

Tulare County settles jail suicide lawsuit; Mario Lopez's family to receive \$1m

Tulare County has settled for \$1 million a lawsuit filed by the family of an Ivanhoe man who died in 2010 after hanging himself inside a county jail cell.

In exchange for the money, the family of Mario Antonio Lopez has agreed to drop a federal civil rights lawsuit filed in U.S. District Court in Fresno accusing the Tulare County Sheriff's Department of wrongfully jailing the man, who suffered from mental disorders, and not providing him proper psychiatric care over the more than three months that he was in custody.

Lopez was found hanging from the neck in his cell the afternoon of Nov. 25, 2010, at the Tulare County Main Jail in Visalia. He was pronounced dead at the scene.

While sheriff's officials haven't disclosed how Lopez hanged himself, Oakland attorney Michael Haddad, who represents Lopez's mother and two adult sons in the federal lawsuit, said the man used bed sheets tied to horizontal bars in his cell.

As for why the county settled the case rather than fight the suit in court, officials said in a written statement that "after

careful consideration, and after mediation, Tulare County found that it was in its best interest to reach a settlement to mitigate any further costs associated with this incident.

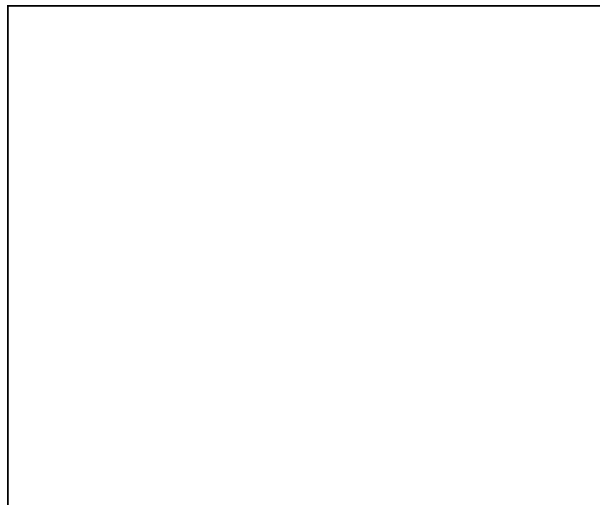
"The settlement is not an admission by the county or Sheriff's Department of any negligence, civil rights violation or violation of the Americans with Disabilities Act or any wrongdoing of any kind in the suicide of Mario Lopez Jr.," it continues.

"It was a very early settlement — before any depositions were done," Haddad said in a phone interview. "I think it was clear to everyone involved what the facts were, more or less.

"I think the county wanted to behave responsibly after the fact and also try to save some money."

Besides naming the Sheriff's Department as a defendant, the lawsuit also named Sheriff Bill Wittman, Tulare County and Deputy Christopher Landin, who arrested Lopez on

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Aug. 28, 2010, at his mother's home in Ivanhoe.

Information provided by Haddad states that Lopez, 45, suffered from depression and mental illness for most of his life and had lived with his mother for about 10 years.

The deputy's report states that Lopez's mother, Elida Lopez, called 911. After he arrived, she told him that her son had threatened her and put a knife to his head, threatening to kill himself.

Landin described going into the house with his gun drawn and hearing Mario Lopez say, "I'm going to [expletive] die and you're not going to stop me!"

He wrote that he found Lopez sitting on a couch with a folding knife

at his head but persuaded the man to put it down. Landin said he then took Lopez into custody.

"Instead of taking Lopez to the hospital, as his mother repeatedly requested, Landin arrested him and took him to the Tulare County jail to be charged with a third-strike crime for allegedly threatening his mother," Haddad states in an email to the Times-Delta.

County officials didn't provide anybody to be interviewed about the Lopez family's claims and only responded in writing to questions.

"The information given by the mother at the

time of the arrest is at variance with what she is saying now," states one of the responses from the Sheriff's Department.

In a copy of the arrest report filed with the county court, Landin claims that Elida Lopez told him that her son had been hospitalized for 72-hour mental health evaluations before and that the evaluations "don't do anything but make Lopez more angry." She stated that she was "scared when he got out of the hospital," the report said.

Haddad claims that Landin promised Elida Lopez he would take her son to a hospital to be evaluated, not jail, but the deputy's report says he told the woman that he would take her son to jail.

"The arresting deputy ... acted appropriately," according to the sheriff's statement.

The report continues that Landin told jail staff that Mario Lopez had made "suicidal statements" and suggested that somebody

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be called to speak with the man about his mental health. Landin also called Tulare County Mental Health to advise officials there about Mario Lopez and to let them know he was in custody, the report continues.

In the lawsuit, Mario Lopez's family claims that he was arrested without probable cause because Landin was aware of his psychiatric problems. It goes on to say the man should never have been charged with a crime or held in jail, but rather he should have been taken to a hospital.

"Lopez's serious mental illness and suicide risk were apparent throughout his three months in jail and he had numerous safety cell placements, some lasting several days," Haddad said.

Tulare County Superior Court records show that Lopez's arraignment on a charge of making criminal threats was delayed five times in August and September 2010 because he wasn't in court. Three of those times, the records state that he wasn't transported from jail "due to medical reasons" and one states that he was "in a safety cell."

At the request of his defense attorney, Lopez underwent a mental health evaluation, but the findings were sealed in county court records. In October 2010, Lopez was determined not competent to stand trial.

Haddad said arrangements were being made to send Lopez to a state psychiatric facility when he killed himself - 7 hours after

he was removed from a safety cell and returned to the Main Jail's general population.

"While Lopez waited for placement, jail staff continued to withhold proper care and treatment for his persistent suicidality, and he continued his downward spiral," the lawyer said.

Among the lawsuit's claims:

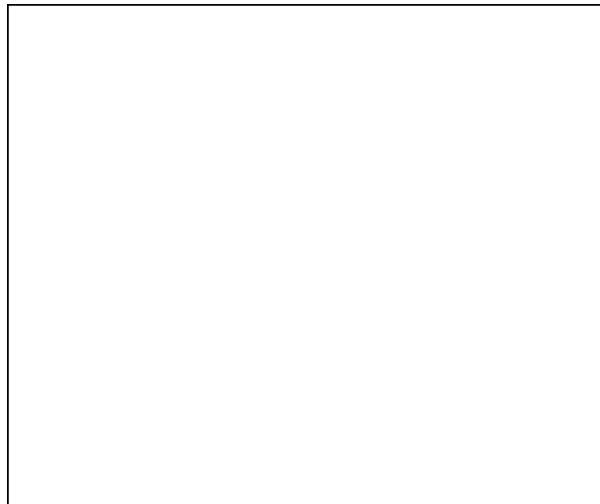
^a County officials acted maliciously in filing a criminal charge against Mario Lopez and misinformation about the case was provided to county prosecutors.

^a Jail officials failed to properly assess and classify Lopez based on his mental health status and suicide risk.

^a Lopez wasn't on suicide watch or other suicide precautions when he died.

^a Jail officials denied Lopez proper psychiatric care and treatment.

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"... they knew or must have known that his condition was worsening, that he required immediate intervention, hospitalization and a higher level of care and protection than was offered at the Tulare County jails," states the lawsuit, which accuses the county of violating Lopez's constitutional rights and the Americans with Disabilities Act, as his mental health issues were disabilities.

Sheriff's officials said mental health treatment is available to county inmates, but their statement didn't specify if Lopez received any.

Lopez was placed in a safety cell at times while he was in custody, and "when he became reoriented, he asked to be returned and was appropriately returned," the sheriff's statement continues.

"Prior to his suicide, the mental health worker evaluated him, determined that he was reoriented and he was returned to housing. Safety cells — which are used for inmates who pose a threat to their own safety or the safety of others — may be lawfully utilized only for temporary housing during this type of crisis and are not legally appropriate for permanent housing needs."

The department also denied providing misinformation about Lopez to prosecutors.

Elida Lopez declined to be interviewed.

The Lopez family's lawsuit didn't specify a dollar amount sought from the county. Haddad noted that because this was a civil rights violation claim, if the county had lost in court, it could have had to pay Lopez

family's legal bills on top of any money awarded by a jury.


Sheriff's officials say the \$1 million payment to Lopez's family will be covered by insurance.

When asked if Lopez's death triggered any changes in training or procedures at the county's jails or among deputies, officials said in their written statement that "sheriff's deputies have been provided ongoing training in crisis intervention, before and after the incident, to assist them in identifying behavior which is as a result of a mental condition."

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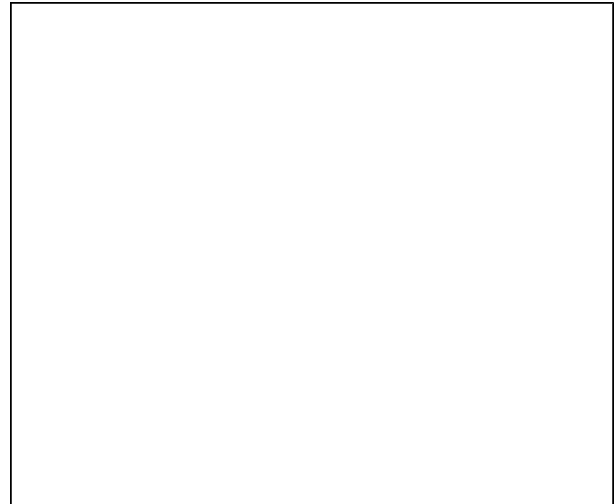
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