STATEMENT OF PROCEEDINGS

FOR THE REGULAR 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, FEBRUARY 2, 2015, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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 Marcel and Kimberly Labbe

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $63,771.60.

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

See Supporting Documents

b. Nathaniel Marshall v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 430 969

This lawsuit alleges that the Probation Department violated Plaintiff's civil rights by failing to protect him from other juvenile wards under their supervision, which resulted in serious personal injury.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,200,000.

Vote: Ayes: 2 – John Naimo, Steve Robles
Abstention: 1 – Patrick Wu

See Supporting Documents

c. **D.S., a minor, by Juana Lazaro v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 449 291

This lawsuit concerns allegations of negligence and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $32,500.

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

See Supporting Document

d. **Chalino Sanchez v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-03836

This lawsuit concerns allegations of excessive force resulting in a shooting by a Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $99,000.

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

See Supporting Document

e. **Ricky Allen v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-07916

This lawsuit concerns allegations of excessive force, battery, and negligence involving an arrest and shooting by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $270,000.

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

See Supporting Documents

f. **William Cubela v. County of Los Angeles, et al.**
United States District Court Case No. 13-07227

This lawsuit concerns allegations that Plaintiff was improperly housed at Men's Central Jail and consequently suffered injuries from convicted inmates.

Action Taken:

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

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

See Supporting Documents

g. **Cheryl Aichele, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-10863

This class action lawsuit alleges class members were unlawfully arrested by the Los Angeles Police Department during a protest movement, and subjected to lengthy bus detentions by the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $225,000.

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

See Supporting Documents

h. Latisha Clayton v. County of Los Angeles, et al.
United States District Court Case No. CV 12-7210

This lawsuit concerns allegations of two false arrests by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $250,000.

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

See Supporting Documents

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 January 12, 2015, special meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

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

See Supporting Document

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.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Claims of Marcel & Kimberly Labbe
CASE NUMBER		N/A
COURT		N/A
DATE FILED		October 17, 2013
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	63,771.60
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Liliana Campos
NATURE OF CASE		This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimants' business and damaged the structure and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claims are warranted.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	0

Case Name: Labbe, Marcel and Kimberly

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:	September 25, 2013
Briefly provide a description of the incident/event:	A sewage backup occurred at a commercial property located at 218 North Glendora Avenue in the City of Glendora. The effluent overflowed from a cleanout and a restroom of the property and caused damage to the interior and other personal property of the claimants' and of their employees. On the day of the incident, our Sewer Maintenance Division (SMD) received a service request concerning a sewage overflow at the claimants' salon. An SMD crew responded to the location and observed sewage overflowing from a cleanout at the property. The SMD crew proceeded to hydro the sewer mainline between Manhole Nos. 578 and 579 and broke down a heavy root blockage. The sewer mainline was left flowing normally. Remediation under the Rapid Response Program was initiated at that time. Carl Warren & Company contacted ServPro to provide cleanup services.

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

The sewage overflow was caused by tree roots in the sewer mainline. The sewer mainline was last inspected on February 25, 2013, prior to the incident as part of the Preventive Maintenance Program. At that time, sewer flow conditions were observed to be normal.

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

As a precautionary measure, the sewer mainline was placed on an 18-month foaming periodic, and will remain on this schedule until it is no longer deemed necessary by maintenance personnel. The sewer manholes will also continue to be inspected semi-annually as part of SMD's Preventive Maintenance Program.

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: MJ Hays	Date: 8/6/14
Name: (Department Head) Gail Farber Gail Farber	
Signature:	Date: 9-8-14.

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: 7/29/2014

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Nathaniel Marshall v. County of Los Angeles, et al.
CASE NUMBER		BC 430969
COURT		Los Angeles Superior Court
DATE FILED		February 1, 2010
COUNTY DEPARTMENT		Probation Department
PROPOSED SETTLEMENT AMOUNT	$	1,200,000
ATTORNEY FOR PLAINTIFF		Michael Goldstein, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $1,200,000, the lawsuit filed by Plaintiff Nathaniel Marshall, alleging his civil rights were violated by the Los Angeles Probation Department. Plaintiff Nathaniel Marshall, a juvenile ward confined in the Probation Department's Camp Miller, was beaten by other juvenile wards and sustained serious injuries. 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 $1,200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	579,203
PAID COSTS, TO DATE	$	154,936

Case Name: N.M. 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:	**November 1, 2008**
Briefly provide a description of the incident/event:	Plaintiff, a minor, alleges that he was improperly housed with violent minors at Camp Miller where he was assaulted, battered and sustained serious injuries during a race riot on November 1, 2008. On November 1, 2008 at approximately 11:30 a.m., 30 to 40 minors were involved in a disturbance in the dorm of Camp Miller. The disturbance began when a Hispanic minor was seen striking an African-American minor from behind as the minors entered the dorm. This resulted in several minors joining in on the related fight and dorm disturbance. Camp Miller staff worked to contain the situation quickly and effectively and the fight was stopped within seconds by giving verbal commands and making use of safe crisis management techniques. As the situation was contained, staff noticed that the Plaintiff had sustained injuries in the head and neck areas. A Health Services Nurse did an initial evaluation of the Plaintiff's injuries. The Plaintiff was subsequently transported by ambulance and then via airlift to UCLA Medical Center for evaluation and treatment. Plaintiff alleges that a "race riot" ensued between among the minors in Camp Miller as a result of the failure to provide sufficient staff; failure to follow established safety procedures; failure to provide necessary and appropriate security measures and failure to provide appropriate personnel necessary for the safety, welfare and protection of the Plaintiff.

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

The following are primary root causes that will (or have been) addressed in connection with this lawsuit:

1. The Probation Department's perceived failure to provide appropriate level of staffing and staff positioning; also, increased camp population rates were considered factors associated with the incident.
2. The Probation Department's lack of diligent implementation and follow through of safety procedures set forth for camp safety and security (for minors in the event of a disturbance).
3. The Probation Department's lack of consistent follow through and implementation of corrective measures and disciplinary steps needed for inappropriate conduct by minors in an individual

and group setting in camp.
4. The Department's lack of appropriate training and preparation of staff and key witnesses for courtroom and trial readiness.

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

The corrective action plan will consists of a 4-step process:

1. The Probation Department will continue to maintain a staff to minor ratio at the juvenile camp that is consistent with State Title 15 and Department of Justice (DOJ) requirements. The Department has also maintained a decreased camp population to further aid this process.
2. The Probation Department has updated and expanded on the safety and security procedures for the minors in camp. These procedures have also been updated to reflect the DOJ requirements.
3. The Probation Department continues to implement and adequately explain the Camp Orientation process to minors while being admitted to camp. A camp orientation packet is provided and reviewed with the minors during admittance. Minors are now expected to "sign-off" upon receipt of the Orientation packet. The Probation Department has also implemented several provisions to reflect the mandates of the DOJ; these mandates have also led to the revisions and updates to Departmental policies and procedures.
4. The Probation Department will coordinate with County Counsel to develop and implement a training program for supervisor level and executive level staff in trial and courtroom readiness.

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) Jacklin E. Injijian	
Signature:	Date: 12-19-2014
Name: (Department Head) Chief Jerry E. Powers	
Signature:	Date: 12/23/14

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: 12/22/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		D.S., a minor, by Juana Lazaro v. County of Los Angeles, et al.
CASE NUMBER		BC 449291
COURT		Los Angeles Superior Court
DATE FILED		November 10, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	32,500
ATTORNEY FOR PLAINTIFF		Adrienne J. Quarry
COUNTY COUNSEL ATTORNEY		Joseph A. Langton
NATURE OF CASE		This is a recommendation to settle for $32,500, the lawsuit filed by Plaintiff D.S., by and through her mother and guardian ad litem, Juana Norma Lazaro, alleging negligence by Los Angeles County Sheriff's Department Deputies. The Deputies contend that the force used was reasonable and in response to D.S.'s actions. 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 $32,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	91,462
PAID COSTS, TO DATE	$	34,185

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Chalino Sanchez v. County of Los Angeles, et al.
CASE NUMBER		CV13-03836
COURT		United States District Court
DATE FILED		April 20, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	99,000
ATTORNEYS FOR PLAINTIFF		Law Offices of Humberto Guizar Law Offices of Arnoldo Casillas Law Offices of Dale Galipo Law Offices of Vicky Sarmiento
COUNTY COUNSEL ATTORNEY		Karen C. Joynt Deputy County Counsel
NATURE OF CASE		Plaintiff Chalino Sanchez alleges that a Deputy shot him on April 20, 2013, without just cause. The County denies the allegations and claim that the Deputy's actions were reasonable under the circumstances. However, 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 $99,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	65,296.62
PAID COSTS, TO DATE	$	30,016.57

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Ricky Allen v. County of Los Angeles, et al.
CASE NUMBER		CV 13-07916
COURT		United States District Court
DATE FILED		September 25, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	270,000
ATTORNEY FOR PLAINTIFF		Brian Dunn, Esq. The Cochran Firm
COUNTY COUNSEL ATTORNEY		Karen Joynt
NATURE OF CASE		This is a recommendation to settle for $270,000 the lawsuit filed by Plaintiff Ricky Allen. Mr. Allen claims that Sheriff's Deputies unlawfully arrested and used excessive force on him on September 25, 2013. The Deputies contend their actions were reasonable. However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $270,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	15,130
PAID COSTS, TO DATE	$	1,603

Case Name: **Ricky Allen v. County of Los Angeles, et al.**

Summary Corrective Action Plan

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Date of incident/event:	Wednesday, September 25, 2013; approximately 2:40 p.m.
Briefly provide a description of the incident/event:	**Ricky Allen v. County of Los Angeles, et al.** Summary Corrective Action Plan 2014-044 On Wednesday, September 25, 2013, at approximately 2:40 p.m., Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Major Crimes Bureau, were conducting surveillance of a residence at 1721 South Burnside Avenue, Los Angeles. The residence was associated with a man (plaintiff) wanted for attempted murder and responsible for a series of arson fires. Two Los Angeles County deputy sheriffs observed the plaintiff exit the residence through a rear door and attempted to contact him. The two deputy sheriffs instructed the plaintiff to stop. The plaintiff, however, ran from them. The plaintiff ran to a cinder block wall, climbed it, and retrieved a black metal object from his pocket. The deputies instructed the plaintiff to drop the gun. When the plaintiff ignored the deputy sheriffs' instructions to drop the gun, a deputy involved shooting occurred. The plaintiff continued over the wall which led to a dry wash. The plaintiff was contained within the wash. He turned towards the deputy sheriffs with his arm still holding the black object and positioned it toward the two deputy sheriffs. When the plaintiff again ignored the deputy sheriffs' instructions to drop the gun, a second deputy-involved shooting occurred. The plaintiff was transported to Cedars-Sinai Medical Center for treatment of the injuries he sustained in the incident.

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

The root cause in this incident is the plaintiff's disregard for the lawful authority of two Los Angeles County deputy sheriffs.

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 is under investigation by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau and the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Once Homicide Bureau's investigation has been completed, the results will be forwarded to the Office of the Los Angeles County District Attorney for their review and consideration.

When the Internal Affairs Bureau investigation has been completed, the results will be forwarded to the Los Angeles County Sheriff's Department's Executive Force Review Committee for their review and consideration.

On or before June 30, 2015, this corrective action plan will be supplemented with a report to include 1) the results of the criminal investigation; 2) the results of the administrative investigation; 3) any personnel-related administrative action or other corrective measure(s) taken; 4) any systemic issue (e.g., training, curriculum, etc.) identified; and, 5) any other corrective action measure(s) identified and/or taken.

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: 1-6-15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature:	Date: 01/06/15

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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: 1/17/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		William Cubela v. County of Los Angeles, et al.
CASE NUMBER		CV 13-07227
COURT		United States District Court
DATE FILED		Complaint filed: September 30, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	35,000
ATTORNEY FOR PLAINTIFF		Danilo Becerra Law Offices of Danilo Bacerra
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty
NATURE OF CASE		Plaintiff William Cubela, a civil detainee, alleges he was improperly housed in County Jail and suffered injuries from convicted inmates on August 29, 2012. The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigations costs. Therefore, a full and final settlement of the case in the amount of $35,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	35,351
PAID COSTS, TO DATE	$	6,297

Case Name: **William Cubela v. County of Los Angeles, et al.**

Summary Corrective Action Plan

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Date of incident/event:	Wednesday, August 29, 2012; approximately 11:35 a.m.
Briefly provide a description of the incident/event:	**William Cubela v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-039 On Wednesday, August 29, 2012, at approximately 11:35 a.m., members of the Los Angeles County Sheriff's Department's Men's Central Jail staff responded to an inmate disurbance in a dormitory at the Men's Central Jail. The subsequent investigation determined the plaintiff was the victim of a battery, and five other inmates were identified as suspects. The plaintiff was transported to the Los Angeles County-University of Southern California Medical Center for treatment of his injuries.

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

The root cause in this incident is the plaintiff's improper placement in a housing module designed for the detention of criminal detainees.

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

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 Inmate Reception Center. No employee misconduct is suspected. Consequently, no personnel-related administrative action was taken.

While no employee misconduct is suspected, a systemic issue was identified.

On January 1, 2014, California Assembly Bill 4 (AB4) was enacted, establishing criteria for the detention of inmates on a federal immigration hold(s).

On June 6, 2014, the Los Angeles County Sheriff's Department's Inmate Reception Center enacted a policy to require the segregation of civil detainees from criminal detainees.

On September 30, 2014, the Los Angeles County Sheriff's Department's Men's Central Jail revised the policy to ensure the timely release of inmates who receive an immigration detainer while being processed for release from custody.

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: 12-31-14

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature:	Date: 01/06/15

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: 1/12/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Cheryl Aichele, et al. v. County of Los Angeles, et al.
CASE NUMBER		CV 12-10863
COURT		United States District Court
DATE FILED		Complaint filed: December 20, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	225,000
ATTORNEY FOR PLAINTIFF		Barrett Litt Kaye, McLane, Bednarski & Litt
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty
NATURE OF CASE		Plaintiff Cheryl Aichele, as class representative, alleges that she and other class members were wrongfully arrested by the LAPD during the Occupy LA protest on November 30, 2011, and subjected to lengthy bus detentions on Sheriff's Department buses causing pain and suffering. The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigations costs. Therefore, a full and final settlement of the case in the amount of $225,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	125,838
PAID COSTS, TO DATE	$	637

Case Name: **Cheryl Aichele, et al. County of Los Angeles, et al.**

Summary Corrective Action Plan

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Date of incident/event:	Wednesday, November 30, 2011
Briefly provide a description of the incident/event:	**Cheryl Aichele, et al. v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-042 On Wednesday, November 30, 2011, members of the Los Angeles Sheriff's Department's Court Services Transportation Bureau were requested by members of the Los Angeles Police Department to transport a large number of protestors from Los Angeles City Hall to various Los Angeles Police Department facilities for booking. A total of six passenger busses were used to transport approximately 246 individuals.[1] The first two Sheriff's Department passenger busses were successfully offloaded at the Los Angeles Police Department's Parker Center. The remaining four busses could not be offloaded because Parker Center had reached its capacity. A representative from the Los Angeles Police Department directed the four remaining Sheriff's Department passenger busses to the Los Angeles Police Department's Van Nuys Station jail. At the Van Nuys Station jail, space considerations would permit the offloading of just two of the four passenger busses. After a considerable delay, the remaining two passenger busses were directed to return to the Los Angeles Police Department's Parker Center where the remaining passengers were finally offloaded.

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

The root cause in this incident would appear to be a lack of communication between the Los Angeles Police Department's incident command post, other Department officials, and the Department's Valley Services Detention Center watch commander. This lack of communication caused an unreasonable delay in the booking and/or processing of the individuals affected.

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[1] The 246 individuals were arrested by officers from the Los Angeles Police Department during the 2011 Occupy LA demonstration outside Los Angeles City Hall. Of the 246, only 126 of the individuals were directly affected by this incident.

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 Court Services Transportation Bureau. Their investigation found a lack of communication between the Los Angeles Police Department's incident command post, other Department officials, and the Department's Valley Services Detention Center watch commander caused an unreasonable delay in the booking and/or processing of the individuals affected.

No misconduct on the part of any Los Angeles County Sheriff's Department employee is suspected. Consequently, no personnel-related administrative action was taken.

While no systemic issues were identified, several corrective measures are being taken to address the issues raised by the plaintiffs in order to preclude a recurrence:

- On or before **January 30, 2015**, the Los Angeles County Sheriff's Department's Risk Managment Bureau's will initiate a revision to the Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-01/110.24, *Use of Flex-Cuffs*, to require employees engaged in the transportation of individuals confined in flex-cuffs to have readily available a flex-cuff removal tool;[2]

- On or before **January 30, 2015**, the Los Angeles County Sheriff's Department's Risk Management Bureau will revise Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 05, Number 08, *Flex-Cuffs*, to require to require employees engaged in the trasnportation of individuals confined in flex-cuffs to have readily available a flex-cuff removal tool;[3]

- Upon closer review, it was determined that no specific policy, procedure, or protocol addressing lengthy detentions aboard a Los Angeles County Sheriff's Department passenger bus exists. Consequently, in order to preclude a recurrence, on or before **March 27, 2015**, personnel from the Los Angeles County Sheriff's Department's Court Services Transportation Bureau will develop and implement a unit order to address lengthy detentions while a passenger aboard a Los Angeles County Sheriff's Department passenger bus; and,

Finally, Los Angeles County Sheriff's Department's Risk Managment Bureau will refer this case (i.e., the application and removal of flex-cuffs, etc.) to the Los Angeles Sheriff's Department's Training Bureau for their consideration.

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.

[2] Currently, the Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/110.24, Use of Flex-Cuffs, requires "(D)ike-type cutters shall be available at all Station and facilities that utilize flex-cuffs."
[3] To be reconciled and consistent with Manual of Policy and Procedures section 3-01/110.24, *Use of Flex-Cuffs*.

Los Angeles County Sheriff's Department.

Name: (Risk Management Coordinator)

Patrick Hunter, Acting Captain
Risk Management Bureau

Signature: | Date: 12/23/14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: | Date: 12/23/14

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: 1/5/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Latisha Clayton v. County of Los Angeles, et al.
CASE NUMBER		CV 12-7210
COURT		United States District Court
DATE FILED		Complaint filed: August 22, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	250,000
ATTORNEY FOR PLAINTIFF		Christopher Driscoll Jonas & Driscoll, LLP
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty
NATURE OF CASE		Plaintiff Latisha Clayton, alleges that she was falsely arrested on November 9, 2010 for narcotics sales and then falsely arrested again, on December 10, 2010, for witness intimidation. The County denies the allegations; however, 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 $250,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	214,430
PAID COSTS, TO DATE	$	39,700

Case Name: **Latisha Clayton 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, November 9, 2010 and Friday, December 10, 2010
Briefly provide a description of the incident/event:	**Latisha Clayton v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-047 In late 2009, two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau, were participating in a multi-agency task force with representatives from the United States Drug Enforcement Agency, United States Immigration and Custom Enforcement, and the United States Attorney General's Office investigating gang activity, drug trafficking, and weapons violations in northern Los Angeles County. On Tuesday, November 9, 2010, the plaintiff was arrested by the two Los Angeles County deputy sheriffs after she was identified as the person who delivered a package containing narcotics to a residence under surveillance by members of the task force. On Friday, December 10, 2010, the plaintiff appeared in court pursuant to her November 9, 2010 arrest. The two Los Angeles County deputy sheriffs also were in the courtroom for the same case. The plaintiff was later arrested by the two deputy sheriffs after she made a threatening statement to one of the deputy sheriffs as he exited the courtroom. The statement was interpreted by the deputy sheriff as a threat and an attempt to dissuade him from providing testimony in her criminal case.

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

The root cause in this incident is the possibility that photographs used to identify the plaintiff during the investigation in a criminal matter were unreasonably suggestive and, consequently, biased.

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

These two incidents were investigated by representatives from the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau. The first investigation found that the employee's conduct appeared reasonable and in compliance with procedures, policies, guidelines or training. The second investigation (into the second incident) yielded an identical conclusion.

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken.

Upon the filing of the lawsuit, these two incidents were reviewed by representatives of the Los Angeles County Sheriff's Department's Risk Management Bureau Corrective Action Unit. Their investigation revealed that the involved members of the Los Angeles County Sheriff's Department followed established protocols and policies in effect at the time. They also concurred no employee misconduct was committed, and no systemic issues were identified.

In order to preclude a recurrence, the Los Angeles County Sheriff's Department's Risk Mananegement Bureau believes two newsletters would be valuable:

- On or before **February 11, 2015**, the Los Angeles County Sheriff's Department will develop, publish, and distrubute a newsletter which will summarize the issues in this case; and,
- On or before **February 11, 2015**, the Los Angeles County Sheriff's Department will develop, publish, and distribute a newsletter to remind employees engaged in any investigative process of the importance of objective and unbiased photographic line-ups.

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: 15826

Date: 12-12-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: (BC) Earl M. Shields

Date: 12/22/14

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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

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

January 12, 2015

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 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.

(Note: Patrick Wu had to leave the meeting at 10:45 a.m.)

Other persons in attendance at the meeting were: Office of the County Counsel: Liliana Campos, Millicent Rolon, Joseph Langton, Lauren Black, Narbeh Bagdasarian, Rosemarie Belda, Tiana Murillo, and Julie Ting; Department of Public Works: Michael Hays; Sheriff's Department: Lt. Patrick Hunter, Sgt. Albert Schauberger and Sgt. Chastity Phillians; Department of Children and Family Services: Michelle Victor and Karen White; Department of Health Services: Dr. Arun Patel and Karen White; Probation Department: Jacklin Injijian; Department of Public Health: Aundray Burks and Ferdows Rashidian; Department of Medical Examiner-Coroner: Elaine Palaiologos and Craig Harvey; and Outside Counsel: Elvin Tabah, Jennifer Gysler, and Kenneth Maranga.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(k) below.

4. Report of actions taken in Closed Session.

At 12:35 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Claim of Leslie and Alice Wong</u>

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.

<u>Action Taken</u>:

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

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

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

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

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

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

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

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

6. Adjournment.

The meeting was adjourned at 12:40 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson