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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 JANE DOE, an individual,

12 Plaintiff,

13 v.

14 COUNTY OF SANTA BARBARA, a
15 public entity; SALVADOR VARGAS, an
16 individual; and DOES 1 through 10,
17 inclusive,

18 Defendants.

Case No.:

19 **COMPLAINT FOR DAMAGES**

- 20 1. Civil Rights Action (42 U.S.C. § 1983)
- 21 2. Substantive Due Process (42 U.S.C. § 1983)
- 22 3. Municipal Liability – Unconstitutional Custom, Practice, Or Policy (42 U.S.C. § 1983)
- 23 4. Municipal Liability – Policy of Inaction (42 U.S.C. § 1983)
- 24 5. Municipal Liability – Ratification (42 U.S.C. § 1983)
- 25 6. Supervisory Liability (42 U.S.C. § 1983)

26 **DEMAND FOR JURY TRIAL**

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1 **COMPLAINT FOR DAMAGES**

2 Plaintiff JANE DOE, for her complaint against the COUNTY OF SANTA
3 BARBARA, SALVADOR VARGAS, and DOES 1 through 10, (all together,
4 “DEFENDANTS”), alleges as follows:

5 **PARTIES**

6 1. Plaintiff JANE DOE (Plaintiff) is and was at all times mentioned herein a
7 citizen of the State of California and resides in the Central District of California. Plaintiff
8 was the victim of unlawful sexual assault perpetrated by Defendant SALVADOR
9 VARGAS. As such, Plaintiff’s full identity has been concealed from public court filings
10 to prevent those not directly involved in this action from learning her identity and
11 making her identity public. Such a public disclosure would further harm Plaintiff.

12 2. Upon information and belief, at all relevant times SALVADOR VARGAS
13 resided in the County of Santa Barbara, within the Central District of California.

14 3. At all relevant times, SALVADOR VARGAS was employed by the
15 COUNTY OF SANTA BARBARA within the Santa Barbara County Sheriff’s Office as
16 a custody employee. At all relevant times, SALVADOR VARGAS was acting within the
17 course and scope of his employment. At all relevant times, SALVADOR VARGAS was
18 acting with the implied and actual permission and consent of the COUNTY OF SANTA
19 BARBARA.

20 4. Defendant COUNTY OF SANTA BARBARA is and was municipal
21 corporation and public entity within the Central District of California. COUNTY OF
22 SANTA BARBARA is a chartered subdivision of the State of California with the
23 capacity to be sued. COUNTY OF SANTA BARBARA is responsible for the actions,
24 omissions, policies, procedures, practices, and customs of its various agents and
25 agencies, including the Santa Barbara County Sheriff’s Office and its agents and
26 employees. COUNTY OF SANTA BARBARA was responsible for ensuring the actions,
27 omissions, policies, procedures, practices, and customs of its employees and agents
28 complied with the laws of the United States and the State of California.

1 appearance. VARGAS then began asking Plaintiff to expose her breasts. VARGAS'
2 advances were out in the open.

3 12. During a conversation about transferring Plaintiff to a residential treatment
4 program for the remainder of her sentence, VARGAS repeatedly asked Plaintiff to
5 expose her breasts to him. Out of fear of losing her opportunity to transfer, Plaintiff
6 lifted up her nightgown and exposed her thigh to VARGAS.

7 13. Based on information and belief, VARGAS was inappropriate with other
8 female inmates, including, but not limited to, watching female inmates masturbate in
9 exchange for providing them with items such as cigarettes. VARGAS had a reputation
10 within Santa Barbara County Main Jail for engaging in sexual misconduct against
11 female inmates.

12 14. Based upon information and belief, other COUNTY OF SANTA
13 BARBARA employees working at the Santa Barbara County Main Jail, including
14 Gabriel Castro, also committed acts of sexual misconduct against female inmates. Based
15 upon information and belief, Castro routinely used his position of power to sexually
16 assault and exploit female inmates. Gabriel Castro also had a reputation within Santa
17 Barbara County Main Jail for engaging in sexual misconduct against female inmates.

18 15. On or about August 8, 2018, Plaintiff was discharged from Santa Barbara
19 County Main Jail to complete the remainder of her sentence at Bethel House residential
20 treatment center in Santa Barbara. Before leaving Santa Barbara County Main Jail, an
21 ankle monitor was placed around Plaintiff's ankle.

22 16. VARGAS was assigned to transport Plaintiff from Santa Barbara County
23 Main Jail to Bethel House. VARGAS transported Plaintiff in a Santa Barbara County
24 vehicle. At all relevant times, Plaintiff was an inmate and in custody.

25 17. During the drive, VARGAS told Plaintiff that "he got her out" and that she
26 "owed him." VARGAS also made several sexual innuendos to Plaintiff.

1 18. Thereafter, VARGAS stopped at a pharmacy on State Street in Santa
2 Barbara to fill Plaintiff's prescription medications. VARGAS parked far from the
3 entrance of pharmacy even though the parking lot was nearly empty.

4 19. VARGAS and Plaintiff went inside the pharmacy and filled the
5 prescriptions. They were told that it would take about fifteen minutes for the medications
6 to be ready for pick up. VARGAS then instructed Plaintiff to go wait in the car with him.

7 20. Once they were back in the car, VARGAS began to harass Plaintiff,
8 repeatedly saying "just suck it" and "you want to suck it" – referring to his penis.
9 VARGAS then put his arm around Plaintiff and tried to pull off her bra. Plaintiff was
10 scared and disgusted. Plaintiff tried to resist the advances without offending VARGAS,
11 due to fear of retaliation. VARGAS then exposed his penis and began pushing Plaintiff's
12 head down to his penis. Plaintiff repeatedly said that she did not want to, but VARGAS
13 did not care. VARGAS, who was more than twice Plaintiff's physical size, kept her head
14 pushed down until she did what he demanded. VARGAS ejaculated in Plaintiff's mouth.

15 21. VARGAS then picked up Plaintiff's prescription medications and dropped
16 her off at Bethel House.

17 22. On or about October 5, 2018, Plaintiff was discharged from Bethel House
18 and returned to Santa Barbara County Main Jail for three days.

19 **FIRST CLAIM FOR RELIEF**

20 **Civil Rights Action (42 U.S.C. § 1983)**

21 **(Against SALVADOR VARGAS and DOES 1 through 10)**

22 23. The foregoing allegations are incorporated as if re-alleged herein.

23 24. At all relevant times, Plaintiff was an inmate in custody by COUNTY OF
24 SANTA BARBARA.

25 25. At all relevant times, Defendants VARGAS and DOES 1 through 10 acted
26 under color of law and within the course and scope of their employment by the COUNTY
27 OF SANTA BARBARA.

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1 26. When VARGAS sexually assaulted Plaintiff and engaged in the conduct
2 described above, he violated Plaintiff's constitutional rights as guaranteed by the Fourth,
3 Eighth, and Fourteenth Amendments to the U.S. Constitution.

4 27. The sexual assault perpetrated by VARGAS against Plaintiff, and VARGAS'
5 other conduct described above, was unreasonable, unjustified, and offensive to human
6 dignity.

7 28. DOES 1 through 10 failed to intervene to prevent VARGAS' misconduct,
8 even though they had an opportunity to do so. DOES 1 through 10 were deliberately
9 indifferent to the risk or danger of sexual assault of Plaintiff and similarly situated inmates
10 by VARGAS.

11 29. The conduct of Defendant VARGAS and DOES 1 through 10 was willful,
12 wanton, malicious, and done with reckless disregard for the rights and safety of Plaintiff,
13 and therefore warrants the imposition of exemplary and punitive damages against each of
14 them.

15 30. As a result of the conduct of VARGAS and DOES 1 through 10, Plaintiff
16 was harmed.

17 31. Plaintiff brings this claim individually and seeks compensatory damages as
18 well as attorney fees under 42 U.S.C. § 1988.

19 **SECOND CLAIM FOR RELIEF**

20 **Substantive Due Process (42 U.S.C. § 1983)**

21 **(Against SALVADOR VARGAS and DOES 1 through 10)**

22 32. The foregoing allegations are incorporated as if re-alleged herein.

23 33. At all relevant times, Defendants VARGAS and DOES 1 through 10 acted
24 under color of law and within the course and scope of their employment by the
25 COUNTY OF SANTA BARBARA.

26 34. Plaintiff had a cognizable interest under the Due Process Clause of the
27 Fourteenth Amendment of the United States Constitution to be free from state actions
28 that deprive her of life, liberty, or property in such a manner as to shock the conscience.

1 35. The aforementioned actions of VARGAS and DOES 1 through 10, along
2 with other undiscovered conduct, shock the conscience, in that they acted with deliberate
3 indifference to the constitutional rights of Plaintiff.

4 36. The acts of VARGAS and DOES 1 through 10 violated the substantive due
5 process rights of Plaintiff.

6 37. The acts or omissions of VARGAS and DOES 1 through 10 caused harm to
7 Plaintiff.

8 38. The conduct of VARGAS and DOES 1 through 10 was willful, wanton,
9 malicious, or done with reckless disregard for the rights and safety of Plaintiff and
10 therefore warrants the imposition of exemplary and punitive damages as to each of those
11 defendants.

12 39. Plaintiff brings this claim individually and seeks compensatory damages as
13 well as attorney fees under 42 U.S.C. § 1988.

14 **THIRD CLAIM FOR RELIEF**

15 **Municipal Liability - Unconstitutional Custom, Practice, or Policy**

16 **(42 U.S.C. § 1983)**

17 **(Against COUNTY OF SANTA BARBARA)**

18 40. The foregoing allegations are incorporated as if re-alleged herein.

19 41. At all relevant times, Defendants VARGAS and DOES 1 through 10 acted
20 under color of law and within the course and scope of their employment by the
21 COUNTY OF SANTA BARBARA.

22 42. Defendants VARGAS and DOES 1 through 10 deprived Plaintiff of her
23 particular rights under the Fourth, Eighth, and Fourteenth Amendments.

24 43. COUNTY OF SANTA BARBARA maintains or tolerates unconstitutional
25 customs, practices, and policies that facilitated the deprivation of Plaintiff's
26 constitutional rights under the Fourth, Eighth, and Fourteenth Amendments.

27 44. Plaintiff was harmed as a result of these unconstitutional customs, practices,
28 and policies.

1 45. The policies, customs, and practices described above are also evidenced by
2 the victimization of other inmates by VARGAS. Further, the policies described above
3 are evidenced by the sexual assault and abuse of other inmates by staff members other
4 than VARGAS.

5 46. COUNTY OF SANTA BARBARA, including its relevant officials,
6 whether named or unnamed, had either actual or constructive knowledge of the deficient
7 policies, practices and customs alleged in the paragraphs above. Said officials acted with
8 deliberate indifference to the foreseeable effects and consequences of these policies,
9 practices and customs with respect to the constitutional rights of Plaintiff and other
10 wards similarly situated.

11 47. Plaintiff brings this claim individually and seeks compensatory damages as
12 week as attorney fees under 42 U.S.C. § 1988.

13 **FOURTH CLAIM FOR RELIEF**

14 **Municipal Liability - Inadequate Training/Policy of Inaction**

15 **(42 U.S.C. § 1983)**

16 **(Against COUNTY OF SANTA BARBARA)**

17 48. The foregoing allegations are incorporated as if re-alleged herein.

18 49. At all relevant times, Defendants VARGAS and DOES 1 through 10 acted
19 under color of law and within the course and scope of their employment by the
20 COUNTY OF SANTA BARBARA.

21 50. Defendants VARGAS and DOES 1 through 10 deprived PLAINTIFF of
22 her particular rights under the Fourth, Eighth, and Fourteenth Amendments, as alleged
23 above.

24 51. The training provided by the COUNTY OF SANTA BARBARA was not
25 adequate to train its employees to handle the usual and recurring situations with which
26 they must deal. Specifically, as evidenced by this incident, the COUNTY OF SANTA
27 BARBARA did not adequately train its employees to prevent, deter, detect, and avoid
28 sexual abuse of inmates. Also, as evidenced by this incident, the COUNTY OF SANTA

1 BARBARA did not adequately train its employees to intervene when other employees
2 are observed to be violating policies designed to prevent and deter sexual misconduct.

3 52. The COUNTY OF SANTA BARBARA was deliberately indifferent to the
4 obvious consequences of its failure to train its employees adequately.

5 53. The failure of the COUNTY OF SANTA BARBARA to provide adequate
6 training caused the deprivation of the Plaintiff's rights.

7 54. The COUNTY OF SANTA BARBARA maintained a policy of inaction
8 with respect to the violation of policies designed to prevent or deter sexual misconduct
9 against inmates. Employees who engaged in suspicious behavior, or behavior that
10 violated written policy, were inadequately disciplined or otherwise penalized in
11 connection with the use of excessive force.

12 55. PLAINTIFF brings this claim individually and seeks compensatory
13 damages as well as attorney fees under 42 U.S.C. § 1988.

14 **FIFTH CLAIM FOR RELIEF**

15 **Municipal Liability - Ratification (42 U.S.C. § 1983)**

16 (Against COUNTY OF SANTA BARBARA)

17 56. The foregoing allegations are incorporated as if re-alleged herein.

18 57. At all relevant times, Defendants VARGAS and DOES 1 through 10 acted
19 under color of law and within the course and scope of their employment by the
20 COUNTY OF SANTA BARBARA.

21 58. Defendants VARGAS and DOES 1 through 10 deprived PLAINTIFF of her
22 particular rights under the Fourth, Eighth, and Fourteenth Amendments, as alleged
23 above.

24 59. Upon information and belief, a final policymaker for the COUNTY OF
25 SANTA BARBARA has ratified or will ratify the conduct of Defendants VARGAS and
26 DOES 1 through 10 and the bases for such conduct. Upon information and belief, the
27 final policymaker acted or will act under color of law and with final policymaking
28 authority from the COUNTY OF SANTA BARBARA.

1 70. These training deficiencies and the failures to enforce written policies
2 resulted in the deprivation of PLAINTIFF's rights by VARGAS.

3 71. DOES 1 through 10 engaged in conduct that showed a reckless or callous
4 indifference to the deprivation by the subordinate of the rights of others.

5 72. The conduct of DOES 1 through 10 was willful, wanton, malicious, or done
6 with reckless disregard for the rights and safety of PLAINTIFF and therefore warrants
7 the imposition of exemplary and punitive damages as to each of those defendants.

8 73. PLAINTIFF brings this claim individually and seeks compensatory
9 damages as well as attorney fees under 42 U.S.C. § 1988.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, plaintiff prays for judgment against Defendants COUNTY OF
12 SANTA BARBARA, a public entity; SALVADOR VARGAS, an individual; and DOES
13 1 through 10, inclusive, as follows:

- 14 1. For general and special damages according to proof;
- 15 2. For punitive damages against Defendant SALVADOR VARGAS and DOES 1
16 through 10 in an amount to be proven at trial;
- 17 3. For reasonable attorneys' fees pursuant to 42 U.S.C. § 1988;
- 18 4. For interest;
- 19 5. For an award of the costs incurred by Plaintiffs in bringing this action; as well as
- 20 6. For such other and further relief as the Court deems proper.

21
22 Dated: May 11, 2020

TAYLOR & RING

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25 By: 
26 John C. Taylor
27 Sonya Ostovar
28 Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: May 11, 2020

TAYLOR & RING

By: 

John C. Taylor
Sonya Ostovar
Attorneys for Plaintiff