



COUNTY OF LOS ANGELES
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MARY C. WICKHAM
County Counsel

August 3, 2017

TO: LORI GLASGOW
Executive Officer
Board of Supervisors

Attention: Agenda Preparation (24)

FROM: ROGER H. GRANBO
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation
Gabino Rosales, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:12-CV-03852
Los Angeles Superior Court Case No. BC 546642**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Gabino Rosales, et al. v. County of Los Angeles, et al., United States District Court Case No. 2:12-CV-03852, Los Angeles Superior Court Case No. BC 546642 in the amount of \$375,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges federal civil rights violations, wrongful death, negligence, and battery arising out of the death of a mentally ill inmate while incarcerated at Twin Towers Correctional Facility.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rosales Gabino, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:12-CV-03852 BC 546642
COURT	United States District Court Los Angeles Superior Court
DATE FILED	April 3, 2012 (Federal) May 23, 2014 (State)
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 375,000
ATTORNEY FOR PLAINTIFF	Law Offices of Luis Carrillo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$375,000, inclusive of attorneys' fees and costs, the federal and subsequent State court lawsuits filed by Plaintiffs Gabino Rosales and Maria Olivia Rosales, parents of Jorge Rosales, a mentally ill inmate who died in Twin Towers Correctional Facility on October 6, 2011. Plaintiffs allege their son died after he was beaten by Sheriff's Deputies and filed a lawsuit in federal court alleging wrongful death, negligence, battery, and federal civil rights violations against the County, four Deputies, and a Sheriff's Department doctor, and then a subsequent State court lawsuit against the County and four Deputies alleging only the State-law claims.</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 \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 253,420
PAID COSTS, TO DATE	\$ 75,877

Case Name:	Rosales, George v. County of Los Angeles
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County of Los Angeles
 Summary Corrective Action Plan



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:	November 26, 2014
Briefly provide a description of the incident/event:	<p>Incident</p> <p>On October 4, 2011, Decedent was housed in the Correction Treatment Center (CTC). He requested to take a shower and was escorted to the showers unhandcuffed by Deputy.</p> <p>As they reached the showers, Decedent suddenly turned and ran away. The Deputy chased after him. Used force to subdue him. Decedent was handcuffed and returned to his cell.</p> <p>Decedent sustained facial injuries.</p> <p>On October 6, 2011, decedent was observed to be lying on the floor next to his bunk bed, on his left side, unresponsive, with deep, labored breathing with some wheezing. The Clinical Director of the CTC, was notified and responded immediately.</p> <p>Deputies entered the cell and removed him for examination by medical personnel. Decedent not breathing and had no pulse. CPR was initiated at 00:47 hours. Paramedics arrived at 00:58 hours and transported him from the unit to the hospital at 01:16 hours. Decedent was pronounced dead at 01:30 hours.</p>

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

The primary **Department** root cause in this incident involves the lack of handcuffing Decedent. This incident could have potentially been prevented had the Deputy maintained control of him. However the Deputy used his professional judgement (per policy) and chose not to handcuff the inmate as he was not exhibiting any signs of non-compliance.

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Rosales, George v. County of Los Angeles

County of Los Angeles

Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Custody personnel assigned to the mental health housing areas shall use their discretion in handcuffing mentally ill inmates and shall consult with the medical and mental health personnel regarding the need to handcuff the inmate or use other security measures.

Completed

Responsible person: Assistant Sheriff Kelly Harrington

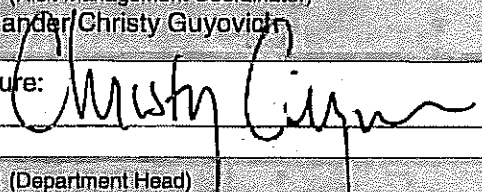
Case Name:

Rosales, George v. County of Los Angeles

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)
Commander/Christy Guyovich

Signature:

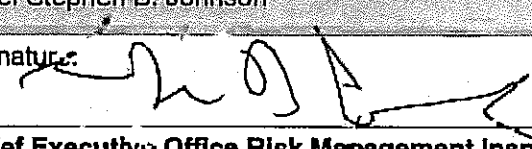


Date:

5.23.17

Name: (Department Head)
Chief Stephen B. Johnson

Signature:



Date:

5/24/17

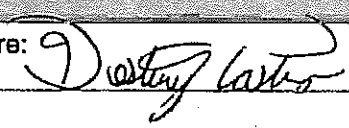
Chief Executive Office Risk Management Inspector General USE ONLY

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)
CEO Destiny Castro

Signature:



Date:

5/23/2017