

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, JULY 18, 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. **Gonzalo Martinez v. County of Los Angeles, et al.
United States District Court Case No. CV 14-5456**

This lawsuit concerns allegations of civil rights violations and excessive force when Plaintiff was shot while he was a backseat passenger in a vehicle that was trying to flee from Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,800,000.

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

[See Supporting Documents](#)

- b. **Raymond Leyva, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 573 382**

This lawsuit alleges that employees of the Sheriff's Department were subjected to race and national origin discrimination, retaliation, and the Department's failure to prevent discrimination.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

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

c. **Jane Taylor, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 567 844

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

Action Taken:

Referred back to County Counsel.

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

d. **Renee Galvan, et al. v. Los Angeles County Department of Public Works, et al.**
Los Angeles Superior Court Case No. BC 560 897

This lawsuit seeks compensation for alleged injuries sustained in a vehicle accident involving an employee from the Department of Public Works 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 \$350,000.

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

[See Supporting Document](#)

e. **Irma Fuerte Arias v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. PC 053 656

This lawsuit alleges that a probationer performing community service was sexually harassed and her civil rights were violated by a Probation Department employee.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$430,000.

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

[See Supporting Document](#)

f. **Yannashet Woods v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 571 719

This lawsuit alleges that the Probation Department failed to engage in a good faith interactive process and did not provide reasonable accommodation for Plaintiff's disability.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$45,000.

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

g. **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.
(Continued from the meeting of June 20, 2016)

Action Taken:

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

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 20, 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	Gonzalo Martinez v. County of Los Angeles, et al.
CASE NUMBER	CV 14-5456 DSF
COURT	United States District Court
DATE FILED	October 9, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2,800,000
ATTORNEY FOR PLAINTIFF	Law Offices of Sarah L. Garvey Law Offices of Darrell J. York Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$2,800,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Gonzalo Martinez arising out of an August 4, 2013 shooting that resulted in Mr. Martinez losing his left eye.</p> <p>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 \$2,800,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 69,490
PAID COSTS, TO DATE	\$ 79,536

Case Name: Gonzalo Martinez 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:	August 4, 2013, Approximately 12:15 am
Briefly provide a description of the incident/event:	<p><u>Gonzalo Martinez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2016-004</p> <p>On Sunday, August 4, 2013, at approximately 12:15 am, Los Angeles County deputy sheriffs assigned to the Pico Rivera Sheriff's Station were traveling south on Rosemead Boulevard¹ passing Shenandoah Avenue, when they observed a male spray painting graffiti on a cinder block wall adjacent to the sidewalk on the west side of Rosemead Boulevard.</p> <p>A white, 2005 Chrysler 300 was parked a few feet away from the individual, on the west curb line of Rosemead Boulevard, facing south. The deputies immediately stopped their vehicle along the southwest corner of Rosemead Boulevard and Shenandoah Avenue. Knowing the inherent danger of contacting gang members and graffiti crews, they drew their weapons while simultaneously ordering the man to stop moving and show his hands to them.</p> <p>As the deputies approached the individual, they noticed that the vehicle's motor was running, and a man was in the driver's seat. The deputies continued to order both men not to move and show them their hands. The man standing at the wall ignored these commands, and instead ran toward the vehicle and dove into the open front passenger side window.</p> <p>Almost immediately, the driver of the vehicle accelerated toward one of the deputies. The deputy attempted to step out of the vehicle's path, but the driver deliberately steered the vehicle toward the retreating deputy while continuing to accelerate.</p> <p>Fearing for his life and while still retreating, the deputy fired four rounds from his duty weapon toward the driver of the vehicle in an attempt to stop the assault.</p> <p>The driver stopped his advance and immediately made a sharp turn to the left, away from the deputy and continued south on Rosemead Boulevard. Shortly after, the driver pulled back to the right and stopped the vehicle along the west curb line of Rosemead Boulevard, several feet south of the deputies.</p> <p>The deputies took cover behind their patrol vehicle and transmitted emergency radio traffic for assistance. Additional deputies quickly arrived</p>

¹ Rosemead Boulevard has a flat, raised center median that is approximately six inches high and one and a half feet wide which separates the northbound and southbound lanes of traffic.

	<p>at the location, and each occupant² was ordered out of the vehicle and taken into custody, one at a time.</p> <p>Three of the four occupants of the vehicle complied with the deputies' commands. The fourth occupant, the plaintiff, was a passenger in the rear seat of the vehicle. The plaintiff did not respond to commands to exit the vehicle. The three detained occupants told deputies the plaintiff had been shot and was unable to comply.</p> <p>The deputies confirmed via radio that a Los Angeles County Fire Department Paramedic Unit had responded to an area one block away from the scene, and was waiting for notification that the scene was safe to enter.</p> <p>Deputies also checked on the response time of a Department K9 unit that was already en route to the location. The K9 unit reported that it was minutes away from scene.</p> <p>On scene deputies waited for the arrival of the K9 unit before conducting a tactical approach to the vehicle. They contacted the plaintiff in the rear seat of the vehicle and discovered he was suffering from a gunshot wound to the face, specifically to his left eye.</p> <p>The plaintiff was transported to a local hospital by paramedic personnel for treatment of his injury.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **department** root cause of this incident was the accidental shooting of the plaintiff (a rear vehicle passenger) as one deputy sheriff feared for his life and deployed deadly force against a vehicle's driver who drove his vehicle directly at the deputy sheriff as he attempted to move out of the vehicle's path.

The **non-department** root cause of this incident was the vehicle's driver who failed to comply with the deputy's orders and drove his vehicle directly at the deputy sheriff.

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 in place and in effect at the time of the incident. The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred during the incident.

The incident was investigated by the Los Angeles County Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The results of their investigation were presented to the Los Angeles County District Attorney's Office. On July 2, 2014, the Los Angeles County District Attorney's Office concluded the deputy sheriff involved in the incident acted lawfully in self-defense when using deadly force against the plaintiff.

The District Attorney's office reviewed the allegations against the tagger and the driver of the white vehicle. Both individuals were tried and convicted on December 1, 2014, of vandalism at jury trial and sentenced to three years formal probation and ninety days in the Los Angeles County jail.

² The vehicle had four occupants, the driver, the front passenger who was seen writing graffiti on the wall, and two rear passengers, one of which was the plaintiff.

The incident was investigated by the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after the incident.

On June 18, 2015, the results of the administrative investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined the use of deadly force and tactics were within Department Policy.

This incident involved the confrontation of a man caught in the act of spray painting graffiti (tagging). Taggers are known to be violent, armed, and frequently shoot at those who confront them. Because the deputies unexpectedly observed the crime as it was occurring, they were not in the best tactical position when they contacted the tagger. It was late at night and the crime was committed under the cover of darkness. They needed to cover potential threats from both the tagger and the vehicle, until they could determine if the vehicle was occupied or not. While each situation is different and dynamic due to its own unique factors, both deputies were found to be well within policy when they immediately drew their weapons upon contact with the tagger.

The Department's Field Operations Support Services worked in conjunction with the Tactics and Survival Unit (TAS) to create a new Newsletter titled "Running And Gunning." This newsletter addresses the risks and hazards to of moving and shooting and how it affects accuracy.

County of Los Angeles
Summary Corrective Action Plan

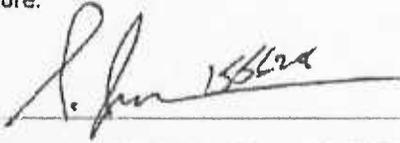
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



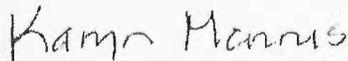
Date:

5-27-16

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards Division

Signature:



Date:

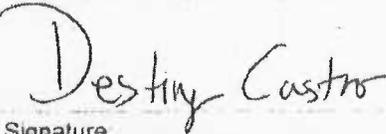
05-31-16

Chief Executive Office Risk Management Inspector General USE ONLY

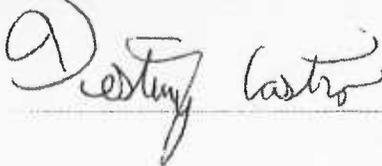
Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
- No, the corrective actions are applicable only to this Department.

Name: (Risk Management Inspector General)



Signature



Date:

6/1/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Renee Galvan, et al. v. Los Angeles County Department of Public Works, et al.
CASE NUMBER	BC 560897
COURT	Los Angeles Superior Court
DATE FILED	October 16, 2014
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Spencer Lucas Panish Shea & Boyle
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This case involves a freeway rear-end collision accident on State Route 91 in Long Beach when a vehicle driven by an employee of the Department of Public Works, collided into the rear-end of the vehicle driven by plaintiff Renee Galvan and in which plaintiffs Sophia Fregoso and Faith M. were passengers. All three plaintiffs claim to have suffered injuries and damages as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 61,839
PAID COSTS, TO DATE	\$ 27,178

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Irma Fuerte Arias v. County of Los Angeles, et al.
CASE NUMBER	PC 053656
COURT	Los Angeles Superior Court
DATE FILED	September 6, 2012
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 430,000
ATTORNEY FOR PLAINTIFF	Lawrence J. Hanna, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$430,000 the lawsuit filed by Irma Fuerte Arias alleging sexual harassment after a Probation Department Detention Services Officer allegedly subjected her to inappropriate personal and sexual attention, made inappropriate comments, and took video and photos of her without her permission.</p> <p>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 \$430,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 425,825
PAID COSTS, TO DATE	\$ 54,514

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JUNE 20, 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. John Naimo excused himself from the meeting at 10:00 a.m.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Joyce Aiello, Richard Bloom, and Jonathan McCaverty; Sheriff's Department: Rod Kusch, Dominic Dannan, Christopher Bergner, and Kevin Pearcy; Department of Public Social Services: Simone Agee and Arnetta Counts; and Outside Counsel: Richard Barrios.

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

No members of the public addressed the Claims Board.

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

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

4. **Report of actions taken in Closed Session.**

At 10:38 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

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

**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

**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

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

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 10:40 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Sandra C. Ruiz