



County of Los Angeles

September 10, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

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Supervisor, First District

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Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

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Kathryn Barger
Supervisor, Fifth District

TO: EDWARD YEN
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation
Johnny Smith, et al. v. City of Los Angeles, et al.
Los Angeles Superior Court Case No. 22STCV11178**



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

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

AMB:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Johnny Smith, et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 22STCV11178, in the amount of \$495,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit against the Department of Children and Family Services alleges negligence and breach of mandatory duties resulting in the death of a minor.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|----------------------------|--|
| CASE NAME | <i>Johnny Smith, et al. v. County of Los Angeles, et al.</i> |
| CASE NUMBER | 22STCV11178 |
| COURT | Los Angeles Superior Court |
| DATE FILED | April 1, 2022 |
| COUNTY DEPARTMENT | Department of Children and Family Services |
| PROPOSED SETTLEMENT AMOUNT | \$ 495,000 |
| ATTORNEY FOR PLAINTIFF | GREGORY A. YATES Gregory A. Yates, A Professional Corporation GREGORY W. SMITH Law Offices of Gregory W. Smith, LLP STEVE VARTAZARIAN The Vartazarian Law Firm |
| COUNTY COUNSEL ATTORNEY | SHAWN LUNA Senior Deputy County Counsel Social Services Division DANIELLE FOSTER SCOTT CARPENTER Carpenter, Rothans & Dumont |
| NATURE OF CASE | Plaintiffs allege negligence and breach of mandatory duty claims against the Department of Children and Family Services resulting in the death of a minor. Due to the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case is in the amount of \$495,000 is recommended. |
| AID ATTORNEY FEES, TO DATE | \$ 48,756 |
| PAID COSTS, TO DATE | \$ 10,529 |



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.

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| Date of incident/event: | December 17, 2019 |
| Briefly provide a description of the incident/event: | On November 25, 2019, the Department of Children and Family Services (DCFS) Child Protection Hotline (CPH) received a report stating that child A. S. was voluntarily hospitalized after accessing and contemplating suicide with his mother's Los Angeles Police Department (LAPD) service weapon. The LAPD firearm, which is usually stored in a locked safe, was left in a closet under clothes when she was between work shifts. The CPH generated an Emergency Response (ER) referral alleging general neglect of A. S. by his mother. While DCFS was amid its investigation, A. S. broke the code to the gun safe, retrieved a gun, and attempted suicide on December 17, 2019. A. S. wrote a goodbye note in his journal and left it open on his bed stating he figured out the safe code. He was declared brain dead and was kept alive on life support until December 21, 2019. A. S. passed away shortly thereafter. |

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

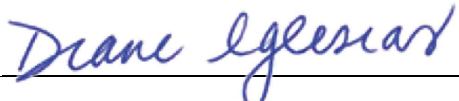
DCFS was amid an active ER referral investigation concerning A. S. at the time of his suicide attempt and eventual passing; the assigned worker was just two weeks into the investigation upon notice of A. S.'s death. Notwithstanding, the Department recognized the necessity and importance of thorough investigative planning and execution, and made it a priority for field practices.


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

1. The Department conducted an internal review of A. S.'s family, evaluating information provided to the CPH about A. S., his family, and his death.
2. The Department values the importance of sharing lessons it learned from previous cases. As a result, the DCFS Risk Management Division initiated a regional training on suicide in January 2020, following A. S.'s death.
3. DCFS social workers are now required to have case conferences with their supervisors on active ER referral investigations to discuss investigative components and determine how to safely close ER referrals and/or open cases when child safety issues cannot be mitigated.

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.

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| Name: (Risk Management Coordinator) Diane Iglesias, Senior Deputy Director | |
| Signature:  | Date: 6/6/24 |

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| Name: (Department Head) Brandon T. Nichols, Director | |
| Signature:  | Date: 06/12/24 |

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.

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| Name: (Risk Management Inspector General) Daniela Prowizor | |
| Signature:  Daniela Prowizor | Date: 6/12/2024 |

Digitally signed by Daniela Prowizor
Date: 2024.06.12 13:22:39 -07'00'