

Interactions with CBS8

“Parents of an 18-year-old who drowned off Mission Beach said San Diego lifeguards failed to prevent his death”

Jan. 12, 2023

Question:

We are planning to run a story covering the legal claim submitted to the city by the family of Zachée Prudhomme, the 18-year-old who drowned while swimming at Mission Beach in July of last year.

The claim alleges there was no signage about the dangerous conditions that day and inadequate lifeguard staff. It also claims that one of the lifeguards present actually directed Prudhomme and his friend into the rip current, causing the drowning.

Does the city have a comment on the legal claim and the allegations in it?

Response:

Claims filed against the City of San Diego are not handled by the City Attorney’s Office. Under City policy on claims, the Risk Management Department is assigned the responsibility to investigate and to allow, deny, or settle a claim that is timely filed and contains sufficient information.

Under California Government Code sections 900-915.4, state law allows a 45-day period after a timely filed claim with sufficient information is made, to conduct the investigative process and either accept (settle) or reject (deny) a claim. If the City does not act during that 45-day period, the claim is considered denied, by operation of law. Details of Risk Management’s claims process can be found here: www.sandiego.gov/riskmanagement/services/liability.

A claim is not a lawsuit. A claimant whose claim is denied can sue the City based on the facts alleged in the claim. Once a lawsuit is served on the City, it is handled by the City Attorney’s Office. Until that time, questions concerning claims, including requests for copies of claims, should be directed to the City’s Communications Department, which speaks for the Risk Management Department.
