



COUNTY OF LOS ANGELES
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November 30, 2017

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TO: LORI GLASGOW
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JENNIFER A.D. LEHMAN 
Assistant County Counsel
Law Enforcement Services Division

RE: **Item for the Board of Supervisor's Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Leeza Nelly De Santiago v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 586383

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary for the case.

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

JADL:sz

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Leeza Nelly De Santiago v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 586383 in the amount of \$180,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

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

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Leeza Nelly De Santiago v. County of Los Angeles, et al.
CASE NUMBER	BC586383
COURT	Los Angeles Superior Court
DATE FILED	June 25, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 180,000
ATTORNEY FOR PLAINTIFF	Michael A. Kahn, Esq. Law Offices of Michael A. Kahn
COUNTY COUNSEL ATTORNEY	Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE	<p>A Deputy Sheriff was traveling approximately 40 miles-per-hour on a motorcycle when he struck the driver's side door of Leeza Nelly De Santiago's vehicle. Ms. De Santiago sustained physical injuries which were treated and mostly resolved. She also suffered emotional trauma, which requires ongoing treatment.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$180,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 80,008
PAID COSTS, TO DATE	\$ 47,231

Case Name: Leeza Nelly De Santiago 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:	
Briefly provide a description of the incident/event:	<p><u>Leeza Nelly De Santiago v. County of Los Angeles</u> Summary Corrective Action Plan 2017-025</p> <p>On January 9, 2015, at approximately 8:25 a.m., an on-duty motor deputy sheriff was working traffic enforcement in the city of Palmdale when he observed a vehicle traveling at a high rate of speed. Utilizing his radar gun, the deputy sheriff confirmed the vehicle was traveling 114 MPH in a 60 MPH zone.</p> <p>The deputy sheriff pursued the violator to perform a traffic stop and cite the driver for speeding. The deputy sheriff accelerated his motorcycle to 100 MPH but did not utilize his emergency lights or siren as he attempted to catch up to the violator.</p> <p>As the deputy sheriff was traveling eastbound on Columbia Way, he slowed his motorcycle to make a right turn onto 50th Street East to follow the violator. The deputy sheriff observed the plaintiff's vehicle (a 2014 Ford Flesta) stopped for the stop sign in the left-hand turn bay of northbound 50th Street East, preparing to turn westbound on Columbia Way.</p> <p>The deputy sheriff realized he was traveling too fast to safely navigate the turn and "locked up" his brakes. The deputy sheriff's motorcycle struck the driver's side door of the plaintiff's vehicle. The momentum of the collision caused the deputy sheriff to unseat from the motorcycle, catapult over the plaintiff's vehicle, and fall to the street in the northbound lanes of 50th Street East.</p> <p>Both the deputy sheriff and the plaintiff were transported to Antelope Valley Hospital for medical treatment.</p> <p>The deputy sheriff sustained a fractured right wrist and abrasions to his hands.</p> <p>The plaintiff complained of pain to her left hip.</p> <p>The speed violator was last seen driving southbound on 50th Street East and out of view. The speed violator was never identified or located.</p>

County of Los Angeles
Summary Corrective Action Plan

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

A Department root cause for this incident was the deputy sheriff drove his motorcycle unit at an unsafe speed for the conditions.

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

This traffic collision was thoroughly investigated by representatives from the California Highway Patrol (CHP), Antelope Valley Office. The CHP investigation determined that the deputy sheriff caused the collision as he was traveling at an unsafe speed for the conditions.

The Department also completed a traffic review of this incident. Executive review of the incident determined that the deputy sheriff was at fault for this collision.

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

The Los Angeles County Sheriff's Department's training curriculum addressed the circumstances which occurred in the incident. Appropriate administrative action has been taken.

Palmdale Station conducted a review and assessment of all traffic collisions from 2013 through April 2017. Based on this audit, a traffic reduction – risk management plan was developed.

The Palmdale Station's Traffic Collision Reduction – Risk Management Plan will serve as the station's outline for ongoing traffic collision reduction efforts. The intent of the plan is to reduce exposure to auto liability by reducing preventable traffic accidents and minimize the loss or decline of Department resources.

During the audit, it was discovered that the total number of traffic collisions between the calendar year of this incident (January 2015) and calendar year 2016 (last full year of audit) decreased by 15%.

The most frequently cited causes of preventable traffic collisions at Palmdale Station were incidents where employees traveling at low speeds struck objects.

Within this plan, specific risk management issues have been identified and goals have been established. Mitigation efforts will include ensuring employees involved in a preventable traffic collision attend the Sheriff's Alternatives to Discipline Driving Course or the Sheriff Traffic Accident Reduction (S.T.A.R.) driving program.

In reviewing the Department's traffic collisions from January 2014, to August 1, 2017, it was discovered that there were 33 collisions that involved Department Motorcycles (2% of all crashes).

Upon evaluating this incident compared to other motorcycle traffic collisions, it was discovered that the Department could benefit from utilizing motorcycle specific traffic collision data and modifying training to address the identified issues.

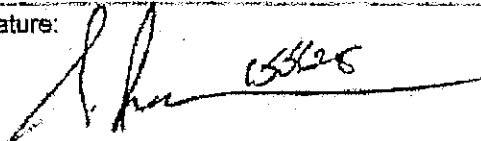
The Department's Training Bureau will now utilize motorcycle specific traffic collision data to identify primary causal factor(s) and/or other identified contributing factors to focus the motorcycle training curriculum on specific problematic issues.

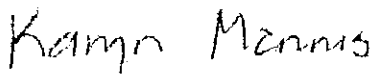
County of Los Angeles
Summary Corrective Action Plan

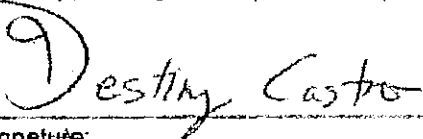
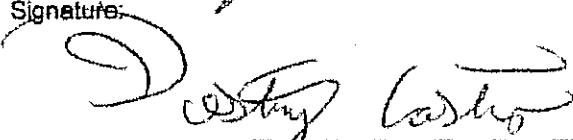
3. Are the corrective actions addressing Department-wide system issues?

- ☐ 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: 9-25-17

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards and Training Division	
Signature: 	Date: 09-25-17

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input type="checkbox"/> No, the corrective actions are applicable only to this Department.	
Name: (Risk Management Inspector General)	
	
Signature: 	Date: 9/26/2017