

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, NOVEMBER 18, 2015, AT 11:00 AM

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

Members Absent: Sam Olivito

Alternates Present: David Spence and Cheri Kelley

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

This lawsuit concerns allegations of wrongful death 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 \$90,000.

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

Absent: Sam Olivito

[See Supporting Document](#)

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

This lawsuit concerns allegations of assault and battery, and false arrest 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 \$499,999.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander,
Michael Egan, Margaret Finlay,
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. Richard Alvarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 518466

This lawsuit concerns allegations of civil rights violations and false imprisonment by Sheriff's Deputies.

No reportable action taken.

- b. Kevin Cronin v. County of Los Angeles
Los Angeles Superior Court Case No. BC 525995

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

No reportable action taken.

- c. Timonty & Yolanda Paynter v. County of Los Angeles, et al.
Lancaster Superior Court Case No. MC 024475

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

No reportable action taken.

- d. Oscar Ramirez v. County of Los Angeles
United States District Court Case No. 2:15-CV-03062

This lawsuit concerns allegations of 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 October 14, 2015, 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, Michael Egan, Margaret Finlay, 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	R.B., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 14-06637 FMO(ASx)
COURT	United States District Court
DATE FILED	August 27, 2014
COUNTY DEPARTMENT	Sheriff's Department Contract Cities Trust Fund - Compton
PROPOSED SETTLEMENT AMOUNT	\$ 90,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esquire Arnoldo Casillas, Esquire
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$90,000, the consolidated civil rights lawsuits filed by R.B. and N.B., minors, by their guardian ad litem, Amber Murray, the minor children and wife of decedent, Rashawn Brown; and D.A.B., a minor, by his guardian, Tiffany Snell, the minor child and companion of Mr. Brown, alleging federal and State civil rights violations and State-law claims arising out of the shooting of Mr. Brown on May 23, 2014.</p> <p>The Deputies claim their actions were reasonable under the circumstances.</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 \$90,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 64,133
PAID COSTS, TO DATE	\$ 6,034

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Justin Smith v. County of Los Angeles, et al.
CASE NUMBER	TC 027644
COURT	Los Angeles Superior Court
DATE FILED	October 2, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 499,999
ATTORNEY FOR PLAINTIFF	Carl E. Douglas, Esq. The Douglas Firm
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$499,999, the lawsuit filed by Plaintiff Justin Smith alleging battery and State-law civil rights violations by Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Smith'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 \$499,999 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 21,493
PAID COSTS, TO DATE	\$ 11,836



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:	Monday, September 24, 2012, approximately 2:30 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Justin Smith, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2015-027</p> <p>On Monday, September 24, 2012, at approximately 2:30 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department Carson Station, observed a blue vehicle parked on a public roadway occupied by the plaintiff and a young girl. The plaintiff appeared to be much older than the girl, who was wearing a "Carson High School" shirt. The plaintiff and the girl appeared to be involved in an argument, and the girl appeared to be in distress. The deputy sheriffs contacted the plaintiff and the girl to ensure the girl's welfare and conduct a sexual assault investigation.</p> <p>The deputy sheriffs asked the plaintiff to step out of his vehicle and sit in the back seat of their patrol vehicle. Once in the back seat, the plaintiff refused to place his left leg inside the vehicle so the door could be closed. While still in the threshold of the door, the plaintiff suddenly lunged at one of the deputy sheriffs, pushing him backwards, and simultaneously ripped the microphone of the deputy sheriff's handheld radio from his chest.¹</p> <p>During the violent struggle that ensued, the second deputy sheriff intervened and attempted to control the plaintiff, but the plaintiff ripped the deputy sheriff's radio microphone from its holster and threw it to the ground. As the plaintiff fought with the two deputy sheriffs, the first deputy sheriff was able to request assistance from his partner's handheld radio.</p> <p>After a third deputy sheriff arrived, they were able to successfully overcome the resistance of the plaintiff, control him, and ultimately place him in handcuffs (Exhibit A - Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-10/010.00, <i>Use of Force Defined</i>).</p> <p>The plaintiff was transported to Harbor-UCLA Medical Center where he was treated for a bruise to his right eye and a swollen upper lip.</p>

¹ Violently removing the microphone and/or otherwise disabling a peace officer's handheld radio is a common tactic used by suspects to prevent law enforcement officers from requesting assistance during a fight.

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

The **primary** root cause in this incident is the plaintiff's failure to adhere to the instructions of a deputy sheriff and committing a violent battery against a peace officer. As a result, two deputy sheriffs used force to defend themselves, overcome the plaintiff's resistance, and effect an arrest.

A **secondary** root cause in this incident is the radio traffic. During the fight, the plaintiff ripped the handheld radio microphone from the first deputy sheriff's chest, and removed the radio from the second deputy sheriff's holster and threw it to the ground. As a result, the first deputy sheriff's radio was rendered unusable and the second deputy sheriff's radio was temporary disabled, causing a delay in their ability to request assistance.

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.

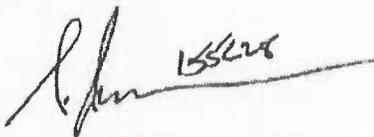
The Los Angeles County Sheriff's Department training curriculum addresses the force circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Carson Station. Their investigation concluded that the force used in this incident was objectively reasonable, consistent with Department policy and training, and was properly reported to the handling supervisor. As a result, no personnel-related administrative action was taken, and no other corrective action measures are recommended or anticipated.

A thorough de-briefing with the personnel involved in this incident was held. The topics included training issues, tactical strategies, and force options.

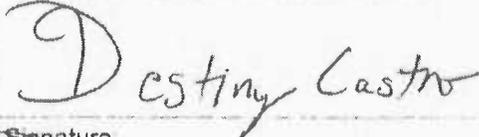
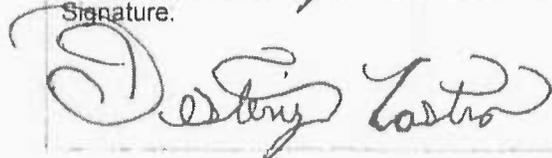
3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 10-6-15

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: 	Date: 10-08-15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	

Name: (Risk Management Inspector General)	
	
Signature: 	Date: 10/9/2015

EXHIBITS

EXHIBIT A

3-10/010.00 USE OF FORCE DEFINED

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

3-10/020.00 AUTHORIZED USE OF FORCE

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the member or others, and whether the suspect is actively resisting, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and have a duty to protect the lives of others.

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

MINUTES OF MEETING

October 14, 2015

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 11:04 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; Michael Egan, Norwalk, Region III; Margaret Finlay, Duarte, Region I; Doug Prichard, Rolling Hills Estates, Region II; Mark Waronek, City of Lomita, Region II; Sam Olivito, Executive Director, California Contract Cities Association; *Alternates:* David Spence, La Canada Flintridge, Region I; Cheri Kelley, Norwalk, Region III; **County of Los Angeles Staff:** Jennifer Lehman, Assistant County Counsel; Ruben Baeza, Jr., Assistant County Counsel; Millicent Rolon, Principal Deputy County Counsel; Ernie Romo, Risk Management, Chief Executive Office; Scott Johnson, Civil Litigation Unit, Los Angeles Sheriff's Department; Michael Stuver, Civil Litigation Unit, Los Angeles Sheriff's Department; Chris Deacon, Civil Litigation Unit, Los Angeles Sheriff's Department; Karen Bartak, Bedford Falls Insurance Services; John La Salle, Wells Fargo Insurance Services USA, Inc.; **Third Party Administrator for the County of Los Angeles:** Stacy Custer, 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 11:06 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. Lindsay F., et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 473127

This lawsuit concerns allegations of sexual assault and false imprisonment by a Sheriff's Deputy.

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 \$6.15 million.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and Sam Olivito

- 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:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$8.85 million.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, Sam Olivito

- c. Leo Montesinos, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 527381

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

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 \$350,000.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and Sam Olivito

- d. N.A.M., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 14-4090

This lawsuit concerns allegations of wrongful death and 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 \$700,000.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and Sam Olivito

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

- a. Rosa Linda Belman v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 545771

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- b. Raymond Kovacic v. County of Los Angeles
United States District Court Case No. 2:14-CV-07765

This lawsuit concerns allegations of false arrest and excessive force 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 11:48 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 September 9, 2015, 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: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and 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

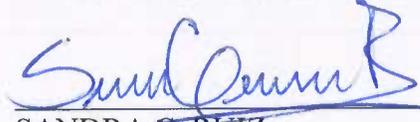
8. Other Business

None

9. **Adjournment**

There being no further business, the meeting was adjourned at 11:49 a.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


SANDRA C. RUIZ