



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for January 1 – June 30, 2022

Government Code § 910 et seq. requires persons or businesses seeking money damages from the City to first file a government claim; in fact, without a judicial exception, no law suit alleging violation of California law is permitted without first filing a claim. The claim presentation requirement is intended to allow local agencies to investigate claims and - where appropriate - resolve claims outside of the judicial process, which can save litigation costs for the claimant and the agency.

Preprinted claim forms are available to the public from the City Attorney's webpage, and from the City Clerk, but any document can be used if it includes all the information required by the Government Code.

Every government claim filed with the City Clerk is referred to the City Attorney's Office. The Litigation Division in my office has Claims Investigators who investigate the claims and recommend appropriate disposition. The investigation and recommendation are then reviewed by a Litigation attorney for final decision.

The City has forty-five days to investigate the claim, and then: (1) accept liability and offer to pay the amount claimed; (2) offer to compromise and pay part of the amount claimed; or (3) reject the claim. The money used to pay claims typically comes from the City's Insurance Fund.

In some cases, government claims are simply returned without being considered. This happens when a claim is late (e.g., not filed within the time allowed by the Government Code) or does not provide enough information to properly investigate the claim.

In this report, we look at claims data for the period *January 1 – June 30, 2022*. The City Attorney makes this information available so all stakeholders (City and public) better understand the claims process and so each City Department better understands liability exposure, identifies ways to improve, and better manages risk.

Best Regards,

Charles Parkin
City Attorney

Analysis of Claims Data for January 1 – June 30, 2022

Figure 1 shows that between January 1 - June 30, 2022, the City Attorney’s Office received 365 claims (including 21 claims that were not considered), and that 77 of the 344 considered claims were resolved.

A claim presented to the City Attorney is resolved when the claimant establishes (1) that he or she has a legal right to recovery; (2) presents evidence of his or her damages; and (3) the City Attorney accepts the amount claimed, or the claimant accepts a lower amount. The money paid to resolve claims typically comes from the City’s Insurance Fund.

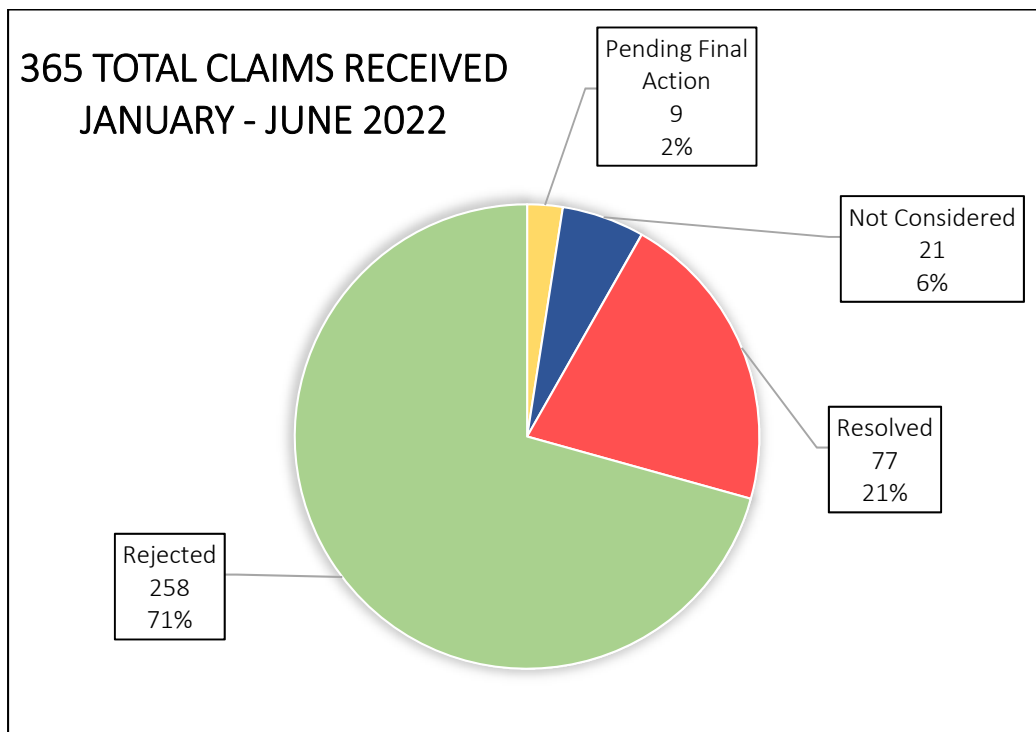


Figure 1

In resolving the 77 claims in the first half of 2022, the City Attorney authorized a total payout of **\$230,480.69** which is more than the same period in 2021 (78 resolved claims with a total payout of \$144,659.43).

The average payout per resolved claim increased: \$2,993.26 for the first half of 2022 vs \$1,831.13 for the first half of 2021.

Figures 2 & 3 display the types of claims the City received and paid during the first half of 2022.

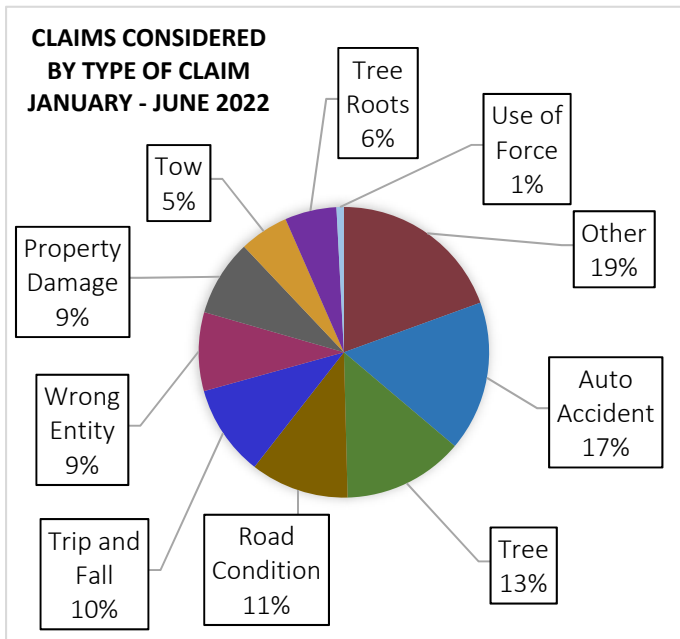


Figure 2

Type of Claim	Number of Claims Considered	Number of Claims Resolved	Amount Paid
Other	70	6	\$6,294.02
Auto Accident	59	24	\$168,307.41
Tree	49	12	\$15,205.49
Road Condition	40	17	\$12,142.93
Trip & Fall	34	1	\$3,505.00
Wrong Entity	34	0	\$0
Property Damage	32	6	\$6,016.79
Tree Roots	13	8	\$16,077.05
Invalid Tow	11	3	\$2,932.00
Use of Force	2	0	\$0
Total	344	77	\$230,480.69

Figure 3

“Other” claims are unique and do not easily fit into an established category. For example, these claims include: damages resulting from flooding, permit denials, and improper utility billing.

AUTO ACCIDENTS

Auto accidents account for the largest number of claims resolved as well as the highest total payout; this is consistent with historical data. This category includes vehicle vs. vehicle accidents, and single-vehicle accidents where a City vehicle strikes a fixed object causing property damage. Figures 4 and 5 show auto accident claim data by Department/Bureau.

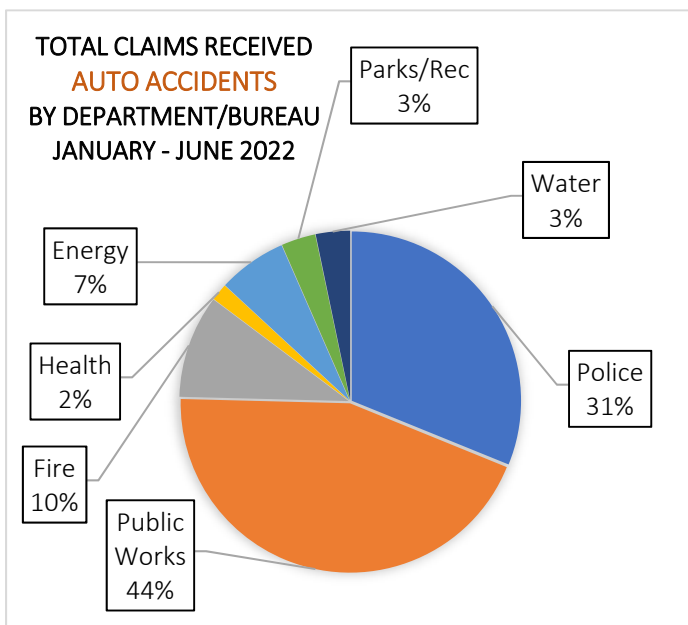


Figure 4

Department/Bureau	Number of Claims Received	Number of Claims Resolved	Amount Paid
Public Works	27	9	\$23,260.37
Police	19	6	\$104,694.53
Fire	6	4	\$10,789.23
Energy	4	2	\$2,602.21
Parks, Recreation & Marine	2	1	\$21,387.53
Water	2	2	\$5,573.54
Health	1	0	\$0.00
Total	61	24	\$168,307.41

Figure 5

CLAIMS BY DEPARTMENT/BUREAU

Figure 6 shows claims received by City Department or Bureau.

Department/Bureau	Number of Claims Received	Number of Claims Resolved	Amount Paid
Public Works	207	48	\$73,738.08
Police Department	37	8	\$106,205.54
Financial Management	23	5	\$5,774.80
Parks, Recreation & Marine	16	2	\$21,697.29
Water Department	15	6	\$9,498.54
Energy Resources	8	3	\$2,687.21
Fire Department	8	5	\$10,879.23
Health	7	0	\$0
Port	4	0	\$0
Development Services	2	0	\$0
Airport	2	0	\$0
Legislative	1	0	\$0
Wrong Entity	35	0	\$0
Total	365	77	\$230,480.69

Figure 6

A claim coded “wrong entity” means that a business, a private entity, or public agency other than City of Long Beach, is involved (for example, a claim for an alleged injury on a Long Beach Transit bus is presented to the City instead of Long Beach Transit).

Public Works Department:

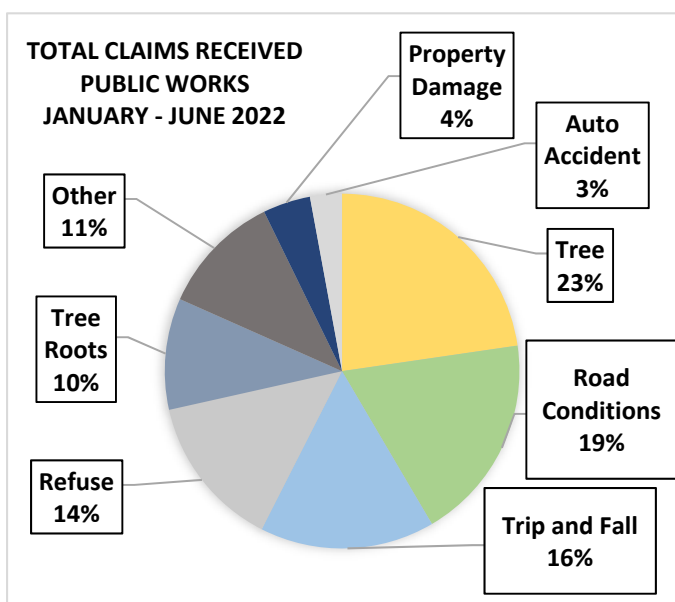


Figure 7

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Tree	47	12	\$15,205.49
Road Condition	39	16	\$11,833.17
Trip and Fall	33	1	\$3,505.00
Refuse	29	8	\$23,411.94
Other	23	1	\$2,463.00
Tree Roots	21	6	\$16,077.05
Property Damage	9	0	\$0.00
Auto Accidents	6	2	\$1,242.43
Total	207	46	\$73,738.08

Figure 8

The City Attorney’s Office received a total of 207 claims during the first half of 2022 related to the Public Works Department and resolved 46 of those claims for a total payout of \$73,738.08. (Fig. 8)

Most of the claims were related to **City trees**. These claims include: damage caused by the tree falling, damage caused by falling tree limbs, and damage caused by the tree roots (typically to underground pipes). Investigating these claims will focus on when the tree was last trimmed; whether there was any “notice” of the tree being a hazard; and, for tree root claims, when the claimant discovered (or reasonably should have discovered) the property damage.

The City also received multiple claims related to **road conditions** (primarily potholes). Resolving these claims will also require some showing that the City had “notice” of the pothole (e.g. someone had reported it and the claimed damage occurred before the City could repair the pothole).

Figures 9 and 10 show tree claims and road condition claims by Council District.



Figure 9

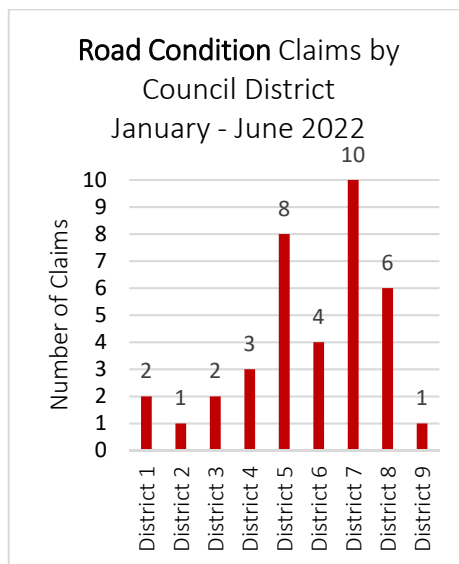
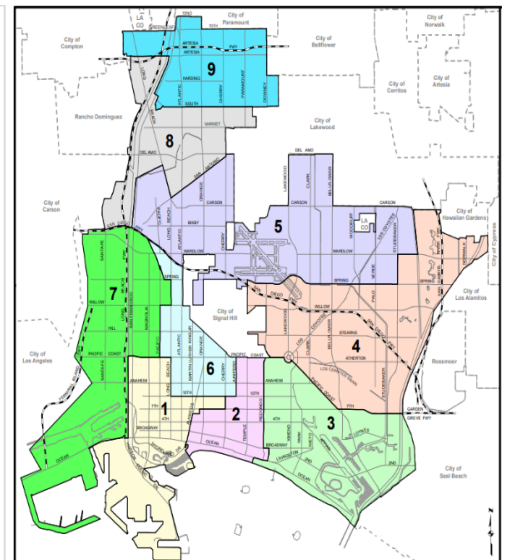


Figure 10



The City Attorney’s Office also received 29 claims related to Refuse Operations which is a Bureau of Public Works. These claims typically involve a refuse truck hitting a car or fixed object, such as an electrical pole or fence, or an employee action (while not driving) that results in property damage

Long Beach Police Department:

In the first half of 2022, the City Attorney’s Office received 37 claims relating to the Long Beach Police Department. The City Attorney’s Office resolved 8 of the claims, for a total payout of \$106,205.54. (Figure 11). As the table below shows, the largest number of claims – and the highest payout – involves auto accidents.

The City Attorney’s Office received 12 claims that were categorized as “**other.**” These claims include: allegations of false arrest, failure to protect, violation of Civil Rights, and property lost/not returned by a police officer.

There were three claims involving alleged improper use-of-force. It’s important to note that this figure only includes government claims received; use-of-force complaints (without a tort claim) may have been made to the Long Beach Police Department or the City’s Citizen Police Complaint Commission.

The City Attorney’s Office also received three claims related to property damage from police activity. There are several Government Code sections that may immunize the City from liability for police activity; depending on the circumstances, though, the City Attorney may authorize settlement.

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Auto Accident	19	6	\$104,694.53
Other	12	1	\$1,193.02
Property Damage	3	1	\$317.99
Use of Force	3	0	\$0.00
Total	37	8	\$106,205.54

Figure 11

Financial Management Department:

During the first half of 2022, the City received 22 claims related to Towing Operations and 1 claim related to Parking Enforcement. These claims include: alleged invalid tows, damage to a vehicle while during towing, and damage to a vehicle while stored at the City’s tow yard. (Figure 12)

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Invalid Tow	17	3	\$3,856.80
Property Damage	3	0	\$0.00
Other	3	0	\$0.00
Total	23	0	\$3,856.80

Figure 12

Parks, Recreation and Marine Department:

During the first half of 2022, the City received 16 claims related to the Parks, Recreation and Marine Department. These claims include: alleged trip and fall incidents, auto accidents, park trees, and road related events. The City received eight claims that were categorized as “other” which include: vessel damage, canine related injury, property damage and injuries alleged to have been caused by City property and/or staff. Two claims were resolved with a total payout of \$21,697.29. (Figure 13)

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Other	8	0	\$0.00
Trip and Fall	3	0	\$0.00
Auto Accident	2	1	\$21,387.53
Tree	2	0	\$0.00
Road Condition	1	1	\$309.76
Total	16	2	\$21,697.29

Figure 13

Long Beach Water Department:

During the first half of 2022, the City Attorney’s Office received 15 claims related to the Long Beach Water Department. Four claims were resolved, for a total payout of \$9,498.54. (Figure 14)

Several claims allege property damage caused by a water department employee, such as when a Water Department employee installing a water line mistakenly pierces a private electrical line. The majority of claims allege damages resulting from “other causes” such as but not limited to damages resulting from flooding from a water main break.

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Other	8	2	\$2,515.00
Property Damage	5	2	\$1,410.00
Auto Accident	2	2	\$5,573.54
Total	15	6	\$9,498.54

Figure 14

Long Beach Energy Resources:

During the first half of 2022, the City Attorney’s Office received eight claims related to Energy Resources. Three claims were resolved for a total payout of \$2,687.21. (Figure 15)

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Auto Accident	4	2	\$2,602.21
Other	3	1	\$85.00
Property Damage	1	0	\$0.00
Total	8	3	\$2,687.21

Figure 15

The highest number of claims were for auto accidents.

Long Beach Fire Department:

During the first half of 2022, the City Attorney’s Office received 8 claims related to the Long Beach Fire Department. Five claims were resolved, for a total payout of \$4,000.49. (Figure 16).

Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Auto Accident	6	4	\$10,789.23
Property Damage	2	1	\$90.00
Total	8	5	\$10,879.23

Figure 16

Auto accidents account for the majority of the claims and total payout. These claims do not involve a fire engine responding to an emergency call; rather, the Fire Department vehicle struck another vehicle in a non-emergency situation.

Other Departments:

The City Attorney's Office also received a small number of claims for other City departments or bureaus. (Figure 17)

Department/Bureau	Type of Claim	Number of Claims Received	Number of Claims Resolved	Amount Paid
Health	Trip & Fall, Auto Accident, alleged Wrongful Death, termination and Civil Rights Violation	7	0	\$0.00
Port	Other	4	0	\$0.00
Development Services	Other	2	0	\$0.00
Airport	Property Damage and Other	2	0	\$0.00
Legislative	Other	1	0	\$0.00
Total		16	0	\$0.00

Figure 17