

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, JUNE 16, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Todd Smith v. County of Los Angeles
USDC Case No. CV 06-07479

This lawsuit concerns allegations of excessive force and false arrest by a Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Arthur Lopez v. County of Los Angeles
LASC Case No. BC 370 076

This lawsuit seeks compensation for injuries resulting from a dog bite by a Sheriff's Department police service dog.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Juan C. v. County of Los Angeles
LASC Case No. MC 014 972

This lawsuit concerns allegations of abuse of a dependent minor under the supervision of the Department of Children and Family Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. Spencer B. v. William S. Hart Union High School and Los Angeles County Department of Mental Health
Case No. N2007110747

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$23,336.60.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- e. Lee Rossum v. County of Los Angeles
LASC Case No. BC 360 428

This lawsuit concerns allegations that an employee of the Probation Department was subjected to racial discrimination and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Absent: None

Vote: Unanimously carried

- f. Annette Nita v. County of Los Angeles
LASC Case No. BC 366 170

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to disability discrimination and that the Department failed to accommodate the employee's disability.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$420,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Public Health's budget.

Absent: None

Vote: Unanimously carried

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the Minutes for the May 19, 2008, meeting of the Claims Board.

Action Taken:

The Minutes for the May 19, 2008, meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Todd Smith v. County of Los Angeles
CASE NUMBER	Case No. CV 06-07479
COURT	United States District Court Judge Margaret Morrow
DATE FILED	November 22, 2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$75,000
ATTORNEY FOR PLAINTIFF	Brian Dunn
COUNTY COUNSEL ATTORNEY	Gary Tanaka Deputy County Counsel
NATURE OF CASE	<p>On September 8, 2005, a Sheriff's Deputy conducted a traffic stop on a vehicle that pulled over on the grounds of a local business. The Deputy contacted the driver of the vehicle and began to run a background check on him. The driver happened to be an employee of the business, and his supervisor, Todd Smith, approached the Deputy to inquire why the driver was being detained.</p> <p>Mr. Smith was instructed numerous times to back away from the Deputy, but he failed to comply. The Deputy eventually arrested Mr. Smith for interfering with a</p>

peace officer. During the course of his arrest, the Deputy had trouble handcuffing Mr. Smith due to his size, and Mr. Smith claims to have sustained injuries to his shoulder and wrist as a result.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$75,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$38,453
PAID COSTS, TO DATE	\$29,169

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:	<p style="text-align: center;"><u>Todd Smith v. County of Los Angeles</u> (Summary Corrective Action Plan #2008-004)</p> <p style="text-align: center;">Thursday, September 8, 2005</p>
Briefly provide a description of the incident/event:	<p>On Thursday, September 8, 2005, a Los Angeles County Deputy Sheriff (a supervisor holding the permanent rank of sergeant), while driving a standard black and white patrol vehicle, observed a motorist commit a hazardous traffic violation. The deputy sheriff initiated an enforcement stop and the offending motorist yielded to the deputy sheriff at 3764 San Gabriel River Parkway, Pico Rivera.</p> <p>While conducting his investigation, the deputy sheriff was approached by the plaintiff who physically interjected himself into the incident by demanding to know why his employee had been stopped. The plaintiff ignored the deputy sheriff's repeated requests to back away. The plaintiff was subsequently arrested for a violation of California Penal Code section 148(a)(1), Resist, Delay, or Obstruct Peace Officer. He was booked at Pico Rivera Station and held in lieu of \$10,000 bail.</p>

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

The plaintiff alleged he was injured during his arrest (due to the plaintiff's stature - 5', 7", 235 pounds - the arresting deputy needed to utilize three pairs of handcuffs to safely restrain the plaintiff's arms). Specifically, the plaintiff alleged injuries to both shoulders and right wrist.

There was no physical force used upon the plaintiff before, during, or after his arrest. In addition, during the booking process, the plaintiff voluntarily acknowledged, read, and signed the Los Angeles County Sheriff's Department's Arrestee Medical Screening Form indicating that he (the plaintiff) was free from injuries or medical problems. Finally, at no time did the plaintiff ever bring his alleged injury(ies) to the attention of Department personnel.

County of Los Angeles
Summary Corrective Action Plan

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

No employee misconduct is alleged. No corrective action measures are contemplated.

The decision to settle this case is predicated on three components: 1) the plaintiff was allegedly injured during his arrest for a misdemeanor crime; 2) the plaintiff has undergone two surgeries to treat the injuries and a third procedure is expected; 3) the relative uncertainty of the cost(s) to engage in an exhaustive discovery process to refute the plaintiff's assertion that his injuries (and severity therein) were the direct result of his interaction with a member of the Los Angeles County Sheriff's Department. Consequently, a full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which may exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$75,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

- 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 County-wide Implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 5-8-08
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 5/9/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Arthur Lopez v. County of Los Angeles
CASE NUMBER	BC370076
COURT	Los Angeles Superior Court Central District
DATE FILED	April 26, 2007
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$40,000
ATTORNEY FOR PLAINTIFF	Humberto Guizar, Esq. Law Offices of Humberto Guizar
COUNTY COUNSEL ATTORNEY	Gary Y. Tanaka Deputy County Counsel
NATURE OF CASE	Mr. Lopez was accidentally bitten by a Sheriff's Department police service dog. He sustained a laceration to his face that required stitches. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$40,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$18,485
PAID COSTS, TO DATE	\$1,737

Summary Corrective Action Plan



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Date of incident/event:	<p style="text-align: center;"><u>Arthur Lopez v. County of Los Angeles</u> (Summary Corrective Action Plan #2008-006)</p> <p style="text-align: center;">Friday, May 6, 2005; 12:30 AM</p>
Briefly provide a description of the incident/event:	<p>On Friday, May 6, 2005, a Los Angeles County Deputy Sheriff stopped his standard black and white patrol vehicle at 4801 3rd Avenue, Los Angeles (unincorporated Los Angeles County) to break his Department service dog. The deputy sheriff had previously used this location for this purpose as it is a contained, relatively isolated area rendering it suitable for such an activity.</p> <p>The deputy sheriff was unaware the plaintiff was sleeping behind a small wall concealed under a pile of blankets adjacent to a tree. When the service dog was released from the vehicle, he bit the plaintiff.</p>

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

When the deputy sheriff approached the location, he illuminated the area with his vehicle's spotlight to ensure the area was not populated. Unfortunately, given the topography of the area and the presence of a low wall, he was unable to see the plaintiff concealed beneath a pile of blankets adjacent to a tree.

Believing the area was clear, he released the service dog. Unfortunately, the dog detected the presence of the plaintiff and bit him. The deputy sheriff, who was only 12 feet from the service dog, immediately contained the animal and secured him in his patrol vehicle.

The deputy sheriff immediately summoned paramedics from the Los Angeles County Fire Department. The plaintiff was treated at the location and subsequently transported to a nearby medical facility for further treatment.

County of Los Angeles
 Summary Corrective Action Plan

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

No employee misconduct is alleged.

Prior to this event, the Los Angeles County Sheriff's Department did not have a policy regulating such an activity. As a result of this incident, the Los Angeles County Sheriff's Department's Special Enforcement Bureau (SEB) adopted Unit Order #2005-001, Guidelines for Breaking Dogs. The new directive regulates the circumstances under which Department service dogs are released for a break. The regulation was implemented August 18, 2005. A copy of Special Enforcement Bureau Unit Order #2005-001, Guidelines for Breaking Dogs, is attached to this summary corrective action plan for reference.

A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

This summary corrective action plan has no countywide implications (refer to #3 below).

RECOMMENDED SETTLEMENT AMOUNT: \$40,000.

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

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 5-19-08
Signature: (Department Head)  Paul K. Tanaka Assistant Sheriff	Date: 5-19-08

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service Since 1850

DATE: August 18, 2005

OFFICE CORRESPONDENCE

FILE:

FROM: THOMAS E. SPENCER, CAPTAIN
SPECIAL ENFORCEMENT BUREAU

TO: CANINE SERVICES PERSONNEL

SUBJECT: UNIT ORDER 2005-001

GUIDLINES FOR BREAKING DOGSPURPOSE

The purpose of this directive is to establish procedures for allowing the dogs to take a break while reducing the likelihood of an accidental bite.

SCOPE

This order applies to all canine services detail personnel.

PROCEDURE

It is necessary to periodically allow the dog to get out of the car during the shift to take a break. This period of time allows the dog to unwind and to relieve itself. Whenever possible, the dog should be given a break in a secure area not open to the public. In those instances when that is not possible, the dog shall be kept on a leash to avoid the possibility of an accidental bite.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan C. v. County of Los Angeles
CASE NUMBER	MC014972
COURT	Los Angeles County Superior Court North District
DATE FILED	July 23, 2003
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$225,000
ATTORNEY FOR PLAINTIFF	GREG W. GARROTTO Garrotto & Garrotto (310) 229-9200
COUNTY COUNSEL ATTORNEY	Lauren M. Black Senior Deputy County Counsel (213) 974-0695
NATURE OF CASE	Minor Juan C. alleges that the Department of Children and Family Services failed to adequately supervise his placement for a six year period. Juan C. alleges that during the placement he suffered chronic mental and physical abuse which would have been detected and stopped if the County had properly monitored his case.

Due to the risks and uncertainties of litigation, the Department of Children and Family Services and third party administrator Carl Warren join in the recommendation to fully and finally resolve this litigation by tendering a lump sum payment in the amount of \$225,000. Since the plaintiff is a minor, this settlement will also need to be approved by the court before it is finalized.

PAID ATTORNEY FEES, TO DATE	\$ 90,188
PAID COSTS, TO DATE	\$ 19,139



Summary Corrective Action Plan Department of Children and Family Services



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 1995 through June 2001
Briefly provide a description of the incident/event:	<p>The minor was placed in a state licensed foster home (the foster mother would become his legal guardian shortly after placement) from July 1995 to September 2001. For the entire duration of the minor's placement in this home, the minor steadfastly maintained to his Children's Social Workers (CSW) that he was not abused or neglected by his caregiver. Additionally, the minor, when interviewed directly about allegations that he was victim of abuse, denied the allegations.</p> <p>After it was alleged, by another foster child, that the minor was being abused, the minor was removed from the foster parent's home.</p>

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

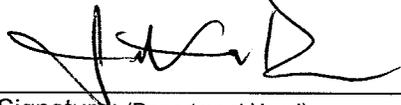
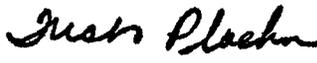
<ol style="list-style-type: none">1. The plaintiff contends that during this period of time there were inadequate standards for the granting of exceptions to State mandated visitation requirements.2. The plaintiff alleges that during this period of time there were inadequate policies and systems in place to ensure timely exchange of information between DCFS personnel regarding critical child safety issues.
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2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

<p>1. In the period following the events which gave rise to this lawsuit, the Department has strengthened internal protocols regarding when and how to obtain exceptions to mandated contact requirements.</p> <p>2. Numerous policies have been updated to reinforce and expand the utilization of the CWS/CMS system to ensure improved intra-Departmental communication.</p>

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

Signature: (Risk Management Coordinator) 	Date: 5-5-08
Signature: (Department Head) 	Date: 5-21-08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Spencer B. v. William S. Hart Union High School District and Los Angeles County Department of Mental Health</u>
CASE NUMBER	California Special Education Hearing Office (Case No. N2007110747)
COURT	Not applicable
DATE FILED	November 27, 2007
COUNTY DEPARTMENT	County Counsel
PROPOSED SETTLEMENT AMOUNT	\$23,336.60
ATTORNEY FOR PLAINTIFF	Newman Aaronson Vanaman
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Spencer B., in the William S. Hart Union High School District ("HUSD") who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. Parents requested reimbursement from both HUSD and DMH for costs incurred pertaining to expenses parents incurred

for visitation with Spencer and for services parents provided at their own expense, during the time Spencer was home, awaiting placement. A mediation was held and resolution was reached whereby DMH agreed to reimburse plaintiffs for a portion of their attorney fees, the fees for plaintiff's consultant and to coordinate and fund services related to obtaining an updated assessment of Spencer's current clinical profile, including an assessment of the feasibility of a home-based support plan.

PAID ATTORNEY FEES, TO DATE None

PAID COSTS, TO DATE None

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:	December, 2005 to November, 2007
Briefly provide a description of the incident/event:	<p>The case involves a Special Education Student, Spencer B., in the William S. Hart Unified School District who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. Under various state and federal laws, an individual, such as Spencer, is entitled to appropriate levels of mental health services in order to enable him to access and benefit from educational services. Under these laws, it is the responsibility of the County, through DMH, to provide the mental health services necessary to achieve this goal. Further, an individual is entitled under these laws to an administrative determination as to whether he is receiving the services to which he is entitled.</p> <p>The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and DMH. The agreement between DMH and plaintiff is as follows: payment of plaintiff's consultant's fees (\$2,336.60) and a portion of plaintiff's attorney fees (\$21,000.00).</p>

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

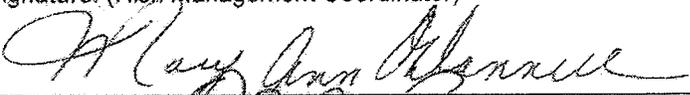
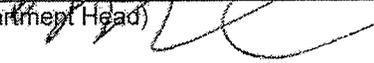
Parents assert unilateral right of residential placement of and repayment for out of pocket expenses for treatment of a special education student. Mediated administrative resolution.

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

None, since this is a compromise of parent's unilateral action.

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

Signature: (Risk-Management Coordinator) 	Date: 5-6-08
Signature: (Department Head) 	Date: 5/7/08

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 19, 2008

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:03 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Manuel A. Valenzuela and Andrea Ross; Department of Mental Health: Zoe Tractenberg; Office of Public Safety: Steve Lieberman; Outside Counsel: None.

No members of the public addressed the Claims Board.

At 8:05 a.m., the Chairperson adjourned the meeting into closed session. At 9:17 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Ron Ramirez v. County of Los Angeles
USDC Case No. CV 07-05873 GHK

This lawsuit concerns allegations that the Office of Public Safety violated federal law by not compensating two employees for overtime.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$120,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Human Resources - Office of Public Safety budget.

The vote of the Claims Board was unanimous with all members being present.

- b. Amanda O. v. Palos Verdes Peninsula Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2008010377

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

The Claims Board approved settlement of this matter in the amount of \$37,797.99.

The vote of the Claims Board was unanimous with all members being present.

- c. Rebecca H. v. Las Virgenes Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2007120286

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

The Claims Board approved settlement of this matter in the amount of \$84,675.71.

The vote of the Claims Board was unanimous with all members being present.

- d. Spencer B. v. William S. Hart Union High School and Los Angeles County Department of Mental Health
Case No. N2007110747

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

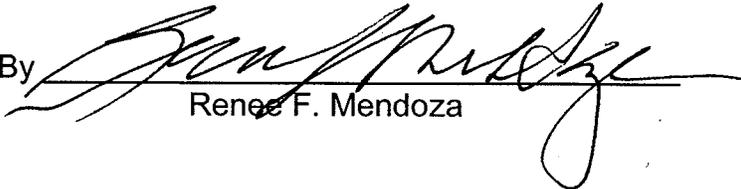
This matter was continued to the next Claims Board meeting.

The vote of the Claims Board was unanimous with all members being present.

Minutes for the May 5, 2008, meeting of the Claims Board were approved.

There being no further business, the meeting was adjourned at 9:30 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Renee F. Mendoza