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May 2, 2023

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Estate of Joseph Gama v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number BC628822

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 to be made available to the public.

It is requested that this recommendation be placed on the Board of Supervisors' agenda.

AMB:ds

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Estate of Joseph Gama v. County of Los Angeles, et al., Los Angeles Superior Court Case Number BC628822, in the amount of $200,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges failure to provide appropriate standard of care by Sheriff's Department jail staff resulting in the death of an inmate at Men's Central Jail.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Estate of Joseph Gama v. County of Los Angeles
CASE NUMBER		BC628822
COURT		Los Angeles Superior Court
DATE FILED		August 1, 2016
COUNTY DEPARTMENT		Los Angeles Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	200,000
ATTORNEY FOR PLAINTIFF		Greg Garrotto Law Offices of Greg Garrotto
COUNTY COUNSEL ATTORNEY		Narbeh Bagdasarian County Counsel
NATURE OF CASE		On May 1, 2015, Joseph Gama, a 41-year-old male, was arrested by the Los Angeles Police Department for possession of a firearm by a convicted felon, and transported to Sheriff's Department ("LASD") custody on May 5, 2015. Although Mr. Gama was receiving proper mental care from Department of Mental Health and there was no indication that he was suicidal, on June 12, 2015, he committed suicide while in LASD's custody. Mr. Gama's surviving family filed a lawsuit against the County of Los Angeles and County providers, claiming that the inadequate care provided to Mr. Gama contributed to his death. The case was tried in November 2021, which resulted in a defense verdict on some causes of action and a mistrial on other causes of action. To avoid the uncertainty of litigation and trial, the parties agreed to settle the case.
PAID ATTORNEY FEES, TO DATE	$	294,100
PAID COSTS, TO DATE	$	27,200

Case Name: Estate of Joseph Gama v. County of Los Angeles

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:	June 12, 2015
Briefly provide a description of the incident/event:	**Estate of Joseph Gama v. County of Los Angeles** Plaintiff (decedent's estate) allege that the decedent was found hanging in his cell at Men's Central Jail (MCJ). Plaintiffs contend that multiple departments, including the Los Angeles County Sheriff's Department (LASD), were made aware of decedent's mental health concerns but they were ignored. Decedent was, at various times, housed in multiple facilities within the LASD jail system. His housing locations included administrative segregation, high observation housing, general population, and discipline housing. At the time of the incident, decedent was in discipline housing. Decedent had recently been moved from high observation housing (HOH) to general population at the direction of the Los Angeles County Department of Mental Health (DMH). While housed in general population, decedent created a disruption in jail operations, leading him to be moved to discipline housing. After being housed in discipline housing for less than two (2) days, decedent was discovered unresponsive in his cell by a deputy conducting a Title 15 safety check. Medical aid was rendered by custody personnel, LASD Medical Services Bureau (MSB) personnel, and paramedics but was ultimately unsuccessful.

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

- A Departmental root cause in this incident was the failure to consult mental health staff prior to placing decedent into discipline housing.
- A Departmental root cause in this incident was the failure to communicate with the Jail Mental Evaluation Team (JMET) staff when decedent was removed from HOH and then again when decedent was placed into discipline housing.
- A Departmental root cause in this incident was the lack of routine JMET involvement in restrictive (administrative segregation) housing.

Case Name: Estate of Joseph Gama v. County of Los Angeles

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

- The LASD Custody Division Manual (CDM) was revised to now require custody staff to send a list of all newly admitted discipline individuals to mental health providers for their review and approval.
- The LASD CDM was revised to require JMET to perform an evaluation of an individual being placed into discipline housing if they were previously in high observation housing.
- JMET is now notified of every individual moved from high observation housing so that they can conduct routine mental health follow-ups with the individual.
- The LASD CDM was revised to require JMET to conduct weekly rounds in restrictive housing, including administrative segregation.

Case Name: Estate of Joseph Gama v. County of Los Angeles

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.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Tania E. Plunkett, Commander
Custody Services Division – General Population

Signature: T. Plunkett

Date: 11 8.22

Name: (Department Head)

Sergio A. Aloma, Chief
Custody Services Division – General Population

Signature: Sergio A. Aloma

Date: 11/9/22

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☑ No, the corrective actions are applicable only to this Department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature: Destiny Castro

Date: 11/17/2022