

Local

B2 Local reports **B3** Editorial & Opinion **B4** Obituaries

COUNTY TO PAY \$3.5M IN DEATH

Jailed inmate died after deputies used force in holding cell

BY KELLY DAVIS & JEFF MCDONALD

San Diego County will pay \$3.5 million to the family of a mentally ill man who died three years ago after sheriff's deputies tried to forcefully remove him from a jail holding cell.

It is the largest settlement yet for an in-custody fatality in the San Diego

County jail system. The agreement comes as the Sheriff's Department is confronting at least a dozen other lawsuits over inmate deaths and injuries.

Paul Silva's mother called San Diego police on Feb. 20, 2018, because her son had stopped taking medication for schizophrenia and was experiencing a psychotic episode.

Instead of taking him to a hospital, police took Silva to the Men's Central Jail in downtown San Diego, where, according to the family's lawsuit, he re-

mained in a holding cell for 36 hours with lights on around the clock and no access to fresh water, medical care, a bed, clean clothes or enough food.

When Silva did not comply with orders to "cuff up" — place his hands through the cell door's food slot so he could be handcuffed — a team tried to extract Silva, resulting in him being placed on life support in a hospital.

"Paul was Tased between four to nine times while six other members of the Tactical Team held him

down with a body shield and pressed down on his torso," the family's lawsuit said. "At least six members were on or around his body with a shield placed on top of his torso, with two officers pushing down on the shield."

Silva's death was captured on a video released by the District Attorney's Office, which found that no crime had been committed.

In the video, Silva pleads as deputies struggle to put him in arm and leg cuffs.

"Stop, sir, I didn't do anything," he said. "I don't

want to die."

Silva, who was 39, died at UC San Diego Medical Center a month later. His case was reported in The San Diego Union-Tribune's 2019 "Dying Behind Bars" investigation.

San Diego County officials declined to discuss the \$3.5 million settlement, which will be covered by taxpayers since the county is self-insured.

The agreement pushes the county's total amount of settlements and jury awards for jail-related

SEE SETTLE • B2

SETTLE

FROM B1

deaths and injuries in recent years past \$10 million. The county continues to litigate a \$12 million verdict returned by a jury in an unrelated 2019 case, although a judge cut the award nearly in half.

The lawsuit was filed by Iredale & Yoo, the San Diego law firm representing other families in cases tied to deaths and injuries in San Diego County jails.

A favorite uncle

Silva's mother, Leslie Allen, said her son was a gifted child who excelled in school. But at age 15, he began acting out. He was diagnosed with schizophrenia in his 20s.

When Silva took his medication, he was the favorite uncle of his nieces and nephews, "a happy-go-lucky person," Allen said in an interview. Silva lived with his father but would come over to Allen's house each day for breakfast.

Allen previously called San Diego police when Silva failed to take his medication and acted out. The department dispatched its Psychiatric Emergency Response Team "and they calmed him down," Allen said.

On the day her son was arrested, Allen expected a psychiatric team to respond to her 911 call, but three police officers showed up without a psychiatric clinician.

Allen told the responding officers that her son was diagnosed with schizophrenia, but they dismissed her statements and arrested

Silva on suspicion of being under the influence of methamphetamine.

Tests later showed there were no drugs in his system, except an unconfirmed report of cannabinoids, according to the medical examiner's report.

At the downtown jail, Silva told an intake nurse that he suffered from diabetes and had been hospitalized for schizophrenia — information the nurse was able to verify through the jail's medical records, the lawsuit says.

The nurse told Silva he would have a psychiatrist check on him but never put in a referral. Instead Silva was placed in a temporary holding cell. As the hours passed, Silva's behavior became increasingly bizarre.

"Sheriff's deputies saw Paul running around his cell, throwing himself to the ground, yelling incoherently, staring out the window with his mouth wide open, holding his arms out pointing toward the window and walls, and crawling and rolling on the floor," the family's lawsuit says.

Allen said she called the jail multiple times, asking about her son.

"They wouldn't tell me anything," she said.

'Can't breathe'

Thirty-six hours after Silva had been booked into jail, a sergeant instructed a deputy to use pepper spray to force Silva to comply with a request that he be handcuffed so a deputy could safely enter the cell.

In the video, Silva appears oblivious to the request and continues to pace

the length of the cell and stare out of its hallway-facing window, his mouth agape.

The sergeant then ordered a tactical team to remove Silva from the cell. No one recommended that Silva be evaluated by a psychiatrist prior to the cell extraction, records show.

Video shows deputies dressed in riot gear opening the cell door's food flap and shooting Silva repeatedly with high-powered water balls and a Taser before entering the cell.

Deputies pinned Silva down for 10 minutes. One of them used an electrified shield, struggling to get Silva in leg chains and handcuffs.

"Downward pressure with the shield," the sergeant tells the team, according to the video. "Get your body weight on it."

The deputies repeatedly shocked Silva, even after a supervisor told them to stop, video shows.

"Stop, sir, I didn't do anything," Silva pleads. "Can't breathe."

Then, before he falls silent: "I don't know where I am. I don't know what's going on."

Three minutes pass before someone asks if he's still breathing. At that point, the video ends.

Policy update

Silva was taken by ambulance to UC San Diego Medical Center, where he was diagnosed with a brain injury, kidney failure and a collapsed lung.

The medical examiner's report lists the cause of death as lack of oxygen to

the brain "resulting from cardiopulmonary arrest during law enforcement restraint." The manner of death was determined to be homicide.

Silva's parents sued the county of San Diego, a jail medical provider and the San Diego Police Department. The lawsuit argues that police should have taken Silva to a medical or psychiatric facility rather than to jail.

The city of San Diego declined to settle the case and remains a defendant in the proceeding.

One year after Silva's death, the Sheriff's Department updated its cell extraction policy. Among other changes, tactical teams are now required to include a "safety deputy" whose "sole responsibility is to monitor the health and safety of the inmate being extracted."

Department spokeswoman Lt. Amber Baggs said she had no information as to whether the policy was updated as a result of Silva's death.

"We routinely review and update our current policies and procedures," she said.

Attorney Julia Yoo, who represented Silva's family, said she was glad to see the policy changes and believes the litigation prompted them.

"Hopefully in the future, it won't take lawsuits for the county to implement changes in the way jails deal with our most vulnerable citizens," she said.

Davis is a freelance writer.

jeff.mcdonald@sduuniontribune.com