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, JUNE 20, 2016, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo
John Naimo excused himself from the meeting at 10:00 a.m.

1. **Call to Order.**

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

   No members of the public addressed the Claims Board.

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

   a. **Ricardo Gonzalez v. County of Los Angeles, et al.**
   Los Angeles Superior Court Case No. PC 053 422

   This lawsuit seeks compensation for alleged injuries sustained in a vehicle accident involving an employee from the Department of Parks and Recreation while in the course and scope of his employment.

   Action Taken:

   The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $130,000.

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

   See Supporting Documents

b. **Francisco Carrillo, Jr. v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-10310

This lawsuit against the County of Los Angeles and the Sheriff's Department alleges federal civil rights violations for an arrest, conviction, and 20-year incarceration for a murder Plaintiff alleges he did not commit.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $10,100,000.

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

See Supporting Documents

c. **Vergine Barseghyan v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 480 877

This lawsuit alleges that an employee from the Department of Public Social Services was subjected to disability discrimination and retaliation.

Action Taken:

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

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

d. **Manuel Cruz v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 567 276

This lawsuit alleges that an employee from the Internal Services Department was subjected to sexual battery, hostile work environment, and retaliation.

Action Taken:

The Claims Board continued this item to the meeting of July 18, 2016.

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

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 June 6, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

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

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		Ricardo Gonzalez v. County of Los Angeles, et al.
CASE NUMBER		PC 053422
COURT		Los Angeles Superior Court
DATE FILED		July 25, 2012
COUNTY DEPARTMENT		Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	$	130,000
ATTORNEY FOR PLAINTIFF		Frank Canter, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		On August 15, 2011, an employee of the County of Los Angeles, Department of Parks and Recreation, driving a County-owned work truck while in the course and scope of his employment, rear-ended a Ford F450 at the signalized intersection of Newhall Boulevard and Lyons Avenue. Ricardo Gonzalez was a rear-seated passenger in the Ford F450 and received injuries. Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and eventually developed this recommended settlement.
PAID ATTORNEY FEES, TO DATE	$	204,509
PAID COSTS, TO DATE	$	75,929

Case Name: Ricardo Gonzalez v. County of Los Angeles

Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsults' 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:	August 15, 2011
Briefly provide a description of the incident/event:	On August 15, 2011 at 6:30 A.M. Plaintiff was a rear passenger in his employer's vehicle, a Ford F450 when they were involved in a rear end accident with a County employee.

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

A Sheriff's deputy investigated the collision and concluded that the County driver violated VC 21703 (following too closely) and was the primary cause of the accident for failing to drive at a reasonable speed and maintaining a safe distance.

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

As a result of this accident, the following actions were taken:

- On January 18, 2014, appropriate administrative action was imposed on to the employee.
- On July 16, 2014, employee completed an adaptive defensive driver training online.
- On August 25, 2014, employee completed a Road Evaluation Test conducted by Trukspect, Inc.

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) Anush Gambaryan DONALD LIMBRICK for Anush Gambaryan	
Signature:	Date: 6-8-16

Name: (Department Head) John Wicker	
Signature: for JOHN WICKER	Date: 6/8/16

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:	Date: 5/25/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Francisco Carrillo, Jr. v. County of Los Angeles, et al.
CASE NUMBER		CV 11-10310 SVW
COURT		United States District Court
DATE FILED		December 14, 2011
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	10,100,000
ATTORNEY FOR PLAINTIFF		Ronald O. Kaye, Esq. Kaye, McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $10,100,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Francisco Carrillo, Jr. arising out of his arrest and conviction for the murder of Donald Sarpy on January 18, 1991, and for which he was incarcerated for approximately 20 years. 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 $10,100,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	315,611
PAID COSTS, TO DATE	$	104,605

Case Name: Carrillo, Francisco, Jr. 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:	
Briefly provide a description of the incident/event:	**Carrillo, Francisco, Jr. v. County of Los Angeles, et al.** On January 18, 1991, a fatal drive-by shooting occurred in the city of Lynwood. Standing in the vicinity were several witnesses, including the first witness. The shooting victim was provided with emergency medical treatment but died several hours later. The first witness, a gang member, immediately believed that the shooter was a rival gang member. He, along with other witnesses, were interviewed by the first deputy sheriff (an Operation Safe Streets investigator) at Lynwood Sheriff's Station following the shooting. The first witness reviewed a photograph book of gang members and picked out a photo he identified as the shooter, identified as the plaintiff. He was then shown a photographic array[1] and identified photo #1, again identifying the plaintiff. The photographic array used in this incident had been prepared and used in a separate shooting that occurred approximately three weeks earlier. Based on the first witness' identification of the plaintiff as the shooter, the plaintiff was arrested on January 24, 1991, and charged with the murder of the decedent and attempted murder of the nearby witnesses. The first witness was the only witness to testify at the preliminary hearing, along with the first deputy sheriff. Five other witnesses viewed the photographic array approximately six months later with a second deputy sheriff (Homicide Bureau investigator), and tentatively identified the plaintiff or the photograph in position #6. In the first trial, all six witnesses testified, identifying the plaintiff, but the jury could not reach a unanimous decision. During the second trial, five witnesses identified the plaintiff, but the first witness did not, recanting his identification. The plaintiff was convicted of murder and attempted murder and served approximately 20 years of a 25 years-to-life imprisonment sentence. In 2011, the plaintiff made new claims to his defense and requested a court proceeding to review: • The lighting conditions at the time of the crime would have prevented an accurate suspect identification. • The first deputy sheriff unduly influenced the first witness' identification of photographs in the gang book and photographic array.

[1] A photographic array has also been known as a "photographic line-up" or a "6-pack line-up."

	• The other witnesses were aware that the first witness had identified the plaintiff in position #1 of the photographic array. • The plaintiff presented evidence that three other individuals had committed the crimes. Based on the first witness' recanted testimony, inconsistent testimony by the first deputy sheriff, and lighting evidence, the Los Angeles County District Attorney's Office decided not to refile the criminal charges against the plaintiff. The plaintiff has been released from custody.

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

A primary **Department** root cause in this incident was five of the witnesses were not shown a photographic array until just prior to the preliminary court proceedings by the second deputy sheriff. This occurred six months after the crime, as opposed to when the incident was fresh in the witnesses' memory.

A secondary **Department** root cause in this incident was the inconsistent testimony during court proceedings and deposition by the first deputy sheriff, over the course of various events.

An additional **Department** root cause in this incident was inadequate training and policies and procedures regarding suspect identification procedures and photographic arrays.

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

Due to the fact that both involved deputy sheriffs are no longer employees of the Department (for unrelated reasons), the incident was not investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau.

Although suspect identification and photographic array practices and procedures have been developed and refined, they had not been written into policy.

On March 21, 2016, the Los Angeles County Sheriff's Department's Field Operations Support Services disseminated newly written Department policy related to suspect identifications, photographic arrays, and admonishment procedures.

New Department policies were created to establish clear processes related to address:

- Suspect identification procedures.
- No undue influence on witnesses.
- Case notes or reports shall document the steps taken to uphold the integrity of the suspect identification procedures.
- Following admonishment procedures.
- Audio or video recording of the witness admonishment process, as well as written documentation.
- Random suspect positioning within an array on cases with multiple witnesses.
- Not confirming or denying a witness' photographic selection.
- Encouraging witnesses not to discuss the photographic array process.

- Document witness' response to photographic array.
- Showing photographic arrays to one witness at a time.

Refer to Los Angeles County Sheriff's Department Manual of Policy and Procedures:
5-09/530.00, *Suspect Identification Procedures*
5-09/530.10, *Recording Admonishment to Witness and Arrays*, Section
5-09/530.20, *Photo Arrays*.

In addition, on April 11, 2016, the Los Angeles County Sheriff's Department's Field Operations Support Services sent notification to all Department supervisors who oversee investigative units, causing those who are already working in an investigative assignment to be made thoroughly aware of the policy and procedures for administering a photographic array.

The normal course of training and investigative process is to show witnesses photographic arrays as soon as reasonably possible, when details and facts are still fresh in the witness' memory. This is an action that can be corrected with training. Training Bureau currently teaches this investigative technique to all deputy sheriffs during academy training (in Learning Domain 16), as well as to investigators during Basic Investigations training.

Lack of court preparation can cause difficulty with recalling events. This is the individual responsibility of each Department member. This is an action that can be corrected with mentoring and training.

The normal course of preparation for court testimony during any type of hearing, for all personnel, is to thoroughly review all documents and evidence prior to testifying or appearing in any legal proceeding.

On or before June 30, 2016, the Los Angeles County Sheriff's Department's Training Division, Advanced Officer Training, will incorporate a training module to the Basic Investigator training course covering the new policies and procedures, as it relates to conducting photographic array identifications and admonishments.

On February 10, 2016, the Los Angeles County Sheriff's Department's Field Operations Support Services published and disseminated a Department Newsletter titled "Photographic Lineups." The Newsletter addresses photographic array procedures to maximize identification reliability to solve crimes, convict criminals, establish reliable evidence, and conform to current legal requirements.

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: 6-6-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 06-09-16

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: 6/13/2016

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JUNE 6, 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 Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Brian Chu, Julie Dixon Silva, Michael Simon, Rosemarie Belda, Michelle Shahnazarians, Narbeh Bagdasarian, Patrice Salseda, Manuel Valenzuela, Lauren Black, and Armita Radjabian; Sheriff's Department: David Halm, Vicki L. Stuckey, Scott Johnson, Dominic Dannan, Kevin Pearcy, Jennifer Bateman, Carlos Marquez, Dennis Kneer, John Benedict, Richard Ruiz, Tracee Allen, and Robert Peacock; District Attorney's Office: John Neu; Department of Parks and Recreation: Hayden Sohm; Department of Health Services: Karen White, Arun Patel, Eric Wei, Roberto Avitia, Marta Sheffield; Internal Services Department: Gerald Plummer; Department of Children and Family Services: Michelle Victor, Diane Iglesias, and Karla Hernandez; Department of Social Services: Simone Agee and Arnetta Counts; Outside Counsel: Tomas Guterres.

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(i) below.

4. Report of actions taken in Closed Session.

At 11:35 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Elsa Seifert v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 530 388

This lawsuit arises from injuries received from a trip and fall accident at the Altadena Sheriff's Station.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $115,000.

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

b. **Giovanni Miranda, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 512 421

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

Action Taken:

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

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

c. **Complaint of Karen Barreras**

This County of Equity Intake Unit complaint concerns allegations that an employee of the District Attorney's Office was subjected to harassment, discrimination, and retaliation.

Action Taken:

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

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

d. **Redgate Partners, LLC v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 562 274

This inverse condemnation lawsuit alleges that a portion of the Whittier Narrows Equestrian Center – Horseman Park operated by the Department of Parks and Recreation encroached onto plaintiff's property and blows dust which interferes with plaintiff's trucking operations business, calling for the County to complete corrective remedies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $163,150.

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

e. **Gloria Angeles v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 517 251

This lawsuit alleges that an employee from the Department of Health Services was subjected to harassment based on race and disability, and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $100,000.

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

f. **Virginia Contreras Gamboa, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 567 440

This wrongful death and medical malpractice lawsuit alleges that LAC+USC Medical Center contributed to the death of plaintiffs' newborn and alleged injuries suffered by plaintiffs.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $$495,000 (and the assumption of a Medi-Cal lien in the approximate amount of $20,000).

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

g. **County of Los Angeles v. Kaarma Pacific Inc., dba Pro Star Mechanical Services**

This matter concerns the recovery of money from Kaarma Pacific, Inc. dba Pro Star Mechanical Services, for a breach of contract for its failure to satisfactorily complete the installation of boilers at the Department of Health Services headquarters.

Action Taken:

The Claims Board approved the settlement of this matter wherein the County will receive payment in the amount of $75,000.

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

h. **Daniel Vos, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 522 637

This lawsuit alleges plaintiffs' civil rights were violated when the Department of Children and Family Services deprived them of a fair chance to adopt their granddaughter based on allegations of misconduct.

Action Taken:

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

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

i. **Robert Fernandez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 024 306
Estate of Gabriel Fernandez, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 552 734

These lawsuits concern allegations of civil rights violations, and failure to investigate by the Department of Children and Family Services and the Department of Public Social Services, which resulted in the death of a minor.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,841,000.

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

5. **Approval of the minutes of the May 16, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

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

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 11:37 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz