STATEMENT OF PROCEEDINGS

FOR THE SPECIAL MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD

HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,

500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON MONDAY, JANUARY 12, 2015, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Patrick Wu
(Note: Patrick Wu had to leave the meeting at 10:45 a.m.)

1. Call to Order.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).

a. Claim of Leslie and Alice Wong

This claim seeks compensation from the Department of Public Works for real and personal property damages allegedly caused from a backflow of sewage due to a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $33,304.25.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

b. Reina Maribel Campos, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 11-09613

This lawsuit concerns allegations of negligence by Sheriff's Deputies relating to the serious medical needs of an inmate resulting in his suicide.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $350,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

c. Estate of Arturo Cabrales, et al. v. County of Los Angeles

United States District Court Case No. CV 13-01370

This lawsuit concerns allegations of a wrongful death which occurred during an investigation conducted by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,500,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

d. Robert Night v. County of Los Angeles
Los Angeles Superior Court Case No. BC 493 343

This lawsuit concerns allegations of negligent medical care by LAC+USC Medical Center, which contributed to Plaintiff's injuries.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $220,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

e. Lucedes Bag-Aw v. County of Los Angeles
Los Angeles Superior Court Case No. BC 488 132

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to race discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $195,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

f. **Mildred Parker v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 487 793

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability discrimination, retaliation and harassment, and that the Department failed to engage in the interactive process or provide reasonable accommodation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $175,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

g. **Sebastian Xoss v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-01400

This lawsuit alleges that the Department of Children and Family Services violated plaintiffs' civil rights arising from wrongfully detaining plaintiffs' children.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $800,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

h. **Lyle Weisman v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-10207

This lawsuit alleges that the Department of Children and Family Services violated plaintiff's civil rights arising from two alleged wrongful detentions of plaintiff's child.

Action Taken:

The Claims Board approved settlement of this matter the amount of $75,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Documents

i. Claim of Bryan Usim

This claim alleges race and national origin harassment, failure to prevent harassment, and intentional emotional distress by an employee of the Los Angeles County Office of Education against the Probation Department.

Action Taken:

The Claims Board approved settlement of this matter the amount of $27,500.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

j. Claim of Ismael Diaz

This claim concerns allegations that an employee of the Department of Public Health was subjected to employment discrimination and harassment.

Action Taken:

The Claims Board approved settlement of this matter the amount of $35,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

k. Rukhsana Chaudhry v. City of Los Angeles, et al.
United States District Court Case No. CV 09-01592

This lawsuit alleges the Department of Medical Examiner-Coroner unreasonably delayed in notifying next of kin regarding a death.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $298,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Document

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the December 15, 2014, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – John Naimo, Steve Robles
Absent: Patrick Wu

See Supporting Document

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-litigated claim of Leslie and Alice Wong
CASE NUMBER		N/A
COURT		N/A
DATE FILED		February 28, 2012
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	33,304.25
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Liliana Campos
NATURE OF CASE		This claim arises from a blocked County sewer main line that caused a sewage backflow into the Wong's home and damaged structural and personal property. Due to the risks and uncertanties of litigation, a full settlement of the claims are warranted.
PAID ATTORNEY FEES, TO DATE	$	N/A
PAID COSTS, TO DATE	$	N/A

Case Name: WONG, LESLEY & ALICE/LIBERTY MUTUAL

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:	February 10, 2012
Briefly provide a description of the incident/event:	This Rapid Response claim is the result of a sewer backup that occurred on February 10, 2012. On that date, Sewer Maintenance Division (SMD) received a service request at 6834 La Presa Drive in unincorporated San Gabriel. The responding SMD crew observed signs of a floodout in the claimant's bathrooms, bedrooms, and hallways. The floodout was caused by a heavy root blockage in the sewer mainline between Manhole Nos. 70 and 71 of Sewer Maintenance District Map E-2017. The crew broke down the stoppage by rodding the sewer mainline between these manholes. Upon completion of these actions, the sewer mainline was left flowing normally.

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

The flood out was caused by a heavy root blockage in the County-maintained sewer mainline.

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

The sewer mainline was placed on a quarterly rodder periodic to prevent recurrence of a flood out. A backwater valve allowance was credited to the Claimant's Statement of Loss. A backwater/backflow valve should be installed and maintained as part of a code-compliant plumbing system, and is a condition of the settlement agreement.

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)
Michael J Hays

Signature Michael J Hays

Date 12/2/14

Name (Department Head)
Gail Farber

Signature

Date 12/18/14

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 12/5/2014

CMC:psr
P4:\WONG SCAP2 (REV)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Reina Maribel Campos, et al. v. COLA, et al.
CASE NUMBER		CV 11-09613 DDP (PJWx)
COURT		United States District Court
DATE FILED		November 18, 2011
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	350,000
ATTORNEY FOR PLAINTIFF		Kaye, McLane & Bednarski
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon
NATURE OF CASE		Plaintiffs Reina Maribel Campos and Blanca Cardenas filed a lawsuit alleging federal civil rights and State law claims and contend that the Los Angeles Sheriff's Department was deliberately indifferent to the serious medical needs of Steven Cardenas, resulting in his suicide at Men's Central Jail. Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of $350,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	80,164
PAID COSTS, TO DATE	$	10,020

Case Name: **Reina Maribel Campos, et al. v. County of Los Angeles, et al.**

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:	Tuesday, October 5, 2010; approximately 5:25 a.m.
Briefly provide a description of the incident/event:	**Reina Maribel Campos, et al. v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-035 On May 12, 2007, the decedent was sentenced to 21 years in prison for assault with a deadly weapon on a peace officer. On August 27, 2010, he was convicted of carjacking and assault with a deadly weapon. He was scheduled to be sentenced October 8, 2010. On October 5, 2010, the decedent was found hanging in his cell. He had committed suicide.

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

The root cause in this incident is the decedent's death by suicide.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Men's Central Jail and the Los Angeles County Sheriff's Department's Homicide Bureau. No criminal misconduct is alleged, and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken, and no other personnel-related corrective action measures are contemplated.

This incident is currently under review by representatives from the Los Angeles County Sheriff's Department's Risk Management Bureau and the Los Angeles County Sheriff's Department's Custody Support Services Unit. This process also will consult representatives from the Los Angeles County Department of Mental Health, the Los Angeles County Sheriff's Department's Department of Mental Health Liaison (staff), the United States Department of Justice, the American Civil Liberties Union (ACLU), and the Los Angeles County Sheriff's Department's Constitutional Policing Advisor.

On or before **June 30, 2015**, this corrective action plan will be supplemented with a report to include 1) the results of the review and 2) the scheduled implementation date of new or revised policies, procedures, and/or protocols, Department publications, and/or directives.

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)

Scott E. Johnson, Captain
Risk Management Bureau

Signature: | Date: 12-18-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: | Date: 12/22/14

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: | Date: 12/22/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Arturo Cabrales, et al. v. County of Los Angeles
CASE NUMBER	CV 13-01370
COURT	United States District Court
DATE FILED	3/4/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT $	1,500,000.
ATTORNEY FOR PLAINTIFF	Andrew L. Ellis
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	Plaintiffs JFC, a minor, by and through his Guardian Ad Litem, Mariella Sanchez and Janet Ramos Laris filed this federal civil rights lawsuit against the County of Los Angeles, the Sheriff's Department, and various Sheriff's Department personnel for the wrongful death of Arturo Cabrales. The involved Deputies claim their actions were reasonable under the circumstances. Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of $1,500,000 is recommended.
PAID ATTORNEY FEES, TO DATE $	78,005
PAID COSTS, TO DATE $	17,415

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:	Wednesday, March 7, 2012; approximately 2:49 p.m.
Briefly provide a description of the incident/event:	**Estate of Arturo Cabrales, et al. v. County of Los Angeles** Summary Corrective Action Plan No. 2014-038 On Wednesday, March 7, 2012, at approximately 2:49 p.m., three uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Gang Enforcement Team, were driving a standard black and white, Los Angeles County-owned patrol vehicle and attempted to detain the decedent along with two companions for drinking in public. The two companions immediately cooperated with the deputy sheriffs, whereas the decedent was immediately uncooperative and hostile. While the Los Angeles County deputy sheriffs were conducting their investigation, the decedent, who had remained within the curtilage of his residence, denied the deputy sheriffs access to the property by attempting to close the sliding gate in the fence encircling the residence. When one of the deputy sheriffs entered the open gate to detain him, the decedent retreated further into the curtilage of the residence. As the deputy sheriff approached the decedent, the decedent withdrew a firearm concealed upon his person. The deputy sheriff discharged his weapon at the decedent, striking him in the torso. He was pronounced dead at the scene.

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

The root cause in this incident is an allegation a member of the Los Angeles County Sheriff's Department violated the decedent's private curtilage.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of their investigation were presented to representatives

from the Los Angeles County District Attorney's Office. On September 18, 2012, the office of the Los Angeles County District Attorney concluded that the deputy sheriff acted lawfully in self-defense.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On August 8, 2013, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee concluded the physical force used against the decedent was reasonable and justified.

While the force used by the deputy sheriff was reasonable and justified, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

On October 24, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau published Field Operations Support Services Newsletter 14-23, *Legal Standing Upon the Curtilage of Residences*, designed to remind and educate members of both current laws and current case law pertaining to enforcement action in and/or upon the curtilage of residences.

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)

Scott E. Johnson, Captain
Risk Management Bureau

Signature: 155628

Date: 12-18-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: BL

Date: 12/22/14

This section intentionally left blank.

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: 12/22/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Robert Night v. County of Los Angeles
CASE NUMBER	BC 493343
COURT	Los Angeles Superior Court – Central District
DATE FILED	October 5, 2012
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$220,000
ATTORNEY FOR PLAINTIFF	Daniel P. Powell, Esq. THON BECK VANNI CALLAHAN & POWELL
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On October 23, 2011, Robert Night, an armed security guard, was admitted to LAC+USC Medical Center with severe injuries. He had accidentally shot his own leg while on duty. To manage and control his infected wound, the LAC+USC Medical Center staff placed Mr. Night on antibiotics. After a few days, the antibiotics caused an injury to Mr. Night's intestines, for which he had to undergo an operation. Mr. Night brought a lawsuit against the County of Los Angeles alleging that the LAC+USC Medical Center were negligent in maintaining him on antibiotics for a prolonged period of time.
PAID ATTORNEY FEES, TO DATE	$19,395
PAID COSTS, TO DATE	$2,108

Case Name: Night, Robert #3831

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:	October 23, 2011
Briefly provide a description of the incident/event:	On October 23, 2011, Robert Night, an armed security guard, was admitted to LAC+USC Medical Center with severe injuries. He had accidentally shot his own leg while on duty. To manage and control his infected wound, the LAC+USC Medical Center staff placed Mr. Night on antibiotics. After a few days, the antibiotics caused an injury to Mr. Night's intestines, for which he had to undergo an operation. Mr. Night brought a lawsuit against the County of Los Angeles alleging LAC+USC Medical Center was negligent in maintaining him on antibiotics for a prolonged period of time.

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

Injury to the bowel as a result of antibiotic use.

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

- LAC+USC created new antibiotic guidelines for use in orthopedic injuries.
- Staff was educated about the risk of bowel injury from the use of antibiotics.
- Guidelines and precautionary statements about the risk of bowel injury from the use of certain antibiotics are available to all DHS staff on the intranet.
- DHS created an educational 'Medication Safety Blast' detailing the risks of antibiotic-associated bowel injury.
- All DHS facilities have, or are in the process of creating, facility specific antibiotic guidelines.

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) ARUN. PATEL, M.D.	
Signature:	Date: 11/25/14

Name: (Department Head) Mitchell H. Katz, M.D.	
Signature:	Date: 12/2/14

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: 12/1/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Sebastian Xoss v. County of Los Angeles, et al.
CASE NUMBER		CV 12-01400
COURT		United States District Court
DATE FILED		April 6, 2012
COUNTY DEPARTMENT		Children and Family Services and Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	800,000
ATTORNEY FOR PLAINTIFF		Robert R. Powell Law Offices of Robert R. Powell
COUNTY COUNSEL ATTORNEY		Lauren M. Black Principal Deputy County Counsel
		Clay Averbuck Monroy, Averbuck & Gysler
NATURE OF CASE		Civil Rights, Withholding of Evidence in Court Wrongful Detention of Children
PAID ATTORNEY FEES, TO DATE	$	212,065
PAID COSTS, TO DATE	$	11,434

Case Name: **Sebastian Xoss, et al. v. County of Los Angeles, et al.**

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:	Thursday, February 10, 2011, at approximately 3:00 p.m.
Briefly provide a description of the incident/event:	**Sebastian Xoss, et al. v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-064 On Thursday, February 10, 2011, at approximately 3:00 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Special Victims Bureau, accompanied by a representative from the Los Angeles County Department of Children and Family Services (DCFS), went to the plaintiff's residence in response to a report of child abuse filed with Temple Station. The deputy sheriff and the DCFS representatives entered the plaintiff's residence in furtherance of their investigation. Ultimately, representatives from DCFS removed the plaintiff's two children from the residence.

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

The root cause of the lawsuit is the plaintiff's allegation that members of the Los Angeles County Sheriff's Department entered his residence and removed his children without a warrant.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was reviewed by representatives of the Los Angeles County Sheriff's Department Special Victims Bureau. No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no corrective action measures are recommended nor contemplated. Several steps are, however, being taken to proactively address the issue identified in this case.

On November 18, 2014, the Los Angeles County Sheriff's Department re-published Los Angeles County Sheriff's Department Manual of Policy and Procedures (MPP) section 5-02/045.20 (formally Field Operations Directive 98-02), *Assisting Department of Children and Family Services in Child Abuse Investigations*, designed to provide guidance to employees who accompany DCFS representatives to a residence or other dwelling.

On or before June 30, 2015, the Los Angeles County Sheriff's Department's Risk Management Bureau will publish a Field Operations Support Services Newsletter designed to educate members of the necessity to obtain a warrant where insufficient exigency exists for warrantless law enforcement action.

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)

Scott E. Johnson, Captain
Risk Management Bureau

Signature: | Date: 11-20-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: | Date: 11/20/14

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: | Date: 11/20/2014

Case Name: Xoss et al 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:	February 10, 2011
Briefly provide a description of the incident/event:	The plaintiffs allege that their children were removed and detained without permission, a warrant or exigency.

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

The plaintiffs alleged that a warrantless detention occured in the absence of exigent circumstances, consent or a legally obtained court order.

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

The Department continues to ensure that its protocols complement the current state of the law and assists its workforce in providing appropriate and legally-sufficient child welfare services.

The Department had relevant policies and procedures in effect at the time of the incident.

3. Are the corrective actions addressing department-wide system issues?

☐ Yes – The corrective actions address department-wide system issues.

X No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Diane Iglesias

Signature: Date: 11 19 14

Name: (Department Head)

PHILIP L. BROWNING, Director

Signature: Date: 11-26-14

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: 10/31/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Weisman, Lyle v. County of Los Angeles, et al.
CASE NUMBER		CV1210207
COURT		United States District Court
DATE FILED		11/29/2012
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	75,000
ATTORNEY FOR PLAINTIFF		Shawn A. McMillan Law Offices of Shawn A. McMillan
COUNTY COUNSEL ATTORNEY		Lauren Black Principal Deputy County Counsel Social Services Division Avi Burkwitz Peterson Bradford Burkwitz
NATURE OF CASE		Civil Rights, Child Protection, Wrongful Detention of Children
PAID ATTORNEY FEES, TO DATE	$	253,816
PAID COSTS, TO DATE	$	25,201

Case Name: Weisman 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:	December 1, 2010 and February 24, 2012.
Briefly provide a description of the incident/event:	The plaintiff alleges that his child was detained from his custody twice, once in December 2010 and again in February 2012, in violation of his civil rights.

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

The plaintiff contends that the Department of Children and Family Services (DCFS) violated his civil rights when his child was taken into protective custody without a warrant. Plaintiff further contends that the second detention was also in violation of his civil rights although the child was detained pursuant to a court order.

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

The Department continues to ensure that its protocols complement the current state of the law and assists its workforce in providing appropriate and legally-sufficient child welfare services.

The Department had relevant policies and procedures in effect at the time of the incident.

3. Are the corrective actions addressing department-wide system issues?

✓ The corrective actions address department-wide system issues
The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
DIANE IGLESIAS, SENIOR DEPUTY DIRECTOR	
Signature: Diane Iglesias	Date: 11 18. 14

Name: (Department Head)	
PHILIP L. BROWNING, DIRECTOR	
Signature:	Date: 11-25-14

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: 11/17/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Rukhsana Chaudhry v. City of Los Angeles, et al.
CASE NUMBER		CV09-01592 FMC
COURT		United States District Court Case Number CV09-01592 FMC
DATE FILED		March 17, 2009
COUNTY DEPARTMENT		Department of Medical-Examiner-Coroner
PROPOSED SETTLEMENT AMOUNT	$	298,000
ATTORNEY FOR PLAINTIFF		Olu K. Orange Mann & Cook
COUNTY COUNSEL ATTORNEY		Robert E. Ragland
NATURE OF CASE		Breach of a mandatory duty to make a reasonable effort to locate and notify the family of a decedent that the Coroner takes custody of pursuant to law. Due to the risks and uncertainties of litigation and the substantial costs of proceeding to trial, the Department of Medical Examiner-Coroner has agreed to this proposed settlement.
PAID ATTORNEY FEES, TO DATE	$	416,680
PAID COSTS, TO DATE	$	41,965

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 15, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Warren Wellen, Joseph Langton, Edwin Lewis, Millicent Rolon, Narbeh Bagdasarian, Eduardo Montelongo, Joyce Aiello, Donna Koch and Veronica Pawlowski*; Sheriff's Department: Lt. Patrick Hunter, Sgt. Albert Schauberger and Sgt. Chastity Phillians; Department of Health Services: Arun Patel and Karen White; Department of Parks and Recreation: Davie Waage; and Outside Counsel: Mitzie Dobson and Avi Burkwitz.

* Note: Veronica Pawlowski is currently a Deputy County Counsel. She is the former Risk Management Coordinator for the Probation Department and provided information on behalf of the Probation Department on Item g. Jason Jones.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).

At 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(i) below.

4. Report of actions taken in Closed Session.

At 12:00 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>County of Los Angeles v. Las Virgenes Municipal Water District</u>

This matter concerns the recovery of money from the Las Virgenes Municipal Water District for property damage to a County highway caused by a broken District water main.

<u>Action Taken</u>:

The Claims Board recommended to the Board of Supervisors the settlement of this matter wherein the County will receive payment in the amount of $115,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

b. **Mark Green v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-06007

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an incarcerated inmate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $59,995.95.

Vote: Ayes: 3 – John Naimo, Steve Robles and Patrick Wu

c. **Joseph Ober v. County of Los Angeles, et al.**
United States District Court Case No. CV 10-10032

This lawsuit concerns allegations of excessive force by Sheriff's Deputies after Plaintiff's arrest, denial of medical treatment and religious discrimination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $400,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

d. **Jane Doe by Latanya Swayzer v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 498 168

This lawsuit concerns allegations of sexual assault and battery by a Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $440,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

e. **Kali Louise Hais v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 491 835

This lawsuit concerns allegations of negligent medical care by staff at LAC+USC Medical Center, which contributed to Plaintiff's injuries.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $799,950, plus waiver of the County's medical bills in the estimated amount of $214,500.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

f. **Richard Taylor v. County of Los Angeles, et al.**

Los Angeles Superior Court Case No. BS 144 885
United States District Court Case No. CV 13-00737

These lawsuits concern allegations by an employee of the Department of Health Services that he was denied procedural due process rights by the Civil Service Commission.

Action Taken:

The Claims Board approved settlement of this matter the amount of $55,818.47.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

g. **Jason Jones v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 500 644

This lawsuit concerns allegations that an employee of the Probation Department was subjected to employment discrimination, harassment, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter the amount of $60,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

h. **Lucy Serrano v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 531 548

This lawsuit concerns allegations that a former employee of the Department of Parks and Recreation was subjected to sexual harassment, discrimination, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter the amount of $60,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

i. **Fernando Medina v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 497 614

This lawsuit concerns allegations that a former employee of the Department of Parks and Recreation was subjected to sex discrimination, harassment, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter the amount of $95,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the December 1, 2014, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment**

The meeting was adjourned at 12:05 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson

Carol J. Slosson