

LAW OFFICE OF YOLANDA HUANG
YOLANDA HUANG, SBN 104543
499 14th Street, Suite 300
Oakland, CA 94612
Telephone: (510) 839-1200
Facsimile: (510) 444-6698

Attorneys for Plaintiff
Cynthia Turano

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

<p>CYNTHIA N. TURANO</p> <p>Plaintiff,</p> <p>vs.</p> <p>ALAMEDA COUNTY AND ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY J. AHERN, BRETT M. KETELES, TOM MADIGAN, D. SKOLDQVIST, CITY OF OAKLAND, OAKLAND POLICE, DEPARTMENT, J. DURANT (9567P), J. ADAYA (9513P), RYAN PAUL TIOYAO (9557), AND DOES 1-100.</p> <p>Defendants.</p>	<p>Case No.</p> <p>COMPLAINT FOR VIOLATION OF CIVIL AND CONSTITUTIONAL RIGHTS</p> <p>DEMAND FOR JURY TRIAL</p>
--	--

INTRODUCTION

1. This is an action for equitable relief and for redress for the violation of rights guaranteed to the plaintiff by state and federal laws, including: (a) damages for deprivations by defendants acting under color of State law of plaintiff’s rights, privileges and immunities guaranteed by the First, and Fourteenth Amendments to the United States Constitution pursuant to 42 USC 1983 and 1988 while plaintiff was under the custody and control of County of Alameda and Alameda County Sheriff’s

1 Office on behalf of plaintiff individually and as representative of all females where were similarly
2 situated; and,

3 2. This is an action for the wrongful arrest of plaintiff by the City of Oakland and the Oakland
4 Police Department as to plaintiff individually.

5 **JURISDICTION**

6 3. The jurisdiction of the Court is invoked pursuant to 42 U.S.C. § 1983 et seq.; 28 U.S.C. §§
7 1331 and 1343(a). Supplemental jurisdiction over state law claims exists pursuant to 28 U.S.C. §
8 1367. Plaintiffs seek declaratory and injunctive relief under 28 U.S.C. §§ 1343, 2201 and 2202, and
9 42 U.S.C. §1983.

10 4. Venue is proper in the Northern District of California as the events complained of occurred in
11 this district.

12 5. Plaintiffs have filed administrative claims with the City of Oakland and Alameda County in
13 compliance with California Government Code §§ 910, et seq. These claims have been denied
14 expressly or by operation of law.

15 **INTRADISTRICT ASSIGNMENT**

16 6. The claims alleged herein arose in the County of Alameda, State of California. Therefore,
17 venue and assignment, under 28 U.S.C. § 1391(b), lies in the United States District Court for the
18 Northern District of California, San Francisco Division or Oakland Division.

19 **THE PARTIES**

20 7. Plaintiff, CYNTHIA TURANO is a female resident of Alameda County, a licensed and
21 practicing architect. At the time of the occurrence, she was involved in a divorce proceedings filed
22 by her spouse, Edward J. Turano. The two were then residing together in their common residence, a
23 single family house, located in Alameda County.

24 8. Defendant COUNTY OF ALAMEDA is a “public entity” within the definition of Cal. Gov.
25 Code § 811.2.

26 9. Defendant ALAMEDA COUNTY SHERIFF’S OFFICE is a “public entity” within the
27 definition of Cal. Gov. Code § 811.2.

28 10. Defendant GREGORY J. AHERN is the Sheriff for Alameda County. As such, he has
caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the illegal,
unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail at

1 Alameda County jails, as described below. He has, therefore, directly and proximately caused, and
2 will continue to cause in the future, the injuries and violations of rights set forth below. Defendant
3 Ahern is sued in his official capacity only.

4 11. Defendant BRETT M. KETELES is the Assistant Sheriff for Alameda County in
5 charge of the Detentions and Corrections Unit and defendant TOM MADIGAN is the commander in
6 charge of the Detentions and Corrections Unit which includes the two Alameda County jails, Glen
7 Dyer and Santa Rita, and was so in charge of Santa Rita Jail on December 26, 2016. Defendants
8 BRETT KETELES and TOM MADIGAN as employees of the Sheriff's Office and as the detention
9 and corrections commander for the Sheriff's Office, held command and policymaking positions.
10 They, along with Defendant Ahern, participated in the planning, supervision, and the execution of the
11 manner in which plaintiffs and class members are incarcerated in the Alameda county jail facilities
12 and ACSO's conduct complained of herein. Defendants BRETT KETELES and TOM MADIGAN
13 caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the illegal,
14 unconstitutional, and inhumane conditions, actions, policies, customs and practices that prevail at
15 Alameda County jails, particularly as to the treatment of women as described below.

16 12. Defendants D. SKOLDQVIST was the responsible officer for Santa Rita Jail.
17 Defendant D. SKOLDQVIST at all times relevant herein, is and was an employee of the Sheriff who
18 held supervisory, command and/or policy-making positions, and who participated in the
19 authorization, planning, supervision, and the execution of the police conduct and sheriff's conduct
20 complained of herein.

21 13. At all times relevant herein, all of the above individual Defendants AHERN,
22 KETELES, MADIGAN and D. SKOLDQVIST were officers and employees were acting under the
23 color of law, under color of authority and in the scope of their employment as Command and
24 Supervisory Personnel of the Alameda County Sheriff's Office. Additionally, upon information and
25 belief, one or more of these Defendants failed, with deliberate indifference to Plaintiffs' and class
26 members' rights, to adequately train and supervise ACSO sheriff's deputies and staff who were
27 involved in violating the rights of the Plaintiffs and class members. All of the above individual
28 defendants are sued in their official capacities.

14. Plaintiff is informed and believe and therefore allege that each of said defendants
DOES 1 through 50, are and/or were agents or employees of Defendants COUNTY OF ALAMEDA
and ALAMEDA COUNTY SHERIFF'S OFFICE, and acted within the scope of that agency or

1 employment or under color of state law. DOE 1-50 are defendants who caused, and are responsible
2 for, the below-described unlawful conduct and resulting injuries by, among other things, personally
3 participating in the unlawful conduct or acting jointly or conspiring with others who did so; by
4 authorizing, acquiescing in or setting in motion policies, plans or actions that led to the unlawful
5 conduct; by failing to take action to prevent the unlawful conduct; by failing and refusing with
6 deliberate indifference to plaintiffs' rights to initiate and maintain adequate training and supervision;
7 and by ratifying the unlawful conduct that occurred by agents and officers under their direction and
8 control, including failing to take remedial or disciplinary action. Plaintiff alleges that DOE 1 through
9 50 proximately caused said incidents, injuries, violation of constitutional and legal rights, and
10 damages by reason of their negligence, breach of duty, negligent supervision, management or control,
11 or by reason of other personal, vicarious or imputed negligence, fault, or breach of duty, whether
12 severally or jointly, or whether based upon agency, employment, or control or upon any other act or
13 omission. Plaintiffs are ignorant of the true names and/or capacities of defendants sued herein as
14 DOE 1 through 50, inclusive, and therefore sue said defendants by such fictitious names. Plaintiff
15 will amend this complaint to allege their true names and capacities when ascertained and will ask
16 leave to amend this complaint to insert further charging allegations when such facts are ascertained.
17 DOE 1 through 50 are sued in their individual and official capacities.

18 15. Defendant CITY OF OAKLAND is a "public entity" within the definition of Cal.
19 Gov. Code § 811.2.

20 16. Defendant OAKLAND POLICE DEPARTMENT is a "public entity" within the
21 definition of Cal. Gov. Code § 811.2.

22 17. Defendants J. DURANT (9567P); J. ADAYA (9513P); RYAN PAUL TIOYAO
23 (9557), were and at all material times herein, a deputy sheriff employed by Defendant CITY OF
24 OAKLAND and OAKLAND POLICE DEPARTMENT, acting within the scope of that agency or
25 employment and under color of state law. Defendants J. DURANT; J. ADAYA; and RYAN PAUL
26 TIOYAO are sued in their individual capacity.

27 18. Plaintiff is informed and believe and therefore allege that each of said defendants
28 DOES 51 through 100, are and/or were agents or employees of Defendants CITY OF OAKLAND
and OAKLAND POLICE DEPARTMENT, and acted within the scope of that agency or employment
or under color of state law. Plaintiff alleges that these DOE 51 through 100 proximately caused said
incidents, injuries, violation of constitutional and legal rights, and damages by reason of their

1 negligence, breach of duty, negligent supervision, management or control, or by reason of other
2 personal, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or
3 whether based upon agency, employment, or control or upon any other act or omission. Plaintiffs are
4 ignorant of the true names and/or capacities of defendants sued herein as DOE 51 through 100,
5 inclusive, and therefore sue said defendants by such fictitious names. Plaintiffs will amend this
6 complaint to allege their true names and capacities when ascertained and will ask leave to amend this
7 complaint to insert further charging allegations when such facts are ascertained.

8 OCCURRENCE - PART ONE

9 19. On Christmas Day, DECEMBER 25, 2016, at 1:21 p.m. in the afternoon, Edward J.
10 Turano phoned in a complaint to the Oakland Police Department alleging that his wife Cynthia
11 Turano had violated a temporary restraining order by taking a camera that he claimed belonged to
12 him. E. Turano stated that Cynthia Turano still resided in the house. There was no report of
13 physical contact nor of violence.

14 20. Oakland Police Department responded to this call by dispatching three uniformed
15 and armed police officers, defendants Duran, Adaya and Tloyao; over twelve (12) hours later after
16 1:00 a.m., to 311 Gravatt Drive, Oakland, CA, a single family residence.

17 21. At the residence, these officers interviewed Edward Turano who alleged that he
18 was “being harassed” by plaintiff; that in the afternoon, plaintiff had “used” his camera without his
19 permission, and had violated a domestic violence restraining order by coming within three (3) feet
20 of E. Turano’s person. The camera had been returned by 2:30 pm the prior afternoon and put back
21 into place.

22 22. At the time the three defendants Duran, Adaya and Tloyao arrived at 311 Gravatt
23 Drive, after 1 a.m. in the morning, plaintiff was asleep in her pajamas in her bed, in her bedroom
24 separate from Edward Turano. Plaintiff was not engaged in any activity other than sleeping, and
25 was not interacting with E. Turano in any manner. The camera was securely placed in its regular
26 place.

27 22. These officers did not witness any action, any movement or any speech by Cynthia
28 Turano prior to waking her up, in her room. Oakland police officers woke plaintiff up, handcuffed
her, and arrested her for violation of a restraining order. On Christmas Day night. Plaintiff was
placed, handcuffed in the back of Ofc. Tioyao’s police car, and driven to Santa Rita Jail for
incarceration.

1 over food, food debris, and used medical supplies. The floor and walls had dried human fluids and
2 human discharges on them. Because plaintiff was menstruating and bleeding over her clothes, the
3 blood seeped through her pants and onto the concrete bench. Plaintiff's menstrual blood began to
4 puddle on the bench. Due to this situation, Plaintiff began knocking and banging on the door and
5 window to get help. During this long period of time, Plaintiff never saw a sheriff's deputy pass
6 by. Not a single sheriff's deputy checked the room, not even peering through the glass window.
7 Nor was there any effort by the Alameda County Sheriff's Office to remove the accumulated
8 garbage in the cell or clean the cell.

8 29. Not a single cell had a trash receptacle.

9 30. During this period of time, the only humans outside the cell which Plaintiff saw,
10 were individuals in civilian clothing, with identification badges. Although Plaintiff continued to
11 bang on the window and door, these individuals in civilian clothing refused to make eye contact,
12 and instead look away.

13 31. Finally, despite hours of banging on the window and door, the only time a sheriff's
14 deputy appeared at plaintiff's cell was when a female deputy opened the door and brought in a
15 third woman. At this time, Plaintiff requested menstrual pads and the female deputy returned with
16 two pads. By this time, Plaintiff had already bled through her pants. In putting on one of the pads,
17 Plaintiff got blood all over hands. The cell provided nothing to clean hands and could only rinse
18 some of the blood off her hands in the drinking fountain, and was forced to wipe her hands off on
19 clean parts of her clothing.

20 32. At 9:30 a.m., Plaintiff was escorted to the discharge area, where the Sheriff gave
21 her a bus ticket and a BART ticket. Prior to being taken to discharge, all of the garbage in
22 Plaintiff's cell was still there. Plaintiff, during the entire time at Santa Rita Jail, did not see a
23 single cell be cleaned, nor did she see any cleaners, and there had been no effort to remove any
24 garbage or waste food. There was no any means for Plaintiff to clean up the puddle of menstrual
25 blood on the bench, which remained when she was removed from the cell.

26 33. After her discharge, Ms. Turano was able to catch a bus to BART, and took BART
27 to Oakland. She traveled on the bus and BART dressed in wet, visibly blood-stained clothing.

MUNICIPAL & SUPERVISORY ALLEGATIONS

28 As to defendants ALAMEDA COUNTY, ALAMEDA COUNTY SHERIFF'S OFFICE,
GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to 50's

1 34. Defendants ALAMEDA COUNTY, ALAMEDA COUNTY SHERIFF'S OFFICE,
2 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to 50's
3 failure to adequately train, supervise, and/or discipline their sheriff deputies and employees has
4 created, fostered, and/or contributed to a callous culture and system where the rights of women
5 placed into care and custody are violated and their needs are not met.

6 35. Defendant GREGORY AHERN, acting as the Sheriff for Alameda County, was a final
7 policy-making authority for Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY
8 SHERIFF'S OFFICE as it relates to the training, supervision, and discipline of sheriff deputies and
9 employees as it relates to the treatment, custody and care of individuals placed into the custody of
10 Santa Rita Jail. Defendant AHERN has been employed by Defendants COUNTY OF ALAMEDA
11 and ALAMEDA COUNTY SHERIFF'S OFFICE since 1980, and has acted as the Sheriff since
12 2006, when he was appointed by then outgoing Sheriff Plummer.

13 36. Defendant BRETT KETELES is acting as the Assistant Sheriff for Alameda County
14 Sheriff's Office, was a final policy-making authority for Defendants COUNTY OF ALAMEDA and
15 ALAMEDA COUNTY SHERIFF'S OFFICE as it relates to the training, supervision, and discipline
16 of sheriff deputies and employees as it relates to the treatment, custody and care of individuals placed
17 into the custody of Santa Rita Jail. Defendant KETELES has been employed by Defendants
18 COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE since approximately
19 1991, and has acted as the Acting Sheriff since 2011.

20 37. Defendant TOM MADIGAN is acting as a Commander for Alameda County Sheriff's
21 Office, was a final policy-making authority for Defendants COUNTY OF ALAMEDA and
22 ALAMEDA COUNTY SHERIFF'S OFFICE as it relates to the training, supervision, and discipline
23 of sheriff deputies and employees as it relates to the treatment, custody and care of individuals placed
24 into the custody of Santa Rita Jail. Defendant Madigan has been employed by Defendants COUNTY
25 OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE for over 20 years.

26 38. Defendant D. SKOLDQVIST is acting as a Captain for Alameda County Sheriff's
27 Office and is the officer in charge of Santa Rita Jail, was a final policy-making authority for
28 Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE as it
relates to the training, supervision, and discipline of sheriff deputies and employees as it relates to the
treatment, custody and care of individuals placed into the custody of Santa Rita Jail. Defendant

1 Madigan has been employed by Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY
2 SHERIFF'S OFFICE for over 20 years.

3 39. Defendants DOE 1 to 50 are/were policy-making authorities based on a delegation of
4 authority for Defendants ALAMEDA COUNTY SHERIFF'S OFFICE and ALAMEDA COUNTY as
5 it relates to the training, supervision, and discipline of sheriff deputies and employees under his/her
6 command, including the treatment, custody and care of individuals placed into the custody of Santa
7 Rita Jail. Defendant Madigan has

8 40. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S
9 OFFICE, GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE
10 1 to 50 knew or should have known that the subordinate employees under their command, including
11 were inadequately trained, supervised, or disciplined resulting from their inadequate policies,
12 customs, or practices.

13 41. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S
14 OFFICE, GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE
15 1 to 50 maintained policies, customs, or practices deliberately indifferent to and/or acquiescing in,
16 and/or failed to maintain policies, customs, or practices when it was obvious that they were needed to
17 prevent the mistreatment of inmates, particularly female inmates placed into the custody and control
18 of the Sheriff's jails and with whom their employees would necessarily have contact with, power and
19 control over. The presence of these policies, customs, or practices is confirmed by and
20 consistent with the mistreatment suffered by plaintiff while in the custody and control of The Sheriff
21 while in Santa Rita Jail.

22 42. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S
23 OFFICE, have a significant history of problematic treatment of female inmates, particularly with
24 housing female inmates in unsanitary and garbage filled cells which pose a health hazard, and failing
25 to provide for the feminine hygiene needs of female inmates. Defendants COUNTY OF
26 ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE settled, less than six (6) months prior
27 to the subject incident, similar allegations in Weills et al. v. Ahern et al. 2:17-cv-01648-KJM-DB,
28 United District Court, Northern District, in which said defendants agreed to adopt policies and
practices to remedy these complaints.

43. Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S
OFFICE, GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE

1 to 50 were or should have been on notice of these policies, customs, or practices, or the inadequacy of the policies, customs, or practices, through multiple sources, including past and subsequent instances of failure of detention deputies to comply with:

- i) timely observation of inmates;
- ii) privacy screening for the pat search of female inmates including visual inspection of the interior of each holding cell used to hold inmates, to inquire if supplies are needed, and to correct cleanliness or maintenance problems
- iii) trash receptacles in all holding cells for disposal of used feminine hygiene products
- iii) for garbage to be removed from each holding cell no less than once every two hours;
- iv) mopping and wiping each ITR cell at least once per shift;
- v) providing articles necessary for maintaining personal hygiene to all inmates;
- vi) providing female inmates with feminine hygiene products within thirty minutes of request;
- vii) insuring that a supply of feminine hygiene products adequate to meet the needs of female inmates;
- v) the ITR Sergeant inspecting all areas at least once each shift; and,
- vi) documentation of compliance with the cleaning and observation requirements and policies.

52. On information and belief, additional evidence and information related to Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to 50's policies, customs, or practices will be sought and obtained during the course of this litigation. Although access to the existence or absence of internal policies, customs, or practices, prior to discovery, is necessarily limited, on information and belief, Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE, GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to 50 have access to and/or knowledge of past events and to statements of internal policies, customs, or practices at issue and, in some respects, may be in sole possession of evidence and facts needed to support or refute these claims.

As To CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, and Does 51-100.

53. Defendants CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, and Does 51-100 failure to adequately train, supervise, and/or discipline their officers has created, fostered,

1 and/or contributed to a callous culture and system where each of the defendants on prior occasions
2 has violated the rights of other individuals in a manner similar to the one alleged herein.

3 54. It is the custom, pattern or practice of the defendants to violate an individual's rights
4 in the manner set forth herein.

5 55. The violation of individual rights as set forth herein is constant and widespread
6 throughout the municipal government.

7 56. Throughout the conduct, the defendants utilized their actual and apparent authority
8 over the individuals to carry out the violations of the individual's rights guaranteed by the
9 constitution, statutory and common law.

10 57. On information and belief, plaintiff alleges that prior to the events referred to in this
11 complaint, similar complaints were made against defendants Duran, Adaya and Tloyao

12 58. At all relevant times, the municipal defendant staffed its police department with
13 officers, including defendants Duran, Adaya and Tloyao who were unsupervised, or inadequately
14 supervised, and inadequately trained.

15 69. At all relevant times, the defendants knew, or should have known, that staffing a
16 municipality with employees, including all the individual defendants, who were unsupervised,
17 undisciplined, inadequately trained and wholly unsuited to interact with the public would pose an
18 excessive risk that members of the public would be subjected to behavior and conduct which would
19 violate the public's individual rights protected by the constitution, statutory and common law.

20 60. At all relevant times, the defendants knew, or should have known, that failing or
21 refusing to take corrective measures against employees, including the individual defendants DURAN,
22 ADAYA and TLOYAO, who were unsupervised or inadequately supervised and inadequately trained
23 would result in repeated incidents of violations of individual rights protected by the constitution,
24 statutory and common law.

25 61. At all relevant times, the defendants failed to adopt policies or procedures that would
26 have prevented the violations of individual rights alleged herein, including but not limited to
27 additional training and supervision.

28 CLASS CLAIM

62. The class claim is being submitted on behalf of female arrestees who are placed
into the custody of the Alameda County Sheriff's Office within a 6 month period of December 26,
2016, and held in the Intake, Transfer and Release (ITR) unit. The class claim is submitted as to

1 defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY SHERIFF'S OFFICE,
2 GREGORY AHERN, BRETT KETELES, TOM MADIGAN, D. SKOLDQVIST and DOE 1 to
3 50.

4 63. Plaintiff asserts that there are questions of law and fact common to the class, which
5 include but are not limited to:

- 6 1) Whether Alameda County Sheriff's Office, Alameda violate their constitutional duty
7 under the 14th amendment to not administer punishments to individuals who are pre-
8 trial detainees when they hold women in filthy, unsanitary cells with discarded waste
9 food, used medical devices and garbage, and human feces and fluids on benches, walls
10 and floors,
- 11 2) Whether the conditions of Plaintiff and class members confinement in the jail is
12 unreasonable and inhumane; whether Alameda County and the Alameda County
13 Sheriff's Office has policies of deliberate indifference to violations of citizens'
14 constitutional rights by their employees and agents, and whether these events were the
15 product of such policy;
- 16 3) Whether rights of members of the class under the 14th amendment to equal protection
17 are violated when women who request and need feminine hygiene products are not
18 provided with feminine hygiene supplies, nor a means to maintain feminine sanitation
19 and are forced to bleed over their clothing and over the benches and floors of the cells.
- 20 4) Whether Alameda County and the Alameda County Sheriff's Office and their high
21 ranking supervisors failed to properly train and supervise and failed to require
22 compliance with existing policies and procedures, by officers, deputies and other
23 employees who had custody of Plaintiff and class members at Santa Rita Jail Plaintiffs,
24 and failed and refused to adopt appropriate and necessary policies an procedures
25 regarding the treatment and care of Plaintiff and class members;
- 26 5) Whether Alameda County has a practice of failing to provide reasonable and humane
27 conditions of confinement including depriving the class of access to adequate sanitation
28 and feminine and personal hygiene, thereby violating their rights.

64. Defendants are expected to raise a common defense, including denying that these
practices and policies violate constitutional rights.

65. The claims of the plaintiffs are typical of those of the plaintiff class, as their claims

1 arise from the same policies, practices, courses of conduct, and conditions of confinement, and
2 their claims are based on the same legal theories as the class' claims. The cause of the named
3 plaintiffs' injuries is the same as the cause of the injuries suffered by the rest of the class, namely
4 defendants' policies and practices. Injunctive and/or declaratory relief for the class as
5 a whole is appropriate.

6 66. Plaintiffs are capable of fairly and adequately protecting the interests of the plaintiff
7 class because plaintiffs do not have any interests antagonistic to the class. Plaintiffs, as well as
8 class members, seek to enjoin the unlawful acts, policies, and practices of the defendants.

9 67. This action is maintainable as a class action pursuant to Fed. R. Civ. P. Rule
10 23(b)(1)

11 because the number of class members is numerous and prosecution of separate actions by
12 individuals create a risk of inconsistent and varying adjudications, which in turn would
13 establish incompatible standards of conduct for defendants. Moreover, the prosecution of
14 separate actions by individual members is costly, inefficient, and could result in decisions with
15 respect to individual members of the class that, as a practical matter, would substantially
16 impair the ability of other members to protect their interests.

17 68. This action is also maintainable as a class action pursuant to Fed. R. Civ. P. Rule
18 23(b)(2) because defendants' policies and practices that form the basis of this Complaint are
19 generally applicable to all the class members, thereby making class-wide declaratory and

20 61. Injunctive relief is appropriate. Common questions of law and fact clearly predominate
21 within the meaning of Rule 23(b)(2) as set forth above. Class treatment provides a fair and
22 efficient method for the adjudication of the controversy herein described, affecting a large
23 number of persons, joinder of whom is impracticable.

24 **FIRST CLAIM FOR RELIEF**

25 Violation of the Eighth Amendment Against Cruel & Unusual Punishment

26 (42 U.S.C. § 1983)

27 69. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 68 of this
28 Complaint.

70. Plaintiffs advance this claim on their own behalf, and on behalf of all class members
against all defendants

71. Defendants have deprived and continue to deprive plaintiffs and the class of the

1 minimal civilized measure of life's necessities, and have violated their basic human dignity and
2 their right to be free from cruel and unusual punishment under the Eighth and Fourteenth
3 Amendments to the United States Constitution for each of the reasons set forth below.

4 72. There is no valid penological reason to force female pre-trial detainees to stay in
5 cole, filthy, unhygienic cells, strewn with garbage, in which human feces and bodily fluids are on
6 the walls, floors and seats.

7 73. There is no valid penological reason to force female pre-trial detainees to bleed
8 over their clothing, to bleed over benches and seats; to be forced to wear, wet, bloody clothing; to
9 wear wet bloody clothing for long periods of time and to be in public with such clothing on.

10 74. There is no valid penological reason to deprive female pre-trial detainees of basic
11 human need including access to feminine hygiene supplies, a clean place to sit, access to hygiene
12 supplies and the ability to wash one's hands and a minimum of cleanliness.

13 75. Defendants and each of their deliberate indifference to these basic human needs
14 violates defendants' own policies and the policies of the civilized world, including the United
15 Nation's Standard Minimums for Treatment of Prisoners, adopted in 1955; the European Union's
16 European Prison Rules adopted in 2006; the Eighth Amendment to the United States Constitution;
17 and, Article 1 §17 of the California Constitution.

18 **SECOND CLAIM FOR RELIEF**

19 Violation of Equal Protection Fourteenth Amendment of the United States Constitution

20 (42 U.S.C. § 1983)

21 76. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 75 of this
22 Complaint.

23 77. Plaintiffs advance this claim on their own behalf, and on behalf of all class members
24 against all defendants.

25 78. Requiring Plaintiffs and class members to remain in filthy, unsanitary cells, smeared
26 with human feces and discharges; and strewn with garbage, decomposing food, and medical wastes;
27 cells without garbage receptacles;

28 80. Denying Plaintiffs and Class Members access to feminine hygiene products, the
means to maintain female hygiene, and means to maintain personal cleanliness; requiring plaintiff
and class members to bleed into their clothes and onto benches, to remain in wet bloody clothing for

1 long periods of time is sexual discrimination and a violation of the 14th amendment for equal
2 protection.

3 82. Defendants' above-described conduct violated plaintiffs' rights to equal protection
4 under the Fourteenth Amendment to the United States Constitution and Article 1 §7 of the
5 California Constitution.

6 **THIRD CAUSE OF ACTION**

7 AS TO

8 DEFENDANTS CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, DURAN, ADAYA
9 AND TLOYAO

10 (FOURTH AMENDMENT VIOLATION)

11 83. Plaintiff repeats and realleges each and every allegation contained in the paragraphs
12 previously set forth.

13 84. The policies and conduct of the defendants violated her right to be free of
14 unreasonable searches and seizures in violation of the Fourth Amendment to the United States
15 Constitution.

16 **FOURTH CAUSE OF ACTION**

17 Bane Act

18 (Cal. Civ. Code § 52.1(b); Cal. Gov. Code §§ 815.2(a) & 820(a))

19 85. Plaintiff realleges and incorporates the allegations of the preceding paragraphs 1 to
20 84, to the extent relevant, as if fully set forth herein.

21 86. Defendants DURAN, ADAYA AND TLOYAO, acting or purporting to act in the
22 performance of their official duties as a law enforcement officer, arrested plaintiff without
23 probable cause in violation of her Fourth and Fourteenth Amendment rights protected by the U.S.
24 Constitution and art. I, § 7 of the California Constitution.

25 87. Defendants CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, and
26 DOE 51 to 100, acting under color of state law and as policy-making authorities, maintained
27 policies, customs, or practices permitting or deliberately indifferent to, or failed to maintain
28 policies, customs, or practices when it was obvious that they were needed to prevent, the use of
excessive force, or ratified and approved of Defendants DURAN, ADAYA AND TLOYAO
decisions and the basis for them, and were the moving force, by threats, intimidation, or coercion,

1 behind Defendant DAVID WELLS’s violation of Plaintiffs L.F. and K.F.’s Fourth and Fourteenth
2 Amendment rights secured by the U.S. Constitution and art. I, § 7 of the California Constitution.

3 88. Defendants CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, and
4 DOE 51 to 100, are indirectly and vicariously liable, through the principles of respondeat superior,
5 for injuries proximately caused by acts or omissions of their employees acting within the scope of
6 their employment.

7 89. As a direct and proximate result of Defendants CITY OF OAKLAND, OAKLAND
8 POLICE DEPARTMENT, DURAN, ADAYA AND TLOYAO and DOE 51 to 100’s actions and
9 inactions, Plaintiff suffered injuries entitling her to receive compensatory damages against
10 Defendants CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT, DURAN, ADAYA
11 AND TLOYAO and DOE 51 to 100’s, declaratory and injunctive relief against Defendants CITY
12 OF OAKLAND, OAKLAND POLICE DEPARTMENT, DURAN, ADAYA and TLOYAO

13 WHEREFORE, Plaintiff CYNTHIA TURANO prays for relief as hereunder appears.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff CYNTHIA TURANO seeks Judgment as follows:

16 1. For an award of compensatory, general, and special damages against Defendants
17 according to proof at trial;

18 2. For an award of declaratory or injunctive relief, enjoining and restraining Defendants
19 ALAMEDA COUNTY AND ALAMEDA COUNTY SHERIFF’S OFFICE, GREGORY J. AHERN,
20 BRETT M. KETELES, TOM MADIGAN, D. SKOLDQVIST, CITY OF OAKLAND, OAKLAND
21 POLICE, DEPARTMENT, J. DURANT (9567P), J. ADAYA (9513P), RYAN PAUL TIOYAO
22 (9557), AND DOE 1-100 from continuing or repeating the policies, customs, or practices complained
23 of herein;

24 3. For an award of statutory penalties, pursuant to Cal. Civ. Code § 52.1 and any other
25 statute as may be applicable;

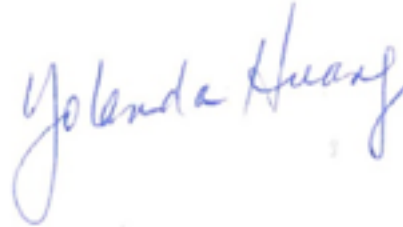
26 4. For an award of reasonable attorneys’ fees and costs, pursuant to 42 U.S.C. § 1988,
27 Cal. Civ. Code 52.1, Cal. Code Civ. Proc. § 1021.5, or any and any other statute as may be
28 applicable; and

5. For an award of any other further relief, as the Court deems fair, just, and equitable.

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

Dated: December 5, 2017

LAW OFFICES OF YOLANDA HUANG



By: _____

YOLANDA HUANG
Attorney for Plaintiff C. Turano and
Members of the Class