

Denisse O. Gastélum, SBN 282771  
Selene Estrada-Villela, SBN 354994  
**GASTÉLUM LAW, APC**  
**A PROFESSIONAL CORPORATION**  
3767 Worsham Ave.  
Long Beach, California 90808  
Tel: (213) 340-6112  
Fax: (213) 402-8622  
Email: [dgastelum@gastelumfirm.com](mailto:dgastelum@gastelumfirm.com)  
[sestradavillela@gastelumfirm.com](mailto:sestradavillela@gastelumfirm.com)

Christian Contreras, SBN 330269  
**THE LAW OFFICES OF**  
**CHRISTIAN CONTRERAS**  
**PROFESSIONAL LAW CORPORATION**  
360 E. 2nd St., 8th Floor  
Los Angeles, California 90012  
Tel: (323) 435-8000  
Fax: (323) 597-0101  
Email: [CC@Contreras-Law.com](mailto:CC@Contreras-Law.com)

Attorneys for Plaintiffs,  
ESTATE OF RUBEN GUZMAN, by and through successor in interest, Ruben  
Guzman, Sr.; RUBEN GUZMAN, SR., individually

**UNITED STATES DISTRICT COURT**

**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ESTATE OF RUBEN GUZMAN, by  
and through successor in interest,  
Ruben Guzman, Sr.; RUBEN  
GUZMAN, SR., individually,

Plaintiffs,

v.

COUNTY OF RIVERSIDE, a public  
entity; RIVERSIDE COUNTY  
SHERIFF'S DEPARTMENT;  
SHERIFF CHAD BIANCO, in his  
individual and official capacities;  
EDWARD DELGADO; JAMES  
KRACHMER; MARTIN  
TOCHTROP; and DOES 1 through 10,  
individually, jointly and severally,

Defendants.

**CASE NO. 5:24-cv-01199**

**COMPLAINT FOR DAMAGES**

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

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 **COME NOW** Plaintiffs ESTATE OF RUBEN GUZMAN, by and through  
3 successor in interest, Ruben Guzman, Sr.; RUBEN GUZMAN, SR., individually, and  
4 allege as follows:

5 **I.**

6 **INTRODUCTION**

7 1. This civil rights action seeks to establish the true and unequivocal facts  
8 surrounding the May 26, 2023, in-custody death of pretrial detainee Ruben Guzman,  
9 a 41-year-old inmate, who died following an undisclosed incident(s), at the Robert  
10 Presley Detention Center and the John Benoit Detention Center. This action also  
11 seeks to bring to public light the deliberate disregard for safety and protection carried  
12 out by the individual defendants in the present action.

13 2. Upon information and belief, Mr. Guzman received *numerous* threats to  
14 his life by inmates and custody staff at the RCSD County Jails during his very few  
15 weeks there. By reason of Mr. Guzman’s charges, the RCSD staff had a duty to  
16 ensure that Mr. Guzman was classified properly, and thus, protected within the  
17 COUNTY facilities. As a consequence of failing to ensure such protocols were taken,  
18 during the short time he spent in jail, Mr. Guzman feared for his life.

19 3. At the time of his death, Ruben Guzman feared for his life due to the  
20 charges he faced, leaving him vulnerable and positioned him as prey to violent  
21 inmates as well as custody staff. Upon information and belief, On May 22, 2023,  
22 Ruben Guzman was “found unresponsive” in a holding cell at the John Benoit  
23 Detention Center, with “global swelling of the head.” He was then transferred to an  
24 intensive care unit at JFK Hospital where he remained on a ventilator until his death  
25 on May 26, 2023.

26 4. In just the year prior to this incident, 2022, eighteen (18) individuals  
27 died while incarcerated at the Riverside County Jails, the highest number for the  
28 County in the last fifteen (15) years. In response to these alarming numbers, the

1 California Department of Justice launched an investigation into the Riverside County  
2 Sheriff’s Department’s unconstitutional patterns and practices resulting in the record-  
3 breaking in-custody deaths. The raw data and the per capita data make clear that the  
4 Riverside County Jails are a death sentence for any pretrial detainee.

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

12 6. Long before the death of Ruben Guzman, the RCSD personnel knew that  
13 there existed at the John Benoit Detention Center, a great indifference to the safety  
14 and protection of inmates, particularly those with specific charges, as well as the  
15 mentally ill, and other vulnerable inmates. This indifference consisted of a total  
16 disregard by the RCSD personnel for vulnerable inmates who were susceptible to  
17 being preyed upon by violent predatory inmates, and potentially other violent custody  
18 staff.

19 7. The individuals named in the present lawsuit were repeatedly put on  
20 notice of the great dangers which existed within the Riverside County correctional  
21 facilities through the long history of in-custody deaths; the inmate-on-inmate violence  
22 which permeated the jails; the record-breaking amount of fentanyl overdoses  
23 throughout all Riverside County correctional facilities; the federal class action  
24 *Quinton Gray, et al. v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D.  
25 Cal.) (hereinafter the “*Gray Class Action*”) targeting the Riverside County Sheriff’s  
26 Department custody and medical staff’s deliberate indifference to the safety and  
27 protection of inmates; the warnings from neutrally-selected experts regarding the  
28 Riverside County Sheriff’s Department’s custody and medical staff’s failures

1 amounting to constitutional violations; a court ordered Consent Decree directing the  
2 Riverside County Sheriff’s Department to implement a Remedial Plan to meet the  
3 minimum level of health care necessary to fulfill the Riverside County Sheriff’s  
4 Department’s obligations under the Eighth and Fourteenth Amendments; and through  
5 a voluntarily entered Settlement Agreement which required that the Riverside County  
6 Sheriff’s Department remedy all of the deficiencies addressed in the *Gray* class  
7 action.

8 8. Despite this long history of complete disregard to inmate safety and  
9 protection, and history of inmate-on-inmate violence, each of the individually named  
10 defendants in this lawsuit deliberately failed to take even modest actions to prevent  
11 predatory behavior amongst inmates at the Riverside County correctional facilities.  
12 Thus, by the time Ruben Guzman was taken into custody and placed at the John  
13 Benoit Detention Center, the jail was infested with endemic, ongoing and unabated  
14 risks of injury or death to inmates – risks which indeed resulted in Ruben Guzman’s  
15 death on May 26, 2023. This is due to the fact that violent inmates incarcerated at the  
16 Riverside County correctional facilities knew that they could continue to prey on the  
17 most vulnerable with no interference on part of the custodial staff or the  
18 medical/mental health staff.

19 **II.**

20 **JURISDICTION AND VENUE**

21 9. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the  
22 Fourth and Fourteenth Amendments to the United States Constitution, and the laws  
23 and Constitution of the State of California. Jurisdiction is conferred upon this Court  
24 by 28 U.S.C. §§ 1331 and 1343.

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

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

4 **III.**

5 **PENDANT CLAIMS**

6 12. Plaintiffs have complied with the California Tort Claims Act  
7 requirements with respect to their claims arising under state law.

8 13. With respect to these supplemental state claims, Plaintiffs request that  
9 this Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over such  
10 claims as they arise from the same facts and circumstances which underlie the federal  
11 claims.

12 **IV.**

13 **PARTIES**

14 **A. Plaintiffs**

15 14. Decedent Ruben Guzman was 41 years old. At the time of his death, he  
16 was a pretrial detainee who resided in the County of Riverside, California. The claims  
17 made by Plaintiff ESTATE OF RUBEN GUZMAN, are brought by the successor in  
18 interest, Ruben Guzman Sr.

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

27 ///

28 ///

1        **B. Defendants**

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

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

28

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

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

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

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

8 21. Defendants COUNTY OF RIVERSIDE, RIVERSIDE COUNTY  
9 SHERIFF’S DEPARTMENT, SHERIFF BIANCO, DELGADO, KRACHMER and  
10 TOCHTROP will hereinafter be referred to as the COUNTY DEFENDANTS.

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

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



1           24. Defendants DOES 1 through 10, at all times relevant hereto, were RCSD  
2 custody personnel, CHC personnel, deputies, sergeants, lieutenants, and/or captains of  
3 the RCSD, and at all times herein were acting under the color of law. Said defendants  
4 were assigned to work at the COUNTY Jails and were responsible for carrying out  
5 RCSD and CHC policies and procedures and for ensuring the safety of inmates at the  
6 COUNTY Jails. Said defendants were assigned to work as the custodial and  
7 medical/mental health staff for the COUNTY Jails, including the JBDC, on May 22,  
8 2023; were responsible for the proper housing and classification of JBDC inmates,  
9 including decedent Ruben Guzman and other JBDC inmates, and were responsible for  
10 the safety of inmates housed at the COUNTY Jails and the JBDC, the periodic cell  
11 checks of JBDC inmates, the supervision of JBDC inmates, the prevention of access to  
12 intoxicants by JBDC inmates, the provision of mental health care services to JBDC  
13 inmates, and, in general, the protection of JBDC inmates, including decedent Ruben  
14 Guzman, as well as the promulgation of the policies, procedures, and allowance of the  
15 practices and customs, pursuant to which the acts of the employees of JBDC, alleged  
16 herein, were committed. Said defendants also contributed to the environment wherein  
17 decedent Ruben Guzman, upon information and belief, received numerous threats to  
18 his safety, which caused him to fear for his life. Defendants failed to prevent against  
19 these effects or stop these threats from becoming opportunities for violence. Said  
20 defendants are being sued in their individual capacities.

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

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

7  
8           27. Plaintiff is informed and believes, and thereupon alleges, that at all times  
9 mentioned herein Defendants SHERIFF BIANCO, DELGADO, KRACHMER and  
10 TOCHTROP and DOES 1 through 10, inclusive, were employees, agents and/or  
11 servants of the COUNTY, acted within the course and scope of said employment,  
12 agency and/or service, and possessed the power and authority and were charged by  
13 law with the responsibility to enact policies and to prescribe rules and practices  
14 concerning the operation of the COUNTY Jails, including the JBDC, and concerning  
15 the means by which the life and safety of arrestees and detainees were to be secured,  
16 what criteria were to be used for placing arrestees and detainees together in custody,  
17 what methods of placement of an arrestee or detainee in a jail cell were appropriate to  
18 safeguard the life and safety of the arrestee or detainee, the manner in which threats  
19 to the life and safety of an arrestee or detainee were to be evaluated and acted upon,  
20 what safeguards were to be in place to prevent inmates, arrestees or detainees who  
21 posed a threat to others in the facility from being permitted physical access to those  
22 others, what actions were to be taken when an arrestee or detainee is attacked or  
23 injured while incarcerated within the COUNTY Jails, and what methods of  
24 surveillance were to be used within each detention facility to insure immediate  
25 response to and prevention of incidents of violence occurring within jail cells.

26           28. Each of the defendants, including the DOE defendants, caused, and is  
27 responsible for, the unlawful conduct and resulting injuries suffered by Plaintiffs by,  
28 among other things, personally participating in the unlawful conduct, acting jointly,

1 or conspiring with others who did so; by ordering, authorizing, acquiescing in, or  
2 setting in motion policies, plans, or actions that led to the unlawful conduct, by  
3 failing to take action to prevent the unlawful conduct; by failing and refusing to  
4 initiate and maintain adequate training and supervision; by failing to enact policies to  
5 address the constitutional rights of protesters despite the obvious need for such a  
6 policy; and by ratifying the unlawful conduct that occurred by agents and officers  
7 under their direction and control, including failing to take remedial or disciplinary  
8 action.

9         29. Plaintiffs are informed and believe and thereon allege that each of the  
10 Defendants was at all material times an agent, servant, employee, partner, joint  
11 venturer, co-conspirator, and/or alter ego of the remaining Defendants, and in doing the  
12 things herein alleged, was acting within the course and scope of that relationship.  
13 Plaintiffs are further informed and believe and thereon allege that each of the  
14 Defendants herein gave consent, aid, and assistance to each of the remaining  
15 Defendants, and ratified and/or authorized the acts or omissions of each Defendant as  
16 alleged herein, except as may be hereinafter specifically alleged. At all material times,  
17 each Defendant was jointly engaged in tortious activity and an integral participant in  
18 the conduct described herein, resulting in the deprivation of Plaintiffs' and decedent  
19 Ruben Guzman's constitutional rights and other harm.

20         30. Plaintiffs are informed, believe, and thereupon allege that, at all times  
21 relevant hereto, Defendants, and each of them, acted as the agents, servants, and  
22 employees of each of the other defendants.

23         31. In doing each of the acts and/or omissions alleged herein, Defendants,  
24 and each of them, acted within the course and scope of their employment.

25         32. In doing each of the acts and/or omissions alleged herein, Defendants,  
26 and each of them, acted under color of authority and/or under the color of law.

27 ///

28 ///

V.

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

33. Upon information gathered from the Riverside County Sheriff’s Department, Coroner’s Investigative Narrative, the following events led to the tragic death of Mr. Guzman:

34. On April 27, 2023, Mr. Guzman was arrested and booked into the Robert Presley Detention Center for criminal charges which necessitated protective custody to ensure Mr. Guzman’s safety from other inmates and custody staff who wrongfully adhered to “jail politics.”

35. On May 22, 2023, Ruben was transferred to the JBDC for a mental health interview, where he was seen by a court appointed psychologist for competency. He was then placed into a holding cell by himself.

36. At 3:33pm, Mr. Guzman is “found unresponsive,” and observed lying face down, on the floor next to the toilet in his cell. A Correctional Sergeant, Defendant DOE 1, was “in the area” and requested that Mr. Guzman’s door be opened. DOES 1-10 noted that Mr. Guzman had a faint pulse and shallow breathing. Finally, medical aid was requested.

37. Soon after, DOES 1-10 administered multiple doses of Narcan. DOES 1-10 then arrived and preformed life-saving measures, which included AED device placement and compressions. Mr. Guzman was unresponsive. Mr. Guzman was then given two additional doses of Narcan.

38. As per the surveillance video<sup>1</sup>, Mr. Guzman was then given more Epinephrine and another dose of Narcan before being transported to JFK Memorial Hospital. After hours of struggling to sustain enough support to breathe on his own,

---

<sup>1</sup> Surveillance videos serve as recording equipment that is critical to ensuring the welfare of inmates housed in jails. Yet, the RCSD custody staff failed to notice this alarming behavior that was easily observable had anyone been watching the surveillance video. The RCSD custody personnel charged with monitoring the housing module where Mr. Guzman was housed ignored their duties. Upon information and belief, the RCSD custody personnel charged with those duties deliberately chose to ignore the footage from that surveillance camera.

1 Mr. Guzman was admitted to the intensive care unit. There, the plan of care included  
2 sedation with Fentanyl and Midazolam infusion to provide him comfort.

3 39. A CT scan revealed that Mr. Guzman experienced “global swelling in  
4 the head.” Mr. Guzman was then placed on life support, with his vital signs declining.  
5 Mr. Guzman was taken off life support and was pronounced dead at 9:56pm on May  
6 26, 2023.

7 40. Upon information and belief, the beating and asphyxiation of Mr.  
8 Guzman led to his death. Indeed, Mr. Guzman’s body not only indicated  
9 asphyxiation, but also a brutal and ongoing assault:

10 **EVIDENCE OF INJURY:**

11 **I. RESTRAINT ASPHYXIATION AND MULTIPLE BLUNT FORCE  
12 TRAUMA:**

13 **A. STATUS POST MECHANICAL-POSITIONAL ASPHYXIATION ASSOCIATED WITH:**

- 14 (i) Extensive petechial hemorrhages of the frontal subgaleal region (14.0 x 12.0 cm).
- 15 (ii) Extensive galeal contusion with acute hemorrhage involving the right frontal scalp region (10.0 x 12.0 cm).
- 16 (iii) Small galeal contusion with acute hemorrhage involving the right temporal-occipital scalp region (4.0 x 4.0 cm).
- 17 (iv) Extensive contusion of the right upper back, right midback and right lower back (25.0 x 18.0 cm).

18 *Confidential*

19 *6/16/2023*

20 *Provisional 1*

21 **NAME: GUZMAN, RUBEN OCHOA**

22 **ACCESSION NO.: MLA23-00008**

- 23 (v) Extensive contusion with acute hemorrhage of the back of the left upper arm and back of the left shoulder (8.0 x 12.0 cm).
- 24 (vi) Extensive contusion with acute hemorrhage of the right posterior chest wall involving the intercostal muscles and the parietal pleura of the apex of the right chest cavity (10.0 x 12.0 cm).
- 25 (vii) Extensive contusion with acute hemorrhage of the left posterior chest wall involving the intercostal muscles and the parietal pleura of the left chest cavity (25.0 x 12.0 cm).
- 26 (viii) Extensive acute hyperemia of the larynx, trachea, and bronchi with copious bloody frothy fluid in the upper airway.
- 27 (ix) Extensive contusions with parenchymal hemorrhages of the right and left lungs with bilateral acute hemorrhagic pulmonary edema and congestion of right and left lungs.
- 28 (x) Focal hemorrhagic contusions of the SA Node and the AV Node (1.5 x 4.0 cm and 0.5 x 1.0 cm, respectively).
- (xi) Acute congestive brain swelling, global, with diffuse acute cerebral parenchymal edema.
- (xii) Extensive acute segmental hemorrhagic necrosis of the stomach, and the small and large intestines, as well as, the abdominal mesentery with marked cyanosis.

1 41. Upon information and belief, Mr. Guzman had received numerous  
2 threats to his life by inmates and custody staff at the RCSD County Jails. In only  
3 three weeks after being incarcerated, these threats manifested into Mr. Guzman being  
4 “found” face down in his cell, with various injuries as indicated above. Upon  
5 information and belief, the brutal and violent assault of Mr. Guzman was a  
6 coordinated effort by both RCSD inmates and custodial staff.<sup>2</sup>

7 42. The aforementioned facts were indeed presented to SHERIFF BIANCO  
8 during the Coroner’s Review which was held on May 30, 2023:

9 **10 Detention Center. On 05/22/2023, Guzman was transferred to the John Benoit Detention Center**  
11 **11 for a mental health interview, and he was placed in a holding cell by himself. At 1533 hours,**  
12 **12 correctional staff were distributing meals and observed Guzman laying face-down, on the floor**  
13 **13 next to the toilet. A Correctional Sergeant was in the area and requested the cell door be open.**  
14 **14 The Correctional Sergeant checked for a pulse and a faint pulse was felt and Guzman was noted**  
15 **15 to have shallow breathing. Medical aid was requested. Multiple doses of Narcan medication**  
16 **16 were administered by correctional staff, at 1533 hours, 1534 hours, and 1536 hours.**  
17 **17 Correctional medical staff arrived at 1536 hours, and began life-saving measures to include AED**  
18 **18 (Automated External Defibrillator) device placement and compressions, as Guzman was**  
19 **19 unresponsive. Two additional doses of Narcan medication were administered at 1538 hours, and**  
20 **20 1543 hours. Paramedics from Cal-Fire and American Medical Response arrived at 1547 hours,**  
21 **21 and assumed care. At 1553 hours, Epinephrine medication was administered along with an**  
22 **22 additional dose of Narcan medication. At 1604 hours, paramedics transported Guzman to John**  
23 **23 F. Kennedy Memorial Hospital. He arrived to the hospital at 1610 hours. At 1630 hours, it was**  
24 **24 reported Guzman had a "good blood pressure reading" but was unable to breathe on his own.**  
25  
26 **26 On 05/23/2023, at 0620 hours, it was reported Guzman had a urine drug screen that had a**  
27 **27 negative test result. A Computerized Tomography (CT) scan showed "global swelling in the**  
28 **28 head." At this time, Guzman remained on life support, as his vital signs were declining.**  
29 **29 Investigator Layos stated hospital staff were attempting to make contact with family to provide**  
30 **30 them with the details and advise of the poor prognosis.**

19 43. After the facts were presented, SHERIFF BIANCO certified the cause,  
20 manner and mode of death.

21 44. Prior to decedent Ruben Guzman’s death, Defendants DOES 1 through  
22 10 had failed to properly classify Mr. Guzman. Said Defendants were aware of the  
23 risk of violence based on their experience with other inmates with similar charges  
24 being vulnerable as Mr. Guzman was. Said Defendants knew – or should have known  
25 – that Mr. Guzman would be attacked or otherwise seriously injured and/or killed by

27 <sup>2</sup> Mr. Guzman had feared for his life due to the various threats he received. Upon information and  
28 belief, this was because of his charges, which commonly led to violence in the County facilities,  
leaving those who commit these offenses vulnerable.

1 other inmates if Ruben Guzman was not constantly monitored and housed in a high  
2 observation unit or other inmate housing which called for constant monitoring and  
3 isolation. Despite this, said defendants improperly and deliberately housed Mr.  
4 Guzman alone in a holding cell, knowing that this housing assignment would place  
5 decedent Ruben Guzman at great risk of serious bodily injury or death with a lack of  
6 monitoring and protection.

7 45. As such, Defendants DOES 1 through 10 were all on notice, that  
8 decedent Ruben Guzman's placement in a holding cell put him in great risk of death  
9 or serious bodily injury at the hands of other inmates and custody staff. In view of  
10 Mr. Guzman's charges, and the other circumstances described above and elsewhere  
11 in this complaint, the holding cell was not an appropriate placement. Yet, with  
12 deliberate indifference and/or negligently, Defendants DOES 1 through 10 failed to  
13 ensure that Ruben Guzman's status be changed to status which accommodated an  
14 inmate who required specific classification. Said defendants, with deliberate  
15 indifference to the health, safety and welfare of Ruben Guzman, failed to properly  
16 classify Mr. Guzman as being an inmate who was high-risk and to transfer or house  
17 Mr. Guzman in a high observation unit or another housing assignment where Mr.  
18 Guzman would not be exposed to risks and threats from other inmates and custody  
19 staff.

20 46. On May 22, 2023, Defendants DOES 1 through 5 were assigned as the  
21 floor deputies for JBDC housing module where decedent Ruben Guzman was being  
22 held. Defendants DOES 1 through 5 were responsible for conducting periodic cell  
23 checks, including inmate safety checks every 60 minutes, including the cell where  
24 Ruben Guzman was asphyxiated and experienced multiple cases of blunt force  
25 trauma. Defendants DOES 1 through 5 were responsible generally for protecting the  
26 inmates under their care from assault, including Ruben Guzman.

27 47. Defendants COUNTY, RCSD, SHERIFF BIANCO, DELGADO,  
28 KRACHMER, TOCHTROP and DOES 1 through 10, which included RCSD

1 custodial and CHC medical/mental health staff of JBDC, with deliberate indifference,  
2 gross negligence, and reckless disregard to the safety, security, protection and  
3 constitutional and statutory rights of decedent Ruben Guzman and all persons  
4 similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, and  
5 applied policies or practices of, among other things,

- 6 a. Selecting, retaining and assigning deputies to their jails who exhibit  
7 deliberate indifference and reckless disregard for the safety, security and  
8 constitutional and statutory rights of detainees, arrestees and inmates  
9 who exhibit vulnerabilities due to their charges, and other positionalities;
- 10 b. Subjecting persons in their jails to violence perpetrated by other  
11 detainees, arrestees or inmates;
- 12 c. Failing to take adequate security measures to protect detainees, arrestees  
13 and inmates from unnecessary harm, including but not limited to, the  
14 following: separation of detainees and arrestees from potentially violent  
15 or dangerous inmates; use of security cameras to monitor violence  
16 within jail cells; training deputies to monitor detainees and inmates and  
17 immediately respond to acts of violence or threats of violence;
- 18 d. Failing to adequately train, supervise, and control deputies in the arts of  
19 law enforcement;
- 20 e. Failing to adequately discipline deputies involved in misconduct; and
- 21 f. Condoning and encouraging deputies in the belief that they can violate  
22 the rights of persons such as the Plaintiffs in this action with impunity,  
23 and that such conduct will not adversely affect their opportunities for  
24 promotion and other employment benefits.

25 48. Defendants COUNTY, RCSD, SHERIFF BIANCO, DELGADO,  
26 KRACHMER, TOCHTROP and DOES 1 through 10 acted with deliberate  
27 indifference and reckless disregard toward decedent Ruben Guzman's right to be  
28



1 protected and safe while housed at JBDC, and afforded due process of law, by among  
2 other things, the following acts:

- 3 a. Placing Ruben Guzman, a high-risk inmate, in a holding cell where  
4 Defendants knew or should have known inmates and others had  
5 accessibility to perform aggressive acts or acts of violence, and not  
6 watching and protecting him;
- 7 b. Failing to properly classify and house Ruben Guzman in a high  
8 observation unit or otherwise house and classify Ruben Guzman in  
9 appropriate housing where he could be constantly monitored and/or  
10 isolated from other inmates;
- 11 c. Causing Ruben Guzman to remain in the cell after Defendants knew that  
12 physical violence was imminent; and
- 13 d. Not observing or protecting Ruben Guzman, or otherwise standing by  
14 and/or participating and allowing a brutal beating on Ruben Guzman by  
15 other inmates/custody staff to continue for an unreasonable period of  
16 time, resulting in death to Ruben Guzman

17 49. Plaintiffs are informed and believe that Defendants DOES 1 through 10  
18 were aware of the threat the other inmate(s) or custody staff represented to decedent  
19 Ruben Guzman based on the exhibited violent tendencies of which the deputies and  
20 other employees knew or should have known. Said defendants intentionally,  
21 recklessly and with deliberate indifference, failed to take any security measures to  
22 protect detainees and arrestees who were unable to defend themselves - such as  
23 Ruben Guzman, who was unable to care for himself from others in the RCSD  
24 facilities with violent tendencies.

25 50. Plaintiffs are informed and believe, and on the basis of such information  
26 and belief alleges, that Defendants COUNTY and RCSD ordered, authorized,  
27 acquiesced in, tolerated, or permitted other defendants herein to engage in the  
28 unlawful and unconstitutional actions, policies, practices, and customs set forth in the

1 preceding paragraphs. Defendants' conduct as alleged herein constitutes a pattern of  
2 constitutional violations based either on a deliberate plan by defendants or on  
3 defendants' deliberate indifference, gross negligence, or reckless disregard to the  
4 safety, security, and constitutional and statutory rights of Plaintiffs.

5 51. Plaintiffs are informed and believe that the brutal beating was  
6 perpetrated by one or more inmates at the jail acting with the approval of RCSD  
7 custody personnel and CHC medical personnel, or because of the deliberate  
8 indifference, gross negligence or reckless disregard of Defendants DOES 1 through  
9 10 to the safety and security of decedent Ruben Guzman.

10 52. Plaintiffs are informed and believe that Defendants DOES 1 through 10  
11 recklessly and with deliberate indifference, failed to immediately and appropriately  
12 respond to the brutal attack and allowed the attack to continue for an extended period  
13 of time, causing the death of Ruben Guzman.

14 53. Plaintiffs are informed and believe that RCSD custody personnel and  
15 CHC medical personnel, intentionally, recklessly and with deliberate indifference,  
16 failed to take immediate action to summon medical care for Ruben Guzman; despite  
17 knowing he was in need of immediate medical care.

18 54. Defendants have been on notice for years that their provision of medical  
19 and mental health treatment to inmates is inadequate and results in needless harm and  
20 death.

21 55. Welfare and safety checks by custody and mental health staff, when  
22 done correctly, are an important part of protecting inmates in the COUNTY Jails  
23 from harm, including inmate on inmate violence. Defendants knew that health and  
24 welfare checks conducted in units were part of violence prevention programs and that  
25 such checks were necessary for inmate-on-inmate attack prevention.

26 56. Prior to the attack of Ruben Guzman on May 22, 2023, Defendants were  
27 aware that there was a problem with RCSD custody personnel and CHC medical  
28 personnel failing to actually perform required welfare and safety checks in the units

1 at the COUNTY Jails, including JBDC, failing to perform adequate welfare and  
2 safety checks and/or failing to take adequate measures after observing violent during  
3 the welfare and safety checks.

4 57. Defendants' actions and omissions, as herein above recited, directly  
5 placed decedent Ruben Guzman at substantial risk of the grievous and tragic harm  
6 that ultimately occurred resulting in his death.

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

10 59. This complaint may be pled in the alternative pursuant to Federal Rule of  
11 Civil Procedure 8(d).

12 **VI.**

13 **FACTUAL ALLEGATIONS COMMON TO *MONELL* AND**  
14 **SUPERVISORIAL CAUSES OF ACTION**

15 60. Based upon the principles established in *Monell v. Dep't of Soc. Servs. of*  
16 *City of New York*, 436 U.S. 658 (1978), Defendants are liable for all injuries sustained  
17 by Plaintiffs as set forth herein. To establish municipal liability under *Monell v. Dep't*  
18 *of Soc. Servs. of City of New York*, 436 U.S. 658 (1978), a plaintiff must prove: (1)  
19 that [the plaintiff] possessed a constitutional right of which she was deprived; (2) that  
20 the municipality had a policy/custom/practice; (3) that this policy/custom/practice  
21 amounts to deliberate indifference to the plaintiff's constitutional right; and, (4) that  
22 the policy/custom/practice is the moving force behind the constitutional violation.  
23 *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th Cir, 2011). The  
24 policy/custom/practice "need only cause the constitutional violation; it need not be  
25 unconstitutional per se." *Chew v. Gates*, 27 F.3d 1432, 1444 (9th Cir. 1994).  
26 Recognized paths to *Monell* liability include: (1) an unconstitutional custom, practice  
27 or policy behind the violation of rights; (2) a deliberately indifferent omission, such  
28 as a failure to train or failure to have a needed policy; and (3) a final policy-maker's

1 involvement in or ratification of the conduct underlying the violation of rights.  
2 *Clouthier v. County of Contra Costa*, 591 F.3d 1232, 1249-1250 (9th Cir. 2010).

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

4 61. In 2022, Defendant RIVERSIDE COUNTY SHERIFF’S  
5 DEPARTMENT’S COUNTY Jails have resulted in eighteen (18) in-custody deaths.  
6 Prior to 2022, Riverside County had not logged more than twelve (12) such deaths in  
7 any year since 2005.<sup>3</sup>

8 62. In the year prior to Ruben Guzman’s death, there were eighteen (18) in-  
9 custody deaths within the COUNTY Jails during the 2022 calendar year:

- 10 a. Alicia Upton (Date of Loss: April 28, 2022; Manner of Death:  
11 “Suicide”)
- 12 b. Abel Valencia Cruz (Date of Loss: May 1, 2022; Manner of Death:  
13 “Natural”)
- 14 c. Justin Kail (Date of Loss: May 17, 2022; Manner of Death:  
15 “Accident-Overdose”)
- 16 d. Brawn Lamar Hampton (Date of Loss: May 26, 2022; Manner of Death:  
17 “Natural”)
- 18 e. Michael Vasquez (Date of Loss: May 26, 2022; Manner of Death:  
19 “Accident-Overdose”)<sup>4</sup>
- 20 f. Yareth Villagomez (Date of Loss: June 20, 2022; Manner of Death:  
21 “Accident-Overdose”)
- 22 g. Richard Edward Biscotti (Date of Loss: July 11, 2022; Manner of Death:  
23 “Natural”)

24 \_\_\_\_\_  
25 <sup>3</sup> 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)

<sup>4</sup> Pretrial detainee Michael Vasquez was just 20 years old at the time of his death. He had been in  
the facility for only 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: April 28, 2022; Manner of Death:  
10 “Accident”)<sup>5</sup>
- 11 m. Kaushal Niroula (Date of Loss: September 6, 2022; Manner of Death:  
12 “Strangulation”)<sup>6</sup>
- 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”)<sup>7</sup>

---

18 <sup>5</sup> 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 <sup>6</sup> Decedent Kaushal Niroula was a transgender HIV-positive female inmate, who was brutally and  
repeatedly beaten and strangled by her cellmate, Ronald Sanchez—a convicted sex offender. Ms.  
Niroula was killed just three days before trial. Upon information and belief, Ms. Niroula had been  
assisting state and federal authorities to help uncover the illegal wiretapping at the COUNTY Jails.

<sup>7</sup> Pretrial detainee Ulyses Munoz Ayala was brutally killed by a *known* violent inmate, Erik  
Martinez, whom he was forced to share a cell with. *See* “Corona Man Killed In Riverside County  
Jail Cell” (The Sun, September 30, 2022), available at <https://www.sbsun.com/2022/09/30/corona-man-killed-in-riverside-county-jail-cell/>

- 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 63. 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.

10 64. The Defendants’ deliberate indifference towards protecting pretrial  
11 detainees from hazards resulted in illegal drugs permeating the COUNTY Jails.  
12 According to Defendant KRACHMER, from November 2021 through November  
13 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at  
14 least twice a week within the COUNTY Jails.<sup>8</sup>

15 65. The Defendants’ deliberate indifference towards protecting pretrial  
16 detainees from hazards resulted in illegal drugs permeating the COUNTY Jails.  
17 According to Defendant KRACHMER, from November 2021 through November  
18 2022, the COUNTY Jails experienced 140 overdoses, with inmates overdosing at  
19 least twice a week within the COUNTY Jails.<sup>9</sup>

20 66. The Defendants’ deliberate indifference towards pretrial detainees  
21 suffering from mental health issues resulted in several completed and attempted  
22 suicides. On November 23, 2022, pretrial detainee Charles Wall attempted suicide by  
23

---

24 <sup>8</sup> See “Families Question Suspected Fentanyl Deaths of Loved Ones Behind Bars; Riverside Co.  
25 Sheriff Reacts” (Fox11 News, November 7, 2022), available at  
26 <https://www.foxla.com/news/fentanyl-responsible-for-a-third-of-riverside-county-jail-deaths-in-2022-families-demand-answers>

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

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

15 67. In 2023, the County of Riverside had reached record breaking in-custody  
16 deaths at the RCSD County Jails. Ruben Guzman is included in these record  
17 breaking in-custody deaths.

18 68. As of November of 2023, the Riverside County Sheriff’s Department has  
19 already claimed the lives of twenty-two (22) persons who died while in the custody of  
20 the County. Ruben Guzman’s death is one of the twenty-two (22) deaths accounted  
21 for. Of those in-custody deaths, twelve (12) deaths are related to conditions of  
22 confinement within the RCSD County Jails:

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

1 Spratt was only 26 years old at the time of his death. An investigation  
2 into the manner and means of death remains pending.

3 c. On February 21, 2023, pretrial detainee Christian Drye died in-custody  
4 at a COUNTY hospital due to injuries suffered during an arrest. An  
5 investigation into the manner and means of death remains pending.

6 d. On March 11, 2023, pretrial detainee Asher Saunders was found  
7 unresponsive in his cell at CBDC. Upon information and belief, the  
8 death was caused by hazards permeating the CBDC. An investigation  
9 into the manner and means of death remains pending.

10 e. On May 23, 2023, 16-year-old Ciara Sanchez was transported from a  
11 RCSD Juvenile Facility to a local hospital where she eventually died.  
12 Upon information and belief, the death was caused by hazards  
13 permeating the RCSD Juvenile Facility. An investigation into the  
14 manner and means of death remains pending.

15 f. On May 26, 2023, Ruben Guzman, a 41-year-old pretrial detainee, died  
16 following an undisclosed incident at JBDC. Upon information and  
17 belief, Mr. Guzman received numerous threats to his life by inmates and  
18 custody staff at the COUNTY Jails. Upon information and belief, Mr.  
19 Guzman was found unresponsive in a holding cell on May 22, 2023 with  
20 “global swelling of the head.” He died four days later on May 26, 2023.

21 g. On July 5, 2023, Astrid Johnson, a 62-year-old woman pretrial detainee  
22 housed in the JBDC, died in-custody. Upon information and belief,  
23 RCSD personnel and CHS medical personnel failed to provide Ms.  
24 Johnson with adequate medical care. An investigation into the manner  
25 and means of death remains pending.

26 h. On August 14, 2023, Steven Crawford, a 71-year-old pretrial detainee,  
27 was found unresponsive in his cell at JBDC. Upon information and  
28



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

3 i. On August 27, 2023, Tavea Starks-Walker, a 31-year-old pretrial  
4 detainee, was found unresponsive in his cell at LSCF. Upon information  
5 and belief, the death was caused by hazards permeating the LSCF. An  
6 investigation into the manner and means of death remains pending.

7 j. On September 14, 2023, Damon Beitz, a 46-year-old pretrial detainee,  
8 was found unresponsive in a holding cell at RPDC. Mr. Beitz had been  
9 arrested by RCSD deputies just hours before being found unresponsive  
10 in his cell. Upon information and belief, the death was caused by  
11 injuries Mr. Beitz suffered during the arrest. An investigation into the  
12 manner and means of death remains pending.

13 k. On September 18, 2023, Jess Flores, a 46-year-old pretrial detainee, was  
14 found unresponsive in his cell at CBDC. Upon information and belief,  
15 RCSD personnel and CHS medical personnel failed to provide Mr.  
16 Flores with adequate medical care. An investigation into the manner and  
17 means of death remains pending.

18 l. On November 4, 2023, Charles Giurbino, a 58-year-old pretrial detainee,  
19 was found unresponsive in his cell at LDCF. Upon information and  
20 belief, the death was caused by hazards permeating the LSCF. An  
21 investigation into the manner and means of death remains pending.

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

28

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

4           70. Despite the record-breaking in-custody deaths at the COUNTY Jails, and  
5 the suspicious circumstances surrounding the in-custody deaths, the COUNTY  
6 DEFENDANTS have refused to adhere to state mandates and regulations which were  
7 explicitly created to ensure accountability and transparency, including California  
8 Government Code section 12525<sup>10</sup> and Title 15 Minimum Standards for Local  
9 Detention Facilities, section 1046 Death in Custody.<sup>11</sup>

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

13           72. The COUNTY DEFENDANTS reported some of the in-custody deaths  
14 six weeks after they occurred, despite the 10-day mandate.<sup>12</sup>

15           73. The COUNTY DEFENDANTS provided inaccurate information to the  
16 Department of Justice, classifying the pretrial detainees, who had died in their  
17 custody as “sentenced” post-convicted prisoners.<sup>13</sup> Upon information and belief, this  
18 orchestrated misclassification of the pretrial status of the decedents was done

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

25 <sup>11</sup> See Title 15 Minimum Standards for Local Detention Facilities, Section 1046 Death (“The  
26 facility administrator, in cooperation with the health administrator, shall develop written policy and  
27 procedures to ensure that there is an initial review of every in-custody death within 30 days. The  
28 review team shall include the facility administrator and/or the facility manager, the health  
administrator, the responsible physician and other health care and supervision staff who are relevant  
to the incident.”)

<sup>12</sup> See “Riverside Sheriff Failed to Report Inmate Deaths to State On time; Names of Dead Made  
Public” (Desert Sun, September 16, 2022), available at  
[https://www.desertsun.com/story/news/crime\\_courts/2022/09/16/riverside-county-sheriffs-failed-report-inmate-deaths-state-time/8017820001/](https://www.desertsun.com/story/news/crime_courts/2022/09/16/riverside-county-sheriffs-failed-report-inmate-deaths-state-time/8017820001/)

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

1 purposely by the COUNTY DEFENDANTS so as to impose the Eighth Amendment  
2 higher degree of culpability standard, rather than the less stringent Fourteenth  
3 Amendment degree of culpability.<sup>14</sup>

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

7 74. On February 23, 2023, the California Department of Justice (DOJ)  
8 announced its decision to launch a formal investigation into Defendant RIVERSIDE  
9 COUNTY SHERIFF’S DEPARTMENT’s unconstitutional patterns and practices  
10 resulting in record-breaking in-custody deaths at the COUNTY Jails and the use of  
11 excessive force by sheriff’s deputies, disproportionately affecting Latino and African  
12 American communities.<sup>15</sup> The raw data and the per capita data make clear that the  
13 COUNTY Jails are a death sentence for any pretrial detainee, some of whom have  
14 died just days after being booked.<sup>16</sup> For reference, San Diego County had 19 in-

---

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

<sup>15</sup> *See* State of California Department of Justice Press Release: “Attorney General Bonta Launches  
Civil Rights Investigation into Riverside County Sheriff’s Office,” February 23, 2023, available at  
[https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-  
riverside-county](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county)

<sup>16</sup> *Id.*

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

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

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

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

23 77. For well over a decade now, the COUNTY’s own Grand Jury, as well as  
24 several independent auditors, have come to the same conclusion: dangerous deficits  
25  
26

---

27 <sup>17</sup> See Riverside County Sheriff’s Department YouTube video titled: “Sheriff Bianco’s Response to  
28 Frivolous Civil Rights Investigation by DOL” (February 23, 2023), available at  
<https://www.youtube.com/watch?v=6ttMVVLYfaQ>

1 in health care services at the jails threaten the lives and health of the thousands of  
2 men and women they hold.

3 78. The “2010-11 Grand Jury Report: Riverside County Detention Health  
4 Care Administration” found systemic failures in treatment, medication management,  
5 record-keeping, and administration of forced medications, among other areas.<sup>18</sup>

6 79. The Grand Jury released an updated report in June 2012, noting that  
7 mental health staffing had in fact decreased since its prior year’s report.<sup>19</sup>

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

17 81. The *Gray* operative complaint (Dkt. 150) alleged the following  
18 unconstitutional patterns and practices permeating the COUNTY Jails:

- 19 a. RCSD, by policy and practice, maintains and runs a health care system  
20 that lacks basic elements necessary to provide constitutional care;  
21 b. RCSD, by policy and practice, systematically fails to identify and  
22 diagnose serious conditions, to provide timely care, to administer  
23 appropriate medications, to employ adequate staff to meet inmates’ basic  
24 needs, to maintain records that allow informed treatment decisions, to

25  
26 <sup>18</sup> See 2010-2011 Grand Jury Report re: Detention Mental Health Services, available at  
[https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2010-2011/11mentalhealth\\_detentionserv.pdf](https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2010-2011/11mentalhealth_detentionserv.pdf)

27 <sup>19</sup> See 2011-2012 Grand Jury Report re: Detention Mental Health Services, available at  
28 <https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2011-2012/12mentalhealthdetention.pdf>

1 establish legally required confidentiality, and to identify and correct its  
2 own failings;

3 c. RCSD, by policy and practice, maintains and runs substandard  
4 medication management and administration;

5 d. RCSD, by policy and practice, is severely understaffed at the COUNTY  
6 Jails;

7 e. RCSD, by policy and practice, provides substandard medical care to  
8 inmates;

9 f. RCSD, by policy and practice, provides substandard mental health care  
10 to inmates;

11 82. On September 2, 2014, the Court granted Plaintiffs' Motion for Class  
12 Certification.

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

18 84. On July 15, 2015, the neutrally-appointed experts issued reports,  
19 determining that the health care failed to meet the constitutional minimum. As such,  
20 the parties agreed to negotiate a Remedial Plan to address the identified deficiencies  
21 in the expert reports.

22 85. Due to the COUNTY DEFENDANTS' ongoing failures to comply with  
23 the Consent Decree, Plaintiffs in the *Gray* class action have had to seek emergency  
24 relief from the Court to ensure that the Consent Decree is enforced.

25 **F. The County Defendants' Indifference to the Constitutional Violations and**  
26 **Failures Permeating the COUNTY Jails Affecting Inmates with Mental**  
27 **Health Issues.**

28 86. Defendants SHERIFF BIANCO the RCSD Corrections Supervisors

1 EDWARD DELGADO, JAMES KRACHMER, and MARTIN TOCHTROP through  
2 their supervision of the COUNTY’s Correctional Health Services (hereinafter also  
3 “CHS”) medical staff, were responsible for the provision of medical and mental  
4 health services at the COUNTY Jails, and as such, were responsible for the following  
5 at the COUNTY Jails:

- 6 a. Staffing for the jail’s medical and mental health units;
- 7 b. Administrative structure, medical direction and operational oversight for  
8 the medical and mental health units;
- 9 c. Oversight of the day-to-day operations of the health services programs at  
10 the jail;
- 11 d. Design and implementation of a suicide prevention program, including  
12 the related policies and procedures to fully and safely carry out such  
13 program;
- 14 e. Development, implementation and revision policies and procedures  
15 which relate to the overall provision of mental health and medical  
16 services, including the operational aspects of such services and  
17 compliance with regulations and statutes;
- 18 f. Development, implementation and revision policies, procedures and  
19 practices for the training of custody, medical and mental health staff at  
20 the jail;
- 21 g. Identifying of all unsafe or unhealthy conditions within the jail facilities  
22 related to the provision of medical and mental health services, and  
23 proposing of corrective measures of such conditions in a timely manner;
- 24 h. Provide continuous training to detention staff regarding the screening of  
25 inmates, identification of mentally ill inmates, risk recognition, and  
26 suicide prevention.

27 87. Defendants COUNTY, RCSD, SHERIFF BIANCO the RCSD  
28 Corrections Supervisors EDWARD DELGADO, JAMES KRACHMER, and

1 MARTIN TOCHTROP, and the COUNTY custody, medical and mental health staff,  
2 and each of them, had been on notice for years that their provision of medical and  
3 mental health treatment to inmates at the COUNTY Jails was inadequate and resulted  
4 in needless harm and death.

5 88. By the time that decedent Ruben Guzman was transferred to RPDC,  
6 SHERIFF BIANCO the RCSD Corrections Supervisors EDWARD DELGADO,  
7 JAMES KRACHMER, and MARTIN TOCHTROP, and the COUNTY custody,  
8 medical and mental health staff, and each of them, understood the holding cell where  
9 decedent Ruben Guzman was housed on May 22, 2023 was not suitable for an inmate  
10 who was at high risk of violence and needed to be classified properly.

11 89. Defendants COUNTY, RCSD, SHERIFF BIANCO the RCSD  
12 Corrections Supervisors EDWARD DELGADO, JAMES KRACHMER, and  
13 MARTIN TOCHTROP, and the COUNTY custody, medical and mental health staff,  
14 and each of them, knew that placing decedent Ruben Guzman in such a jail cell  
15 would pose a substantial risk of death. Prior to the death of decedent Ruben Guzman  
16 other persons in the custody of the COUNTY and supervised and cared for by the  
17 COUNTY medical and custody staff had been victims of violence by similar, if not  
18 identical, means during their incarcerations at the COUNTY Jails.

19 90. Defendants COUNTY, RCSD, SHERIFF BIANCO the RCSD  
20 Corrections Supervisors EDWARD DELGADO, JAMES KRACHMER, and  
21 MARTIN TOCHTROP, and the COUNTY custody, medical and mental health staff,  
22 and each of them, were repeatedly put on notice of the great dangers which existed  
23 within the COUNTY Jails through the long history of in-custody deaths; the record-  
24 breaking amount of fentanyl overdoses throughout all COUNTY Jails; the federal  
25 class action *Quinton Gray, et al. v. County of Riverside*, case number 13-0444 VAP  
26 (OPx) (C.D. Cal.) targeting the COUNTY custody, medical and mental health staff's  
27 deliberate indifference to the safety and protection of inmates; the warnings from  
28 neutrally-selected experts regarding the COUNTY custody, medical and mental



1 health staff’s failures amounting to constitutional violations; a court ordered Consent  
2 Decree directing the Riverside County Sheriff’s Department to implement a Remedial  
3 Plan to meet the minimum level of health care necessary to fulfill the COUNTY’s  
4 obligations under the Eighth and Fourteenth Amendments; and through a voluntarily  
5 entered Settlement Agreement which required that the COUNTY remedy all of the  
6 deficiencies addressed in the *Gray* class action.

7 91. Based on the aforementioned, Defendants COUNTY, RCSD, SHERIFF  
8 BIANCO the RCSD Corrections Supervisors EDWARD DELGADO, JAMES  
9 KRACHMER, and MARTIN TOCHTROP, and the COUNTY custody, medical and  
10 mental health staff, and each of them, knew of the dangers that posed a risk to  
11 decedent Ruben Guzman’s safety, yet disregarded these dangers resulting in his  
12 death.

13 **G. Sheriff Bianco’s Indifference to the Constitutional Violations and Failures**  
14 **Permeating His COUNTY Jails.**

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

1 deprivations of which the complaint is made,’ or ‘conduct that showed a reckless or  
2 callous indifference to the rights of others.’” *Id.* “We have never required a plaintiff  
3 to allege that a supervisor was physically present when the injury occurred.” *Id.*

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

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

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

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

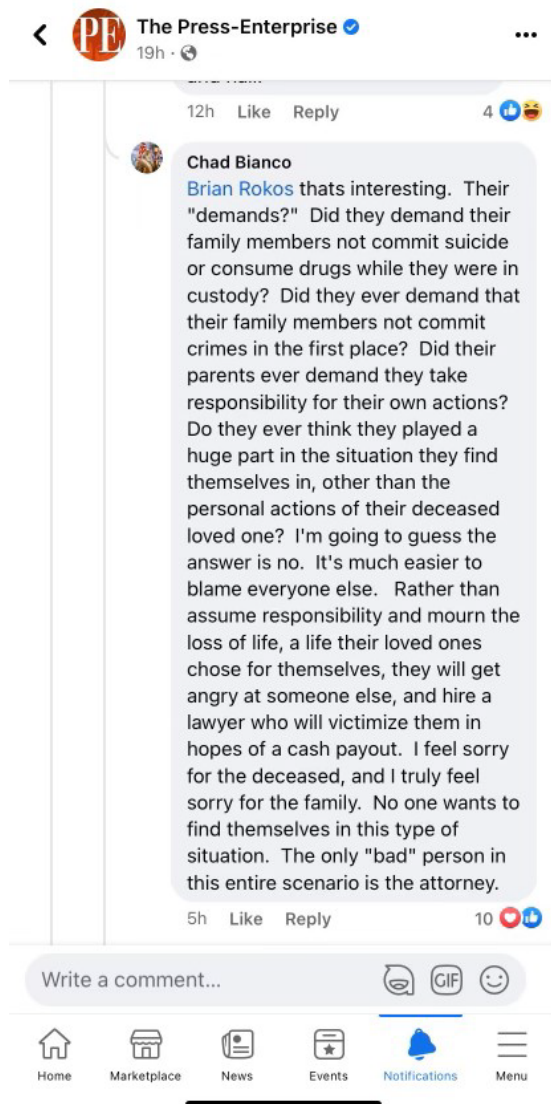
23  
24  
25  
26  
27  
28  

---

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

1 97. Within fourteen hours of article being posted on Facebook, SHERIFF  
 2 BIANCO went on to publicly shame and harass the families and their deceased loved  
 3 ones, posing the following offensive rhetorical  
 4 questions to the Facebook community and  
 5 calling the Matus family attorney, Christian  
 6 Contreras, a “bad” person:<sup>21</sup>

- 7 (1) Did they demand that their family
- 8 members not commit suicide or
- 9 consume drugs while they were in
- 10 custody?
- 11 (2) Did they ever demand that their
- 12 family members not commit crimes
- 13 in the first place?
- 14 (3) Did their parents ever demand they
- 15 take responsibility for their own
- 16 actions?
- 17 (4) Do they ever think they played a huge
- 18 part in the situation they find
- 19 themselves in, other than the personal
- 20 actions of their deceased loved one?



21 <sup>21</sup> Notably, SHERIFF BIANCO deleted the post thereafter. SHERIFF BIANCO did this despite the  
 22 post being highly relevant and material to Plaintiffs’ supervisorial claims against him. This is  
 23 textbook definition of spoliation. Courts generally agree that the duty to preserve is triggered as  
 24 soon as a potential claim is identified. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 888 F. Supp. 2d  
 25 976, 991 (N.D. Cal. 2012) (“duty to preserve material evidence arises not only during litigation but  
 26 also extends to that period before the litigation when a party reasonably should know that the  
 27 evidence may be relevant to anticipated litigation”); *Colonies Partners, L.P. v. County of San*  
 28 *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           98. SHERIFF BIANCO also blames the inmates themselves: “There are  
2 inmates that purposely get arrested just to smuggle drugs into jail. It is either for  
3 money, money on the outside, money or favor on the inside [...] It’s part of that  
4 culture of power inside the jails, and drugs are a part of it.”<sup>22</sup>

5           99. In response to the Department of Justice’s recent announcement about its  
6 decision to investigate the patterns and practices existing within the COUNTY Jails,  
7 SHERIFF BIANCO expressed the following indifference towards pretrial detainees  
8 dying at alarming rates within his COUNTY Jails: “Of course I’m not happy, this is  
9 going to waste our time. Every single one of these inmate deaths was out of anyone’s  
10 control. The fact of the matter is that they just happened to be in our custody.”<sup>23</sup>

11           100. Interestingly, SHERIFF BIANCO has taken this hardline (and insulting)  
12 position when asked about fentanyl overdoses in his jails. Yet, upon information and  
13 belief, SHERIFF BIANCO is currently being investigated by the Federal Bureau of  
14 Investigation (“FBI”) for his interference with a murder investigation arising from  
15 two fentanyl overdoses in the City of Riverside which occurred on February 21, 2022  
16 before many of the fentanyl overdoses in COUNTY Jails.

17           101. On February 21, 2022, 22-year-old Sierra Riane Rangel and 21-year-old  
18 Arrena Marie Mariotti died from fentanyl overdoses.<sup>24</sup>

19           102. On February 24, 2022, murder charges were filed against Peter Luis  
20 Mera Garcia.<sup>25</sup> Upon information and belief, Peter Luis Mera Garcia is the son of a  
21

---

22 <sup>22</sup> See “California Jails Are Trying to Keep Fentanyl Out, But Inmates Are Still Dying. In Riverside  
23 County, Fentanyl is Blamed in 38% of In-custody Deaths So Far This Year,” (Mercury News,  
24 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/>

25 <sup>23</sup> See “Kudos to Bonta for Investigating the Sheriff. Let’s Hope He Moves Quickly” (The Desert  
26 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/>

27 <sup>24</sup> See “Man Charged with Murder After 2 Riverside Woman Died from Fentanyl Overdoses,” (The  
28 Press-Enterprise, April 28, 2022), available at <https://www.pressenterprise.com/2022/04/28/man-charged-with-murder-after-2-riverside-women-died-from-fentanyl-overdoses/>

<sup>25</sup> *Id.*

1 senior level deputy at RIVERSIDE COUNTY SHERIFF’S DEPARTMENT.

2 Notably, the criminal case received wide public attention as this was the first time in  
3 the COUNTY OF RIVERSIDE that a person had been charged with murder due to a  
4 fentanyl death.

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

8 104. Upon information and belief, suspect Peter Mera Garcia lived with his  
9 parents, including his father who was a senior level deputy employed by the  
10 RIVERSIDE COUNTY SHERIFF’S DEPARTMENT.

11 105. Upon information and belief, Former RPD Sergeant, Frank Hoyos, was  
12 one of the SWAT Team members assigned to execute the search warrant.

13 106. Upon information and belief, prior to the execution of the search  
14 warrant, RPD Chief of Police Larry Gonzalez was called by SHERIFF BIANCO for a  
15 favor. SHERIFF BIANCO asked Chief Gonzalez to provide him with the name of  
16 the RCSD senior level deputy.

17 107. Upon information and belief, RPD Chief Gonzalez proceeded to call  
18 RPD Sergeant Jimmy Simmons, who had no involvement with the investigation of  
19 this double homicide. RPD Chief Gonzalez informed Sgt. Simmons that he was  
20 calling him because SHERIFF BIANCO wanted to know the name of his deputy  
21 whose son had been booked. RPD Chief Gonzalez tasked Sgt. Simmons with the  
22 assignment of finding out the name for SHERIFF BIANCO.

23 108. Upon information and belief, RPD Sgt. Simmons secured the name of  
24 the RCSD senior deputy and relayed the name to RPD Chief Gonzalez.

25 109. Upon information and belief RPD Chief Gonzalez then relayed the name  
26 to SHERIFF BIANCO.

27 110. Upon information and belief, SHERIFF BIANCO then alerted his senior  
28 level deputy that the RPD SWAT Team would be executing the search warrant on a

1 specific date and time and looking for very specific evidence in his home.

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

5 112. Upon information and belief, when the RPD SWAT Team executed the  
6 search warrant during the early morning hours, the SWAT Team was greeted by the  
7 RCSD Senior Level Deputy who welcomed the SWAT Team into his home. Indeed,  
8 no evidence of a crime was found.

9 113. Clearly, SHERIFF BIANCO is personally responsible for the fentanyl  
10 crisis in RIVERSIDE COUNTY and has intentionally refused to make adequate  
11 measures within his jail to prevent individuals from dying from fentanyl.

12 **VII.**

13 **PUNITIVE/EXEMPLARY DAMAGES ALLEGATIONS**

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

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

18 115. Long before Ruben Guzman's death, Defendants SHERIFF CHAD  
19 BIANCO, EDWARD DELGADO, JAMES KRACHMER, MARTIN TOCHTROP  
20 knew that there existed a great indifference to the safety and protection of the inmates  
21 who were in the government's custody within the COUNTY Jails.

22 116. Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO,  
23 JAMES KRACHMER, MARTIN TOCHTROP were repeatedly put on notice of the  
24 great dangers which existed within the COUNTY Jails through the long history of in-  
25 custody deaths; the record-breaking amount of fentanyl overdoses throughout all  
26 COUNTY Jails; inmate-on-inmate violence; the federal class action *Quinton Gray, et*  
27 *al. v. County of Riverside*, case number 13-0444 VAP (OPx) (C.D. Cal.) targeting  
28 Defendant RIVERSIDE COUNTY SHERIFF'S DEPARTMENT's custody and

1 medical staff’s deliberate indifference towards the safety and protection of inmates;  
2 the warnings from the neutrally-selected experts regarding failures amounting to  
3 constitutional violations; a Consent Decree directing Defendant RIVERSIDE  
4 COUNTY SHERIFF’S DEPARTMENT to implement a Remedial Plan to meet the  
5 minimum level of health care necessary to fulfill its obligations under the Eighth and  
6 Fourteenth Amendments; and through a Settlement Agreement which the COUNTY  
7 voluntarily entered into requiring that Defendant RIVERSIDE COUNTY  
8 SHERIFF’S DEPARTMENT remedy all of the deficiencies in healthcare and  
9 disability accommodations alleged in the *Gray* class action complaint.

10 117. Despite this long history of complete disregard to inmate safety and  
11 protection, Defendants SHERIFF CHAD BIANCO, EDWARD DELGADO, JAMES  
12 KRACHMER, and MARTIN TOCHTROP have deliberately failed to take even  
13 modest actions to prevent in-custody deaths at the COUNTY Jails which have for a  
14 very long time been infested with endemic, ongoing and unabated risks of injury or  
15 death to inmates.

16 118. The Defendant officers, and each of them, acted with malice and  
17 oppression and with a conscious disregard for Plaintiffs’ rights, making the individual  
18 defendants, including DOES 1-10, liable for punitive damages.

19 **VIII.**

20 **FIRST CAUSE OF ACTION**

21 **Failure to Protect from Harm,**

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

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

24 **By Plaintiff ESTATE OF RUBEN GUZMAN As Against DOES 1 through 10**

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

27 120. By the actions and omissions described above, Defendants DOES 1  
28 through 10, which included the RCSD custody personnel and the CHC medical

1 personnel, acting under the color of state law in their individual capacities, deprived  
2 decedent Ruben Guzman of the right to have his safety and life protected while in the  
3 custody of Defendants COUNTY OF RIVERSIDE and RIVERSIDE COUNTY  
4 SHERIFF’S DEPARTMENT as secured by the Fourteenth Amendment, by  
5 subjecting him, or through their deliberate indifference, allowing others to subject  
6 him, to a deprivation of these rights to be protected, proximately leading to him being  
7 violently asphyxiated and face blunt force trauma.

8 121. “[W]hen the State takes a person into its custody and holds him there  
9 against his will, the Constitution imposes upon it a corresponding duty to assume  
10 some responsibility for his safety and general well-being.” *DeShaney v. Winnebago*  
11 *Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). Indeed, detainees in jails and  
12 prisons are “restricted in their ability to fend for themselves” and are, therefore, far  
13 more vulnerable than the general population. *See Hare v. City of Corinth*, 74 F.3d  
14 633, 639 (5th Cir. 1996). It is long settled that “prison officials have a duty ... to  
15 protect prisoners from violence at the hands of other prisoners” because corrections  
16 officers have “stripped [the inmates] of virtually every means of self-protection and  
17 foreclosed their access to outside aid.” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994)  
18 (internal quotation marks omitted). The risk of inmate-on-inmate violence in the  
19 prison setting is well known. Custodial staff, including deputies, lieutenants,  
20 sergeants, and correctional officers are not permitted to “bury their heads in the sand”  
21 and ignore these obvious risks to the inmate populations that they have an affirmative  
22 duty to protect. *See Walton v. Dawson*, 752 F.3d 1109, 1119 (8th Cir. 2014).

23 122. Defendants DOES 1 through 10, which included the RCSD custody  
24 personnel and the CHC medical personnel, knew or had reason to know that housing  
25 decedent Ruben Guzman in the holding cell with a lack of supervision posed a  
26 substantial risk of serious harm to Ruben Guzman, in view of the multitude of factors,  
27 including, but not limited to, the fact that Ruben Guzman was a high-risk inmate.  
28



1           123. At the time decedent Ruben Guzman was asphyxiated and beaten to the  
2 point of death, Defendants DOES 1 through 10, which included the RCSD custody  
3 personnel and CHC medical personnel, were responsible for conducting proper cell  
4 checks, supervising inmates, and were responsible for protecting inmates from  
5 inmate-on-inmate violence.

6           124. By the actions and omissions described above, Defendants DOES 1  
7 through 10 violated 42 U.S.C. § 1983, depriving decedent Ruben Guzman of the right  
8 to be protected from violence at the hands of other inmates while in custody, as well  
9 as the right to one’s liberty in bodily integrity, as secured by the Fourteenth  
10 Amendment.

11           125. The listed Defendants’ failure to intervene, prevent, or stop the  
12 constitutional violations by others, when Defendants were in a position to so  
13 intervene when such violations were occurring, also renders such Defendant(s) liable  
14 for these violations.

15           126. Defendants subjected decedent Ruben Guzman to their wrongful  
16 conduct, depriving Ruben Guzman of the rights described herein, knowingly,  
17 maliciously, and with conscious and reckless disregard for whether the rights and  
18 safety of Ruben Guzman would be violated by their acts and/or omissions.

19           127. As a proximate result of the foregoing wrongful acts and/or omissions,  
20 Ruben Guzman sustained injuries and damages, all of which resulted in his death.  
21 Plaintiff ESTATE OF RUBEN GUZMAN is therefore entitled to general and  
22 compensatory damages in an amount to be proven at trial.

23           128. In committing the acts alleged above, Defendants DOES 1 through 10,  
24 acted maliciously and/or were guilty of a wanton and reckless disregard for the rights,  
25 safety, and emotional well-being of decedent Ruben Guzman, and by reason thereof,  
26 Plaintiff ESTATE OF RUBEN GUZMAN is entitled to punitive damages and  
27 penalties allowable under 42 U.S.C. § 1983, California Code of Civil Procedure §§  
28 377.20 *et seq*, and other state and federal law against these individual Defendants.

1           129. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice  
2 that their deficient policies, procedures, and practices alleged herein created  
3 substantial risk of serious harm to an inmate in decedent Ruben Guzman’s position.

4           130. Each Defendant could have taken action to prevent unnecessary harm to  
5 decedent Ruben Guzman but refused or failed to do so.

6           131. By policy, procedure, and practice, Defendants COUNTY, RCSD and  
7 DOES 1 through 10 deliberately disregarded the hazards and risks posed to persons  
8 incarcerated at the JBDC, as alleged above. Defendants failed to take any reasonable  
9 steps to mitigate the obvious and well-known risks of harm that was attendant to  
10 housing decedent Ruben Guzman at JBDC.

11           132. Defendants including SHERIFF BIANCO, EDWARD DELGADO,  
12 JAMES KRACHMER, MARTIN TOCHTROP and DOES 8 through 10 also knew  
13 that deputies routinely failed to conduct required welfare and safety checks at the  
14 COUNTY Jails, including JBDC, and failed to take sufficient actions to correct this  
15 problem and ensure that necessary checks were performed.

16           133. Defendant SHERIFF BIANCO failed to take corrective action,  
17 discipline, or remove the command staff at the COUNTY Jails, including JBDC,  
18 who, upon information and belief, directed the deputies to falsify safety check logs  
19 and violate the COUNTY’s safety check policies. Defendant SHERIFF BIANCO  
20 ratified their actions, and the practices used under his watch.

21           134. Defendants COUNTY, RCSD and DOES 1 through 10 were on notice  
22 that their policies, procedures, and practices for monitoring inmates at the COUNTY  
23 Jails, including JBDC, were inadequate and gave rise to a substantial risk of serious  
24 harm.

25           135. Defendants including SHERIFF BIANCO, EDWARD DELGADO,  
26 JAMES KRACHMER, MARTIN TOCHTROP and DOES 8 through 10 failed to  
27 properly train and supervise RCSD custody and medical staff regarding policies,  
28

1 procedures, and practices necessary for the protection of inmates from risks and  
2 hazards existing within the COUNTY Jails, including JBDC.

3 136. Defendants including SHERIFF BIANCO, EDWARD DELGADO,  
4 JAMES KRACHMER, MARTIN TOCHTROP and DOES 8 through 10's failure to  
5 correct their policies, procedures, and practices despite notice of significant and  
6 dangerous problems evidences deliberate indifference to the inmates in their care.

7 137. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
8 KRACHMER, MARTIN TOCHTROP and DOES 8 through 10 ratified Defendants  
9 DOES's actions and inactions amounting to constitutional violations.

10 138. Defendants DOES 1 through 10's failure to conduct the required safety  
11 check of decedent Ruben Guzman's holding unit on the date of his death evidences  
12 deliberate indifference to the risk of harm to decedent Ruben Guzman.

13 139. Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
14 KRACHMER, MARTIN TOCHTROP and DOES 8 through 10 ratified Defendants  
15 DOES's failure to conduct safety checks and falsification of logs.

16 140. As a direct and proximate result of Defendants' conduct, the civil rights  
17 of Ruben Guzman, as protected by the Fourteenth Amendment of the United States  
18 Constitution were violated. Further, decedent Ruben Guzman experienced physical  
19 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
20 other damages alleged herein.

21 141. Defendants subjected decedent Ruben Guzman to their wrongful  
22 conduct, depriving decedent Ruben Guzman of rights described herein, knowingly,  
23 maliciously, and with conscious and reckless disregard for whether the rights and  
24 safety of decedent Ruben Guzman and others would be violated by their acts and/or  
25 omissions.

26 142. As a direct and proximate result of Defendants' acts and/or omissions as  
27 set forth above, decedent Ruben Guzman, through Plaintiffs herein, sustained injuries  
28 and damages.

1 143. The conduct of Defendants entitles Plaintiff to punitive damages and  
2 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not  
3 seek punitive damages against Defendants COUNTY.

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

6 **IX.**

7 **SECOND CAUSE OF ACTION**

8 **Failure to Provide Medical Care,**

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

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

11 **By Plaintiff ESTATE OF RUBEN GUZMAN As Against DOES 1 through 10**

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

14 146. By the actions and omissions described above, Defendants DOES 1  
15 through 10, as alleged herein, violated 42 U.S.C. § 1983, depriving decedent Ruben  
16 Guzman through Plaintiffs herein, of the following clearly established and well-  
17 settled constitutional rights protected by the Fourth and Fourteenth Amendments to  
18 the United States Constitution: Decedent’s right to be free from deliberate  
19 indifference to Ruben Guzman’s serious medical needs while in custody as a pretrial  
20 detainee as secured by the Fourth and/or Fourteenth Amendments.

21 147. By the actions and omissions described above, Defendants DOES 1  
22 through 10, as alleged herein, including but not limited to their failure to provide  
23 decedent Ruben Guzman with appropriate emergency medical care, along with the  
24 acts and/or omissions of Defendants in failing to train, supervise, and/or promulgate  
25 appropriate policies and procedures to provide emergency medical care and life  
26 saving care to persons in their custody, constituted deliberate indifference to Ruben  
27 Guzman’s serious medical needs, health, and safety.

28

1 148. As a direct and proximate result of Defendants’ conduct, the civil rights  
2 of Ruben Guzman, as protected by the Fourteenth Amendment of the United States  
3 Constitution were violated. Further, decedent Ruben Guzman experienced physical  
4 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
5 other damages alleged herein.

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

10 150. As a direct and proximate result of Defendants’ acts and/or omissions as  
11 set forth above, Decedent, through Plaintiff herein, sustained injuries and damages.

12 151. The conduct of Defendants entitles Plaintiff to punitive damages and  
13 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not  
14 seek punitive damages against Defendants COUNTY.

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

17 **X.**

18 **THIRD CAUSE OF ACTION**

19 **Deprivation of the Right to Familial Relationship with Decedent,**  
20 **Violation of the Fourteenth Amendment to the United States Constitution**  
21 **(42 U.S.C. § 1983)**

22 **By Plaintiff Ruben Guzman Sr.**

23 **As Against DOES 1 through 10**

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

26 154. The aforementioned acts and/or omissions of Defendants DOES 1  
27 through 10 in being deliberately indifferent to decedent Ruben Guzman’s protection,  
28 safety, and serious medical needs, violating decedent Ruben Guzman’s constitutional

1 rights, and their failure to train, supervise, and/or take other appropriate measures to  
2 prevent the acts and/or omissions that caused the untimely and wrongful death of  
3 Ruben Guzman deprived Plaintiff RUBEN GUZMAN, SR. of his liberty interests in  
4 the parent-child relationship in violation of his substantive due process rights as  
5 defined by the Fourteenth Amendments of the Constitution.

6 155. All of the acts of Defendants DOES 1 through 10 and the persons  
7 involved were done under color of state law.

8 156. The acts and omissions of each Defendant deprived Plaintiff RUBEN  
9 GUZMAN, SR. of rights, privileges, and immunities secured by the Constitution and  
10 laws of the United States, including but not limited to the Fourteenth Amendment by,  
11 among other things, depriving Plaintiff of his rights to a parent-child relationship with  
12 decedent Ruben Guzman without due process of law by their deliberate indifference  
13 in denying Ruben Guzman protection and safety while incarcerated at JBDC and  
14 access to medical care while suffering a medical emergency at JBDC.

15 157. Defendants DOES 1 through 10 and the other involved agents and  
16 employees acted pursuant to expressly adopted official policies or longstanding  
17 practices or customs of the COUNTY and RCSD. These include policies and  
18 longstanding practices or customs of failing to provide persons in pretrial custody  
19 who are experiencing medical emergencies access to medical care as stated above and  
20 incorporated herein.

21 158. In addition, the training policies of the COUNTY and RCSD were not  
22 adequate to train its deputies, agents and employees to handle the usual and recurring  
23 situations with which they must deal with, including but not limited to encounters  
24 with individuals in pretrial custody who are experiencing medical emergencies. These  
25 Defendants and each of them knew that its failure to adequately train its COUNTY  
26 Jails custody and medical staff, including other agents and employees, to interact with  
27 individuals suffering from medical emergencies made it highly predictable that its  
28 custody and medical staff would engage in conduct that would deprive persons such

1 as decedent Ruben Guzman and thus Plaintiff RUBEN GUZMAN, SR. of their  
2 rights. These Defendants were thus deliberately indifferent to the obvious  
3 consequences of their failure to train their deputies, agents and employees adequately.

4 159. Defendants COUNTY and RCSD's official policies and/or longstanding  
5 practices or customs, including but not limited to its training policies, caused the  
6 deprivation of the constitutional rights of Plaintiff RUBEN GUZMAN, SR. and  
7 decedent Ruben Guzman by each individual Defendant's official policies and/or  
8 longstanding practices or customs are so closely related to Ruben Guzman's injuries  
9 and death and thus the deprivation of the rights of Plaintiffs as to be the moving force  
10 causing those injuries.

11 160. Defendant SHERIFF BIANCO, a final policymaker for the COUNTY  
12 and RCSD, ratified the actions and omissions of Defendants DOES 1 through 10, all  
13 of whom were custody and medical staff at the COUNTY Jails, including JBDC, in  
14 that he had knowledge of and made a deliberate choice to approve their unlawful acts  
15 and omissions.

16 161. As a direct and proximate result of Defendants' conduct, the civil rights  
17 of Ruben Guzman, as protected by the Fourteenth Amendment of the United States  
18 Constitution were violated. Further, decedent Ruben Guzman experienced physical  
19 pain, severe emotional distress, and mental anguish, as well as loss of his life and  
20 other damages alleged herein.

21 162. Defendants subjected Decedent to their wrongful conduct, depriving  
22 Decedent of rights described herein, knowingly, maliciously, and with conscious and  
23 reckless disregard for whether the rights and safety of Decedent and others would be  
24 violated by their acts and/or omissions.

25 163. As a direct and proximate result of Defendants' acts and/or omissions as  
26 set forth above, Plaintiffs sustained injuries and damages.

27  
28

1 164. The conduct of Defendants entitles Plaintiffs to punitive damages and  
2 penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiffs do not  
3 seek punitive damages against Defendants COUNTY.

4 165. Plaintiffs are also entitled to reasonable costs and attorneys’ fees under  
5 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

6 **XI.**

7 **FOURTH CAUSE OF ACTION**

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

9 **(*Monell* - 42 U.S.C. § 1983)**

10 **By Plaintiff ESTATE OF RUBEN GUZMAN As Against Defendants COUNTY**  
11 **OF RIVERSIDE and RIVERSIDE COUNTY SHERIFF’S DEPARTMENT**

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

14 167. The unconstitutional actions and/or omissions of Defendants DOES 1  
15 through 10, as well as other employees or officers employed by or acting on behalf of  
16 the Defendants COUNTY and RCSD, on information and belief, were pursuant to the  
17 following customs, policies, practices, and/or procedures of Defendants COUNTY  
18 and RCSD, stated in the alternative, which were directed, encouraged, allowed,  
19 and/or ratified by policymaking officers for Defendant COUNTY and RCSD:

- 20 a. Selecting, retaining and assigning deputies to their jails who exhibit
- 21 deliberate indifference and reckless disregard for the safety, security and
- 22 constitutional and statutory rights of detainees, arrestees and inmates
- 23 who exhibit vulnerabilities due to their status;
- 24 b. Subjecting persons in their jails to violence perpetrated by other
- 25 detainees, arrestees or inmates;
- 26 c. Failing to take adequate security measures to protect detainees, arrestees
- 27 and inmates from unnecessary harm, including but not limited to, the
- 28 following:



- 1           i.       separation of detainees and arrestees from potentially violent or
- 2                   dangerous inmates;
- 3           ii.       use of security cameras to monitor violence within jail cells;
- 4           iii.       training deputies to monitor detainees and inmates and
- 5                   immediately respond to acts of violence or threats of violence;
- 6       d.       Failing to properly classify, house, and monitor vulnerable detainees,
- 7                   arrestees and inmates;
- 8       e.       Failing to properly classify, house, and monitor violent detainees,
- 9                   arrestees and inmates;
- 10       f.       To allow and encourage deputies doing regular cell checks on inmates,
- 11                   including in safety cells, to fail to document their actual observations of
- 12                   the inmate's condition and status, in violation of the COUNTY OF
- 13                   RIVERSIDE and RCSD's written policies and state law;
- 14       g.       Ratifying wrongful conduct by RCSD custody personnel and CHC
- 15                   medical personnel which result in serious injuries and death to inmates
- 16                   in RCSD custody, civil litigation judgments and settlements by failing to
- 17                   implement corrective action to prevent repetition of the wrongful
- 18                   conduct;
- 19       h.       Failing to discipline, investigate and take corrective actions against
- 20                   RCSD custody personnel and CHC medical personnel, including, but not
- 21                   limited to, showing grave deliberate indifference to the protection and
- 22                   safety of vulnerable inmates;
- 23       i.       Employing and retraining RCSD custodial and medical/mental health
- 24                   staff who knew or reasonably should have known had dangerous
- 25                   propensities for abusing their authority and for mistreating inmates and
- 26                   being deliberately indifference to the rights of inmates;
- 27       j.       To deny pretrial detainees and other inmates access to timely,
- 28                   appropriate, competent, and necessary care for serious medical needs,

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

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

26           168. The unconstitutional actions and/or omissions of Defendants DOES 1  
27 through 10, as well as other officers employed by or acting on behalf of the  
28 COUNTY and RCSD, on information and belief, were pursuant to the following

1 customs, policies, practices, and/or procedures of the COUNTY and the RCSD,  
2 stated in the alternative, which were directed, encouraged, allowed, and/or ratified by  
3 policymaking officers for the COUNTY and RCSD, including SHERIFF BIANCO,  
4 EDWARD DELGADO, JAMES KRACHMER and MARTIN TOCHTROP:

- 5 a. To fail to properly and adequately hire, train, supervise, and monitor  
6 custodial and medical personnel at the jails;
- 7 b. To fail to use appropriate and generally accepted law enforcement  
8 procedures for handling persons in medical crisis;
- 9 c. To fail to institute, require, and enforce proper and adequate training,  
10 supervision, policies, and procedures concerning handling persons in  
11 medical crisis;
- 12 d. To cover up violations of constitutional rights by any or all of the  
13 following:
  - 14 i. By failing to properly investigate and/or evaluate complaints or  
15 incidents of handling of persons in medical crisis;
  - 16 ii. By ignoring and/or failing to properly and adequately investigate  
17 and/or discipline unconstitutional or unlawful law enforcement  
18 activity; and
  - 19 iii. By allowing, tolerating, and/or encouraging law enforcement  
20 officers to: fail to file complete and accurate reports; file false  
21 reports; make false statements; intimidate, bias and/or “coach”  
22 witnesses to give false information and/or to attempt to bolster  
23 officers’ stories; and/or obstruct or interfere with investigations of  
24 unconstitutional or unlawful law enforcement conduct by  
25 withholding and/or concealing material information;
- 26 e. To allow, tolerate, and/or encourage a “code of silence” among law  
27 enforcement officers whereby an officer does not provide adverse  
28 information against a fellow law enforcement officer;

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

11 169. Defendants COUNTY and RCSD, through their employees and agents,  
12 and through their policy-making supervisors, SHERIFF BIANCO, EDWARD  
13 DELGADO, JAMES KRACHMER, MARTIN TOCHTROP and DOES 8 through  
14 10, failed to properly hire, train, instruct, monitor, supervise, evaluate, investigate,  
15 and discipline Defendants DOES 1 through 10, and other COUNTY and RCSD  
16 personnel, with deliberate indifference to the constitutional rights of decedent Ruben  
17 Guzman, Plaintiffs and others in similar positions, as described above, and therefore,  
18 those rights thereby violated.

19 170. The unconstitutional actions and/or omissions of Defendants DOES 1  
20 through 10, and other RCSD custody and medical staff, as described above, were  
21 approved, tolerated, and/or ratified by policymaking officers for the COUNTY and  
22 RCSD, including Defendants SHERIFF BIANCO, EDWARD DELGADO, JAMES  
23 KRACHMER, MARTIN TOCHTROP and DOES 8 through 10. Plaintiff is informed  
24 and believes and thereon alleges that the details of this incident have been revealed to  
25 the authorized policymakers within the COUNTY and RCSD, and that such  
26 policymakers have direct knowledge of the fact that the death of Ruben Guzman was  
27 the result of deliberate indifference to his rights to be protected and safe while in the  
28 custody of the COUNTY/RCSD, and his rights to have access to medical care when

1 suffering a medical emergency. Notwithstanding this knowledge, the authorized  
2 policymakers within the COUNTY and RCSD have approved of the conduct and  
3 decisions of Defendants DOES 1 through 10 in this matter and have made a  
4 deliberate choice to endorse such conduct and decisions, and the basis for them, that  
5 resulted in the death of Ruben Guzman. By so doing, the authorized policymakers  
6 within the COUNTY and RCSD have shown affirmative agreement with the  
7 individual Defendants' actions and have ratified the unconstitutional acts of the  
8 individual Defendants. Furthermore, Plaintiffs are informed and believe, and  
9 thereupon allege, that Defendants SHERIFF BIANCO, EDWARD DELGADO,  
10 JAMES KRACHMER, MARTIN TOCHTROP and DOES 8 through 10, and other  
11 policy-making officers for the COUNTY and RCSD were and are aware of a pattern  
12 of misconduct and injury caused by COUNTY Jails custody and medical staff similar  
13 to the conduct of Defendants described herein, but failed to discipline culpable  
14 custody and medical staff and failed to institute new procedures and policy within the  
15 COUNTY and RCSD.

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

27 172. On information and belief, the COUNTY Jails, including JBDC, were  
28 overcrowded at the time decedent Ruben Guzman was brutally beaten, which

1 contributed to the pressure to place Ruben Guzman in a holding cell where unknown  
2 inmates and custody staff could prey on him. Plaintiffs allege, on information and  
3 belief, that conditions resulting from overcrowding at the COUNTY Jails caused or  
4 contributed to the death of Ruben Guzman. Overcrowding in the COUNTY Jails has  
5 led to the negligent, improper, and unconstitutional housing of inmates in RCSD  
6 custody, including JBDC, and including Ruben Guzman.

7 173. On information and belief, the COUNTY Jails, including JBDC, were  
8 understaffed at the time decedent Ruben Guzman was brutally beaten, which  
9 contributed to RCSD custody personnel not properly and timely conducting proper  
10 welfare checks, not properly supervising and monitoring inmates, and not properly  
11 monitoring surveillance cameras installed to keep watch of the overcrowded JBDC  
12 facility. Plaintiffs allege, on information and belief, that conditions resulting from this  
13 understaffing at the COUNTY Jails caused or contributed to the death of Ruben  
14 Guzman. Understaffing in the COUNTY Jails has led to the negligent, improper, and  
15 unconstitutional supervision of inmates in RCSD custody, including JBDC, and  
16 including Ruben Guzman.

17 174. Defendants DOES 1 through 10 failed to ensure that decedent Ruben  
18 Guzman was properly and appropriately assessed and classified prior to placing him  
19 in a holding cell.

20 175. The Defendants' actions and omissions and the classification and  
21 housing of decedent Ruben Guzman was contrary to generally accepted custodial  
22 classification and housing practices, causing the brutal assault and asphyxiation of  
23 Ruben Guzman resulting in his death.

24 176. Defendants DOES 1 through 10, each individually knew or reasonably  
25 should have known that his subordinates were violating clearly established law and/or  
26 RCSD policy and/or were acting negligently pertaining to the classification and  
27 housing of inmates by, inter alia, being deliberately indifferent to the record of past  
28 conduct of inmates before celling them with other inmates, being deliberately

1 indifferent to the mental health status of inmates before celling them with other  
2 inmates, being deliberately indifferent to the fact that an inmate has been designated a  
3 single-cell inmate, and/or being deliberately indifferent to threats and statements  
4 made by inmates before celling them with the risk of exposure to other inmates, being  
5 deliberately indifferent to inmates' status as dropouts from prison gangs, being  
6 deliberately indifferent to inmates' status, and knew, should have known, or had  
7 reason to know that their conduct would deprive decedent Ruben Guzman of his  
8 constitutional rights to, inter alia, life and liberty, and each defendant failed to act to  
9 prevent his subordinate from engaging in such conduct.

10 177. As a direct and proximate result of the unconstitutional actions,  
11 omissions, customs, policies, practices, and procedures of Defendants COUNTY and  
12 RCSD, as described above, decedent Ruben Guzman suffered serious injuries and  
13 death, Plaintiff is entitled to damages, penalties, costs, and attorneys' fees against  
14 Defendants COUNTY and RCSD.

15 **XII.**

16 **FIFTH CAUSE OF ACTION**

17 **Supervisory Liability Causing Constitutional Violations,**

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

19 **By Plaintiff ESTATE OF RUBEN GUZMAN As Against Defendants SHERIFF**

20 **CHAD BIANCO, EDWARD DELGADO, JAMES KRACHMER, MARTIN**

21 **TOCHTROP and DOES 7 through 10**

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

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



1           180. Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
2 TOCHTROP and DOES 8 through 10 failed to properly hire, train, instruct, monitor,  
3 supervise, evaluate, investigate, and discipline the respective employees of their  
4 agencies, including Defendants DOES 1 through 10, and other COUNTY and RCSD  
5 personnel, with deliberate indifference to Plaintiffs', decedent Ruben Guzman's, and  
6 others' constitutional rights, which were thereby violated as described above.

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

25           182. The unconstitutional customs, policies, practices, and/or procedures of  
26 Defendants COUNTY and RCSD, as stated herein, were directed, encouraged,  
27 allowed, and/or ratified by policymaking officers for Defendants COUNTY and  
28 RCSD, including Defendants SHERIFF BIANCO, DELGADO, KRACHMER,

1 TOCHTROP and DOES 8 through 10, respectively, with deliberate indifference to  
2 Plaintiff's, decedent Ruben Guzman's, and others' constitutional rights, which were  
3 thereby violated as described above.

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

1 officers and employees and failed to institute new procedures and policy within the  
2 COUNTY and RCSD.

3 184. The aforementioned customs, policies, practices, and procedures; the  
4 failures to properly and adequately hire, train, instruct, monitor, supervise, evaluate,  
5 investigate, and discipline; and the unconstitutional orders, approvals, ratification,  
6 and toleration of wrongful conduct of Defendants SHERIFF BIANCO, DELGADO,  
7 KRACHMER, TOCHTROP and DOES 8 through 10 were a moving force and/or a  
8 proximate cause of the deprivations of decedent Ruben Guzman’s clearly established  
9 and well-settled constitutional rights in violation of 42 U.S.C. § 1983, as more fully  
10 set forth above.

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

16 186. As a direct and proximate result of the unconstitutional actions,  
17 omissions, customs, policies, practices, and procedures of Defendants SHERIFF  
18 BIANCO, DELGADO, KRACHMER, TOCHTROP and DOES 8 through 10 as  
19 described above, Plaintiff sustained serious and permanent injuries and is entitled to  
20 damages, penalties, costs, and attorneys’ fees.

21 **XIII.**

22 **SIXTH CAUSE OF ACTION**

23 **Negligence – Wrongful Death**

24 **Plaintiff RUBEN GUZMAN, SR. As Against All Defendants**

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

27  
28

1           188. At all times, Defendants DOES 1 through 10 owed Plaintiff and  
2 decedent Ruben Guzman the duty to act with due care in the execution and  
3 enforcement of any right, law, or legal obligation.

4           189. At all times, these Defendants owed Plaintiff and decedent Ruben  
5 Guzman the duty to act with reasonable care.

6           190. These general duties of reasonable care and due care owed to Plaintiff  
7 and decedent Ruben Guzman by these Defendants include but are not limited to the  
8 following specific obligations:

- 9           a. To provide safe and appropriate RCSD custody at JBDC for decedent  
10 Ruben Guzman, including reasonable classification, monitoring, and  
11 housing, and ensuring proper cell checks, supervision, and monitoring;
- 12           b. To obey federal law, Supreme Court and Ninth Circuit precedent, and  
13 Court Orders for the care and safety of inmates, such as decedent Ruben  
14 Guzman;
- 15           c. To use generally accepted prison, custodial, institutional, law  
16 enforcement, and other inmate-safety-ensuring procedures that are  
17 reasonable and appropriate for decedent Ruben Guzman’s status;
- 18           d. To summon, or transport Decedent to, necessary and appropriate  
19 emergency medical care;
- 20           e. To refrain from unreasonably creating danger or increasing Decedent’s  
21 risk of harm;
- 22           f. To use generally accepted law enforcement procedures and tactics that  
23 are reasonable and appropriate for Decedent’s status as a person in  
24 medical crisis with serious medical needs;
- 25           g. To conduct state mandated safety and welfare checks of inmates in the  
26 custody of the COUNTY Jails;
- 27           h. To refrain from abusing their authority granted them by law; and  
28

1           i. To refrain from violating Plaintiff’s and Decedent’s rights as guaranteed  
2           by the United States and California Constitutions, as set forth above, and  
3           as otherwise protected by law.

4           191. By the acts and omissions set forth more fully in the paragraphs above,  
5 Defendants acted negligently and breached their duty of due care owed to decedent  
6 Ruben Guzman, which foreseeably resulted in the death of Ruben Guzman.

7           192. Defendants, through their acts and omissions, breached the  
8 aforementioned duties owed to decedent Ruben Guzman, and such breach  
9 proximately led to the brutal and violent beating and killing of Ruben Guzman.  
10 Among other reasons, those who asphyxiated and attacked Ruben Guzman clearly  
11 were afforded ample opportunity by Defendants 1 through 5 to commit the violent  
12 attack because, as is set forth infra, decedent Ruben Guzman was found unresponsive  
13 in the holding cell after a substantial amount of time had lapsed since the violent  
14 attack and despite obvious signs that Ruben Guzman was being beaten, assaulted and  
15 asphyxiated in his cell for an appreciable amount of time. Additionally, Ruben  
16 Guzman was acutely aware of the violence that could and eventually would be  
17 undone onto him, expressing, upon information and belief, grave concern for his  
18 safety to the point of efforts to get himself moved to a safe location.

19           193. On information and belief, Defendants DOES 1 through 10, all of which  
20 were custodial and mental health staff at the COUNTY Jails, and specifically the  
21 JBDC, acted with deliberate indifference and/or negligence by failing to properly  
22 supervise decedent Ruben Guzman, failing to prevent decedent Ruben Guzman from  
23 being attacked by others, and failing to conduct proper and timely cell checks.

24           194. Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
25 TOCHTROP and DOES 8 through 10 had a duty to hire, supervise, train, and retain  
26 employees and/or agents so that employees and/or agents refrained from the conduct  
27 and/or omissions alleged herein.

28

1 195. Defendants SHERIFF BIANCO, DELGADO, KRACHMER,  
2 TOCHTROP and DOES 8 through 10 breached this duty, causing the conduct alleged  
3 herein. Such breach constituted negligent hiring, supervision, training, and retention  
4 under the laws of the State of California.

5 196. As a direct and proximate result of the failure of Defendants SHERIFF  
6 BIANCO, DELGADO, KRACHMER, TOCHTROP and DOES 8 through 10 to carry  
7 out their duty to hire, supervise, train, and retain employees and/or agents so that  
8 employees and/or agents refrained from the conduct and/or omissions alleged herein,  
9 Plaintiffs suffered injuries and damages as alleged herein.

10 197. Defendants DOES 1 through 10, through their acts and omissions,  
11 breached each and every one of the aforementioned duties owed to Plaintiffs and  
12 decedent Ruben Guzman.

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

16 199. As a direct and proximate result of these Defendants’ negligence,  
17 Plaintiffs and decedent Ruben Guzman sustained injuries and damages, and against  
18 each and every Defendant named in this cause of action in their individual capacities  
19 are entitled to relief, including punitive damages against such individual Defendants.

20 **XIV.**

21 **SEVENTH CAUSE OF ACTION**

22 **Negligence – Medical Malpractice**

23 **Plaintiff ESTATE OF RUBEN GUZMAN As Against All Defendants**

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

26 201. Decedent Ruben Guzman was under the care and treatment of  
27 Defendants DOES 1 through 10, all of whom were COUNTY medical staff assigned  
28 to the COUNTY Jails, including JBDC, who were required to examine, treat,

1 monitor, prescribe for and care for him and to provide him with medical attention  
2 when Ruben Guzman suffered a medical emergency. These Defendants, acting within  
3 the scope and course of their employment with Defendants COUNTY and RCSD,  
4 negligently, carelessly and unskillfully cared for, attended, handled, controlled; failed  
5 to monitor and follow-up; abandoned; failed to classify, failed to appropriately  
6 diagnose and/or refer decedent Ruben Guzman to specialist medical care providers;  
7 negligently failed to provide physician care; and negligently, carelessly and  
8 unskillfully failed to possess and exercise that degree of skill and knowledge  
9 ordinarily possessed and exercised by others in the same profession and in the same  
10 locality as Defendants for the benefit of their patient and dependent pre-trial detainee  
11 Ruben Guzman.

12         202. Defendant supervisors and each of them failed to supervise, train and  
13 monitor their subordinates, to maintain proper supervision, classification and staffing,  
14 to timely provide decedent Ruben Guzman emergency medical care, failed to provide  
15 adequate and competent staffing, and to ensure the care and treatment ordered for  
16 decedent Ruben Guzman was provided.

17         203. As a direct and legal result of the aforesaid negligence and carelessness  
18 of Defendants' actions and omissions, Plaintiff sustained injuries and damages, and  
19 against these Defendants, and each of them, are entitled to compensatory damages  
20 and as applicable to this claim for Medical Negligence, to be proven at time of trial.

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

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**XV.**

**EIGHTH CAUSE OF ACTION**

**Violation of California Government Code § 845.6**

**Plaintiff ESTATE OF RUBEN GUZMAN As Against All Defendants**

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

206. Defendants DOES 1 through 10 was in need of immediate medical care and treatment, and each failed to take reasonable action to summon immediate medical care and treatment. Each such individual defendant, employed by and acting within the course and scope of his/her employment with Defendants COUNTY and RCSD, knowing and/or having reason to know of decedent Ruben Guzman’s need for immediate medical care and treatment, failed to take reasonable action to summon such care and treatment in violation of California Government Code § 845.6.

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

208. As a direct and proximate result of the aforementioned acts of these Defendants, decedent Ruben Guzman was injured as set forth above, and their losses entitle Plaintiff to all damages allowable under California law. Plaintiff sustained serious and permanent injuries and is entitled to damages, penalties, costs, and attorney fees under California law, including punitive damages against these individual Defendants.

**XVI.**

**NINTH CAUSE OF ACTION**

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

**Plaintiff ESTATE OF RUBEN GUZMAN As Against All Defendants**

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



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

3           211. By their acts, omissions, customs, and policies, Defendants, each acting  
4 in concert/conspiracy, as described above, while decedent Ruben Guzman was in  
5 custody, and by threat, intimidation, and/or coercion, interfered with, attempted to  
6 interfere with, and violated Ruben Guzman’s rights under California Civil Code §  
7 52.1 and under the United States Constitution and California Constitution as follows:

- 8           a. The right to be free from objectively unreasonable treatment and  
9 deliberate indifference to Decedent’s serious medical needs while in  
10 custody as a pretrial detainee as secured by the Fourth and/or Fourteenth  
11 Amendments to the United States Constitution and by California  
12 Constitution, Article 1, §§ 7 and 13;
- 13           b. The right for the familial association to be free from government  
14 interference as secured by the Fourteenth Amendments to the United  
15 States Constitution;
- 16           c. The right to enjoy and defend life and liberty; acquire, possess, and  
17 protect property; and pursue and obtain safety, happiness, and privacy,  
18 as secured by the California Constitution, Article 1, § 1; and
- 19           d. The right to emergency medical care as required by California  
20 Government Code §845.6.

21           212. Defendants’ violations of decedent Ruben Guzman’s due process rights  
22 with deliberate indifference, in and of themselves constitute violations of the Bane  
23 Act.<sup>26</sup> Alternatively, separate from, and above and beyond, Defendants’ attempted  
24 interference, interference with, and violation of Ruben Guzman’s rights as described

---

25 <sup>26</sup> See *Atayde v. Napa State Hosp.*, No. 1:16-cv-00398-DAD-SAB, 2016 U.S. Dist. LEXIS 126639,  
26 at \*23 (E.D. Cal. Sept. 16, 2016) (citing *M.H. v. Cty. of Alameda*, 90 F. Supp. 3d 889, 899 (N.D.  
27 Cal. 2013); see also, *Cornell v. City and County of San Francisco*, Nos. A141016, A142147, 2017  
28 Cal. App. LEXIS 1011 at \*58, f.n. 32 (Cal. Ct. App. Nov. 16, 2017) (approving *M.H.*, supra.);  
*Reese v. County of Sacramento*, 888 F.3d 1030, 1043-44 (9th Cir. 2018) (following *Cornell*);  
*Rodriguez v. County of L.A.*, 891 F.3d 776, 799, 802 (9th Cir. 2018) (following *Cornell*).

1 above, Defendants violated Ruben Guzman’s rights by the following conduct  
2 constituting threat, intimidation, or coercion:

- 3 a. Intentionally and/or with deliberate indifference, failing to protect  
4 decedent Ruben Guzman from violence, when it was also obvious that in  
5 doing so, Ruben Guzman’s safety could be severely jeopardized as a  
6 violent attack which would kill him was foreseeable given him status as  
7 a high-risk inmate, and Plaintiff’s rights would also be violated;
- 8 b. Intentionally and/or with deliberate indifference, failing to provide  
9 appropriate housing, thereby subjecting decedent Ruben Guzman to  
10 needless and severe suffering, and exposing Ruben Guzman to violence,  
11 when it was also obvious that in doing so, Ruben Guzman would be  
12 victimized/assaulted/killed, and Plaintiff’s rights would also be violated;
- 13 c. Failing to protect decedent Ruben Guzman from physical harm or from  
14 being set up or violently attacked, despite the fact that Ruben Guzman  
15 had expressed fear for his own safety given his vulnerable physical state  
16 and status;
- 17 d. With deliberate indifference to Decedent’s serious medical needs,  
18 suffering, and risk of grave harm including death, depriving Decedent of  
19 necessary, life-saving care for his medical needs;
- 20 e. With deliberate indifference to violent and predatory inmates that posed  
21 a risk to pretrial detainees, such as Decedent;
- 22 f. Subjecting Decedent to ongoing violations of his rights to prompt care  
23 for his serious medical needs over days, causing immense and needless  
24 suffering, intimidation, coercion, and threats to his life and well-being;
- 25 g. Deliberately contracting for and causing the provision of inadequate and  
26 incompetent medical health care to Riverside County jail detainees and  
27 inmates;
- 28

- 1 h. Requiring medical staff to work outside their scope of practice, and
- 2 conduct assessments, triage, and make medical and housing decisions for
- 3 patients, including Decedent, they are not competent to make; and
- 4 i. Instituting and maintaining the unconstitutional customs, policies, and
- 5 practices described herein, when it was obvious that in doing so,
- 6 individuals such as Decedent would be subjected to violence, threat,
- 7 intimidation, coercion, and ongoing violations of rights as Decedent was
- 8 here.

9 213. The threat, intimidation, and coercion described herein were not  
10 necessary or inherent to Defendants’ violation of decedent Ruben Guzman’s rights, or  
11 to any legitimate and lawful jail or law enforcement activity.

12 214. Further, all of Defendants’ violations of duties and rights, and coercive  
13 conduct, described herein were volitional acts; none was accidental or merely  
14 negligent.

15 215. Further, each Defendant violated decedent Ruben Guzman’s rights  
16 reckless disregard and with the specific intent and purpose to deprive him of his  
17 enjoyment of those rights and of the interests protected by those rights.

18 216. Defendant COUNTY is vicariously liable for the violations of state law  
19 and conduct of their officers, deputies, employees, and agents, including individual  
20 named defendants, under California Government Code § 815.2.

21 217. As a direct and proximate result of Defendants’ violation of California  
22 Civil Code § 52.1 and of decedent Ruben Guzman’s rights under the United States  
23 and California Constitutions, Plaintiff sustained injuries and damages, and against  
24 each and every Defendant is entitled to relief, including punitive damages against all  
25 individual Defendants, and all damages allowed by California Civil Code §§ 52 and  
26 52.1 and California law, not limited to costs attorneys’ fees, and civil penalties.

27 ///

28 ///

1 **XVII.**

2 **TENTH CAUSE OF ACTION**

3 **Intentional Infliction of Emotional Distress**

4 **Plaintiff RUBEN GUZMAN, SR. As Against Defendant SHERIFF CHAD**  
5 **BIANCO**

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

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

13 220. Within fourteen hours of article being posted on Facebook, SHERIFF  
14 BIANCO went on to publicly shame and harass the families, including Plaintiffs, and  
15 their deceased loved ones, posing the following offensive rhetorical questions to the  
16 Facebook community and calling the Matus family attorney, Christian Contreras, a  
17 “bad” person:

- 18 a. Did they demand that their family members not commit suicide or  
19 consume drugs while they were in custody?  
20 b. Did they ever demand that their family members not commit crimes in  
21 the first place?  
22 c. Did their parents ever demand they take responsibility for their own  
23 actions?  
24 d. Do they ever think they played a huge part in the situation they find  
25 themselves in, other than the personal actions of their deceased loved  
26 one?

27 221. Defendant SHERIFF BIANCO posted these comments on the public  
28 form with the intent to harass and cause Plaintiff Ruben Guzman Sr. mental anguish

1 and turmoil. He knew that given the public forum nature of the Facebook post that  
2 the family of Ruben Guzman, including the present Plaintiff, would read said  
3 harassing and offensive comments and that his actions would cause them great  
4 mental/psychological pain and anguish. Notwithstanding, SHERIFF BIANCO  
5 deliberately engaged in this harassing and confrontational behavior.

6 222. It was his intention to cause them great mental/psychological pain and  
7 anguish, and he did so through these actions.

8 223. Plaintiff Ruben Guzman seeks compensatory damages incurred as a  
9 proximate result of Defendant SHERIFF BIANCO's deliberate and intentional  
10 misconduct. Plaintiffs have suffered great emotional harm and will continue to suffer  
11 such harm in the future as a direct and proximate result of the aforementioned acts or  
12 omissions by Defendant SHERIFF BIANCO.

13 224. The acts or omissions of Defendant SHERIFF CHAD BIANCO, as  
14 alleged above were willful, wanton, malicious, oppressive, and outrageous, and  
15 justify the awarding of exemplary and punitive damages against him.

16 225. Defendant COUNTY is vicariously liable for the violations of state law  
17 and conduct of its officers, deputies, employees, and agents, including individual  
18 named defendants, under California Government Code § 815.2.

19 226. As a direct and proximate result of these Defendant SHERIFF  
20 BIANCO's intentional conduct, Plaintiff Ruben Guzman Sr. sustained injuries and  
21 damages, and against each and every Defendant named in this cause of action in their  
22 individual capacities are entitled to relief, including punitive  
23 damages against such individual Defendants.

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**XVIII.**

**ELEVENTH CAUSE OF ACTION**

**Declaratory Relief**

**(28 U.S.C § 2201)**

**Plaintiff As Against All Defendants**

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

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

229. Plaintiffs are entitled to a legal declaration of their rights and Defendants’ obligations under the applicable laws as alleged in this Complaint.

**XIX.**

**TWELFTH CAUSE OF ACTION**

**Battery**

**Plaintiff Estate of Ruben Guzman As Against Defendant DOES 1-10**

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

231. On May 22, 2023, Defendants DOES 1-10, without cause or provocation, struck, hit, punched, kicked, asphyxiated and otherwise forcibly contacted decedent Ruben Guzman, causing him great injury which resulted in death, and constituting a battery under California law.

232. As a direct and proximate result of Defendant DOES 1-10’s battery, decedent Ruben Guzman sustained injuries and damages which resulted in his death.

///  
///  
///

**XX.**

**REQUEST FOR RELIEF**

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

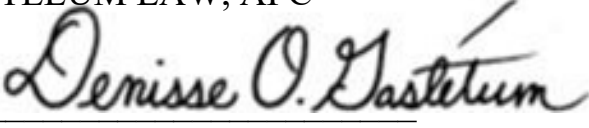
- A. Wrongful death of Ruben Guzman pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- B. Loss of support and familial relationships, including loss of love, companionship, comfort, affection, society, services, solace, and moral support, pursuant to Cal. Code of Civ. Proc. § 377.60 et. seq.;
- C. Ruben Guzman’s coroner’s fees, funeral and burial expenses, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq.;
- D. Violation of Ruben Guzman’s constitutional rights, pursuant to Cal. Code of Civ. Proc. § 377.20 et. seq. and federal civil rights law;
- E. Ruben Guzman’s loss of life, pursuant to federal civil rights law;
- F. Ruben Guzman’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
- M. All other damages, penalties, costs, interest, and attorneys’ fees as allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Procedure §§ 377.20 et seq., 377.60 et seq., and 1021.5; California Civil Code §§ 52 et seq., 52.1; and as otherwise may be allowed by California and/or federal law.

Dated: June 7, 2024

GASTÉLUM LAW, APC

By: 

Denisse O. Gastelum, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF RUBEN GUZMAN, by and through  
successor in interest, Ruben Guzman Sr.; RUBEN  
GUZMAN, SR., individually

Dated: June 7, 2024

**LAW OFFICES OF CHRISTIAN CONTRERAS**  
**A PROFESSIONAL LAW CORPORATION**

By: 

Christian Contreras, Esq.  
Attorneys for Plaintiffs,  
ESTATE OF RUBEN GUZMAN, by and through  
successor in interest, Ruben Guzman Sr.; RUBEN  
GUZMAN, SR., individually



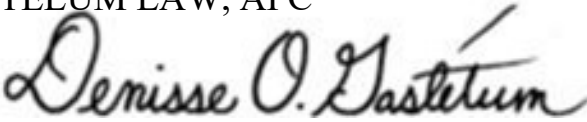
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiffs, ESTATE OF RUBEN GUZMAN, by and through successor in interest, Ruben Guzman Sr.; RUBEN GUZMAN, SR., individually; hereby make a demand for a jury trial in this action.

Dated: June 7, 2024

GASTÉLUM LAW, APC

By:   
Denisse O. Gastelum, Esq.

Attorneys for Plaintiffs,  
ESTATE OF RUBEN GUZMAN, by and through  
successor in interest, Ruben Guzman Sr.; RUBEN  
GUZMAN, SR., individually

Dated: June 7, 2024

**LAW OFFICES OF CHRISTIAN CONTRERAS  
A PROFESSIONAL LAW CORPORATION**

By:   
Christian Contreras, Esq.

Attorneys for Plaintiffs,  
ESTATE OF RUBEN GUZMAN, by and through  
successor in interest, Ruben Guzman Sr.; RUBEN  
GUZMAN, SR., individually