



COUNTY OF LOS ANGELES
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TO: PATRICK OGAWA
Acting Executive Officer
Executive Office Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Heather Kowalczyk v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 531 503

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Heather Kowalczyk v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 531 503 in the amount of \$2,200,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Heather Kowalczyk v. County of Los Angeles, et al.
CASE NUMBER	BC 531503
COURT	Los Angeles Superior Court
DATE FILED	December 23, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2,200,000
ATTORNEY FOR PLAINTIFF	Justin D. Feldman, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE	<p>On August 17, 2012, a Sheriff's Deputy, driving a marked patrol unit within the course and scope of his employment with the Sheriff's Department, was responding to a call for assistance from another patrol unit. While en route, he collided with another vehicle, driven by Heather Kowalczyk, an off-duty Los Angeles Police Officer, at the stop sign-controlled intersection of Barrell Springs Road and 47th Street East, in the unincorporated County area. Ms. Kowalczyk contends that the patrol unit entered the intersection without stopping. The County contends that a portion of her damages are unnecessary and excessive.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$2,200,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 67,440
PAID COSTS, TO DATE	\$ 66,821

Case Name: Heather Kowalczyk 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:	Thursday, August 17, 2012; approximately 5:00 p.m.
Briefly provide a description of the incident/event:	<p><u>Heather Kowalczyk v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2015-050</p> <p>On Friday, August 17, 2012, at approximately 5:00 p.m., an on-duty Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Palmdale Station, was driving north on 47th Street East, south of Barrel Springs Drive, Palmdale (Unincorporated Los Angeles County), when the vehicle he was driving collided with the vehicle driven by the plaintiff.</p>

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

The **primary** root cause in this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 22450(a), *Stop Requirements* (**Exhibit A** – California Vehicle Code section 22450[a], *Stop Requirements*).

The **secondary** root cause in this incident is the Los Angeles County deputy sheriff violating Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/090.07, *Use of Seatbelts* (**Exhibit B** – Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/090.07, *Use of Seatbelts*).

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.

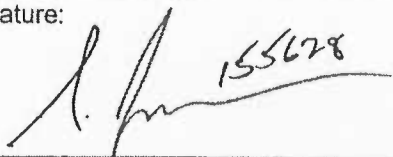
This incident was thoroughly investigated by representatives from the California Highway Patrol and the Los Angeles County Sheriff's Department. Following their investigations and subsequent reviews, it was determined employee misconduct was the primary causal factor in this incident. As a result, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

County of Los Angeles
Summary Corrective Action Plan

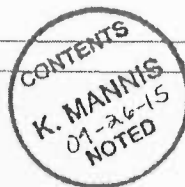
3. Are the corrective actions addressing department-wide system issues?

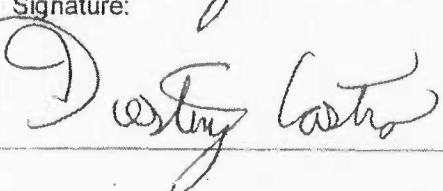
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 7-23-15

Name: (Department Head)	
Earl M. Shields, Chief Professional Standards Division	
Signature: Earl Shields, pm	Date: 09-28-15



Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature: 	Date: 9/28/2015

EXHIBITS

EXHIBIT A



California

LEGISLATIVE INFORMATION

Code: Section: [Up^](#) [<< Previous](#) [Next >>](#)[cross-reference chaptered bills](#)[PDF](#) | [Add To My Favorites](#) **VEHICLE CODE - VEH****DIVISION 11. RULES OF THE ROAD [21000 - 23336]** (*Division 11 enacted by Stats. 1959, Ch. 3.*)**CHAPTER 8. Special Stops Required [22450 - 22456]** (*Chapter 8 enacted by Stats. 1959, Ch. 3.*)

22450. (a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

(b) The driver of a vehicle approaching a stop sign at a railroad grade crossing shall stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(c) Notwithstanding any other provision of law, a local authority may adopt rules and regulations by ordinance or resolution providing for the placement of a stop sign at any location on a highway under its jurisdiction where the stop sign would enhance traffic safety.

(*Amended by Stats. 2007, Ch. 630, Sec. 8. Effective January 1, 2008.*)

EXHIBIT B

**3-01/090.07 USE OF SEATBELTS**

All personnel and passengers shall wear factory-installed safety belts and do so consistent with the recommendations of the manufacturer while operating or riding in County/Permittee vehicles unless exigent circumstances are present or it can be reasonably anticipated that a sudden exit from the vehicle is a greater safety consideration than the protection offered by the safety belt.

Seatbelt extenders shall be used as needed on a case-by-case basis. They shall be worn only as designed and consistent with the recommendations of the manufacturer. They shall only be permitted for use when they fit properly, their use is warranted by the vehicle manufacturer, and the user has been made aware of the risks associated with seatbelt extender use.

This order does not apply to passengers with physically disabling or medical conditions which would prevent the proper utilization of factory-installed or other Department-authorized safety belts.

Vehicles assigned to the Training Bureau, Emergency Vehicle Operations Center unit, for use in driver safety instruction may be equipped with a safety belt system which is superior to the factory-installed system.

Revised 02/24/15

Revised 05/16/05