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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

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14 **MARQUS MARTINEZ, DANIEL BANKS,**
15 **JESUS LOPEZ, MICHAEL ROBERTS, JESSE**
16 **BRUCKLACHER, and RIGOBERTO**
CABRERA

17 Plaintiffs,

18 v.

19 **COUNTY OF SONOMA, STEVE FREITAS,**
20 **MAZEN AWAD, MICHAEL MERCHEN,**
21 **DAVID HOUSE, BRIAN GALLAWAY,**
MARIO ROBLEDO, CHAD MCMASTERS,
JASON SQUIRES, JOSEPH MEDEIROS, and
DOES 1-50, inclusive.

22 Defendants.

Case No. CV-15-04574 JD

**FIRST AMENDED CONSOLIDATED
COMPLAINT FOR DAMAGES**

(42 U.S.C. Section 1983)

JURY TRIAL DEMAND

1 INTRODUCTION

2 In compliance with this court’s order of October 18, 2016 (Document 57) the Plaintiffs
3 hereby submit a Consolidated Complaint. Since the Lopez complaint (16-cv-01573) was filed on
4 March 30, 2016 the parties have engaged in discovery. As a result the Plaintiffs have learned that
5 the events of May 28, 2015 were all conducted pursuant to an official policy, now in writing,
6 referred to as “Behavior Counseling.” (See Exhibit A attached) This policy was first
7 implemented approximately 20 years ago in the Sonoma County Jail. Until recently it was
8 referred to as “Yard Counseling.” It has remained unchanged over the past several years.

9 The policy, as implemented by Sheriff Freitas and the Sheriff’s Office, provides discretion
10 to all correctional staff to request that a sergeant authorize counseling of one or more inmates for
11 conduct such as being disrespectful or disobeying orders. Routinely sergeants grant such requests
12 and assemble a team of 4 or 5 deputies to perform the “counseling.” The counseling consists of
13 removing the inmate from his cell, in handcuffs, and escorting him to the yard. The cell removal
14 may include the use of force that may or may not be video and audio recorded. By policy each
15 yard counseling is to be videotaped.

16 Once at the yard (in this case a small cement and cinder block area approximately twenty
17 feet by twenty feet) the inmate is typically placed face down, handcuffed on a cement floor while
18 two deputies control each arm and wrist with a pain compliance hold. A third deputy is
19 responsible for control of the legs. This often involves a pain compliance hold known as a
20 “figure-four”. A fourth deputy then provides verbal “counseling” as the pain compliance holds
21 are administered. A fifth deputy is assigned to video-record the counseling session. The
22 counseling typically includes threats and verbal degradations such as “this is my house”, “you are
23 my bitch”, and “I own you.” By policy this must occur under the direction and supervision of a
24 sergeant and/or lieutenant. The sergeants and lieutenants are present to make sure the counseling
25 is done effectively and within policy.

26 This Consolidated and Amended Complaint includes allegations that are more specific in
27 two material ways: (1) the official custom and policy is plead with more specificity including a
28 written policy and (2) all non-supervisory participants in the alleged Constitutional violations

1 have been dropped as named Defendants, with the exception of Deputy Joseph Medeiros, because
2 they acted under the direct supervision and command of the lieutenants and sergeants named
3 herein as Defendants.

4 As implemented, the official policy and custom authorizes and sanctions torture as defined
5 by California Penal Code Section 206 and Title 18 United States Code Section 2340. The policy
6 as implemented further violates California Penal Code Section 673's prohibition on corporal
7 punishment of prisoners, and Title 15's regulations governing the treatment and punishment of
8 inmates in California jails and prisons.

9 **JURISDICTION & VENUE**

10 PLAINTIFFS Marqus Martinez, Daniel Banks, Jesus Lopez, Michael Roberts, Jesse
11 Brucklacher, and Rigoberto Cabrera allege as follows against defendants.

12 1. This action is brought pursuant to 42 U.S.C. § 1983 and the First, Fourth, Eighth
13 and Fourteenth Amendments to the United States Constitution. Jurisdiction is based upon 28
14 U.S.C. §§ 1331 and 1343.

15 2. The claims alleged herein arose in the County of Sonoma in the State of
16 California. Venue for this action lies in the United States District Court for the Northern
17 District of California under 28 U.S.C. §1391(b)(2).

18 **PARTIES**

19 3. Plaintiffs Marqus Martinez, Daniel Banks, Jesus Lopez, Michael Roberts, Jesse
20 Brucklacher, and Rigoberto Cabrera (hereinafter "plaintiffs") are residents of Sonoma County,
21 California.

22 4. Defendant County of Sonoma is a public entity situated in the State of California
23 and organized under the laws of the State of California.

24 5. At all relevant times, defendant Steve Freitas was the Sheriff, an elected official of
25 the County of Sonoma. Plaintiffs allege on information and belief that Sheriff Freitas is legally
26 and ethically responsible for supervising and managing the jails in Sonoma County and, in that
27 capacity, is responsible for protecting the health and safety of both inmates and staff. Sheriff
28

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1 Freitas and his sworn staff, while acting under color of law, have taken an oath to uphold the
2 Constitution of the United States.

3 6. At all relevant times, defendants Michael Merchen, David House and Mazen
4 Awad were employees of the County of Sonoma and lieutenants for the Sheriff's Office.
5 Lieutenants Michael Merchen, David House and Mazen Awad were on duty and present in a
6 command capacity during the events alleged herein that occurred on May 28, 2015. In that
7 capacity they directly authorized, supervised and participated in the Constitutional violations
8 alleged herein.

9 7. At all relevant times, defendants Brian Gallaway, Mario Robledo, Chad
10 McMasters, and Jason Squires were employees of the County of Sonoma and sergeants for the
11 Sheriff's Office. Sergeants Brian Gallaway, Mario Robledo, Chad McMasters, and Jason
12 Squires were on duty and acting in their capacity as supervising sergeants during the incident
13 alleged herein on May 28, 2015. In that capacity they directly authorized, supervised and
14 participated in the Constitutional violations alleged herein.

15 8. At all relevant times, defendant Joseph Medeiros was an employee of the County
16 of Sonoma and a deputy for the Sheriff's Office. Deputy Medeiros was on duty and acting in
17 his capacity as a correctional deputy during the incident alleged herein on May 28, 2015. In
18 that capacity Deputy Medeiros acted in concert with other Sheriff's staff to participate in the
19 egregious Constitutional violations alleged herein.

20 9. The true names and capacities, whether individual, corporate, associate or
21 otherwise, of defendants Does 1 through 50 inclusive, are unknown to the plaintiffs, who
22 therefore sue said defendants by such fictitious names. Defendants DOES 1 through 50, and
23 each of them, were responsible in some manner for the injuries and damages alleged herein.
24 Plaintiffs are informed and believe and thereupon allege that each of them is responsible for the
25 injuries and damages alleged herein.

26 10. In doing the acts and/or omissions alleged herein, the defendants, including DOES
27 1 through 50, acted in concert and/or conspired with each of said other defendants herein.
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11. At all times during the incident, the defendants acted under color of state law in the course and scope of their duties as agents and employees of the County of Sonoma.

12. Defendants’ conduct was authorized, encouraged, condoned and ratified by Sheriff Steve Freitas as the final policy maker for the County of Sonoma.

13. Plaintiff Lopez brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant David House, Lieutenant Michael Merchen, Lieutenant Mazan Awad, Sergeant Mario Robledo, Sergeant Brian Gallaway, and Sergeant Jason Squires.

14. Plaintiff Martinez brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant David House, Lieutenant Michael Merchen, Sergeant Brian Gallaway, and Sergeant Jason Squires.

15. Plaintiff Roberts brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant Michael Merchen, Lieutenant Mazan Awad, and Sergeant Jason Squires.

16. Plaintiff Brucklacher brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant David House, Lieutenant Michael Merchen, Sergeant Jason Squires, Sergeant Brian Gallaway, Sergeant Chad McMasters, and Deputy Joseph Medeiros.

17. Plaintiff Cabrera brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant Michael Merchen, Lieutenant Mazan Awad, Sergeant Brian Gallaway, and Sergeant Jason Squires.

18. Plaintiff Banks brings these claims against the County of Sonoma, Sheriff Steve Freitas, Lieutenant David House, Lieutenant Michael Merchen, Lieutenant Mazan Awad, Sergeant Brian Gallaway, Sergeant Jason Squires, and Deputy Joseph Medeiros.

STATEMENT OF FACTS

19. On May 28th, 2015 at approximately 10:30 a.m., Sonoma County Correctional Deputy Bogdan Panek was performing “soap call” in the Male Special Module of the Sonoma County Main Adult Detention Facility. During Soap Call inmates receive various forms, shower soap, and supplies from a deputy. Inmates may miss soap call for various reasons, including sleeping. In such a case, the sleeping inmate receives no supplies.

1 20. Upon arriving at the cell of Giovanni Montes, Deputy Panek knocked and called
2 out to the inmate. Montes, who was sleeping and on heavy medication, did not respond. The
3 deputy repeated his attempts to awaken Montes by pounding on the inmate's cell-door and
4 scraping his keys across the cell window. The noise of the disturbance alerted other inmates
5 who witnessed the following events.

6 21. Deputy Panek became verbally hostile with Montes, and told him that he was
7 going to lose his "OCA" or "out-of-cell" privileges for sleeping through soap call. Inmates in
8 Male Special are given one hour of OCA every two days. It is the only time where inmates are
9 allowed out of their cells to bathe, exchange reading material, or make phone calls. Montes
10 became angry and exchanged words with the Deputy through his cell door.

11 22. In response, Deputy Panek radioed for the assistance of additional jail staff. Three
12 unknown deputies arrived on the unit. Montes' cell was opened and the deputies entered. They
13 grabbed Montes and threw him to the ground, handcuffed him, then slammed his head into the
14 floor, striking several rapid and violent blows about his head, shoulders, neck, and back. One
15 deputy kicked Montes in the head. Another deployed a Taser against the inmate. Deputies then
16 removed Montes from the unit to administer "yard-counseling."

17 23. Many of these events occurred in view of Jesus Lopez, whose cell was nearby.
18 Horrified by Montes's treatment, Lopez screamed through the doors at the deputies that what
19 they were doing was wrong.

20 **LOPEZ**

21 24. At 11:15 a.m., approximately six more deputies arrived on the unit. Under the
22 command supervision of Lieutenant House and the direction of Sergeant Robledo, Deputy
23 Medeiros and four other deputies made their way to the cell of Lopez. Plaintiff Lopez was
24 serving a sentence for misdemeanor drug possession at the time of these events. After a verbal
25 exchange through the cell door in which Lopez repeated his concerns regarding Montes,
26 deputies ordered him to turn around and place his hands behind his back. Lopez complied.
27 Deputies cuffed Lopez through the food-tray slot in his door, opened his cell, and threw him to
28 the floor face first. With his body prone on the concrete, deputies began grinding his face into

1 the floor and pummeling his body, causing injury to his shoulder while yelling “stop resisting!”
2 Deputies repeatedly called Lopez a “bitch” and told him that he was “in their house now.”
3 Lopez cried that the deputies had injured his shoulder. In response the deputies lifted Lopez by
4 his arms causing him excruciating pain, and removed him to the “yard” just as they had Montes.

5 25. Once in the yard, one deputy filmed while the Deputy Medeiros and others under
6 the direct supervision of Sergeant Robledo, forced Lopez to the ground face-first with his head
7 pushed into the corner of the cinder block room and his hands still cuffed behind his back. Due
8 to his restraints, obesity, and the pressure from behind, Lopez could barely draw his breath. As
9 he cried out in pain that he was unable to breathe, deputies got on his back and attempted to fold
10 his legs towards his head, causing terrible distress to his right foot while they twisted his wrists
11 over his handcuffs. Deputy Medeiros told the inmate that they could do this to him every day,
12 and asked him, “Do you like this spot? Because I can get comfortable here all day long.”

13 26. After several minutes, under the command supervision of Lieutenant House and
14 the direction of Sergeant Robledo, the deputies lifted Lopez to his feet by his restraints and
15 began escorting him back to his cell. As Lopez was being walked out of the yard and back to
16 the housing unit, Deputy Panek stomped on the inmate’s already injured foot. As Lopez fell to
17 the ground, the deputies piled on top of him, and Deputy Medeiros smashed his knee down on
18 top of the inmate, crushing his head against the floor. Lopez screamed out in pain as the
19 deputies kned him, twisted his legs behind his back, and applied multiple pain compliance
20 holds to his joints and pressure points. Deputy Medeiros called out, “I told you to follow the
21 damn rules.”

22 27. Under the command supervision of Lieutenant House and the direction of Sergeant
23 Robledo, deputies again lifted Lopez to his feet and walked him up a flight up metal stairs to his
24 cell. Lopez limped under the pain and almost fell while climbing the stairs. He informed the
25 deputies that his leg and foot were injured. Five deputies moved into Lopez’s tiny cell and
26 forced him face-down onto his bunk. Three deputies stood on the inmate’s bunk and began
27 applying further pain compliance holds to the inmate, causing him to scream in pain. Lopez
28 began to curse at the deputies, which prompted a fourth deputy to grab his injured foot with

1 both hands and begin twisting it into impossible positions, causing further agony to the inmate.
2 Sergeant Robledo stood by observing the torture while another deputy video-recorded the event.
3 At the height of Lopez's screams, Lieutenant House entered the small cell to observe and check
4 in with Sergeant Robledo. As the inmate's screams turned to sobs, nearby inmates began to kick
5 their cell doors and yell for the deputies to stop. The deputies threatened to tase Lopez if he
6 moved, released him from his restraints, and secured him in his cell. Lopez called for medical
7 attention over the emergency call system, but his calls went unanswered.

8 28. At approximately 3 p.m., under the supervision of Lieutenant Merchen and
9 Sergeant Squires, Deputy Medeiros and four other deputies returned to Lopez's cell, but this
10 time the jail staff were dressed in all black uniforms and wearing black ski masks. Lopez was
11 ordered out of his cell. He informed deputies that he could barely move due to the injury to his
12 foot. Under the direction and supervision of Sergeant Squires, deputies entered the cell and
13 removed Lopez to the yard. Unable to walk, the inmate hopped on his one good foot across the
14 yard where he was again placed face-down in restraints into a different corner of the
15 cinderblock room. Deputy Medeiros placed his masked face close to Lopez's and taunted him,
16 saying "Hey – I came back. I'm back again." Deputy Medeiros "counseled" Lopez for "running
17 his fucking mouth" and began grinding his face into the concrete, asking him if it felt good, and
18 reminding Lopez that he was their "bitch," that they were "having fun", and that they could "do
19 this all day." Lopez cried in pain and requested medical attention, but his cries only met with
20 further punishment from the deputies, as the other masked men began to push Lopez's legs over
21 his back and towards his neck as Deputy Medeiros pinned his torso to the ground with a knee,
22 all while Sergeant Squires stood by supervising, and an another masked deputy held a shotgun
23 at the ready. Lopez screamed that he needed to see medical. He was hoisted to his feet by his
24 handcuffs and taken back to his cell. Portions of this counseling were videotaped as well.

25 29. Sometime thereafter, the deputies in black returned for another round of
26 "counseling." Lopez was removed from his cell a third time. At this time Lieutenant Awad
27 arrived and announced to Lopez that it would be better for him if he started following house
28 rules. Lopez told Lieutenant Awad that what was happening was wrong. Lieutenant Awad told

1 Lopez that he was “sick in the head” and informed him that he was going to be “taught a little
2 lesson.”

3 30. At the direction of Lieutenant Awad and Sergeant Squires, Deputy Medeiros and
4 others began another round of increasingly violent counseling, punching and kicking Lopez and
5 smashing his face into the concrete. As the beating continued, Lieutenant Awad told Lopez that
6 he was to blame for the violence. Lopez cried that they were treating him worse than an animal.

7 31. Lopez felt someone punch the back of his neck and other deputies under the
8 supervision of Lieutenant Awad and Sergeant Squires began punching, kicking, and body-
9 slamming Lopez to the point of involuntary defecation. They placed shackles around Lopez’s
10 feet and attached them to his handcuffs through a chain secured around his waist. A mask was
11 put over his head and Deputy Medeiros pushed his face into the floor.

12 32. Under the supervision of Lieutenant Awad and Sergeant Squires, deputies dragged
13 Lopez to the mental health unit and stripped him naked. Covered in his own feces, Lopez
14 pleaded for toilet paper to clean himself with. The deputies ignored his pleas, laughed at him,
15 and locked him naked in isolation covered in his own feces for more than twenty-four hours.
16 Lopez did not receive medical treatment at any point during this period.

17 33. This most brutal episode of torture was video-recorded by jail staff. The video was
18 reviewed by jail supervisors, and documented in the associated incident reports. Defendants
19 acknowledge that the video did exist prior to the filing of this action, but now claim that they
20 are unable to locate it.

21 34. After more than twenty-four hours in the mental health module, Lopez was
22 returned to his cell. Deputies had removed all of his personal belongings, including toilet paper,
23 his letters and photographs, and other incidentals. Lopez was left in his closed and locked cell
24 for another four days before being permitted to shower the dried feces from his body. In
25 addition to his injured leg and foot, Lopez suffered head and abdominal injuries and remained
26 in constant pain for many weeks after the attacks. Blood was in his stool for the next three
27 weeks, and the inmate was plagued by profound headaches for at least two weeks after, and
28 suffered symptoms consistent with traumatic brain injury. The window port on his cell door, the

1 only view to the world outside of his tiny cell, was locked closed by Sergeant Gallaway for the
2 next thirty days.

3 **MARTINEZ**

4 35. Following the initial yard counseling of Lopez and the outcry from the prisoners
5 around him, correctional deputies systematically closed the windows on every inmate's door.
6 The inmates began to kick at their cell doors. Marqus Martinez, an inmate awaiting disposition
7 of criminal charges who had a documented history of severe anxiety, began begging the
8 deputies to open his window, yelling that he was having a panic attack. Correctional Staff,
9 under the supervision of Lieutenant House and directed by Sergeant Gallaway, advanced to
10 Martinez's cell and ordered him to back up to the door and place his hands behind his back
11 through the food tray slot so that he could be handcuffed. Martinez complied. These
12 correctional staff then entered his cell and grabbed him from behind by the arms. Martinez
13 asked what was going on. A deputy replied, "So you want to disturb our unit, huh?"

14 36. Under the supervision of Lieutenant House and directed by Sergeant Gallaway,
15 deputies then removed Martinez from his cell to the yard, and with his hands cuffed behind his
16 back, the inmate was placed face-first on the ground with his face in the corner of the cinder
17 block room. Deputies began twisting his wrists over his handcuffs, subjecting Martinez to
18 excruciating pain, while another deputy dropped his knee into the back of Martinez's thigh. The
19 deputies began folding Martinez's legs up behind him, applying crushing weight to his legs and
20 his chest. Martinez pleaded that he was unable to breath, and that his leg was going to snap. He
21 told the deputies that he would do or say anything they wanted, but they did not relent. The
22 deputies said, "Let me hear you say it. Say it. Say, 'This is our house.' We can do this all day."
23 When the deputies finally relented, Martinez realized his leg was injured so badly that it could
24 no longer bare weight. Barely able to support himself, Martinez limped back to his cell with one
25 deputy on each arm. Martinez observed that jail staff were present videotaping some portions of
26 the events.

27 37. Back in his cell, Martinez repeatedly called for medical assistance for over an hour
28 with no response. Due to his injuries, he was unable to pick himself up off the floor where the

1 deputies left him. For two more hours he listened to screams of pain and torture from the other
2 inmates as jail staff proceeded down the tier, removing each individual from his cell and
3 subjecting him to similar counselings.

4 38. Sometime later, under the direct supervision of Lieutenant Merchen and Sergeant
5 Squires, the SERT team removed Martinez for another round of “yard counseling,” where the
6 inmate was again placed on the ground in the yard with his hands cuffed behind his back. Two
7 deputies held his wrists bent over his handcuffs in pain compliance holds while keeping their
8 knees on top of Martinez’s shoulders. An unknown deputy suggested they take Martinez to get
9 medical attention, but the deputies dragged his limp body back to his cell where they left him on
10 the concrete, broken and unable to care for himself. This counseling was video-recorded.
11 Martinez remained on the floor unable to move for more than twenty-four hours. He was denied
12 medical attention, and despite his pleas, his door’s only window was closed for the next thirty
13 days.

14 **MICHAEL ROBERTS**

15 39. Michael Roberts, an inmate pending disposition of criminal charges, awoke to the
16 sound of inmate Montes being removed from his cell. He heard screaming and watched as the
17 deputies tasered and beat the inmate until he appeared to be unconscious. Horrified by what he
18 was witnessing, Roberts yelled out in protest as he observed what appeared to be deputies
19 continuing to beat Montes while screaming “stop resisting” even after that inmate had lost
20 consciousness. Roberts observed Deputy Panek repeatedly knee the fallen inmate in the face.
21 Other inmates around Roberts, including Jesus Lopez, began to loudly protest as well. Roberts
22 heard one deputy tell Lopez, “You’re next.”

23 40. Shortly thereafter Roberts observed several other deputies enter Lopez’ cell.
24 Roberts heard sounds of a struggle and beatings, then observed inmate Lopez being dragged
25 handcuffed from his cell to the yard where he was subject to further physical abuse. At one
26 point Lopez’ screams of pain became so loud that Roberts became nauseous and almost threw
27 up. Roberts started yelling for the guards to stop as he felt himself begin to spiral into a full-
28 blown panic attack. He repeatedly pressed the emergency call button in his cell for help. A

1 deputy responded through the speaker, “Quit pushing the fucking button or we’re coming for
2 you next.”

3 41. Later that day several other deputies arrived wearing black riot gear with masks
4 covering their faces. Roberts watched through a crack in his door as they began pulling each
5 inmate one-by-one out of their cells, first handcuffing them, then roughing them up, then
6 dragging them out of their cells to the yard where they were subjected to an onslaught of
7 degrading physical and mental abuse.

8 42. After watching the abuse continue for over an hour, the inmate in the cell directly
9 adjacent to Roberts whispered to him through an air vent, “I’m next, then you.” Roberts
10 responded, “Don’t fight back.” He then listened to his neighbor’s whispers become screams as
11 the deputies charged into his cell and forcibly removed him to the yard like all the others. They
12 came for Roberts next.

13 43. The masked deputies kicked at his door. “You’re next,” they said, and ordered him
14 to back up to the door to be handcuffed. Roberts complied, was cuffed, and taken to the yard.
15 Once outside his cell, Roberts saw more than a dozen officers in riot gear wearing masks. Three
16 of them were on top of his neighbor, who was screaming in pain. As Roberts was walked
17 toward one corner of the concrete yard, one of the deputies began speaking in a low voice into
18 his ear, saying “This is our fucking house. Wait until the camera’s off - you’ll see.”

19 44. Without warning, unknown members of the SERT team (under the direction and
20 supervision of Lieutenants Awad and Merchen and Sergeant Squires) threw Roberts to the
21 ground and smashed his face against the concrete floor. Roberts felt the crushing weight of the
22 deputies on top of him and was unable to breath as the deputies dug their knees into his ribs and
23 back. The deputies bent his wrists backward behind his back, digging the metal of the cuffs into
24 his skin. The deputies told Roberts “This is our fucking house. You guys make our day. We’re
25 going to keep fucking you up until you stop.”

26 45. Under the supervision of Lieutenants Awad and Merchen and Sergeant Squires,
27 Roberts was then yanked up off the ground by his shackled wrists. Once returned to his cell,
28 one deputy held a Taser at his back and yelled, “Move and we’re fucking tazing you!” Another

1 deputy slammed Robert's face into the wall of his cell and held him as another removed his
2 cuffs. Roberts observed a Deputy standing behind him with a shotgun at the ready. The
3 deputies slammed his cell door closed and proceeded to the next inmate. Left alone in his cell,
4 Roberts looked at his bloody wrists. There were cuts on his jaw and on the side of his head, and
5 bruises had already formed all over his back and ribs. He continued to listen to the beatings for
6 at least another hour. He could hear the sounds of a struggle and Inmate Brucklacher screaming
7 in pain in the cell below him.

8 46. Roberts repeatedly requested medical attention over the next several hours and
9 days. His requests were consistently met with threats and derision from jail staff. Roberts was
10 told, "We'll get to you when we get to you." He was never given medical attention. Roberts
11 could not sleep through the pain for several nights, and he continued to experience severe
12 anxiety attacks that have not abated to this day.

13 47. Roberts filed an inmate grievance form following the incident. His complaint was
14 determined to be "unfounded and without merit." The response from Sergeant Squires was, "I
15 was a witness during the incident ... at no time during the occurrence did staff use excessive
16 force. The actions of the deputies on that day were a response to your defiance and inciting
17 behavior ... In the future, I would recommend you take some responsibility for your actions."
18 Mr. Roberts, who remains in custody at San Quentin, exhausted all internal administrative
19 remedies available to him prior to the filing of this action.

20 48. Roberts was unable to ascertain the precise identities of his assailants during these
21 events due to the fact that their faces were obscured by masks and their nametags removed from
22 their clothing. No videos were taken of Mr. Roberts' cell extraction or yard counseling, and no
23 incident reports were written to document these events.

24 **JESSE BRUCKLACHER**

25 49. Jesse Brucklacher, an inmate awaiting disposition for a violation of probation,
26 heard the noise of inmate Montes being extracted by jail staff and rushed to the window of his
27 cell to see what was going on. He observed numerous correctional deputies forcibly taking
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1 Montes out of the unit. As Montes was being removed, Sergeant Gallaway, the on-duty
2 supervising sergeant, began shutting the window port covers of each inmates' cell door,
3 eventually closing Brucklacher's as well. On numerous occasions Brucklacher had previously
4 witnessed deputies close window ports immediately prior to the application of physical force to
5 inmates, so that other inmates can't see the violence.

6 50. Hearing Montes' cries, Brucklacher started kicking his cell door, yelling for the
7 deputies to open the window ports and accusing jail staff of using excessive force.
8 Brucklacher's protests were joined by those of other inmates around him, including Jesus Lopez
9 who was housed immediately next to him. Under the supervision of Lieutenant House, Sergeant
10 Gallaway and four other deputies came to Brucklacher's cell, put him in handcuffs, and brought
11 him to the yard, where he saw Lopez lying on the floor face-down with four or five deputies on
12 top of him who were bending Lopez' legs behind his back and calling him a bitch. The guards
13 forced Brucklacher to the ground, bending his wrists over the handcuffs and forcefully pressing
14 their knees into the small of his back. One deputy grabbed him by both his ankles and painfully
15 folded one leg on top of the other, then bent both legs up toward the inmate's back. Brucklacher
16 cried out in pain asked why the deputies were hurting him. The deputies told Brucklacher that
17 he needed to follow the rules. The inmate responded, "Or what? You're going to cause me
18 pain?" The deputy bending his wrists replied, "I'm not causing you pain. I'm counseling you
19 for your behavior." The deputies asked the inmate if he was going to keep yelling or keep his
20 mouth shut. Brucklacher responded that he had freedom of speech. The deputies responded,
21 "Not in here, you don't," and lifted him to his feet and walked him out of the Male Special unit
22 and into the jail's booking area where he was left alone in a holding cell. These events were
23 video-recorded.

24 51. Later that day Brucklacher noticed members of the SERT team approaching the
25 holding cell. He turned around and placed his hands behind his back. Members of the SERT
26 team entered, including Sergeants Squires, and McMasters, Deputy Medeiros, and six
27 additional deputies. Under the direction and supervision of Lieutenant Merchen and the three
28 sergeants, the deputies aggressively placed Brucklacher in handcuffs and walked him to the

1 booking area's showers, where he was slammed up against a wall and told to remove all of his
2 clothes in the presence of these ten officers. While being pressed against the wall, the inmate's
3 handcuffs were removed and Brucklacher observed red laser dots from the deputies' Tasers
4 moving on his body. Brucklacher did as he was told and removed all of his clothing. He was
5 then told to open his mouth and put his fingers under his tongue to show the deputies he had no
6 contraband. In an act of defiance, Brucklacher did as he was told, but used only his two middle
7 fingers.

8 52. In response, and under the direction and supervision of Lieutenant Merchen,
9 Sergeants Squires, Travelstead, and McMasters, Deputy Medeiros grabbed Brucklacher by his
10 hair and pulled him forward while kneeling him full-force in the ribs, saying "If you want to
11 fuck around, you're going to get your ass beat." Brucklacher was then thrown to the ground
12 while Deputy Medeiros began punching him and kneeling him, saying, "You don't run nothing
13 but your mouth," and calling him a "pussy little bitch." At no time did the Brucklacher resist or
14 fight back, but instead submissively laid naked on the ground and absorbed the beatings.

15 53. Under the direction and supervision of Lieutenant Merchen, Sergeants Squires,
16 and McMasters, the deputies stood Brucklacher on his feet, reapplied the handcuffs behind his
17 back, and began walking him back to his unit while pulling up on the handcuffs until the steel
18 of the restraints broke through the skin on Brucklacher's wrists. Upon returning to his unit, the
19 deputies threw Brucklacher to the ground facedown, and began folding his legs up behind him,
20 applying tremendous pressure and causing excruciating pain, while continuing to pull on the
21 over-tightened handcuffs and kneeling him in the back. While other deputies were on top of the
22 naked inmate, Deputy Medeiros slapped him in the face, called him "Cupcake," and told
23 Brucklacher he better start doing what he was told. Bruchlacker was then taken to another cell
24 and made to lie prone on the ground with his hands cuffed behind his back. Deputy Medeiros
25 and others began applying excruciating pressure to his wrists for several minutes before
26 dragging him across the jail floor and into a cell where he was uncuffed and left bloodied on the
27 ground. None of these events were video-recorded.
28

1 54. Brucklacher was in such debilitating pain that he could barely lift himself off of
2 the floor. His wrists were bleeding, swollen, and severely discolored, and it was difficult to
3 breathe from the pain in his ribs where Medeiros had kneed him. As he lay on the floor behind
4 his cell door, Brucklacher could hear the deputies assaulting other inmates. He could hear
5 cursing from the guards and screams of pain and crying from the prisoners. He yelled out under
6 his door that the deputies were sick, that they enjoyed hurting people, and that they were no
7 worse than criminals themselves. Medeiros heard his protests and returned to his cell, ordered
8 him to get on his feet, turn around, and cuff up. Brucklacher complied.

9 55. Medeiros cuffed Brucklacher yet again and removed him to the yard where
10 Medeiros and other deputies began a second, nearly identical round of torture under the
11 direction and supervision of Lieutenant Merchen, Sergeants Squires, and McMasters, twisting
12 his legs and wrists, kneeling him in the back, and verbally degrading him. After they were
13 finished, they walked Brucklacher to the Mental Health ward, all the time pulling up on his
14 handcuffs which continued to cut into his already injured wrists. At some points the deputies
15 would walk faster than Bruchlacker was able to carry himself, and each time he would trip or
16 stumble the deputies would slam him face-first to the ground. None of these events were video-
17 recorded.

18 56. Despite having no history of mental health issues, Bruchlacker was placed in a
19 “mental health” cell where the floor and walls were splattered with dried feces and urine. He
20 was left there in just his underwear for three days when he was finally examined by jail medical
21 staff and taken back to Male Special. The pain from Brucklacher’s physical injuries continued
22 for months, and he has since developed mental health symptoms consistent with post-traumatic
23 stress and anxiety disorder.

24 57. In response to formal grievances filed by Bruchlacker following these abuses, the
25 Disciplinary and Grievance Officer, Sergeant McMasters, wrote, “The actions of the deputies
26 were merely a response to your immediate defiance and unpredictable behavior as well as your
27 inability to follow simple instructions. ...In addition, you have clearly stated in the grievance
28 you acted in defiance during the strip search process. Again, your actions caused our staff to

1 react appropriately. ...I suggest you recognize that when you choose to jeopardize the safety of
2 our staff members with your inciting actions and defiance, our staff is inclined to hold you
3 accountable...” Mr. Brucklacher, who remains in custody at Susanville, exhausted all internal
4 administrative remedies available to him prior to the filing of this action.

5 **RIGOBERTO CABRERA**

6 58. Rigoberto Cabrera, an inmate serving a sentence for drug possession, was in his
7 cell writing a letter to the mother of his children when he observed through his window port
8 inmate Montes being dragged out of his cell across the tier and beaten by several correctional
9 deputies.

10 59. Several inmates around Cabrera began banging on their doors and yelling in
11 response to the deputies’ beating of inmate Montes. Cabrera joined in the protest and began
12 demanding that the deputies stop. The beating of inmate Montes continued, and as the deputies
13 drug him out to the yard, Sergeant Gallaway closed the door on Cabrera’s window port so the
14 deputies’ actions could not be observed by the other inmates. Cabrera who suffers from a
15 documented history of anxiety repeatedly asked for his window to be opened or that he be
16 allowed to go to the Mental Health module. Jail staff refused to acknowledge him.

17 60. After some time Lieutenant Awad came around to Cabrera’s cell. Cabrera called
18 out to the lieutenant that the deputies were cowards for treating Montes so violently. Lieutenant
19 Awad responded coolly, “You’re up next’.

20 61. Sometime later Cabrera’s window port was opened by a member of the SERT
21 team. Under the direction and supervision of Lieutenants Awad and Merchen and Sergeant
22 Squires, deputies dressed in black and wearing masks opened the door and members of the
23 SERT team including Deputy Medeiros entered Cabrera’s cell. A total of thirteen members of
24 the SERT team were in or outside Mr. Cabrera’s cell during the extraction. Cabrera was
25 punched directly in the face and knocked to the ground by Deputy Medeiros without
26 provocation or warning. Two deputies grabbed his arms and pulled him to the ground. The
27 deputy on his left arm wrenched it backward at a ninety-degree angle causing Cabrera
28

1 excruciating pain. Cabrera could see another deputy in his cell had a Taser pointed at him. As
2 the pain overtook him, Cabrera screamed “I am not resisting!”

3 62. Under the direction and supervision of Lieutenants Awad and Merchen and
4 Sergeant Squires, the deputies picked the inmate up and marched him out toward the yard. Just
5 before reaching the doorway, one of the deputies holding his arm told him, “Watch the door,”
6 then intentionally shoved him forward causing Cabrera’s to collide with the metal door frame.
7 Once out in the yard, deputies slammed Cabrera to the ground causing him to hit the concrete
8 headfirst. Several deputies surrounded him, many holding zip-ties and one with a shotgun. The
9 deputies took him to the ground, digging their knees into his rib cage and crushing his face
10 against the concrete. The deputies bent Cabrera’s wrists backward and caused the metal of
11 handcuffs to cut into his flesh. His legs were crossed into a ‘Figure-4’ position and deputies
12 began to apply pressure until Cabrera was in excruciating pain. At that point, Deputy Medeiros
13 began to counsel the inmate by leaning over him and saying, “You’re my bitch” and “This is
14 my house.” Cabrera responded that the deputies were cowards and what they were doing was
15 wrong. The deputy responded with continued verbal abuse and pressed his finger into a
16 pressure-point behind Cabrera’s ear causing him to scream in pain. Throughout the counseling
17 Cabrera continually screamed out that he wasn’t resisting, but the deputies would not desist
18 from their physical abuse. Every outcry from the inmate was met with increased use of pain
19 compliance techniques. Deputies wrenched on Cabrera’s shoulder even after the inmate cried
20 out that it was going to come out of socket.

21 63. Cabrera repeatedly called for a camera to film the abuse, realizing that several
22 deputies were standing between him and the Deputy who was holding the video camera. The
23 inmate continued to call out that he had done nothing wrong, and that what the deputies were
24 doing was illegal.

25 64. After several minutes of verbal taunting and physical abuse, the deputies picked
26 Cabrera up off the ground by his handcuffs and carried him to a different corner of the cement
27 yard where he was placed facedown on the ground. Under the supervision of Lieutenants Awad
28 and Merchen and Sergeant Squires, deputies got on top of the inmate and continued to bend his

1 ankles and wrists into painful positions while pressing their knees into his back, all the while
2 “counseling” him on his behavior.

3 65. Following this second round of abuse, Cabrera was taken to a new cell. He was left
4 in severe pain, feeling terrorized mentally and physically. His face was almost instantly swollen
5 and bruised. His right eye was swollen completely shut. His ribs, back and wrists were covered
6 in cuts and bruises. Cabrera repeatedly asked for medical attention but was not seen by medical
7 staff until days later. While the bruises on his body remained for several weeks, Cabrera
8 continued to experience internal pain for months. His face remains disfigured at the time of this
9 filing, the swelling never having fully subsided on the left side of his face. Following this
10 incident his mental health symptoms have become demonstrably exacerbated and he now
11 suffers from symptoms consistent with post-dramatic stress disorder.

12 66. Following the incident, Cabrera and the rest of the inmates of the unit were kept on
13 “lock down” for several days. He was not allowed to make phone calls and family members
14 trying to visit him were denied. For fifty days following these events, Cabrera was placed on a
15 restricted diet, denied all privileges, and kept isolated in a windowless room with his window
16 port locked closed. Mr. Cabrera filed several grievances, all of which were denied at every level
17 of review.

18 **BANKS**

19 67. While the housing module filled with the screams of other inmates, Daniel Banks,
20 an inmate awaiting disposition for a violation of probation, laid face down on his mattress with
21 his hands behind his back. For hours he had listened to the yard counselings all around him. He
22 hoped that by his show of submission he would avoid being attacked, but the deputies merely
23 saved him for last. Video of the event shows that the housing unit was totally silent as more
24 than ten members of the SERT team approached his small cell. All but one, Deputy Medeiros,
25 was wearing a ski mask. Deputy Medeiros and two others (under the supervision of Sergeant
26 Squires and Lieutenant Merchen, and in the presence of Sergeant Gallaway, Lieutenant Awad,
27 and Lieutenant House) entered the cell, jumped on top of Mr. Banks, and began kneeling and
28 punching him in the back while wrenching his arms above his head, causing him excruciating

1 pain. The deputies yelled, “stop resisting!” and smashed a pair of handcuffs around his wrists,
2 causing the metal to cut into him and leaving him with bruising, swelling, permanent nerve
3 damage and pain.

4 68. Though face down, Banks turned to see his tormenters, and observed that Deputy
5 Medeiros was not wearing a ski mask. He brought his face close to Banks’ and yelled, “That’s
6 right – get a good look at me, you punk bitch - This is our house!” and spit in his face. The
7 deputies forcefully removed Banks from his cell, forced him down the stairs, and into the yard
8 where the abuse continued in the immediate presence of the three lieutenants and two sergeants.
9 Banks was thrown to the ground with his hands cuffed behind his back and landed on his face,
10 causing him abrasions and bruising and swelling around the left side of his head. While prone
11 and defenseless on the ground, one deputy dropped his knee on Banks’ neck and began crushing
12 his windpipe, while three others held him to the ground with pain compliance holds. Banks
13 yelled out that he was unable to breath.

14 69. Multiple supervisory staff were present as Deputy Medeiros belittled and
15 humiliated the inmate, telling him:

16 “Now you’re acting like a little fucking bitch, ‘cause that’s what you are.
17 And guess what? I run this fucking unit. I own you... You’re a fuckup.
18 You’re a fuckup, aren’t you? Yeah. Aww, poor guy. Little fucking bitch.
19 It hurts, huh?”

20 70. The verbal abuse continued, and soon became threats of physical violence against
21 the inmate as pain compliance techniques continued to be applied. Sergeant Squires knelt by the
22 inmate’s head and told the inmate that he was “a certified extra,” and that for the rest of his life
23 he would never amount to anything.

24 71. Under the supervision of Sergeant Squires and Lieutenant Merchen, and in the
25 presence of Sergeant Gallaway, Lieutenant Awad, and Lieutenant House, deputies lifted the
26 inmate to his feet, dragged him back up the stairs to his cell, threw him on the floor, and told
27 him that everyone knew that he was a “bitch” now (referring to the fact that he was lying face
28 down on his mattress when the guards entered). Banks was denied medical attention for his

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1 injuries for more than twenty-four hours, despite six separate requests for aid. He suffers from
2 serious anxiety and mental health difficulties following the incident.

3 72. Defendants' justification for using force against plaintiff Banks on May 28, 2015
4 in response to his administrative grievance was: "The actions of the deputies on that day were
5 merely a response to your immediate defiance and inciting behavior as well your inability to
6 follow simple instructions."

7 73. Attached to this complaint as "Exhibit B" is a seventeen-minute compilation of
8 portions of the videos taken by jail staff depicting some of these events, including the first and
9 second yard counselings of Plaintiff Lopez, the yard counseling of Plaintiff Cabrera, the first
10 and third counselings of Plaintiff Martinez, the first yard counseling of Plaintiff Brucklacher,
11 and the yard counseling of Plaintiff Banks. The video compilation is accompanied by subtitles,
12 and is a representative, though incomplete sampling of those recordings which have not been
13 lost or destroyed by defendants.

14 74. The entirety of the events of May 28, 2015 was reviewed and approved, as within
15 policy, by the chain of command in the Sheriff's Office including Sheriff Steve Freitas.
16 Consistent with policy and practice, it was determined that none of the conduct of the jail staff
17 and SERT team was outside of policy. Under Sheriff Freitas' tenure as Sheriff for Sonoma
18 County, over the past 6 years, no employee has been determined to have acted outside of policy
19 regarding yard counseling, nor has any employee been disciplined for violating the use of force
20 policy in the Sonoma County jail.

21
22 **STATEMENT OF DAMAGES**

23 75. As a result of the acts and omissions alleged, plaintiffs suffered general damages
24 including pain, fear, anxiety, and terror and related trauma in an amount according to proof.

25 76. Plaintiffs sustained serious physical injuries, including permanent injuries, and
26 have also incurred and may continue to incur medical treatment and related expenses in
27 amounts to be determined according to proof.
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77. The acts and omissions of the individual defendants were sadistic, wanton, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of plaintiffs. Plaintiffs therefore pray for an award of punitive and exemplary damages against these individual defendants in an amount according to proof.

78. Plaintiffs have retained private counsel to represent them in this matter and is entitled to an award of attorneys’ fees and costs.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

[42 USC §1983 – FIRST AMENDMENT]

79. All allegations set forth in this Complaint are hereby incorporated by reference.

80. Plaintiffs complained about other inmates being beaten and tortured for no legitimate reason.

81. Such complaints by plaintiffs involve matters of public concern and are protected by the First Amendment to the United States Constitution.

82. Defendants retaliated against plaintiffs for their complaints.

WHEREFORE, plaintiff also prays for relief as set forth herein.

SECOND CAUSE OF ACTION

[42 U.S.C. §1983 – FOURTH AND FOURTEENTH AMENDMENTS - BY PLAINTIFFS MARTINEZ, BANKS, ROBERTS AND BRUCKLACHER]

83. Plaintiffs hereby allege and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

84. Defendants violated Plaintiffs Martinez, Banks, Roberts’, and Brucklacher’s clearly-established right to be free from unreasonable use of force as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

85. Defendants acted willfully, wantonly, maliciously, oppressively, and with conscious disregard to the plaintiffs’ rights.

WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION

[42 U.S.C. §1983 – EIGHTH AND FOURTEENTH AMENDMENTS - BY LOPEZ AND CABRERA]

1 86. Plaintiffs hereby allege and incorporate by reference as though fully set forth herein
2 all prior paragraphs of this Complaint.

3 87. Defendants violated Plaintiffs Lopez's and Cabrera's clearly-established right to be
4 free from cruel and unusual punishment while being confined as guaranteed by the Eighth and
5 Fourteenth Amendments to the United States Constitution.

6 88. Defendants' actions described herein were taken for the purpose to harm or to
7 punish the plaintiffs rather than for any other legitimate government purpose.

8 89. Defendants acted willfully, sadistically, maliciously, oppressively, and with
9 conscious disregard to the plaintiffs' rights.

10 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

11 **FOURTH CAUSE OF ACTION**
12 [42 U.S.C. §1983 – SUPERVISORY LIABILITY
13 AGAINST DEFENDANT STEVE FREITAS]

14 90. Plaintiffs hereby re-allege and incorporates by reference as though fully set forth
15 herein all prior paragraphs of this Complaint.

16 91. Sheriff Steve Freitas is the final policy maker for the sheriff's Office. The Sheriff's
17 Office is a paramilitary organization with a chain of command. Sheriff Freitas sets policy and is
18 responsible for assuring that sworn personnel within his chain of command are properly trained,
19 supervised and disciplined. Sheriff Freitas has approved and authorized a custom and policy
20 known as "yard counseling." This official policy is also referred to as "behavior counseling."

21 92. Under this official policy and practice sworn offices within Sheriff Freitas' chain of
22 command are given the authority to arbitrarily and indiscriminately punish and torture inmates
23 who break the rules, or are perceived as being rude or disrespectful to staff. This practice is
24 justified by the desire of some staff to communicate their subjective "goals" and "expectations"
25 to inmates through physical force, threats and torture.

26 93. Sheriff Freitas approved of this policy and practice, and he has never disciplined
27 anyone in his chain of command for injuries caused as a result of this policy and practice,
28 including the events alleged in this case.

1 94. Defendant Steve Freitas encouraged and condoned the constitutional deprivations
2 alleged herein and showed a reckless or callous indifference to the rights of others.

3 95. Defendant Freitas acted willfully, wantonly, maliciously, oppressively, and with
4 conscious disregard to the plaintiffs’ rights.

5 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

6 **FIFTH CAUSE OF ACTION**

7 [42 U.S.C. §1983 – POLICIES AND CUSTOMS AGAINST THE COUNTY OF SONOMA]

8 96. Plaintiffs hereby re-allege and incorporates by reference as though fully set forth
9 herein all prior paragraphs of this Complaint.

10 97. As the final policy maker for the County of Sonoma, Sheriff Freitas has instituted
11 and approved an official policy known as “yard counseling.” This policy encourages jail staff
12 to punish and torture inmates for arbitrary and subjective reasons. The official “goal” of this
13 policy is to both verbally and non-verbally communicate to inmates that certain offensive
14 behavior will not be tolerated. Instead of writing-up and administering other forms of
15 punishment that are common throughout jails and prisons in the State of California, the County
16 of Sonoma has adopted and implemented a policy that routinely violates the constitutional
17 rights of inmates.

18 98. The best evidence of this policy is the hundreds of videotapes and related reports
19 that document this practice over the past ten plus years. The events alleged in this case are
20 consistent with, and a result of, the official policy of “yard counseling” in Sonoma County jails.

21 99. The County of Sonoma through its other elected officials, including the District
22 Attorney and the Board of Supervisors, are aware of this policy and approve of it. It is also
23 endorsed and defended by the Office of the County Counsel.

24 100. Plaintiffs allege that this policy and custom was the moving force that caused
25 plaintiffs’ injuries.

26 WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

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SIXTH CAUSE OF ACTION

[42 U.S.C. §1983 – DELIBERATE INDIFFERENCE AGAINST THE COUNTY OF SONOMA]

101. Plaintiff hereby re-allege and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

102. The policy and practice of “yard counseling” has been in effect at the Sonoma County jails for over a decade. Hundreds of such incidents have been documented and videotaped by the Sheriff’s Office as part of an official administrative review process. As a result, the County of Sonoma was on actual and constructive notice that this policy and practice was unconstitutional and in violation of basic human rights.

103. Depsite knowledge that this policy and practice was causing unnecessary and serious physical and psychological injuries and damages to countless men in the custody and care of the County of Sonoma, the County of Sonoma has turned a blind eye to these abuses and failed to take any steps to stop this practice. As a result of this deliberate indifference the Plaintiffs suffered the injuries and damages alleged herein.

WHEREFORE, plaintiffs pray for relief as hereinafter set forth.

SEVENTH CAUSE OF ACTION

[42 U.S.C. §1983 – RATIFICATION AGAINST THE COUNTY OF SONOMA]

104. Plaintiffs hereby re-allege and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

105. The acts or omissions alleged herein were ratified by defendant Steve Freitas. He had final policymaking authority for the County of Sonoma concerning the acts of jail staff. Sheriff Freitas approved, authorized and ratified the conduct which violated plaintiffs’ constitutional rights.

WHEREFORE, plaintiff prays for relief as hereinafter set forth.

PRAYER FOR RELIEF

Plaintiffs pray for relief as follows:

1. For compensatory and economic damages according to proof;
2. For general damages according to proof;

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- 3. For an award of exemplary or punitive damages against the individual defendants;
- 4. For an award of attorney’s fees and costs as permitted by law;
- 5. For such other and further relief as the Court may deem necessary and appropriate.

JURY TRIAL DEMANDED

Plaintiffs hereby request a jury trial on all issues so triable.

Dated: February 23, 2017

SCOTT LAW FIRM

By: /s/ John Houston Scott
John Houston Scott
Attorneys for Plaintiffs

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