



COUNTY OF LOS ANGELES
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County Counsel

March 22, 2018

TO: CELIA ZAVALA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation *dm*

FROM: ELIZABETH D. MILLER
Principal Deputy County Counsel
Sheriff's Services Team

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Rosa Linda Belman v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 545771

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 and the Summary Corrective Action Plan for the case.

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

EDM:lal

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matters entitled Rosa Linda Belman v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 545771 in the amount of \$450,000 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 injuries received in an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rosa Linda Belman v. County of Los Angeles, et al.
CASE NUMBER	BC545771
COURT	Los Angeles Superior Court
DATE FILED	May 16, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 450,000
ATTORNEY FOR PLAINTIFF	David Azizi, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, Deputy County Counsel
NATURE OF CASE	<p>On July 1, 2013, Plaintiff was involved in a motor vehicle versus motor vehicle collision with an on-duty employee of the Sheriff's Department, in the intersection of Compton Boulevard and Bullis Road in the City of Compton. She allegedly sustained injuries to her neck, back, shoulder, and knee, and underwent lumbar spine surgery as a result of the collision.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$450,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 257,175
PAID COSTS, TO DATE	\$ 103,020

Case Name: Rosa Linda Bellman 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:	July 1, 2013
Briefly provide a description of the incident/event:	<p><u>Rosa Linda Bellman v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2017-050</p> <p>On July 1, 2013, at approximately 6:00 p.m., a patrol sergeant drove his marked patrol vehicle¹ west on Compton Boulevard, as he responded to a priority robbery just occurred call. The sergeant was driving without the use of his emergency lights or siren. As the sergeant approached the intersection of Compton Boulevard and Bullis Road, he glanced at his Mobile Digital Computer (MDC). When the sergeant began to enter the intersection, he looked up and saw the traffic control light at the intersection had turned red for his direction of travel.</p> <p>Simultaneously, a 1992 Honda Accord, driven by the plaintiff, was travelling north on Bullis Road and entered the intersection on a green light, in front of the patrol vehicle.</p> <p>Although the sergeant applied emergency braking, he failed to stop prior to colliding into the plaintiff's vehicle. The front of the patrol vehicle collided with the passenger side of the plaintiff's vehicle. After being struck, the plaintiff's vehicle collided with a traffic signal pole and a fence on the northeast corner of the intersection.</p> <p>The plaintiff was transported to Saint Francis Hospital where she was treated for complaint of pain to her neck, back, chest, and jaw. The sergeant was not injured in the collision.</p>

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

The **Department** root cause in this incident was the sergeant caused the collision when he failed to stop for a red traffic control signal.

Another **Department** root cause in this incident was the sergeant driving while distracted by his MDC.

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

The traffic collision was investigated by traffic investigators assigned to Compton Sheriff's Station. Their investigation included measurements of the scene, the gathering of witness statements, photographs, analysis and estimations of speeds, distances, road and weather conditions, as well as a factual diagram.

¹ A 2012 black and white Chevrolet Tahoe

The investigation determined the cause of this collision was the sergeant's inattention due to looking at his MDC, resulting in his failure to stop for a red light (a violation of section 21453[a] of the California Vehicle Code [CVC]).

The Los Angeles County Sheriff's Department had relevant policies and procedures in place at the time of the 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.

Since this collision, a new California vehicle code (23123.5 CVC) has been implemented that prohibits driving while operating any electronic or wireless communications device.

Additionally, the Department has updated its policy regarding the Operation of Vehicles, to forbid use of the Mobile Digital Computers except under certain circumstances, which are clearly identified within the policy.

In an effort to improve employee and public safety and reduce the risk of Department liability, the Los Angeles County Sheriff's Department, Central Patrol Division, (which has command over Compton Sheriff's Station), mandated that all stations within its command to be briefed on distracted driving, and required 100% compliance. Compton Station has addressed the issue of distracted driving by conducting regular training on this subject matter during in-service briefings.

The Sheriff's Department, Field Operations Training Unit has also since required each newly assigned deputy, to a patrol station, to attend driver's training at the Sheriff's Department Emergency Vehicle Operations Center (EVOC).

Each of these changes in the California State Law and Department Policy were made with the intention on reducing collisions, including collisions as a result of distracted driving. Since these changes, Compton Sheriff's Station's effort to reinforce these laws and policies have resulted in no traffic collisions due to the use of the Mobile Digital Computer or Wireless Communication Devices.

As a result of this collision, an assessment of Compton Station's traffic collisions which occurred between January 1, 2013 and December 31, 2016 was conducted. The audit revealed the following:

Calendar Year	Number of Preventable Collisions
2013	21
2014	19
2015	16
2016	23
2017	28


- 107 preventable collisions occurred between the dates indicated above
- 39% were attributed to collisions involving fixed objects or parked vehicles during low speed parking or starting maneuvers.
- The most common causal factor was unsafe starting or backing.

Compton Sheriff's Station consistently schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program, which focuses on low speed parking and starting maneuvers, hosted at the Los Angeles County Sheriff's Department EVOC.

County of Los Angeles
Summary Corrective Action Plan

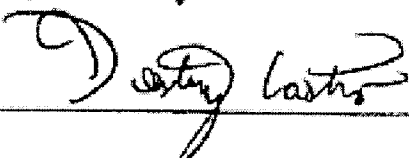
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
 - No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 1-2-18

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 01-02-18

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)	
Destiny Castro	
Signature: 	Date: 1/9/2018