COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

May 15, 2006

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Jane D. v. County of Los Angeles**
United States District Court Case No. CV 04-7621 ABC (MANx)

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of $425,000.00.

2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosures

MEMORANDUM

May 1, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DWYER, DALY, BROTZEN & BRUNO, LLP
RICHARD S. KEMALYAN

GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

RE: **Jane D. v. County of Los Angeles, et al.**
USDC Case No. CV 04-7621 ABC (MANx)

DATE OF INCIDENT: September 15, 2002

AUTHORITY REQUESTED: $425,000

COUNTY DEPARTMENT: SHERIFF'S DEPARTMENT

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☑ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on May 15, 2006

HOA.359920.2

SUMMARY

This is a recommendation to settle for $425,000 a federal civil rights lawsuit filed by Jane D., who alleges that she was sexually assaulted by a Sheriff's Deputy.

LEGAL PRINCIPLES

A police officer may be liable for violation of civil rights, if a detention is made without reasonable suspicion. A police officer may also be liable for violation of civil rights, if he/she conducts an unreasonable search of an individual even during a lawful detention or arrest.

The County of Los Angeles may be held liable for federal civil rights violations for a detention made without reasonable suspicion or an excessive use of force during the search of an individual, if the detention and/or force was pursuant to an unconstitutional policy or custom.

SUMMARY OF FACTS

On September 15, 2002, a Sheriff's Deputy conducted a traffic stop on Michael Cash, who was parked in a gas station in the Lost Hills area. Mr. Cash's vehicle did not have proper registration tags. Jane D. was Mr. Cash's passenger. When the Deputy approached the car, Jane D. went to the restroom. When she came out, the Deputy placed Jane D. in the back of his patrol car, supposedly to search her. Jane D. alleges that the Deputy then sexually assaulted her.

The Sheriff's Department located Jane D. during the course of an internal criminal investigation involving a claim of sexual assault of another woman by the same Deputy. At that time, Jane D. advised investigators of what had occurred to her during her detention and search.

The Deputy was criminally prosecuted for not only the offense involving Jane D., but for the other offense with the other woman. The Deputy was convicted of the offense involving the second female, but the jury could not reach a verdict on the charges involving Jane D.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Counseling expenses	$ 50,000
Emotional distress	$1,000,000
Attorneys' fees	$ 500,000
Total	$1,550,000

The proposed settlement calls for the County to pay $425,000 to Jane D. for all of her damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement. Jane D.'s initial settlement demand was $1.9 million. At a recent mediation, the proposed settlement was negotiated. Expenses incurred by the County in defense of this matter are attorneys' fees of $37,495 and $3,915 in costs.

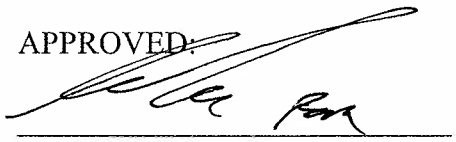
EVALUATION

Although the criminal jury could not reach a verdict on the charges in which Jane D. was the victim, the Deputy was convicted on similar charges involving another female where the alleged conduct was nearly identical. That will lend substantial credibility to the version of the incident provided by Jane D. Furthermore, the burden of proof in a civil case is lower than that which is needed for a criminal conviction.

A reasonable settlement at this time will avoid further litigation costs and a potential verdict which, along with attorneys' fees, would likely exceed the proposed settlement.

We join with our private attorney, Dwyer, Daly, Brotzen, and Bruno, in recommending this settlement in the amount of $425,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:bl