



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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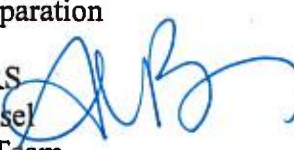
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May 23, 2019

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS 
Assistant County Counsel
Litigation Monitoring Team

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Ricardo Bruno, et al. v. County of Los Angeles, et al.
United States District Court Case No. 8:17-CV-01301

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.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ricardo Bruno, et al. v. County of Los Angeles, et al., United States District Court Case No. 8:17-CV-01301 in the amount of \$500,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges Plaintiffs' federal civil rights were violated when their minor children were taken by the Sheriff's Department without a warrant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ricardo Bruno v. County of Los Angeles, et al.
CASE NUMBER	8:17-CV-01301
COURT	United States District Court
DATE FILED	June 15, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Shawn A. McMillan, Esq. The Law Offices of Shawn A. McMillan, APC
COUNTY COUNSEL ATTORNEY	Richard Hsueh
NATURE OF CASE	<p>This is a recommendation to settle for \$500,000, inclusive of attorneys' fees and costs, in the federal civil rights lawsuit filed by Plaintiffs, Ricardo Bruno and Rachel Bruno, husband and wife. The lawsuit alleges that Sheriff's Deputies wrongfully removed Plaintiffs' minor children, L.B. (7 weeks old) and D.B. (20 months old), from Plaintiffs' care and custody without a warrant by placing a hospital hold on L.B. and then removing and placing D.B. in temporary foster care.</p> <p>Given the high 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 \$500,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 172,272
PAID COSTS, TO DATE	\$ 1,987

Case Name: Ricardo Bruno et al. 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:	July 8, 2015
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Ricardo Bruno v. County of Los Angeles</u> Summary Corrective Action Plan 2018-46</p> <p>On July 8, 2015, a deputy sheriff assigned to Cerritos Station responded to a call for service at Children's Hospital of Orange County (CHOC), regarding a seven-week-old male infant who was receiving treatment for a skull fracture, swelling and hemorrhaging inside his brain, and seizures. The infant's mother was with the child at their family's home in Cerritos prior to his admission to the hospital, but denied knowing how his injuries occurred. The infant's father lived in the family home, but was out of town on a business trip.</p> <p>As the first deputy sheriff was at the hospital with the child, he contacted a Special Victims Bureau (SVB) detective on the phone regarding the incident. The first deputy sheriff informed the detective of his initial investigation and the extent of the infant's injuries including the treating physician's determination that the injuries were caused by blunt force trauma from an unknown object and/or person. The first deputy sheriff also advised the detective there was a one-year-old sibling that lived at the same residence, but was staying the night with the child's grandparents at a different location.</p> <p>Due to the infant's unexplained injuries, which appeared to be non-accidental, and the fact there was another minor that lived in the same residence, the detective feared the infant and the sibling were in imminent danger if they were left in the care of their parent(s) and/or continued to reside at their family home. The detective instructed the first deputy sheriff to place a "Hospital Hold" on the infant and take the infant's one-year-old sibling into protective custody (pursuant to Welfare and Institution Codes 300[a] and 300[j]).</p> <p>A "Hospital Hold" was placed on the infant during the early morning hours of July 9, 2015. At the direction of the first deputy sheriff and the detective, a second deputy sheriff responded to the infant's grandparents' residence with a social worker from the Orange County Social Service Agency (OCSSA) and took protective custody of the one-year-old sibling.</p> <p>Both the infant and one-year-old sibling were released by the court to their father. The court ordered the children's mother to move out of the family's home. The mother cooperated with the classes and programs required of her by OCSSA. The court allowed the mother to move back into the family home on August 28, 2015. As of January 14, 2016, both parents were compliant with all of the OCSSA and court's requirements. On February 9, 2016, the court adopted the OCSSA recommendations to</p>

	<p>terminate the dependent child's proceedings. On May 24, 2016, OCSSA closed the case.</p> <p>The Special Victims Bureau detective presented a criminal complaint to the Los Angeles County District Attorney's Office. On August 7, 2016, the district attorney's office rejected the case against any involved parties due to insufficient evidence.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the hospital hold being placed on the infant prior to obtaining a warrant.

Another **Department** root cause in this incident was the warrantless detention and removal of the infant's sibling from the grandparent's house.

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

Incident Assessment

This incident was reviewed by executives from Special Victims Bureau, and the Detective Division to assess if any administrative misconduct occurred before, during, and/or after the incident.

Executive review of this incident did not reveal any employee misconduct. The actions taken by the deputy sheriffs and supervisors involved in this incident were found to be within the guidelines of what is expected from employees assigned to the Los Angeles County Sheriff's Department.

Inter-Agency Council on Child Abuse and Neglect (ICAN)

The Los Angeles County Sheriff's Department's SVB is committed to protecting the children of Los Angeles County by collaborating with DCFS, as well as with other law enforcement, welfare and health agencies. SVB has and continues to lead in the collaborative and transparent interaction between all inter-agency governmental stakeholders in the protection of children.

In 1977, the Los Angeles County Board of Supervisors established the Inter-Agency Council on Child Abuse and Neglect (ICAN) as the official County agency to coordinate the development of services for the prevention, identification, and treatment of child abuse and neglect. Since inception, SVB has been a strong partner of ICAN and has participated in many sub-committees, which includes the Child Death Review Team whereby multi-agencies review intentional and preventable child deaths for better case management. ICAN continues to be an important resource for SVB in providing important data, as well as trend and case review analysis.

Through SVB's collaborative efforts with ICAN, a sub-committee was formed between SVB, DCFS, the Los Angeles County District Attorney's Office Family Violence Division's E-SCARS Unit, the Los Angeles County Office of Child Protection (OCP), and other municipal law enforcement agencies in Los Angeles County to work together in developing a countywide, two-step best practice protocol for both law enforcement and DCFS Child Social Workers.

The first goal of the protocol is to strengthen the mutual collaboration, communication, and information sharing on child abuse related cases between law enforcement and DCFS Child Social Workers through immediate notifications, coordinated responses, and constant communication. Immediate notification between law enforcement and DCFS, upon determination that such a notification is required, is crucial. This immediate notification will assist both entities in a more efficient and complete investigation. The immediate notification also establishes a team approach and better communication and information sharing between the involved agencies to achieve the best resolution of these very sensitive cases.

The second goal of the ICAN sub-committee is to strengthen the collaboration and information sharing between Detectives and Child Social Workers after the initial field response. Detectives and Child Social Workers need to continue their collaborative efforts past the initial response and into the investigative stage of the case. Communication and information sharing throughout the investigation of these cases will eliminate multiple difficult and emotional interviews of victims and witnesses. Additionally, the team (law enforcement and DCFS) approach has been proven throughout the country to result in a more efficient and complete investigation and more importantly, have a less traumatic effect on the involved parties.

The ICAN sub-committee is planning several meetings in the near future with many law enforcement agencies within the county to present these protocols and ask for their cooperation in a more consistent policing method to responding and investigating these cases.

Continuing Child Abuse Investigation Development

On June 12, 2017, executives from the Department of Children & Family Services, County Counsel, the CEO's Office, Inspector General, and the Sheriff's Department's Special Victims Bureau, Professional Standards and Training Division, and Risk Management Bureau met to address issues in this case.

During the meeting, the Sheriff's Department agreed to address the following items:

- 1) A review of its current policies related to child abuse investigations and warrantless detentions.
 - a. Ensure there is a discussion to establish a joint decision between the Sheriff's Department and DCFS at the scene before any warrantless detention of a minor occurs.
 - b. If necessary, a new newsletter may be created to clearly guide Department employees on the process of warrantless detentions of minors.
 - c. Ensure that liaison contact information includes the D.A. Command Post, Special Victims Bureau's On-Call phone number, and DCFS' Emergency Response phone number listed in an easily accessible format for first responders.
- 2) Look into the possibility of partnering DCFS case workers with members of Special Victims Bureau and locating them together.
 - a. Some limiting factors are understaffing of personnel and budget, and lack of adequate workspace for both units.
- 3) Creation of a joint DCFS and LASD\Special Victims Bureau Command Post, similar to D.A. Command Post.
 - a. This command post would have the needed expertise within child abuse investigations and the knowledge of children's court procedures.
 - b. Sworn staff would have the ability to do a pre-search investigation of a location, determine the level of risk, and create an Operations Plan prior to the removal of children.
 - c. This command post would be able to standardize responses from all involved departments.
 - d. Explore the possibility of allowing detectives to have access to the 24 hour warrant desk to provide quicker access to obtain a child removal warrant.

As a result of the above meetings the following items were established:

- On May 9, 2018 the Special Victims Bureau updated the Newsletter (Volume 15 Number 01) "Warrantless Detention of Children" that was originally published in February 2015. This newsletter provides clarity and assists deputy sheriffs with the process of warrantless detentions of minors.

- Sheriff's Information Bureau - Department Operations Center instituted a 24 hour on call Special Victims Bureau Lieutenant to assist field operations with Child Abuse and warrantless detention calls.
- In February 2019, a pilot program was established partnering a DCFS social worker with a deputy sheriff to respond to suspected child abuse related reports and to assist field deputy sheriffs in their response to child abuse related calls.

To improve interoperability between the Sheriff's Department and the Department of Child and Family Services, a new program was created. The new Suspected Child Abuse Report (SCAR) team pairs a DCFS social worker with a specially assigned deputy sheriff, in the same car. The primary objective of the SCAR teams is to perform follow-up on SCAR reports and to provide much needed support to field deputies when they encounter child abuse and/or neglect related calls or issues, in the field.

Note: The SCAR team pilot program is based on the Mental Evaluation Team (MET team) model.


Goals of this program are to provide improved services for child related crimes and to bridge a gap between the two department's services.

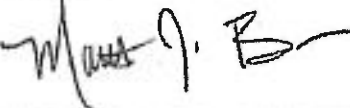
Implementation of the SCAR team pilot program began in early February, 2019 with two teams assigned in Palmdale. By the end of March, an additional two teams are expected to be deployed in Lancaster. Initially, the teams are expected to cover day and PM shift schedules, five days a week. Expected future deployment would include 24 hours a day, seven days a week coverage.

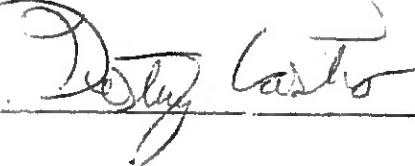
County of Los Angeles
Summary Corrective Action Plan

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) Dana A. Chemnitzer, A/Captain Risk Management Bureau	
Signature: 	Date: 2-19-19

Name: (Department Head) Matthew J. Burson, Chief Professional Standards and Training Division	
Signature: 	Date: 2/19/19

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: 2/26/2019