

NEWS

# San Diego County settles Elisa Serna jail death lawsuit for \$15 million, and limited federal oversight

‘The dollar amount doesn’t matter,’ said her mother, who plans to keep advocating for other people in sheriff’s custody. ‘These things do not change the fact that Elisa is never coming back.’





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Weeks before it was scheduled to go before a federal jury, San Diego County has agreed to a strikingly expensive end to a long-running lawsuit that stemmed from a chilling jail death nearly five years ago.

The county and one of its private healthcare contractors will pay \$15 million to the family of Elisa Serna, a 24-year-old pregnant woman who died in the Las Colinas jail after a sheriff's deputy and medical worker watched her collapse in her cell and left her alone to die.

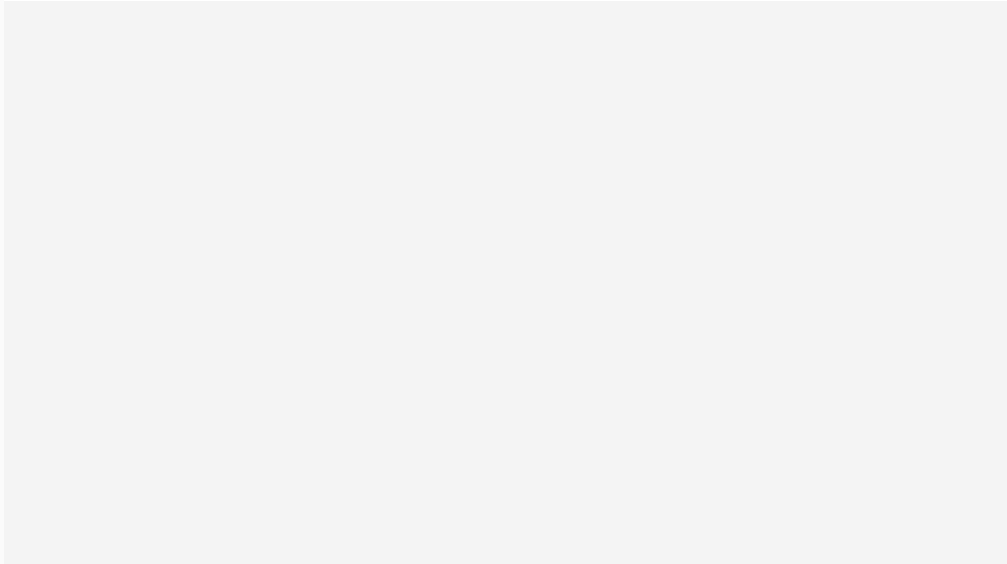
San Diego County taxpayers will bear the brunt of the monetary damages, absorbing \$14 million of the agreed-upon amount. The Coast Correctional Medical Group, which provides medical professionals to treat people in jail, will pay \$1 million.

"The parties will immediately file a notice of settlement with the United States District Court and will jointly move to dismiss this case with prejudice and the pending appeal within three days of the settlement payment," the agreement states.

The plaintiffs and their lawyers said the deal was reached Friday night after a negotiating session that stretched more than 12 hours. They plan to announce the settlement formally at a news conference Tuesday morning.

The settlement was confirmed by the judge overseeing the federal lawsuit, who posted notice of the agreement on the court website on Monday.

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A San Diego County spokesperson did not respond to a request for comment on the multimillion-dollar payout.

Sheriff Kelly Martinez issued a statement noting she was not the elected sheriff when Serna died and touting reforms she has made since being sworn in early last year.

“There have been many changes and an incredible shift in priorities, approach, and processes in our jails since 2019,” Martinez wrote. “As Sheriff I am committed to improving our jail system and ensuring the jails are safe for everyone who is incarcerated and for all our employees.”

The cash payout is the largest ever approved by the Board of Supervisors in a wrongful-death case, the plaintiffs’ lawyers said. San Diego County now has paid more than \$75 million over the past five-plus years for deputy negligence or misconduct, sheriff’s records show.

In addition to the \$15 million payment, the agreement calls for the Sheriff’s Department to conduct new training for deputies and jail medical staff. At least some of the remedial education will focus on what is called “training on compassion” for department employees.

The resolution also calls on the sheriff to update the policy on checking vital signs of

It further requires Martinez to meet personally with Elisa's parents, Michael and Paloma Serna, who have become fierce advocates for reform in the years since their daughter died.

Paloma Serna said the cash payment was not the driving force in her decision to settle the case. She said she wants to keep fighting for reforms inside the Sheriff's Department.

"The dollar amount doesn't matter," said Serna, who plans to continue to advocate for other men and women in sheriff's custody. "These things do not change the fact that Elisa is never coming back."

Importantly, the settlement allows the San Diego federal judge who oversaw the litigation to monitor the Sheriff's Department's compliance with its agreement for the next 12 months. This is believed to be the first time the elected sheriff will be under formal U.S. government oversight.

After several delays, the civil case had been scheduled for trial next month. The agreement reached Friday specifies that each side will be responsible for its own legal fees.

Lawyers representing the Serna family called the settlement a landmark resolution that will drive the Sheriff's Department to do better going forward.

"Elisa Serna died in an isolation cell in the Medical Observation Unit, where she received neither observation nor medical treatment," said attorney Eugene Iredale. "She died on the floor after a nurse and a deputy witnessed her fall and seizure. Her family resolved to fight her case to insure that inmate patients would not be deliberately ignored and left to die as she was."

Iredale law partner Julia Yoo credited the Serna family for managing a difficult struggle.

"We are hopeful that these policy changes will start a path towards more compassionate treatment of all people in custody," she said.

[Serna died](#) in 2019, five days after she was booked into jail.

Records and video evidence collected as part of the civil lawsuit subsequently filed by her family showed that she was [never placed](#) into drug- and alcohol-withdrawal protocols, even though she showed signs of medical distress and had told officials at

Serna's death was [recorded by jail video](#) cameras. It showed deputies and medical staff repeatedly deciding not to come to her aid in the final hours of her life, walking by her cell as she struggled and writhed on the cell floor.

The case also generated a [pair of criminal charges](#) against a nurse and doctor responsible for treating Serna, a highly unusual filing for a District Attorney's Office that generally defers to the law enforcement community.

Jail nurse Danalee Pascua was [acquitted](#) of a single charge of involuntary manslaughter after a criminal trial earlier this year. The case against physician Friederike von Lintag ended in a hung jury, and prosecutors later [declined to retry](#) the case.

Elisa Serna died Nov. 11, 2019, five days after she was arrested and booked into the Santee women's jail. She was the 15th person to die in San Diego County custody in 2019, a total that would climb to 16 before the year closed.

Her parents received a voicemail message from a Sheriff's Department investigator who alerted them to a "medical emergency" but offered no details. When Paloma Serna called back for more information, she said a jail official was circumspect about what had happened to her oldest daughter.

"She told me Elisa had been fainting and vomiting, that she'd been drinking and using drugs," the distraught mother said a few days after Elisa's death. "She made it seem like Elisa was put in a cell and she had snuck in drugs. She made it sound like it was an overdose."

Over the following months and years, medical records, interviews and deposition testimony showed that Serna had not received the medical care required under the Sheriff's Department policy.

Instead of treating the vomiting, fainting and serious dehydration, records showed that jail medical staff thought Serna was faking her illness.

They also show that Serna was candid about her drug and alcohol use.

"Yes, I use heroin, Xanax and drink," she told jail staff when she was booked into custody. "I used them about two hours ago."

By Nov. 8, two full days after Serna arrived at Las Colinas, a nurse recommended that she be placed into the department's heroin and opiate withdrawal protocols — a

Patient records from Nov. 10 show that Serna “was never treated for WD,” using the shorthand phrase for withdrawal. After vomiting up her dinner, she was given 50 milligrams of Vistaril, an antihistamine that is often used as a sedative.

Serna was also advised to take sips of water – not gulps, the medical records showed.

Throughout the legal proceedings, both the criminal and civil cases, the Sheriff’s Department has declined to comment publicly on the Serna case, except to defend the quality of its medical practices and to offer condolences to the family.

“Deputies and nurses try to overcome the mental health issues and inmate behavior to prevent deaths, and succeed in almost all cases,” former Sheriff Bill Gore said in a 2019 statement.

San Diego County has overseen one of the deadliest jail systems in the country for years.

According to Sheriff’s Department records, [75 people have died](#) in custody since Elisa Serna died five years ago this fall.

A [six-month investigation](#) into local jail deaths by The San Diego Union-Tribune in 2019 showed the department’s mortality rate under Gore was the highest by far of all large California counties.

Gore retired in midterm in 2022. That same day, a California State Auditor’s [report](#) said jails under his leadership were so dangerous that new legislation was needed to protect the people in his custody.

Gov. Gavin Newsom last year [signed into law](#) two bills aimed at improving local jails, although some elements of the legislation had by that time been removed. Initially, the legislation would have allowed county supervisors to take over control of jails when elected sheriffs refused to implement reforms.

Local jail deaths cost more than the misery and despair among surviving family members.

County records show the Sheriff’s Department has now racked up more than \$75 million in jury awards and settlements since 2019, including at least \$60 million paid out over the five years ending Dec. 31, 2023.

Taxpayers could be on the hook for millions of dollars in new settlements in coming months. The county is facing a host of unrelated lawsuits brought by other families whose loved ones died in San Diego County jails in recent years.

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