COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Arlene Barrera
Auditor-Controller

Steve Robles
Chief Executive Office

Adrienne M. Byers
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold a regular meeting on **Monday, October 19, 2020 at 9:30 a.m.**, via online conference call. Members of the public wishing to listen to the open sessions of the meeting may call (323) 776-6996, then enter ID 417 848 578, at 9:30 a.m. on October 19, 2020.

Reports of actions taken in Closed Session. The County of Los Angeles Claims Board will report actions taken on any Closed Session Items on Monday, October 19, 2020 at 11:15 a.m. Members of the public wishing to hear reportable actions taken on any Closed Session Items may call (323) 776-6996, then enter ID 417 848 578 at 11:10 a.m. on October 19, 2020. Please note that this time is an approximate start time and there may be a short delay before the Closed Session is concluded and the actions can be reported.

TO PROVIDE PUBLIC COMMENT:

You may submit written public comments by e-mail to claimsboard@counsel.lacounty.gov or by mail to: Attention: Los Angeles County Claims Board, Executive Office, County Counsel, 500 W. Temple St., Los Angeles, CA, 90012.

Written public comment or documentation must be submitted no later than 5 p.m. on Friday, October 16, 2020. Please include the Agenda item and meeting date in your correspondence. Comments and any other written submissions will become part of the official record of the meeting.

SUPPORTING DOCUMENTATION: Any supporting documents will be posted and can be provided upon request. Please submit requests for any supporting documents to claimsboard@counsel.lacounty.gov.

If you would like more information, please contact Derek Stane at (213) 974-1870.

AGENDA

1. Call to Order.

2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

a. Estate of Ricardo Cendejas v. County of Los Angeles, et al.
United States District Court No. 2:18-CV-09560

This lawsuit alleges wrongful death and civil rights violations arising out of a fatal Deputy-involved shooting; settlement is recommended in the amount of $825,000.

See Supporting Documents

b. Maria Correa, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV10069

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff Deputy; settlement is recommended in the amount of $75,000.

See Supporting Document

c. Ryan Jenson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18SSTCV00164

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Deputy and a motorcyclist; settlement is recommended in the amount of $88,000.

See Supporting Document

d. Ramon Rosales v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18STCV07415

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a fatal vehicle accident in an unincorporated area of Hacienda Heights; settlement is recommended in the amount of $60,000.

See Supporting Document

e. Maria Frescas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 645585

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a fatal vehicle accident in an unincorporated area of the County; settlement is recommended in the amount of $475,000.

See Supporting Documents

f. Andrew Wilson v. County of Los Angeles, et al.
United States District Court Case No. 2:18-CV-05775

This lawsuit against the District Attorney's office alleges that Plaintiff was wrongfully convicted which resulted in his imprisonment for 32 years; settlement is recommended in the amount of $1,500,000.

See Supporting Documents

g. Sheila Mayfield, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:19-CV-01298

This lawsuit against the Department of Children and Family Services alleges civil rights violations and wrongful detention of Plaintiff's minor child; settlement is recommended in the amount of $425,000.

See Supporting Documents

h. Michael Callanan, et al. v. County of Los Angeles
United States District Court Case No. 2:18-CV-02229

This lawsuit alleges deliberate indifference to the medical needs of an inmate while in custody of the Sheriff's Department and while receiving care from the Department of Health Services; settlement is recommended in the amount of $1,350,000.

4. Approval of the minutes of the September 28, 2020, regular meeting of the Claims Board.

See Supporting Document

5. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Estate of Ricardo Cendejas, et al. v. County of Los Angeles, et al.
CASE NUMBER		2:18-CV-09560
COURT		United States District Court
DATE FILED		January 17, 2019
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	825,000
ATTORNEY FOR PLAINTIFF		Jorge Gonzalez
COUNTY COUNSEL ATTORNEY		Richard Hsueh Deputy Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $825,000 inclusive of attorneys' fees and costs, this federal lawsuit filed by the Estate of Ricardo Cendejas, Ricardo Cendejas, Sr., (father) Maria Penaloza (mother), Maria Cendejas (stepmother), V.C. (half-sister), and Y.C. (minor half-sister) against Los Angeles County ("County") and Deputy Juan Rodriguez. Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement amount of $825,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	87,915
PAID COSTS, TO DATE	$	27,026

Case Name: Estate of Ricardo Dimitri Cendejas 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:	
Briefly provide a description of the incident/event:	**Estate of Ricardo Dimitri Cendejas v. County of Los Angeles, et al.** Summary Corrective Action Plan 2019-039 On November 2, 2017, at approximately 2:36 p.m., a resident informant called Compton Sheriff's Station and reported an unknown Hispanic man, with shoulder length curly hair, short brown pants, and no shirt, was standing in the middle of the street, holding a handgun. The informant said the man continued to point the gun at her as she drove by and as she drove away. Two uniformed deputy sheriffs assigned to Compton Station responded to the call for service in a marked patrol vehicle and checked the area for the man. The deputy sheriffs were unable to locate either the informant or the man. The two deputy sheriffs remained in the general area. At 2:51 p.m., the two deputy sheriffs conducted a traffic stop (unrelated to the original call for service) and were detaining two persons in the backseat of their patrol vehicle, near the intersection of Lucien Street and Aranbe Avenue, in the city of Compton. While pre-occupied with the traffic stop, the first deputy sheriff (driver) saw the decedent (unarmed at the time) walking on the west side of the street and entering the driveway of a residence (2104 Lucien Street), two houses away from the traffic stop. The first deputy sheriff noticed the decedent matched the description of the man with a gun in the call they had received earlier. At 2:58 p.m., the first and second deputy sheriffs heard a loud gunshot (believed to have been fired from a "long rifle") come from behind the first deputy sheriff. Although, at the time, the deputy sheriffs could not see the shooter, the shot came from the decedent's last known location. The shot hit a nearby tree and appeared to have been targeting the first deputy sheriff. **Note:** After firing upon the deputies, the decedent retreated into his residence, at the location. The deputy sheriffs took cover, requested assistance, and coordinated the containment of 2104 Lucien Street, (later found to be the decedent's residence). **Note:** The decedent's residence was near an elementary school. At the time of the incident, the school day had just ended, and numerous parents and children were walking in the area. Several deputy sheriffs from Compton and Century Stations responded and assisted in containing the area. A Los Angeles County Sheriff's Department aero unit responded within minutes and assisted in the

	the point position on the passenger side of the ARV, near the front of the hood, while other SEB deputies aligned themselves behind him. The decedent was positioned in such a way that he was concealed from the SEB deputies view until they traversed the corner and were parallel to him. As the SEB deputies drew closer to the decedent's location, the last acknowledged radio update indicated the decedent had been seen armed with an assault rifle. When the first SEB deputy initially saw the decedent on the side of the residence, the decedent had just rounded a corner and appeared to be slouched down with the rifle in his right hand. The decedent looked at the first deputy sheriff as he turned his body in the direction of the front door of the residence at 2017 Shauer Street. At this point, the first SEB deputy was approximately 35 to 40 yards away from the decedent. Based on the decedent previously shooting at the initial deputies, his moving around in backyards holding the rifle, his apparent attempts to get into a house occupied by a mother and her children, and how initially, he was holding the rifle and moving towards the front of the house, the first SEB deputy felt his life and others were in jeopardy. Fearing for his life and the life of others, the first SEB deputy fired three rounds from his Colt M4 rifle at the decedent, striking him two times. The decedent fell to the ground next to his rifle. **Note:** The angle of the media helicopter video was different than the SEB deputy's viewpoint. There is a discrepancy between the video of the incident and the first SEB deputy's statements regarding the decedent's possession of the rifle at the time of the shooting. The news media helicopter video showed the decedent had put the barrel of his rifle on the ground and vertically leaned the rifle up against a gas meter then walked back to a side window of the residence. The decedent then turned around and walked back toward the rifle. The decedent was approximately 1-2 feet from the rifle when he leaned to his right and put his hand against the wall, right above the rifle. Within a fraction of a second of the decedent leaning to his right, the first SEB deputy shot him. The video clearly shows the assault rifle was not in the decedent's hand, but it was within his reach and it was immediately available to him at the time he was shot. Based on the SEB deputy's statements, from his angle of view, it appeared the decedent was holding the rifle up against the right side of his body and close to the ground as he moved along the side of the house. In an assessment of the incident from the SEB deputy's viewpoint, and the moment in time he saw the decedent, it is reasonable that the decedent looked like he was holding the rifle in the manner the SEB deputy described. After the shooting, the decedent was non-responsive to commands. SEB deputies deployed a light and sound diversionary device (aka flashbang) in an attempt to elicit some type of response or reaction from the decedent. The device had no effect and the decedent laid motionless on the ground. SEB deputies then approached the decedent and began CPR on him until the Emergency Service Detail (ESD) deputies (Sheriff's

	Paramedics) relieved them. ESD deputies continued CPR and rendered first aid to the decedent, pending additional medical resources. Los Angeles County Fire Department personnel responded to the location and transported the decedent to a nearby hospital. Additional emergency life-saving efforts were conducted; however, the decedent succumbed to his injuries and was pronounced dead at the hospital. The suspect's firearm was recovered from the scene and found to be a semiautomatic, .223 caliber, AR-15 style assault rifle with no serialized numbers or brand markings. The firearm was loaded with 27 live rounds in a detachable magazine. A ballistics test determined the firearm was fully operational. At 6:47 p.m., Operation Safe Streets (OSS) detectives obtained a search warrant for 2014 Lucien Street and 2107 Shauer Street. Inside the decedent's residence, the detectives located a loaded handgun, (which had been previously reported stolen from a resident in Alhambra), a large quantity of live ammunition, and a military style ballistic body armor vest.

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

A **Department** root cause in this incident was the use of deadly force against the decedent when a firearm was within his reach, but not in his hand.

A **non-Department** root cause of this incident was the decedent's refusal to follow the lawful orders of the on-scene deputy sheriffs and peacefully surrender.

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

Criminal Investigation
The incident was investigated by the Sheriff's Department Homicide Bureau to determine if any criminal misconduct occurred. The results of the investigation were presented to the Los Angeles County District Attorney's Office for evaluation and filing consideration.

On August 20, 2019, the District Attorney's Office completed its review of the fatal shooting and concluded that there was insufficient evidence to prove beyond a reasonable doubt that the SEB deputy's decision to use deadly force was unreasonable under these tense, uncertain, and rapidly evolving circumstances. They also concluded, although there may have been other reasonable options available to him at the time, the SEB deputy's determination the decedent posed a deadly and immediate threat based upon the totality of the decedent's actions was also a reasonable interpretation of the circumstantial evidence available to him. The District Attorney's Office closed their file on this incident and will take no further action in this matter.

Administrative Investigation
The Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after this incident.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigation statute dates. Upon completion of the Los Angeles County District Attorney's investigation, a statute date was set regarding the administrative investigation.
When the IAB investigator completes the investigation, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee (EFRC) for adjudication.

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)

Albert M. Maldonado, Captain
Risk Management Bureau

Signature: Albert M. Maldonado Date: 1/13/20

Name: (Department Head)

Matthew J. Burson, Chief
Professional Standards Division

Signature: Matthew J. Burson Date: 1/17/20

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: Destiny Castro Date: 1/21/2020

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Maria Correa, et al. v. County of Los Angeles, et al.
CASE NUMBER		19STCV10069
COURT		Los Angeles Superior Court
DATE FILED		March 25, 2019
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	75,000
ATTORNEY FOR PLAINTIFF		Brett Drouel, Law Offices of Jacob Emrani
COUNTY COUNSEL ATTORNEY		Kelsey Nau, Deputy County Counsel
NATURE OF CASE		The lawsuit arises from a motor vehicle collision that occurred on August 13, 2018, in which Plaintiffs Maria Correa and Henry Guerrero were injured when LASD Deputy Roberto Vivanco rear ended their vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	20,770
PAID COSTS, TO DATE	$	8,514

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Ryan Jenson v. County of Los Angeles, et al.
CASE NUMBER		18STCV00164
COURT		Los Angeles Superior Court
DATE FILED		October 10, 2018
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	88,000
ATTORNEY FOR PLAINTIFF		Tamiko B. Herron, Esq. Owen, Patterson & Owen, LLP
COUNTY COUNSEL ATTORNEY		Michael J. Gordon Deputy County Counsel
NATURE OF CASE		On November 21, 2017, Plaintiff Ryan Jenson's motorcycle collided with a vehicle that was being operated by the Sheriff's Department Chief Legal Advisor who was merging into the fast lane on Southbound I-5 Freeway, near the Buena Vista exit, in the City of Burbank. Mr. Jenson alleges he sustained bodily injury, property damage, and loss of earnings as a result of the incident. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $88,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	28,361
PAID COSTS, TO DATE	$	41,357

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Ramon Rosales, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC611815
COURT		Los Angeles Superior Court
DATE FILED		February 25, 2016
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	60,000
ATTORNEY FOR PLAINTIFF		Robert Dourian, Esq. Law Offices of Robert Dourian
COUNTY COUNSEL ATTORNEY		Michael J. Gordon Deputy County Counsel
NATURE OF CASE		On December 17, 2014, Plaintiffs were involved in an automobile versus automobile collision in the intersection of Halliburton Road and Durazno Drive in an unincorporated area near Hacienda Heights that resulted in serious injuries and a fatality. Plaintiffs contend that the roadway was a dangerous condition of public property which caused them to sustain injuries for which they seek damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $60,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	215,564
PAID COSTS, TO DATE	$	51,504

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Frescas, Maria,.Individually and As Successor-In-Interest to Salinas, Kristine Ashley, et al. vs County of Los Angeles, et al.
CASE NUMBER		BC645685
COURT		Los Angeles Superior Court
DATE FILED		January 5, 2017
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	475,000
ATTORNEY FOR PLAINTIFF		Jason P. Fowler Parris Law Firm
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This case involves a fatality vehicle collision that occurred on January 14, 2016, when a Hyundai Genesis driven by Peter James Covert traveling on southbound Grand Avenue broadsided the Honda Civic driven by decedent Kristine Ashley Salinas. Ms. Salinas was making a left turn from Cortez Street onto northbound Grand Avenue. Ms. Salinas died at the accident scene. The intersection is located in the unincorporated area of the County. Plaintiffs are decedent's mother and father, and each claims to have suffered damages as a result of the accident and their daughter's death. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	136,528
PAID COSTS, TO DATE	$	25,528

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:	January 14, 2016
Briefly provide a description of the incident/event:	On January 14, 2016 at 6:00 p.m., 20-year-old Kristine Ashley Salinas and passenger Jazzlyn Sandoval were traveling eastbound on Cortez Street when Ms. Salinas attempted to make a left turn to travel northbound on Grand Avenue and was struck by Defendant Peter James Covert who was traveling southbound on Grand Avenue. As a result, Ms. Salinas sustained fatal injuries and Ms. Sandoval sustained severe injuries.

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

According to the Traffic Collision Report, the collision occurred due to Peter James Covert's negligence in the operation of his vehicle by driving without due care and at an unsafe speed. The Multidisciplinary Accident Investigation Report indicated Mr. Covert was driving approximately 84 mph immediately before the collision (the posted prima facie speed on Grand Avenue is 45 mph). Additionally, Mr. Covert admitted to looking down at his cell phone to determine why his Bluetooth had stopped. When Mr. Covert looked up, he saw Ms. Salinas' vehicle making a left turn in front of him and was unable to stop in time, thus colliding into Ms. Salinas' vehicle.

Mr. Covert plead no contest to a violation of Penal Code section 192(c)(1); vehicular manslaughter, a felony, and to a violation of Vehicle Code Sections 23103, (a) and 23105, reckless driving causing serious injury, a misdemeanor. The Court found Mr. Covert guilty for both counts and he was sentenced to one year in Pomona County Jail and 5 years of formal probation.

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

- Install a custom W1-10 sign (T-Intersection ahead) on the west side of Grand Avenue, 175 feet north of Cortez Street.
- Install a custom W1-10 sign (T-Intersection ahead) on the east side of Grand Avenue, 175 feet south of Cortez Street.
- Install W13-1P(40) advisory speed plaque on the west side of Grand Avenue, 175 feet north of Cortez Street
- Install W13-1P(40) advisory speed plaque on the west side of Grand Avenue, 175 feet north of Cortez Street
- The signs were installed on May 9, 2019.

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)
Michael J. Hays

Signature: [signature] Date: 8/19/2020

Name: (Department Head)
for Mark Pestrella

Signature: [signature] Date: 8/27/20

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)
Robert Chavez

Signature: [signature] Date: 8/20/20

MH:psr
P:\rmopub\RISK MGMT\Claims & Lit\FRESCAS SCAP (1)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Andrew Wilson v. City of Los Angeles, et al.
CASE NUMBER		2:18-CV-05775 KS
COURT		United States District Court
DATE FILED		July 1, 2018
COUNTY DEPARTMENT		District Attorney
PROPOSED SETTLEMENT AMOUNT	$	1,500,000
ATTORNEY FOR PLAINTIFF		Barrett S. Litt Kaye, McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		On November 10, 1986, plaintiff Andrew Wilson was convicted of robbing and murdering Christopher Hanson while Mr. Hanson slept in the front seat of his car with his girlfriend. Two men, one positioned on each side of the car at the front doors, attacked them. Mr. Hanson was stabbed to death from the driver's side. The office of the District Attorney ("DA") successfully prosecuted the case and obtained the conviction. In February 1987, plaintiff was sentenced to life in prison without the possibility of parole, plus one year. The accomplice was never identified or found. Plaintiff contended then, as he does now, that he was and is innocent of the charges brought against him and for which he was convicted. In 2016, on behalf of plaintiff, the Loyola Law School Project for the Innocent filed a petition for a writ of habeas corpus that the DA did not oppose. On March 16, 2017, after plaintiff's petition was granted and his conviction vacated, plaintiff was released from prison. In this lawsuit, plaintiff alleges he was deprived of his constitutional right to a fair trial because, among other things, the DA failed to adequately train and supervise its deputies to produce exculpatory evidence to the defense in accordance with Brady v. Maryland, 373 U.S. 83 (1963) ("Brady"). Alternatively, plaintiff alleges that the DA had the habit, custom, pattern, and practice of failing to produce exculpatory

		evidence to the defense as Brady requires. Plaintiff further alleges that had the exculpatory evidence been disclosed to the defense, he would not have been convicted. We dispute the allegations. Plaintiff claims to have suffered damages because of the wrongful conviction. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	187,575
PAID COSTS, TO DATE	$	1,978

Case Name: Andrew Wilson v. Los Angeles County District Attorney's Office, 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:	Mr. Wilson, now a 65 year old man, brought this federal civil rights lawsuit against the County for a wrongful conviction that resulted in his imprisonment of 32 years. This case against the County settled inclusive of all attorney's fees and costs.
Briefly provide a description of the incident/event:	On November 10, 1986, Mr. Wilson was convicted of robbing and murdering Christopher Hanson ("Mr. Hanson") while he slept in the front seat of his car with his girlfriend, Saladena Bishop ("Ms. Bishop"). Mr. Hanson and Ms. Bishop were attacked by two mean, one positioned on each side of the care at the front doors. Mr. Wilson stabbed Mr. Hanson from the driver's side, and his accomplice was at the passenger side where Ms. Bishop sat. The attack occurred in the evening of October 23, 1984, on the 2200 block of Hobart Avenue in the City of Los Angeles (the "City"). Mr. Hanson died as a result of multiple stab wounds. The stab wounds were particularly lethal to him because he was afflicted with von Willebrand's disease, which prevented his blood from clotting. On February 6, 1987, Mr. Wilson was sentenced to life in prison without the possibility of parole, plus one year. The accomplice was never identified or found. Mr. Wilson contended then, as he does now, that he was and is innocent of the charges brought against him and for which he was convicted. Deputy District Attorney Laura Aalto ("DDA Aalto") prosecuted the case against Mr. Wilson. Los Angeles Police Department ("LAPD") detective Richard Marks ("Detective Marks") was the lead investigator who investigated Mr. Hanson's death. The prosecution's case was based on eye-witness testimony because no physical evidence tied Mr. Wilson to the crime. Ms. Bishop, then 17 years old, was the key prosecution witness in the case against Mr. Wilson and identified him from photographs shown to her by Detective Marks. In this lawsuit, Mr. Wilson claims that Detective Marks unduly influenced Ms.

	Bishop's identification of him because after she was unable to identify the perpetrator from an array of 16 photographs, Detective Marks directed her attention to Mr. Wilson's photograph and asked, "What about him?" Over the years following his conviction, Mr. Wilson filed five unsuccessful petitions for writs of habeas corpus. On August 1, 2016, the Loyola Law School Project for the Innocent ("Loyola") filed a sixth petition for writ of habeas corpus on behalf of Mr. Wilson that the DA did not oppose. The DA's office informed the Superior Court that the DA "concedes that cumulative errors during pre-trial and trial proceedings deprived [Plaintiff/Mr. Wilson] of his constitutional right to a fundamentally fair trial." The DA conceded that the petition for the writ should be granted and stated that Mr. Wilson would not be retried once the conviction was vacated. By then, Mr. Wilson already had spent 32 years in prison. Mr. Wilson was released from prison on March 16, 2017, following the grant of his petition for habeas corpus. When released, Mr. Wilson was 62 years old. Despite the concessions, the DA advised the court that while the record demonstrated that Mr. Wilson was denied a fundamentally fair trial in his criminal case, the DA did not believe Mr. Wilson was factually innocent of the crimes of which he was convicted. The DA further advised the court that should Mr. Wilson file a petition for a judicial finding of factual innocence, the DA would vigorously contest it. On March 13, 2019, Mr. Wilson filed his petition for factual innocence, and the DA opposed it. The hearing on the petition has been continued several times and, due to the COVID-19 crisis, the case is presently set in November 2020. On June 26, 1990, almost four years after Mr. Wilson's conviction, the "Report of the 1989-90 Los Angeles County Grand Jury" (the "Grand Jury Report") was published. The report investigated the use of jail house informants by the DA and the Los Angeles County Sheriff's Department. Among its recommendations was that the DA should conduct regular training of its professional staff regarding the specific ethical responsibilities of prosecutors. The

	Grand Jury Report only concerned criminal cases that involved the use of jail house informants. Mr. Wilson filed the instant action against the County, the City, and Detective Marks. DDA Aalto is not named a defendant. As against the County, the complaint alleges that between 1984 to 2017, and particularly between 1985 and 1986 during the investigation and Mr. Wilson's trial, the DA failed to institute adequate training and supervision regarding the handling of exculpatory evidence consistent with Brady. We dispute the allegation. We have witness testimony that refutes the allegation and DA training memoranda that expressly mentions Brady. Mr. Wilson also alleges that the DA had the habit, custom, pattern and practice of failing to disclose exculpatory evidence consistent with Brady, which he claims is evidenced by the Grand Jury Report. We dispute that any such habit, custom, pattern and practice existed. The lawsuit as against the County is suspended pending approval and completion of the settlement. The lawsuit will continue to proceed against the City and Detective Marks and is set for trial on September 9, 2020.

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

The DA had an official or unofficial policy, practice, or custom of failing to comply with the prosecution's obligation to turn over exculpatory evidence to the defense in accordance with *Brady v. Maryland*, 373 U.S. 83 (1983) ("Brady") including Mr. Wilson's civil rights.

The DA lacked adequate training and supervision of its employees of the prosecution's obligation to turn over exculpatory evidence to the defense that rose to the level of deliberate indifference of Mr. Wilson's constitutional rights pursuant to *City of Canton v. Harris*, 489 U.S. 378 (1989).

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

A settlement for $1,500,000 between the County and Mr. Wilson of his federal lawsuit.

Extensive trainings, manuals, office-wide policy Special Directives, General Office Memoranda have been and continue to be developed and disseminated throughout the Office of the District Attorney to all deputies. The trainings include **Saturday Seminars** on the topics of Eyewitness Identification (1991), Brady in 2014 (2014), Brady and Informants: Exposed (2014), and a Mandatory Participation Seminar on Policy on the Disclosure of Exculpatory and Impeachment Information (formerly known as the Brady Compliance Policy) and ORWITS and DDA Referrals of Potential Impeachment Information (2017). The Department created a Unit (The **Discovery Compliance Unit)** dedicated to discovery and Brady compliance, including training in the Branch and Area Offices, Juvenile Division, Central Operations, New Hire training, Second Year Felony Trial College, Post-Bar Law Clerk Training, Paralegals, and the Sex Crimes Unit. The **Brady Compliance Unit Operations Manual**, first published in September 2010, was updated and revised in March 2018, and July 2018 and is available on-line to all District Attorney personnel throughout the DA website. The **Legal Policies Manual** dedicates Chapter 14 to Brady Compliance (as entitled in 2005) and is entitled Disclosure of Exculpatory and Impeachment Information (current Legal Policies Manual). The Department's **Brady Policy**, disseminated through Special Directives, was first published in 2000. In 2000, 2001, 2002, 2010, 2013, 2015, 2016, 2017, 2018, 2019, office-wide aspects of the policy, protocols, and procedures have been rescinded and/or revised to reflect the most current state of the law and prosecutorial obligations. Through **Special Directives** (office-wide policy) and **General Office Memoranda** (topics of interest to be aware of) topics including the Policy on the Disclosure of Exculpatory and Impeachment Information (formerly the Brady Compliance Policy), Recent Cases of Interest (1984), Exculpatory Discovery)1987), Case Filing Manual (1989), Brady Training – Mandatory (2010), and Discovery Compliance System Manual (2020).

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

X Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Julie Dixon Silva

Signature:	Date: 9/10/2020
Name: (Department Head) Joseph Esposito	
Signature:	Date: 9/10/20

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) Robert Chavez	
Signature:	Date: 9/10/20

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Sheila Mayfield, et al. v. County of Los Angeles, et al .
CASE NUMBER		2:19-cv-01298
COURT		United States District Court
DATE FILED		March 29, 2018
COUNTY DEPARTMENT		Department of Children & Family Services
PROPOSED SETTLEMENT AMOUNT	$	425,000
ATTORNEY FOR PLAINTIFF		Vincent David & Edna Wennings
COUNTY COUNSEL ATTORNEY		Katherine M. Bowser
NATURE OF CASE		Plaintiffs claim that their constitutional rights were violated when the minor Plaintiff was detained for 10 months and that a social worker acted inappropriately as part of the detention. Due to the high risk of and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of $425,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	86,560
PAID COSTS, TO DATE	$	5,040

Case Name: Sheila Mayfield vs. COLA, 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 12, 2012 to February 7, 2019
Briefly provide a description of the incident/event:	Plaintiff alleges that her civil rights were violated when a Department of Children and Family Services (DCFS) Children's Social Worker (CSW) engaged in an improper relationship with the biological father of her child, leading to the child's removal from her care and custody on August 12. 2012, and improperly influenced the case until February 7, 2019, when the case finally closed.

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

The involved DCFS staff member engaged in an improper relationship with the father of the child on a DCFS case.

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

The DCFS Internal Affairs conducted an investigation and concluded the DCFS staff member had engaged in an improper relationship with the father of the child on a DCFS case and exercised improper influence throughout the case. The staff member resigned in lieu of discharge on February 25, 2017.

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

The corrective actions address department-wide system issues

✓ The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Diane Iglesias, Senior Deputy Director	
Signature: Diane Iglesias	Date: 9/10/20

Name: (Department Head) Bobby D. Cagle, Director	
Signature:	Date: 10/7/20

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: Destiny Castro	Date: 10/7/20

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

SEPTEMBER 28, 2020

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:36 a.m. The meeting was held via teleconference with all Claims Board Members participating telephonically. Claims Board Members online for the teleconference meeting were: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Jessie Lee, Richard Kudo, Richard Hsueh, Michael Gordon, Millicent Rolon, Pirjo Ranasinghe, Stacey Lee, Camille Granville, and Jennifer Lehman; Sheriff's Department: Todd Weber, Leonard Morrow, Edward Wells, Jack Ewell, April Tardy, Kerry Carter, Cynthia Maluto, Melanie Rivers, and Kristine Corrales; Department of Children and Family Services: Armand Montiel; Fire Department: Julia Kim, and Bill McCloud; and Outside Counsel: Danielle Foster, and Jeff Hausman.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public were on the public teleconference phone line to address the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).

At 9:39 a.m., the Chair convened the meeting into closed session to discuss the items listed as 4(a) through 4(i).

4. Report of actions taken in Closed Session.

No members of the public were on the public teleconference phone line to hear the reportable actions of the Claims Board.

At 11:21 a.m., the Claims Board reconvened in open session via the public teleconference line and reported the actions taken in closed session as follows:

a. <u>Loyd Tucker v. County of Los Angeles, et al.</u>
United States District Court No. 2:18-CV-07864

This lawsuit alleges false allegations were made by social workers resulting in the removal of Plaintiff's children.

<u>Action Taken:</u>

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $160,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

b. **David Khoury v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 682926

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a motorcycle and a Fire Department vehicle.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $175,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

c. **Paul Blumberg v. County of Los Angeles, et al.**
United States District Court Case No. 2:10-CV-05072

This federal lawsuit alleges civil rights violations based on Plaintiff's prosecution and imprisonment.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $30,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

d. **Sarah Lewow v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 18STCV07415

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's patrol car.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $100,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

e. **Ryan Charles Twyman, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:20-CV-00789

This wrongful death federal lawsuit arises out of the fatal Deputy-involved shooting of Plaintiff's son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $3,900,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

f. **ALADS for John Doe (Kevin Boothe) v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 543199

This lawsuit alleges that an employee from the Sheriff's Department was subjected to violation of privacy and due process rights.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $400,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

g. **Tui Wright v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCv40769

This lawsuit brought by a retired Sheriff's Sergeant alleges that he was subjected to discrimination and retaliation.*

* This item was approved for $99,000 at the August 3, 2020, Claims Board meeting, however, the amount was incorrectly set forth in the Claims Board documentation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $99,999.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

h. **Jackie Gentry v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCv15876

This lawsuit concerns allegations that an employee of the Department of Public Works was subjected to disability discrimination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $80,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

5. **Approval of the Minutes of the September 14, 2020, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes.

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 11:24 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Derek Stane