



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

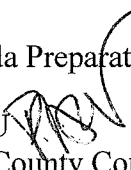
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MARY C. WICKHAM  
County Counsel

December 31, 2015

TO: PATRICK OGAWA  
Acting Executive Officer  
Executive Office Board of Supervisors  
  
Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Martha Guenther v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 543 601**  
**United States District Court Case No. CV 15-03055**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan prepared by the Department of Mental Health to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Martha Guenther v. County of Los Angeles, et al., Los Angeles Superior County Case No. BC 543 601, and United States District Court Case No. CV 15-03055 in the amount of \$999,995 and instruct the Auditor-Controller to draw warrants to implement this settlement from the Sheriff's Department's and Department of Mental Health's budgets.

These lawsuits seek compensation for the death of an inmate while he was incarcerated in County jail.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Martha Guenther v. County of Los Angeles, et al.
CASE NUMBER	BC543601 CV15-3055
COURT	Los Angeles Superior Court United States District Court
DATE FILED	April 24, 2015 in Los Angeles Superior Court April 23, 2015 in United States District Court
COUNTY DEPARTMENT	Sheriff's Department Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 999,995
ATTORNEY FOR PLAINTIFF	Paul L. Hoffman SCHONBRUN DESIMONE SEPLOW HARRIS & HOFFMAN LLP  Peter C. Grenier GRENIER LAW GROUP PLLC
COUNTY COUNSEL ATTORNEY	Karen Joynt Senior Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$999,995, the two lawsuits filed by Martha Guenther alleging federal and State civil rights violations arising out of the death of Kurt Guenther while incarcerated in the County jails.  Due to the risks and uncertainties of litigation, a full and final settlement of the cases in the amount of \$999,995 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 227,805
PAID COSTS, TO DATE	\$ 21,116

Case Name: Kurt Guenther



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	April 24, 2013
Briefly provide a description of the incident/event:	<p>The inmate, age 58 at time of his death by suicide, was arrested by the LASD Palmdale station for violation of 245 PC (ADW, not a gun) against a police officer and fire fighter. The pre-booking paperwork that accompanied the inmate to the Inmate Reception Center (IRC) indicated the response of "Yes" for the category, "Risk of Suicide." He was also seen at Palmdale Regional Medical Center prior to his arrival at Inmate Reception Center (IRC). While at the LASD Palmdale station, he was on suicide watch. The arrest report indicated that the inmate made statements that he wanted to kill himself. On 04-19-13, the inmate denied suicidal ideation in the IRC. Both pre-booking reports were not made available to Department of Mental Health staff.</p> <p>On 4-19-13 at 0812, when he was evaluated in the Medical Service Bureau (MSB), he had problems focusing mentally. On 4-19-13 at 1048, he was evaluated by a DMH Licensed Clinical Social Worker and denied suicidal ideation and suicidal attempts. He was cooperative and exhibited a "sad" mood. The plan was for housing on 132 TT.</p> <p>On 4-22-13 at 1919, there was a radiology alert that the inmate may have possible TB or left upper lobe pneumonia so an MSB M.D. ordered the inmate transferred to MD 6000 (isolation cells) pending psych evaluation which occurred at 2100. In the evaluation, the inmate denied suicidal ideation and homicidal ideation to the Licensed Clinical Social Worker.</p> <p>On 4-25 at 0055, the inmate was found by a deputy "man-down" hanging in his cell. He was pronounced dead by paramedics. He is survived by his spouse.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

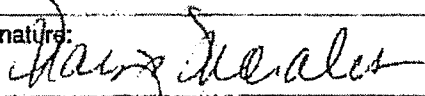
Documents that contain information useful in determining risk factors for suicide such as the Arrestee Medical Screening form and related information that the client was considered a suicide risk by the arresting officers were not regularly or systematically made available for review and consideration by Jail Mental Health (JMH) staff. In addition, at the time of the event, there was no requirement by JMH administration that a formalized suicide risk assessment checklist was to be used on all evaluations done in the IRC. Information from these sources may assist in identifying additional risk factors and precautions that may prevent a future, similar event.

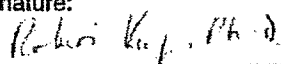
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

County of Los Angeles  
Summary Corrective Action Plan

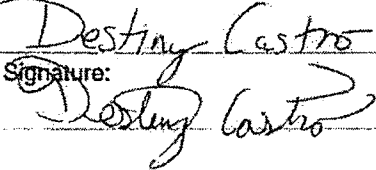
1. A requirement was added to JMH Policy 70.7 Suicide Assessment that JMH clinicians use the Suicide Risk Assessment Checklist (SRAC) on all on all mental health clients evaluated in the IRC. A communication was sent to clinical staff on June 12, 2015 to initiate the action in the interim. The policy was completed in September of 2013. The revision was reviewed with managers at weekly District Chief meetings.
2. A requirement was added to JMH Policy 20.2 Reception Center Initial Assessment currently under review by the Department of Justice monitors that JMH clinicians review the Arrestee Medical Screening form for information for consideration in the evaluation of the suicide risk of a client and that the review shall be documented. A memo was sent to clinical staff on June 12, 2015 to initiate the review of the AMS scanned into the record during the course of evaluations in the IRC. Following the finalization of the policy revisions, the newly revised policy will be reviewed with managers at weekly District Chief meetings.

3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Margo Morales, Administrative Deputy	
Signature: 	Date: 12/04/15

Name: (Department Head) Robin Kay, Ph.D., Acting Director	
Signature: 	Date: 12/4/15

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	

Name: (Risk Management Inspector General)	
Signature: 	Date: 12/4/2015