



9/16/2021

Office of the Attorney General
State of California Department of Justice
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c/ o

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Sent via email

Re: Request for an Investigation into Riverside County Sheriff's Department

Dear Attorney General Bonta:

The undersigned community organizations request that you initiate a pattern or practice investigation into the Riverside County Sheriff's Department ("RSD"). For years, this Department has demonstrated a pattern of racist policing practices, rampant patrol and jail deaths, and a refusal to comply with recommendations from oversight agencies and a court-mandated consent decree. Riverside County residents, particularly residents of color and low-income residents, have suffered immeasurably as a result. We have lost loved ones to unbelievable violence at the hands of Sheriff's deputies and have seen our community members suffer from undeniably inhumane jail conditions. RSD has been vocal about its apathy towards the lives of those in Riverside County custody, especially while the deadly coronavirus has torn through the county jails. When community advocates asked Sheriff Chad Bianco to release medically vulnerable people from the jails, he responded publicly on Facebook mocking their

requests¹ and claimed those in custody deserved to get sick.² This disregard for the wellbeing of incarcerated people and condescension towards any person or agency demanding changes to the Department are embedded in RSD's structure.

I. RSD Department Has Rejected Civil Grand Jury Recommendations

RSD's agency culture emphasizes secrecy, violence, and disrespect for the lives of incarcerated people. This is why the mechanisms meant to bring oversight to this Department have not made the necessary advances to bring about accountability. The RSD has rejected nearly every recommendation made by the County's Civil Grand Jury to improve the Department's operations over the last several years. Since 2014, the County of Riverside Civilian Grand Jury has investigated and published eight reports concerning the conduct, operations and mismanagement of the Riverside Sheriff's Department.³ These reports have recommended various reasonable changes, including that Corrections wash laundry twice a week, back up video recordings inside the jail, revise their visitation spaces/policies and go beyond minimum standards established by the Board of State and Community Corrections (BSCC). In response, both Sheriff Sniff (2007-2018) and Sheriff Bianco (2018- present) almost always refused to implement the changes proposed by the Grand Jury.⁴ RSD not only ignores recommendations from the County's oversight agency, it also refuses to improve jail conditions even when mandated by a federal court.

II. Riverside County Sheriff Department fails to adhere to Court Ordered Consent Decree

In 2015, Riverside County entered into a consent decree in a federal lawsuit brought by the Prison Law Office on behalf of individuals incarcerated in the County's jails.⁵ The court found that the County failed to provide minimally adequate medical and mental health care to incarcerated people, in violation of the Eighth and Fourteenth Amendments to the U.S. Constitution and the Americans with Disabilities and Rehabilitation Acts. The consent decree

¹ Facebook post by Sheriff Chad Bianco on May 19, 2020.

<https://www.facebook.com/ChadBiancoForSheriff2022/posts/3092184387506840>

² Mike Ludwig (May 29, 2020) *California Sheriff Refuses to Release People From Jail as COVID Outbreak Rages*, Truth Out Magazine

<https://truthout.org/articles/california-sheriff-refuses-to-release-people-from-jail-as-covid-outbreak-rages/>

³ Civil Grand Jury Reports and Responses

<https://www.rivco.org/about-county/executive-office/reports-and-responses>

⁴ For example the 2017-2018 Grand Jury Report "*Riverside County Sheriff's Department Corrections Division Correctional Centers Inmate Services Issues*" found a set of five recommendations for RSD. In the response RSD only agreed to one allegation to ensure there exists a backup of in-custody video recordings. This trend however is common amongst Grand Jury Reports where the systemic problems usually are denied by RSD and only agreeing to miniscule changes as outlined above.

⁵ *Grey v. Riverside, 2016, Case No. EDCV12-0444 VAP*

<https://prisonlaw.com/wp-content/uploads/2020/01/Gray-v-County-of-Riverside-Consent-Decree.pdf>

ordered the County to implement a remedial plan designed to raise the level of care in its jails to the constitutional minimum.⁶ In ([Appendix A - Testimonies from Incarcerated People and Loved Ones](#)), we provide several testimonies from individuals held in Riverside County custody and their loved ones about available mental and medical health care in the County's jails. Their stories demonstrate that the consent decree has been violated multiple times by the RSD since its filing in 2015.

III. Prison Law Office Files Emergency Motion to Protect Incarcerated People in the Face of RSD's Failed COVID-19 Response

In April of 2020, COVID-19 hit the Riverside County jail system, leading to one of the largest jail outbreaks in California.⁷ In addition to the county jails' reputation for inhumane medical care, the jails were extremely crowded, leading incarcerated people to fear for their lives.^{8 9 10} Seeing that RSD did not have a plan to protect incarcerated people from the virus, the Prison Law Office filed an emergency motion in federal court to protect its class members from the novel coronavirus. The court granted the motion, requiring RSD to develop a plan to safely house and care for all incarcerated individuals who are at high risk for complications from COVID-19, to provide adequate hygiene and cleaning supplies, and to address the mental health needs of people in medical quarantine.¹¹ While RSD did develop a plan to prevent the spread of COVID-19,¹² people incarcerated in Riverside County jails and their loved ones have consistently shared details of horrifying jail conditions in the last fifteen months. Our community members inside the jails managed by RSD have experienced inhumane conditions, including, but not limited to, the denial of soap, cleaning supplies, masks, clean clothes, phone access, regular showers, COVID-tests, and life-saving medications and medical care. For months, many people incarcerated in Riverside County jails were indiscriminately confined to their cells for 23 hours a

⁶ *Grey v. Riverside*, 2016, Case No. EDCV12-0444 VAP

<https://prisonlaw.com/wp-content/uploads/2020/01/Gray-v-County-of-Riverside-Remedial-Plan.pdf>

⁷ Alene Tchekmedyan (April 23rd, 2020), *Fateful choices as coronavirus raged through Riverside jail, hitting deputies and inmates*. Los Angeles Times

<https://www.latimes.com/california/story/2020-04-27/riverside-county-jails-coronavirus-outbreak>

⁸ Christopher Damien (April 6th, 2020) *Coronavirus stokes fear in crowded Riverside County jails*. The Desert Sun https://www.desertsun.com/story/news/crime_courts/2020/04/06/coronavirus-stokes-fear-crowded-riverside-county-jails/5114175002/

⁹ Christopher Damien (April 10th, 2020) *Coronavirus: Judge asked to make Riverside County Sheriff's Dept. share plan to curb virus in jails*. The Desert Sun

https://www.desertsun.com/story/news/crime_courts/2020/04/10/coronavirus-judge-asked-make-sheriffs-department-share-its-plan-protect-inmates/2973669001/

¹⁰ Mike Ludwig (May 29, 2020) *California Sheriff Refuses to Release People From Jail as COVID Outbreak Rages*. Truth Out Magazine

<https://truthout.org/articles/california-sheriff-refuses-to-release-people-from-jail-as-covid-outbreak-rages/>

¹¹ *Grey v. Riverside*, 4/16/2020, Case No. EDCV12-0444 VAP

<https://prisonlaw.com/wp-content/uploads/2020/04/20.04.15-Doc-193-Order-Granting-Plaintiffs-Motion.pdf>

¹² *Grey v. Riverside*, 7/20/2020, Case No. EDCV12-0444 VAP

<https://prisonlaw.com/wp-content/uploads/2020/07/20.07.20-No.-201-1-Proposed-order-on-COVID-19-plan-with-Exhibit-A.pdf>

day.¹³ The widespread overuse of solitary confinement among this population is especially concerning because 86% of those in Riverside custody are legally innocent, and have not yet had their day in court.¹⁴ Through countless letters, phone calls, and emails with loved ones, we recorded details of pandemic life in Riverside County jails ([See Appendix A](#)). Nearly 1,000 people incarcerated in the County's jails tested positive for COVID-19 and several incarcerated people died of the virus.¹⁵ Due to long waits for autopsy reports, it is still unclear how many people died of COVID-19 in Riverside County custody. However, it is clear that between March 16, 2020, and May 30, 2021, nine people died while in Riverside County jail custody.¹⁶ Their causes of death remain pending investigation. Further, we will never know how many people may have gotten sick with COVID-19 in Riverside custody and died upon their release. These conditions endangered Sheriff's deputies as well as incarcerated people — at least two Sheriff's deputies died of the virus, and the Department was fined nearly \$18,000 by Cal/OSHA for serious violations of state COVID-19 regulations.^{17 18}

IV. BSCC's Structure Renders the Agency Unable to Hold RSD Accountable

The BSCC is one of few agencies through which communities can seek accountability for Sheriffs' Departments in California. However, the BSCC refused to conduct jail inspections for the first ten months of the pandemic, despite receiving consistent testimonies from community members about jail conditions and the spread of the pandemic in Riverside facilities. This oversight agency is dominated by current and former law enforcement officials, and has been exposed by both the press^{19 20} and the Legislative Analyst's Office²¹ for its ineffective approach

¹³ This information was shared with Starting Over, Inc. through calls with multiple family members and letters from people in Riverside County custody between April 2020 and August 2021

¹⁴ Board of State and Community Corrections Jail Profile Survey, JPS data as of May 15, 2020. http://www.bscc.ca.gov/wp-content/uploads/Jail-Pop-Trends-Through-Q2-2020.pdf?fbclid=IwAR35n_M0Fg53BP8umJibv8S1gKKkzrpie36VFVGq6qsRXcbYqZaeyE5gmRQ

¹⁵ Riverside County COVID19 Landing Page
<https://rivcoph.org/coronavirus>

¹⁶ According to BCIA 713 Death in Custody forms filed by RSD, available in the appendix. Between March, 2020, and May, 2021, nine individuals died while in Riverside County jail custody.

¹⁷ Kaylin Brown (April 3rd 2020) *Second Riverside County sheriff's deputy dies from COVID-19 complications*. Los Angeles Times
<https://www.latimes.com/california/story/2020-04-03/second-riverside-county-sheriffs-deputy-dies-from-covid-19-complications>

¹⁸ Brian Rokos (November 17th 2020) *Riverside County Sheriff's Department fined for COVID-19 violations*, The Press Enterprise
<https://www.pe.com/2020/11/17/state-accuses-riverside-county-sheriffs-department-of-covid-19-violations/>

¹⁹ Jason Pohl & Ryan Gabrielson (January 6th, 2020) *California's Jails Are in a Deadly Crisis. Here's How Experts Suggest Fixing Them*. ProPublica
<https://www.propublica.org/article/californias-jails-are-in-a-deadly-crisis-heres-how-experts-suggest-fixing-them>

²⁰ Jason Pohl & Ryan Gabrielson (November 20th, 2019) *A Jail Increased Extreme Isolation to Stop Suicides. More People Killed Themselves*. Prison Legal News.
<https://www.prisonlegalnews.org/news/2019/nov/20/jail-increased-extreme-isolation-stop-suicides-more-people-killed-themselves>

²¹ California Legislative Analyst's Office (March 8th, 2021) *A Review of State Standards and Inspections for Local Detention Facilities*

to protecting those in local detention facilities. When the BSCC did finally decide to conduct an inspection in Riverside, the inspection was delayed twice at the Sheriff's request, and eventually conducted in late January 2021. The inspection was announced well before it occurred, and a Board member who participated in the inspection recognized that she was not permitted to speak freely with those incarcerated at the facility.²² The BSCC inspections team concluded that the Department was only in violation of minor technical issues, and disregarded months of evidence of medical neglect, unsanitary living conditions, and widespread COVID exposure.²³ Consequently, nothing changed about jail conditions after the January inspection. Some individuals inside Cois Byrd Detention Center have indicated that a large portion of the jail's population may have been moved out to the recreational yard during the BSCC's inspection to hide the jail's obvious overcrowding.

Between rejected Civil Grand Jury recommendations, persistent medical neglect, and the BSCC's failed attempt at jail oversight, RSD has committed egregious civil and human rights abuses against those in their custody. Mr. Nelson Sims is one of the Department's countless victims. We have chosen to highlight Mr. Nelson Sims' story in this letter, but you may read testimonies from others who faced medical neglect in Riverside County jails in the Appendix ([See Appendix A](#)).

Victims of Sheriff Negligence:

Mr. Nelson Sims is a Black 62-year-old US Marines veteran who suffers from a series of psychological and medical conditions which made his incarceration during COVID-19 a potential death sentence. On January 24th, 2020, he was booked into Cois Byrd Detention Center on charges for an alleged DUI. After his booking, he was not granted access to multiple necessary medications or his breathing machine for several weeks even though he was diagnosed with high blood pressure and cholesterol. As a possible consequence of being denied his breathing machine and medications, Mr. Sims suffered a brain aneurysm on February 15th and had emergency brain surgery at San Diego University Medical Center. Following the surgery, Mr. Sims needed a cane to move around, which he had not needed previously. Mr. Sims was also diagnosed with a seizure disorder. He wasn't given adequate time to recover from the operation, and instead was sent directly back to the Robert Presley Detention Center, and later was transferred back to Cois Byrd on March 13th. That same day, he was made to appear in court, where a disoriented Mr. Sims was sentenced to five years in prison for a DUI charge with bodily injury. He is now serving his five year sentence in a CDCR facility.

<https://lao.ca.gov/handouts/crimjust/2021/Local-Detention-Facilities-Review-030821.pdf>

²² Christopher Damien, (February 15th, 2021) *State oversight board pleased with findings of last month's inspections of two Riverside County*. The Desert Sun.

https://www.desertsun.com/story/news/crime_courts/2021/02/15/riverside-county-jails-inspected-state-oversight-age-ncy-january/6727293002/

²³ Ibid.

V. RSD Continues to Kill Riverside Residents at an Alarming Rate

Across the nation, calls for accountability for deaths perpetrated by law enforcement have heightened since the May 2020 killing of George Floyd. Riverside County is no exception. Residents are increasingly alarmed by rampant instances of police brutality by RSD deputies. In 2019, RSD closely followed LASD in the number of fatal shootings by Sheriff's deputies - yet, Los Angeles County has more than four times as many residents as Riverside.²⁴ Between 2013 and 2020, a Black person was 1.6 times more likely than a white person to be killed by police in Riverside County - an alarming finding that confirms the lived experience of police brutality reported by our Black community members.²⁵

From 2013-2021, RSD has killed 55 people — more killings by police per arrest than 92% of California sheriff's departments.²⁶ RSD did not attempt to use non-lethal force before shooting and killing residents in any of these instances. Most of those killed were either not threatening officers with a “dangerous item”²⁷ or were in a mental health crisis.²⁹ [[See Appendix B “Officer Involved Deaths” for a comprehensive list of officer involved deaths from 2013-2021](#)]³⁰

From 2019 to 2020, RSD reportedly shot at people 41 times.³¹ In most cases (31 out of 41), the victim was not perceived to be armed with a firearm. In every case where RSD deputies shot someone perceived to be carrying a knife or other “dangerous item,” signs of behavioral health impairment or disability were noted. This data calls into question whether RSD has only used deadly force when necessary, in defense of life, as required by current law.

In contrast, the Department solved fewer homicides than 72% of California sheriff's departments during the same time period. This comparatively low clearance rate suggests that RSD, despite increased agency funding, fails to perform on par with other agencies in response to violence in Riverside County.³² Yet Sheriff Bianco believes that people are dying at the hands of officers

²⁴ Evan Wyloge & Colin Atagi (June 21st, 2019) *Including Costco case, Riverside County has one of highest rates of fatal officer-involved shootings*. The Desert Sun <https://www.desertsun.com/story/news/2019/06/21/including-corona-costco-case-riverside-county-near-highest-rate-fatal-officer-involved-shootings-cal/1530480001/>

²⁵ Nationwide Police Scorecard: <https://policescorecard.org/ca/sheriff/riverside-county>

²⁶ Figures obtained from <https://policescorecard.org/> and <https://mappingpoliceviolence.org/>

²⁷ Rico Robles, murdered by RSD in 2020 which raises additional concerns insofar as it appears from bodycam footage both that officers fired from and at a vehicle, a practice recognized as particularly dangerous and ill-advised <https://kesq.com/news/2020/05/20/sheriffs-department-releases-body-cam-footage-of-deadly-deputy-involved-shooting/>

²⁸ Angel Nelson, murdered by RSD in 2021

<https://www.pe.com/2021/04/08/corona-police-identify-man-23-killed-in-police-shooting/>

²⁹ Andrew Cuevas murdered by RSD in 2019 while in a mental health crisis.

<https://www.pe.com/2019/11/23/we-were-trying-to-help-him-says-sister-of-mentally-ill-azusa-man-killed-by-deputies-in-lake-elsinore/>

³⁰ Information obtained from Mapping Police Violence <https://mappingpoliceviolence.org/cities>

³¹ “URSUS Data, 2019-2021”. State of California, Department of Justice.

<https://openjustice.doj.ca.gov/>

³² Ibid.

because of an increase in use of “drugs, alcohol and a culture of resistance to police authority.”³³ Notably, out of all 50 homicides involving RSD deputies between 2010 and 2019, all 50 cases were found to be justified (rather than willful) by the local District Attorney's office. ([See Appendix C- “Data Analysis”, Graph #4](#))

Victims of Sheriff Violence:

Ernie Serrano was murdered by the Riverside Sheriff's Department on December 15th due to a mental health episode. The evening of December 15th, Mr. Serrano was experiencing a mental health crisis when he wandered into a supermarket where the staff called the police to due complaints from customers and his “behaviour.” When RSD arrived, they beat Mr. Serrano with a baton, pummeled him to the floor and asphyxiated him by pushing his neck on a counter that obstructed his breathing. Mr. Serrano's story garnered a strong outcry from the Latinx community of Riverside that is still seeking justice for what occurred to Mr. Serrano. Yet, in light of the public backlash, the RSD proceeded to claim that Mr. Serrano's death was due to a “drug overdose.” However, video footage and eyewitness accounts show the visible moments when Mr. Serrano pleaded for his life, stating to deputies “please you're using excessive force! Let me go”³⁴. For the family and community members, this shows the callous nature of the department going so far to create a false narrative about Mr. Serrano's cause of death to absolve the department from any wrongdoing.

VI. RSD's Jail Conditions Lead to a High Number of Fatalities Within Custody

Alongside the rampant abuse and violence in the field, in-custody deaths are another prevalent problem in Riverside County. We recommend that any investigation into the RSD include a review of in custody deaths labeled as a “natural death/homicide/suicide”. While there is a lack of public information available regarding the circumstances around each death, we believe that a high percentage of those listed as natural, suicide, or accidental are potentially the result of the subpar medical and mental health care administered by Riverside County jail facilities. The graph in the Appendix shows this breakdown of deaths in custody, by the manner of death. ([See Appendix C- “Data Analysis,” Graph #7](#))

³³ Christopher Damien (May 8th, 2021) *Riverside County sheriff's deputy fatally shoots man near Perris*. The Desert Sun

https://www.desertsun.com/story/news/crime_courts/2021/05/08/riverside-sheriffs-deputies-fatally-shoot-man-crow-bar-near-perris/5005749001/

³⁴ CBSLA Staff (February 12th, 2021) *New Body Cam Video Shows Moments Leading Up To Ernie Serrano's Death At Jurupa Valley Grocery Store*. CBS LA

<https://losangeles.cbslocal.com/2021/02/12/ernie-serrano-jurupa-valley-riverside-sheriffs-department-body-cam-foot-age/>

Victims of Sheriff Violence:

Philip Garcia³⁵ passed away on March 23, 2017, inside the RUHS Medical Center, due to abuse at the hands of Riverside Sheriff Deputies and nurses. Mr. Garcia was booked into custody during a mental health crisis. Instead of undergoing medical intake, he was placed in a sobering cell overnight. He was exhibiting clear signs of psychosis and was left without a mattress, blanket, or shirt. The following morning, guards in riot gear and hazmat suits shot pepper balls and stinger grenades into Mr. Garcia's cell. They tackled and pinned him to a restraint chair, before taking him to the emergency room several hours later so his psychosis could be treated. In the ER, a doctor diagnosed Mr. Garcia with Rhabdomyolysis, a deadly condition caused by overexertion. After 12 hours of waiting in the ER while restrained to a gurney, the time came to transfer Mr. Garcia to a hospital bed. In that process, guards and nurses violently pinned and dragged Mr. Garcia, pushing a plastic shield down on his head. He died a few hours later of Rhabdomyolysis, caused by the excessive restraints used against him since his booking 44 hours prior. Mr. Garcia's story is a clear example of the excessive force and medical neglect inflicted upon incarcerated people by Riverside deputies, despite the policies and procedures in place to prevent such violence. No disciplinary action was taken against the deputies involved, despite Mr. Garcia's death being ruled a homicide by the County Coroner.

VII. Analysis of Deaths by Law Enforcement

The information outlined above led our organizations to review publicly available data³⁶ to better understand the rampant abuse by RSD. The analysis uncovered a significant increase with regards to deaths in custody ([Appendix D - "Officer Involved Deaths by RSD"](#)) over the past decade.³⁷ The data also showed a significant increase in deaths overall (in custody and in field) by RSD from 2018 onward, a trend that had otherwise remained linear from 2011- 2017. ([See Appendix C- "Data Analysis", Graph #1](#))

From 2005 to 2019, 40 percent³⁸ of those who died in custody or in the process of arrest by RSD had their deaths classified as "homicide justified" (law enforcement). This is the highest percentage of any sheriff's department in California. Statewide across this same period, 16

³⁵ Thalia Beaty, Ryan Gabrielson, Nadia Sussman & Lucas Waldron (June 16, 2020) *Deadly Restraint: How a Man in Psychiatric Crisis Died in Custody*. ProPublica

<https://features.propublica.org/riverside-jail-video/mental-health-crisis-force-restraint/>

³⁶ Data for this section was obtained from Open Justice and various Public Record Requests we made to the Riverside Sheriff's Department.

³⁷ For the sake of the analysis we use "deaths in custody" or those who "died at the hands of law enforcement" in reference to individuals whose manner of death are listed as "natural deaths/ homicide/suicide" and those who died in "process of arrest." We use this categorization as it is the responsibility of RSD to provide care and safety to those inside - a failure to do so puts the onus on no one other than the agency themselves.

³⁸ "Death in Custody Data, 2005-2019." State of California, Department of Justice.

percent of people who died in the custody or process of arrest by a sheriff's department were killed in a "justified homicide."³⁹

VIII. Conclusion

In sum, we write to the Attorney General's office after exhausting all other routes to obtain basic standards of accountability and humane treatment of Riverside County residents. For the foregoing reasons, the undersigned request that the Attorney General open an investigation into the Riverside Sheriff's Department, with respect to its rampant deputy violence, persistently inhumane jail conditions, and refusal to protect people in county custody from COVID-19.

Sincerely,

ACLU of Southern California

Starting Over Inc.

Riverside All of Us or None

And the following undersigned organizations,



³⁹ Ibid.