO, individually, and allege as
4 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 Michael Vasquez who had been
9 in jail for only six (6) days prior to his death on May 26, 2022 at the Riverside
10 County Sheriff’s Department, Cois M. Byrd Detention Center. This action also seeks
11 to bring to public light the deliberate disregard for safety and protection carried out
12 by the individual defendants in the present action.

13 2. Michael Vasquez was the loving son
14 of Kathy Nigro and the caring brother to his six
15 (6) younger siblings. As the first-born son and
16 the oldest of seven (7) children, Michael will
17 always be remembered as the “man of the house”
18 and the protector of his family. Michael had a
19 contagious laugh and a smile that lit up the
20 world. He was genuine, a hard worker and was
21 his mother’s pride and joy. At the time of
22 Michael’s death, he was only 20 years old with
23 his whole life in front of him. Michael’s mother
24 mourns the loss of her son every day, lamenting
25 over the lost opportunities to see her eldest boy
26 get married and hold his children. His death has
27 been a profound and unimaginable loss to his beloved mother, the present Plaintiff,
28 and his six (6) younger siblings.



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 Michael Vasquez’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 Michael Vasquez was taken into
7 custody and placed at the Cois M. Byrd Detention Center, the jail was infested with
8 endemic, ongoing and unabated risks of injury or death to inmates – risks which
9 indeed resulted in Michael Vasquez’s death on May 26, 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 the supplemental state claims, Plaintiffs request that this
27 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 Michael Vasquez was a 20-year-old young man, who was the
7 loving son of Kathy Nigro and the caring brother to his six (6) younger siblings. At
8 the time of his death, he was a pretrial detainee who resided in the County of
9 Riverside, California. The claims made by Plaintiff ESTATE OF MICHAEL
10 VASQUEZ, are brought by successor in interest, Kathy Nigro.

11 13. Plaintiff Kathy Nigro, is and was, at all times relevant hereto, the natural
12 mother of decedent Michael Vasquez, and at all times relevant hereto was a resident
13 of the County of Riverside, California. Plaintiff brings these claims pursuant to
14 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 Michael Vasquez 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 **B. Defendants**

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

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

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

19 16. Defendant EDWARD DELGADO (“DELGADO”), at all times
20 mentioned herein, was employed by Defendant COUNTY as the Corrections
21 Assistant Chief of the COUNTY Jails, including the CBDC, for the COUNTY, and
22 he was acting within the course and scope of that employment. In that capacity,
23 Defendant DELGADO was a policy making official for the COUNTY OF
24 RIVERSIDE. During the relevant time period, Defendant DELGADO was
25 responsible for the general management and control of the COUNTY Corrections
26 Operations, with primary authority and responsibility for the operations, staff
27 assignments, program development, personnel supervision and training, maintenance
28

1 and auxiliary inmate services at the jail, subordinate only to the Sheriff and/or
2 Undersheriff. Defendant DELGADO is being sued in his individual capacity.

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

15 18. Defendant DAVID HOLM (hereinafter also “HOLM”) is and was at all
16 times relevant herein the Corrections Captain at CBDC, one of the highest-level
17 supervisory positions. During the relevant time period, Defendant HOLM was the
18 Corrections Captain at CBDC, and was primarily responsible for assisting the Sheriff-
19 Coroner with oversight and administration of the CBDC, including ensuring the
20 safety of the inmates housed therein. As Corrections Captain, Defendant HOLM was
21 responsible for supervision of RCSD and CHC employees and/or agents at the
22 CBDC, and for the promulgation of the policies and procedures and allowance of the
23 practices/customs pursuant to which the acts of the RCSD and CHC’s employees
24 alleged herein were committed. Defendant HOLM also directly supervised Defendant
25 DOES 9 and 10. Defendant HOLM is being sued in his individual capacity.

26 19. Defendants COUNTY OF RIVERSIDE, RIVERSIDE COUNTY
27 SHERIFF’S DEPARTMENT, SHERIFF BIANCO, DELGADO, KRACHMER and
28 HOLM will hereinafter be referred to as the COUNTY DEFENDANTS.

1 20. Plaintiffs are ignorant of the true names and capacities of Defendants
2 DOES 1 through 10 (“DOE Defendants”) and therefore sue these Defendants by such
3 fictitious names. Plaintiffs are informed and believe and thereon allege that each
4 Defendant so named is responsible in some manner for the injuries and damages
5 sustained by Plaintiffs as set forth herein. Plaintiffs will amend their complaint to state
6 the names and capacities of each DOE Defendant when they have been ascertained.

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

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

27 23. At all relevant times, DOES 9 and 10 were managerial, supervisory,
28 training, and/or policymaking employees of Defendant COUNTY. At the time of the

1 incident, DOES 9 and 10 were acting under color of law within the course and scope of
2 their duties as employees for the RCSD and/or the COUNTY. They had supervisory
3 authority over DOES 1-10, and the employees of the RCSD. DOES 9 and 10 were
4 acting with the complete authority and ratification of their principal, Defendant
5 COUNTY.

6 24. Each of the defendants, including the DOE defendants, caused, and is
7 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs by,
8 among other things, personally participating in the unlawful conduct, acting jointly,
9 or conspiring with others who did so; by ordering, authorizing, acquiescing in, or
10 setting in motion policies, plans, or actions that led to the unlawful conduct, by
11 failing to take action to prevent the unlawful conduct; by failing and refusing to
12 initiate and maintain adequate training and supervision; by failing to enact policies to
13 address the constitutional rights of protesters despite the obvious need for such a
14 policy; and by ratifying the unlawful conduct that occurred by agents and officers
15 under their direction and control, including failing to take remedial or disciplinary
16 action.

17 25. Plaintiffs are informed and believe and thereon allege that each of the
18 Defendants was at all material times an agent, servant, employee, partner, joint
19 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing the
20 things herein alleged, was acting within the course and scope of that relationship.
21 Plaintiffs are further informed and believe and thereon allege that each of the
22 Defendants herein gave consent, aid, and assistance to each of the remaining
23 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as
24 alleged herein, except as may be hereinafter specifically alleged. At all material times,
25 each Defendant was jointly engaged in tortious activity and an integral participant in
26 the conduct described herein, resulting in the deprivation of Plaintiffs' and decedent
27 Michael Vasquez's constitutional rights and other harm.

28

1 35. Michael Vasquez was a pretrial detainee, and therefore, innocent until
2 proven guilty.

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

6 37. This complaint may be pled in the alternative pursuant to Federal Rule of
7 Civil Procedure 8(d).

8 VI.

9 **FACTUAL ALLEGATIONS COMMON TO *MONELL* AND**
10 **SUPERVISORIAL CAUSES OF ACTION**

11 38. Based upon the principles established in *Monell v. Dep't of Soc. Servs. of*
12 *City of New York*, 436 U.S. 658 (1978), Defendants are liable for all injuries sustained
13 by Plaintiffs as set forth herein. To establish municipal liability under *Monell v. Dep't*
14 *of Soc. Servs. of City of New York*, 436 U.S. 658 (1978), a plaintiff must prove: (1)
15 that [the plaintiff] possessed a constitutional right of which she was deprived; (2) that
16 the municipality had a policy/custom/practice; (3) that this policy/custom/practice
17 amounts to deliberate indifference to the plaintiff's constitutional right; and, (4) that
18 the policy/custom/practice is the moving force behind the constitutional violation.

19 *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir, 2011). The

20 policy/custom/practice “need only cause the constitutional violation; it need not be
21 unconstitutional per se.” *Chew v. Gates*, 27 F.3d 1432, 1444 (9th Cir. 1994).

22 Recognized paths to *Monell* liability include: (1) an unconstitutional custom, practice
23 or policy behind the violation of rights; (2) a deliberately indifferent omission, such
24 as a failure to train or failure to have a needed policy; and (3) a final policy-maker's
25 involvement in or ratification of the conduct underlying the violation of rights.

26 *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1249-1250 (9th Cir. 2010).

27 ///

28 ///

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

2 39. In 2022, Defendant RIVERSIDE COUNTY SHERIFF’S
3 DEPARTMENT’S COUNTY Jails have resulted in eighteen (18) in-custody deaths.
4 Prior to 2022, Riverside County had not logged more than twelve (12) such deaths in
5 any year since 2005.¹

6 40. Michael Vasquez’s death is one of eighteen (18) in-custody deaths
7 within the COUNTY Jails during the 2022 calendar year, and was the fifth death that
8 year:

- 9 a. Alicia Upton (Date of Loss: April 28, 2022; Manner of Death:
10 “Suicide”)
- 11 b. Abel Valencia Cruz (Date of Loss: May 1, 2022; Manner of Death:
12 “Natural”)
- 13 c. Justin Kail (Date of Loss: May 17, 2022; Manner of Death:
14 “Accident-Overdose”)
- 15 d. Brawn Lamar Hampton (Date of Loss: May 26, 2022; Manner of Death:
16 “Natural”)
- 17 e. Michael Vasquez (Date of Loss: May 26, 2022; Manner of Death:
18 “Accident-Overdose”)²
- 19 f. Yareth Villagomez (Date of Loss: June 20, 2022; Manner of Death:
20 “Accident-Overdose”)
- 21 g. Richard Edward Biscotti (Date of Loss: July 11, 2022; Manner of Death:
22 “Natural”)

23
24
25 ¹ See State of California Department of Justice Press Release: “Attorney General Bonta Launches
26 Civil Rights Investigation into Riverside County Sheriff’s Office,” February 23, 2023, available at
27 [https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-
28 riverside-county](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county)

² Pretrial detainee Michael Vasquez was just 20 years old at the time of his death. He had been in
the facility for only (6) six days prior to being exposed to the dangers and risks permeating the
CBDC, all of which ultimately resulted in his death.

- 1 h. Richard Matus Jr. (Date of Loss: August 11, 2022; Manner of Death:
2 “Accident-Overdose”)
- 3 i. Abel Anthony Chacon (Date of Loss: August 25, 2022; Manner of
4 Death: “Accident-Overdose”)
- 5 j. Octavio Zazueta (Date of Loss: August 26, 2022; Manner of Death:
6 “Accident-Overdose”)
- 7 k. Gary Roy Haneline (Date of Loss: August 27, 2022; Manner of Death:
8 “Natural”)
- 9 l. Mario Solis (Date of Loss: September 3, 2022; Manner of Death:
10 “Accident”)³
- 11 m. Kaushal Niroula (Date of Loss: September 6, 2022; Manner of Death:
12 “Strangulation”)⁴
- 13 n. Robert Louis Robinson (Date of Loss: September 7, 2022; Manner of
14 Death: “Suicide/Hanging”)
- 15 o. Ulyses Munoz Ayala (Date of Loss: September 29, 2022; Manner of
16 Death: “Homicide Willful”)⁵
- 17

18 ³ Notably, while the COUNTY DEFENDANTS have reported to the Department of Justice that
19 pretrial detainee Mario Solis’ death was an “accident,” what is known through the Coroner’s
20 Investigative Narrative and Autopsy Report is that Mr. Solis was indeed in a safety cell (*i.e.*, cells
21 intended for suicidal inmates) an ingested multiple foreign objects, including a pencil, toothbrush,
22 and plastic bags with soap. Mr. Solis ultimately died due to the pencil puncturing his right jugular
23 vein. Upon information and belief, the COUNTY DEFENDANTS have attempted to classify this
24 death as an “accident” in an effort to absolve themselves from liability arising from a *suicidal*
25 pretrial detainee who is housed in a safety cell, but is nevertheless able to access such hazardous
26 objects to commit suicide. What is more is that Mr. Solis’ family was not notified about his death
27 until six (6) days had passed.

28 ⁴ Decedent Kaushal Niroula was a transgender HIV-positive female inmate, who was brutally and
repeatedly beaten and strangled by her cellmate, Ronald Sanchez—a convicted sex offender. Ms.
Niroula was killed just three days before trial. Upon information and belief, Ms. Niroula had been
assisting state and federal authorities to help uncover the illegal wiretapping at the COUNTY Jails.

⁵ 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/>

1 p. Cynthia Heredia (Date of Loss: October 13, 2022; Manner of Death:
2 “Pending”)

3 q. Katie Patton (Date of Loss: November 20, 2022 Manner of Death:
4 “Pending”)

5 r. Ronald Cook (Date of Loss: December 12, 2022 Manner of Death:
6 “Pending”)

7 41. The deaths include six (6) overdoses, two (2) homicides resulting from
8 inmate-on-inmate violence, three (3) suicides, four (4) natural cause deaths, and three
9 (3) pending. Seven (7) of the in-custody deaths have occurred at the Cois M. Byrd
10 Detention Center in Murrieta, California.

11 42. The Defendants’ deliberate indifference towards protecting pretrial
12 detainees from hazards resulted in illegal drugs permeating the COUNTY Jails.
13 According to Defendant KRACHMER, from November 2021 through November
14 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at
15 least twice a week within the COUNTY Jails.⁶

16 43. The Defendants’ deliberate indifference towards pretrial detainees
17 suffering from mental health issues resulted in several completed and attempted
18 suicides. On November 23, 2022, pretrial detainee Charles Wall attempted suicide by
19 jumping off the top tier of his housing module at RPDC. From November 19, 2022
20 through November 23, 2022, Mr. Wall made repeated requests for psychiatric care
21 and medication. Mr. Wall suffered from schizophrenia and suicidal ideations, which
22 was known to the COUNTY custody and medical staff given his prior attempts to
23 commit suicide at RPDC in 2015, as well as his extensive medical and mental health
24 history. These requests were ignored by the custody and medical staff. On November
25 23, 2022, Mr. Wall pled with a custody staffer, begging for an opportunity to speak

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

1 with a psychiatrist. The custody staffer demanded to know why Mr. Wall needed to
2 speak with a psychiatrist. When Mr. Wall hesitated, the custody staffer shouted, “Do
3 what you gotta do! Stop pushing my fucking buttons or you’re gonna give me a
4 reason to come in!” Shortly thereafter, Mr. Wall attempted suicide by jumping off the
5 second story of his housing module.

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

8 44. Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT’S
9 COUNTY Jails will have the deadliest year in 2023 – surpassing the eighteen (18) in-
10 custody deaths from 2022.

11 45. As of May of 2023, the COUNTY has already claimed the lives of six
12 (6) persons who died while in the custody of the COUNTY:

- 13 a. On January 12, 2023, pretrial detainee Mark Spratt died as a result of
14 injuries he suffered during a brutal attack by his cellmate at CBDC. Mr.
15 Spratt was only 24 years old at the time of his death.
- 16 b. On February 5, 2023, pretrial detainee Christian Viramontes was found
17 unresponsive in his cell at RPDC. Upon information and belief, Mr.
18 Viramontes’ death was caused by hazards permeating the RPDC. Mr.
19 Spratt was only 26 years old at the time of his death. An investigation
20 into the manner and means of death remains pending.
- 21 c. On February 6, 2023, pretrial detainee Jesus Rodriguez died in-custody
22 due to injuries suffered during an arrest. An investigation into the
23 manner and means of death remains pending.
- 24 d. On February 21, 2023, pretrial detainee Christian Drye died in-custody
25 at a COUNTY hospital due to injuries suffered during an arrest. An
26 investigation into the manner and means of death remains pending.
- 27 e. On March 11, 2023, an unidentified pretrial detainee was found
28 unresponsive in his cell at CBDC. Upon information and belief, the

1 death was caused by hazards permeating the CBDC. An investigation
2 into the manner and means of death remains pending.

3 f. On May 27, 2023, pretrial detainee Ruben Guzman died following an
4 undisclosed incident at JBDC. Upon information and belief, Mr.
5 Guzman received numerous threats to his life by inmates and custody
6 staff at the COUNTY Jails. Mr. Guzman was in fear of his life and
7 attempted suicide by jumping off of a top tier at the COUNTY Jails. Mr.
8 Guzman survived the attempted suicide and was told by custody staff:
9 “You should have gone headfirst.” Upon information and belief, Mr.
10 Guzman was found unresponsive in a holding cell on May 22, 2023. He
11 died four days later on May 27, 2023. An investigation into the manner
12 and means of death remains pending.

13 46. The Defendants’ deliberate indifference towards protecting pretrial
14 detainees from violence has resulted in numerous deaths and assaults at the
15 COUNTY Jails. Upon information and belief, this indifference has resulted in the
16 2022-2023 deaths of Kaushal Niroula, Ulyses Munoz Ayala Mark Spratt, and Ruben
17 Guzman, and the brutal sexual assault of a pretrial detainee in April of 2023 at the
18 COUNTY Jails.

19 **C. RCSD Refuses to Comply with California Department Justice Mandates**
20 **Regarding In-Custody Death Reporting Abating Transparency and**
21 **Accountability.**

22 47. Despite the record-braking in-custody deaths at the COUNTY Jails, and
23 the suspicious circumstances surrounding the in-custody deaths, the COUNTY
24 DEFENDANTS have refused to adhere to state mandates and regulations which were
25 explicitly created to ensure accountability and transparency, including California
26 Government Code section 12525⁷ and Title 15 Minimum Standards for Local

27 _____
28 ⁷ See Cal. Gov. Code § 12525 (“In any case in which a person dies while in the custody of any law enforcement agency or while in custody in a local or state correctional facility in this state, the law

1 Detention Facilities, section 1046 Death in Custody.⁸

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

5 49. The COUNTY DEFENDANTS reported some of the in-custody deaths
6 six weeks after they occurred, despite the 10-day mandate.⁹

7 50. The COUNTY DEFENDANTS provided inaccurate information to the
8 Department of Justice, classifying the pretrial detainees, who had died in their
9 custody as “sentenced” post-convicted prisoners.¹⁰ Upon information and belief, this
10 orchestrated misclassification of the pretrial status of the decedents was done
11 purposely by the COUNTY DEFENDANTS so as to impose the Eighth Amendment
12 higher degree of culpability standard, rather than the less stringent Fourteenth
13 Amendment degree of culpability.¹¹

14 _____
15 enforcement agency or the agency in charge of the correctional facility shall report in writing to the
16 Attorney General/DOJ, within 10 days after the death, all facts in the possession of the law
17 enforcement agency or agency in charge of the correctional facility concerning the death.”)

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

⁹ See “Riverside Sheriff Failed to Report Inmate Deaths to State On time; Names of Dead Made
24 Public” (Desert Sun, September 16, 2022), available at

25 [https://www.desertsun.com/story/news/crime_courts/2022/09/16/riverside-county-sheriffs-failed-
26 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/)

27 ¹⁰ *Id.*

28 ¹¹ Pretrial detainees are perceived as innocent under the eyes of the law. Because they are mere
detainees who are simply awaiting their day in court, the Constitution mandates that additional
protective measures be put in place to ensure that the detainees are not harmed while in the
government’s custody. More specifically, the 14th Amendment requires that correctional facilities
not be deliberately indifferent towards the detainees’ safety and protection. See *Gordon v. County
of Orange*, 888 F.3d 1118 (9th Cir. 2018). Once an inmate has been convicted of a crime, they are
deemed to be a post-conviction prisoner. While the Constitution too protects post-conviction
prisoners, the 8th Amendment merely requires that the prisoners not be subjected to cruel and
unusual punishment while in the government’s custody. See *Castro v. County of Los Angeles*, 833
F.3d 1060 (9th Cir. 2016). The end result is that the legal standard under which a civil rights
lawsuit is premised upon is much higher and more difficult to prove for a post-conviction prisoner

1 **D. California Department of Justice Launches Patterns and Practices**
2 **Investigation into Recording Breaking In-Custody Deaths at the**
3 **COUNTY Jails.**

4 51. On February 23, 2023, the California Department of Justice (DOJ)
5 announced its decision to launch a formal investigation into Defendant RIVERSIDE
6 COUNTY SHERIFF’S DEPARTMENT’s unconstitutional patterns and practices
7 resulting in record-breaking in-custody deaths at the COUNTY Jails and the use of
8 excessive force by sheriff’s deputies, disproportionately affecting Latino and African
9 American communities.¹² The raw data and the per capita data make clear that the
10 COUNTY Jails are a death sentence for any pretrial detainee, some of whom have
11 died just days after being booked.¹³ For reference, San Diego County had 19 in-
12 custody deaths in 2022, despite an average *daily* jail population of *500 more people*
13 *than* Riverside County.

14 52. During the press conference, the California Attorney General Rob Bonta
15 expressed his grave concerns with regard to Defendant RIVERSIDE COUNTY
16 SHERIFF’S DEPARTMENT: “All Californians deserve fairness and respect from the
17 institutions that serve them [...]. When some communities don’t see or feel they are
18 being treated equitably by law enforcement, it contributes to distrust and hurts public
19 safety. Unfortunately, it is clear that — amid concerning levels of in-custody deaths
20 and allegations of misconduct — too many families and communities in Riverside
21 County are hurting and looking for answers. As part of my office’s ongoing efforts to

22 _____
23 (*i.e.*, subjective standard) rather than a pretrial detainee (*i.e.*, objective standard). Upon information
24 and belief, the COUNTY DEFENDANTS purposely classified the pretrial detainees as inmates who
25 had already been “sentenced” in an effort to make it merely impossible for the families to establish
26 liability because of the heightened standard of culpability imposed on civil rights cases filed by
27 post-conviction prisoners.

28 ¹² 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)

¹³ *Id.*

1 support constitutional policing, the California Department of Justice is opening a civil
2 rights investigation into the Riverside County Sheriff’s Office. Whether you have a
3 loved one in jail or are worried about crime in your neighborhood, we all benefit
4 when there is action to ensure the integrity of policing in our state.”

5 53. In response to the California Department of Justice’s civil rights
6 investigation in the COUNTY Jails, SHERIFF BIANCO issued the following
7 offensive statement illustrating indifference towards the lives lost in his jails: “This
8 investigation is based on nothing but false, and misleading statements, and straight-
9 out lies from activists, including their attorneys. This will prove to be a complete
10 waste of time and resources.”¹⁴

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

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

17 55. The “2010-11 Grand Jury Report: Riverside County Detention Health
18 Care Administration” found systemic failures in treatment, medication management,
19 record-keeping, and administration of forced medications, among other areas.¹⁵

20 56. The Grand Jury released an updated report in June 2012, noting that
21 mental health staffing had in fact decreased since its prior year’s report.¹⁶

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

26 ¹⁵ 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

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

10 58. The *Gray* operative complaint (Dkt. 150) alleged the following
11 unconstitutional patterns and practices permeating the COUNTY Jails:

- 12 a. RCSD, by policy and practice, maintains and runs a health care system
13 that lacks basic elements necessary to provide constitutional care;
 - 14 b. RCSD, by policy and practice, systematically fails to identify and
15 diagnose serious conditions, to provide timely care, to administer
16 appropriate medications, to employ adequate staff to meet inmates’ basic
17 needs, to maintain records that allow informed treatment decisions, to
18 establish legally required confidentiality, and to identify and correct its
19 own failings;
 - 20 c. RCSD, by policy and practice, maintains and runs substandard
21 medication management and administration;
 - 22 d. RCSD, by policy and practice, is severely understaffed at the COUNTY
23 Jails;
 - 24 e. RCSD, by policy and practice, provides substandard medical care to
25 inmates;
 - 26 f. RCSD, by policy and practice, provides substandard mental health care
27 to inmates;
- 28

1 59. On September 2, 2014, the Court granted Plaintiffs’ Motion for Class
2 Certification.

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

8 61. On July 15, 2015, the neutrally-appointed experts issued reports,
9 determining that the health care failed to meet the constitutional minimum. As such,
10 the parties agreed to negotiate a Remedial Plan to address the identified deficiencies
11 in the expert reports.

12 62. Due to the COUNTY DEFENDANTS’ ongoing failures to comply with
13 the Consent Decree, Plaintiffs in the *Gray* Class Action have had to seek emergency
14 relief from the Court to ensure that the Consent Decree is enforced.

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

17 63. A County Sheriff, like SHERIFF BIANCO “may be held liable as a
18 supervisor under § 1983 if there exists either (1) his or her personal involvement in
19 the constitutional deprivation, or (2) a sufficient causal connection between the
20 supervisor’s wrongful conduct and the constitutional violation.” *Starr v. Baca*, 652
21 F.3d 1202, 1207 (9th Cir. 2011). This causal connection can exist either “by setting in
22 motion a series of acts by others or by knowingly refusing to terminate a series of acts
23 by others, which the supervisor knew or reasonably should have known would cause
24 others to inflict a constitutional injury.” *Id.* at 1207–08. Ninth Circuit has long held
25 that a supervisor “need not be ‘directly and personally involved in the same way as
26 are the individual officers who are on the scene inflicting constitutional injury.’” *Id.*
27 at 1205-06 (9th Cir. 2011), cert. den’d, 132 S. Ct. 2101 (2012) (quoting *Larez v. City*
28 *of Los Angeles*, 946 F.2d 630, 645-46 (9th Cir. 1991)). “Rather, the supervisor’s

1 participation could include his ‘own culpable action or inaction in the training,
2 supervision, or control of his subordinates,’ ‘his acquiescence in the constitutional
3 deprivations of which the complaint is made,’ or ‘conduct that showed a reckless or
4 callous indifference to the rights of others.’” *Id.* “We have never required a plaintiff
5 to allege that a supervisor was physically present when the injury occurred.” *Id.*

6 64. The endemic, ongoing and unabated risks of injury or death to inmates
7 incarcerated in the COUNTY Jails are well established. SHERIFF BIANCO has long
8 been aware of these risks and harms which have resulted in injury and death to
9 inmates incarcerated in his COUNTY Jails. SHERIFF BIANCO’s failure to take
10 action to ameliorate these conditions constitutes deliberate indifference to the safety
11 and health of inmates incarcerated in his COUNTY Jails.

12 65. SHERIFF BIANCO has made several public statements all of which
13 serve as illustrations of his great indifference towards the inmates, most of whom are
14 pretrial detainees and innocent under the eyes of the law, who are in the
15 government’s custody in his COUNTY Jails.

16 66. Despite the alarming trends in overdoses and in-custody deaths,
17 SHERIFF BIANCO blames the decedents and their families for the in-custody deaths
18 and overdoses in the COUNTY Jails – all of which are fully controlled and managed
19 by him.

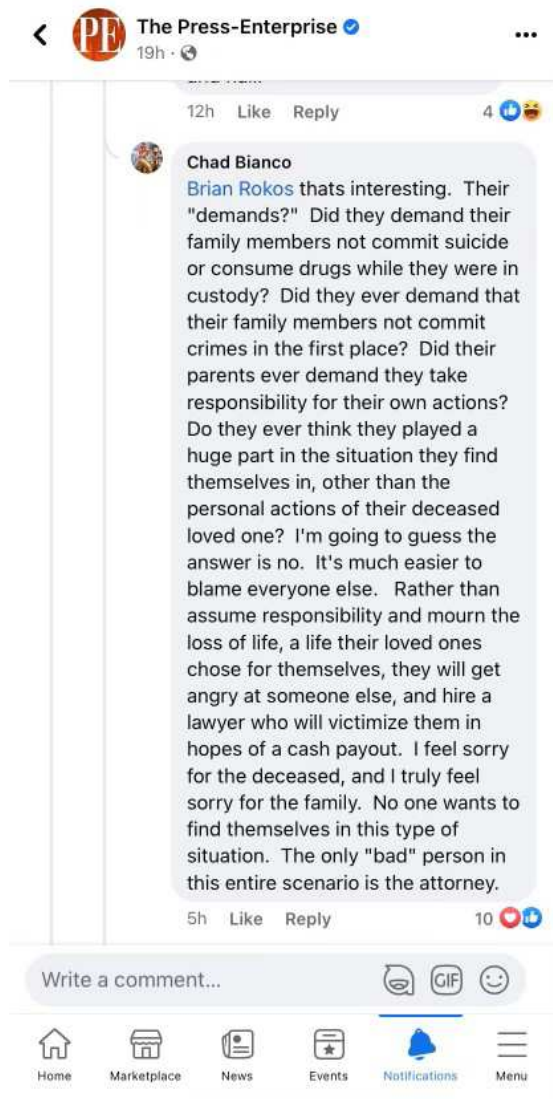
20 67. On September 16, 2022, The Press-Enterprise posted the article “Sheriff
21 Explains How 13 Riverside County Inmates Died This Year” on Facebook with the
22 following caption: “Less than an hour after the family of a man who died in jail
23 publicly complained about a lack of information on his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

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

68. Within fourteen hours of the 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:¹⁸

- (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



¹⁸ Notably, SHERIFF BIANCO deleted the post thereafter. SHERIFF BIANCO did this despite the post being highly relevant and material to Plaintiffs’ supervisory 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 themselves in, other than the personal actions of their deceased loved one?

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

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

12 **VII.**

13 **PUNITIVE/EXEMPLARY DAMAGES ALLEGATIONS**

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

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

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

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23
24 ¹⁹ 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 ²⁰ 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 73. Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO,
2 JAMES KRACHMER, DAVID HOLM were repeatedly put on notice of the great
3 dangers which existed within the COUNTY Jails through the long history of in-
4 custody deaths; the record-breaking amount of fentanyl overdoses throughout all
5 COUNTY Jails; the federal class action *Quinton Gray, et al. v. County of Riverside*,
6 case number 13-0444 VAP (OPx) (C.D. Cal.) targeting Defendant RIVERSIDE
7 COUNTY SHERIFF’S DEPARTMENT’s custody and medical staff’s deliberate
8 indifference towards the safety and protection of inmates; the warnings from the
9 neutrally-selected experts regarding failures amounting to constitutional violations; a
10 Consent Decree directing Defendant RIVERSIDE COUNTY SHERIFF’S
11 DEPARTMENT to implement a Remedial Plan to meet the minimum level of health
12 care necessary to fulfill its obligations under the Eighth and Fourteenth Amendments;
13 and through a Settlement Agreement which the COUNTY voluntarily entered into
14 requiring that Defendant RIVERSIDE COUNTY SHERIFF’S DEPARTMENT
15 remedy all of the deficiencies in healthcare and disability accommodations alleged in
16 the *Gray* Class Action complaint.

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

23 75. The Defendant officers, and each of them, acted with malice and
24 oppression and with a conscious disregard for Plaintiffs’ rights, making the individual
25 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 Michael Vasquez As Against DOES 1 through 10

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

77. 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 Michael Vasquez’s position.

78. Each Defendant could have taken action to prevent unnecessary harm to decedent Michael Vasquez but refused or failed to do so.

79. 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 Michael Vasquez at CBDC.

80. 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.

81. 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 82. 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 83. 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 84. 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 85. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES
15 KRACHMER, DAVID HOLM and DOES 8 through 10 ratified Defendants DOES'
16 actions and inactions amounting to constitutional violations.

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

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

23 88. As a direct and proximate result of Defendants' conduct, the civil right
24 of Michael Vasquez, as protected by the Fourteenth Amendment of the United States
25 Constitution were violated. Further, decedent Michael Vasquez 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 89. Defendants subjected decedent Michael Vasquez to their wrongful
2 conduct, depriving Decedent of rights described herein, knowingly, maliciously, and
3 with conscious and reckless disregard for whether the rights and safety of Decedent
4 and others would be violated by their acts and/or omissions.

5 90. 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 91. 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 92. 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 Michael Vasquez As Against DOES 1 through 10**

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

20 94. By the actions and omissions described above, Defendants DOES 1
21 through 10, as alleged herein, violated 42 U.S.C. § 1983, depriving decedent Michael
22 Vasquez, 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 Michael Vasquez's serious medical needs while in custody as a
26 pretrial detainee as secured by the Fourth and/or Fourteenth Amendments.

27 95. 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 Michael Vasquez with appropriate emergency medical care, along with the
2 acts 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 Michael
5 Vasquez’s serious medical needs, health, and safety.

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

11 97. 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 98. 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 99. 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.

20 100. 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 Plaintiff Kathy Nigro As Against DOES 1 through 10**

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

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

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

19 104. The acts and omissions of each Defendant deprived Plaintiff KATHY
20 NIGRO of rights, privileges, and immunities secured by the Constitution and laws of
21 the United States, including but not limited to the Fourteenth Amendment by, among
22 other things, depriving Plaintiff of her rights to a parent-child relationship with
23 decedent Michael Vasquez without due process of law by their deliberate indifference
24 in denying Michael Vasquez protection and safety while incarcerated at CBDC and
25 access to medical care while suffering a medical emergency at CBDC.

26 105. Defendants DOES 1 through 10 and the other involved agents and
27 employees acted pursuant to expressly adopted official policies or longstanding
28 practices or customs of the COUNTY and RCSD. These include policies and

1 longstanding practices or customs of failing to provide persons in pretrial custody
2 who are experiencing medical emergencies access to medical care as stated above and
3 incorporated herein.

4 106. In addition, the training policies of the COUNTY and RCSD were not
5 adequate to train its deputies, agents and employees to handle the usual and recurring
6 situations with which they must deal with, including but not limited to encounters
7 with individuals in pretrial custody who are experiencing medical emergencies. These
8 Defendants and each of them knew that its failure to adequately train its COUNTY
9 Jails custody and medical staff, including other agents and employees, to interact with
10 individuals suffering from medical emergencies made it highly predictable that its
11 custody and medical staff would engage in conduct that would deprive persons such
12 as decedent Michael Vasquez, and thus Plaintiff KATHY NIGRO, of her rights.
13 These Defendants were thus deliberately indifferent to the obvious consequences of
14 their failure to train their deputies, agents and employees adequately.

15 107. Defendants COUNTY and RCSD's official policies and/or longstanding
16 practices or customs, including but not limited to its training policies, caused the
17 deprivation of the constitutional rights of Plaintiff KATHY NIGRO and decedent
18 Michael Vasquez by each individual Defendant's official policies and/or
19 longstanding practices or customs are so closely related to Michael Vasquez's
20 injuries and death and thus the deprivation of the rights of Plaintiff as to be the
21 moving force causing those injuries.

22 108. Defendant SHERIFF BIANCO, a final policymaker for the COUNTY
23 and RCSD, ratified the actions and omissions of Defendants DOES 1 through 10, all
24 of whom were custody and medical staff at the COUNTY Jails, including CBDC, in
25 that he had knowledge of and made a deliberate choice to approve their unlawful acts
26 and omissions.

27 109. As a direct and proximate result of Defendants' conduct, the civil rights
28 of Michael Vasquez, as protected by the Fourteenth Amendment of the United States

1 Constitution were violated. Further, decedent Michael Vasquez experienced physical
2 pain, severe emotional distress, and mental anguish, as well as loss of his life and
3 other damages alleged herein.

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

8 111. As a direct and proximate result of Defendants' acts and/or omissions as
9 set forth above, Plaintiffs sustained injuries and damages.

10 112. The conduct of Defendants entitles Plaintiffs to punitive damages and
11 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not
12 seek punitive damages against Defendants COUNTY.

13 113. Plaintiffs are also entitled to reasonable costs and attorneys' fees under
14 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

15 **XI.**

16 **FOURTH CAUSE OF ACTION**

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

18 **(*Monell* - 42 U.S.C. § 1983)**

19 **By Plaintiff Estate of Michael Vasquez As Against Defendants COUNTY OF**
20 **RIVERSIDE and RIVERSIDE COUNTY SHERIFF'S DEPARTMENT**

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

23 115. The unconstitutional actions and/or omissions of Defendants DOES 1
24 through 10, as well as other employees or officers employed by or acting on behalf of
25 the Defendants COUNTY and RCSD, on information and belief, were pursuant to the
26 following customs, policies, practices, and/or procedures of Defendants COUNTY
27 and RCSD, stated in the alternative, which were directed, encouraged, allowed,
28 and/or ratified by policymaking officers for Defendant COUNTY and RCSD:

- 1 a. To deny pretrial detainees and other inmates access to timely,
2 appropriate, competent, and necessary care for serious medical needs,
3 requiring such inmates in crisis to remain untreated in jail instead of
4 providing for their emergency medical needs;
- 5 b. To allow and encourage deputies doing regular cell checks on inmates,
6 including in safety cells, to fail to document their actual observations of
7 the inmate's condition and status, in violation of the County of
8 Riverside's written policies and state law;
- 9 c. To allow and encourage inadequate and incompetent medical care for
10 jail inmates and arrestees;
- 11 d. To hire, retain and contract for obviously inadequate medical care for
12 jail inmates and arrestees, including creating financial incentives for
13 custodial and medical personnel not to send inmates with emergency
14 medical needs to a hospital;
- 15 e. To allow, encourage, and require medical staff, including licensed
16 vocational nurses and registered nurses, to work outside their legal scope
17 of practice and without appropriate supervision;
- 18 f. To fail to train custody staff that medical staff, including licensed
19 vocational nurses, are not competent to assess or decide inmates'
20 medical conditions, medical needs, or whether the inmate should be
21 permitted to remain in the jail versus being sent to a hospital;
- 22 g. To allow, encourage, and require unlicensed, incompetent, inadequately
23 trained and/or inadequately supervised staff to assess inmates' medical
24 condition, needs, and treatment, including to decide whether or not to
25 provide inmates with necessary emergency care and hospitalization;
- 26 h. To fail to institute, require, and enforce proper and adequate training,
27 supervision, policies, and procedures concerning handling persons in
28 medical crisis;

- 1 i. To cover up violations of constitutional rights by any or all of the
2 following:
- 3 i. By failing to properly investigate and/or evaluate incidents of
4 violations of rights, including by unconstitutional medical care at
5 the jail;
- 6 ii. By ignoring and/or failing to properly and adequately investigate
7 and/or investigate and discipline unconstitutional or unlawful
8 conduct by custodial and medical personnel;
- 9 iii. By turning a blind eye to custodial and medical personnel who
10 direct, aid, and/or assist with the distribution of hazards, including
11 illicit drugs, into the Riverside County jails; and
- 12 iv. By allowing, tolerating, and/or encouraging custodial and medical
13 personnel to: fail to file complete and accurate reports; file false
14 reports; make false statements; and/or obstruct or interfere with
15 investigations of unconstitutional or unlawful conduct by
16 withholding and/or concealing material information;
- 17 j. To allow, tolerate, and/or encourage a “code of silence” among law
18 enforcement officers, RCSD personnel, custodial personnel and medical
19 personnel at the jail whereby an officer or member of the RCSD, or
20 medical staff does not provide adverse information against a fellow
21 officer, or member of the RCSD or the medical staff;
- 22 k. To fail to have and enforce necessary, appropriate, and lawful policies,
23 procedures, and training programs to prevent or correct the
24 unconstitutional conduct, customs, and procedures described in
25 subparagraphs (a) through (j) above, with deliberate indifference to the
26 rights and safety of pretrial detainees, such as Decedent, and in the face
27 of an obvious need for such policies, procedures, and training programs.
- 28

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

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

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

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

22 118. The unconstitutional actions and/or omissions of Defendants DOES 1
23 through 10, and other RCSD custody and medical staff, as described above, were
24 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and
25 RCSD, including Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES
26 KRACHMER, DAVID HOLM and DOES 8 through 10. Plaintiff is informed and
27 believes and thereon alleges that the details of this incident have been revealed to the
28 authorized policymakers within the COUNTY and RCSD, and that such

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

19 119. The aforementioned customs, policies, practices, and procedures; the
20 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
21 investigate, and discipline; and the unconstitutional orders, approvals, ratification,
22 and toleration of wrongful conduct of Defendants COUNTY and RCS D were a
23 moving force and/or a proximate cause of the deprivations of decedent Michael
24 Vasquez's clearly established and well-settled constitutional rights in violation of 42
25 U.S.C. § 1983. Defendants subjected decedent Michael Vasquez to their wrongful
26 conduct, depriving decedent Michael Vasquez of rights described herein, knowingly,
27 maliciously, and with conscious and reckless disregard for whether the rights and
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1 safety of decedent Michael Vasquez, Plaintiffs and others would be violated by their
2 acts and/or omissions.

3 120. As a direct and proximate result of the unconstitutional actions,
4 omissions, customs, policies, practices, and procedures of Defendants COUNTY and
5 RCSD, as described above, decedent Michael Vasquez suffered serious injuries and
6 death, Plaintiff is entitled to damages, penalties, costs, and attorneys' fees against
7 Defendants COUNTY and RCSD.

8 **XII.**

9 **FOURTH CAUSE OF ACTION**

10 **Supervisory Liability Causing Constitutional Violations,**

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

12 **By Plaintiff Estate of Michael Vasquez As Against Defendants SHERIFF CHAD**
13 **BIANCO, EDWARD DELGADO, JAMES KRACHMER, DAVID HOLM and**
14 **DOES 7 through 10**

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

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

22 123. Defendants SHERIFF BIANCO, DELGADO, KRACHMER, HOLM
23 and DOES 8 through 10 failed to properly hire, train, instruct, monitor, supervise,
24 evaluate, investigate, and discipline the respective employees of their agencies,
25 including Defendants DOES 1 through 10, and other COUNTY and RCSD personnel,
26 with deliberate indifference to Plaintiffs', decedent Michael Vasquez's, and others'
27 constitutional rights, which were thereby violated as described above.
28

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

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

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

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

24 127. The aforementioned customs, policies, practices, and procedures; the
25 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,
26 investigate, and discipline; and the unconstitutional orders, approvals, ratification,
27 and toleration of wrongful conduct of Defendants SHERIFF BIANCO, DELGADO,
28 KRACHMER, HOLM and DOES 8 through 10 were a moving force and/or a

1 proximate cause of the deprivations of decedent Michael Vasquez’s clearly
2 established and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as
3 more fully set forth above.

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

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

14 **XIII.**

15 **SIXTH CAUSE OF ACTION**

16 **Negligence – Wrongful Death**

17 **Plaintiff Kathy Nigro As Against All Defendants**

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

20 131. At all times, Defendants DOES 1 through 10 owed Plaintiff and
21 decedent Michael Vasquez the duty to act with due care in the execution and
22 enforcement of any right, law, or legal obligation.

23 132. At all times, these Defendants owed Plaintiff and decedent Michael
24 Vasquez the duty to act with reasonable care.

25 133. These general duties of reasonable care and due care owed to Plaintiff
26 and decedent Michael Vasquez by these Defendants include but are not limited to the
27 following specific obligations:
28

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

14 134. Defendants DOES 1 through 10, through their acts and omissions,
15 breached each and every one of the aforementioned duties owed to Plaintiffs and
16 decedent Michael Vasquez.

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

20 136. As a direct and proximate result of these Defendants' negligence,
21 Plaintiffs and decedent Michael Vasquez sustained injuries and damages, and against
22 each and every Defendant named in this cause of action in their individual capacities
23 are entitled to relief, including punitive damages against such individual Defendants.

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1 **XIV.**

2 **SEVENTH CAUSE OF ACTION**

3 **Negligence – Medical Malpractice**

4 **Plaintiff Estate of Michael Vasquez As Against All Defendants**

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

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

21 139. Defendant supervisors and each of them failed to supervise, train and
22 monitor their subordinates, to maintain proper supervision, classification and staffing,
23 to timely provide decedent Michael Vasquez emergency medical care, failed to
24 provide adequate and competent staffing, and to ensure the care and treatment
25 ordered for decedent Michael Vasquez was provided.

26 140. As a direct and legal result of the aforesaid negligence and carelessness
27 of Defendants' actions and omissions, Plaintiffs sustained injuries and damages, and
28

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.

3 141. 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 Michael Vasquez As Against All Defendants**

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

12 143. 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 Michael Vasquez's need
17 for 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.

19 144. 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.

22 145. As a direct and proximate result of the aforementioned acts of these
23 Defendants, decedent Michael Vasquez was injured as set forth above, and their
24 losses entitle Plaintiff to all damages allowable under California law. Plaintiff
25 sustained serious and permanent injuries and is entitled to damages, penalties, costs,
26 and 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 Michael Vasquez As Against All Defendants

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

147. 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.*

148. By their acts, omissions, customs, and policies, Defendants, each acting in concert/conspiracy, as described above, while decedent Michael Vasquez was in custody, and by threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and violated Michael Vasquez’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.

149. Defendants’ violations of decedent Michael Vasquez’s due process rights with deliberate indifference, in and of themselves constitute violations of the

1 Bane Act.²¹ Alternatively, separate from, and above and beyond, Defendants’
2 attempted interference, interference with, and violation of Michael Vasquez’s rights
3 as described above, Defendants violated Michael Vasquez’s rights by the following
4 conduct 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.

24
25 ²¹ 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*).

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

4 151. 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.

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

10 153. 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.

13 154. As a direct and proximate result of Defendants' violation of California
14 Civil Code § 52.1 and of decedent Michael Vasquez's rights under the United States
15 and California Constitutions, Plaintiff sustained injuries and damages, and against
16 each 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 **Plaintiff Kathy Nigro As Against Defendant SHERIFF CHAD BIANCO**

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

26 156. On September 16, 2022, The Press-Enterprise posted the article "Sheriff
27 Explains How 13 Riverside County Inmates Died This Year" on Facebook with the
28 following caption: "Less than an hour after the family of a man who died in jail

1 publicly complained about a lack of information on his death and that of 12 other
2 Riverside County inmates this year, Sheriff Chad Bianco explained how they died.”

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

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

17 158. Defendant SHERIFF BIANCO posted these comments on the public
18 form with the intent to harass and cause Plaintiff Kathy Nigro mental anguish and
19 turmoil. He knew that given the public forum nature of the Facebook post that the
20 family of Michael Vasquez, including the present Plaintiff, would read said harassing
21 and offensive comments and that his actions would cause them great
22 mental/psychological pain and anguish. Notwithstanding, SHERIFF BIANCO
23 deliberately engaged in this harassing and confrontational behavior.

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

26 160. Plaintiff Kathy Nigro seeks compensatory damages incurred as a
27 proximate result of Defendant SHERIFF BIANCO’s deliberate and intentional
28 misconduct. Plaintiff has suffered great emotional harm and will continue to suffer

1 such harm in the future as a direct and proximate result of the aforementioned acts or
2 omissions by Defendant SHERIFF BIANCO.

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

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

9 163. As a direct and proximate result of these Defendant SHERIFF
10 BIANCO's intentional conduct, Plaintiff Kathy Nigro sustained injuries and
11 damages, and against each and every Defendant named in this cause of action in their
12 individual capacities are entitled to relief, including punitive damages against such
13 individual Defendants.

14 **XVIII.**

15 **ELEVENTH CAUSE OF ACTION**

16 **Declaratory Relief**

17 **(28 U.S.C. § 2201)**

18 **Plaintiffs As Against All Defendants**

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

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

25 166. Plaintiffs are entitled to a legal declaration of their rights and
26 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 Michael Vasquez, 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. Michael Vasquez’s coroner’s fees, funeral and burial expenses, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq.;
- D. Violation of Michael Vasquez’s constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq. and federal civil rights law;
- E. Michael Vasquez’s loss of life, pursuant to federal civil rights law;
- F. Michael Vasquez’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

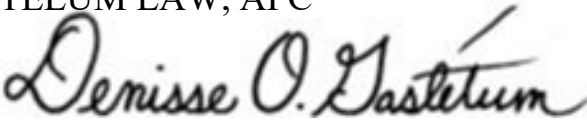
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1 M. All other damages, penalties, costs, interest, and attorneys' fees as
2 allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil
3 Procedure §§ 377.20 et seq., 377.60 et seq., and 1021.5; California Civil
4 Code §§ 52 et seq., 52.1; and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

6
7 Dated: May 30, 2023

GASTÉLUM LAW, APC

8 By: 

9 Denisse O. Gastélum, Esq.
10 Attorneys for Plaintiffs,
11 ESTATE OF MICHAEL VASQUEZ, by and through
12 successor in interest, Kathy Nigro; KATHY NIGRO,
13 individually

14 Dated: May 30, 2023

THE LAW OFFICES OF CHRISTIAN CONTRERAS
A Professional Law Corporation

15
16 By: 

17 Christian Contreras, Esq.
18 Attorneys for Plaintiffs,
19 ESTATE OF MICHAEL VASQUEZ, by and through
20 successor in interest, Kathy Nigro; KATHY NIGRO,
21 individually

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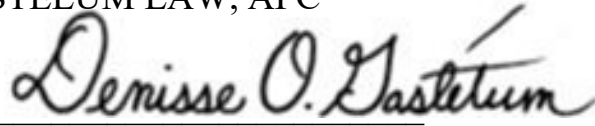
DEMAND FOR JURY TRIAL

1
2 Plaintiffs, ESTATE OF MICHAEL VASQUEZ, by and through successor in
3 interest, Kathy Nigro, and KATHY NIGRO, individually, hereby make a demand for
4 a jury trial in this action.

5
6 Dated: May 30, 2023

GASTÉLUM LAW, APC

7
8 By:



Denisse O. Gastelum, Esq.

Attorneys for Plaintiffs,

9 ESTATE OF MICHAEL VASQUEZ, by and through
10 successor in interest, Kathy Nigro; KATHY NIGRO,
11 individually

12
13 Dated: May 30, 2023

THE LAW OFFICES OF CHRISTIAN CONTRERAS
A Professional Law Corporation

14
15 By:



Christian Contreras, Esq.

Attorneys for Plaintiffs,

16 ESTATE OF MICHAEL VASQUEZ, by and through
17 successor in interest, Kathy Nigro; KATHY NIGRO,
18 individually
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