

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF NORWALK, COMMUNITY MEETING CENTER
SPROUL ROOM, 13200 CLARKSDALE AVENUE, NORWALK, CALIFORNIA 90650
ON
WEDNESDAY, JANUARY 14, 2015, AT 11:00 AM

Members Present: Chair Curtis Morris, Mark Alexander, Margaret Finlay,
Michael Egan, Doug Prichard, and Mark Waronek

Alternates Present: Cheri Kelley and David Spence

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund 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. Marquerite Boyd v. County of Los Angeles, et al.
United Stated District Court Case No. CV 13-00838

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

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Margaret Finlay,
Michael Egan, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

[See Supporting Document](#)

- b. Servando Castaneda, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 511592

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

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$99,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Margaret Finlay,
Michael Egan, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

[See Supporting Document](#)

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

- a. Brejanea B., a minor, et al. v. County of Los Angeles, et al.
Compton Superior Court Case No. TC 027341

This lawsuit concerns allegations of assault and battery and wrongful death by Sheriff's Deputies.

No reportable action taken.

- b. R.B, a minor, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 14-06637

This lawsuit concerns allegation of wrongful death and excessive force by Sheriff's Deputies.

No reportable action taken.

- c. Eduardo Cervantes v. County of Los Angeles, et al.
United States District Court Case No. CV 12-09889

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

No reportable action taken.

- d. Nicholas & Suzanne Fobia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 516710

This lawsuit concerns allegations of an automobile collision with a Sheriff's Department vehicle.

No reportable action taken.

- e. Bill Henderson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 323154

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

No reportable action taken.

- f. Estate of Kenneth Rivera, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 510309

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

No reportable action taken.

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the December 10, 2014, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Margaret Finlay,
Michael Egan, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

[See Supporting Document](#)

7. **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.

8. **Other Business.**

None

9. **Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marguerite Boyd v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV 13-00838
COURT	United States District Court
DATE FILED	Complaint filed: 2/6/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Law Offices of Garrotto & Garrotto
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>Plaintiff Marguerite Boyd alleges that deputies violated her civil rights by using excessive force in the course of her arrest.</p> <p>Defendants deny that plaintiff's civil rights were violated and contend they only used reasonable force to overcome Ms. Boyd's resistance, subdue her, and take her into custody.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 30,145
PAID COSTS, TO DATE	\$ 2,969

Case Name: Marguerite Boyd 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:	Wednesday, April 11, 2012; approximately 3:05 p.m.
Briefly provide a description of the incident/event:	<p><u>Marguerite Boyd County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-050</p> <p>On Wednesday, April 11, 2012, at approximately 3:05 p.m., three uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Lancaster Station, drove to 43020 Alep Street in Lancaster, in response to an emergent radio call for service initiated by a man who said his grandmother had threatened to shoot him. The plaintiff (the man's grandmother) was believed to be in possession of a handgun.</p> <p>When the three deputy sheriffs arrived (two deputy sheriffs and one supervisor), the plaintiff exited the residence through the front door. One of the deputy sheriffs instructed the plaintiff to turn around so he could search her for weapons. The plaintiff complied with the deputy sheriff's direction to turn around but began to resist his attempt to search her. A violent struggle ensued, and the deputy sheriff was forced to use physical force to overcome the resistance offered by the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and taken into custody. A loaded .38 caliber revolver was found and recovered from the plaintiff's bedroom.</p>

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

The root cause in this incident is the plaintiff's resistance to a Los Angeles County deputy sheriff's attempt to search her.

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

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

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

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Lancaster Station. Their investigation determined that the force used by the deputy sheriff was objectively reasonable and within the guidelines of the Department's use of force policy. Consequently, no personnel-related administrative action was taken, and no systemic issues were identified.

While no employee misconduct is suspected and no systemic issues were identified, several steps were taken to proactively address the issues alleged by the plaintiff:

- On November 25, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau re-published Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-10/000.00, *Preamble to the Use of Force Policy*, and 3-10/005.00, *Force Prevention Principles*, to remind members of 1) the fundamental principle to avoid the use of force whenever possible and 2) "...should endeavor to de-escalate confrontations through tactical communications, warnings, and other common sense methods preventing the need to use force whenever reasonably possible."

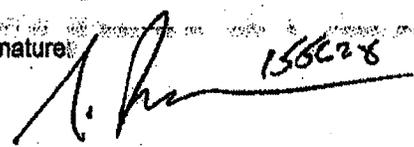
3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
 - No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



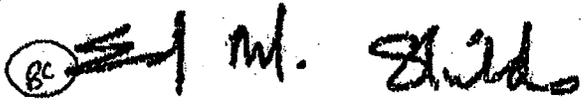
Date:

12-16-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

12/16/14

This section intentionally left blank.

Chief Executive Office Risk Management Inspector General USE ONLY

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

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

Name: (Risk Management Inspector General)

Destiny Castro
Signature:

Date:

12/16/2014



3-10/000.00 PREAMBLE TO THE USE OF FORCE POLICY

The Los Angeles County Sheriff's Department is committed to the sanctity and preservation of life, human rights, and the dignity of every individual as described in Our Core Values. Department members are sometimes required to use force in self-defense, defense of others, and during the execution of lawful duties. In all situations, Department members are required to conduct themselves in accordance with lawful and constitutional standards.

As leaders on the Sheriff's Department, all members shall view their duties in the context of safety for themselves and others, with an emphasis on respect, professionalism, and reverence for human life, even when force is required.

In cases where Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, members shall take into account and communicate (where applicable) tactical considerations predicated on preventing the use of force whenever possible.

For planned tactical operations, such as service of warrants, parole compliance searches, tactical cell extractions, and prolonged passive resistance, members shall develop a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

The Sheriff's Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.

Revised 07/12/13

Revised 12/19/12 (Implementation January 1, 2013)



3-10/005.00 FORCE PREVENTION PRINCIPLES

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.

When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.

Revised 07/12/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Servando Gomez Castaneda, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 511592
COURT	Los Angeles Superior Court
DATE FILED	June 10, 2013
COUNTY DEPARTMENT	Sheriff's Department Contract Cities Trust Fund
PROPOSED SETTLEMENT AMOUNT	\$ 99,000
ATTORNEY FOR PLAINTIFF	Sergio F. Benedetto, Esq. Law Offices of Sergio F. Benedetto
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$99,000, the lawsuit filed by Plaintiff Servando Gomez Castaneda alleging false arrest and excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Castaneda's actions.</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 \$99,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 73,169
PAID COSTS, TO DATE	\$ 10,434

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

December 10, 2014

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris, at 11:22 a.m. The meeting was held in the Community Center, Sproul Room, 13200 Clarkdale Avenue, Norwalk, CA 90650.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, San Dimas, Region III; Mark Alexander, La Canada Flintridge, Region I; Margaret Finlay, Duarte, Region I; Michael Egan, Norwalk, Region III; Doug Prichard, Rolling Hills Estates, Region II; Mark Waronek, City of Lomita, Region II; **County of Los Angeles Staff:** Millicent Rolon, Principal Deputy County Counsel; Ernie Romo, Risk Management, Chief Executive Office; Michael Stuver, Civil Litigation Unit, Los Angeles Sheriff's Department; Michael Rothans, Los Angeles Sheriff's Department; Angela Kechichian, Wells Fargo Insurance Services USA, Inc.; Alan Boring, Wells Fargo Insurance Services USA, Inc.; Karen Bartak, Bedford Falls Insurance Services; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Paul Zeglovitch, Liability Program Manager; Jim Thyden, Insurance Programs Manager; Jennifer Fullerton, Administrative Analyst.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 11:23 a.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

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

- a. Nikkia Wise v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 483647

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

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$77,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Margaret Finlay,
Michael Egan, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

**4. Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. Eduardo Armas v. County of Los Angeles, et al.
United States District Court Case No. CV 14-01356

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

Action Taken:

No reportable action taken.

- b. Annette Montalvo, et al. v. County of Los Angeles, et al.
Compton Superior Court Case No. TC 023708

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

Action Taken:

No reportable action taken.

- c. Claim of Liam Mulligan
File No. 14-1115580*001

This claim concerns allegations of excessive force and civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- d. Claim of Lisa Ostergren
File No. 14-1113935*001

This claim concerns allegations of wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- e. Obdulio Oliva, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 14-7091

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

Action Taken:

No reportable action taken.

- f. Justin Smith v. County of Los Angeles, et al.
Compton Superior Court Case No. TC 027644

This lawsuit concerns allegations of assault and battery by Sheriff's Deputies.

Action Taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 11:59 a.m. No action was taken in Closed Session which required a public report pursuant to Government Code Section 54957.1.

6. Approval of the Minutes for November 12, 2014, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Margaret Finlay, Michael Egan, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

7. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims 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

None

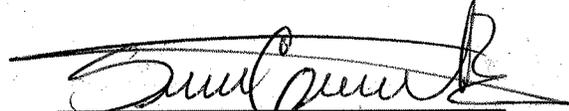
8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 12:00 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD



SANDRA C. RUIZ