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 1, 2016, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo

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. <u>Kathleen Barajas v. County of Los Angeles, et al.</u>
United States District Court Case No. 2:14-CV-7915

This lawsuit against the Department of Public Works alleges a violation of Plaintiff's civil rights under the Americans with Disabilities Act when she was denied access to certain sidewalks within the unincorporated area of Los Angeles County.

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $25,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

b. <u>Jason Willis v. County of Los Angeles</u>
Los Angeles Superior Court Case No. BC 512 876

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

<u>Action Taken</u>:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

c. **Chris Edwards, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-01705

This lawsuit alleges the wrongful detention of minor children by the Department of Children and Family Services ("Department") and alleges that employees of the Department made false statements which prolonged the separation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $340,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

d. **Gregory Goods v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-02948

This lawsuit alleges that Sheriff's Deputies violated Plaintiff's civil rights and the Americans with Disabilities Act by being deliberately indifferent to his medical needs while he was incarcerated.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $24,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

e. **Reginald Smith v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-10666

This lawsuit concerns allegations of federal civil rights violations for a violation of Plaintiff's procedural due process rights when he was arrested on a warrant that was for someone else.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $650,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

f. **Jose Aguirre v. County of Los Angeles, et al.**
United States District Court Case No. CV 09-06222

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an inmate at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $178,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

g. **Willie Breaux v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 497 077

This lawsuit concerns allegations of civil rights violations, and State law causes of action against Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $49,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

h. **Juan Carlos Alamo, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 506 783

This lawsuit concerns allegations of civil rights violations and State law causes of action after Plaintiff was shot and detained by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $492,500.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

i. Nicholas Fobia, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 516 710

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $25,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

j. Heather Kowalczyk v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 531 503

This lawsuit arises from injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy. (Continued from the Claims Board Meeting of January 4, 2016)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,200,000.

Vote: Ayes: 2 – Steve Robles and Roger Granbo
Abstention: 1 – John Naimo

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 4, 2016, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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		Kathleen Barajas v. County of Los Angeles
CASE NUMBER		2:14-CV-7915 MFW (SHx)
COURT		United States District Court, Central District of California, Western Division
DATE FILED		October 20, 2014
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	25,000
ATTORNEY FOR PLAINTIFF		Phyl Grace, Esq. of Potter Handy LLP
COUNTY COUNSEL ATTORNEY		Claudia Gutierrez, Deputy County Counsel
NATURE OF CASE		This is an ADA case involving lack of curb cuts/ramps on County sidewalks. Plaintiff alleges denial of access due to her disability since she requires use of a wheelchair for mobility at all times.
PAID ATTORNEY FEES, TO DATE	$	16,856
PAID COSTS, TO DATE	$	457

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Chris Edwards, et al. v. County of Los Angeles, et al.
CASE NUMBER		CV1401705
COURT		United States Central District Court
DATE FILED		March 24, 2014
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	340,000
ATTORNEY FOR PLAINTIFF		Robert R. Powell The Law Office of Powell and Associates
COUNTY COUNSEL ATTORNEY		Katherine M. Bowser Senior Deputy County Counsel
		Avi Burkwitz Peterson Bradford Burkwitz
NATURE OF CASE		Warrantless detention
PAID ATTORNEY FEES, TO DATE	$	82,858.50
PAID COSTS, TO DATE	$	1,723.62

Case Name: Edwards, et al. vs. 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:	October 9, 2012
Briefly provide a description of the incident/event:	The Plaintiffs allege that their civil rights were violated on October 9, 2012, when the Department removed the children from their custody.

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

Alleged violation of civil rights due to the removal of the children from the parents' custody without a warrant.

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

The Department had relevant policies and procedures in effect at the time of the incident. Further, DCFS continues to ensure that its protocols complement the current state of the law and assists its workforce to provide appropriate and legally-sufficient child welfare services.

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: 12-14-15

Name: (Department Head) PHILIP L. BROWNING, DIRECTOR	
Signature:	Date: 12-7-15

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: 11/30/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Gregory Goods v. County of Los Angeles, et al.
CASE NUMBER		CV 11-02948
COURT		United States District Court
DATE FILED		April 22, 2015
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	24,000
ATTORNEY FOR PLAINTIFF		Nayiri Pilikyan, Esq. Jenner & Block LLP
COUNTY COUNSEL ATTORNEY		Josepha A. Langton Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $24,000, inclusive of attorneys' fees and costs, the lawsuit filed by Gregory Goods against two Sheriff's Department Deputies alleging they violated his civil rights and the Americans with Disabilities Act. The Deputies claim their actions were reasonable under the circumstances. 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 $24,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	42,732
PAID COSTS, TO DATE	$	2,977

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Reginald Smith v. County of Los Angeles, et al.
CASE NUMBER		CV 11-10666
COURT		United States District Court
DATE FILED		December 27, 2011
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	650,000
ATTORNEY FOR PLAINTIFF		Donald Cook, Esq. Cook & Mann, LLP
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty
NATURE OF CASE		This is a recommendation to settle for $650,000, the lawsuit filed by Plaintiff Reginald Smith against the County alleging federal civil rights violations for a violation of Mr. Smith's procedural due process rights when he was arrested on a warrant that was for someone else. The County denies the allegations; 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 $650,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	223,739
PAID COSTS, TO DATE	$	14,373

Case Name: Reginald Lenard Smith 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:	July 25, 2007
Briefly provide a description of the incident/event:	**Reginald Lenard Smith v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2015-021-01 In 1990, Robert Lee Cooks was arrested and booked under the alias "Reggie Lamar Smith." While free on bail, Mr. Cooks was found guilty of sexual battery, however, he failed to return to court for sentencing. In February 1991, a no-bail arrest warrant was issued for the arrest of Mr. Cooks. The warrant included his alias, "Reggie Lamar Smith." In 1991, after the warrant was issued, a member of the Los Angeles County Sheriff's Department, who was then assigned to the case, erroneously entered "Reggie Lamar Smith's" information into the true Reginald Lenard Smith's (plaintiff) database, which now made it appear as if the plaintiff had an active arrest warrant in the system. (It is important to note Mr. Cooks had coincidently given his alias the same date of birth as the plaintiff. Both men were of similar height and weight. In July of 2007, the plaintiff was detained for a vehicle violation by members of the Williamson County Sheriff's Department in Franklin, Tennessee. Their investigation revealed a no-bail warrant issued in California. The Williamson County Sheriff's Department then contacted the Los Angeles County Sheriff's Department to initiate extradition proceedings. Based on the County Warrant database indicating the plaintiff had a no-bail warrant for sexual battery, the Los Angeles County Sheriff's Department contacted the Department's Major Crimes Bureau who facilitated the plaintiff's extradition to California where he was booked at a local station.[1] While at the station, it was discovered that the plaintiff was the individual identified in a 1992 grand theft vehicle warrant. The warrant did in fact belong to the plaintiff who had resided in California years prior. In August of 2007, after being held in the custody of the Los Angeles County Sheriff's Department for 34 days, the plaintiff was determined to be the wrong defendant named in the sexual battery warrant and was immediately released from custody.[2]

[1] At the time, the station was referred to as Lennox Station. Today, it is known as South Los Angeles Station.
[2] The plaintiff was sentenced to "time served" on his grand theft auto charge.

	In January of 2011, the plaintiff was arrested by members of the Los Angeles Police Department for the same sexual battery warrant. He was released from custody a few hours later when officers determined the plaintiff was not the individual named in the warrant. In August of 2012, the original sexual battery warrant was recalled and re-issued the true subject's name (Robert Lee Cooks) and unique identifiers.

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

The ***primary*** root cause in this incident was that a common name was placed into the Countywide Warrant System (CWS) without adding unique identifiers.

A second ***primary*** root cause in this incident was that a member of the Los Angeles County Sheriff's Department erroneously placed the wanted person's information in the plaintiff's database, causing the plaintiff to have a warrant in the system.

As a direct result of Root Cause "A" and Root Cause "B", the third (distinct) ***primary*** root cause in this incident was that the Los Angeles County Sheriff's Department extradited the plaintiff to California and placed him in custody for a warrant that did not belong to him.

The first of two ***secondary*** root causes in this incident was that the Los Angeles County Sheriff's Department failed to update or recall the warrant, after an investigation in the courthouse revealed the Department placed a warrant on the wrong person.

The second of two ***secondary*** root causes in this incident was that the Los Angeles County Sheriff's Department utilized the rolled ink fingerprinting system for its booking process, which may have created an individual to be booked under a given alias and possibly misidentified his/her true name and/or identity.

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

In 1993, The Los Angeles County Sheriff's Department introduced the use of the Live Scan Fingerprinting machine (Live Scan), to identify those subjects who may have used different names when arrested in the past, as well as to document new subjects' fingerprints into the system.

When a subject's fingerprints are submitted via the Live Scan machine, it searches for the exact prints that are currently on file within the Los Angeles Automated Fingerprint Identification System (LAFIS), which is then forwarded to the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ). If a match is found within the LAFIS, DOJ or the FBI, the same Criminal Identification and Information (CII) number will be associated with that subject. If no matching fingerprints are found, a new CII number will be created.

On December 12, 2013, the Los Angeles County Sheriff's Department revised its policy for individuals claiming not to be the wanted subject on a warrant. When such is claimed, a Warrant Verification Form shall be used and followed. (Los Angeles County Sheriff's Department Manual of Policy and Procedures section 5-07/110.60, Procedure When Subject Not Person Named in Warrant).

A Warrant Verification Form shall be initiated immediately upon a subject if one believes he is not the named person. The disputed Warrant Verification Form consists of a multitude of questions which assist to confirm or deny a subject's identity who is believed to be erroneously arrested and/or additionally charged. Furthermore, the subject's information is searched on multiple databases (Warrant Information Sheet (WIS), Regional Allocation of Police Services (RAPS), Consolidated Criminal History Reporting System (CCHRS), as well as other verification processes which compares specific identifiers to the subject.

The Warrant Verification Form shall then be submitted to the Watch Sergeant or Watch Commander to decide, based on the investigation, if the subject should be held on the warrant.

If the subject was brought into the custody of the Los Angeles County Sheriff's Department from an outside agency, a Los Angeles County Sheriff's Department member will advise the arresting agency of the request for a warrant verification as well as the findings. If the investigation proved inconclusive, that information will be required of how the outside agency determined it was the warrant subject.

If the outside agency elects to remove the warrant, the agency will be advised that they are responsible for updating the investigative information segment of any Countywide Warrant System (CWS) (Los Angeles County Sheriff's Department's Warrant Verification Form).

The member of the Los Angeles County Sheriff's Department who was responsible for incorrectly placing a warrant on the plaintiff's record, which resulted for the plaintiff to be arrested and incarcerated, has since retired in 1995.

Before or on January 30, 2016, the Los Angeles County Sheriff's Department's Risk Management Bureau will cause the re-publication and re-distribution of the following:

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/110.10, *Use of CWS,* to remind all members to compare all records and/or databases of any individual who is arrested on a warrant to ensure the individual matches the warrant information. (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/110.10, *Use of CWS).*

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/130.05, *NCIC Entries-Arrest Warramts,* to remind all members that when a bench warrant is issued, it is the investigating unit's responsibility to determine if the warrant will be placed in the National Crime Information Index (NCIC) for extradition purposes (Los Angeles County

Sheriff's Department's Manual of Policy and Procedures section 5-07/130.05, *NCIC Entried-Arrest Warrants).*

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/020.00, *Obtaining of Felony and Misdemeanor Criminal Complaints,* to remind all members that a filing package must contain a Countywide Warrant System Initial Case Filing Form, which asks for all known identifying information of the subject (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-07/020.00.10, *Obtaining of Felony and Misdemeanor Misdemeanor Complaints).*

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/120.00, *Sealing and Destroying of Arrest Records - Factually Innocent Subjects Only,* to remind all members the procedures of sealing and destroying the records of wrongly arrested adults for warrants regardless of the charge on the warrant. (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/120.00, *Sealing and Destroying of Arrest Recorcds –Factually Innocent Subjects Only).*

- Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 10, *Verification Procedures for Disputed Warrants,* to remind all members the procedures when an inmate and/or arrestee claims he/she is not the warrant subject (Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 10, *Verification Procedure for Disputed Warrants).*

- Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter, Volume 14, Number 3, *Warrant Verification,* to remind all members the procedures of verifying a warrant and that an individual's civil rights may be violated if the person arrested on a warrant is not the warrant subject (Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit, Newsletter Volume 14, Number 3, *Warrant Verification).*

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: 12-21-15

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards Division

Signature: Karyn Mannis

Date: 12-31-15

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)

Steven E Nelson for Dosting Castro

Signature: S E N

Date: 12-31-15

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Jose Aguirre vs. County of Los Angeles
CASE NUMBER		CV 09-6222
COURT		United States District Court
DATE FILED		5/26/2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	178,000
ATTORNEY FOR PLAINTIFF		Jeff Dominic Price
COUNTY COUNSEL ATTORNEY		Edwin Lewis
NATURE OF CASE		This is a recommendation to settle for $178,000, the lawsuit filed by Jose Aguirre alleging excessive force and federal civil rights violations. The involved Deputies claim their actions were reasonable under the circumstances. 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 $178,000 is recommended. Plaintiff Jose Aguirre, who was an inmate on 4/25/2008, alleges that he was attacked by Deputy Sheriffs in the jail while he was handcuffed.
PAID ATTORNEY FEES, TO DATE	$	133,548
PAID COSTS, TO DATE	$	13,688

Case Name: Jose Phillip Aguirre 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:	**Friday, April 25, 2008, 0625 hours**
Briefly provide a description of the incident/event:	This event occurred on April 25, 2008, at approximately 0625 hours and was categorized as an Assault on a Deputy Sheriff by an Inmate (Plaintiff) which resulted in Deputy Personnel using force on the Assaulting Plaintiff. The Plaintiff was being escorted to the shower area of Module 1750 in the Men's Central Jail. Plaintiff contends he was attacked while wearing handcuffs without provocation. The Assaulting Plaintiff was injured in the Use Of Force by Deputy Personnel who punched, kicked, OC sprayed and conducted a takedown of him in an effort to quell his resistance and assaultive kicks. At the conclusion of the Assault and Use Of Force the Plaintiff sustained injury to the right side of his face (fractured eye orbital), a bloody nose, lacerations on his left shin and right hip and OC exposure to his face which caused skin redness. The Plaintiff was taken to LCMC via ambulance, where he was treated for his injuries and returned back to MCJ. On October 16, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts in this case. The applicable policies that were evaluated by the committee were: MPP 3-01/025.00 Use Of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. The Committee determined the Use Of Force used by all involved Deputies was in compliance with Department Policy. (Commander of Leadership and Training Division).

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

- Plaintiff was a K-10 High Power Inmate, who was being escorted to the shower in handcuffs at the same time another Inmate who was K-10/High Power, was being escorted down the same corridor to the shower. (MCJ Unit Order 5-17-033)
- The handling Deputy for Plaintiff did not have complete control of the Plaintiff, which left Plaintiff with the ability to cross the Red line and bump into Deputy 2. (MCJ Unit Order 5-17-033).
- K-10 Procedures: **MCJ Unit Order: 5-17-033 (OLD POLICY)** Effective Date: 11-07-97

.-.-.-

Case Name: Jose Phillip Aguirre v. County Of Los Angeles, et al.

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

A- K-10 Procedures: **Unit Order: *5-17-033* (New Policy)**
Revision Date: 12-12-08
Revision Date: 08-14-13

Implementation of MCJ K-10 Escort Policy:

- Which would prevent the escort of any two K-10 Inmates in the hallway at the same time.
- This policy also states Escort personnel will handcuff, maintain physical control and escort the inmate to the shower, in boxer shorts with a towel;
- TWO deputies - shall be present when K-10 inmates are escorted to and from the shower - **No Exceptions.**

Completed by September 30, 2015

Responsible person: Assistant Sheriff, Terri McDonald

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

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

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

Name: (Risk Management Coordinator) Ralph G. Ornelas	
Signature: Ralph G. Ornelas	Date: 9-1-15

Name: (Department Head) DAVID L. FENDER	
Signature: David L. Fender	Date: 9/1/15

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: 9/3/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Willie Breaux v. County of Los Angeles
CASE NUMBER		BC 497077
COURT		Los Angeles Superior Court
DATE FILED		12/11/2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	49,000
ATTORNEY FOR PLAINTIFF		MARK E. MADISON Law Offices of Mark E. Madison
COUNTY COUNSEL ATTORNEY		Edwin Lewis Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $49,000, the lawsuit filed by Willie Breaux, alleging violation of civil rights, assault and battery and false imprisonment and related State-law claims. The involved Deputies claim their actions were reasonable under the circumstances. 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 $49,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	38,315
PAID COSTS, TO DATE	$	8,126

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Juan Carlos Alamo v. County of Los Angeles
CASE NUMBER		BC 506783
COURT		Los Angeles Superior Court
DATE FILED		4/23/2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	492,500
ATTORNEY FOR PLAINTIFF		FRANK PEREZ Perez & Caballero 714 West Olympic Boulevard, Suite 450 Los Angeles, California 90015 (213)745-6300
COUNTY COUNSEL ATTORNEY		Edwin Lewis Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $492,500, the lawsuit filed by Juan Carlos Alamo and Sandee De La Torre, alleging federal civil rights violations and related State-law claims. The involved Deputies claim their actions were reasonable under the circumstances. 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 $492,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	92,884
PAID COSTS, TO DATE	$	33,711

Case Name: Juan Carlos Alamo v. County of Los Angeles, et al.

Summary Corrective Action Plan

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Date of incident/event:	**Wednesday, August 29, 2012 , approximately 5:33 p.m.**
Briefly provide a description of the incident/event:	**Juan Carlos Alamo v. County of Los Angeles, et al** Summary Corrective Action Plan 2015-049-01 On August 29, 2012, a Los Angeles County Sheriff's Department Narcotics Bureau Detective received information from a confidential reliable informant[1] that two unknown men (plaintiff and passenger) in a black Ford Ranger truck were involved in the transportation of a pound of methamphetamine. The detective briefed a uniformed, two-person patrol unit about the vehicle and its possible link to drug trafficking. The detective advised the deputy sheriffs that if they formed their own independent legal justification to stop, detain, and search the vehicle and its occupants, they should do so. At approximately 5:33 p.m., the deputy sheriffs observed the plaintiff's vehicle driving southbound on Santa Fe Avenue with multiple lawnmowers and other equipment unsecured in the bed of the truck (a violation of California Vehicle Code section 24002, Unsecured Load). The deputy sheriffs initiated an enforcement stop on the plaintiff's vehicle by activating their vehicle's overhead lights and air horn while simultaneously using the vehicle's public address (PA) system to direct the driver of the vehicle to immediately pull to the right side of the road. Instead of pulling to the right and yielding for the traffic stop, the plaintiff's vehicle immediately moved forward and to the left in what appeared to the two deputy sheriffs in an attempt to flee. This erratic driving movement caused the plaintiff's vehicle to collide with the vehicle stopped directly in front of them. Both of the occupants in the plaintiff's vehicle appeared nervous and began making furtive movements towards the center console of the vehicle. The first deputy sheriff (the driver of the patrol car) approached the driver's side of the plaintiff's vehicle. The first deputy issued verbal commands at least three times in English for the vehicle's occupants to show their hands. Both occupants refused to put their hands up and out in front of them (steering wheel or dashboard, respectively) as directed. Without having been instructed to do so, the plaintiff opened the driver's

[1] The confidential informant validation process includes but is not limited to, at least one prior occasion where their information proved to be factual and resulted in a valid arrest, seizure, or conviction (Los Angeles County Sheriff's Department Manual of Policy and Procedures 3-01/110.60).

	door with his left hand while simultaneously lowering his right hand out of view. Believing the plaintiff was arming himself and about to attack her, the first deputy sheriff, in fear for her life, fired three rounds at the plaintiff, striking him two times (Los Angeles County Sheriff's Department Manual of Policy and Procedures 3-10/200.00 Use Of Firearms And Deadly Force). The second deputy sheriff (passenger in the patrol car) was standing on the passenger side of the plaintiff's vehicle. Upon hearing the gunshots, the second deputy sheriff believed the plaintiff was armed and shooting at the first deputy. The second deputy sheriff fired his duty weapon five times as he retreated to their patrol car for cover, striking the plaintiff's vehicle.[2] Assisting units responded to the location. The occupants of the plaintiff's vehicle were repeatedly given orders in English and Spanish and the suspects would not comply. After repeated orders, the plaintiff and the passenger finally complied. They were subsequently handcuffed and ultimately taken into custody. A search of the plaintiff's truck did not reveal any weapons or narcotics.

[2] None of the second deputy sheriff's rounds hit the vehicle's occupants.

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

The **primary** root cause in this incident was the plaintiffs' furtive movements and refusal and/or inability to follow the lawful orders of a Los Angeles County Deputy Sheriff placing her in reasonable fear for her life.

The **secondary** root cause was inadequate planning and poor tactics demonstrated by the 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)

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *criminal* misconduct.

The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. On April 11, 2013, the Office of the Los Angeles County District Attorney concluded that the deputy sheriffs "acted lawfully in self-defense when they used deadly force."

The incident was subsequently investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *administrative* misconduct before, during, and/or after the incident.

On October 31, 2013, the results of the administrative investigation were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined that the deputy sheriff's use of deadly *force* was within Department policy.

In evaluating this incident, the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee determined that the *tactics* used by the deputy sheriffs were not within Department policy. Consequently, appropriate administrative action was 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: 1-7-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 01-08-16

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: 1/11/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Nicholas Fobia, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC516710
COURT		Los Angeles Superior Court
DATE FILED		July 30, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	25,000
ATTORNEY FOR PLAINTIFF		Dean Ogrin of R. Rex Parris Law Firm
COUNTY COUNSEL ATTORNEY		Richard K. Kudo, Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on February 6, 2013, on Tierra Subida Avenue, just south of the California Aqueduct, in Palmdale, when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by Nicholas Fobia. Mr. Fobia claims injuries as a result of the accident. His wife Suzanne Fobia claims a loss of consortium. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	74,166
PAID COSTS, TO DATE	$	16,838

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Heather Kowalczyk v. County of Los Angeles, et al.
CASE NUMBER		BC 531503
COURT		Los Angeles Superior Court
DATE FILED		December 23, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	2,200,000
ATTORNEY FOR PLAINTIFF		Justin D. Feldman, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE		On August 17, 2012, a Sheriff's Deputy, driving a marked patrol unit within the course and scope of his employment with the Sheriff's Department, was responding to a call for assistance from another patrol unit. While en route, he collided with another vehicle, driven by Heather Kowalczyk, an off-duty Los Angeles Police Officer, at the stop sign-controlled intersection of Barrell Springs Road and 47th Street East, in the unincorporated County area. Ms. Kowalczyk contends that the patrol unit entered the intersection without stopping. The County contends that a portion of her damages are unnecessary and excessive. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $2,200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	67,440
PAID COSTS, TO DATE	$	66,821

Case Name: Heather Kowalczyk 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, August 17, 2012; approximately 5:00 p.m.
Briefly provide a description of the incident/event:	**Heather Kowalczyk v. County of Los Angeles, et al.** Summary Corrective Action Plan 2015-050 On Friday, August 17, 2012, at approximately 5:00 p.m., an on-duty Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Palmdale Station, was driving north on 47th Street East, south of Barrel Springs Drive, Palmdale (Unincorporated Los Angeles County), when the vehicle he was driving collided with the vehicle driven by the plaintiff.

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

The **primary** root cause in this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 22450(a), *Stop Requirements* (**Exhibit A** – California Vehicle Code section 22450[a], Stop Requirements).

The **secondary** root cause in this incident is the Los Angeles County deputy sheriff violating Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/090.07, *Use of Seatbelts* (**Exhibit B** – Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/090.07, *Use of Seatbelts*).

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 California Highway Patrol and the Los Angeles County Sheriff's Department. Following their investigations and subsequent reviews, it was determined employee misconduct was the primary causal factor in this incident. As a result, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

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: 9-23-15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: Earl Shields, km	Date: 09-28-15

CONTENTS K. MANNIS 09-26-15 NOTED

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: 9/28/2015

EXHIBITS

EXHIBIT A

California LEGISLATIVE INFORMATION

Code: Select Code Section: Search

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VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336] *(Division 11 enacted by Stats. 1959, Ch. 3.)*

CHAPTER 8. Special Stops Required [22450 - 22456] *(Chapter 8 enacted by Stats. 1959, Ch. 3.)*

22450. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

(b) The driver of a vehicle approaching a stop sign at a railroad grade crossing shall stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(c) Notwithstanding any other provision of law, a local authority may adopt rules and regulations by ordinance or resolution providing for the placement of a stop sign at any location on a highway under its jurisdiction where the stop sign would enhance traffic safety.

(Amended by Stats. 2007, Ch. 630, Sec. 8. Effective January 1, 2008.)

EXHIBIT B

3-01/090.07 USE OF SEATBELTS

All personnel and passengers shall wear factory-installed safety belts and do so consistent with the recommendations of the manufacturer while operating or riding in County/Permittee vehicles unless exigent circumstances are present or it can be reasonably anticipated that a sudden exit from the vehicle is a greater safety consideration than the protection offered by the safety belt.

Seatbelt extenders shall be used as needed on a case-by-case basis. They shall be worn only as designed and consistent with the recommendations of the manufacturer. They shall only be permitted for use when they fit properly, their use is warranted by the vehicle manufacturer, and the user has been made aware of the risks associated with seatbelt extender use.

This order does not apply to passengers with physically disabling or medical conditions which would prevent the proper utilization of factory-installed or other Department-authorized safety belts.

Vehicles assigned to the Training Bureau, Emergency Vehicle Operations Center unit, for use in driver safety instruction may be equipped with a safety belt system which is superior to the factory-installed system.

Revised 02/24/15
Revised 05/16/05

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JANUARY 4, 2016

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Chair John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Rosemarie Belda, Narbeh Bagdasarian, Jonathan McCaverty, and Brian Chu; Department of Health Services: Karen White, Dr. Timothy Van Natta, Kim Wright, Kim McKenzie, and Dr. Arun Patel; Sheriff's Department: Lt. Patrick Hunter, Sgt. Kevin Pearcy, Deputy Donald Moore; and Outside Counsel: Ben Minkow.

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(d) below.

4. Report of actions taken in Closed Session.

At 11:43 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Carol Mabee v. County of Los Angeles</u>
Los Angeles Superior Court Case No. BC 546 568

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability harassment and that the Department failed to provide a reasonable accommodation.

<u>Action Taken</u>:

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

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

b. **Beau M. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. NC 057 214

This medical malpractice lawsuit concerns allegations of injuries sustained by Plaintiff when receiving care and treatment at Harbor-UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,000,000, plus assumption of the medical liens in the revised approximate amount of $275,000.

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

c. **Alice Stockton v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-5764

This wrongful death lawsuit concerns allegations of excessive force arising from a shooting by a Sheriff Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $375,000.

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

d. **Heather Kowalczyk v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 531 503

This lawsuit arises from injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy; settlement is recommended in the amount of $2,200,000.

Action Taken:

The Claims Board continued this item to the meeting of February 1, 2016.

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

5. **Approval of the minutes of the December 21, 2015, 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 11:45 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Carol J. Slosson