

MEMORANDUM

August 22, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: COLLINS, COLLINS, MUIR & STEWART
John Collins and Catherine Mason

RUBEN BAEZA, JR.
Principal Deputy County Counsel
Law Enforcement Services Division

RE: Thelma Valenzuela v. County of Los Angeles, (Class action)
United States District Court Case No. CV 02-9092 ABC

DATE OF INCIDENT: November 29, 2001

AUTHORITY REQUESTED: \$260,000

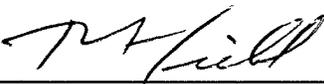
COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

Approve

Disapprove

Recommend to Board of Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on September 5, 2006

SUMMARY

This is a recommendation to settle for \$260,000, a class action lawsuit for violation of the Americans with Disabilities Act ("ADA"), filed by Thelma Valenzuela, who is deaf, on her own behalf and on behalf of other people in the deaf community who interact with the Sheriff's Department. Ms. Valenzuela alleges that the Sheriff's Department fails to provide effective communication to individuals in the deaf community.

LEGAL PRINCIPLES

It is a violation of the ADA if a public entity fails to provide effective communication to individuals who are deaf, or engages in a pattern or practice that significantly limits effective communication to individuals who are deaf. If a violation under the ADA is established, in addition to any personal damages suffered by the plaintiff, the public entity may be responsible for an award of reasonable attorneys' fees.

SUMMARY OF FACTS

Thelma Valenzuela, now 26 years old, was arrested on November 29, 2001, after failing to cooperate with Sheriff's Deputies who had been summoned to her parents' home by her father, who claimed that Ms. Valenzuela had violated "house rules," and had struck her mother. When the Deputies attempted to detain Ms. Valenzuela to investigate the family disturbance, Ms. Valenzuela resisted. She was subdued, handcuffed and arrested for resisting arrest and battery on a peace officer. In a subsequent plea agreement, Ms. Valenzuela was convicted of disturbing the peace.

After her arrest, Ms. Valenzuela was transported to the Century Regional Detention Facility for booking, where she was interviewed several times by Sheriff's personnel. During the interviews, two Deputies who were familiar with sign language acted as Ms. Valenzuela's interpreters. She was not satisfied with the first Deputy's abilities, and requested someone else. The second Deputy appeared to be able to effectively communicate with her. However, neither Deputy was a certified sign language interpreter.

Ms. Valenzuela claims that during the time she was incarcerated, she was denied effective communication and/or reasonable accommodations, and was otherwise discriminated against on the basis of her disability.

DAMAGES

Ms. Valenzuela is claiming emotional distress damages resulting from her inability to effectively communicate with Deputies following her arrest.

The potential damages, should this matter proceed to trial, could be as follows:

Emotional Distress	\$ 100,000
Class Damages	\$1,000,000
Attorneys' Fees	<u>\$ 600,000</u>
Total	<u>\$1,700,000</u>

The proposed settlement calls for the County to pay \$60,000 to Ms. Valenzuela and \$200,000 to her attorneys, for a total settlement of \$260,000.

STATUS OF CASE

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

Ms. Valenzuela's initial demand in this class action lawsuit was \$1.2 million dollars. Not until the case was nearly ready for trial was this settlement reached, with the assistance of a United States Magistrate Judge. Therefore, our attorneys had to prepare this case for trial. Eighteen depositions were taken, many of which were multiple sessions; extensive discovery was conducted on class action issues; there were numerous discovery disputes; multiple motions were made and opposed, including a motion for class certification; and, multiple mediation/settlement conferences were attended. Expenses incurred by the County in the defense of this case are attorneys' fees of \$228,191 and \$29,030 in costs.

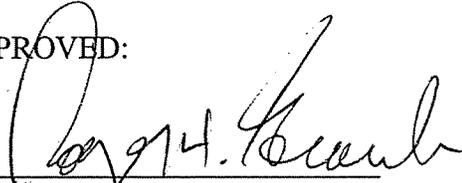
EVALUATION

This is a case of disputed liability. The Sheriff's Department has had in place various policies and procedures which address the needs of deaf individuals with whom it interacts. In addition, it appeared that Ms. Valenzuela was able to effectively communicate with the second Deputy who was used as an interpreter. However, neither of the Deputies was a certified interpreter, and a jury may find that interviews of a criminal suspect, that may be used against the suspect in Court, should be conducted by a qualified interpreter.

Under this settlement, the Sheriff's Department agrees to provide additional aids and services in order to ensure effective communication with the deaf community.

We join with our private counsel, Collins, Collins, Muir & Stewart, in recommending that settlement in this matter in the amount of \$260,000 would be in the best interest of the County. The Sheriff's Department concurs in this recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:RB:scr