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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Estate of RODNEY LOUIS BOCK, deceased, by and through CYNDIE DENNY BOCK, as Administrator; KIMBERLY BOCK; KELLIE BOCK; HILLARY BOCK; MORGEN BOCK; LAURA LYNN BOCK; and Estate of ROBERT BOCK,

Plaintiffs,

v.

COUNTY OF SUTTER; COUNTY OF YUBA; J. PAUL PARKER, Sutter County Sheriff's Department Sheriff; LEWIS MCELFRESH, Sutter County Jail Division Commander; NORMAN BIDWELL, Sutter County Jail Corrections Lieutenant; JOHN S. ZIL; CHRISTOPHER BARNETT; BOBBY JOE LITTLE; DAVID CALAPINI; SHAUN FLIEHMAN; RAINBOW CRANE; KATY MULLIN; DONICE MCGINNIS; BALJINDER RAI; and Does I through XL, inclusive,

Defendants.

Case No. 2:11-cv-00536-MCE-KJN

FIFTH AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS AND STATE LAW

JURY TRIAL DEMANDED

INTRODUCTION

Plaintiffs complain and allege as follows:

1. RODNEY BOCK was a loving father and son with a history of mental illness. In spite of his psychiatric problems, RODNEY BOCK had run a farm, growing peaches, prunes, walnuts, and other fresh produce. He was self-employed, and for thirty years ran a successful fruit stand business in Marysville, California. He also operated a successful, and growing, fertilizer business in the area. He provided substantial financial and emotional support to his family, and they remained extremely close to him throughout his life.

2. In November 2009, RODNEY BOCK was the victim of an attack in which he received blows to his head and body. Soon thereafter, RODNEY BOCK began to experience substantial psychiatric decompensation. He would regularly make erratic and paranoid statements that God and Rush Limbaugh were talking to him and telling him what to do. As his delusions and paranoia escalated, his family repeatedly and desperately sought help from local authorities, including the Sutter County Sheriff's Department and Sutter-Yuba Mental Health Services.

3. RODNEY BOCK's mental health deterioration starting in November 2009 led to multiple involuntary hospitalizations for psychiatric evaluation and treatment pursuant to Cal. Welf. & Inst. Code § 5150 ("Section 5150"). During the first two psychiatric hospitalizations, in November-December 2009 and January-February 2010, doctors determined that RODNEY BOCK required an additional two-week period of intensive inpatient treatment in order to provide appropriate care and to stabilize his condition. According to his treatment team, which included Defendants BARNETT and ZIL, RODNEY BOCK's mental health during this time was extremely fragile, as he manifested psychotic, delusional and grandiose behaviors, believed that he was communicating with God, and demonstrated paranoid thoughts. Defendants BARNETT and ZIL, as well as other county mental health staff, repeatedly recommended that RODNEY BOCK be provided a safe and structured setting, intensive mental health

treatment, and ultimately a psychiatric hospital placement.

4. In late March 2010, RODNEY BOCK abruptly and unexpectedly drove from California to Idaho, believing that the FBI was following him, that he was communicating with God and Rush Limbaugh, and that he was acting at God's direction. COUNTY OF SUTTER employees, including Defendants BARNETT and ZIL, documented and were aware of RODNEY BOCK's alarming and psychotic behaviors.

5. RODNEY BOCK's family promptly brought him to Sutter County's psychiatric hospital for *emergency* evaluation and treatment in April 2010. Doctors found that he was "gravely disabled" – that is, that he was unable to provide for his basic personal needs – and warranted involuntary emergency hospitalization pursuant to Section 5150. Defendant BARNETT determined that RODNEY BOCK likely required an additional two (2) weeks of involuntary psychiatric hospitalization. Yet Defendant BARNETT discharged RODNEY BOCK from the psychiatric hospital barely 24 hours after his Section 5150 admission, despite clinical findings that he remained gravely disabled, could not take care of his basic needs, and was psychotic. Defendant BARNETT thus illegally discharged RODNEY BOCK from the hospital with the Section 5150 involuntary hospitalization order still in place.

6. Even worse, Defendant BARNETT knowingly discharged RODNEY BOCK to the custody of the Sutter County Sheriff's Department pursuant to an outstanding warrant for detention at Sutter County Jail. Sutter County Jail ("the Jail") is not licensed or otherwise permitted to house individuals subject to Section 5150 involuntary hospitalization. Defendant FLIEHMAN, a Sutter County Jail officer, completed the placement and booking of RODNEY BOCK in the Sutter County Jail knowing that it could not, and would not, provide anything resembling the level of evaluation, treatment and supervision that RODNEY BOCK required given his gravely disabled mental health condition and Section 5150 status.

7. Defendant FLIEHMAN placed RODNEY BOCK in a general population single cell with no direct observation for safety, although he knew or should have known

that RODNEY BOCK required *at least* two (2) weeks of *additional* involuntary psychiatric hospitalization given his psychotic condition and inability to provide for his own needs.

8. For the next 27 days, RODNEY BOCK remained at Sutter County Jail, where he received woefully inadequate treatment. Meanwhile, Defendants ZIL, FLIEHMAN, LITTLE, CALAPINI, RAI, CRANE, MULLIN, and MCGINNIS observed and were informed of and documented the severity and deterioration of RODNEY BOCK's condition.

9. During this time, as detailed herein, Defendants ZIL, FLIEHMAN, LITTLE, CALAPINI, RAI, CRANE, MULLIN, and MCGINNIS failed to provide the care and treatment RODNEY BOCK urgently needed, in spite of readily apparent and known indicators of RODNEY BOCK's deterioration, dangerous refusal of critically necessary psychiatric medications, suicidal thoughts, and need for psychiatric hospitalization.

10. Meanwhile, Defendants PARKER, MCELFRESH, and BIDWELL knew or should have known of, yet ignored, a court order explicitly directing that RODNEY BOCK be placed at Napa State Hospital for inpatient psychiatric hospitalization, in spite of their statutory and established duties to effectuate such a court-ordered transfer. Defendants PARKER, BIDWELL, and MCELFRESH further knew or should have known that Napa State Hospital had accepted RODNEY BOCK for prompt admission.

11. The outrageous actions and failures described herein led to RODNEY BOCK's further decline in mental health, unnecessary suffering, and ultimately his preventable suicide at Sutter County Jail on April 29, 2010. The deliberate indifference and other misconduct of each Defendant, as described herein, proximately caused RODNEY BOCK to suffer a violent and psychotic episode, including RODNEY BOCK's repeated forceful banging of his head and body against a hard cell wall, causing substantial bleeding and hemorrhaging, and his hanging himself in his jail cell.

JURISDICTION

12. This Complaint seeks damages for the violation of the civil rights, privileges, and immunities, as guaranteed by the First and Fourteenth Amendments of the United

States Constitution, of RODNEY BOCK, pursuant to 42 U.S.C. §§ 1983 and 1988, and for violations of California state law. This Complaint further seeks damages for the violation of the civil rights, privileges, and immunities, of KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, M.B., LAURA LYNN BOCK, and ROBERT BOCK as guaranteed by the First and Fourteenth Amendments of the United States Constitution, and under California state law.

13. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1331 and 1343.

14. This Court has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. § 1367, since the claims form part of the same case or controversy arising under the United States Constitution and federal law.

VENUE

15. Plaintiffs' claims, alleged herein, arose in the Counties of Sutter and Yuba, California. Therefore, venue lies in the Eastern District of California pursuant to 28 U.S.C. § 1391(b)(2).

16. Pursuant to Rule 3 of the Federal Rules of Civil Procedure and Civil Local Rule 120(d), assignment to this division is proper because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in the counties served by this division.

PARTIES

17. Plaintiffs' decedent is RODNEY LOUIS BOCK, who, at the time of his death, was a fifty-six (56) year old citizen of the United States. He was a citizen and resident of County of Yuba in the State of California.

18. Plaintiff CYNDIE DENNY BOCK, as Administrator of the Estate of RODNEY LOUIS BOCK, brings this action pursuant to California Code of Civil Procedure §§ 377.10 *et seq.* The survival causes of action in this matter are based on violations of RODNEY BOCK's rights under the First and Fourteenth Amendments, and on violations of California state law as against COUNTY OF SUTTER and all individual

Sutter County Defendants.

19. Plaintiffs KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, and M.B. are the daughters of RODNEY BOCK. They are suing for violations of their civil rights under the First and Fourteenth Amendments. They are further suing for violations of California state law as against COUNTY OF SUTTER and all individual Sutter County Defendants. M.B., a minor, is suing through her mother and Guardian Ad Litem, CYNDIE DENNY BOCK.

20. Plaintiff LAURA LYNN BOCK is the mother of RODNEY BOCK. She is suing individually for violations of civil rights under the First and Fourteenth Amendments.

21. Plaintiff ROBERT BOCK is the father of RODNEY BOCK. ROBERT BOCK passed away since the filing of the Complaint in this case. The Estate of ROBERT BOCK is suing for violations of his civil rights under the First and Fourteenth Amendments.

22. Plaintiffs CYNDIE DENNY BOCK and M.B. are residents of the County of Sutter, California.

23. Plaintiffs KIMBERLY BOCK, KELLIE BOCK, and HILLARY BOCK are residents of the County of Yuba, California.

24. Plaintiff LAURA LYNN BOCK is a resident of the County of Butte, California. Plaintiff ROBERT BOCK was a resident of the County of Butte, California, until the time of his recent death.

25. Defendant COUNTY OF SUTTER is a public entity, duly organized and existing under the laws of the State of California. Under its authority, Defendant COUNTY OF SUTTER operates and manages Sutter County Jail and Sutter-Yuba Mental Health Services (SYMHS) facilities, and is, and was at all relevant times mentioned herein, responsible for the actions and/or inactions and the policies, procedures and practices/customs of the Sutter County Sheriff's Department and SYMHS, and each entity's respective employees and/or agents. Sutter County Sheriff's Department operates

Sutter County Jail, and is and was responsible for ensuring the provision of emergency and basic medical and mental health care services to all Sutter County Jail inmates. SYMHS is operated jointly by COUNTY OF SUTTER and COUNTY OF YUBA pursuant to a joint powers agreement. SYMHS provides mental health care services, including evaluation and treatment, to individuals experiencing severe emotional distress or acute problems related to psychiatric disabilities, as well as acute psychiatric inpatient care for adults in COUNTY OF SUTTER and COUNTY OF YUBA. SYMHS provides evaluation and treatment for individuals in COUNTY OF SUTTER and COUNTY OF YUBA who, as a result of a mental disorder, are a danger to others, or to themselves, or are gravely disabled, as consistent with Cal. Welf. & Inst. Code §§ 5150, *et seq.* SYMHS also provides medical and/or mental health care services to Sutter County Jail inmates pursuant to public contract.

26. Defendant COUNTY OF YUBA is a public entity, duly organized and existing under the laws of the State of California. Under its authority, Defendant COUNTY OF YUBA operates and manages SYMHS facilities, and is, and was at all relevant times mentioned herein, responsible for the actions and/or inactions and the policies, procedures and practices/customs of SYMHS, and its respective employees and/or agents. SYMHS is operated jointly by COUNTY OF SUTTER and COUNTY OF YUBA pursuant to a joint powers agreement, and provides the services in Paragraph 25, above.

27. Defendant J. PAUL PARKER is, and was at all relevant times mentioned herein, the Sheriff of the COUNTY OF SUTTER, the highest position in the Sutter County Sheriff's Department. As Sheriff, Defendant PARKER is and was responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and control of all Sutter County Sheriff's Department custodial employees and/or agents and DOES I through XL. Defendant PARKER is and was charged by law with the administration of the Sutter County Jail, with the assistance of a small group of executive officers. Defendant PARKER is and was responsible for assuring the prompt transfer of mentally or

medically ill inmates to appropriate out-of-facility placements, including to mental hospital facilities pursuant to court order. Defendant PARKER also is and was responsible for the promulgation of the policies and procedures and allowance of the practices/customs pursuant to which the acts of the Sutter County Sheriff's Department alleged herein were committed. Defendant PARKER is being sued in his individual and official capacities.

28. Defendant LEWIS MCELFRESH is, and was at all relevant times mentioned herein, the Sutter County Jail Division Commander. Defendant MCELFRESH is and was responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and control of all Sutter County Sheriff's Department custodial employees and/or agents and DOES I through XL. Defendant MCELFRESH is and was responsible for the administration of the Sutter County Jail, and upon information and belief reports directly to Defendant PARKER. Upon information and belief, Defendant MCELFRESH is and was responsible for ensuring the execution of the Sheriff's duties with respect to jail operations, including the prompt transfer of mentally or medically ill inmates to appropriate out-of-facility placements, including to mental hospital facilities pursuant to court order. Defendant MCELFRESH is and was also responsible for the promulgation of the policies and procedures and allowance of the practices/customs pursuant to which the acts of the Sutter County Sheriff's Department alleged herein were committed. Defendant LEWIS MCELFRESH was at all relevant times mentioned herein the Jail Facility Manager at Sutter County Jail. Pursuant to the Jail's policies and procedures and upon information and belief, Defendant MCELFRESH was responsible for reviewing, processing, and effectuating court orders that included court-ordered placement of mentally ill Jail inmates in a psychiatric hospital. Upon information and belief, Defendant MCELFRESH reviewed and was charged with effectuating the court-ordered state psychiatric hospital placement of RODNEY BOCK in April 2010, and subsequently failed to take necessary steps to effectuate the order or otherwise provide RODNEY BOCK with necessary psychiatric treatment. Defendant MCELFRESH is being sued in his individual capacity.

29. Defendant NORMAN BIDWELL is, and was at all relevant times mentioned

herein, the Sutter County Jail Corrections Lieutenant. Defendant BIDWELL is and was the second in command at Sutter County Jail. He is and was responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and control of all Sutter County Sheriff's Department custodial employees and/or agents and DOES I through XL. Upon information and belief, Defendant BIDWELL is and was responsible for the administration of the Sutter County Jail, and reports directly to Defendants MCELFRESH and PARKER. Upon information and belief, Defendant BIDWELL is and was responsible for ensuring the execution of the Sheriff's duties with respect to jail operations, including the prompt transfer of mentally or medically ill inmates to appropriate out-of-facility placements, including to mental hospital facilities pursuant to court order. Defendant BIDWELL is and was also responsible for the promulgation of the policies and procedures and allowance of the practices/customs pursuant to which the acts of the Sutter County Sheriff's Department alleged herein were committed. Defendant BIDWELL is being sued in his individual capacity.

30. Defendant JOHN S. ZIL is, and was at all relevant times mentioned herein, a psychiatrist under contract to provide psychiatric treatment to SYMHS patients and/or Sutter County Jail inmates with mental health needs. Between November 2009 and April 2010, Defendant ZIL was responsible for completing psychiatric evaluations of RODNEY BOCK, as well as planning psychiatric treatment and placement, providing psychiatric treatment, and prescribing psychiatric medication for RODNEY BOCK. Defendant ZIL observed and was repeatedly informed of RODNEY BOCK's gravely disabled psychiatric condition, his inability to care for his own needs, his Section 5150 involuntary hospitalization, and his further deterioration while detained at Sutter County Jail. Defendant ZIL was RODNEY BOCK's treating physician at Sutter County Jail, and acted with deliberate indifference to RODNEY BOCK's serious treatment needs despite Defendant ZIL's direct knowledge of a substantial risk of serious harm, including suicide and death. Defendant ZIL is being sued in his individual capacity.

31. Defendant CHRISTOPHER BARNETT is, and was at relevant times

mentioned herein, a psychiatrist employed by SYMHS. Between November 2009 and April 2010, Defendant BARNETT was responsible for completing multiple psychiatric evaluations of RODNEY BOCK, as well as planning psychiatric treatment and placement, providing psychiatric treatment, and prescribing psychiatric medication for RODNEY BOCK. Defendant BARNETT evaluated RODNEY BOCK and had direct knowledge of his gravely disabled psychiatric condition and his inability to care for his own needs immediately prior to the April 2010 Jail detention. Defendant BARNETT ordered the involuntary emergency psychiatric hospitalization of RODNEY BOCK for at least 72 hours of treatment pursuant to Section 5150. Defendant BARNETT in fact identified RODNEY BOCK's continued gravely disability and need for at least two (2) weeks of further psychiatric hospitalization. Yet, Defendant BARNETT improperly and illegally took steps to discharge RODNEY BOCK for transfer to Sutter County Jail while the Section 5150 involuntary hospitalization was still in place and without the statutorily required finding the treatment was no longer required, a violation of Cal. Welf. & Inst. Code § 5152. Defendant BARNETT acted with deliberate indifference to RODNEY BOCK's serious treatment needs despite Defendant BARNETT's knowledge of a substantial risk of serious harm, including suicide and death. Defendant BARNETT is being sued in his individual capacity.

32. Defendant BOBBY JOE LITTLE was at all relevant times mentioned herein a Deputy Officer at Sutter County Jail. Defendant LITTLE had direct contact with RODNEY BOCK in the hours and/or days leading up to his death, had actual notice of RODNEY BOCK's psychotic condition and need for emergency treatment and psychiatric hospitalization, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. Defendant LITTLE is being sued in his individual capacity.

33. Defendant DAVID CALAPINI was at all relevant times mentioned herein a Deputy Officer at Sutter County Jail. Defendant CALAPINI had direct contact with RODNEY BOCK in the hours and/or days leading up to his death, had actual notice of RODNEY BOCK's psychotic condition and need for emergency treatment and psychiatric

hospitalization, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. Defendant CALAPINI is being sued in his individual capacity.

34. Defendant SHAUN FLIEHMAN was at all relevant times mentioned herein a Deputy Officer at Sutter County Jail. Defendant FLIEHMAN had direct contact with RODNEY BOCK at the time of his placement and booking at Sutter County Jail, and had actual notice of RODNEY BOCK's psychotic condition and need for emergency treatment and psychiatric hospitalization. Defendant FLIEHMAN acted illegally and with deliberate indifference by accepting RODNEY BOCK at the Jail as a patient currently subject to Section 5150 psychiatric hospitalization, by failing to properly document RODNEY BOCK's obvious and manifest condition and treatment needs, by placing him in a general population single cell without appropriate observation and safety precautions, and by failing to take steps to provide necessary treatment. Defendant FLIEHMAN is being sued in his individual capacity.

35. Defendant RAINBOW CRANE was at all relevant times mentioned herein a Sutter County employee charged with evaluating medically and/or mentally ill inmates at Sutter County Jail. Defendant CRANE had direct contact with RODNEY BOCK on multiple occasions during his April 2010 detention to assess his condition and treatment needs. Shortly before RODNEY BOCK's death, Defendant CRANE was informed and observed that RODNEY BOCK's condition had deteriorated to an alarming level, and that he was unstable, talking to himself, refusing critical medications, experiencing delusions and hallucinations, and making alarming statements suggesting suicidal thoughts. Defendant CRANE knew or should have known that RODNEY BOCK was at serious risk of self-harm and suicide and that he required immediate treatment, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. Defendant CRANE is being sued in her individual capacity.

36. Defendant KATY MULLIN was at all relevant times mentioned herein a Licensed Vocational Nurse at Sutter County Jail. Defendant MULLIN had direct contact with RODNEY BOCK in the hours and/or days leading up to his death, and had actual

notice of RODNEY BOCK's serious mental illness and repeated refusals of critically necessary psychiatric medications. Defendant MULLIN knew or should have known that RODNEY BOCK was at serious risk of self-harm and suicide and that he required immediate treatment, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. Defendant MULLIN is being sued in her individual capacity.

37. Defendant DONICE MCGINNIS was at all relevant times mentioned herein a Licensed Vocational Nurse at Sutter County Jail. Defendant MCGINNIS had direct contact with RODNEY BOCK in the hours and/or days leading up to his death, and had actual notice of RODNEY BOCK's serious mental illness and repeated refusals of critically necessary psychiatric medications. Defendant MCGINNIS knew or should have known that RODNEY BOCK was at serious risk of self-harm and suicide and that he required immediate treatment, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. Defendant MCGINNIS is being sued in her individual capacity.

38. Defendant BALJINDER RAI was at all relevant times mentioned herein a Deputy Officer at Sutter County Jail. Defendant RAI had direct contact with RODNEY BOCK in the hours and/or days leading up to his death, had actual notice of RODNEY BOCK's psychotic condition, risk for suicide, and need for emergency treatment and psychiatric hospitalization, and acted with deliberate indifference by failing to take necessary steps to provide such treatment. He was specifically told that RODNEY BOCK was acting suicidal and urgently needed to be seen and provided help given his psychotic condition, yet did nothing to summon or provide plainly indicated and desperately needed psychiatric care. Defendant RAI is being sued in his individual capacity.

39. The true names and identities of Defendants DOES I through XX are presently unknown to Plaintiffs. Plaintiffs allege that each of Defendants DOES I through XX was employed by the COUNTY OF SUTTER, and/or COUNTY OF YUBA, and/or the Sutter County Sheriff's Department, and/or SYMHS at the time of the conduct alleged

herein. Plaintiffs allege that each of Defendants DOES I through XX was deliberately indifferent to RODNEY BOCK's medical needs and safety, failed to provide necessary psychiatric care to him or take other measures to prevent him from attempting suicide, violated his civil rights, wrongfully caused his death, and/or encouraged, directed, enabled and/or ordered other defendants to engage in such conduct. Plaintiffs further allege that Defendants DOES I through XX violated Plaintiffs' First and Fourteenth Amendment rights, and rights under California state law. Plaintiffs will seek to amend this Complaint as soon as the true names and identities of Defendants DOES I through XX have been ascertained.

40. The true names and identities of Defendants DOES XXI though XL are presently unknown to Plaintiffs. Plaintiffs allege that each of Defendants DOES XXI through XL was employed by the COUNTY OF SUTTER, and/or COUNTY OF YUBA, and/or the Sutter County Sheriff's Department, and/or SYMHS at the time of the conduct alleged herein. Plaintiffs allege that each of Defendants DOES XXI through XL was responsible for the hiring, screening, training, retention, supervision, discipline, counseling, and control of medical, mental health, and jail custody employees and/or agents involved in the conduct alleged herein. Plaintiffs allege that each of Defendants DOES XXI through XL was also responsible for and caused the acts and injuries alleged herein. Plaintiffs will seek to amend this Complaint as soon as the true names and identities of Defendants DOES XXI through XL have been ascertained.

41. Defendant COUNTY OF SUTTER is a political subdivision of the State of California, created and existing by virtue of the laws of the State of California. At all times relevant to the instant complaint, Defendant COUNTY OF SUTTER employed Defendants J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I through XL.

42. Defendant COUNTY OF YUBA is a political subdivision of the State of

California, created and existing by virtue of the laws of the State of California. At all times relevant to the instant complaint, Defendant COUNTY OF YUBA employed Defendants JOHN S. ZIL, CHRISTOPHER BARNETT, and DOES I through XL.

43. Defendants J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I through XL, and each of them, to the extent they engaged in any acts or omissions alleged herein, engaged in such acts or omissions under color of state law.

44. Plaintiffs are informed and believe and thereon allege that at all times mentioned in this Complaint, Defendants, and each of them, were the agents, employees, servants, joint venturers, partners and/or co-conspirators of the other Defendants named in this Complaint and that at all times, each of the Defendants was acting within the course and scope of said relationship with Defendants.

EXHAUSTION OF PRE-LAWSUIT PROCEDURES FOR STATE LAW CLAIMS

45. Plaintiffs CYNDIE DENNY BOCK, KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, and M.B. filed governmental tort claims with the State and Defendant COUNTY OF SUTTER, including on behalf of the ESTATE OF RODNEY BOCK, on June 24, 2010. By correspondence dated August 26, 2010, Plaintiff KIMBERLY BOCK's governmental tort claims were rejected. By correspondence dated September 23, 2010, Plaintiffs CYNDIE DENNY BOCK, KELLIE BOCK, HILLARY BOCK, and M.B.'s governmental tort claims were rejected.

FACTUAL ALLEGATIONS

46. RODNEY BOCK was born on August 22, 1953, in Sacramento, California, and was raised primarily in Sacramento.

47. RODNEY BOCK and CYNDIE DENNY BOCK had four daughters together, all of whom had extremely close relationships with their father. RODNEY BOCK also was extremely close with his parents and other family members.

48. Prior to his death, RODNEY BOCK lived on his farm in Marysville, California. Two of his daughters, KELLIE BOCK and HILLARY BOCK, lived with him year-round, and KIMBERLY BOCK lived with him during extended periods each year consistent with her work obligations. RODNEY BOCK's youngest daughter, M.B., stayed with him several times a month.

49. RODNEY BOCK worked as a self-employed farmer. He, along with his daughters and employees, worked on the farm growing peaches, prunes, walnuts, and other fresh produce. RODNEY BOCK owned and operated a successful fruit vending business along Highway 70 in Marysville, California. RODNEY BOCK also sold fruit and other products grown on the farm to vendors. Additionally, RODNEY BOCK owned and operated a promising fertilizer business, with a growing number of clients in the area.

50. RODNEY BOCK had a history of mental illness, but had managed to maintain a positive family life and to operate his business ventures successfully for thirty (30) years.

November-December 2009 Mental Health Problems and Section 5150 Hospitalization

51. In or about November 2009, RODNEY BOCK was the victim of an attack after an argument with a local resident. RODNEY BOCK suffered several blows to his head and body. Soon thereafter, he began making erratic and paranoid statements. In one incident, a game warden observed RODNEY BOCK in an isolated nature area stating that God was talking to him and telling him to kill people. The game warden did not arrest RODNEY BOCK, but told RODNEY BOCK's family that RODNEY BOCK needed mental help.

52. On or about November 26, 2009, RODNEY BOCK's brother, James Bock, and/or other family members contacted the Sutter County Sheriff's Department with concerns about RODNEY BOCK's mental health, including his statements that God was telling him what to do. The Sutter County Sheriff's Department held RODNEY BOCK for several hours, and completed and maintained documentation regarding his mental health problems.

53. RODNEY BOCK exhibited delusional and extremely paranoid behavior at the time of his release on November 26, 2009. Upon his release, he began wandering the streets, and his daughter, KELLIE BOCK, found him hiding behind a tree. There, he told her that he was being followed and that people were after him.

54. Later that night, RODNEY BOCK abruptly left his house and went to the local duck club, where he was a member. The next day, family members found RODNEY BOCK behaving extremely erratically at the duck club. He was acting out based upon apparent delusions and paranoia. He refused to return home or to eat. He spent the night in a ditch, demanding that family members leave him alone and stating that he wanted to be with God.

55. On or about November 27, 2009, family members attempted to have an "intervention" with RODNEY BOCK, which included a family friend who was a mental health professional. RODNEY BOCK told them that he was listening to God. Family members contacted county officials, and RODNEY BOCK was admitted to Psychiatric Emergency Services (PES) at SYMHS for psychiatric evaluation. Defendant ZIL and other SYMHS staff completed an evaluation but did not admit him for psychiatric hospitalization.

56. On or about November 30, 2009, family members again contacted the Sutter County Sheriff's Department based on RODNEY BOCK's continued paranoia, delusions, and psychotic behavior. RODNEY BOCK was taken to the SYMHS Psychiatric Health Facility, where he was admitted on a 72-hour hold for evaluation and treatment pursuant to Cal. Welf. & Inst. Code § 5150.

57. SYMHS has sixteen (16) inpatient beds for mentally ill patients, with an average census of approximately nine (9) to eleven (11) patients. SYMHS clinical, administrative, and supervisory staff members have, or reasonably should have, knowledge of all patients held at SYMHS, and their respective psychiatric conditions, at any given time.

58. Following a psychiatric exam, RODNEY BOCK was documented as

presenting as psychotic, delusional, and grandiose. SYMHS staff documented that RODNEY BOCK had a history of head trauma and a family history that included at least one completed suicide, that his thought process was "quite scattered and tangential," and that his insight and judgment were markedly impaired. RODNEY BOCK expressed to SYMHS staff his belief that President Obama was "sending people to kill him."

59. Following the 72-hour hold, RODNEY BOCK was certified pursuant to Cal. Welf. & Inst. Code § 5250 to remain at SYMHS for an additional fourteen (14) days of involuntary hospitalization, based on a finding that he was a danger to himself or others or was gravely disabled, as a result of a mental disorder or impairment requiring continued intensive psychiatric treatment.

60. During his inpatient treatment at SYMHS, Defendants ZIL and BARNETT, along with other SYMHS staff, evaluated and treated RODNEY BOCK, identifying serious psychiatric diagnoses, including: Bipolar I Disorder, Most Recent Episode Manic, Severe with Psychotic Features. An SYMHS Inpatient Services Interdisciplinary Treatment Team documented staff members' recommendations that RODNEY BOCK be provided a "supportive therapeutic milieu" to treat his psychiatric condition.

61. RODNEY BOCK was never provided a CT scan, MRI, or any other diagnostic assessment or treatment related to the reported head trauma documented by Defendant BARNETT and others.

62. At the time of his discharge on or about December 17, 2009, after a 17-day hospitalization, RODNEY BOCK's psychiatric condition and level of functioning remained precarious. According to Defendant BARNETT's evaluation and discharge summary, RODNEY BOCK required further psychiatric treatment for his serious mental illness, and Defendant BARNETT was to continue to provide such treatment.

January-February 2010 Mental Health Problems and Inpatient Treatment

63. On or about January 14, 2010, RODNEY BOCK again became delusional and paranoid, leading to an incident at a local Applebee's restaurant. He made several erratic statements in the restaurant, and was subsequently arrested by police and taken by

Sutter County Sheriff's Department to Sutter County Jail. Criminal charges were filed against RODNEY BOCK based on this incident.

64. On or about January 15, 2010, RODNEY BOCK was held at Sutter County Jail while continuing to manifest his unstable mental health condition. Custody staff completed RODNEY BOCK's Inmate Medical Screening Form. Jail staff failed to properly assess or document RODNEY BOCK's medication needs and his risk for self-harm or suicide on the Inmate Medical Screening Form.

65. On or about January 15, 2010, RODNEY BOCK was referred to SYMHS for a psychiatric evaluation. SYMHS staff completed a "Jail Outreach" evaluation documenting RODNEY BOCK's psychiatric history, which was maintained in RODNEY BOCK's custody file and documented his delusions and related serious psychiatric needs.

66. RODNEY BOCK was subsequently released from custody on bail.

67. On or about January 25, 2010, RODNEY BOCK's close friends and family again became alarmed by his delusional and paranoid behaviors. RODNEY BOCK's family again sought psychiatric treatment for him. On their request, Sutter County Sheriff's Department brought RODNEY BOCK to the SYMHS Psychiatric Health Facility, where he was admitted on a 72-hour hold for evaluation and treatment pursuant to Cal. Welf. & Inst. Code § 5150.

68. Following his 72-hour hold, RODNEY BOCK was certified pursuant to Cal. Welf. & Inst. Code § 5250 to remain at SYMHS Psychiatric Health Facility for an additional fourteen (14) days of involuntary hospitalization, as a result of a mental disorder or impairment requiring continued intensive psychiatric treatment.

69. During his inpatient treatment at SYMHS, Defendants BARNETT and ZIL, along with other SYMHS staff, evaluated and treated RODNEY BOCK.

70. Defendant BARNETT and other SYMHS staff confirmed and documented RODNEY BOCK's serious psychiatric diagnoses, including: Bipolar I Disorder, Most Recent Episode Manic, Severe with Psychotic Features. An SYMHS Inpatient Services Interdisciplinary Treatment Team documented its recommendation that RODNEY BOCK

be provided a "safe, secure milieu and appropriate level of observation" to treat his psychiatric condition. Defendant BARNETT and other SYMHS staff found him to be "delusional, grandiose, hyperreligious (being 'led by God')," "quite psychotic/manic," and demonstrating "markedly impaired" insight and judgment. Defendant BARNETT and other SYMHS staff identified and documented that RODNEY BOCK required fifteen-minute safety checks and daily treatment, a clear recognition that RODNEY BOCK was at risk of serious self-harm, including suicide.

71. Defendant BARNETT documented that RODNEY BOCK "need[ed] CT Scan of head [prior to discharge] (will rec[ommend] that) considering [history] of head injuries." Neither Defendant BARNETT nor any other Defendant or county employee ever ordered or provided this essential diagnostic testing for RODNEY BOCK.

72. On or about February 12, 2010, after a 17-day hospitalization, RODNEY BOCK was discharged from SYMHS Psychiatric Health Facility. Although his functioning had somewhat improved during the hospitalization, he continued to suffer from serious psychiatric problems, including delusions and impaired insight and judgment. Defendant BARNETT documented that RODNEY BOCK "still remain[ed] somewhat delusional concerning being driven by God."

Court-Ordered Evaluations to Determine RODNEY BOCK's Mental Condition

73. In light of RODNEY BOCK's serious and ongoing psychiatric problems, the court presiding over the pending criminal complaint against RODNEY BOCK expressed concern about RODNEY BOCK's condition and mental competency to stand trial. On or about January 27, 2010, the Honorable H. Ted Hanson of Sutter County Superior Court ordered that RODNEY BOCK undergo a psychological evaluation to assist in a determination of whether he was competent to stand trial and whether he required psychiatric treatment, including inpatient hospitalization.

74. On February 22, 2010, Dr. Deborah Schmidt, Ph.D. conducted the court-ordered psychological evaluation of RODNEY BOCK. Dr. Schmidt's findings make clear that RODNEY BOCK suffered serious psychiatric impairments including: an active

delusional, paranoid, and psychotic state; emotional instability; and high levels of agitation and excitability – all indicators of a risk of self-harm. Dr. Schmidt concluded that RODNEY BOCK's highly unstable psychiatric condition made him incompetent to stand trial. Dr. Schmidt also concluded that RODNEY BOCK required further psychiatric assessment and more intensive treatment. This evaluation was placed in a COUNTY OF SUTTER file on RODNEY BOCK that was readily available to both SYMHS and Jail staff charged with treating and supervising RODNEY BOCK during his April 2010 detention.

75. On or about March 1, 2010, the Hon. Brian R. Aronson of Sutter County Superior Court ordered a placement evaluation of RODNEY BOCK pursuant to Cal. Penal Code § 1370.

76. Dr. Rick Bingham, the Community Program Director for the Sutter-Yuba Conditional Release Program, completed the court-ordered placement evaluation. On or about March 22, 2010, Dr. Bingham documented RODNEY BOCK's history of experiencing manic episodes of Bipolar Disorder, and his delusions of a special relationship with Rush Limbaugh and of receiving messages from God directing his actions. Dr. Bingham scheduled an appointment with RODNEY BOCK for March 30, 2010.

March-April 2010 Mental Health Crisis and Section 5150 Hospitalization

77. In late March 2010, RODNEY BOCK experienced extreme paranoia and delusions. Based on delusional beliefs that God was directing him and that he needed to meet with Rush Limbaugh, RODNEY BOCK abruptly drove to his nephew's home in Idaho. He expressed beliefs that the FBI was following him, that he was openly and actively communicating with God and Rush Limbaugh, and that he was going to travel somewhere with Rush Limbaugh by helicopter, among other delusions and hallucinations.

78. Because of his psychiatric deterioration and the resultant trip to Idaho, RODNEY BOCK missed a March 29, 2010 court date. A warrant was issued based on this missed court date.

79. On or about March 29, 2010, Dr. Bingham sent another letter to the court, stating that he retracted his recommendations with respect to the appropriateness of outpatient treatment for RODNEY BOCK, as contained in the March 22, 2010 placement evaluation report. Dr. Bingham indicated that inpatient hospitalization was required. This document was placed in a COUNTY OF SUTTER file on RODNEY BOCK that was readily available to both SYMHS and Jail staff charged with treating and supervising RODNEY BOCK during his April 2010 detention.

80. Recognizing his uncle's severe decompensation and highly unstable psychiatric state, RODNEY BOCK's nephew brought RODNEY BOCK back to California on or about April 1, 2010. RODNEY BOCK's family returned him to SYMHS Psychiatric Health Facility, where he was admitted for a 72-hour period of treatment and evaluation pursuant to Cal. Welf. & Inst. Code § 5150.

Improper and Illegal Discharge from Section 5150 Involuntary Hospitalization and Improper and Illegal Jail Placement with Direct Knowledge of and Deliberate Indifference to RODNEY BOCK's Serious Treatment Needs

81. Upon his admission to SYMHS Psychiatric Health Facility on April 1, 2010, psychiatric staff identified RODNEY BOCK's highly unstable psychiatric condition as well as his need for a safe and structured therapeutic setting, including but not limited to psychiatric hospitalization.

82. By this time, based on his recent psychotic episodes and repeated admissions and hospitalizations at SYMHS, RODNEY BOCK's mental health problems were widely known by SYMHS clinical, administrative, and supervisory staff, including Defendants BARNETT and ZIL, who each observed and evaluated him, and identified his psychotic condition and symptoms indicating a high risk of serious self-harm and suicide.

83. On or about April 1, 2010, Defendant BARNETT evaluated RODNEY BOCK and confirmed the diagnosis of Bipolar I Disorder, Manic with Severe Psychotic Features, and recommended necessary interventions that included provision of a "safe and structured milieu" and "redirection as required [and] observ[ation] for safety." Defendant BARNETT and the Interdisciplinary Treatment Team further documented RODNEY

BOCK's need for a "state hospital placement." Upon information and belief, these treatment recommendations were made in recognition of RODNEY BOCK's inability to provide for his own basic needs and his risk for self-harm and suicide.

84. On April 2, 2010, Defendant BARNETT determined and documented that RODNEY BOCK required *at least an additional two (2) weeks* of involuntary psychiatric hospitalization pursuant to Cal. Welf. & Inst. Code § 5250 given his continued bipolar symptoms, delusions, hallucinations, and inability to safely provide for his own basic needs.

85. Yet that very same day, and barely 24 hours after his admission to SYMHS hospital for a 72-hour period of treatment and evaluation pursuant to Section 5150, Defendant BARNETT, knowing that RODNEY BOCK required further psychiatric hospitalization and acting with deliberate indifference to that serious medical need, and with knowledge that RODNEY BOCK's symptoms put him at significant risk of self-harm and suicide, ordered and approved the discharge of RODNEY BOCK for transfer to the Sutter County Jail.

86. Defendant BARNETT's discharge of RODNEY BOCK from the psychiatric hospital for transfer to Sutter County Jail violated the statutory requirement, as set forth in Cal. Welf. & Inst. Code § 5152(a), that such a patient "receive whatever treatment and care his … condition requires for the **full period** that he … is held" pursuant to § 5150, and that he "be released before 72 hours have elapsed **only if** the psychiatrist directly responsible for the person's treatment believes, as a result of the psychiatrist's personal observations, that [he] no longer requires evaluation or treatment" (emphasis added). Defendant BARNETT discharged RODNEY BOCK for transfer to Sutter County Jail without any finding that he no longer required evaluation or treatment. To the contrary, Defendant BARNETT knew that RODNEY BOCK remained gravely disabled and that psychiatric hospitalization for a minimum of two (2) more weeks was necessary for the preservation of life and/or the prevention of serious bodily harm.

87. At the time of RODNEY BOCK's discharge from SYMHS on April 2, 2010,

Defendant BARNETT and other SYMHS staff provided a wholly inadequate treatment plan, stating that the plan was for "law enforcement to come and serve the warrant and arrest [him] and take him to jail for further Tx [treatment] there." Defendant BARNETT specifically documented observations indicating RODNEY BOCK's heightened risk for self-harm and suicide. He observed and documented that RODNEY BOCK was speaking of "end times," "remained quite manic and psychotic," "was quite grandiose and delusional with flight of ideas and quite focused on hyper-religious content," and was demonstrating "markedly impaired" insight and judgment. Defendant BARNETT knew or should have known that such behaviors and symptoms, along with RODNEY BOCK's diagnosed condition, put him at significant risk of suicide. Defendant BARNETT specifically documented that RODNEY BOCK's psychiatric condition made him unable to take care of his basic needs. Yet, Defendant BARNETT's discharge plan provided no adequate plan for treatment.

88. Defendant BARNETT knew or should have known that Sutter County Jail could not, and would not, provide the necessary hospital-level treatment that RODNEY BOCK required, and failed to take steps to prevent the constitutional violations and foreseeable harm suffered by RODNEY BOCK. Defendant BARNETT further knew or should have known that Sutter County Jail could not legally and safely house patients on involuntary hospitalization status, as provided by Section 5150. Defendant BARNETT knew or should have known these facts in part because SYMHS is responsible for the provision of mental health services to inmates at Sutter County Jail.

89. Notwithstanding the multiple sources through which Defendant BARNETT had notice of RODNEY BOCK's serious treatment needs and significant risk of great bodily harm, including suicide, Defendant BARNETT acted negligently, illegally, and with deliberate indifference by discharging RODNEY BOCK from the treatment facility barely 24 hours after his admission pursuant to Section 5150, despite clinical findings that he remained gravely disabled, could not take care of his basic needs, and was psychotic. Defendant BARNETT illegally discharged RODNEY BOCK from the hospital with the

Section 5150 involuntary hospitalization order still in place, and despite his finding that RODNEY BOCK required *at least* two (2) additional weeks of psychiatric hospitalization.

90. Upon information and belief, Defendants PARKER, MCELFRESH, and BIDWELL knew of and approved this premature and improper transfer of custody, with knowledge of RODNEY BOCK's continued Section 5150 status, as well as his urgent need for a safe, structured, and intensive hospital treatment setting.

Improper and Illegal Placement in Sutter County Jail

91. RODNEY BOCK was then transferred by the Sutter County Sheriff's Department to Sutter County Jail for booking and placement in pre-trial detention.

92. At the Jail, Defendant FLIEHMAN improperly completed the booking process for RODNEY BOCK on April 2, 2010. Upon information and belief, Defendant FLIEHMAN was provided and reviewed the SYMHS discharge documentation and other materials stating that RODNEY BOCK was on Section 5150 status due to grave disability, was psychotic, grandiose and delusional, with markedly impaired insight and judgment, and had a diagnosis of Bipolar I Disorder, Most Recent Episode Manic, Severe with Psychotic Features. Yet Defendant FLIEHMAN permitted RODNEY BOCK's placement at Sutter County Jail, knowing that the Jail could not legally house patients on involuntary hospitalization status, as provided by Section 5150 and Jail directives of which he was or should have been aware.

93. On information and belief, Defendant FLIEHMAN further acted negligently, improperly, and with deliberate indifference in completing the custody assessment and medical screening process for RODNEY BOCK. Defendant FLIEHMAN failed to record any of the following critical mental health information on the screening documentation: RODNEY BOCK's psychotic condition, his grave disability preventing him from caring for his own basic needs, his Section 5150 status, his medication and treatment needs, or his risk of self-harm and suicide.

94. As a result of Defendant FLIEHMAN's negligence and deliberate indifference, RODNEY BOCK was wrongly admitted to the Jail and placed in a dangerous

general population single cell without appropriate observation for safety. Defendant FLIEHMAN knew or should have known that RODNEY BOCK, as an actively psychotic and delusional patient subject to Section 5150 involuntary psychiatric hospitalization, could not be safely placed in such a setting, and that such a placement put RODNEY BOCK at significant risk of serious self-harm and suicide.

95. Upon information and belief, Defendants PARKER, MCELFRESH, and BIDWELL knew or should have known of this improper placement in the Jail, with knowledge of RODNEY BOCK's continued Section 5150 status and his urgent need for a safe, structured hospital setting that the Jail could not and would not provide.

96. From April 2, 2010 until April 29, 2010, RODNEY BOCK was held in custody at Sutter County Jail as a pretrial detained prisoner.

Defendant ZIL Had Notice of RODNEY BOCK's Significant Risk of Serious Self-Harm and Suicide, and Acted with Deliberate Indifference to His Serious Treatment Needs by Failing to Provide Treatment

97. SYMHS is responsible for the provision of mental health evaluation, treatment, and related services to prisoners at Sutter County Jail.

98. Defendant ZIL was assigned RODNEY BOCK's treating physician during his April 2010 detention at Sutter County Jail. Defendant ZIL was informed by phone and in writing that RODNEY BOCK was displaying alarming signs and symptoms of serious mental illness. Defendant ZIL was further informed of RODNEY BOCK's diagnosis of Bipolar I Disorder, Most Recent Episode Manic, Severe with Psychotic Features, and his need for psychiatric medications. Upon information and belief, Defendant ZIL was informed, and thus knew or should have known, that RODNEY BOCK was on Section 5150 status based on grave disability and was psychotic, grandiose and delusional with markedly impaired insight and judgment.

99. Defendant ZIL ordered psychiatric medication, including lithium, for RODNEY BOCK. Lithium is a psychiatric drug used to treat bipolar disorder and to reduce the risk of suicide and deliberate self-harm. Defendant ZIL thus knew or should have known that RODNEY BOCK was at risk of suicide and required treatment, including

medication. Defendant ZIL was also informed and aware that RODNEY BOCK was not compliant with medications, putting him at substantial risk of serious harm. Defendant ZIL did not take steps to address this known serious risk: he did not order Direct Observation Therapy (DOT) to ensure that necessary medication was administered; he did not order additional evaluation or treatment in light of RODNEY BOCK's medication non-compliance and documented deterioration; and he did not order the required hospitalization that was repeatedly identified as necessary given RODNEY BOCK's condition. It is well known that a basic, and essentially common sense, component of a minimally adequate and constitutional mental health care delivery system is the adequate administration of psychiatric medication with appropriate supervision and evaluation. *See Coleman v. Wilson*, 912 F. Supp. 1282, 1298 & n.10 (E.D. Cal. 1995).

100. Upon information and belief, Defendant ZIL had one clinical contact with RODNEY BOCK during the April 2010 detention, during which he was again informed and documented that RODNEY BOCK had previously been in the SYMHS psychiatric hospital, that he was bipolar and suffering from delusions and other symptoms of mental illness, and that he did not want to take his psychiatric medications.

101. Defendant ZIL knew or should have known that Sutter County Jail could not, and would not, provide the necessary hospital-level treatment that RODNEY BOCK required, and failed to take steps to prevent the constitutional violations and foreseeable harm suffered by RODNEY BOCK as a result of the lack of treatment provided at the Jail. Upon information and belief, Defendant ZIL further knew or should have known that Sutter County Jail could not legally house patients on involuntary hospitalization status, as provided by Section 5150.

102. Upon information and belief, Defendant ZIL was informed and aware that RODNEY BOCK was refusing his psychiatric medications and manifesting alarming behaviors. Defendant ZIL knew or should have known that RODNEY BOCK's sudden and ongoing refusal to take prescribed psychiatric medications, including lithium, increased the risk of serious self-harm and suicide several-fold.

103. Defendant ZIL knew or should have known that RODNEY BOCK's bipolar diagnoses and the pattern of his symptoms indicated a very high risk of self-harm and suicide.

104. Defendant ZIL's knowledge of RODNEY BOCK's serious risk of suicide based on his psychiatric condition are confirmed by his own writings on the subject. For example, Defendant ZIL authored a Sutter County Jail Suicide Prevention Handbook, in which he identified the well-known signs of suicide risk among jail inmates, including "visual or auditory hallucinations," "severe paranoia," "delusions," and "ideas of grandeur," all of which he was aware RODNEY BOCK was suffering. Defendant ZIL further wrote that a psychotic condition like the one RODNEY BOCK had, with symptoms including hallucinations and delusions like those suffered by RODNEY BOCK, presents "a suicide risk because the inmate may not know what he or she is doing," and that immediate attention and treatment must be provided in such cases. Defendant ZIL thus clearly knew or should have known that RODNEY BOCK's serious mental illness, along with his documented symptoms and refusal of psychiatric medications, placed him at grave risk of self-harm and suicide. Defendant ZIL acted with deliberate indifference by not providing appropriate treatment or ordering a psychiatric hospital placement given his knowledge of RODNEY BOCK's life-threatening circumstances.

Defendants PARKER, MCELFRESH, and BIDWELL Had Notice of RODNEY BOCK's Significant Risk of Serious Self-Harm and Suicide and His Court-Ordered Psychiatric Hospital Placement, and Acted with Deliberate Indifference by Failing to Effectuate the Court-Ordered Transfer or Otherwise Provide Treatment

105. On or about April 12, 2010, a superior court judge ordered a revised placement recommendation for RODNEY BOCK. Dr. Bingham, pursuant to the court-ordered evaluation, recommended to the court that RODNEY BOCK be placed at Napa State Hospital for inpatient hospital treatment. This was placed in a COUNTY OF SUTTER file on RODNEY BOCK that was readily available to both SYMHS and Jail staff charged with treating and supervising RODNEY BOCK during his April 2010 detention.

106. On or about April 19, 2010, a superior court judge found that RODNEY BOCK was incompetent to stand trial, ordered that criminal proceedings against RODNEY BOCK remain suspended, and ordered that RODNEY BOCK be promptly transferred to the custody of Napa State Hospital for psychiatric hospitalization. The court order further directed that RODNEY BOCK be required to take all prescribed anti-psychotic medications. This court order was placed in a COUNTY OF SUTTER file on RODNEY BOCK that was readily available to both SYMHS and Jail staff charged with treating and supervising RODNEY BOCK during his April 2010 detention.

107. Defendants PARKER, MCELFRESH, and BIDWELL knew or should have known of this court-ordered hospital placement. Defendant PARKER, in his role as Sutter County Sheriff, has the statutory duty to be informed of any Sutter County Jail inmate that has been found mentally incompetent and has been ordered transferred to a psychiatric hospital at Napa State Hospital. Pursuant to Cal. Penal Code § 1370, it is the sheriff's duty to be informed about any order on a prisoner's lack of mental competency and state hospital placement, and to complete the delivery of that prisoner to the state hospital. Upon information and belief, Defendant MCELFRESH, as Jail Commander and officer in charge of inmate admissions and discharges, was responsible for completing the prompt transfer of mentally or medically ill inmates to appropriate out-of-facility placements, including to mental hospital facilities pursuant to court order. Upon information and belief, Defendant BIDWELL, as Jail Lieutenant and second in command of the Corrections Section, was also responsible for completing the prompt transfer of mentally or medically ill inmates to appropriate out-of-facility placements, including to mental hospital facilities pursuant to court order. Upon information and belief, the court's order was transmitted to Sutter County Jail, and Defendants PARKER, MCELFRESH, and BIDWELL were informed or should have been informed of such order.

108. Defendant MCELFRESH, upon information and belief, reviewed the April 19, 2010 court order that RODNEY BOCK be promptly transferred to Napa State Hospital for inpatient psychiatric hospitalization and be required to take all prescribed anti-

psychotic medications. The review and implementation of such court orders involving inmates is a critical function of this position. Upon information and belief, Defendant MCELFRESH failed to take necessary steps to effectuate this order.

109. Defendants PARKER, MCELFRESH and BIDWELL also knew or should have known that Napa State Hospital was prepared to admit RODNEY BOCK. Napa State Hospital had reviewed RODNEY BOCK's profile and documentation, and had notified Sutter County that RODNEY BOCK was approved for admission to the hospital. Upon information and belief, RODNEY BOCK's approval for Napa State Hospital admission was transmitted to Sutter County Jail, and Defendants PARKER, MCELFRESH, and BIDWELL were informed of such approval.

110. Defendants PARKER, MCELFRESH, and BIDWELL, and MCELFRESH failed to complete the court-ordered transfer of RODNEY BOCK to Napa State Hospital for necessary psychiatric hospitalization. Defendants PARKER, MCELFRESH, BIDWELL, and MCELFRESH knew or should have known that the failure to provide inpatient hospital care to RODNEY BOCK, as an actively psychotic and delusional patient identified as requiring involuntary psychiatric hospitalization and for whom there was a state hospital placement and involuntary medication order, placed RODNEY BOCK at significant risk of serious harm, including self-harm and suicide.

111. Sutter County's main jail, where RODNEY BOCK was held in custody, has a prisoner capacity of approximately 200 prisoners. Defendants PARKER, MCELFRESH, and BIDWELL receive and review all written incident reports relating to prisoners and the operations of Sutter County Jail. Defendants PARKER, MCELFRESH, and BIDWELL had, or reasonably should have had, direct knowledge of the Jail's detention of RODNEY BOCK, a diagnosed psychotic inmate admitted to the Jail while manifesting psychotic and delusional symptoms and while subject to Section 5150 involuntary psychiatric hospitalization.

Defendants LITTLE, CALAPINI, RAI, CRANE, MULLIN, and MCGINNIS Had Notice of RODNEY BOCK's Significant Risk of Serious Self-Harm and Suicide, and Acted with Deliberate Indifference by Failing to Provide Clearly Necessary Treatment

112. Defendants LITTLE, CALAPINI, RAI, CRANE, MULLIN, and MCGINNIS each had interactions with and observations of RODNEY BOCK in the days prior to his death. Each of these Defendants, as discussed below, observed and documented one or more of the following indicators that RODNEY BOCK required prompt hospital-level treatment and was at risk of serious personal harm in his general population, single-cell setting: his actively psychotic, delusional condition; his Section involuntary psychiatric hospitalization status; his refusals of critically necessary psychiatric medications; and his self-injurious behaviors.

113. Defendant LITTLE, an officer assigned to RODNEY BOCK's general population housing pod, had significant interaction with RODNEY BOCK during his April 2010 detention. Upon information and belief, Defendant LITTLE knew or should have known about RODNEY BOCK's actively psychotic, delusional condition; his involuntary psychiatric hospitalization status; and his significant risk of serious self-harm and suicide.

114. As reported by Defendant LITTLE, he observed RODNEY BOCK's psychotic patterns of behavior and acts of self-harm. Following RODNEY BOCK's death, Defendant LITTLE reported that he had observed RODNEY BOCK banging himself against his cell door, yelling about or at people who did not exist, describing various hallucinations, and refusing his psychiatric medication. Defendant LITTLE knew or should have known that this combination and pattern of behaviors put RODNEY BOCK at serious risk of further self-harm and suicide, and that RODNEY BOCK required significant and immediate treatment.

115. Defendant CALAPINI, an officer assigned to RODNEY BOCK's general population housing pod, also had significant interaction with RODNEY BOCK during his April 2010 detention. Upon information and belief, Defendant CALAPINI knew or should have known about RODNEY BOCK's actively psychotic, delusional condition, his Section

5150 involuntary psychiatric hospitalization status, and his significant risk of serious self-harm, including suicide. Upon information and belief, Defendant CALAPINI observed RODNEY BOCK engaging in acts of self-harm in his cell, having delusions and hallucinations, and refusing his psychiatric medication. Defendant CALAPINI knew or should have known that this combination and pattern of behaviors put RODNEY BOCK at serious risk of further self-harm and suicide, and that RODNEY BOCK required significant and immediate treatment.

116. Defendant RAI, an officer assigned to RODNEY BOCK's general population housing pod, had significant interaction with RODNEY BOCK during his April 2010 detention. Defendant RAI knew about RODNEY BOCK's actively psychotic, delusional condition and his significant risk of serious self-harm and suicide.

117. In the days and/or hours prior to RODNEY BOCK's death, Defendant RAI was contacted over the jail's in-cell intercom system by inmates housed in close proximity to RODNEY BOCK. Those inmates specifically told Defendant RAI that RODNEY BOCK was behaving in an extremely erratic and psychotic way, and that he was "going suicidal." In response to this alarming information, Defendant RAI did not go to physically check on RODNEY BOCK's safety or condition, did not contact medical or mental health staff about the inmates' report that RODNEY BOCK was "going suicidal," and did not take any other necessary steps to ensure RODNEY BOCK's safety. Defendant RAI thus was informed and knew that RODNEY BOCK was at serious and imminent risk of self-harm and suicide, and failed to take even the most basic steps necessary to provide immediate and life-saving attention and treatment.

118. Upon information and belief, Defendant CRANE was responsible for providing mental health and/or medical services at the Jail and had observed RODNEY BOCK multiple times during his April 2010 detention. Defendant CRANE was informed on or about April 24, 2010 that RODNEY BOCK's condition had deteriorated to an alarming level; that he was unstable and talking to himself and to inanimate objects; and that he was refusing his medications.

119. Defendant CRANE observed and documented on or about April 24, 2010 that RODNEY BOCK had not taken psychiatric medications for several days, was experiencing delusions and hallucinations, and was making alarming statements suggesting suicidal thoughts such as "I am the voice . . . my father in heaven . . . we are going to do the devils tomorrow." Defendant CRANE knew or should have known that this combination and pattern of behaviors put RODNEY BOCK at serious risk of further self-harm and suicide, and that RODNEY BOCK required significant and immediate treatment. Yet, acting with deliberate indifference to RODNEY BOCK's treatment needs and risk of serious harm, Defendant CRANE took no steps to provide treatment, ordering simply "Follow up PRN [as needed]." Defendant CRANE never returned to re-evaluate RODNEY BOCK, who continued to deteriorate until his death a few days later.

120. Defendant MULLIN, a Sutter County Jail nurse, observed RODNEY BOCK multiple times, including during medication rounds. Defendant MULLIN observed and recorded RODNEY BOCK's repeated refusals of his psychiatric medications. Upon information and belief, Defendant MULLIN observed RODNEY BOCK engaging in acts of self-harm in his cell, having delusions and hallucinations, and refusing his psychiatric medication. Yet, acting with deliberate indifference to RODNEY BOCK's treatment needs and risk of serious harm, Defendant MULLIN took no steps to provide treatment or a necessary psychiatric placement.

121. Defendant MCGINNIS, a Sutter County Jail nurse, observed RODNEY BOCK multiple times, including during medication rounds. Defendant MCGINNIS observed and recorded RODNEY BOCK's repeated refusals of his psychiatric medications. Upon information and belief, Defendant MCGINNIS observed RODNEY BOCK engaging in acts of self-harm in his cell, having delusions and hallucinations, and refusing his psychiatric medication. Yet, acting with deliberate indifference to RODNEY BOCK's treatment needs and risk of serious harm, Defendant MCGINNIS took no steps to provide treatment or a necessary psychiatric placement.

122. Defendants MULLIN, MCGINNIS, CRANE, LITTLE, CALAPINI, RAI,

and FLIEHMAN knew or should have known that the abrupt cessation and repeated refusal of critically necessary psychiatric medication, including lithium, put RODNEY BOCK at serious risk of self-harm and suicide, and that RODNEY BOCK required significant and prompt intervention and treatment.

123. RODNEY BOCK, suffering from serious mental illness, expressed clear cries for help and indications of his risk for self-harm and suicide. For example, he documented on an Inmate Request Form provided to him by Jail staff that his housing location was "Soon to be Hell!" Defendants LITTLE, CALAPINI, FLIEHMAN, RAI, CRANE, MULLIN, and MCGINNIS knew or should have known of this and other alarming indicators of RODNEY BOCK's suicide risk and urgent need for psychiatric treatment.

124. During the same period that Defendants were observing and interacting with RODNEY BOCK while he was manifestly mentally ill during his April 2010 detention, RODNEY BOCK's family members, including KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, and LAURA LYNN BOCK visited him at Sutter County Jail. They observed RODNEY BOCK's substantial physical and psychiatric deterioration. They observed that SYMHS and jail staff demonstrated little to no concern about RODNEY BOCK's worsening condition.

125. On April 26, 2010, family members visited RODNEY BOCK at Sutter County Jail and observed him in a crisis-level condition. His physical appearance was severely deteriorated: he was unshaven, had bags under his eyes, and was visibly exhausted. He also demonstrated highly delusional and paranoid behaviors, making statements relating to his need to die. RODNEY BOCK's family members were deeply distressed and felt helpless to get him the hospital treatment he needed.

126. Defendants ZIL, LITTLE, CALAPINI, FLIEHMAN, RAI, CRANE, MULLIN, and MCGINNIS failed to do a complete and adequate suicide risk assessment for RODNEY BOCK between the time of his transfer to Sutter County Jail on April 2, 2010, and his suicide on April 29, 2010, despite his readily observable psychiatric

symptoms, well-established indicators of suicide risk, and expressions of delusional and suicidal thoughts. It is well known that a basic, and essentially common sense, component of a minimally adequate and constitutional mental health care delivery system is an adequate program to identify, treat, and supervise inmates at risk for suicide. *See Coleman v. Wilson*, 912 F. Supp. 1282, 1298 & n.10 (E.D. Cal. 1995).

127. RODNEY BOCK was placed in a cell at Sutter County Jail that was inappropriate for a person in his unstable condition and in need of inpatient psychiatric care. He was placed in a general population cell that provided for no direct observation for safety. He was further placed in a single cell, which is well known to be inappropriate for inmates at elevated risk of self-harm and suicide.

128. Jail custody staff had live access to streaming footage of inmate activities and movement, broadcast in a central location inside the Jail, at all times relevant times mentioned herein. Defendants LITTLE, CALAPINI, FLIEHMAN, RAI, and other Jail staff could have and should have, as pursuant to their job duties, observed RODNEY BOCK's erratic and alarming behavior through observation of this live video feed.

129. Defendants ZIL, LITTLE, CALAPINI, FLIEHMAN, RAI, CRANE, MULLIN, and MCGINNIS, as a result of their own deliberate indifference, negligence, and insufficient training and supervision, failed to follow the Sutter County Jail's own written policies and procedures, which provided that "Inmates with suspected mental disorders, who are a potential danger to themselves or others or appear to be gravely disabled shall be promptly evaluated and, if clinically indicated, transferred to an appropriate psychiatric treatment facility. . . . Regardless of the time of presentation, significantly disordered behavior should be evaluated promptly, within twenty-four hours at the latest. The Jail Lieutenant or Jail Facility Manager will be contacted and will make every effort to transfer mentally disordered inmates to appropriate treatment facilities. All attempts and efforts to implement the transfer of such inmates, whether successful or not, shall be documented."

130. The failure of Jail custody staff Defendants FLIEHMAN, LITTLE,

CALAPINI, and RAI to contact medical services for emergency treatment was consistent with a policy in effect at Sutter County Jail that custody staff did not have authority to determine who would go to the hospital, despite the lack of 24-hour medical staff availability at the jail. This policy is evidenced by an e-mail from Defendant PARKER to a reporter explaining the circumstances of another death at the Sutter County Jail due to failure to provide basic life-saving care, less than one year after RODNEY BOCK died. Defendants PARKER, MCELFRESH, and BIDWELL created, were aware of, and enforced this policy, knowing that it would endanger inmates like RODNEY BOCK who require emergency psychiatric and medical attention.

131. Upon information and belief, Defendants BIDWELL and MCELFRESH knew or should have known of RODNEY BOCK's need for emergency treatment. Despite their defined duties to transfer mentally disordered inmates to an appropriate treatment facility, Defendants BIDWELL and MCELFRESH failed to take necessary steps to complete such a transfer for RODNEY BOCK.

RODNEY BOCK's Urgent Need for Psychiatric Treatment Was *Obvious* and Was Known, or Should Have Been Known, by Defendants

132. RODNEY BOCK's appearance and alarming behaviors, as discussed *supra*, made it *obvious* that his psychiatric condition was greatly decompensated and put him at risk for serious personal harm, including self-harm and suicide.

133. Defendants ZIL, LITTLE, CALAPINI, FLIEHMAN, RAI, CRANE, MULLIN, and MCGINNIS, who, upon information and belief, observed, interacted with, and reviewed records of RODNEY BOCK, knew or should have known that RODNEY BOCK's psychiatric and medical situation during his detention at the Jail was dire, and that he immediately required emergency treatment, including hospitalization.

134. Defendants ZIL, LITTLE, CALAPINI, FLIEHMAN, RAI, CRANE, MULLIN, and MCGINNIS further knew or should have known that RODNEY BOCK was at risk for serious personal harm, including deliberate self-harm and suicide, based on the following:

a. Doctors had found that RODNEY BOCK was so "gravely disabled" as to be unable to provide for his most basic personal needs and to require involuntary emergency psychiatric hospitalization pursuant to Cal. Welf. & Inst. Code § 5150. Under California law, such involuntary *emergency* hospitalization is appropriate where "action to impose treatment over the person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm." Cal. Welf. & Inst. Code § 5008. Defendants knew or should have known that RODNEY BOCK's Section 5150 status as a "gravely disabled" patient indicated the need for hospital treatment to preserve life and prevent serious bodily harm.

b. It was and is well known that Sutter County Jail cannot legally or appropriately house patients subject to Section 5150 hospitalization, and is not equipped to provide the setting, supervision, and treatment to address the serious needs of such patients.

c. It was and is well known in the medical and corrections community that the type of bipolar disorder with which RODNEY BOCK was diagnosed immediately prior to his April 2010 detention is associated with a high frequency of both completed suicides and suicide attempts.

d. It was and is well known in the medical and corrections community that lithium is regularly prescribed to reduce an identified risk of suicide. It is further well known that the abrupt discontinuation of lithium medication increases the risk of suicide several-fold, and warrants prompt medical and psychiatric intervention.

e. Defendants responsible for providing care and ensuring the safety of Sutter County Jail prisoners were on notice of constitutional requirements for the provision of mental health care to prisoners by virtue of the well-publicized decision in *Coleman v. Wilson*, 912 F. Supp. 1282 (E.D. Cal. 1995), and subsequent orders in the *Coleman* litigation, which describe in detail the essential components of constitutionally adequate mental health care in California state prisons, including appropriate staffing, provision of services, supervision, and suicide prevention procedures. Defendants, knowing that such

constitutional obligations also apply with respect to the treatment of county jail prisoners, failed to take steps to provide constitutionally mandated mental health care and to prevent the foreseeable harm suffered by RODNEY BOCK.

The Failure to Provide Necessary and Emergency Treatment, Hospitalization, and Life-Saving Care Resulted in RODNEY BOCK's Tragic and Preventable Death

135. On information and belief, at approximately 7:00 pm on April 29, 2010, Defendants LITTLE and CALAPINI conducted an hourly safety check and medication round in RODNEY BOCK's housing pod. Such hourly safety checks themselves constituted inadequate supervision of RODNEY BOCK's safety and well-being given his psychotic condition and high risk of suicide.

136. RODNEY BOCK refused his medication at that time, stating that he did not take medications anymore. Defendants LITTLE and CALAPINI took no action to address this dangerous medication refusal, which carries a known increased risk of self-harm and suicide. Defendants LITTLE and CALAPINI further failed to conduct the 8:00 pm hourly safety check of RODNEY BOCK. Defendants LITTLE and CALAPINI knew or should have known that the failure to observe RODNEY BOCK on a consistent basis significantly jeopardized his safety and well-being.

137. During the approximately one hour and forty-five minutes about 7:00 pm, in which he was not observed for safety in any way, RODNEY BOCK's untreated mental illness led him to engage in extensive and violent behaviors in his cell, causing massive injuries including significant bleeding and hemorrhaging on his face, several parts of his head, and throughout his body.

138. Using items in his cell that should not have been present in the cell of a person manifesting RODNEY BOCK's decompensated psychiatric condition, including clothing that could be fashioned into a noose and affixed to dangerous attachment points on the upper portion of the cell's bed, RODNEY BOCK hanged himself.

139. Defendants LITTLE, CALAPINI, FLIEHMAN, and MCGINNIS, who, upon information and belief, were present in the housing pod and responsible for inmates' safety

at the time of the incident, failed to timely respond and provide life-saving intervention or treatment. This failure was the result of their own deliberate indifference, negligence and inadequate training and supervision to render psychiatric and medical treatment to inmates.

140. After nearly two hours without any supervision, RODNEY BOCK's body was found hanging from the upper bunk bed in his cell. Substantial amounts of RODNEY BOCK's blood covered the floor and walls of his cell.

141. RODNEY BOCK died in his cell on the evening of April 29, 2010, at the age of 56.

Longstanding and Systemic Deficiencies in Sutter County Jail's Provision of Treatment to Inmates, Suicide Prevention Measures, and Other Relevant Matters

142. As identified by a Sutter County Grand Jury in its 2010-2011 Final Report, Sutter County Jail has several known deficiencies in its system of providing mental health and medical treatment to inmates. (The Sutter County Grand Jury Report is appended as **Attachment A**.)

143. Identified deficiencies included inadequate medical staffing, lack of required training on suicide prevention and other medical treatment, non-compliant medical policies and procedures, and a medical program that was long out-of-compliance. The Grand Jury noted that such deficiencies were "unacceptable," and may have caused Sutter County to be out of compliance with an existing court order in *Haller v. Sutter County*, Case No. CIV-S-93-1256, which mandates certain jail conditions affecting the treatment of inmates.

144. The Grand Jury found that medical staffing at Sutter County Jail has been inadequate, and that the hiring of additional staff is required.

145. The Grand Jury noted a report that training of staff nurses had not occurred in more than five (5) years as of 2011, and that such training was necessary to maintain proficiency in emergency response procedures. The Grand Jury found that Sutter County Jail had failed to offer medical staff required training pursuant to court order and the jail's own Medical Policies and Procedures.

146. The Grand Jury found that Sutter County Jail's health care policies and

procedures were significantly out of date, and that the situation had been allowed to "deteriorate."

147. The Grand Jury found that Sutter County Jail's nursing program was "completely out of compliance with annual nurse training updates and standard nursing procedures," and found "unacceptable that the program is out of compliance, lack of training for the nursing staff, [and] not having the [policies and procedures] up-to-date," among other problems.

148. Sutter County Jail has recently experienced several likely preventable inmate deaths in custody. In addition to RODNEY BOCK's death, an inmate died in or about January 2011 after languishing for several hours with an infection that led to fatal pneumonia despite Jail staff observing visible signs of serious illness, including the inmate coughing up substantial amounts of blood. Another inmate died in or about September 2011 after displaying signs of intoxication that, upon information and belief, went ignored by Jail staff. Like RODNEY BOCK, these Jail inmates died as a result of deliberate indifference to serious medical needs at Sutter County Jail. This pattern of tragic deaths supports an inference that COUNTY OF SUTTER Defendants are promoting and maintaining a culture of deliberate indifference to human life at the Jail.

RODNEY BOCK's Family Have Suffered Serious and Permanent Injury as a Result of Defendants' Deliberate Indifference and Other Misconduct

149. As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiffs KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, M.B., LAURA LYNN BOCK, and ROBERT BOCK suffered the following injuries and damages:

a. Violation of their due process rights under the First and Fourteenth Amendments to the United Stated Constitution;

b. Conscious, needless physical pain and suffering, emotional distress, hardship, suffering, shock, worry, anxiety, sleeplessness, illness, trauma, suffering, and the loss of the services, society, care, and protection of the decedent;

c. Loss of financial support and contributions, loss of the present value

of future services and contributions, and loss of economic security;

d. Emotional trauma and suffering, including fear, extreme emotional distress, and horror;

e. Loss of the companionship of their father/son; and

f. Attorney's fees and costs.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Cruel and Unusual Punishment in Violation of the Fourteenth Amendment to the Constitution of the United States – Deliberate Indifference to Serious Medical Needs, Health and Safety
(Survival Action – 42 U.S.C. § 1983)
(Against Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I through XL)

150. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 149, as though fully set forth herein.

151. Defendants knew that there was a strong likelihood that RODNEY BOCK was in danger of serious personal harm, including self-harm and suicide.

152. Defendants failed to provide necessary mental health evaluation and treatment and adequate observation for safety for RODNEY BOCK while he was held at SYMHS and Sutter County Jail, and failed to ensure necessary hospital-level treatment despite his obvious psychotic state, Section 5150 status, high risk of harming himself, and need for inpatient psychiatric hospital treatment, as determined by a psychiatric evaluation and as ordered by a court.

153. Defendants' acts and/or omissions as alleged herein, including but not limited to their failure to provide RODNEY BOCK with medical or psychiatric care and/or to take other measures to protect him from physical harm and to prevent his attempting suicide after notice of his psychiatric condition, along with the acts and/or omissions of the Defendants in failing to train, supervise and/or promulgate appropriate policies and procedures at Sutter County Jail in order to prevent RODNEY BOCK's and other inmate

suicides, constituted deliberate indifference to RODNEY BOCK's serious medical needs, health and safety.

154. As a direct and proximate result of Defendants' conduct, RODNEY BOCK experienced physical pain, severe emotional distress, and mental anguish over a period of nearly one month, as well as loss of his life and other damages alleged herein.

155. The aforementioned acts and/or omissions of the individually named Defendants were malicious, reckless and/or accomplished with a conscious disregard of decedent's rights thereby entitling Plaintiffs to an award of exemplary and punitive damages according to proof, to punish the wrongful conduct alleged herein and to deter such conduct in the future.

SECOND CLAIM FOR RELIEF

Municipal Liability for in Violation of the Fourteenth Amendment to the Constitution of the United States
(Survival Action - 42 U.S.C. § 1983)
(Against Defendants COUNTY OF SUTTER, COUNTY OF YUBA)

156. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 155, as though fully set forth herein.

157. The aforementioned acts and/or omissions of Defendants in being deliberatively indifferent to RODNEY BOCK's serious medical needs, health and safety and violating RODNEY BOCK's civil rights were the direct and proximate result of customs, practices and policies of Defendants COUNTY OF SUTTER and COUNTY OF YUBA, by and through their agencies, employees and/or agents, as alleged herein.

158. Such policies, customs and/or practices include but are not limited to an ongoing pattern of deliberate indifference, including the following: the failure to follow legal requirements to house Section 5150 patients in designated hospital settings for the full statutory period mandated by state law; the failure to conduct appropriate and complete suicide assessments; the failure to create and implement appropriate mental health treatment plans; the failure to follow clinical judgments and recommendations; the failure to follow a court's order to transfer a psychiatrically unstable individual to a

hospital; the failure to promptly evaluate and transfer to a psychiatric hospital inmates who are gravely disabled and at risk of serious harm; the failure to take precautions to prevent suicide among high risk and mentally ill inmates; the failure to implement appropriate emergency treatment policies; and the failure to provide appropriate staffing and training at Sutter County Jail to provide minimally adequate treatment for seriously ill inmates.

159. Defendants COUNTY OF SUTTER and COUNTY OF YUBA tacitly encouraged, ratified and/or approved of the acts and/or omissions alleged herein, and knew that such conduct was unjustified and would result in violations of constitutional rights.

160. The customs, policies and/or practices of Defendants COUNTY OF SUTTER and COUNTY OF YUBA were a direct and proximate cause of Plaintiffs' injuries and the death of the RODNEY BOCK in that Defendants COUNTY OF SUTTER and COUNTY OF YUBA failed to adequately train and supervise their employees and/or agents to prevent the occurrence of the constitutional violations suffered by Plaintiffs and RODNEY BOCK, and by other inmates at Sutter County Jail. Defendants COUNTY OF SUTTER and COUNTY OF YUBA also failed to promulgate appropriate policies or procedures or take other measures to prevent the constitutional violations suffered by Plaintiffs and RODNEY BOCK, and by other inmates at Sutter County Jail.

161. As a direct and proximate result of the aforementioned customs, policies and/or practices of Defendants COUNTY OF SUTTER and COUNTY OF YUBA, RODNEY BOCK and Plaintiffs suffered injuries and damages as alleged herein.

THIRD CLAIM FOR RELIEF

Supervisory Liability
(Survival Action – 42 U.S.C. § 1983)
(Against Defendants J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, and DOES XXI through XL)

162. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 161, as though fully set forth herein.

163. The aforementioned acts and/or omissions of Defendants in being deliberatively indifferent to RODNEY BOCK's serious medical needs, health and safety

and violating decedent's civil rights were the direct and proximate result of customs, practices and policies of Defendants PARKER, MCELFRESH, BIDWELL, and DOES XXI through XL as alleged herein.

164. Such policies, customs and/or practices include but are not limited to an ongoing pattern of deliberate indifference, including the following: the failure to follow legal requirements to house Section 5150 patients in designated hospital settings for the full statutory period mandated by state law; the failure to conduct appropriate and complete suicide assessments; the failure to create and implement appropriate mental health treatment plans; the failure to follow clinical judgments and recommendations; the failure to follow a court's order to transfer a psychiatrically unstable individual to a hospital; the failure to promptly evaluate and transfer to a psychiatric hospital inmates who are gravely disabled and at risk of serious harm; the failure to take precautions to prevent suicide among high risk and mentally ill inmates; the failure to implement appropriate emergency treatment policies; and the failure to provide appropriate staffing and training at Sutter County Jail to provide minimally adequate treatment for seriously ill inmates.

165. Defendants PARKER, MCELFRESH, BIDWELL, and DOES XXI through XL tacitly encouraged, ratified and/or approved of the acts and/or omissions alleged herein, and knew that such conduct was unjustified and would result in violations of constitutional rights.

166. The customs, policies and/or practices of said Defendants were a direct and proximate cause of Plaintiffs' injuries and the death of the RODNEY BOCK in that Defendants failed to adequately train and supervise their employees and/or agents to prevent the occurrence of the constitutional violations suffered by Plaintiffs and RODNEY BOCK, and by other inmates at Sutter County Jail. Defendants also failed to promulgate appropriate policies or procedures or take other measures to prevent the constitutional violations suffered by Plaintiffs and RODNEY BOCK, and by other inmates at Sutter County Jail.

167. As a direct and proximate result of the aforementioned customs, policies

and/or practices of Defendants, RODNEY BOCK and Plaintiffs suffered injuries and damages as alleged herein.

168. The aforementioned acts of Defendants PARKER, MCELFRESH, BIDWELL, and DOES XXI through XL were willful, wanton, malicious, and oppressive, thereby justifying an award of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future.

FOURTH CLAIM FOR RELIEF

Violation of Substantive Due Process in Violation of First and Fourteenth Amendments to the Constitution of the United States – Loss of Parent/Child Relationship
(42 U.S.C. § 1983)
(Against Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I through XL)

169. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 168, as though fully set forth herein.

170. The aforementioned acts and/or omissions of Defendants in being deliberatively indifferent to RODNEY BOCK's serious medical needs, health and safety and violating RODNEY BOCK's civil rights and their failure to train, supervise and/or take other measures at SYMHS and Sutter County Jail to prevent the conduct that caused the untimely and wrongful death of RODNEY BOCK deprived Plaintiffs KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, M.B., LAURA LYNN BOCK, and ROBERT BOCK of their liberty interest in the parent-child relationship in violation of their substantive due process rights as defined by the First and Fourteenth Amendments to the United States Constitution.

171. As a direct and proximate result of the aforementioned acts and/or omissions of Defendants, Plaintiffs suffered injuries and damages as alleged herein.

172. The aforementioned acts and/or omissions of the individually named Defendants were willful, wanton, malicious, and oppressive, thereby justifying an award of exemplary and punitive damages to punish the wrongful conduct alleged herein and to

deter such conduct in the future.

FIFTH CLAIM FOR RELIEF

Professional Negligence/Medical Malpractice
(Survival Actions – Cal. State Law)
(Against Defendants JOHN S. ZIL, CHRISTOPHER BARNETT, and DOES I through XL)

173. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 172, as though fully set forth herein.

174. Defendant ZIL failed to comply with professional standards in the treatment of RODNEY BOCK's serious mental illness by failing to provide appropriate assessment and evaluation, failing to prescribe appropriate psychiatric medications, failing to ensure compliance with those medications, and failing to ensure appropriate treatment including suicide precautions.

175. Defendant BARNETT failed to comply with professional standards in the treatment of RODNEY BOCK's serious mental illness by failing to provide appropriate assessment and evaluation, failing to prescribe appropriate psychiatric medications, failing to ensure compliance with those medications, and failing to ensure appropriate treatment including suicide precautions. Defendant BARNETT also violated professional and legal standards by discharging RODNEY BOCK from SYMHS to Sutter County Jail in early April 2010 without finding that RODNEY BOCK no longer required evaluation or treatment, and without ensuring that appropriate treatment would be provided to RODNEY BOCK.

176. As a direct and proximate cause of this negligence and failure to meet the professional standards of care, RODNEY BOCK and Plaintiffs suffered injuries and damages as alleged herein.

177. The negligent conduct of Defendants was committed within the course and scope of their employment.

SIXTH CLAIM FOR RELIEF

Negligence/Negligence Per Se
(Survival Action – Cal. State Law)
(Against Defendants CHRISTOPHER BARNETT and SHAUN FLIEHMAN)

178. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 177, as though fully set forth herein.

179. Defendant BARNETT violated Cal. Welf. & Inst. Code § 5152, which requires that individuals found to require Section 5150 involuntary psychiatric hospitalization may not be released from the hospital before 72 hours has elapsed absent a finding that the patient no longer requires evaluation or treatment. Defendant BARNETT ordered and approved the discharge of RODNEY BOCK nearly 48 hours prior to the 72-hour period had elapsed, despite an affirmative finding that he continued to require treatment for at least two (2) additional weeks.

180. Defendant FLIEHMAN violated Cal. Welf. & Inst. Code § 5150, which requires that an officer taking an involuntarily hospitalized Section 5150 patient into custody must place such an individual "facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation." Defendant FLIEHMAN, who knew or should have known that Sutter County Jail is not such a designated facility and cannot legally house Section 5150 patients, completed the booking and admission of RODNEY BOCK. Defendant FLIEHMAN knew or should have known that RODNEY BOCK remained on Section 5150 status at the time of such placement in Sutter County Jail.

181. Defendants BARNETT and FLIEHMAN, acting negligently and improperly, breached their respective duties, and as a direct and proximate result, RODNEY BOCK and Plaintiffs suffered injuries and damages as alleged herein.

182. RODNEY BOCK's injuries are among the harms that the above-described statutory provisions were designed to prevent, including among seriously mentally ill individuals like RODNEY BOCK.

183. The negligent conduct of Defendants was committed within the course and scope of their employment.

SEVENTH CLAIM FOR RELIEF

Failure to Furnish/Summon Medical Care
(Survival Action – Cal. State Law)
(Against Defendants BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I-XL)

184. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 183, as though fully set forth herein.

185. Defendants owed RODNEY BOCK a duty of care to provide him immediate medical and mental health care.

186. The conduct of Defendants alleged herein, including but not limited to the facts that Defendants knew or had reason to know that RODNEY BOCK was in need of immediate medical and mental health care and that Defendants failed to take reasonable action to summon or provide that care, resulting in RODNEY BOCK's death as alleged herein, violated California state law, including Cal. Govt. Code §§ 844.6 and 845.6.

187. Defendants failed to timely respond to RODNEY BOCK's psychotic episode, in which he engaged in numerous acts of self-harm before hanging himself from the upper bunk bed in his cell.

188. The alleged conduct of Defendants was committed within the course and scope of their employment.

189. As a direct and proximate result of Defendants' breach, RODNEY BOCK and Plaintiffs suffered injuries and damages causing great pain and leading to his death, as alleged herein.

190. The aforementioned acts of Defendants were willful, wanton, malicious, and oppressive, thereby justifying an award of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future. Plaintiffs seek exemplary and punitive damages against non-medical Defendants only (*i.e.*, Defendants LITTLE, CALAPINI, RAI, and FLIEHMAN) as to this cause of action.

EIGHTH CLAIM FOR RELIEF

Negligent Supervision, Training, Hiring and Retention
(Survival Action – Cal. State Law)
(Against Defendant COUNTY OF SUTTER)

191. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 190, as though fully set forth herein.

192. Defendant COUNTY OF SUTTER has a duty to hire, supervise, train, and retain employees and/or agents so that employees and/or agents refrain from the conduct alleged herein.

193. Defendant COUNTY OF SUTTER breached this duty, causing the conduct alleged herein. Such breach constituted negligent hiring, supervision, training and retention under the laws of the State of California.

194. Defendant COUNTY OF SUTTER's failure resulted in the violation of two (2) statutes that establish a specific duty of care and/or basis for liability: first, the violation of Cal. Welf. & Inst. Code § 5152, which requires that individuals found to require Section 5150 involuntary psychiatric hospitalization may not be released from the hospital before 72 hours has elapsed absent a finding that the patient no longer requires evaluation or treatment; and second, violation of Cal. Govt. Code § 845.6, which requires the timely summoning of emergency care for Jail inmates.

195. As a direct and proximate result of Defendant's failure, RODNEY BOCK and Plaintiffs suffered injuries and damages as alleged herein.

NINTH CLAIM FOR RELIEF

Wrongful Death, Cal. Code Civ. Proc. § 377.60
(Against Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER, LEWIS MCELFRESH, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, BALJINDER RAI, RAINBOW CRANE, KATY MULLIN, DONICE MCGINNIS, and DOES I through XL)

196. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 195, as though fully set forth herein.

197. RODNEY BOCK's death was a direct and proximate result of the

aforementioned wrongful and/or negligent acts and/or omissions of Defendants. Defendants' acts and/or omissions thus were also a direct and proximate cause of Plaintiffs' injuries and damages, as alleged herein.

198. As a direct and proximate result of Defendants' wrongful and/or negligent acts and/or omissions, Plaintiffs incurred expenses for funeral and burial expenses in an amount to be proved.

199. As a direct and proximate result of Defendants' wrongful and/or negligent acts and/or omissions, Plaintiffs suffered the loss of the services, society, care and protection of the decedent, as well as the loss of the present value of his future services to his family. Plaintiffs are further entitled to recover prejudgment interest.

200. Plaintiff Estate of RODNEY BOCK is entitled to recover punitive damages against individual Defendants who, with conscious disregard of RODNEY BOCK's rights, failed to provide RODNEY BOCK with mental health treatment services meeting the professional standard of practice and failed to adhere to the legal mandates of prisoner supervision.

201. The aforementioned acts of Defendants were willful, wanton, malicious, and oppressive, thereby justifying an award to Plaintiffs of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future. Plaintiffs seek exemplary and punitive damages against non-medical Defendants only (*i.e.*, Defendants COUNTY OF SUTTER, COUNTY OF YUBA, PARKER, MCELFRESH, BIDWELL, LITTLE, CALAPINI, RAI and FLIEHMAN) as to this cause of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. For compensatory, general and special damages against each Defendant, jointly and severally, in the amount proven at trial;

2. For damages related to loss of familial relations as to Plaintiffs KIMBERLY BOCK, KELLIE BOCK, HILLARY BOCK, M.B., LAURA LYNN BOCK, and ROBERT BOCK.

3. Funeral and burial expenses, and incidental expenses not yet fully ascertained;

4. General damages, including damages for physical and emotional pain, emotional distress, hardship, suffering, shock, worry, anxiety, sleeplessness, illness and trauma and suffering, the loss of the services, society, care and protection of the decedent, as well as the loss of financial support and contributions, loss of the present value of future services and contributions, and loss of economic security;

5. Prejudgment interest;

6. For punitive and exemplary damages against each individually named Defendant in an amount appropriate to punish Defendant(s) and deter others from engaging in similar misconduct;

7. For costs of suit and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988, and as otherwise authorized by statute or law;

8. For restitution as the court deems just and proper;

9. For such other relief, including injunctive and/or declaratory relief, as the Court may deem proper.

DATED: March 26, 2014

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: */s/ Aaron J. Fischer*
Aaron J. Fischer

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

DATED: March 26, 2014

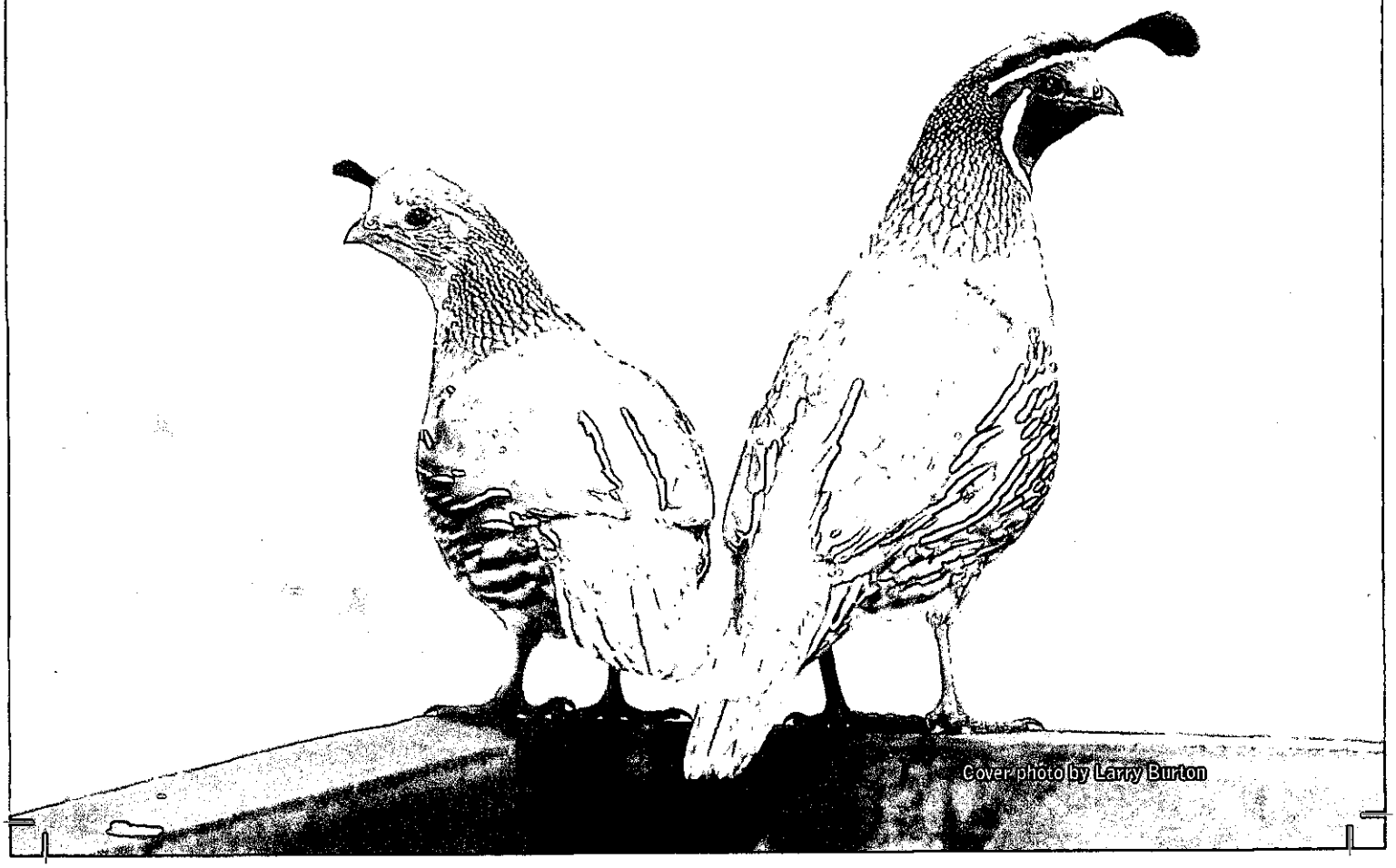
Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: */s/ Aaron J. Fischer*
Aaron J. Fischer

Attachment A

2010-2011
Sutter County Grand Jury Final Report



Cover photo by Larry Burton

ENDORSED FILED

JUL 13 2011

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By JACKIE LASWELL Deputy

Final Report

of the

2010-2011

Sutter County

Grand Jury

Rebecca Jennings

Foreperson

Honorable Judge Chris Chandler

Presiding Judge

Report
Of the
2010-2011
Sutter County Grand Jury

Rebecca Jennings-Foreperson, Bob Benton, Carol Guidera, Dale Palmer, Don Pope, Glen Davis, Hal Beeso, Harjeet Singh, Jimi Hans, Karen LaRose, Linda Peterson, Megan Saavedra, Nancy Romero, Sue Countryman, Tammie Putman, Theresa McFall, Tom Bethards, Vera Crabtree

Final Report [pursuant to Penal Code 933 (a)

Rebecca L. Jennings

Rebecca Jennings,
2010-2011 Foreperson

May 4, 2011

Date

Pursuant to Penal Code Section 933(a), the Presiding Judge makes the finding that the foregoing report is in compliance with the Title 4, Chapter 3 of the Penal Code ("Powers and Duties of the Grand Jury".

Honorable Christopher Chandler, Presiding Judge
Superior Court of California, County of Sutter County

5-6-11

Date

SUTTER COUNTY GRAND JURY

Honorable Judge Chris Chandler
Sutter County Superior Court
446 2nd Street
Yuba City, CA 95991

Dear: Judge Chandler

In accordance with the California Penal Code Section 933, the 2010-2011 Sutter County Grand Jury has completed its duties with the release of the Final Report to the Court and to the citizens of Sutter County. We were privileged to be selected a year ago to serve on the Sutter County Grand Jury as "a voice of the people and conscience of the community." We took our work seriously and did our best to approach our reviews and investigations objectively and thoroughly.

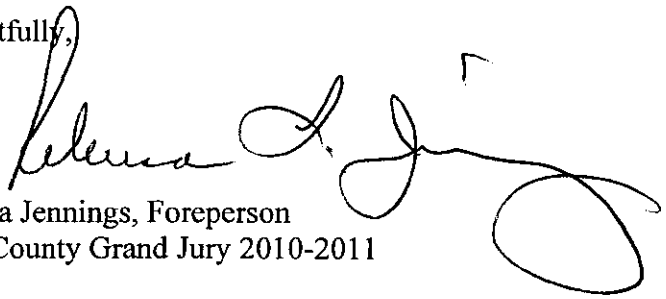
It has been a year of learning and hard work in gaining new insights; some were frustrations, and some were fun. We have all had personal growth in this Grand Jury experience. As is with any new Grand Jury, eighteen independent individuals with distinctive talents and skills successfully formed cohesive efforts to make their contribution to the citizens of this county. Members of this Jury have dedicated countless hours of work investigating, compiling, debating, and writing these reports. Each member of this Grand Jury contributed greatly to this report. I am proud of my fellow jurors and all they have accomplished.

This year was Judge Brian Aronson second year as the supervising judge for the Grand Jury. We would like to thank Judge Aronson, together we have learned a lot. To complete our work, we had the assistance of the county's court staff, particularly Christine Dagnino and Jackie Laswell. Each staff member we encountered was friendly and helpful. Our thanks to District Attorney Carl Adams and his staff who assisted us along the way taking our phone calls and providing us with the information we needed to perform our duties as members of the Grand Jury. We commend District Attorney Carl Adams dedication of time as the legal advisor for the Grand Jury for the past twenty-eight years. The Court Security Staff was very helpful as we navigated unfamiliar territory around the courthouse. Many individuals from the various agencies we visited were also helpful in countless ways.

In Conclusion I would like to thank this year's Grand Jurors for their conscientious effort and commitment. I would also like to thank Tammie Putman for her dedication and service as the Pro-tem and Secretary of the 2010-2011 Sutter County Grand Jury. Her dedication has made our job much easier. In closing, I would also like to express my

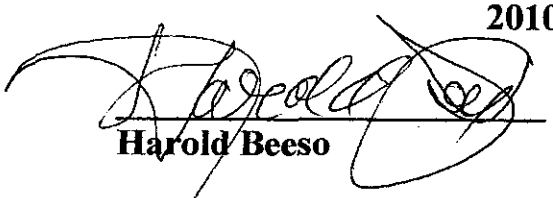
gratitude to the families of my fellow jurors in their unwavering support of their family members as they dedicated many hours away from home in performance of their Grand Jury duties. I believe that each member of this year's Sutter county Grand Jury will echo my sentiments, that this has been a priceless learning experience and opportunity to serve our County. I consider it a privilege to have served with the many individuals who demonstrate concern about the welfare of their county and the citizens who reside in it.

Respectfully,



Rebecca Jennings, Foreperson
Sutter County Grand Jury 2010-2011

2010-2011 Signature Page



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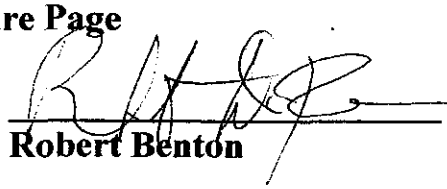


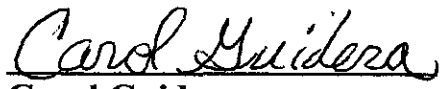
Robert Benton

Tom Bethards

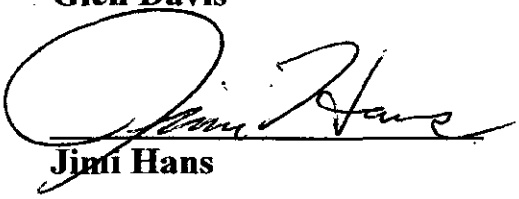
Susan Countryman

Vera D. Crabtree

Glen Davis



Carol Guidera



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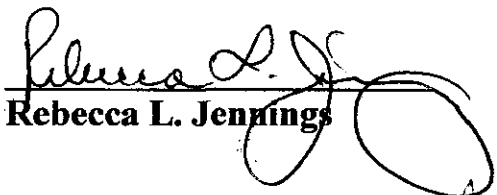
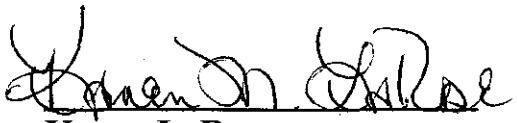
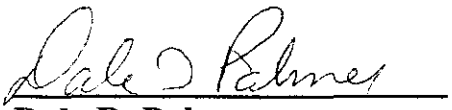


Rebecca L. Jennings



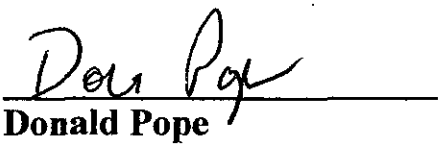
Karen LaRose

Theresa McFall



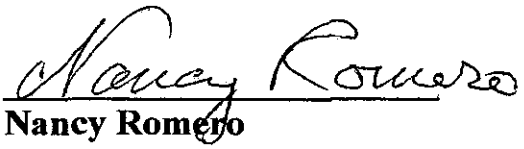
Dale D. Palmer

Linda Peterson



Donald Pope

Tammie Putman



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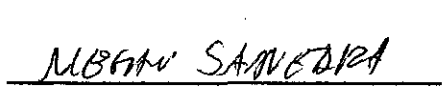

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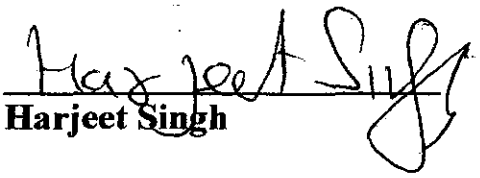

Harjeet Singh

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AD-HOC Committee

Sutter County Jail Nurses Program
Citizens Complaint

Introduction

The 2010-2011 Sutter County Grand Jury (SCGJ) received a citizen's complaint on the Sutter County Jail Nurses Program. The complaint alleged illegal practices, lack of training, out of compliant policies/procedures and poor inmate medical care.

The Grand Jury established an Adhoc Committee to undertake an investigation to determine these allegations on the complaint. Interviews were held with supervisors, managers, and staff of the Sutter County Jail. The Adhoc Committee completed an investigation of this complaint and made a number of recommendations resulting from that investigation.

Discussion

The Sutter County Jail Nurses program is to ensure provision of emergency and basic health care services to individuals who are in custody. Nursing Staff provides health care to the incarcerated from booking until the time of release. Along with the Physician and Nurse Practitioner, there is a Jail Nurse Manager, a Supervising Registered Nurse (SRN) , three Licensed Vocational Nurses (LVN)'s and 7-8 contract LVN's. Since November 2010, the county has an open position for a second SRN.

The Grand Jury felt the allegations in the complaint were serious and needed to be investigated.

The complaint alleges the following:

Inadequate R.N. Coverage

According to the complaint, per Legal Decree #CIV-S-93-1256 DFL JFM (P) of Dempsey W. Haller, et al. vs. The County of Sutter, et al. (see attachment, A) states in part:

E. 2. Staffing: "Jail medical staffing is the responsibility of the County's Human Services Department and shall consist of at least one registered nurse on site during either the day shift or the evening shift seven days per week, and either one registered nurse or one LVN on site during the other day shift or evening shift as appropriate, seven days per week…"

Prior to the resignation of a SRN, there was one SRN and LVN on the day shift or one SRN and LVN on the night shift. There was an incident when the SRN on the night shift became ill while on duty. The SRN called in a LVN for backup. The SRN was reprimanded by the Jail Nurse Manager in an email that there should have been a Registered Nurse on duty. The SRN was referred to legal decree #CIV-S-93-1256 DFL

JFM (P) against Sutter County, which states the requirement. The SRN was not told of this legal decree prior to this incident. According to the staff, there had been 20 days so far that year that this had occurred. During the investigation, it was noted that this was a common occurrence since there were only two SRNs.

Lack of Training

According to the complaint training of staff nurses has not occurred in more than five (5) years. Annual onsite training is necessary to maintain proficiency in emergency response procedures.

Before the SRN resigned, the SRN requested onsite training. The SRN's request was refused by the Jail Nurse Manager. The SRN put together training on Emergency Response in the jail. The SRN asked for a review of the materials and the Jail Nurse Manager refused to even look at the class outline. The SRN held the class with a few nurses and correctional staff in attendance.

Out of Compliant Policies and Procedures

The complaint alleged the Jail Nurses Program is out of compliance with California State correctional code – Title 15 sec 1206 Policy and Procedures (P&P) are to be reviewed annually. Standardized Nursing Procedures (SNP) have not been reviewed or updated since 1995. The SNP has been changed with pencil marks.

The nursing staff has inquired as to why these P&P's and the SNP's are outdated. The Jail Nursing Manager's answer is lack of time prevents him from completing the task.

Finding

Inadequate R.N. Coverage

The Nurse staffing at the Jail has been directed by a court order in Dempsey W. Haller vs. Sutter County, et al. No. CIV-S-93-1256 DFL JFM (P). Failure to comply with this order Sutter County can be found out-of-compliance and could be liable for additional action by the Court.

Recommendation

Every effort should be made to hire an additional SRN and ensure one is available for either the AM shift or the PM shift. The Nursing Program Manager needs to take a more active role in managing the Jail Nursing Program. Once the SRN position is filled, the Nursing Program Manager, who is also an RN, must be utilized to ensure the Jail Nursing Program is in compliance with the court order.

The Assistant Director of Health and Human Services should provide oversight to insure the Jail Nursing Program is in full compliance with court order Legal decree #CIV-S-93-1256 DLF JFM (P).

Finding

Lack of Training

Legal decree #CIV-S-93-1256 DLF JFM (P)
E19. Training: "Jail custody staff shall receive periodic update training in First Aid, CPR, intake screening, blood borne pathogens and suicide prevention…"

Sutter County Jail Medical Policies and Procedures #3 Section 6. "Oversees training of nurses and/or officers in areas where improvement is needed, as identified by QA audits, including regular and continued joint staff development activities. These will be documented as to date given, content, attendees and comments."

Training is necessary to maintain proficiency in on-site activities. The Nursing Program Manager has failed to offer his nursing staff any of the required training. When one of his SRN's put together an emergency response training class he refused to review the course outline before the class was held.

Recommendation

The Grand Jury recommends the Nursing Program Manager along with the Medical Officer, develop a training program to ensure adequate on-site training be made available to the nursing staff on a regular basis. The Assistant Director of Health and Human Services should provide oversight to ensure this training program is implemented.

Finding

Out of Compliance Policies and Procedures

Title 15 Regulations 1206. Health Care Procedure Manual "The health authority shall in cooperation with the facility administrator, set forth in writing, policies and procedures in conformance with applicable State and Federal law, which are reviewed and updated at least annually…"

During the investigation, it was stated unanimously that the P&P's were significantly out-of-date. The County Medical Officer is responsible for making sure the P&P's are current by signing them annually. The Jail Nurse Program Manager has overall responsibility to see that the Nursing Program policies and procedures are operational and functioning in the scope as laid out in the Standard Nursing Procedures. The Jail Nurse Program Manager has not done this. When the Jail Nurse Program Manager was hired, the P&P's were not up to date. By not correcting these problems, his inaction has allowed this

situation to deteriorate further. The Jail Nurse Program Manager indicated it would take over a year to complete. This should be made a priority.

Recommendation

The County Medical Officer and the Jail Nurse Program Manager with oversight from the Assistant Director of Health and Human Services should ensure the Jail Nursing Program P&P's are reviewed, rewritten, and made current so they can be used and referred to by the jail staff. The Standard Nursing Procedures has been changed with pencil marks and needs to be corrected.

The Grand Jury recommends that these documents be completed by December 31, 2011. The Jail Nursing Program would also benefit from more active oversight by the Assistant Director of Health and Human Services to see that it is accomplished by the above date.

Finding

During this investigation the Grand Jury finds the Jail Nursing Program is completely out of compliance with annual nurse training updates and standard nursing procedures. This exposes Sutter County to numerous potential issues in the future.

Recommendation

The Grand Jury recommends that the Assistant Director of Health and Human Services actively take measures to ensure that this program is in full compliance with the law. It is unacceptable that the program is out of compliance, lack of training for the nursing staff, not having the P & P's up-to-date, and the pencil corrections in the SNP. The Grand Jury recommends that the Jail Nursing Program be in full compliance by December 31, 2011.

Respondents

Director of Health and Human Services, Tom Sherry
Assistant Director of Health and Human Services, Amerjit Bhattal
County Medical Officer, Dr. Cummings
Jail Nurse Program Manager, Brent Garbett

Attachment A

FILED

SEP 14 1994

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

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and SHERIFF ARTHUR R. BRANDWOOD

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EASTERN DISTRICT OF CALIFORNIA
BY ... DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMPSEY W. HALLER, et al. Plaintiffs, vs. THE COUNTY OF SUTTER, et al.	No. CIV-S-93-1256 DFL JFM (P) AMENDED SETTLEMENT AGREEMENT

26

The parties hereby stipulate to settlement of the issues remaining in this case as follows:

A. Clothing Exchange: Defendants will provide Jail inmates with clothing upon intake, and periodic clothing exchanges pursuant to Title 15, section 1260, 1261, 1262, 1263, and 1264. All references to Title 15 in this agreement are to Title 15 as amended in 1994.

B. Recreation: Defendants will provide Jail inmates with outdoor recreation pursuant to Title 15, section 1065. Defendants will make best efforts to provide Main Jail inmates with outdoor recreation five times per week. In addition, defendants will provide, subject to security considerations, the following recreation equipment in the Jail's outdoor recreation yards [both male and female]: portable basketball hoops, volleyball nets and balls, handballs, and one Santa Clara County Hermo II exercise machine.[1]

C. Food: Defendants will complete the Jail's kitchen remodel project by September 1, 1994. Thereafter, defendants will comply with Title 15 standards, specifically sections 1240, 1241, 1242, 1243, 1245, 1246, 1247, 1248, and 1249 concerning food preparation in the Jail.

D. Law Library: Defendants will participate in an experiment to provide CD-Rom law library materials to Jail inmates effective September 1, 1994. There will be a CD-Rom library for inmates in the Jail.

[1]A Hermo II is also provided to inmates housed in the Jail Dormitory housing unit.

1. All inmates will be provided with access to the CD-Rom library and hardbound law library regardless of sentenced or presentenced status, regardless of whether the inmate is represented by counsel.

2. CD-Rom library and hardbound law library access will be subject to reasonable security, staffing and time restrictions. Inmates facing court deadline and inmates proceeding "in pro per" in local courts will be afforded priority access.

3. Inmates who request access to the CD-Rom or hardbound law library will be provided direct access without staff present and will be allowed to browse among the available CD disks and law books and to work on their legal cases within the law library.

4. The Jail CD-Rom West Publishing inventory is attached as Exhibit A. The Jail hardbound book law library is attached as Exhibit B.

5. Inmates working with the CD-Rom legal system will have access to a computer, CD drive, dot matrix printer and written instructions explaining how to access CD-Rom materials will be provided by plaintiffs' counsel.

6. The above-referenced experiment will continue for at least a period of twelve [12] months. Counsel for the parties will communicate at least every six months concerning the status of this experiment. At the conclusion of this period the parties shall meet and confer in good faith concerning the long term use of CD-Rom and hardbound law books.

E. Medical Care: Defendants will modify their delivery of medical services system to provide medical, mental health, and dental care to the plaintiff class as set forth below, the implementation of which service systems will be commenced immediately and will be completed on or about January 1, 1995.

1. Intake Screening: Jail medical intake screening shall be performed by a Sheriff's custody staff trained in screening procedures by County medical and mental health personnel. The intake screening form shall meet the criteria established by Title 15 of the California Code of Regulations and the California Medical Association. Jail medical staff shall review all intake screening forms as soon as possible, in most cases the same day as booking, but in no event later than the next shift when nursing staff is available.

2. Staffing: Jail medical staffing is the responsibility of the County's Human Services Department and shall consist of at least one registered nurse on site during either the day shift or the evening shift seven days per week, and either one registered nurse or one LVN on site during the other day shift or evening shift as appropriate, seven days per week. Supplementing this nursing coverage shall be on-site visits by a nurse practitioner or physician's assistant two days per week for a total of approximately four hours per week, and on-site visits by a physician twice per week for approximately five hours. Excluding weekends and county holidays, there will be an on-site visit by either a nurse practitioner, physician's assistant, or a physician not less frequently than every other day. Further

supplementing this coverage shall be on-site visits by a County mental health staff crisis counselor for approximately 18 hours per week, for no less than 3 separate visits each week. On-site visits for physicians and mental health workers will take place, whenever possible, on established days and hours. Clerical support will be provided the Jail nurses as appropriate.

3. Sick Call: There shall be a screening process concerning inmate medical problems and complaints conducted by the Jail nursing staff or a nurse practitioner or a physician's assistant. To access sick call, inmates shall utilize a Jail Sick Call Request form. The triage for sick call slips shall take place daily, formal sick call shall be available five days per week.

4. Pill Call: Medications shall be distributed to Jail inmates by County medical and/or Jail staff based upon protocols established and approved by the County Department of Human Services. All medications shall be distributed the appropriate number of times per day deemed medically necessary by County medical/mental health staff.

5. Inmate Medical Records: Inmate medical/mental health/dental records shall be maintained in a confidential manner and in a secure setting. The Jail's medical staff shall maintain records on site at the Jail which document inmate medical problems and which include the information and documents deemed necessary by established protocols based upon Title 15 Minimum Jail Standards.

/////

6. Access to Specialized Clinics: Inmates shall have access to specialized clinics and care as deemed appropriate by County medical, dental, and mental health providers.

7. Inmates With Acute Illnesses: Inmates with acute illnesses shall be transferred to alternative sites for care as deemed appropriate by County medical and/or mental health staff.

8. Detoxification: The Jail shall maintain written detoxification procedures which are utilized by both Sheriff's and County medical staff. These procedures shall comply with the standards set forth in the Title 15 "Minimum Standards" for Local Detention Facilities in the California Code of Regulations.

9. Communicable Diseases: The Jail shall maintain its plan to detect, control, and treat inmates with priority communicable diseases. The program to detect, control and treat inmates with communicable diseases will describe how the identification, treatment, control, and follow-up management of inmates with communicable diseases will occur. Priority communicable diseases will include TB, HIV/AIDs, STD's, Hepatitis A and B, Rubella, Measles and other diseases identified by Jail staff and the Sutter County Public Health Officer.

10. Standardized Practices: The Jail's medical personnel shall follow established written treatment protocols prepared by the County's Department of Human Services. These treatment protocols, and the medical policies and procedures utilized by Jail medical staff shall be completely revised and approved by all of the involved County agencies. Jail policies, procedures, and treatment protocols shall follow the format established by the California Medical Association.

11. Suicide Prevention: The Jail shall maintain a suicide prevention program which includes instruction by County mental health staff [both classroom and video training] for Sheriff's personnel working with the Jail.

12. Dental Care: Inmates requiring dental care shall be referred to a private provider who shall provide the appropriate care necessary to alleviate pain, prevent infections, and treat emergency dental needs. Dental care shall be timely depending upon the pain and seriousness of the dental problem. Dental care shall not be limited to extractions, however, the dental care provided to Jail inmates is not intended to deal with years of personal neglect.

13. Management of Pharmaceuticals: Pharmaceutical practices will comply with section 1216 of the Title 15 Minimum Standards for Local Detention Facilities.

14. Sick Call Forms: The Jail's sick call form, including the form necessary to request mental health care, shall be printed in English, Spanish, and Punjabi. Inmates who request that a staff member act as a translator during the sick call or intake screening process shall be provided with language assistance as deemed appropriate by Jail staff. Access to forms shall include access to information concerning how to obtain medical, mental health, and dental care within the Jail.

15. Quality Assurance: The responsible County physician for the Jail under Title 15, section 1202 shall establish a mechanism to assure that the quality and adequacy of medical, dental, and mental health care is annually assessed. The plan

shall include a means for the correction of identified deficiencies of the medical/dental/mental health and pharmaceutical services provided and shall include the statistical gathering set forth in Title 15. In addition, and as part of this plan, monthly meetings shall be held between the Jail's custody and medical/mental health staff.

16. Informed Consent: The Jail has established procedures which conform to Title 15, section 1214 of the California Code of Regulations.

17. Food Handlers: The responsible physician shall develop procedures for medical screening of food handlers prior to working in the facility kitchen. Additionally, there shall be written procedures for education and ongoing monitoring and cleanliness of food service workers in accordance with section 27605 of the Health and Safety Code, California Uniform Retail Food Facilities Law.

18. Jail Medical Office: The Jail's medical office shall be renovated by March 1, 1995.

19. Training: Jail custody staff shall receive periodic update training in First Aid, CPR, intake screening, blood borne pathogens,and suicide prevention.

20. OSHA: The Jail will implement a program to address the OSHA blood borne pathogen requirements.

21. Women's Rights: The Jail will post as necessary the pregnancy related rights of female inmates as set forth by the California Penal Code.

22. HIV Testing: HIV testing will be provided in the Jail upon request. Pre and post test counselling will be provided.

F. Either party may seek to change the terms of this SETTLEMENT AGREEMENT pursuant to the standards set forth in Rufo v. Inmates of Suffolk County Jail, 502 U.S. ____, 112 S.Ct. 748 (1992).

G. In the event that an emergency threatens the Sheriff's ability to comply with these orders, counsel for defendants will notify counsel for plaintiffs no later than the next business day.

H. Defendants shall pay to plaintiffs' counsel attorney fees in the amount of $17,500 at the time of the filing of the Final Judgment.

I. The parties have previously stipulated to a permanent injunction filed on September 15, 1993 relating to any and all population issues, a copy of which is attached hereto and incorporated herein by reference as Exhibit C. This SETTLEMENT AGREEMENT is intended to resolve all matters not covered by the permanent injunction referred to above.

Upon the execution of this SETTLEMENT AGREEMENT, the parties request a dismissal of all matters not covered by the permanent injunction referred to above.

J. The parties stipulate and agree that the Magistrate Judge and District Court Judge assigned this case will issue any and all orders necessary for the dismissal of this action, including but not by way of limitation any orders deemed

necessary regarding posting of this agreement and any Fairness Hearing deemed necessary.

IT IS SO STIPULATED:

DARRELL W. LARSEN
SUTTER COUNTY COUNSEL

DATED: August 16, 1994

JAMES SCANLON
DEPUTY COUNTY COUNSEL
Attorneys for Defendants

DATED: August 17, 1994

PAUL COMISKEY
Attorney for Plaintiffs

EXHIBIT A -- CD-ROM LIBRARY

1. The system will provide access to the following legal authorities:

(a) Reported cases of the United States Supreme Court

(b) Federal 2d and Federal 3d Reporters

(c) All available California reported cases

(d) Annotated California Codes

2. The computer hardware system which will include a single work station terminal shall be selected by the Sutter County Sheriff with the concurrence with plaintiffs' counsel.

EXHIBIT B -- LAW LIBRARY - BOOKS

In addition to computerized legal research, the law library shall consist of at a minimum the following bound authorities or their substantial equivalents:

1. West California Rules of Court, State - latest edition

2. West California Rules of Court, Federal - latest edition

3. West Federal Rules of Civil and Criminal Procedure and Evidence - latest edition

4. Black's Law Dictionary - latest edition

5. Deerings California Penal Code - latest edition

6. Deerings California Civil Practice Code - latest edition

7. Federal Habeas Corpus - 2nd edition (Michie Company)

8. California Criminal Law

Book No. 1
- a. Introduction to Crimes
- b. Elements of Crime
- c. Defenses
- d. Crimes Against the Person

Book No. 2
- a. Crimes Against Property
- b. Crimes Against Decency and Morals
- c. Crimes Against Public Peace and Morals
- d. Crimes Against Governmental Authority

Book No. 3
- a. Punishment for Crimes

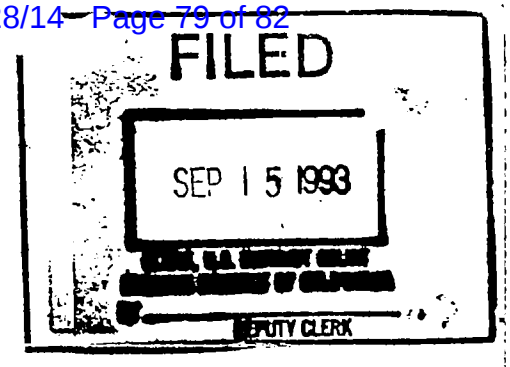

EXHIBIT C

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Attorneys for Defendants COUNTY OF SUTTER
and SHERIFF ARTHUR R. BRANDWOOD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMPSEY W. HALLER, et al. Plaintiffs, vs. THE COUNTY OF SUTTER, et al. Defendants.	NO. CIV-S-93-1256 DFL PAN (P) **STIPULATION RE POPULATION LIMITS, ORDER**

7

The parties hereby agree and stipulate to the following injunctive orders:

1. This action shall proceed as a class action pursuant to Federal Rules of Civil Procedure, Rule 23b.

2. Defendants are enjoined from bedding inmates on the floor.

3. The maximum assigned bed capacities for each housing unit of the Sutter County Jail are set forth below:

Unit I - 8 beds

Unit MPS - 24 beds*

Unit MS - 24 beds*

Medical Sheltered Living - 3 beds

Kitchen Trustee Unit - 8 beds

FPC - 4 beds

FPS - 6 beds*

FS - 10 beds*

FJ - 4 beds

Jail Dormitory - 62 beds*

4. Defendants may operate, if conditions warrant, housing units MPS, MS, FPS, and FS at two beds above the capacity defined in paragraph 3. Defendants may operate, if conditions warrant, the Jail Dormitory with as many as six beds above the capacity defined in paragraph 3. Defendants shall not house inmates in MPS, MS, FPS, FS, and the Jail Dormitory above the capacities agreed to in paragraph 3 unless beds of like classification are not available in other housing units. In the event units MPS, MS, FPS, FS, and the Jail Dormitory are operated above the capacity set forth in paragraph 3, outdoor recreation will be provided for those units

operating above the capacity set forth in paragraphs 3 for at least one hour per day, five days per week. In no event will any housing unit operate above its paragraph 3 capacity for more than 14 consecutive days and, in no event will the total Jail bed capacity exceed by 14 beds the total capacity set forth in paragraph 3, except that except that Defendants may operate the Jail Dormitory at its existing bed capacity of 88 beds until the Minimum Facility presently under construction is operational.[1]

5. The prohibition against floorsleepers is effective immediately. The population limits set forth in paragraphs 3 and 4 shall be effective forty five [45] days from the date that this Order is approved by the District Court.

6. Defendants are enjoined from adding beds to the Main Jail in each and every housing unit which exists on the date that this stipulation is executed.[2]

7. The Sheriff of Sutter County is authorized by this order to release inmates from the Sutter County Jail whenever the Sutter County Jail, or any specific housing unit therein, is within ten percent [10%] of being filled. The Sheriff shall release inmates or refuse to accept newly-committed inmates whenever all beds in the Jail are filled, or whenever any specific housing unit within the Jail is filled.

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1. "Operational" is defined, for the purposes of this stipulation, as being 50% occupied under the rated capacity assigned by the California Board of Corrections.

2. This stipulation does not encompass any additional jail structures to be built in the future, whether contiguous or attached, that are not presently within the physical confines of the presently constructed Jail. This stipulation does not limit the capacity of the Minimum Facility presently under construction.

8. Either party may seek to modify or terminate this Stipulation pursuant to the standards set forth in Rufo v. Inmates of Suffolk County Jail, ___ U.S. ___, 112 S.Ct. 748 (1992).

IT IS SO STIPULATED:

DATE: 9/8/93

John Hagar
Attorney for Defendants

DATE: 9/13/93

James Scanlon
Attorney for Defendants

DATE: 9/9/93

Paul Persons
Attorney for Plaintiffs

ORDER

It is so recommended.

DATE: 9-15-93

Honorable Peter A. Nowinski
United States Magistrate Judge
Eastern District of California

It is so ordered.

DATE: 9-15-93

Honorable David F. Levi
United States District Judge
Eastern District of California