

STATEMENT OF PROCEEDINGS

FOR THE SPECIAL 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 9, 2017, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo

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. **Dalia Silva v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 595 727**

This wrongful death lawsuit alleges negligence and deliberate indifference to medical needs of an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

[See Supporting Documents](#)

- b. **Jane Doe v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 561 292**

This lawsuit concerns allegations of medical malpractice and privacy breach while Plaintiff was a patient of the Emergency Department at LAC+USC Medical Center.

Action Taken:

The Claims Board continued this item to the meeting of February 6, 2017.

a

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

[See Supporting Document](#)

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 19, 2016, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

[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	Dalia Silva v. County of Los Angeles, et al.
CASE NUMBER	BC595727
COURT	Los Angeles Superior Court
DATE FILED	September 24, 2015
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Robert Besser, Esquire Law Offices of Robert Besser
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$250,000, a wrongful death lawsuit filed by Dalia Silva against the County and the Sheriff's Department alleging wrongful death and negligence arising out of the death of Ms. Silva's son, Steven Andrew Rivera, while he was in the holding cell at the Carson Sheriff's Station.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 11,672
PAID COSTS, TO DATE	\$ 377

Case Name: Silva, Dalia v. County of Los Angeles, et al.



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 20, 2014
Briefly provide a description of the incident/event:	<p style="text-align: center;">Silva, Dalia v. County of Los Angeles Summary Corrective Action Plan 2016-037</p> <p>On Sunday, September 20, 2014, at approximately 3:20 a.m., a deputy sheriff observed the decedent stumbling on a public street near two motels known for their high volume narcotics trafficking. He saw the decedent was also sweating profusely and appeared nervous. The deputy sheriff detained the decedent for a narcotics investigation. The decedent acknowledged being on probation for narcotics possession and admitted he had search conditions. The decedent verbally gave the deputy sheriff consent to search but did not advise he had anything illegal in his possession. The deputy sheriff discovered a small plastic bag containing a substance resembling methamphetamine in the decedent's right sock and subsequently arrested him for possession of a controlled substance.</p> <p>At approximately 3:55 a.m., the deputy sheriff brought the decedent to the Carson Station Jail for booking and placed him in a booking cell alone. Once in the cell, the deputy sheriff removed handcuffs from the decedent and performed a booking search on him. During the booking process, the decedent advised the deputy sheriff he had no medical problems and he was not taking any prescribed medication.</p> <p>When the deputy sheriff left the booking area, the decedent retrieved a concealed bag of methamphetamine from the front of his trousers and swallowed its contents. When the deputy sheriff returned, the decedent alerted him he did not feel well but did not elaborate why. The deputy sheriff provided the decedent a box of juice and left the booking area to continue processing the booking paperwork. The deputy sheriff advised the jailer deputy the decedent was not feeling well. The jailer deputy went to the booking cell and checked on the decedent soon after ingestion, but the decedent did not show any evident signs of distress.</p> <p>Over a span of several minutes, the jailer deputy went back and forth between the booking area, other jail cells, and the jailer deputy's desk. The jailer deputy periodically monitored the decedent, who alternated between bouts of physical agitation and apparent calm. As the decedent's physical agitation and distress increased, the jailer deputy intermittently monitored him.</p> <p>Approximately 30 minutes later, the jailer deputy notified the watch sergeant the decedent was exhibiting signs of overt intoxication and needed medical attention. Six minutes later, the jailer deputy and an</p>

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	<p>assisting patrol deputy opened the booking cell and began chest compressions while awaiting a paramedic response.</p> <p>Los Angeles County Fire Department personnel arrived, performed additional life saving measures, and restored the decedent's heartbeat. Emergency personnel transported the decedent to the hospital for additional treatment.</p> <p>On September 24, 2014, family members withdrew life support measures for the decedent, who had suffered multiple organ failures. Medical personnel pronounced him dead shortly thereafter.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was that an arrest search and booking searches did not reveal a bag of methamphetamine that the decedent had in his possession.

Another **Department** root cause in this incident was the decedent was not asked appropriate follow-up questions or provided medical care when he reported he did not feel well.

An additional **Department** root cause in this incident was that Department employees did not recognize the decedent's overt symptoms of extreme intoxication and/or medical emergency necessitating an immediate medical response.

Another **Department** root cause in this incident was the involved employees delay in administering medical care and/or summoning emergency medical response.

A **non-Department** root cause in this incident was the decedent's ingestion of a lethal amount of illegal narcotics surreptitiously concealed upon his person.

A **non-Department** root cause in this incident was the decedent's failure to divulge that he had methamphetamine in his possession.

A **non-Department** root cause in this incident was the decedent's failure to inform any Department member(s) about his narcotic consumption and/or his subsequent medical emergency.

2. Briefly describe recommended corrective actions:

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(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The incident was investigated by the Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after the incident.

The Internal Affairs Bureau personnel from the Los Angeles County Sheriff's Department investigated the circumstances surrounding the decedent's death. The findings from the investigation were forwarded to Carson Station for executive review and evaluation.

On August 31, 2015, the Carson Station captain determined the deputy sheriffs violated Department policy. Appropriate administrative action has been taken.

Searching of persons for contraband is not 100% foolproof. There are many ways a person can defeat detection of contraband during an arrest search, booking search, and/or a strip search.

Narcotics can be ingested before an arrest or while in custody and will remain in the person's digestive system until it passes. Weapons, cell phones, narcotics, and other contraband can be held in body orifices (most commonly in the mouth, rectum, or vagina). Small objects and/or narcotics can be hidden in hair, under clothing, or in body crevasses. People have hidden contraband in prosthetic body parts or gone so far as to have contraband surgically put into their body.

It is feasible that the deputy sheriff in this incident performed appropriate arrest and booking searches of the decedent, but failed to locate a baggie of methamphetamine in his groin area.

Although there is no indication that the deputy sheriff improperly searched the decedent, it is evident the search did not reveal the hidden narcotics.

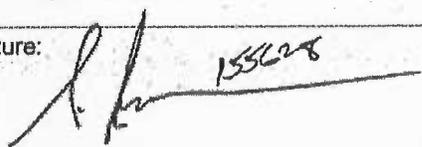
The Carson Station captain implemented a unit order policy directed toward all station jail personnel, mandating alarm activation and supervisory notification during a jail emergency.

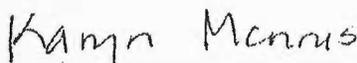
County of Los Angeles
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3. Are the corrective actions addressing Department-wide system issues?

- 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

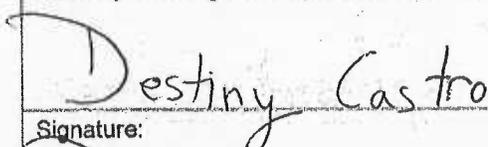
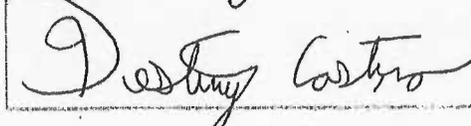
Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 12-20-16

Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: 	Date: 12-20-16

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) 	
Signature: 	Date: 12/21/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jane Doe v. County of Los Angeles, et al.
CASE NUMBER	BC 561292
COURT	Los Angeles County Superior Court
DATE FILED	October 20, 2014
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 497,000
ATTORNEY FOR PLAINTIFF	Neville Johnson Johnson & Johnson, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Principal Deputy County Counsel
NATURE OF CASE	<p>On June 20, 2011, Ms. Doe, a 21-year-old female, was brought to the Emergency Department at LAC+USC Medical Center. She was treated by various physicians and nurses.</p> <p>While at the Emergency Department, a nurse, who was an employee of a contractor with the County of Los Angeles, took Ms. Doe's picture and sent it to another nurse, who was a County employee. The picture was later published on the internet.</p> <p>Ms. Doe sued the County of Los Angeles and the contracting agency for violation of privacy.</p>
PAID ATTORNEY FEES, TO DATE	\$ 217,337
PAID COSTS, TO DATE	\$ 13,255

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

DECEMBER 19, 2016

1. **Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: Chair John Naimo, Steve Robles, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Judy Whitehurst, Richard Girgado, Ruben Baeza, Adrian Gragas, Richard Kudo, and Stacey Lee; Treasurer and Tax Collector: Keith Knox and Kathy Gloster; Department of Public Works: Dominic Osmena and Michael Hays; Fire Department: William McCloud, Anthony Whittle and Steve Moseley; and Outside Counsel: Paul Moorehead.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. **Report of actions taken in Closed Session.**

At 10:31 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **1957 Delamo, LLC aka 1957 Del Amo, LLC v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 588 817

This lawsuit alleges that the Treasurer and Tax Collector wrongly cancelled Plaintiff's existing County business licenses resulting in the closing of Plaintiff's business and loss of income.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$99,999.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

b. **Veronica Barragan v. County of Los Angeles**
Los Angeles Superior Court Case No. MC 020 485

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a single-vehicle accident in the unincorporated area of the County.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$3,000,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

c. **Chedmond Lee v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 533 093

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department utility truck.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

d. **Lorae Bermudez and Thomas Kim v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 564 012

This lawsuit arises from damages and injuries sustained when Plaintiff was run over by a Fire Department Lifeguard's vehicle.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,700,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

e. **Kathryn Stocks v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 585 399

This lawsuit concerns allegations that an employee of the Fire Department was subjected to disability discrimination, retaliation, and failure to reasonable accommodation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$300,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

5. **Approval of the minutes of the December 5, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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.**

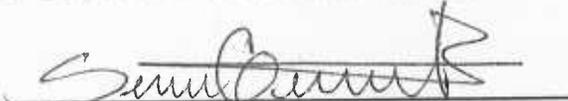
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:33 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Sandra C. Ruiz