

Memorandum

Date: May 15, 2019
To: All Personnel
From: Undersheriff Linver
Subject: Early Settlement Procedure
Sheriff's Bulletin: 19-2



Purpose:

As hard as we try not to, mistakes occasionally occur in our business. When a member of the public or a businesses within our community believes the actions of the county or a county officer have inappropriately caused them a loss, they may file a claim to seek compensation for their loss. Generally, the claim process involves the community member filling out and submitting a claim form to the Clerk of the Board of Supervisors (<https://www.countyofsb.org/ceo/asset.c/434>). The filing of the claim begins a formal process that includes a civil claims investigation, liability evaluation and negotiations through Santa Barbara County Risk Management and can potentially end up in Superior Court.

However, in some instances it is appropriate to expedite this claims process and work with the impacted community member to cut through the bureaucracy and make things right as quickly as possible. The remainder of this settlement procedure document describes when it is appropriate to expedite the claims process and the protocols for doing so.

When is early settlement appropriate?

In any instance wherein a member of the Sheriff's Office believes:

- A mistake or inappropriate action was made by the county or a county officer; and
- The county's action/ inaction likely caused a loss to a member of the public, or would otherwise potentially expose the county to civil liability; and
- Sheriff's Office employees are somehow involved in or linked with the loss/ costs incurred by the community member; and
 - Note: It is not required that the Sheriff's Office be solely or primarily responsible for the loss to move forward with the early settlement process.
- We can reasonably take action to remedy the loss or costs incurred by the community member.

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Initial procedure/ notifications:

Employee: When any member of the Sheriff's Office becomes aware of a situation where an early settlement may be appropriate, they should immediately notify their chain of command, starting with their immediate supervisor. If the immediate supervisor is not available, the on-duty patrol or custody shift commander should be contacted.

Supervisor: Once the immediate or on-duty supervisor is notified, they should obtain as much information as possible about the situation and evaluate the circumstances to determine whether or not the early settlement program is appropriate (1-4 above). If the supervisor agrees that the circumstances warrant seeking an early settlement, he/ she should contact the applicable bureau manager and apprise them of the situation. The bureau manager will be responsible for coordinating with SBC Risk Management and any other necessary individuals or entities.

- The involved supervisor should ensure that appropriate documentation is created to memorialize the situation and that it is forwarded through the applicable chain of command.

Bureau manager:

- Contact or cause notification to the applicable Sheriff's chain of command, through the Undersheriff.
- Contact Santa Barbara County Risk Management, discuss the situation and come to consensus as to whether or not pursuing early settlement is appropriate.
 - During business hours/ days
 - Samantha Francis (805) 884-6829
 - Ray Aromatorio (805) 884-6865
 - After hours & weekends
 - Samantha Francis (805) 550-9475 cell
 - Should SBC Risk Management have the need to initiate an early claim resolution that is not initiated by the Sheriff, the Sheriff's primary point of contact for the early resolution process in these circumstances will be the Sheriff's Professional Standards Unit sergeant:
 - Sergeant Garrett Teslao (805) 451-3109
 - Backup contacts:
 - Custody: Chief Deputy Vincent Wasilewski (805) 455-3615
 - Law Enforcement: Chief Deputy Craig Bonner (805) 896-6558
- If Risk Management and the Sheriff's Office agree that seeking early settlement is appropriate, the applicable bureau manager (or appropriate designee) will accompany Risk Management personnel in contacting the potential claimant to discuss the matter and determine if an early settlement is agreeable to all involved.

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- When possible, the bureau manager should proactively obtain anticipated settlement funds from the petty cash account through the Sheriff's Business Office, as outlined below and then return any unused funds afterwards.
- If an early settlement offer is accepted by the potential claimant:
 - Obtain the necessary funds
 - \$999 or less
 - Sheriff's bureau manager (or designee) will contact the Sheriff's Business office to retrieve the agreed upon amount from petty cash.
 - Fiscal Officer Christina Sibley should be contacted to facilitate this occurring (805) 681-4293. Alternatively CFO Hope Vasquez may be contacted (805) 681-4299.
 - The Sheriff's petty cash log will be annotated with the name, date and case number related to the early settlement.
 - As indicated above, petty cash funds should be obtained ahead of time when time and circumstances permit.
 - \$1,000 or more
 - Risk Management will need to order a warrant (check)
- Once the settlement funds are obtained, the Sheriff's bureau manager (or appropriate designee) and a Risk Management representative will meet with the claimant to provide the agreed upon funds and facilitate completion of required paperwork.
 - The claimant will need to complete and sign the SBC Claim Form (above hyperlink)
 - Risk Management will obtain the claimant's signature on the Release of Liability Form
 - *If petty cash is distributed:* The Sheriff's bureau manager (or designee) will have the claimant sign a receipt for the funds provided.
- Risk Management will retain the original copies of the completed and signed Claim Form and Release of Liability Form.
 - Copies of the form will be provided to the Sheriff's bureau manager and will subsequently be provided to the Sheriff's Professional Standards Unit.
- The Sheriff's bureau manager shall, as soon as possible, return any unused petty cash funds to the Sheriff's Business Office.
 - Fiscal Officer Christina Sibley should be contacted to facilitate this occurring (805) 681-4293. Alternatively CFO Hope Vasquez may be contacted (805) 681-4299.
 - Once again, the Sheriff's petty cash log will be annotated with the name, date and case number related to the early settlement.

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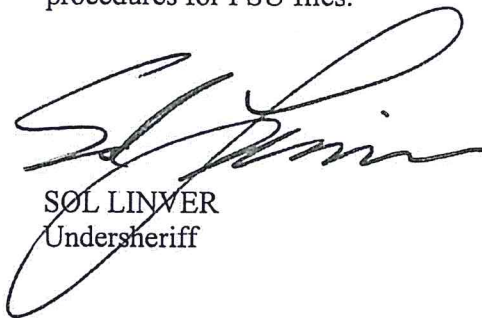
Sheriff's Business Office:

If the claim was settled with funds from the Sheriff's petty cash fund:

- Risk Management will set up a claim on their system and issue a warrant (check - not an EFT) to vendor number 716715, SBSO attn: CFO.
- Once the warrant is received by the Sheriff's CFO:
 - A photocopy of the check will be placed in the claim file maintained within PSU
 - The CFO will cash the warrant and place the money back in the Sheriff's petty cash fund. The petty cash log sheet will be annotated with the deposit.
- The result from all of this is that RM has all incidents in their claim database, the Sheriff has a file for each payout that ties to the cash box log, and the cost is borne by the General Liability Fund.

Sheriff's Professional Standards Unit:

Once provided with the above mentioned claim settlement documentation, the Sheriff's Professional Standards Unit will maintain this documentation until such time as the Board of Supervisors authorizes its destruction in accordance with standard records destruction procedures for PSU files.



SOL LINVER
Undersheriff