



COUNTY OF LOS ANGELES

CONTRACT CITIES LIABILITY TRUST FUND

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Curtis Morris
City Council Member
Dennis Courtemarche
City Manager
Jesse Duff
City Manager
Margaret Finlay
City Council Member
Jerome Groomes
City Manager
John McTaggart
City Council Member
Sam Olivito,
California Contract
Cities Association

November 5, 2003

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

Re: **Shanara Batiste v. County of Los Angeles**
Compton Superior Court Case No. TC 015 567

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$375,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department Liability Trust Fund-Compton.

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

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, (213) 974-1754.

Very truly yours,

Curtis Morris, Chair
Los Angeles County Contract Cities
Liability Trust Fund Claims Board

CM/fsl

Enclosures

MEMORANDUM

October 27, 2003

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: TREVOR GRIMM
Manning & Marder, Kass, Ellrod, Ramirez

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: **Shanara Batiste v. County of Los Angeles**
Compton Superior Court Case No. TC 015567

DATE OF
INCIDENT: June 26, 2001

AUTHORITY
REQUESTED: \$ 375,000

COUNTY
DEPARTMENT: Sheriff's Department - Compton - Contract Cities

CLAIMS BOARD ACTION:

Approve

Disapprove

Recommend to Board of
Supervisors for Approval

MARGARET FINLAY City Council Member

JOHN MC TAGGART City Council Member

CURTIS MORRIS City Council Member

DENNIS COURTEMARCHE City Manager

JEROME GROOMES City Manager

JESSE DUFF City Manager

SAM OLIVITO California Contract Cities Association

on _____, 2003

SUMMARY

This is a recommendation to settle for \$375,000, a lawsuit brought by Shanara Batiste, who alleges that she was falsely arrested and subjected to the use of excessive force by Los Angeles County Sheriff's Deputies.

LEGAL PRINCIPLES

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of their employment.

A peace officer may be liable for false arrest if he or she makes an arrest without probable cause. In addition, a peace officer may be liable for battery if he or she uses more force than is necessary to make an arrest, prevent an escape, or overcome resistance.

SUMMARY OF FACTS

On June 26, 2001, at approximately 12:15 a.m., a Sheriff's Deputy responded to a burglary in progress call, involving a gun, in Compton. As the Sheriff's Deputy reached the area of the call, he was directed by a Sheriff's Department helicopter to conduct a traffic stop of a van that was leaving the immediate area of the burglary.

While the Sheriff's Deputy was in the process of conducting a felony traffic stop of the van, Shanara Batiste pulled up in her car and parked behind the Sheriff's Deputy's patrol car. She got out of her car and walked to within ten feet of the Sheriff's Deputy telling him that the car he had stopped was her cousin's, and that her cousin had not done anything wrong. The Sheriff's Deputy ordered Shanara Batiste to get back, but she did not comply.

By this time, another Sheriff's Deputy had arrived on the scene, and he also ordered Shanara Batiste to get back. Shanara Batiste again failed to comply. Both Sheriff's Deputies then escorted Shanara Batiste to her car to handcuff her so they could complete the felony investigation.

As they reached the car, the Sheriff's Deputies bent Shanara Batiste over the hood, and she sustained injuries to her jaw and front teeth. The Sheriff's Deputies contend that as they were bending Shanara Batiste over the hood, she was initially resisting, and when she stopped resisting, the force they had been applying forced her into the hood of the car, which caused Shanara Batiste's injuries. Shanara Batiste alleges that she never resisted, and that the Sheriff's Deputies slammed her down onto the hood.

Shanara Batiste was handcuffed and put inside a patrol car while the Sheriff's Deputies completed their felony investigation. The driver of the van was in fact Shanara Batiste's cousin, who was not involved in the reported burglary. The Sheriff's Deputies arrested Shanara Batiste for interfering with their investigation. Criminal charges were filed against Shanara Batiste, but were eventually dismissed by the District Attorney's Office.

DAMAGES

As a result of the force used to bend her over the car, Shanara Batiste suffered two broken front teeth, and alleges to have suffered a broken jaw. That injury is disputed. She also alleges that she is suffering from post-traumatic stress disorder. Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical Expenses	\$ 7,000
Pain and suffering	\$ 100,000
Emotional distress	<u>\$ 500,000</u>
Total	<u>\$ 607,000</u>

The settlement calls for the County to pay Shanara Batiste \$375,000 for all claims for damages, costs, and attorney's fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this matter are attorney's fees of \$39,319 and \$39,192 in costs.

EVALUATION

This is a case of disputed liability. We believe the evidence will show that the Sheriff's Deputies had probable cause to arrest Shanara Batiste for interfering with their investigation. However, a jury could find that the Sheriff's Deputies used excessive force in making the arrest. Shanara Batiste only weighed approximately 110 pounds at the time of the incident, and a jury might find it difficult to believe that she was effectively resisting two male Sheriff's Deputies.

A settlement at this time will avoid further litigation costs and a jury award that would likely exceed the proposed settlement.

We join with our private counsel, Manning & Marder, Kass, Ellrod, Ramirez, in recommending a settlement of this matter in the amount of \$375,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel

RHG:scr

Los Angeles County Sheriff's Department

CORRECTIVE ACTION REPORT

LAWSUIT OF: Shanara Batiste v. The County of Los Angeles, et al.
Case No. TC 015567

INCIDENT DATE AND TIME: June 26, 2001; 12:15 a.m.

INCIDENT LOCATION: 1300 Block of Poinsettia Avenue, Compton, CA

RISK ISSUES: A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of their employment.

A peace officer may be liable for false arrest if he or she makes an arrest without probable cause. In addition, a peace officer may be liable for battery if he or she uses more force than is necessary to make an arrest, prevent escape, or overcome resistance.

INVESTIGATIVE REVIEW: On June 26, 2001, at approximately 12:15 a.m., a Sheriff's Deputy responded to burglary in progress call, involving a gun, in the City of Compton. As the Deputy reached the area of the call, he was directed by a Sheriff's Department helicopter to conduct a traffic stop of a van that was leaving the immediate area of the burglary.

While the Deputy was in the process of conducting a felony traffic stop of the van, Shanara Batiste pulled up in her car and parked behind the Deputy's patrol car. She got out of her car and walked to within ten feet of the Deputy telling him that the car he had stopped was her cousin's, and that her cousin had not done anything wrong. The Deputy ordered Shanara Batiste to get back but she did not comply.

By this time, another Deputy had arrived on the scene and he also ordered Shanara Batiste to get back. Shanara Batiste again failed to comply. Both Deputies then escorted Shanara Batiste to her car to handcuff her so they could complete the felony investigation.

As they reached the car, the Deputies bent Shanara Batiste over the hood and she sustained injuries to her jaw and front teeth. The Deputies contend that as they were bending Shanara Batiste over the hood, she was initially resisting, and when she stopped resisting, the force they had been applying forced her into the hood of the car. Shanara Batiste alleges that she never resisted and that the Deputies slammed her down onto the hood.

Shanara Batiste was handcuffed and put inside a patrol car while the Deputies completed their felony investigation. The driver of the van was in fact Shanara Batiste's cousin who was not involved in the reported burglary. The Deputies arrested Shanara Batiste for interfering with their investigation. Criminal charges were filed against Shanara Batiste, but were eventually dismissed by the District Attorney's Office.

As a result of the force used to bend her over the car, Shanara Batiste suffered two broken front teeth and claims to have suffered a broken jaw. That injury is disputed. She also claims that she is suffering from post-traumatic stress disorder.

TRAINING ISSUES: At the time of the incident, the Sheriff's Department had established policies concerning the detention and arrest of suspects and the use of force. The Department's current training curriculum sufficiently addresses the circumstances arising in this incident.

POLICY ISSUES: On August 30, 2001, the incident was reviewed by the Sheriff's Department's Executive Force Review Committee which found that the Deputies' use of force was within Department policy. The incident was also investigated by the Sheriff's Department's Internal Affairs Bureau. The investigation was completed on September 4, 2001 and concluded that the Deputies' actions were within Department policy.

CORRECTIVE ACTION: This is a case of disputed liability. We believe the evidence will show the Deputies had probable cause to arrest Shanara Batiste for interfering with their investigation. However, a jury could find that the Deputies used excessive force in making the arrest. Inasmuch as both the Executive Force Review Committee and the Internal Affairs Bureau found the Deputies' actions to be within policy, no corrective action was taken and no discipline was imposed.