

September 8, 2022

Via Certified Mail – Return Receipt Requested

County Of Alameda
Clerk, Board of Supervisors
Administration Building
1221 Oak Street, Room 536
Oakland, CA 94621

Re: Claim Pursuant to the California Government Code on Behalf of Sylvia Johnson
and against the County of Alameda

Please consider this letter to be a claim under the applicable provisions of the California Government Code including, but not limited to, Sections 911.4, 911.6 and Section 950.2, et seq., as follows:

1. **NAME OF CLAIMANT:** Sylvia Johnson

ADDRESS OF CLAIMANT: Any and all notices and communications shall be sent to Sylvia Johnson’ attorneys, Booth Law, 21250 Hawthorne Blvd., Ste. 475, Torrance, CA 90503.

TELEPHONE NUMBER: 310-515-1361
Carly L. Sanchez
Booth Law

2. **ADDRESS TO WHICH NOTICES CONCERNING THE CLAIM SHALL BE SENT:** Carly L. Sanchez
Booth Law
21250 Hawthorne Blvd., Ste. 475
Torrance, CA 90503
Telephone: 310-515-1361
Email: csanchez@booth.law

3. **DATE OF INCIDENT:** The incidents upon which this claim is based occurred on and between approximately March 21, 2014 and March 11, 2022.
4. **DECEDENT'S MINORITY STATUS:** Decedent Sophia Mason was a minor at all times herein.
5. **THE APPLICABLE CLAIM PERIOD:** Ultimately, the claim brought by Sylvia Johnson arises from the wrongful death of her granddaughter Sophia at the hands of Sophia's mother and her mother's boyfriend. Because Sophia's death was a precipitating factor to this claim, the claim period did not accrue until Sophia died. It is unclear exactly when Sophia was murdered, but her body was discovered on March 11, 2022.

On March 21, 2022, Sophia's mother, Samantha Johnson, and her mother's boyfriend, Dhante Jackson, were charged with the murder of Sophia Mason.

6. **LOCATION OF INCIDENT:** The incidents occurred in the County of Alameda and the County of Merced at the homes in which Sophia resided with her mother and Dhante Jackson.
7. **GENERAL DESCRIPTION AND CIRCUMSTANCES OF THE OCCURRENCES WHICH GIVE RISE TO THIS CLAIM:**

Sophia Mason was subjected to extreme mental, emotional, sexual, and physical abuse and severe neglect while in the care of her biological mother from the time she was just two months old until her eventual death in March 2022. Sophia went to live with her biological grandmother, claimant Sylvia Johnson, from ages one to seven. In early 2021, Sophia's mother, Samantha Johnson, reappeared in her life and took Sophia into her care and custody. Almost immediately, the County of Alameda began receiving child abuse hotline referrals alleging that Sophia was the victim of abuse and neglect while in her mother's care. Indeed, as early as January 2021, employees and agents of the County of Alameda knew or should have known that this abuse and severe neglect was ongoing, yet they failed to take necessary action to protect the minor's safety, health, welfare, growth, and development. Rather, they knowingly allowed Sophia to remain in the home with her mother, who suffered from untreated mental illnesses, and her mother's abusive boyfriend. The County of Alameda received seven emergency hotline referrals between January 2021 and Sophia's death just 14 months later. It did not even bother investigating five of those referrals, and simply evaluated them out.

This claim was the subject of an investigation by the Merced Police Department, Case No. 2022-00014506. Copies of the Merced Police Department report and supplemental reports, which described the mental, emotional, sexual, and physical abuse and severe neglect that Sophia was subjected to, are attached hereto as Exhibit 1 and made a part of this claim.

A special relationship was established between the County of Alameda, on the one hand, and claimant, on the other, pursuant to which the County of Alameda owed claimant a duty of due care. The County breached that duty.

During the short time that Sophia lived in her mother's care as an infant, the County of Alameda received a hotline referral alleging that Sophia was not safe in her care. For approximately seven years, Sophia lived safely with her grandmother. But as soon as she returned to her mother's care, the County again began receiving referrals alleging that Sophia was the victim of abuse and neglect at the hands of her mother and her boyfriend.

Beginning in January 2021, Alameda received referrals alleging that Sophia's mother hit her, choked her, and covered her mouth to subdue her screams. The County further learned that Sophia had multiple bruises on her arms, torso, and thigh, and that she had not been to school in weeks. When social workers interviewed Sophia, she confirmed that her mother had grabbed her neck while mad at her and had covered her mouth. Agents and employees of Alameda County spoke with additional mandatory reporters who confirmed that Sophia's mother had changed in the past two months, referring to her as "unstable" and "scary," and who feared that Sophia would not be safe in her mother's care. Sophia's teacher told county social workers that Sophia was not attending school and that she was unsure whether Sophia could communicate if she was in danger due to a potential speech disorder. In the following months, Alameda continued to receive numerous hotline referrals alleging additional abuse, including the fact that Sophia's mother and her boyfriend were hitting Sophia and that Sophia was being exposed to sexual acts, including her mother's prostitution. Sophia herself told social workers that she was being hit by her mother's friends, that she was scared of her mother, and that her mother also hit her. All of this was known and documented by the County of Alameda, who concluded that the allegations of physical abuse were "inconclusive" because Sophia reported feeling safe with her mother (despite Sophia having disclosed being afraid of her mother). In June 2021, the County of Alameda failed to investigate a referral alleging that Sophia had a mark on her arm from her inner elbow to her wrist that was indicative of abuse. In September 2021, a social worker from Kaiser called in a hotline referral alleging that Sophia had arrived at the hospital with suspicious bruising and marks, including marks that looked like old cigarette burns. Despite this report, the county social worker who investigated the referral stated that Sophia did not have any marks or bruises indicative of abuse or neglect and closed the referral in just seven days after a cursory "investigation."

On March 11, 2022, Merced County Human Services Agency Child Welfare Services received an emergency response referral alleging that Sophia had been found dead inside the home where she lived with her mother and her mother's boyfriend. On March 21, 2022, Samantha Johnson and Dhante Jackson were charged with murder and willful child cruelty. To date, Dhante Jackson remains at large and has not been located by law enforcement.

Between January 2021 and March 2022, the County of Alameda received seven emergency response referrals alleging that Sophia was the victim of abuse and neglect. Unbelievably, the County neglected to even investigate **five** out of the seven referrals it received. Although the two investigations conducted by the County were inadequate and not properly performed in accordance with the County's own guidelines and standards, the County did develop significant concerns regarding Sophia's safety if she remained with her mother and Mr. Jackson. Nevertheless, the County failed to take necessary action to protect Sophia's health, safety, welfare, growth, and development and left Sophia in her mother's care. As a result of the County of Alameda's assumption of the duty to exercise supervision, care, and control affecting Sophia, Sophia relied to her detriment on the County, and its employees and agents to whom such duties were assigned and delegated, to provide for her supervision, care, control, protection, safety, and welfare, thereby establishing the existence of a special relationship between Sophia and the County of Alameda. Sophia repeatedly told County of Alameda agents and employees about what was occurring in her home, told them that she did not like it, that it made her sad, and relied on Alameda to help her to her extreme detriment, as Sophia was left in the home to continue experiencing the abuse and neglect described above.

Moreover, claimant Sylvia Johnson also relied on the County to protect her granddaughter. She and other family members repeatedly called the County of Alameda and reported that Sophia was being severely abused and neglected in her mother's care. The County of Alameda had the ability to protect Sophia and represented that it would investigate and protect Sophia's health, safety, and welfare. Ms. Johnson relied on the County's misrepresentations to her extreme detriment, as she believed the County would take all steps necessary to keep her granddaughter safe.

The County knew or should have known that Sophia's mother was neglecting Sophia by failing to protect her safety, health, welfare, growth, and development. The social workers who interacted with Sophia Mason and her family are mandatory reporters pursuant to Penal Code section 11165.7, and they were required to report and cross-report known or suspected incidents of child abuse or neglect to law enforcement pursuant to Penal Code section 11166, immediately or soon as practicably possible, and within 36 hours. See Penal Code § 11166(j)(1). Claimant was dependent upon the County, who had supervision over Sophia's health, safety, well-being and welfare, and who had the duty to provide a safe home for Sophia. However, despite what the County knew or should have known, it failed and neglected to properly exercise its respective duties and responsibilities as alleged herein.

Despite the existence of a special relationship between claimant and the County, the County breached the duty of due care, by failing and neglecting to fulfill and perform its duties to control, monitor, provide for, and protect the health, safety and well-being of Sophia as alleged herein. Government Code §820 provides that an employee of a public entity is liable for his or her acts or omissions to the same extent as a private person, and

under Government Code §815.2, a public entity is vicariously liable for the torts of its employees committed in the scope of employment.

The County of Alameda and its agents and employees deprived claimant of rights, privileges and immunities secured by the Constitution and laws of the United States, including but not limited to the Fifth, Eighth and Fourteenth Amendments and 42 U.S.C. section 1983, by inter alia: acting with deliberate indifference to claimant's rights; failing to intervene to prevent the use of excessive force and other Constitutional violations; conspiring with each other in the deprivation of the Constitutional rights herein described; failing to properly train County of Alameda Social Services Agency employees and agents in the identification of child abuse and neglect and what steps must be taken in order to ensure a child's health, safety, welfare, and well-being; and failing to afford Sophia the same rights and protections afforded to other children who are the victims of severe abuse and neglect.

Claimant Sylvia Johnson alleges that the County of Alameda violated mandatory duties and disregarded the health and safety of minors, including Sophia Mason, by failing to appropriately and effectively investigate, assess, evaluate, monitor, provide for, ensure, and respond to the minor's physical, emotional, social, and behavioral needs, and failing to provide for the safety and well-being of Sophia, who was the victim of extreme mental, emotional, and physical abuse and severe neglect. The County also acted negligently and in violation of other mandatory duties including, but not limited to, the following:

1. Failed to respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation;
2. Failed to take necessary action to protect the health, safety, welfare, growth, and development of Sophia while she was under the care, supervision, and control of the County of Alameda;
3. Failed to exercise reasonable diligence to comply with safety standards that are established by its own rules and policies;
4. Failed to determine whether the family home was a safe and appropriate placement for Sophia;
5. Failed to assess Sophia's family home in accordance with approval standards;
6. Failed to conduct a proper investigation after receiving referrals for abuse and neglect;
7. Failed to conduct an in-person investigation of a referral which alleged abuse or neglect, either immediately or within 10 calendar days;

8. Failed to determine, within 30 days of the in-person investigation, whether child welfare services were necessary and either complete a case plan and begin implementation of that plan or close the referral if child welfare services were not necessary;
9. Failed to make necessary collateral contacts with persons having knowledge of the condition of the child, including claimants herein;
10. Failed to conduct face-to-face contact with Sophia at the required intervals and as necessary, including the failure to make the minimum required contacts in the first 30 days, or twice in the first 21 days, after and including the initial face-to-face contact, and at least once a calendar month thereafter;
11. Failed to monitor and assess the quality of care provided to Sophia, including the safety of the minor and the ability of the mother to meet the child's basic and special needs, and failed to gather information to assess the effectiveness of the services provided and maintain a case plan responsive to current and future needs;
12. Failed to assist Sophia through the provision of age-appropriate counseling for the child's emotional, psychological, and behavioral problems, and failed to monitor the child's physical and emotional condition;
13. Failed to conduct appropriate assessments of safety information and failed to collect and document information concerning dangers and threats of harm to claimants herein;
14. Failed to promulgate and failed to follow a safety plan to promote the health and safety of Sophia;
15. Failed to maintain, summarize and report each and every emergency response for the purpose of pre-placement preventative services;
16. Failed to gather, document, and evaluate assessment information pertaining to other people, including, but not limited to, Samantha Johnson and Dhante Jackson, who were residing in the home in which Sophia resided on and between January 2021 and March 2022;
17. Failed to report reasonable suspicion of child abuse and neglect to the appropriate governmental agency;
18. Failed to timely cross-report known and suspected instances of child abuse and neglect to law enforcement;

19. Failed to appropriately and adequately assess whether Sophia could safely remain in the family home;
20. Failed to monitor Sophia's physical and emotional conditions prior to and during the incident period;
21. Failed to assess Sophia's safety and well-being and effectively and appropriately monitor Sophia's physical, emotional, social and educational development and gather information about claimants to identify needed services;
22. Failed to maintain contact with other service providers, including, but not limited to, law enforcement, to meet claimants' needs and failed to make any contact with any service providers to attend to the emotional, physical, and social needs of the child;
23. Failed to adequately monitor the child's safety and well-being;
24. Failed to discover that Sophia was suffering from physical and emotional problems caused by her remaining in the family home;
25. Failed to effectively and adequately monitor and assess the location where Sophia resided and the safety of Sophia;
26. Failed to effectively and adequately monitor and assess the functioning of Sophia's mother as it pertains to meeting Sophia's basic needs and the safe maintenance of Sophia in the home;
27. Failed to effectively and adequately monitor Sophia's physical and emotional condition and take necessary actions to safeguard Sophia's growth and development while in the family home during the incident period;
28. Failed to take action as necessary to ensure that the child's protective needs continued to be met while she was maintained in the family home;
29. Failed to establish an effective system of pre-placement preventative services for Sophia;
30. Failed to ensure that keeping Sophia in the family home met Sophia's needs and that Sophia was not being physically or emotionally abused or neglected in such placement;
31. Failed to provide a safe and healthful living situation for Sophia;

32. Failed to provide an environment where Sophia would be free from physical, sexual and emotional abuse and neglect;
33. Failed to provide a safe setting that is the most appropriate, available setting that is consistent with an environment that is best suited to meet Sophia's needs and interests;

These duties arise out of a number of statutes, regulations and enactments which impose mandatory duties, including, but not limited to, California Welfare & Institutions Code sections 300, 306, 309, 361.5, 10553, 10554, 10850, 10853, 11254, 16001.9, 16208, 16501, 16501.1, 16501.5, 16504, and 16516.5; Penal Code sections 11165.5, 11165.7, 11165.9, 11166, 11166.1, 11166.3, 11167, 11168, and 11169; and California Department of Social Services Manual for Child Welfare Services Program regulations 31-005, 31-084, 31-101, 31-105, 31-110, 31-120, 31-125, 31-130, 31-135, 31-205, 31-310, 31-320, 31-325, 31-330, 31-335, 31-405, and 31-501.

As a result of each and every act and failure alleged hereinabove, Sophia Mason was subjected to ongoing physical, sexual, mental and emotional abuse and severe neglect on and between January 2021 and March 2022. Eventually, Sophia Mason was murdered by her mother and her mother's boyfriend, resulting in the wrongful death damages claimed by claimant Sylvia Johnson.

10. **GENERAL DESCRIPTION OF CLAIMANT'S INJURIES, DAMAGES AND LOSSES AS FAR AS THEY ARE KNOWN AT THE TIME OF THE PRESENTATION OF THIS CLAIM**

As a result of the conduct, acts and omissions of the County of Alameda, claimant herein suffered injuries, damages and losses including, but not limited to wrongful death damages. Such injuries, damages and losses include, but are not limited to, the loss of Sophia's love, companionship, comfort, care, assistance, protection, affection, society, and moral support.

11. **NAME OF PUBLIC EMPLOYEE(S) INVOLVED:**

The names of agents and employees of the County of Alameda Social Services Agency are unknown at present, with the exception of Katrina Warren, Myesha Walker-Lillard, B. Phanichkarn, J. Kuehne, Melanie Pilot, and M. Razavi.

12. **AMOUNT OF CLAIM:**

The claim is to be an unlimited civil case.

Dated: September 8, 2022

Carly L. Sanchez
Attorney for Claimant Sylvia Johnson