

BREAKING Update: Napa City and County settle lawsuit over Kayleigh Slusher's death for \$5 million

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BREAKING TOP STORY

Litigation

Update: Napa City and County settle lawsuit over Kayleigh Slusher's death for \$5 million

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Kayleigh Slusher

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The city and county of Napa will split a \$5 million payment to the father and the grandparents of 3-year-old Kayleigh Slusher, whose death in January 2014 resulted in murder convictions of the child's mother and the mother's boyfriend.

Kayleigh's father, Jason Slusher, and her grandparents, Robin and Benny Slusher, sued the city and county in federal court in May 2015. They alleged that the Napa Police Department and county Child Welfare Services personnel did not properly investigate allegations that Kayleigh was abused, neglected, and in danger due to the meth use and conduct of her mother, Sara Lynn Krueger, and Krueger's boyfriend, Ryan Scott Warner.

Haddad and Sherwin, the attorneys for the Slushers, issued a news release saying that the \$5 million settlement was the largest tied to wrongful death suit in the history of the city and county.

The release quoted U.S. District Judge Sandra Brown Armstrong who wrote in an early opinion of the case: "The horrific murder of Kayleigh likely could have been prevented had the police officers and social workers involved in this case performed their jobs with any semblance of competence."

The \$5 million settlement agreement was signed in early December, but not announced until Wednesday morning by the city.

The suit contended that police officers were dispatched to the child's east Napa apartment five times in the months leading up to Kayleigh's death. The final three visits occurred in the child's final two weeks of life.

"If the police and social workers had done their jobs, Kayleigh would still be here," Robin Slusher said in her attorney's news release.

Police ultimately found Kayleigh's body tucked in bed. Warner said in police interviews that Kayleigh's body was placed into a plastic bag, folded up into a red duffel bag and put in the freezer prior to being tucked in the bed.

She died from complications caused by fatal child abuse and neglect, according to court testimony during the murder trial. She suffered multiple blunt impact injuries to the head, torso and extremities.

Kreuger and Warner were found guilty in 2017 of murdering Kayleigh in 2014. Both are serving life sentences.

In announcing the financial settlement, the city said it maintains that its officers conducted proper investigations based on their training.

In a separate release, Napa County said it maintains that Child Welfare Services followed state law when responding to the complaint of abuse or neglect, but decided it was best to settle the case.

The lawsuit said that Napa police Officer Garrett Wade was dispatched to visit Kayleigh's apartment in January 2014. He was advised that Warner had an outstanding warrant for his arrest and Kayleigh was in danger, according to the lawsuit. Wade, a mandated reporter, did not investigate further, report suspected child abuse or serve a warrant, according to the lawsuit.

Later that month Wade was again dispatched to the east Napa apartment after the child's grandmother, Robin Slusher, said Kayleigh was in the presence of illegal drug use, being denied food and possibly abused, according to the lawsuit.

Wade and Officer Dominic DeGuilio visited the apartment and found that Kayleigh's face was bruised and she appeared sick, malnourished and distressed. Her mother said she had the flu and took her into the bathroom. She asked the officers to leave and they left, according to the lawsuit.

Wade told Robin Slusher that he would "keep an eye on the apartment," but did not return before Kayleigh's death, according to the lawsuit.

Robin Slusher contacted county Child Welfare Services to report that Kreuger and Warner were using drugs, intentionally depriving Kayleigh of food and there was a warrant out for Warner's arrest. Employees Nancy Lefler-Panela and Rocio Diaz-Lara, who are both mandated reporters, called Robin Slusher back to say that Child Welfare Services could not do anything.

The settlement agreement with Napa police specifies eleven actions the department has taken or will take in the future, related to training and responding to incidents of child abuse or neglect.

Since February 2014 — a month after Kayleigh died — Napa police said it has updated child abuse and neglect policies to ensure that all reports of such activity are investigated, reported to the county Child Welfare Services and the District Attorney. A written report must be completed before the end of the officer's shift.

Child abuse policies will again be revised in January 2019 and best practices will be incorporated, according to the agreement.

Officers have received additional training in prevention, investigation and reporting of child abuse and neglect, as well as children who are exposed to drugs and domestic violence.

The department has committed to train police 911 dispatchers in child abuse and neglect. Dispatchers and officers will be trained to identify risk factors for child abuse, such as living conditions, looking for previous events at the child's home address, histories of domestic violence or child abuse with family members, Chief Robert Plummer said in an interview.

Officers will be required to sign a form acknowledging that they understand they must report child abuse and neglect, according to the settlement.

"Kayleigh Slusher's death was a terrible tragedy," the city's statement read. "The City and County of Napa have committed to doing everything in their power to prevent and protect other children from suffering child abuse and neglect."

In its statement, Napa County said "the County's commitment to the needs of other such vulnerable children remained a priority, and continues to be carried out by CWS's employees who engage daily in countless interactions with families in distress—economic, physical or mental challenges, addition, educational—and who tirelessly work alongside these families to achieve positive outcomes."

Julia Sherwin, an attorney for the Slusher family, said Wednesday that Kayleigh's family found the settlement to be one that respected their loss, and the reforms were especially important to them.

