

NEWS

After record \$15 million settlement, San Diego County still confronts a slew of other jail-death lawsuits

Many of the lawsuits over people's deaths in local jails accuse the Sheriff's Department of deliberate indifference.



Paloma Serna tears up during a press conference on a \$15 million settlement over her





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PUBLISHED: July 7, 2024 at 5:00 a.m. | UPDATED: July 7, 2024 at 5:01 a.m.

It was the largest wrongful-death settlement ever approved by the San Diego County Board of Supervisors — \$15 million to the family of Elisa Serna, the 24-year-old pregnant woman who died alone in her cell in the Las Colinas women's jail almost five years ago.

But [the deal](#) announced this past week will not likely be the last.

San Diego County is confronting more than a dozen other in-custody deaths and injuries that are all but certain to cost taxpayers many more millions of dollars over the coming months and years.

The allegations in case after case are remarkably constant: Deputies and medical staff violate policies, ignore pleas for help and allow people under their care to die unnecessary deaths.

Just last week, San Diego County was sued by the family of Roselee Bartolacci, a 32-year-old developmentally disabled woman with schizoaffective disorder who [died in the same jail](#) as Serna.

Bartolacci was taken to Las Colinas last year in the midst of a mental health crisis after an emergency psychiatric-response team was unavailable, the lawsuit says. By the time she died several weeks later, she had lost 44 pounds from refusing medication, food and water.

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“They left Roselee in her cell crying and moaning and sucking her thumb, speaking in gibberish and sitting in her own urine,” said Julia Yoo, the San Diego attorney who brought the lawsuit.

“They took no labs. They took no action to get a conservator to make decisions for Roselee,” Yoo added. “The only county official to ever weigh Roselee after she was booked into the jail was the medical examiner.”

According to the lawsuit, jail staff was required to contact the [San Diego Regional Center](#) within 24 hours of Bartolacci being booked into custody but never did. The regional center is the private nonprofit agency that serves developmentally disabled people.

“They failed to do that for weeks, but rather placed her in solitary confinement,” Yoo said.

In another San Diego County jail earlier this year, Brandon Yates was [tortured to death by a cellmate](#) who told Yates he planned to kill him. Yates repeatedly pressed the panic button inside the cell, but no one came, according to testimony at the defendant’s preliminary hearing last month.

Defendant Alvin Ruis is accused of choking Yates until he passed out, then pouring liquid soap in his mouth and suffocating him with a blanket. He allegedly undressed

County sheriff's deputies are also accused of failing to properly care for a man named Michael Wilson, who had a congenital heart problem that required specific medication.

In 2019, when Wilson was found to have violated the terms of his probation, he was sent back to jail for two weeks. A judge warned the Sheriff's Department at the time that Wilson could die if he was not given his medication.

The judicial direction did no good. Wilson died after deputies failed to make sure he got his prescriptions, the lawsuit says.

Late last year, a federal judge [refused the county's motion](#) to dismiss the case.

"Repeated failure to provide all prescribed cardiac medications to an inmate-patient that medical staff knows has a history of (heart failure) ... could very well be a matter of life and death," U.S. District Court Judge Ruth Bermudez Montenegro wrote.

"It should have been obvious that doing nothing to ensure Wilson received those medications could constitute deliberate indifference resulting in a constitutional violation," she added.

The death two years ago of Lonnie Rupard was [so egregious](#) the medical examiner ruled it a homicide.



Rupard was found dead in a Men's Central Jail cell, suffering from pneumonia, malnutrition and dehydration. His cell was smeared by food and human waste with trash strewn about, and he had lost 60 pounds — one third of his body weight — in the three months he had been in custody.

As in many of the lawsuits over people's deaths in local jails, the plaintiff is accusing the Sheriff's Department of deliberate indifference.

The Serna settlement – \$14 million of which will be paid by taxpayers and \$1 million by contractor Coast Correctional Medical Group — pushed the amount of public funds paid to families damaged by Sheriff's Department negligence or misconduct past \$75 million since 2019.

And still more lawsuits are looming.

Lack of accountability

Some of the legal challenges facing the Sheriff's Department and San Diego County taxpayers are months or years away from being adjudicated.

Others already have been decided, and the costs keep climbing.

In December, for example, the county was ordered to pay \$6 million in attorneys' fees to the lawyers who represented [Mickail Myles](#), a Black driver who was beaten by a White deputy and bitten by a sheriff's dog in 2014 after being mistaken for a burglary suspect.

That judgment came on top of a \$5 million jury award rendered in 2022.

Both of those decisions were appealed to the 9th U.S. Circuit Court of Appeals, which is expected to rule on the matter later this year or next. In the meantime, the more than \$11 million debt the county owes is growing by thousands of dollars every day due to court-ordered interest.

"Over and over again, the county showed a complete disregard for the well-being of Mickail Myles," Linda Workman, one of Myles' attorneys who spent more than a decade arguing for her client, [told The San Diego Union-Tribune](#) earlier this year.

"They demonstrated a complete disregard for public safety and transparency in



Mickail Myles, who formerly taught preschool at Camp Pendleton, was beaten by a San Diego sheriff's deputy and bitten by his dog. (Courtesy of Dicks & Workman Attorneys at Law)

According to the legal complaints, their loved ones have been arrested for offenses as simple as being under the influence of drugs and have gone on to die under the sheriff's care.

Others managed to kill themselves behind bars, even though they were known to be at risk for suicide.

Some died from withdrawal symptoms after deputies failed to put them into

San Diego County is now defending [a wrongful-death case](#) filed by the estate of Joseph Morton.

One day after Morton was released from a 72-hour hold, he was taken to the Vista jail, where he told officials he had tried to kill himself and planned to try again.



Joseph Morton, 33, took his own life in the Vista jail on May 17, 2020. (Courtesy of the Morton family)

Deputies did not place Morton on a special watch or monitor him regularly. He was able to hang himself from an upper bunk inside his cell. He died May 17, 2020, just days after he arrived in jail.

The cameras inside the jail were inoperable, so [an independent review](#) was unable to determine whether deputies had conducted the legally required safety checks.

Attorney Danielle Pena, who represents Morton's family and others whose loved ones have died in sheriff's custody, said people keep dying in San Diego County jails because officials are more concerned

about defending lawsuits than instituting reforms.

"The county's failure to focus on what matters explains why it refuses to timely and reasonably resolve cases before the doorsteps of trial," she said. "The only way this changes is if the officials responsible shift their focus to preventing deaths."

In May, Pena won a [nearly \\$2 million jury award](#) in the death of 46-year-old Ronnie Sandoval 10 years ago.

Sandoval was arrested on suspicion of possessing drugs and drug paraphernalia. He was sweating profusely during the booking process after swallowing a bag of methamphetamine, but the jail medical staff did not respond to his symptoms, a federal jury found.

"Deputy 1 observed Ronnie Sandoval's eyes roll back in his head and watched as he fell to the floor hitting his head, before suffering a seizure," the county's civilian law enforcement oversight board later found.

San Diego County continues to challenge the jury award.

Earlier this year, a civilian review board said [two people who died](#) in sheriff's custody should not even have been in jail at all.

One of them was 25-year-old Vianna Granillo, who was suspected of violating a criminal protective order when she was arrested in 2022. She repeatedly told deputies the order had expired — a fact confirmed later by the District Attorney's Office.

Under the COVID-19 detention protocols in effect at the time, Granillo was supposed to have been issued a ticket for the small amount of drugs she had in her possession when she was arrested, the independent oversight board said. She was taken to jail anyway.

Granillo was not placed into drug and alcohol withdrawal protocols at Las Colinas, and she died there after deputies waited 12 minutes to administer CPR when she became ill, a legal claim filed against the county says.

Her death came three years after Elisa Serna suffered the same fate, noted Pena, who represents Granillo's survivors.

"Vianna Granillo died in an eerily similar way," she said.

Dominique McCoy also wasn't supposed to be in jail. His probation term ended in 2021, but he was nonetheless arrested in December of that year on suspicion of violating it.

When McCoy finally appeared in court a week later, the judge ordered his immediate release. But while deputies were processing the release later that day, McCoy was placed in a cell with John Medina, a man being held on assault and felony child cruelty charges.

Medina beat McCoy to death, [the sheriff later acknowledged](#).

The civil litigation McCoy's family filed against San Diego County has been placed on hold while the criminal case against Medina unfolds.

In what appeared another preventable death, [Tammy Wilson called 911](#) for mental health help for her drug-using husband back in 2021. Instead, sheriff's deputies arrived at the couple's Julian-area home and took Omar Moreno Arroyo to jail on suspicion of being under the influence.



Tammy Wilson has yet to learn any details about what happened to her husband, Omar Moreno Arroyo, who died Jan. 7, 2021 in San Diego County jail. (Courtesy of Tammy Wilson)

Wilson said deputies kept her waiting outside the jail for hours before telling her that her husband had died.

“The guilt I live with every day weighs heavy on my heart,” she told the Union-Tribune on [the first anniversary](#) of her husband’s death.

Yoo, who also represents Wilson, said that once Arroyo was booked into custody, deputies never bothered to conduct required safety checks — a recurring problem in San Diego County jails, she said.

“In the 12 months before Omar’s death, there were over 600 entries of self-reported cell check failures,” she said. “At the precise time Omar passed out and started to suffer a seizure, that is when the deputy was supposed to be checking on that cell.”

One quick fix Sheriff Kelly Martinez could implement immediately, said Yoo, would be to require deputies to report when safety checks are finished — not only when they begin.

“If you start the hourly check on time but you quit after the first cell, you don’t have to report it, and no one will find out unless someone dies,” she said. “The law requires keeping track of the check on each cell and each inmate, not just when a deputy starts to walk the floor.”

Attorney Brody McBride represents the family of [Lester Marroquin](#), a mentally ill

“At no time during his incarceration by the county was Mr. Marroquin ever taken to a hospital for inpatient psychiatric treatment,” the complaint said. “To the contrary, jail staff repeatedly failed to produce Mr. Marroquin for court-ordered psychiatric evaluations and court dates.”

To McBride, the growing number of in-custody deaths — a half dozen so far this year and [scores of others since Serna died](#) — boils down to a single factor.

“There is a culture of indifference in inmates’ serious medical and mental health needs that permeates San Diego’s jails, starting at the very top with the county Board of Supervisors and Sheriff’s Department command,” he said.

McBride offered this suggested fix: paying out the settlements and jury awards from the sheriff’s budget.

“Once that happens, you will see the Sheriff’s Department handle the rest on their own, very quickly,” he said.

3 of 5 supervisors mum

San Diego County is self-insured, so all of its payments to bereaved families come from the general fund — and draw resources away from traditional services like parks, libraries and road repairs.

The costs also do not include millions of dollars the County Counsel’s Office spends each year on in-house and outside lawyers defending the litigation.

However, because the sheriff is independently elected, the county supervisors historically have made little effort to dictate Sheriff’s Department policies or practices. Rather, they tend to approve the annual budget and allow the region’s top law enforcer to answer to voters.



Paloma Serna, left, speaks to the media about the death of her daughter, Elisa Serna, as Yusef Miller, executive director of the North County Equity and Justice Coalition, holds a sign during a rally and vigil outside the El Cajon Courthouse on Monday, March 27, 2023.

In 2019, for example, two months before two sheriff's employees watched Elisa Serna collapse and then left her alone to die, the Union-Tribune reported that San Diego County had [the deadliest jails](#) among large California counties dating back years.

According to the six-month investigation, the county averaged just over one death every month in the prior decade. The mortality rate has risen in the years since.

County supervisors have rarely called publicly for Sheriff's Department reforms. Two years ago, under then-Chair Nathan Fletcher, [the board pushed](#) the department to set aside almost \$12 million to boost salaries and upgrade body scanners.

This past week, the Union-Tribune asked all five current representatives what they planned to do about the growing number of people dying in jail. Most — Supervisors Joel Anderson, Jim Desmond and Nora Vargas — did not respond to questions about the deaths or the tens of millions of dollars they are costing taxpayers.

Supervisors Terra Lawson-Remer and Monica Montgomery Steppe issued statements indicating they are uncomfortable with the status quo.

“While the California constitution is clear about the supervisors' limited authority

“In that vein, I have been actively engaged with stakeholders, including the sheriff, to consider options that ensure an arrest is not a death sentence.”

Lawson-Remer said some progress has been made, but more changes are due.

“These deaths in jails are unconscionable,” she said. “Some important policy changes in the last few years have us headed in the right direction, but much more needs to be done.”

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