

March 10, 2020

**Santa Monica City Attorney's Report:
Agenda Items 1B, 1C, 1F, and 3H**

Agenda items 1B, 1C, and 1F involve claims and lawsuits filed against the City of Santa Monica by 24 current and former community members.

Council, in the course of our work on behalf of the City, we hope never to see claims like these.

Twenty-three of these individuals allege that a former City employee, Eric Uller, sexually abused or attempted to sexually abuse them between approximately 1987 and 1999 when they were youth participating in the Santa Monica Police Activities League (PAL) program. The last individual alleges that, while she was a youth participating in the PAL program in approximately 1991-1992, she was sexually abused by another individual, Fernando Ortega, who was not employed by the City but was also associated with the PAL program.

Tonight, the City Attorney's Office is recommending settlements to resolve all of these claims and lawsuits.

While many in our community are aware of the events of the last year-and-a-half that relate to these claims, some are not; and so, before I turn to the specifics of the settlements, I want to explain some of the background.

In the late spring of 2018, the Santa Monica Police Department received an anonymous tip that then-City employee Eric Uller had committed a crime against a child, who was now an adult. The Santa Monica Police Department used the tip to identify the crime victim, and then referred the information to the Los Angeles County Sheriff's Department for investigation.

Based on the information provided by the Santa Monica Police Department, the Los Angeles County Sheriff's Department initiated an investigation. On October 18, 2018, Eric Uller was arrested by the Los Angeles County Sheriff's Department on charges of Lewd Acts with a Minor related to unlawful conduct with children in the early 1990s. By October 25, 2018, the Los Angeles County District Attorney's Office had charged Eric Uller with five counts of sexual crimes against minors based on the accounts of multiple victims of conduct in the 1990s.

At the time that Eric Uller was arrested, the City immediately took a number of actions:

- We went out into the community. City staff held meetings at Virginia Avenue Park and at PAL to talk with parents and community members, to answer questions to the extent we were able, and to be with our community as they shared their fears and concerns.
- We provided resources. The City activated local mental health providers to provide onsite therapeutic services for participants in the PAL, CREST, and Virginia Avenue Park programs and their families. The City notified the Santa Monica-Malibu Unified School District's Mental Health Coordinator to ensure that school-based mental health providers were attentive and responsive to reactions from students, parents, caregivers, and staff. And staff from Community and Cultural Services and the Library teamed up with local providers to offer trainings at every local library in Santa Monica to guide parents on how to identify risk factors and take steps to prevent sexual abuse.
- We retained Irma Rodríguez Moisa and Gabriel Sandoval at the law firm of Atkinson, Andelson, Loya, Ruud & Romo (AALRR) to conduct an independent investigation of allegations that the

March 10, 2020

City previously knew, or should have known, of criminal conduct by Eric Uller.

- We retained an outside entity, Praesidium, Inc., a nationally recognized expert in preventing abuse, to review the policies and practices of all City youth programs and to provide guidance on best practices for preventing future incidents of abuse.
- And, throughout this period, we cooperated with the Los Angeles County Sheriff's Department to try to ensure that anyone with information about Eric Uller's crimes could come forward.

On November 15, 2018, a date on which Eric Uller was expected to appear in court on the criminal charges against him, Eric Uller was found dead in his apartment, in an apparent suicide. As a result of his death, the Los Angeles County Sheriff's Department closed its criminal investigation of Uller.

Although the Los Angeles County Sheriff's Department closed this first investigation upon Eric Uller's death, the Santa Monica Police Department received an additional allegation that individuals at the time were on notice of Uller's activities and failed to meet their obligations as mandatory reporters under the Child Abuse Neglect and Reporting Act. The Santa Monica Police Department again referred that matter to the Los Angeles County Sheriff's Department, and that investigation remains outstanding. The independent investigation commissioned by the City and conducted by the law firm of AALRR to examine similar allegations also remains outstanding.

Following Eric Uller's death, a total of 24 individuals filed administrative claims and civil lawsuits alleging that they were victims of sexual abuse while they were youth participating in the PAL program.

Although these claims and lawsuits allege conduct in the 1980s and 1990s, AB 218, which was signed into law by the Governor on October 13, 2019, removed the statute of limitations and revived certain claims relating to childhood sexual abuse and assault for a period of three years, beginning on January 1, 2020.

Tonight, we are recommending six settlements to bring closure to all of the civil claims and lawsuits pending against the City relating to these matters:

- The first settlement resolves the claims of 18 individuals who allege they were abused by Eric Uller between 1987 and 1999 and of the additional individual who alleges abuse by Fernando Ortega between 1991 and 1992. The City Attorney's Office recommends settlement of all claims by these 19 individuals in the total amount of \$38 million. The \$38 million will be paid by the City into a qualified settlement fund from which it will be allocated to the 19 individuals as determined by a retired Superior Court Judge, whom plaintiffs' counsel retained as a third-party neutral to perform this allocation.
- The remaining five settlements resolve five additional individuals' claims and lawsuits alleging sexual abuse by Eric Uller during the same time period. The City Attorney's Office recommends settlement of the claims of these five individuals as follows: with respect to John RH Doe, \$1,050,000; with respect to John CS Doe, \$900,000; with respect to John FT Doe, \$900,000; with respect to John RG Doe, \$900,000; and with respect to John JG Doe, \$850,000.

Council, we run City programs to keep the children in our community out of harm's way, and to help them to thrive. To think that a City employee would exploit a City program to victimize children is unspeakably horrifying. And the claims regarding the harm that Eric Uller caused to these individuals' lives are nothing short of heartbreaking.

March 10, 2020

By resolving these claims and lawsuits swiftly, the City aims to avoid the risk and expense of litigation, thereby directing funds to survivors rather than to legal expenses. The City also hopes to afford our current and former community members the privacy and respect that they deserve, rather than engaging in painful and protracted litigation proceedings.

Council, in addition to resolving these claims and lawsuits, we are committed to taking every action we can to prevent an individual like Eric Uller from ever entering or being in a position to do harm to youth participating in any of our youth programs.

For that reason, I would now like to turn to Item 3.H. on the agenda.

In the aftermath of Eric Uller's arrest, we engaged Praesidium, Inc., which is a nationally recognized organization dedicated to designing and implementing best practices to detect and prevent abuse in youth programs. In addition to the City of Santa Monica, Praesidium has worked with public and private entities including the University of California, California State University, the YMCA, Boys & Girls Clubs of America, the Chicago Public Schools, Six Flags, Google, and many others.

Over the last approximately fifteen months, Praesidium has reviewed the City's policies and procedures related to youth-serving programs, visited those programs, observed their operations, interviewed staff members, spoken with youth participants and their families, and inspected program facilities and locations.

In October 2019, Praesidium's CEO, Aaron Lundberg, came to our city to present an interim report of Praesidium's recommendations. Those recommendations were:

- Build on youth protection policies with a focus towards prevention;
- Establish a cross-departmental youth protection committee and standardize youth protection policies and best practices throughout the entire City;
- Centralize coordination of volunteers;
- Design and implement standardized training for all staff and volunteers focused on prevention;
- Implement standardized reporting and responding procedures for not only incidents of abuse but also red flag behaviors and youth to youth abuse; and
- Ensure that everyone, no matter their role, understands that safety and the protection of children is always part of their job.

Tonight, we want to share with you and seek your approval on further progress.

First, City staff are promulgating a new Administrative Instruction, titled Abuse Prevention. This new Administrative Instruction will:

- Establish a Child Protection Committee and task that committee with overseeing implementation of abuse prevention measures across the City;

March 10, 2020

- Implement a new City-wide code of conduct for providing services to youth and new standards for City-managed youth programs that are modeled on best practices for prevention as identified by Praesidium;
- Implement standardized reporting and responding procedures, modeled on best practices as identified by Praesidium, not only for incidents of abuse but also for red flag behaviors and youth to youth abuse;
- Implement updated, standardized screening of volunteers, including a standard application form, reference checks, and a “Live Scan Fingerprint” criminal background check; and
- Extend Administrative Instruction III-2-5, Child Abuse Mandated Reporter Training Requirements, to require Child Abuse Mandated Reporter Training for all employees, volunteers, and contractors for any City-managed youth program and require development of annual training on best practices for the prevention of child abuse.

Second, staff recommends that Council authorize the City Manager to contract with Praesidium to serve, at least initially, as the Child Protection Officer called for in the new Administrative Instruction. In this role, Praesidium will review the abuse prevention and reporting procedures of City-managed youth programs to ensure that they comply with best practices, conduct periodic site reviews of youth programs, and design and monitor annual training. While Praesidium did not seek or even initially offer to take on this role, Praesidium staff have the expertise, experience and resources to perform these functions immediately, as the City works with Praesidium to train existing staff, whom we anticipate will ultimately take over this role. As a result, City staff recommend that Council authorize the City Manager to negotiate and execute an agreement with Praesidium to take on this role through June 30, 2021, with three one-year options to extend.

Third, as part of the Fiscal Year 2019-20 midyear budget, Council approved creation of a new 0.5 FTE Volunteer Coordinator position. This Volunteer Coordinator will, in accordance with ongoing guidance from the Child Protection Committee, oversee and coordinate the recruitment, training, and monitoring of volunteers across City programs.

Finally, Praesidium has emphasized the importance of those at the highest levels of an organization expressing that preventing child abuse is a priority. To provide this “voice from the top,” staff tonight recommends that the Council adopt the proposed resolution, which confirms the City’s goal of doing everything it can to prevent any incident of abuse in any City program providing services to minors, outlines the steps the City is taking towards this goal, and emphasizes that everyone, no matter their role with the City, needs to understand that safety and the protection of children is part of their job.

Council, we cannot change the past. And we cannot stop those who would commit these types of unfathomably atrocious acts from existing in the world. But as a City we can, and we will do everything in our power to ensure that those who would harm our children are not involved in our City’s programs.

For the reasons I have stated, the City Attorney’s Office now recommends settlement of items 1.B and 1.C in the combined amount of \$38 million with respect to all 19 claimants.

The City Attorney’s Office further recommends resolution of item 1.F. through five individual settlements in the amounts of \$1,050,000; \$900,000; \$900,000; \$900,000; and \$850,000.

March 10, 2020

And the City Attorney's Office recommends, on behalf of a City-wide team including the City Manager's Office, Community & Cultural Services, Santa Monica Police Department, Risk Management, and others, approval of the staff actions set forth in item 3.H. We are also available to answer any questions regarding item 3.H.