



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713


TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

August 9, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTL 
Senior Assistant County Counsel

RE: **Walter Talley v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 401 565

Attached is the Agenda Entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter.

It is requested that this recommendation be placed on the Board of Supervisor's agenda.

JFK:dad

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Walter Talley v. County of Los Angeles, Los Angeles Superior Court Case No. BC 401 565, in the amount of \$121,500, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department budget.

This lawsuit concerns allegations of excessive force by two Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Walter Talley v. County of Los Angeles, et al.
CASE NUMBER	BC401565
COURT	Los Angeles County Superior Court , Central District
DATE FILED	November 7, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 121, 500
ATTORNEY FOR PLAINTIFF	John P. McNicholas, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty, Deputy County Counsel
NATURE OF CASE	<p>Plaintiff Walter Talley who was an inmate in Men's Central Jail alleges that he was subjected to excessive force by Sheriff's Deputies.</p> <p>The Sheriff's Deputies contend that the use of force was reasonable and in response to Mr. Talley's resistance.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the</p>

amount of \$121,500 is
recommended.

PAID ATTORNEY FEES, TO DATE	\$	61,487
-----------------------------	----	--------

PAID COSTS, TO DATE	\$	12,145
---------------------	----	--------

Case Name: Walter Talley v. County of Los Angeles



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:	Wednesday, November 14, 2007; 3:10 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Walter Talley v. County of Los Angeles</u> (Summary Corrective Action Plan No. 2010-015)</p> <p>On Wednesday, November 14, 2007, at approximately 3:10 a.m., two Los Angeles County deputy sheriffs were assigned to escort the plaintiff, Walter Talley (an inmate incarcerated in the Los Angeles County jail system), to a facility medical clinic because Mr. Talley complained of chest pains. Medical staff examined Mr. Talley and concluded he was not suffering a heart attack, but needed to be seen by a physician scheduled to arrive at 8:00 a.m.</p> <p>The deputies escorted the plaintiff to a holding cell adjacent to the clinic, where the plaintiff became irate. He took a combative stance and prepared to assault the deputies at which time the deputies and plaintiff became engaged in a physical altercation.</p>

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

After the altercation, Mr. Talley was taken to Los Angeles County/University of Southern California Medical Center where he was diagnosed with a fracture to his upper left cheek bone and lower left eye socket. Surgery was performed and he was discharged to the medical facility of the Twin Towers Correctional Facility.

The plaintiff also alleges emotional distress as a result of the force used by the deputies.

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 procedure/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

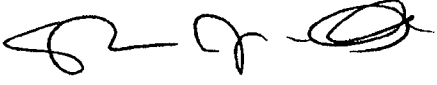
The Los Angeles County Sheriff's Department's Executive Force Review Committee convened and conducted a review of this case. The Committee determined that the force used by the deputies was

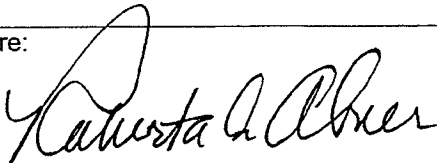
reasonable and necessary and in compliance with Department policy. Consequently, no administrative action was imposed.

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun Mathers, Acting Captain Risk Management Bureau	
Signature: 	Date: 6/30/10

Name: (Department Risk Manager) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 07/02/10

Chief Executive Office Risk Management Branch

Name:	
Signature:	Date:

i:\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

County of Los Angeles
Summary Corrective Action Plan

conducted a review of this case. The Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy. Consequently, no administrative action was imposed.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)


- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun Mathers, Acting Captain Risk Management Bureau	
Signature:	Date:

Name: (Department Risk Manager)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date:

Chief Executive Office Risk Management Branch

Name: Robert Chavez	
Signature: 	Date: 07-16-10

i:\Risk Mgt. Inspector General\CAP-SCAP-RECAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx