

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, MARCH 1, 2010, AT 9:30 AM

Present: John Naimo, Steven NyBlom and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

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. Celia Contreras v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 382 611

This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving a maintenance employee of the LAC+USC Medical Center.
(Continued from the meeting of December 7, 2009.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Carolina Silva v. County of Los Angeles
United States District Court Case No. CV 09-7934

This lawsuit contends that the decedent's death was caused by the use of excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Sheriff's Department's budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Richard Moreno, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 00-07149

This lawsuit arises from the search and arrest of an individual by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. Gloria Fluker v. County of Los Angeles
Los Angeles Superior Court Case No. BC 386 849

This lawsuit concerns allegations that an employee of the Department of Child Support Services was subjected to racial discrimination and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$85,000.

Absent: None

Vote: **Ayes:** 2 - Steven NyBlom and John Krattli
Abstentions: 1 - John Naimo

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 "Revised" minutes for the January 21, 2010, special meeting of the Claims Board, the minutes of the February 1, 2010, regular meeting of the Claims Board, and the February 11, 2010, special meeting of the Claims Board.

Action Taken:

The "Revised" minutes for the January 21, 2010, special meeting of the Claims Board, the minutes of the February 1, 2010, regular meeting of the Claims Board, and the February 11, 2010, special meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

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	Celia Contreras v. County of Los Angeles, et al.
CASE NUMBER	BC382611
COURT	Los Angeles Superior Court
DATE FILED	12/19/2007
COUNTY DEPARTMENT	DHS-LAC+USC Health Care Network - General Hospital
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Richard E. Schwartz, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On 11/13/2006, a facility maintenance employee of LAC+USC Medical Center was driving an electric maintenance cart southbound on the east sidewalk of Eastlake Avenue approximately 300 feet north of its intersection with Zonal Avenue. At the same time, Celia Contreras was walking mid-block across Eastlake Avenue and emerged onto the east sidewalk from between parked cars on the street. As a result, the cart and Ms. Contreras collided into one another and Ms. Contreras claims soft tissue injury to her neck and back..

Ms. Contreras filed suit against the County and its employee, contending that the employee drove the cart negligently on the sidewalk and that the County is vicariously liable for that negligence.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff

PAID ATTORNEY FEES, TO DATE	\$	36,148
-----------------------------	----	--------

PAID COSTS, TO DATE	\$	11,026
---------------------	----	--------



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:	11/13/06
Briefly provide a description of the incident/event:	On November 13, 2006, Celia Contreras parked her car on Eastlake Avenue near Zonal Avenue. As she stepped between two parked cars onto the side walk, she was hit by a County tram (electrical cart) driven by a County employee.

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

Unsafe driving.

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

SYSTEMS

- The facility provided Tram Safety Training to staff operating trams.
- The facility installed tram strobe LED lights and back-up alarms on all trams.
- The facility revised its Tram Safety Training Program
- The facility sought input from the Los Angeles Police Department and County Office of Public Safety and revised its policy on Vehicular Operation.
- The facility sent a broadcast message to staff on its Intranet Website informing them of enforcement of the new policy effective October 15, 2009
- The facility reduced the number of trams in active operation by 34%.
- The facility designated routes for tram passage on and around the campus.
- The facility educated tram drivers regarding the acceptable routes.
- On October 7, 2009, the Department contacted the Chief Executive Office (CEO) to request technical assistance on identifying overall regulatory requirements related to tram and tug safety.
- On January 5, 2010, the CEO completed its Electric Cart Regulation Review.
- The Department/facility consulted with the Chief Executive Office and County Counsel regarding the approach and initiated a request to the Department's Policy and Government Relations Office to lobby for an amendment to the L. A. Municipal Code.

PERSONNEL

- The County driver attended Tram Safety Training.

SYSTEM-WIDE

On September 29, 2009, the Department conducted a system-wide survey regarding facilities' vehicle (tram and tug) training programs.



County of Los Angeles
Summary Corrective Action Plan

SYSTEM-WIDE

- On September 29, 2009, the Department conducted a system-wide survey regarding facilities' vehicular (tram and tug) training programs.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 2/8/10
Signature: (Department Head) 	Date: 2-22-10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Carolina Silva. v. County of Los Angeles
CASE NUMBER	CV 08 07934
COURT	United States District Court, Central District of California
DATE FILED	December 2, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Peter Williamson, John Burton, M. Lawrence Lallande
COUNTY COUNSEL ATTORNEY	Gordon W. Trask
NATURE OF CASE	<p>Plaintiff's allege that their decedent's death was caused by the use of excessive force by Sheriff's Deputies.</p> <p>The Deputies contend that the use of force was reasonable and in response to the decedent's resistance, and also contend that the force did not cause the death.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$350,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	103,363
-----------------------------	----	---------

PAID COSTS, TO DATE	\$	138,657
---------------------	----	---------

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:	<p style="text-align: center;"><u>Carolina Silva et al. v. County of Los Angeles</u> (Summary Corrective Action Plan #2009-028CR)</p> <p>Friday, November 30, 2007; 11:01 p.m.</p>
Briefly provide a description of the incident/event:	<p>The plaintiff, surviving spouse of Cesar Silva, alleges that on Friday, November 30, 2007, at approximately 11:01 p.m., on-duty Los Angeles County deputy sheriffs violated her husband's civil rights when they deployed an electronic immobilization device (TASER) on him and beat him with a flashlight, causing his death. The plaintiff also alleges the deputies failed to timely summon medical care to treat his injuries.</p>

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

<p>A public entity is responsible for the acts of its employees when the acts are committed in the course and scope of employment. A public entity and its employees also may be held liable for a violation of an individual's federal civil rights for an arrest without probable cause or the use of unreasonable force to effect an arrest.</p> <p>The plaintiff and her daughter claim damages for the wrongful death of their husband and father, costs, and attorneys' fees.</p>

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

<p>The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.</p> <p>The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.</p> <p>Despite the lack of a direct causal relationship, one Los Angeles County Sheriff's Department policy was revised.</p> <p>On November 3, 2008, Los Angeles County Sheriff's Department Manual of Policy and Procedures section 5-06/040.95, Electronic Immobilization Device (TASER) Procedures was revised to include the following statement:</p>

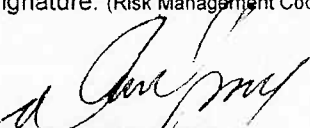

County of Los Angeles
Summary Corrective Action Plan

"Application of the Taser shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel, or the public."¹

The Department's administrative review of the incident revealed no employee misconduct. Consequently, no additional corrective action measures are recommended or contemplated.

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 1-22-10
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 01-26-10

¹ This statement is among several revisions to this policy section. A copy of Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-06/040.95, Electronic Immobilization Device (Taser) Procedures in its entirety (as revised) is attached to the corrective action plan.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

Corrective Action Plan (CAP) Number: 2009-028CR

Lawsuit:

Name: **Carolina Silva, et al. v. County of Los Angeles**
Case/Docket Number: United States District Court Case No. CV 08-7934

Investigator: Richard W. Debruijn, Deputy
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Friday, November 30, 2007; 11:01 p.m.

Location: 1348½ East 70th Street
Los Angeles
(Unincorporated Los Angeles County)

Station, Bureau, or Facility: Century Station
Field Operations Region II

Executive Summary:

On Friday, November 30, 2007, at approximately 11:01 p.m., Los Angeles County sheriff's deputies drove to 1348½ East 70th Street, Los Angeles (Unincorporated Los Angeles County) in response to a call for service of a suspicious man following a woman to her home. Upon their arrival, the deputies saw Mr. Silva who matched the description of the man described in the call.

Mr. Silva initially complied with the deputies' instructions to lay down on the driveway of the apartment complex. As the deputies attempted to handcuff him, however, Mr. Silva grabbed the leg of one deputy sheriff and a physical altercation ensued. Deputies were able to free Mr. Silva's grasp of the deputy's leg, however, he continued to fight with the deputy and ignored their orders to stop struggling.

CORRECTIVE ACTION PLAN 2009-028CR
CAROLINA SILVA, ET AL. V. COUNTY OF LOS ANGELES
PAGE TWO

An electronic immobilization device (TASER) was deployed on Mr. Silva. Unfortunately, the device had little or no effect.¹ The deputies were eventually able to handcuff Mr. Silva, but he continued to resist. He was placed in a hobble restraint device, but the deputies were unable to secure the line from his ankles to his handcuffs. He was placed in the back seat of a patrol car under the direct supervision of a deputy sheriff.

Minutes later, the deputy sheriff guarding Mr. Silva noticed he appeared to be unconscious, but still breathing. He received treatment by paramedics (who had already responded to the scene) and was transported to a local hospital. He later died.

The autopsy report found that Mr. Silva was under the influence of cocaine and methamphetamine and died as a result of agitated delirium caused by the drug use. The plaintiff's medical expert is of the opinion that Mr. Silva died as a result of positional asphyxia from being restrained.

The plaintiff, the surviving spouse of Mr. Silva (decedent), alleges that on-duty Los Angeles County deputy sheriffs violated her husband's civil rights when they deployed an electronic immobilization device (TASER) on him and beat him with a flashlight, causing his death. The plaintiff also alleges the deputies failed to timely summon medical care to treat his injuries.

Risk Issue(s):

A public entity is responsible for the acts of its employees when the acts are committed in the course and scope of employment. A public entity and its employees also may be held liable for a violation of an individual's federal civil rights for an arrest without probable cause or the use of unreasonable force to effect an arrest.

Damages:

The plaintiff and her daughter claim damages for the wrongful death of their husband and father, costs, and attorneys' fees.

¹ It was later determined the electronic immobilization device was not fully charged.

CORRECTIVE ACTION PLAN 2009-028CR
CAROLINA SILVA, ET AL. V. COUNTY OF LOS ANGELES
PAGE THREE

Administrative Review:

Was a formal Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted?	No
If yes, what is the date the meeting was held?	N/A
Was another formal administrative review/investigation initiated?	Yes
If yes, was discipline imposed or other appropriate administrative action taken as a result?	No

Policy Issues:

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

Training/Curriculum Issues:

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

Evaluation:

This is a case of disputed liability.

Mr. Silva fought with the deputy sheriffs and was under the influence of drugs at the time of the incident. There are, however, numerous independent witnesses who said Mr. Silva was compliant and the deputies' use of force was unnecessary.

Corrective Action:

Was a formal administrative review of the incident initiated?	Yes
If yes, was appropriate administrative action taken?	N/A

Despite the lack of a direct causal relationship, one Los Angeles County Sheriff's Department policy was revised.

CORRECTIVE ACTION PLAN 2009-028CR
CAROLINA SILVA, ET AL. V. COUNTY OF LOS ANGELES
PAGE FOUR

On November 3, 2008, Los Angeles County Sheriff's Department Manual of Policy and Procedures section 5-06/040.95, Electronic Immobilization Device (TASER) Procedures was revised to include the following statement:

"Application of the Taser shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel, or the public."²

The Department's administrative review of the incident revealed no employee misconduct. Consequently, no additional corrective action measures are recommended or contemplated.³

Risk Review/Compliance Audit:

Will this corrective action plan (and/or implementation of any corrective action measures) require the notification to, or the assistance from, other County of Los Angeles departments or public agencies? No

If yes, what is the name and title of the individual contacted? N/A

How/when was the person contacted? N/A

Will a formal Risk Management Bureau audit be required? No

If yes, what is the date the audit will be performed? N/A

Name of person/unit performing audit? N/A

² This statement is among several revisions to this policy section. A copy of Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-06/040.95, Electronic Immobilization Device (Taser) Procedures in its entirety (as revised) is attached to this corrective action plan.

³ This case is tentatively scheduled to be heard by the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee (EFRC) on February 25, 2010. Following that meeting, this corrective action plan will be revised accordingly (if necessary).

CORRECTIVE ACTION PLAN 2009-028CR
CAROLINA SILVA, ET AL. V. COUNTY OF LOS ANGELES
PAGE FIVE

Prepared: Patrick Hunter, Lieutenant *PH*
Risk Management Bureau

Submitted: David J. Long, Captain *DJL*
Risk Management Bureau

Reviewed: Eric B. Smith, Commander *EBS*
Leadership and Training Division

Approved: Roberta A. Abner, Chief *RAA*
Leadership and Training Division

Authorized: Larry L. Waldie, Undersheriff

Signature: *Larry L. Waldie* Date: 01-26-10



5-06/040.95 ELECTRONIC IMMOBILIZATION DEVICE (TASER) PROCEDURES

The Taser is a less lethal hand held electronic immobilization device used for controlling assaultive/high risk persons. The purpose of this device is to facilitate a safe and effective response and minimize injury to suspects and deputies.

Use of the Electronic Immobilization Device

The following policy guidelines shall be adhered to at all times:

- Only Departmentally approved Tasers shall be utilized by personnel,
- Tasers shall be issued to and used only by those who have completed the Department's Taser Training Program,
- Members authorized to carry Tasers on duty, may purchase Departmentally approved Tasers for on and off duty use,
- Prior to the use of the Taser, whenever practical, Department personnel shall request a supervisor,
- Any individual subjected to an application of the Taser, in either the "probe" or the "touch/drive stun" mode, shall be taken to a medical facility prior to booking, for appropriate medical treatment and/or removal of the probes,
- Application of the Taser shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel or the public.
- Except in emergent circumstances, the Taser should not be applied to the following or used in any other situation where there is a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance that a Department member feels compelled to activate the Taser in the following circumstances, the conduct of the involved personnel shall be evaluated in accordance to the Use of Force policy with sound tactical principles.
 - Handcuffed persons,
 - Persons detained in a police vehicle,
 - Persons detained in any booking or holding cell,
 - Persons in control of a motor vehicle,
 - Persons in danger of falling or becoming entangled in machinery or heavy equipment which could result in death or serious bodily injury,
 - Persons near flammable or combustible fumes,
 - Persons near any body of water that may present a drowning risk,
 - Persons known to have a pacemaker or known to be pregnant,
- The Custody Division Manual may define criteria for a unique application of the Taser within a custodial setting.

Reporting the Use of the Electronic Immobilization Device

- Authorized Department personnel discharging a Taser shall request the response of a supervisor if not already en route or on-scene,
- The use of the Taser, either by utilizing the probes or the touch/drive stun mode, shall be reported as a "significant" use of force as defined in the Department Manual of Policy and Procedures, section 5-09/430.00, "Use of Force Reporting and Review Procedures,"
- Whenever a use of a Taser requires force reporting, a download of the Taser's stored data and video shall be conducted and submitted with the force package.

Personally owned Tasers

Authorized Department members shall only carry on and off-duty Department authorized Electronic Immobilization Devices (Taser). Personally owned Tasers shall be available for computer download upon the request of a supervisor. The device shall meet the specification of the Weapons Training Center, and shall be used in accordance with section 5-06/040.95.

Department members shall record all personally owned Department-authorized Tasers (carried on-duty and off-duty) with Personnel Administration by submitting an Employee's Personnel Information form (SH-AD 395), as required in the Personnel Chapter, MPP, when such devices are:

- Purchased or obtained in any other way,
- Sold or disposed of,
- Stolen or lost.

Distribution of this form shall be as follows:

- Original to Personnel Administration,
- Copy to unit file,
- Copy to member for his personal record.

Revised 11/03/08

Revised 08/10/05

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Richard Moreno v. County of Los Angeles
CASE NUMBER	U.S.D.C. CV00-07149
COURT	United States District Court, Central District of California
DATE FILED	
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	
COUNTY COUNSEL ATTORNEY	Gordon W. Trask
NATURE OF CASE	<p>On January 21, 2000, Deputies stopped plaintiff Richard Moreno when he was walking on the street in the unincorporated City Terrace area of Los Angeles County. When Mr. Moreno saw the Deputies, he pulled something from his pocket and threw it away. The Deputies stopped to investigate and searched him for weapons. A Deputy recovered what appeared to be a baggie of drugs from the ground where he had seen plaintiff throw something. They arrested him. Mr. Moreno denies that he discarded the item. The case has been to the Ninth Circuit on an issue of lawfulness of the stop and search of Mr. Moreno.</p>

Mr. Moreno was acquitted in a criminal trial. In a previous civil trial, the jury hung with respect to one Deputy's liability, and entered a defense verdict for the other. The case is scheduled to be tried a second time.

The Sheriffs Department concurs in the proposed full and final settlement of the case in the amount of \$75,000.

PAID ATTORNEY FEES, TO DATE	\$	446,431
-----------------------------	----	---------

PAID COSTS, TO DATE	\$	37,977
---------------------	----	--------

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:	<p style="text-align: center;"><u>Richard Moreno, et al. v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-025CR)</p> <p>Friday, January 21, 2000; 7:15 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Friday, January 21, 2000, at approximately 7:15 p.m., the plaintiff was a pedestrian at or near the intersection of Woolwine Drive and Van Pelt Avenue, Los Angeles (Unincorporated Los Angeles County) when he was detained and subsequently arrested by Los Angeles County sheriff's deputies.</p>

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

A public entity is responsible for the acts of its employees when the acts are committed in the course and scope of employment. A public entity and its employees may also be held liable for a violation of an individual's federal civil rights when the employees make an arrest without probable cause or use unreasonable force to make an arrest.

The plaintiff alleges that his detention and subsequent arrest by Los Angeles County sheriff's deputies constituted a false arrest and a violation of his civil rights.

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 adequate and relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.



Effective and credible courtroom testimony is an essential component in the judicial process. To enhance the effectiveness and credibility of our employees' courtroom testimony, the Los Angeles County Sheriff's Department's Field Operations Support Services (FOSS) will, by February 28, 2010, publish a newsletter that will review the basic tenets of effective courtroom testimony.

A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 1-29-10
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 02-03-10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

January 21, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:31 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: John Naimo, Steven NyBlom and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Stephen Morris, Rich Mason, Vicki Kozikoujekian, Gordon Trask, and Brian Chu; Fire Department: P. Michael Freeman, Fire Chief and Michael Kranther; Office of Affirmative Action: David Kim; Sheriff's Department: Shaun Mathers and Patrick Hunter; Probation Department: Tracy Jordan-Johnson; Department of Mental Health: Robert Greenless and Robin Kay; Department of Public Works: Michael Hays and Keith Lehto; Outside Counsel: Christy O'Donnell, Diana Ratcliff, and Rollin Ransom.

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 8:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h) below.

4. Report of actions taken in Closed Session.

At 10:51 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Milton Molina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 062

This lawsuit concerns allegations of sexual harassment and retaliation by Fire Department employees.
(Continued from the January 4, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Mary Villegas v. County of Los Angeles
Los Angeles Superior Court Case No. BC 388 755

This lawsuit concerns allegations of sexual harassment by Fire Department employees.
(Continued from the January 4, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$325,000.

The vote of the Claims Board was unanimous with all members being present.

- c. Ericka Lauderdale v. County of Los Angeles
Los Angeles Superior Court Case No. VC 051 914

This lawsuit concerns allegations that the Probation Department failed to engage in an interactive process or provide reasonable accommodation for an employee with disabilities.
(Continued from the December 21, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000.

The vote of the Claims Board was unanimous with all members being present.

- d. Mediated Settlement with Sierra Systems re: Department of Mental Health IT Litigation (County as Plaintiff)

This matter concerns the design and development of an information management system by Sierra Systems for the Department of Mental Health.

The Claims Board recommended to the Board of Supervisors the settlement of this matter whereby the County will receive payment in the amount of \$1.5 million from Sierra Systems.

The vote of the Claims Board was unanimous with all members being present.

- e. Jacob Perez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 053 569

This lawsuit seeks compensation for injuries received from a vehicle accident involving an employee of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$40,000.

The vote of the Claims Board was unanimous with all members being present.

- f. Darren Lewin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 045 470

This lawsuit seeks compensation for injuries received from a vehicle accident involving an employee of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$28,000.

The vote of the Claims Board was unanimous with all members being present.

- g. Michael Anderson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 399 657

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$90,000.

The vote of the Claims Board was unanimous with all members being present.

- h. Claim of Theresa Varsos

This claim seeks compensation for damage caused by a sewer back-up.

The Claims Board approved settlement of this matter in the amount of \$88,528.88.

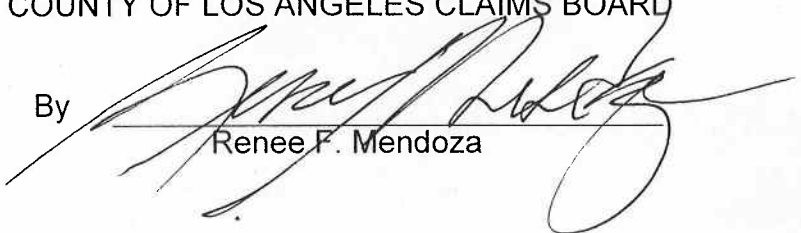
The vote of the Claims Board was unanimous with all members being present.

5. Adjournment.

The meeting was adjourned at 10:54 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

February 1, 2010

1. Call to Order.

This regular 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: John Naimo, Steven NyBlom, and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Gordon Trask, Sheriff's Department: Shaun Mathers and Patrick Hunter.

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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a).

4. Report of actions taken in Closed Session.

At 10:04 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Moreno Cortez v. County of Los Angeles, et al.
U. S. District Court Case No. CV-00-08395 SVW

This lawsuit seeks compensation for the death of an inmate in the custody of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$65,000.

The vote of the Claims Board was unanimous with all members being present.

5. Approval of the minutes for the January 4, 2010, meeting of the Claims Board and the January 21, 2010, Special meeting of the Claims Board.

The minutes for the January 4, 2010, regular meeting of the Claims Board and the January 21, 2010, Special meeting of the Claims Board were approved.

The vote of the Claims Board was unanimous with all members being present.

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 10:07 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

February 11, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 11:30 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: John Naimo, Steven NyBlom and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Millicent Rolon, Edwin Lewis, and Manuel Valenzuela; Office of Affirmative Action: David Kim; Los Angeles County Police: Steve Lieberman, Chief; Probation Department: Tracy Jordan-Johnson; Department of Health Services: Elizabeth Baca, Evelyn Szeto, and David Cochran; Outside Counsel: Linda Diane Anderson.

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 11:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 1:50 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Raymundo Soto v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 021 289

This lawsuit concerns allegations that Los Angeles County Police Officers used excessive force in removing an individual from a hospital lobby.

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

The vote of the Claims Board was unanimous with all members being present.

- b. James M. Juarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 408 340

This lawsuit concerns allegations that an employee of the Probation Department was subjected to harassment and retaliation; settlement is recommended in the amount of \$99,000.

The Claims Board continued this matter.

The vote of the Claims Board was unanimous with all members being present.

- c. Cheryl Hilton v. County of Los Angeles
Los Angeles Superior Court Case No. BC 377 904

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination.

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

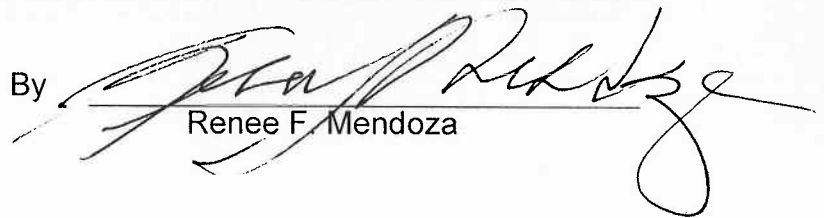
The vote of the Claims Board was: Ayes: (2) - Steven NyBlom and John Krattli; and Abstentions: (1) - John Naimo

5. Adjournment.

The meeting was adjourned at 1:55 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza