



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

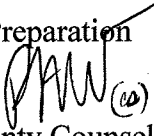
TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901
E-MAIL
pwu@counsel.lacounty.gov

MARK J. SALADINO
County Counsel

January 22, 2015

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

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

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Sebastian Xoss v. County of Los Angeles, et al.
United States District Court Case No. CV 12-01400

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 Plans to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plans 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 Sebastian Xoss v. County of Los Angeles, et al., United States District Court Case No. CV 12-01400, in the amount of \$800,000 and instruct the Auditor-Controller to draw warrants to implement this settlement from the Sheriff's Department's budget in the amount of \$20,000, and from the Department of Children and Family Services' budget in the amount of \$780,000.

This lawsuit alleges that the Department of Children and Family Services violated plaintiffs' civil rights arising from wrongfully detaining plaintiffs' children.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|--|
| CASE NAME | Sebastian Xoss v. County of Los Angeles, et al. |
| CASE NUMBER | CV 12-01400 |
| COURT | United States District Court |
| DATE FILED | April 6, 2012 |
| COUNTY DEPARTMENT | Children and Family Services and Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 800,000 |
| ATTORNEY FOR PLAINTIFF | Robert R. Powell Law Offices of Robert R. Powell |
| COUNTY COUNSEL ATTORNEY | Lauren M. Black Principal Deputy County Counsel Clay Averbuck Monroy, Averbuck & Gysler |
| NATURE OF CASE | Civil Rights, Withholding of Evidence in Court Wrongful Detention of Children |
| PAID ATTORNEY FEES, TO DATE | \$ 212,065 |
| PAID COSTS, TO DATE | \$ 11,434 |

Case Name: Xoss et al v County of Los Angeles



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: | February 10, 2011 |
| Briefly provide a description of the incident/event: | The plaintiffs allege that their children were removed and detained without permission, a warrant or exigency. |

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

The plaintiffs alleged that a warrantless detention occurred in the absence of exigent circumstances, consent or a legally obtained court order.

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

The Department continues to ensure that its protocols complement the current state of the law and assists its workforce in providing appropriate and legally-sufficient child welfare services.

The Department had relevant policies and procedures in effect at the time of the incident.

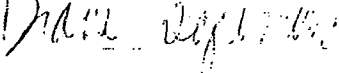
3. Are the corrective actions addressing department-wide system issues?

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

Name: (Risk Management Coordinator)

Diane Iglesias

Signature:



Date:

11/19/14

Name: (Department Head)

PHILIP L. BROWNING, Director

Signature:



Date:

11-26-14

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)

Destiny Castro

Signature:



Date:

10/31/2014



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, February 10, 2011, at approximately 3:00 p.m. |
| Briefly provide a description of the incident/event: | <p style="text-align: center;"><u>Sebastian Xoss, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-064</p> <p>On Thursday, February 10, 2011, at approximately 3:00 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Special Victims Bureau, accompanied by a representative from the Los Angeles County Department of Children and Family Services (DCFS), went to the plaintiff's residence in response to a report of child abuse filed with Temple Station.</p> <p>The deputy sheriff and the DCFS representatives entered the plaintiff's residence in furtherance of their investigation. Ultimately, representatives from DCFS removed the plaintiff's two children from the residence.</p> |

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

The root cause of the lawsuit is the plaintiff's allegation that members of the Los Angeles County Sheriff's Department entered his residence and removed his children without a warrant.

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 reviewed by representatives of the Los Angeles County Sheriff's Department Special Victims Bureau. No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no corrective action measures are recommended nor contemplated. Several steps are, however, being taken to proactively address the issue identified in this case.

On November 18, 2014, the Los Angeles County Sheriff's Department re-published Los Angeles County Sheriff's Department Manual of Policy and Procedures (MPP) section 5-02/045.20 (formally Field Operations Directive 98-02), *Assisting Department of Children and Family Services in Child Abuse Investigations*, designed to provide guidance to employees who accompany DCFS representatives to a residence or other dwelling.

On or before June 30, 2015, the Los Angeles County Sheriff's Department's Risk Management Bureau will publish a Field Operations Support Services Newsletter designed to educate members of the necessity to obtain a warrant where insufficient exigency exists for warrantless law enforcement action.

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

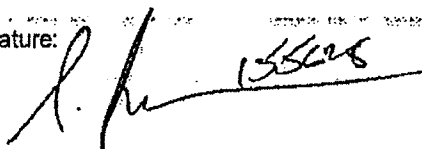
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



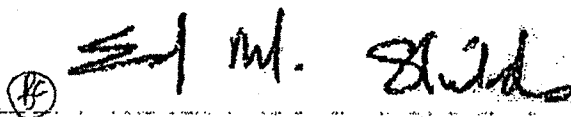
Date:

11-20-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

11/20/14

Chief Executive Office Risk Management Inspector General USE ONLY

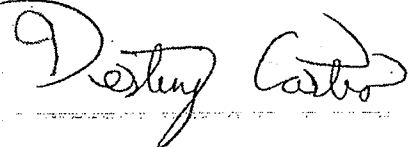
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Name: (Risk Management Inspector General)

Destiny Castro

Signature:



Date:

11/20/2014