

**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 16, 2014, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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. **John O'Brien v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 512 788**

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

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

[See Supporting Document](#)

b. **Frank Palmer v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 449 241

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

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

[See Supporting Documents](#)

c. **Kristy Beets, et al. v. County of Los Angeles, et al.**
Pomona Superior Court Case No. KC 057 667

This wrongful death lawsuit concerns allegations of negligence by a Sheriff's Deputy arising from a shooting.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$437,500.

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

[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 June 2, 2014, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

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

[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	John O'Brien vs. County of Los Angeles, et al.
CASE NUMBER	BC 512788
COURT	Los Angeles Superior Court
DATE FILED	June 21, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Joseph Yanny, Esq. Yanny & Smith
COUNTY COUNSEL ATTORNEY	Joseph A. Langton
NATURE OF CASE	<p>Plaintiff, John O'Brien alleges that his detention by Sheriff's Deputies was unreasonable and exacerbated his back condition.</p> <p>The Deputies contend that they had reasonable suspicion to detain to Mr. O'Brien.</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 \$40,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 28,820
PAID COSTS, TO DATE	\$ 7,337

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Frank Palmer v. County of Los Angeles, et al.
CASE NUMBER	BC 449241
COURT	Los Angeles Superior Court
DATE FILED	December 2, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Greg W. Garrotto, Esq. Law Offices of Garrotto & Garrotto
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$60,000, the lawsuit filed by Plaintiff Frank Palmer against the County and two Sheriff's Deputies alleging that he was assaulted during his incarceration at Twin Towers Correctional Facility.</p> <p>The Deputies contend their actions were reasonable and that Mr. Palmer did not sustain the injuries that he claimed.</p> <p>However, due to the risks and uncertainties of litigation, a full and final settlement of the cases in the amount of \$60,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 102,808

PAID COSTS, TO DATE \$ 10,344

Case Name: Frank Palmer 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:	Monday, January 19, 2009; approximately 1:50 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Frank Palmer v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-010</p> <p>On Monday, January 19, 2009, at approximately 1:50 p.m., several employees at the Los Angeles County Sheriff's Department's Twin Towers Correctional Facility contacted the plaintiff (an inmate in the Los Angeles County jail system) prior to engaging in a search of his living quarters. While escorting the plaintiff from the area, a violent altercation ensued between the plaintiff and a member of the Los Angeles County Sheriff's Department. During the altercation, physical force was used to overcome the resistance offered by the inmate.</p>

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

The root cause in this incident is the plaintiff's allegation that he was subjected to unreasonable physical force by a member of the Los Angeles County Sheriff's Department.

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.

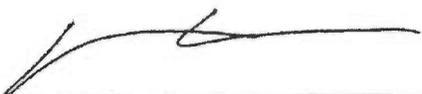
No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

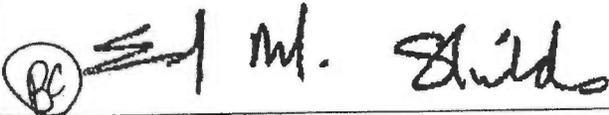
3. Are the corrective actions addressing department-wide system issues?

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

County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ronald D. Williams, Captain Risk Management Bureau	
Signature: 	Date: 6/10/14

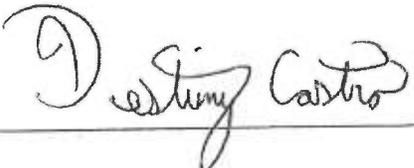
Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 06/11/14

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: 6/11/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kristy Beets, et al. v. County of Los Angeles, et al.
CASE NUMBER	KC057667
COURT	Pomona Superior Court
DATE FILED	1/7/2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 437,500
ATTORNEY FOR PLAINTIFF	Dale K. Galipo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$437,500, the lawsuit filed by Kristy Beets and Glenn Allen Rose against the County of Los Angeles and a Sheriff's Deputy alleging wrongful death and negligence in the shooting death of their son Glenn Patrick Rose.</p> <p>Plaintiffs claim that their son was shot without just cause. The Deputies contend that deadly force was reasonable in response to Mr. Rose's actions at the time of the incident.</p> <p>In light of the risks and uncertainties of litigation, a full and final settlement of the case in the</p>

amount of \$437,500 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	177,600
PAID COSTS, TO DATE	\$	103,191

Case Name: Kristy Beets 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:	Tuesday, May 13, 2008, approximately 2:07 a.m.
Briefly provide a description of the incident/event:	<p><u>Kristy Beets v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-043</p> <p>On Tuesday, May 13, 2008, at approximately 2:07 a.m., several uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Walnut/Diamond Bar Station, became involved in the pursuit of a stolen motor vehicle driven by the decedent.</p> <p>Members of the California Highway Patrol became involved in the pursuit and ultimately assumed control. The 13-minute pursuit eventually ended in the city of Covina where the decedent and his female companion exited the stolen vehicle and entered another vehicle (the decedent had stolen earlier) in an attempt to escape.</p> <p>The deputy sheriffs and the California Highway Patrol officer attempted to apprehend the two suspects before they could escape in the second vehicle. The decedent, however, managed to start the vehicle and drive away. During his flight, he rammed two of the marked patrol vehicles parked nearby. The deputy sheriffs and California Highway Patrol officer were forced to take evasive action to avoid being struck by either the plaintiff's vehicle or one of the patrol vehicles.</p> <p>After the decedent drove his vehicle directly at one of the law enforcement officers, two members of the Los Angeles County Sheriff's Department discharged their weapons at the decedent, striking him in the chest.</p>

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

The root cause in this incident is the decedent driving a stolen motor vehicle directly at members of the Los Angeles County Sheriff's Department.

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 Los Angeles County Sheriff's Department's Homicide Bureau. The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. The office of the Los Angeles County District Attorney concluded that the two deputy sheriffs who discharged their weapons acted lawfully in self-defense and defense of others.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On November 5, 2009, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

No systemic issues were identified, and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken.

On or before June 30, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau will ensure the re-broadcast of two related videos: *Assaults by Moving Vehicles* (originally broadcast November 4, 2005 summarizing the Los Angeles County Sheriff's Department's policy on the use of firearms against moving vehicles and the effect such an activity has on the vehicle and/or occupants), and *Shooting Through a Windshield* (originally broadcast January 27, 2006 summarizing issues to be considered when discharging a firearm at or through the windshield of a motor vehicle).

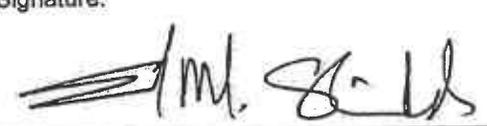
3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

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County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ronald D. Williams, Captain Risk Management Bureau	
Signature: 	Date: 4/10/14

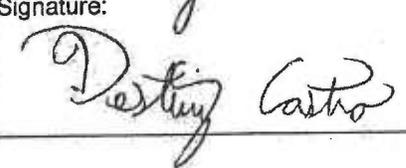
Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 04-18-2014

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: 4/12/2014

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
June 2, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Eduardo Montelongo; Department of Health Services: Karen White and David Cochran; and Outside Counsel: Avi Burkwitz.

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 item listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 10:00 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Dolores Garcia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 063 335**

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability discrimination and that the Department failed to accommodate the employee's disability.

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 Patrick Wu

5. **Approval of the minutes of the May 19, 2014, 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 10:03 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson