

**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, JANUARY 6, 2014, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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. **Claim of Ley Drew, Inc.**

This claim seeks compensation for remediation and repair services provided at the request of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$27,318.62.

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Noes: 1 - John Naimo

[See Supporting Documents](#)

**b. J.M., a minor by Jose Luis Muro, et al. v. Glendale Unified School District, et al.
United States District Court Case No. CV 12-2763 ODW**

This lawsuit concerns allegations against the Probation Department for the unlawful detention of minors.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$27,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

**c. Rene Castillo v. County of Los Angeles
United States District Court Case No. CV 12-02760 ODW (JEMx)**

This lawsuit alleges a civil rights violation for the entry of a name into the Child Welfare Services Case Management System database by 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 \$180,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

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 of the December 16, 2013, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[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	Claim of Ley Drew, Inc.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	August 1, 2013
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 27,318.62
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos Deputy County Counsel
NATURE OF CASE	This is a claim filed by Ley Drew, Inc. against the County of Los Angeles for remediation and repair services it provided arising from the attempted arrest of a criminal defendant at a residential location, on or about June 20, 2013.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

Case Name: Ley Drew, Inc.



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:	Thursday, June 20, 2013; approximately 2:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Ley Drew, Inc. Summary Corrective Action Plan No. 2013-033</p> <p>On Thursday, June 20, 2013, at approximately 2:00 p.m., Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Special Enforcement Bureau, executed a search warrant for a man believed to be barricaded inside a single-family residence at 13951 Lomas Avenue, La Puente. The individual named in the warrant was armed with a handgun. During the course of the operation, and in order to safely effect the arrest of the suspect, personal property was damaged. Unfortunately, the suspect was not at the location.</p>

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

An armed and dangerous suspect barricaded himself inside a single-family residence and refused to surrender to members of the Los Angeles County Sheriff's Department.

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 procedures/protocols in effect at the time of the incident.

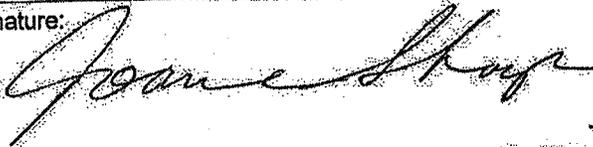
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

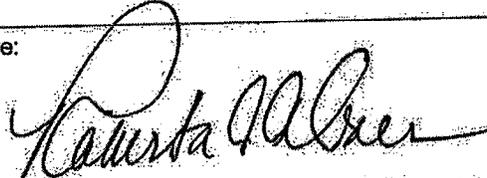
This incident was reviewed by representatives from the Los Angeles County Sheriff's Department. No employee misconduct is suspected or alleged, and no systemic issues were identified. Consequently, no employee-related administrative action was taken, and no other corrective action measures are recommended or contemplated.

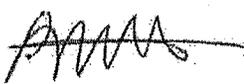
County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 12-18-13

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature: 	Date: 12/23/13

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature: 	Date: 12/24/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	J.M., a minor by Jose Luis Muro, et al. v. Glendale Unified School District, et al
CASE NUMBER	CV 12-2763 ODW
COURT	United States District Court
DATE FILED	Complaint filed: September 23, 2011
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ \$27,000
ATTORNEY FOR PLAINTIFF	Ronald Gold, Esq. Ronald Gold Law Offices Bernard R. Schwam, Esq. Law Offices of Bernard R. Schwam
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$27,000, inclusive of attorneys' fees and costs, the lawsuit filed by J.M., a minor child and two other other high school students against the County of Los Angeles and a Probation Department employee alleging federal civil right violations for false arrest.</p> <p>The case stems from a seminar regarding gang prevention that Plaintiffs claim they were forced to attend at Hoover High School.</p>

Plaintiffs claim they were unlawfully detained and searched without their consent.

In light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of \$27,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	39,302
PAID COSTS, TO DATE	\$	2,966

Case Name: J. M. et al., v. COLA



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:	September 24, 2010
Briefly provide a description of the incident/event:	On September 24, 2010, from 12:21p.m. to 1:51p.m., approximately 56 students that appear to be Latino were allegedly taken into classrooms detained, interrogated, and photographed by administrators, officers and others at Glendale Unified School District (GUSD) Hoover High School (HHS). Probation School-Based-Supervision (SBS) staff were on-site and involved during the activity associated with their Juvenile Justice Crime Prevention Act (JJCPA) duties to reduce crime and delinquency. The claimants allege they were selected because they were associated with gang members and hung out in gang territory. The claimants also allege that police interviewed them individually asking for personal information, about any tattoos or scars, about any criminal history, etc. It is also alleged that the police officers wrote down their information and photographed the students. In 2012, plaintiff filed a lawsuit alleging infliction of emotional distress, unlawful search and seizure, etc.

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

The initial incident stems from School Officials and Law Enforcement Officers efforts to reduce crime and delinquency based on observing students school grounds associations with gang members. A root cause factor analysis was conducted including, but not limited to:

- Exposure area relates to a perceived violation of privacy rights.
- Compounding factors include:
 - School Board Policy allows school officials to search individual students when there is a reasonable suspicion.
 - Probation SBS employees are not considered school officials.
 - Probation SBS employees participated in the activity without having:
 - Warrantless search conditions
 - A court order
 - Parental consent
 - School officials did not secure parental consent for student participation prior to the activity.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- Probation SBS employees:
 - Limited application of policy related to search conditions.

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root cause factors.

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

ROOT-CAUSE Recommended Corrective Action:

Task #1 Name: Condition of Probation Policy Reinforcement

System Issue: Process/Procedure/Personnel

Responsible Person: Daniel Aceves

Task Description:

1. The Department **reinforced policy** in Juvenile Manual (JM) Section 1500 related to Conditions of Probation. Reinforcement was done by using at least one of the following mechanisms: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:
 - a. Deputy Probation Officer (DPO) recommends search and seizure conditions for cases involving gangs, drugs and weapons.

This task was completed by the end of March 2013 and is on-going based on operational needs.

Task #2 Name: Search & Seizure Special Bulletin

System Issue: Process/Procedure/Personnel

Responsible Person: Daniel Aceves

Task Description:

1. The Department will develop, distribute and present a Search & Seizure Special Bulletin with the assistance of County Counsel. The bulletin will be presented to managers and SBS staff. Distribution and Presentation will be done by using at least one of the following mechanisms: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area

frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:

- a. Search & Seizure areas referenced will include, but not be limited to:
 - i. United States Constitution
 - ii. California Constitution
 - iii. Applicable Caselaw
 - iv. Probation Department associated policies
 - v. SBS staff need to consult with bureau management prior to participating in multi-jurisdictional efforts.

This task will be completed by the end of June 2013 and will be on-going based on operational needs.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) DANNY ACEVES	
Signature: <i>[Handwritten Signature]</i>	Date: 11/25/13

Name: (Department Head) Margarita Perez	
Signature: <i>[Handwritten Signature]</i>	Date: 12/2/12

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
- No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature: <i>[Handwritten Signature]</i>	Date: 11-25-13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rene Castillo v. County of Los Angeles
CASE NUMBER	CV12-02760 ODW (JEMx)
COURT	United States District Court
DATE FILED	March 29, 2012
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 180,000
ATTORNEY FOR PLAINTIFF	Diane B. Weissburg Weissburg Law Firm
COUNTY COUNSEL ATTORNEY	Takin Khorram Deputy County Counsel Social Services Division Patricia Ellyatt Maranga Morgenstern
NATURE OF CASE	Plaintiff's civil rights were violated when his name was entered into the Child Welfare Services Case Management System database.
PAID ATTORNEY FEES, TO DATE	\$ 73,578
PAID COSTS, TO DATE	\$ 6,437

Case Name: 12-1097311*001 - CASTILLO, RENE



Summary Corrective Action Plan

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Date of incident/event:	11/15/2011
Briefly provide a description of the incident/event:	Plaintiff alleges emotional distress as a result of having his name and identifying information listed on the CWS/CMS database.

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

Cause Type: Non-Root Cause Corrective Action

No corrective actions are contemplated at this time; the root cause of the incident is plaintiff's challenge of County policy based on State regulations. The Department followed all relevant policies, procedures and State laws.

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

Step Name: Monitoring of State laws and regulatory changes

Scheduled Completion Date: 11/20/2013

No corrective actions are contemplated at this time; the root cause of the incident is plaintiff's challenge of County policy based on State regulations. The Department followed all relevant policies, procedures and State laws.

3. Are the corrective actions addressing department-wide system issues?

- Yes - The corrective actions address department-wide system issues.
- No - The corrective actions are only applicable to the affected parties.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) Michelle R. Victor	
Signature: 	Date: 12.3.13

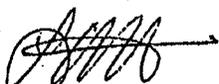
Name: (Department Head) PHILIP L. BROWNING	
Signature: 	Date: 12/9/13

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

Yes - The corrective actions potentially have County-wide applicability.

No - The corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) Leonardo Costantino	
Signature: 	Date: 12/3/13

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING

December 16, 2013

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Roger Granbo, Jenny Tam and Millicent Rolon; and Sheriff's Department: Lt. Patrick Hunter and Sgt. Bruce Cantley.

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).

At 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 10:10 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Virginia Lusk v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 026 075**

This wrongful death lawsuit concerns allegations of civil rights violations by Sheriff Deputies during a vehicle pursuit and attempted apprehension.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,500.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

b. Claim of Oscar Robles, et al.

This claim arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$31,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Pat Wu

c. Gregory Thompson v. County of Los Angeles, et al. (Two Lawsuits) - Los Angeles Superior Court Case Nos. BC 468 392 and BC 497 024

The lawsuits concern allegations of civil rights violations and excessive force by Sheriff's Deputies on an inmate.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$215,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

5. Approval of the minutes of the December 2, 2013, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

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.

The meeting was adjourned at 10:14 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson