



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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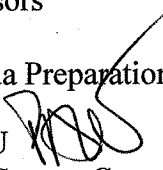
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November 19, 2014

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Aldie Darnell Henry v. County of Los Angeles, et al.
United States District Court Case No. CV 13-00394

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 the Summary Corrective Action Plan to be made available to the public.

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

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Aldie Darnell Henry v. County of Los Angeles, et al., United States District Court Case No. CV 13-00394, in the amount of \$450,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

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

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Aldie Darnell Henry vs. County of Los Angeles, et al.
CASE NUMBER	CV 13-00394
COURT	United Stated District Court
DATE FILED	January 18, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 450,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$450,000, the lawsuit filed by Plaintiff Aldie Darnell Henry alleging false arrest and excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Henry's resistance.</p> <p>Due to the risks and uncertainties of the 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 \$450,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 122,085
PAID COSTS, TO DATE	\$ 12,654



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:	Monday, October 31, 2011; approximately 4:30 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Aldie Darnell Henry v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-030</p> <p>On Monday, October 31, 2011, at approximately 4:30 p.m., two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Century Station, were searching for a robbery suspect when they were flagged down by two individuals who directed them to a possible suspect hiding in the restroom of a nearby restaurant.</p> <p>The deputies entered the restroom and found the plaintiff in one of the stalls. The deputy sheriffs instructed the plaintiff several times to step out of the stall. When one of the deputy sheriffs attempted to search the plaintiff, the plaintiff initiated a violent confrontation. During the course of the ensuing struggle, the deputy sheriffs were forced to employ physical force (including the use of a TASER device) to defend themselves and overcome the resistance offered by the plaintiff.</p> <p>The plaintiff was ultimately restrained, handcuffed, and subsequently taken into custody.</p>

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

The root cause in this incident was the plaintiff's violent response to a lawful detention initiated by two 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 investigated by representatives from the Los Angeles County Sheriff's Department's Century Station. The investigation found that the level of physical force used by the two deputy sheriffs

County of Los Angeles
Summary Corrective Action Plan

to overcome the resistance offered by the plaintiff was objectively reasonable, within Department policy, consistent with Department training, and in response to the plaintiff's actions.

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

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

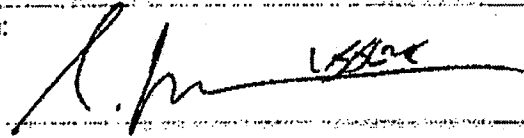
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Acting Captain
Risk Management Bureau

Signature:



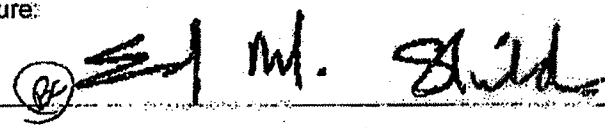
Date:

10-8-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

10/14/14

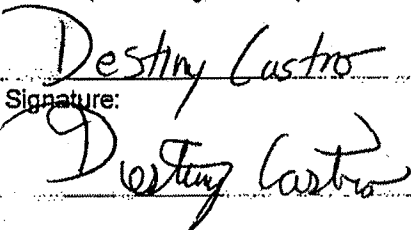
Chief Executive Office Risk Management Inspector General USE ONLY

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:

10/20/2014