

STATEMENT OF PROCEEDINGS

FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD

HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,

500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON MONDAY, AUGUST 17, 2015, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Patrick Wu

1. **Call to Order.**
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 addressed the Claims Board.

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

a. Claim of Verizon CMR Claims Department

This claim alleges that the Road Maintenance Division of the Department of Public Works caused property damage to Verizon's buried telecommunications cable.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$42,340.41.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

b. Los Angeles County District Attorney's Office v. Employee Relations Commission – Various Administrative Complaints

These administrative complaints allege that the Office of the District Attorney retaliated against members of the Association of Deputy District Attorneys for engaging in union activities and exercising their rights under the County's Employee Relations Ordinance.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

c. **Alexis Morales v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 565 100

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

d. **Jose Farias, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 14-CV-4667

This lawsuit alleges excessive force and unlawful detention by Sheriff's Deputies

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

e. **Mirko Hoffman v. County of Los Angeles, et al.**
United States District Court Case No. CV 15-03724

This lawsuit concerns allegations of civil rights violations arising from an arrest made by Sheriff's Deputies; authority is requested to make a statutory offer.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

- f. **Cecilia Garcia v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 488 439
(Consolidated with Pauline Garcia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 488 440)

This wrongful death lawsuit concerns allegations of excessive force arising from a shooting by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$375,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

- g. **Charvus Thomas v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 477 574

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in custody at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$165,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in Closed Session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the August 3, 2015, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

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.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of Verizon CMR Claims Department
CASE NUMBER	N/A
COURT	N/A
DATE FILED	April 1, 2014
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 42,340.41
ATTORNEY FOR PLAINTIFF	Mark Pollick
COUNTY COUNSEL ATTORNEY	Jessica C. Rivas
NATURE OF CASE	This is a non-litigated claim filed by Verizon CMR Claims Department seeking reimbursement for property damage to its buried telecommunications cable caused by a DPW Road Maintenance Division crew on November 7, 2013. Due to the risks and uncertainties of litigation, a full and final settlement of the claim in the amount of \$42,340.41 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alexis Morales v. County of Los Angeles, et al.
CASE NUMBER	BC 565100
COURT	Los Angeles Superior Court
DATE FILED	November 16, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 24,000
ATTORNEY FOR PLAINTIFF	Greyson Goody, Esq. The Simon Law Group
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on February 23, 2012, on southbound Garfield Avenue near Exeter Street in the City of Paramount, when plaintiff Alexis Morales collided with a vehicle driven by a Sheriff's Sergeant. Mr. Morales claims injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 17,879
PAID COSTS, TO DATE	\$ 514

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jose Farias, et al. v. County of Los Angeles, et al.
CASE NUMBER	14CV04667
COURT	United States District Court
DATE FILED	December 18, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq. The Law Offices of John Burton
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$50,000, inclusive of attorneys' fees and costs, the lawsuit filed by Jose Farias, Bertha Miranda, Deici Farias, Daniel Farias, Salvador Miranda, and Eric Miranda against the County of Los Angeles and Sheriff's Deputies Brandon Epp and Jeffrey Cale alleging federal civil rights violations for excessive force and unlawful detention.</p> <p>The County denies the allegations; however, 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 \$50,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 60,393
PAID COSTS, TO DATE	\$ 1,849

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cecilia Garcia v. County of Los Angeles, et al. (Consolidated with Pauline Garcia v. County of Los Angeles, et al)
CASE NUMBER	BC 488439/BC 488440
COURT	Los Angeles County Superior Court
DATE FILED	July 16, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 375,000
ATTORNEY FOR PLAINTIFF	Gregory A. Yates
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>This case is based upon claims against the County and two of its Deputies under State and federal law resulting from the shooting death of Pablo Garcia. The Plaintiffs are decedent Garcia's mother, step-father and two minor children.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Thereofre, a full and final settlement of the case in the amount of \$375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 168,139
PAID COSTS, TO DATE	\$ 51,028

Case Name: Cecilia Garcia, 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:	Saturday, August 20, 2011; approximately 8:30 p.m.
Briefly provide a description of the incident/event:	<u>Cecilia Garcia, et., al. v. County of Los Angeles</u> Summary Corrective Action Plan No. 2015-012
	<p>On Saturday, August 20, 2011, at approximately 8:30 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's East Los Angeles Station, were driving south on Downey Road in their standard black and white, County of Los Angeles-owned patrol vehicle, when they saw two men immediately crouch down behind a parked car. They stopped their patrol car in order to investigate a possible crime that had occurred or was occurring.</p> <p>As the deputy sheriffs exited their vehicle, both ordered the men to show their hands. One man complied, however, the decedent ignored the deputy sheriffs' orders and began to walk to a nearby driveway with his back towards the deputy sheriffs. As both deputy sheriffs continued to give commands to the decedent to show his hands, one deputy sheriff observed the decedent carrying a gun. He yelled out to the other deputy sheriff that the decedent had a weapon. Immediately, the decedent turned around and pointed the gun towards the direction of both deputy sheriffs. Fearing for their lives, both deputy sheriffs fired one round at the decedent who fell to the ground.</p> <p>As one of the deputy sheriffs focused his attention to the man behind the car, the other deputy sheriff observed the decedent on the ground was still holding the gun. Further orders were given to the decedent to discard the gun and place his hands to the side; however, the decedent failed to comply. The decedent then looked toward the deputy sheriff and attempted to move his legs as though he was going stand up. Fearing the decedent would shoot him, the deputy sheriff fired another round at the decedent.</p> <p>The decedent was transported to a local hospital where he succumbed to his injuries.</p>

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

The root cause is the decedent failed to show his hands and drop his weapon after several verbal commands to do so. As the deputies feared for their lives, they shot the decedent.

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 thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. The Los Angeles County District Attorney's Office concluded on July 5, 2012, the deputy sheriffs acted in lawful self-defense.

It was then investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On November 29, 2012, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The Committee concluded the deadly force used to defend against the armed suspect was reasonable, necessary, and justified. The Committee also determined the tactics used by the deputy sheriffs were within Department's training standards.

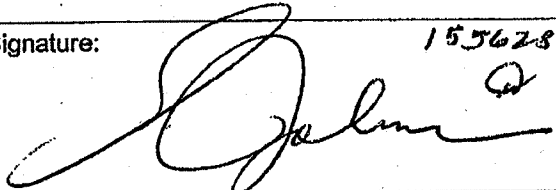
No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated

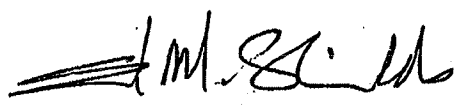
3. Are the corrective actions addressing department-wide system issues?

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

County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature:  155628	Date: 7/9/15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 7/10/15

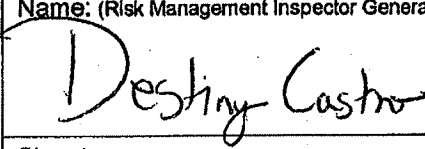
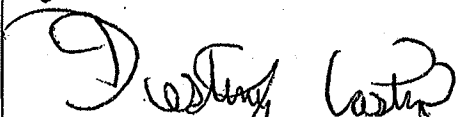
CONTENTS
K. MANNIS
07-14-15
NOTED

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: 7/15/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Charvus Thomas v. County of Los Angeles, et al.
CASE NUMBER	BC 477574
COURT	Los Angeles Superior Court
DATE FILED	January 23, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 165,000
ATTORNEY FOR PLAINTIFF	Julius Johnson, Esq.
COUNTY COUNSEL ATTORNEY	Edward L. Hsu Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$165,000, the lawsuit filed by Plaintiff Charvus Thomas alleging his civil rights were violated on January 17, 2011, when Los Angeles County Sheriff's Deputies used excessive force against him.</p> <p>Due to the 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 \$165,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 54,551
PAID COSTS, TO DATE	\$ 10,603



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, January 17, 2011, 1453 hours
Briefly provide a description of the incident/event:	On Monday, January 17, 2011, at 1453 hours, Deputy 1 and 2 Searched Plaintiff 1 in the 9000 hallway, at some point Plaintiff 1 resisted and was taken down to the ground by Deputy 1, which caused Plaintiff 1 to hit his face against the floor. Deputy 1 and 2 punched Plaintiff 1 in the body to gain compliance. Plaintiff 1 sustained a swollen left eye and a chipped front tooth. Plaintiff 1 alleged he was struck in the face with Deputy 1's flashlight

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

- The involved deputies did not call for a Sergeant and back up, immediately, when they heard the disturbance which could have mitigated the escalation toward using force
- Plaintiff 1 alleged he was hit in the face with a flashlight. Although the video depicts Deputy 1's flashlight falling out of its holder onto the floor, the policy for flashlights weight and size were changed.
- The incident was captured on a grainy CCTV camera, which made it difficult to see the intimate details of the Deputies actions, if clearer camera were installed it would have been easy to disprove the Plaintiff's Allegations

The involved deputies should have called for a Sergeant and back up prior to opening the dorm door and removing Plaintiffs.

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

- The involved deputies should have called for a Sergeant immediately when they heard the disturbance, which could have mitigated the Use Of Force had the Sergeant Directed the Deputies actions in addition the Sergeant, if present would have been able to bear witness to the Use Of Force, **Due to this concern the below A and B were implemented:**
- **The "Force Prevention Policy" was implemented, A- Force Prevention Policy 3-02/035.05 Revised 01/07/15 CDM**
- **The "Recalcitrant Inmate Policy" was Implemented, B- Recalcitrant Inmate Policy 5-05/090.05 REV 06/26/13 CDM**
- The Inmate alleged he was hit in the face with a flashlight. Although the video depicts the Deputy flashlight falling out of its holder onto the floor, **the policy for flashlights weight and size was changed. C- Flashlights Policy, 3-06/055.20 REV 05/23/12 CDM**
- **Implementation of a new Force Response Team (CFRT) that responds to all CAT II (Use Of Force with injuries or complaint of pain) and will immediately ascertain if there are any policy violations, training issues, areas of concern or to provide guidance. D-Custody Force Response Team guidelines, 4-07/005.05 REV 08/0714 CDM**
- **Implementation of a new Commander Force Review Committee (CFRC) that reviews any CAT II Use Of Force for policy violations and training issues. E-Custody Force Review Committee guidelines 4-07/005.00 REV 06/26/13 CDM**
- The Incident was captured on a grainy CCTV camera, which made it difficult to see the intimate details of the Deputies actions. **Additional Cameras were installed, totaling approximately 1038**

Completed by June 30, 2015

Responsible person: Assistant Sheriff, Terri McDonald

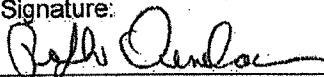
3. Are the corrective actions addressing department-wide system issues?

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

Name: (Risk Management Coordinator)

Raul Ornelas

Signature:



Date:

7-29-15

County of Los Angeles
Summary Corrective Action Plan

Name: (Department Head) David L. Jensen	
Signature: David L. Jensen	Date: 7/28/15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 7/28/2015

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

AUGUST 3, 2015

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Chair John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Lauren Black, Peter Bollinger, Richard Kudo, and Narbeh Bagdasarian; Department of Children and Family Services: Michelle Victor and Karla Hernandez; Public Library Department: Susan D. Fowler and Lupe Hoxworth; Sheriff's Department: Lt. Patrick Hunter, Sgt. Pauline Panis, Sgt. April Carter, and Nick Teophilov; Department of Mental Health: Mary Ann O'Donnell, Jeffery Marsh, and Margo Morales; Outside Counsel: David Weiss and Tim Kral.

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 addressed the Claims Board.

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

At 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 11:30 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Michael Rabinovitz, et al. v. County of Los Angeles, et al
United States District Court Case No. CV 13-04823

This lawsuit alleges the wrongful detention of a child by the Department of Children and Family Services ("Department") and alleges that employees of the Department made false statements which prolonged the separation.

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 – John Naimo, Steve Robles, and Patrick Wu

- b. Enrique Freeman v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 498 659

This lawsuit concerns allegations that an employee of the Public Library Department was subjected to disability discrimination and that the Department failed to engage in the interactive process or provide a reasonable accommodation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

- c. Juan Macias v. County of Los Angeles
Los Angeles Superior Court Case No. BC 477 890

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

- d. Phyllis Losorelli and Joe Losorelli v. County of Los Angeles
United States District Court Case No. CV 14-05062

This lawsuit alleges that the Department of Mental Health and the Sheriff's Department failed to undertake measures to prevent an inmate's suicide.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,600,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the July 6, 2015, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

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 11:33 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson