

June 24, 2002

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Brandi Michelle Beaudoin v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 250 991**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$150,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

BNU/fsl  
Barbara N. Uyeda, Chairperson  
Los Angeles County Claims Board

Enclosures

# M E M O R A N D U M

June 18, 2002

TO:	THE LOS ANGELES COUNTY CLAIMS BOARD
FROM:	MICHAEL D. ALLEN, Esquire Franscell, Strickland, Roberts & Lawrence
	JOHANNA M. FONTENOT Principal Deputy County Counsel General Litigation Division
RE:	<b><u>Brandi Michelle Beaudoin v. County of Los Angeles, et al.</u></b> <b>Los Angeles Superior Court Case No. BC250 991</b>
DATE OF INCIDENT:	December 5 & 6, 2000
AUTHORITY REQUESTED:	\$150,000
COUNTY DEPARTMENT:	SHERIFF'S DEPARTMENT
CLAIMS BOARD ACTION:	

☐ Approve
 ☐ Disapprove
 ☐ Recommend to Board of Supervisors for Approval

	Chief Administrative Officer
<b>BARBARA N. UYEDA</b>	County Counsel
<b>LLOYD W. PELLMAN</b>	Auditor-Controller
on <b>MARIA M. OMS</b>	, 2002

## SUMMARY

This is a recommendation to settle for \$150,000, a lawsuit filed by Brandi Michelle Beaudoin alleging false imprisonment, negligence and violation of federal civil rights. The lawsuit arises from the alleged unlawful strip search of Ms. Beaudoin after her arrest, and the failure to timely release her from custody after her bail was posted.

## LEGAL PRINCIPLES

A public entity is responsible under California law for the wrongful and negligent acts of its employees when they are committed in the course and scope of their duties. A public entity and its employees may also be held liable under the Federal Civil Rights Act and California law when a person arrested for a misdemeanor offense, that does not involve weapons or firearms, is subjected to a strip search prior to arraignment without reasonable suspicion that the person is in possession of drugs or a weapon. A public entity and its employees may also be held liable under California law and the Federal Civil Rights Act when a person is not released from custody, within a reasonable time, after an individual's bail has been posted.

## STATEMENT OF FACTS

On December 5, 2000, at approximately 5:15 p.m., Brandi Michelle Beaudoin was arrested by Sheriff's Deputies on a misdemeanor warrant for her failure to appear on a traffic citation. The Sheriff's Deputies took Ms. Beaudoin to Lomita Sheriff's Station for booking after she was arrested. During the booking process at Lomita Station, which began at approximately 6:00 p.m., Ms. Beaudoin informed Sheriff's personnel that she was six months pregnant. As a result, arrangements were made to have Ms. Beaudoin transferred to the Twin Towers Correctional Facility (TTCF), of the Los Angeles County Jail, which is better equipped to evaluate and treat pregnant inmates.

Prior to Ms. Beaudoin being transferred to TTCF, Ms. Beaudoin's husband made several phone calls to the jailer at the Lomita Station to ascertain what steps he needed to take to obtain his wife's release prior to her transfer to TTCF. Mr. Beaudoin was advised by the jailer that bail must be posted before his wife could be released.

At approximately 7:00 p.m., the Lomita Station jailer received a phone call from a bail bondsman who advised the jailer that he was on his way to post bail for Ms. Beaudoin. Ms. Beaudoin was transferred to TTCF before the bail bondsman could post her bail at the Lomita Sheriff's Station, and she arrived at TTCF at approximately 8:00 p.m.

Upon arrival at TTCF Ms. Beaudoin was processed through the Inmate Reception Center. Ms. Beaudoin alleges that she was subjected to a visual body cavity search (strip search), when she was mistakenly commingled with felony arrestees.

On December 6, 2000, at approximately 5:30 a.m., Ms. Beaudoin was released from custody on bail, which had been posted by the bail bondsman at approximately 10:00 p.m. the prior evening.

## DAMAGES

Ms. Beaudoin claims that she suffered severe emotional distress and humiliation by being subjected to an unlawful strip search and by the unreasonable delay between the posting of her bail and her release from custody. Within one week following her incarceration, Ms. Beaudoin allegedly began pre-term labor on two separate occasions. On both occasions she was rushed to the hospital and received an injection of drugs to stop the labor. Ms. Beaudoin claims that the two incidents of pre-term labor were caused by being subjected to the strip search and by not being timely released from custody.

The potential damages, should this matter proceed to trial, could be as follows:

Medical Expenses	\$ 5,000
Emotional Distress	\$200,000
Attorneys' Fees	<u>\$150,000</u>
Total	\$355,000

## STATUS OF CASE

This case was set for trial on July 22, 2002. However, the Court has stayed the proceedings pending presentation of this settlement recommendation.

Expenses incurred by the County in the defense of this matter are attorneys' fees of \$34,303.80 and costs of \$3,125.61.

## EVALUATION

The Sheriff's Department has been unable to verify Ms. Beaudoin's allegation of being subjected to a strip search. If a jury concludes that Ms. Beaudoin was subjected to a strip search, the search was unlawful because she was arrested for a misdemeanor offense that did not involve a weapon or drugs, and there was no reasonable suspicion to believe that she was in possession of a weapon or drugs at the time of her arrest. A jury could also conclude that the nearly eight hour period of time that elapsed from her bail being posted until she was released the following day was unreasonable. If the jury concludes that Ms. Beaudoin was subjected to an unlawful strip search she would be entitled to an award of attorneys' fees under the Federal Civil Rights Act.

We believe that a jury award of damages coupled with an award for attorneys' fees could well exceed the recommended settlement amount.

Therefore, we join with our private counsel, Franscell, Strickland, Roberts & Lawrence in recommending settlement of this matter in the amount of \$150,000. The Sheriff's Department concurs in this recommendation.

APPROVED BY:

KEVIN C. BRAZILE  
Assistant County Counsel

JMF:bh

**Los Angeles County Sheriff's Department**

**CORRECTIVE ACTION REPORT**

**LAWSUIT OF: Brandi Michelle Beaudoin v. County of Los Angeles, et al.,  
Case No. BC250991**

**INCIDENT DATE AND TIME: December 5, 2000 at 5:15 p.m.**

**INCIDENT LOCATION: Lomita Station, 26123 S. Narbonne Avenue, Lomita CA 90717**

**RISK ISSUES:** Under California law, the County of Los Angeles and its employees may be held liable when a person arrested for a misdemeanor offense is subjected to a strip search at any time prior to the arrestee's arraignment, unless there is reasonable suspicion that the person may be in possession of a weapon or contraband. The County and individual employees can also be held liable under the federal civil rights act for damages and attorneys fees when a person arrested for a misdemeanor offense is stripped searched in the absence of reasonable suspicion to believe that the arrestee possesses a weapon or contraband. The County of Los Angeles may also be liable under both state and federal law for false imprisonment when an arrested person is not released from custody within in a reasonable time after the person's bail is posted.

**INVESTIGATIVE REVIEW:** On December 5, 2000, at approximately 5:15 p.m., Brandi Michelle Beaudoin was arrested by Sheriff's Deputies on a warrant for a failure to appear on a traffic ticket, which is a misdemeanor offense. Ms. Beaudoin was taken to Lomita Sheriff's station for booking immediately after her arrest. During her initial medical screening at Lomita station, which began at approximately 6:00pm, Ms. Beaudoin informed the jailer that she was six months pregnant. Consequently, arrangements were made to transfer Ms. Beaudoin to the Los Angeles County Twin Towers Correctional Facility Jail, the facility designated to house pregnant inmates. Local Stations are not equipped to evaluate and care for pregnant inmates.

While Ms. Beaudoin was at Lomita Sheriff's Station, her husband made several phone calls to the jailer trying to ascertain what steps he needed to take to obtain his wife's release prior to her transfer to the Twin Towers jail. Mr. Beaudoin was advised by the jailer that he needed to have bail posted before she could be released. At approximately 7:00 p.m., the Lomita Station jailer received a phone call from a bail bondsman who indicated that he was on his way to post bail for Ms. Beaudoin. However, Ms. Beaudoin was transferred to Twin Towers jail before the bail bondsman arrived at Lomita station. The bail was posted at approximately 10:00 p.m..

Ms. Beaudoin arrived at the Twin Towers jail facility at approximately 8:00 p.m. She was processed at the inmate reception center, and at approximately midnight she was transferred into a housing area at the Facility. Ms. Beaudoin alleges that upon her entry into the Twin Towers facility, she was subjected to a visual body cavity and strip search. Ms. Beaudoin was released from jail at approximately 5:30 a.m. on December 6, 2000.

**TRAINING ISSUES:** The Department has established policies and training regarding the handling of pregnant females and the transfer of misdemeanor arrestees into a jail facility. Additional policy details the guidelines for the release of arrestees upon the posting of bail or bond.

**POLICY ISSUES:** At the time of the incident, the Department had established policies and procedures in place concerning strip searches, the transfer of pregnant females beyond their fifth month to Twin Towers Correctional Facility, and the procedures for release of an arrested upon the posting of bail or bond. The Department was unable to establish whether or not a strip search and visual body cavity search of Ms. Beaudoin actually took place. The Department has instituted a policy that persons who have not been arraigned will only be subject to a strip search when there is reasonable suspicion that the person is the possession of either a weapon or firearm.

**CORRECTIVE ACTION:** The Department has clarified its existing policies and procedures regarding visual body cavity and strip searches of females who are processed into the jail system. The Department has reinforced the Inmate Reception Center's responsibility to identify and separate females who qualify for a strip search and visual body cavity search from those who qualify for modified searches. Personnel assigned to work in areas where inmates are processed into the jail system shall be rebriefed on the search policy through recurrent briefings with ongoing reinforcement by supervisory oversight. Since it cannot be verified whether Ms Beaudoin was deliberately subjected to a strip or visual body cavity search by a Sheriff Department employee, so no employees will receive discipline as a result of this incident.