



## COURTS

# Family of man with mental illness who died of malnutrition, dehydration in downtown jail files lawsuit



Justino Rupard, son of Lonnie Rupard, hugs his grandmother, Terri Lopez, at a rally in front of the San Diego Central Jail on Mar. 4, 2023. (Denis Poroy/For The San Diego Union-Tribune)

When Lonnie Rupard was found dead, feces coated his cell floor and food was smeared on the walls; his family's lawsuit claims the county, the sheriff and others were negligent in his care, leading to his death

BY LYND SAY WINKLEY

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SAN DIEGO — Three days before Lonnie Rupard was found dead in a downtown San Diego jail cell last year, he was visited by a court-ordered psychiatrist.

There were feces on the floor, and food was smeared on the walls, the psychiatrist wrote in a report. Trash was strewn about the cell, and the toilet was filled with excrement.

Rupard himself was dirty and unkempt.

When the county Medical Examiner's Office examined the 47-year-old man's body, he had lost 60 pounds in the three months he had been jailed. The office found Rupard died of pneumonia, malnutrition and dehydration, conditions that took hold while the jail neglected to treat his schizophrenia.

His death was ruled a homicide. On Wednesday, Rupard's family filed a lawsuit in federal court in San Diego against the county, Sheriff Kelly Martinez and others over his death, saying they were deliberately indifferent and negligent while caring for the man.

"This was somebody in their care who had serious medical needs," said Jeremiah Lowe, the family's lawyer. "And they ignored those needs to the point where he physically and mentally fell apart. Nobody was there to protect him. It's inhumane."

The Sheriff's Department, which declined to comment on the lawsuit, launched an investigation last April into Rupard's death to determine whether any policies and procedures were violated while he was jailed. On Wednesday the department said the investigation is ongoing.

"We continue to prioritize the health and well-being of all individuals in our custody and our sympathies are with the family and all those affected by Mr. Rupard's passing," the department said in a statement.

Rupard was one of 19 people who died in a San Diego jail last year, a record-high number of deaths for the Sheriff's Department. A 20th person was released from custody while hospitalized and died a short time later.

For years, the Sheriff's Department has struggled to address preventable deaths in its jails. A state audit released last year found that San Diego County had the highest jail mortality rate among large California counties and urged state lawmakers to intervene.

"This is a systemic problem, a systems failure," Lowe said of the deaths. "It's a pattern of misconduct that is of great concern for anybody who is detained or imprisoned."

In March, [Sheriff Kelly Martinez told the Union-Tribune](#) that the department had made changes after Rupard's death to better care for incarcerated people with mental illness.

The reforms include "wellness teams" that check on people who have been flagged as seriously mentally ill. Martinez also said the department has sought to expedite conservatorships, a legal designation in which a court-appointed conservator makes decisions for someone deemed incapable of caring for himself or herself.

Rupard, who had struggled with schizophrenia and "other psychotic disorders," was booked into jail Dec. 19, 2021, after National City police arrested him on suspicion of a parole violation, county officials said.

The family's lawsuit noted that county officials were aware of Rupard's mental health struggles, which included prior treatment at Patton State hospital, a psychiatric hospital in San Bernardino County.

While in jail, Rupard repeatedly refused medication and mental health assistance, county documents show. A psychiatrist attempted to evaluate him on several different occasions — one of the last check-ins occurred on Feb. 22, 2022 — with little success. Each time, it was noted that Rupard did not appear to be a danger to himself or others.

Three days before his death, a court-appointed psychiatrist — the one who found Rupard’s cell in a state of disarray — evaluated the man. The doctor’s report to the court said that Rupard suffered from severe mental illness and was not competent to stand trial.

He recommended Rupard be sent to a state psychiatric hospital, and that he be given “antipsychotic medication involuntarily as allowed by law.”

Rupard was found dead on March 17, 2022, according to county documents. Deputies noted the cell was “soiled with feces” and found old food containing insect larvae.

In addition to malnutrition, dehydration and pneumonia, the county Medical Examiner’s Office listed COVID-19 as a contributing cause of death. Rupard’s toxicology results were negative for all common drugs of abuse and medications.

The office found that although Rupard was given meals, medical evaluations and prescription medication, the delivery of his care was “ineffective.”

“While elements of self-neglect were present, ultimately this decedent was dependent upon others for his care; therefore, the manner of death is classified as homicide,” the office [wrote in the autopsy report](#).

On Wednesday, Justino Rupard remembered his father as loving and a bit cheeky. The 26-year-old man said he and his dad had a special relationship. “He was my best friend,” the son said.

But his father’s mental health issues overshadowed their closeness, Rupard said. He explained that they often wouldn’t speak when the father — who experienced stints of homelessness — wasn’t on his medications.

Justino Rupard said he hopes the lawsuit will bring more accountability and transparency to a jail system that he says is failing those most in need.

“I do believe that a lot of these officers are poorly trained and are too inexperienced to handle mental illness,” he said. “They don’t have enough resources to take care of people like my dad.”

Rupard said for people like his father who have long struggled with mental illness and homelessness, cycling in and out of jail “becomes their life.”

“We need to start taking better care of our people,” he said.

The lawsuit seeks a jury trial and does not specify the damages being sought.



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