



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

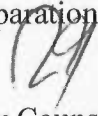
MARY C. WICKHAM  
County Counsel

June 17, 2016

TELEPHONE  
(213) 974-1609  
FACSIMILE  
(213) 626-2105  
TDD  
(213) 633-0901  
E-MAIL  
rgranbo@counsel.lacounty.gov

TO: LORI GLASGOW  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO   
Senior Assistant County Counsel  
Executive Office

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Giovanni Miranda v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 512 421**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Giovanni Miranda v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 512 421 in the amount of \$250,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Giovanni Miranda v. David Earl Whiteside, Jr., et al.
CASE NUMBER	BC512421
COURT	Los Angeles Superior Court
DATE FILED	June 19, 2013.
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000.00
ATTORNEY FOR PLAINTIFF	Mindy S. Bish, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On August 11, 2012, a Sheriff's Department patrol vehicle, en route to an emergency call, collided with a DASH line supervisor vehicle within the signalized intersection of Spring Street and 7<sup>th</sup> Street, in the City of Los Angeles. The on-duty Sheriff's Deputy was responding with red light and siren and entered the intersection. At the same time, plaintiff, Giovanni Miranda, while in the course and scope of his employment, also entered the intersection. The collision resulted in personal injuries to Mr. Miranda.</p> <p>Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and eventually developed this recommended settlement.</p>
PAID ATTORNEY FEES, TO DATE	\$ 144,554
PAID COSTS, TO DATE	\$ 36,075

Case Name: Giovanni Miranda v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	
Briefly provide a description of the incident/event:	<p><u>Giovanni Miranda v. County of Los Angeles</u> <u>Summary Corrective Action Plan 2016-008-02</u></p> <p>On Wednesday, August 11, 2012, at approximately 8:05 a.m., an on-duty Los Angeles County deputy sheriff assigned to Transit Policing Division was driving as a single-man unit in a standard black and white patrol vehicle, when he responded to a call for service of a woman on a bus threatening to shoot the bus operator and passengers. Without receiving Code-3 authorization, the deputy sheriff activated his vehicle's emergency lights and siren as he responded to the call.</p> <p>While driving 30 miles-per-hour southbound on Spring Street, at 7<sup>th</sup> Street, the deputy sheriff entered the intersection against a red traffic signal and failed to yield to cross traffic or clear traffic lanes before proceeding. The plaintiff was driving westbound through the intersection at 30 miles-per-hour on a green light. While driving through the intersection, the front passenger side of the deputy sheriff's vehicle collided with the rear passenger side of the plaintiff's vehicle.</p> <p>The plaintiff complained of pain to his ribs and was transported to the hospital for evaluation and treatment. The deputy sheriff complained of neck pain and dizziness and was transported to the hospital for evaluation and treatment.</p>

1 Briefly describe the root cause(s) of the claim/lawsuit:

The **primary** root cause of this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 21453(a), *Failure to Stop for a Red Tri-Light Signal*.

The **secondary** root cause in this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 21807, *Driver of Emergency Vehicle Drive with Due Regard*.

An **associated** root cause in this incident is the Los Angeles County deputy sheriff violating Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-09/200.20, *Initiation of Code-3 Responses*.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had applicable policies and procedures, protocols, and training curriculum in effect at the time of the incident.

This incident was thoroughly investigated by representatives from the Department's Internal Affairs Bureau. Executive review of the investigation was conducted and appropriate administrative action has been taken.

As a result of this incident, Transit Policing Division conducted an audit, review and assessment of all traffic collisions within its four Bureaus during 2014 and 2015. The audit included a review of driver's training records for employees involved in preventable traffic collisions. The results of the audit revealed a 25% increase in preventable traffic collisions between 2014 and 2015. The primary causal factors were unsafe backing, inattention, and unsafe speed.

As a result of this review, it was determined that a need exists for ongoing driver's training programs at the Bureau level. Based on the increase in preventable traffic collisions in 2015, Transit Policing Division has enrolled four training deputies in train-the-trainer courses for "Sheriff Traffic Accident Reduction" (STAR) driver's training. Once trained, these instructors will provide in-house, recurrent STAR driver's training courses to field personnel. The goal is to improve upon field personnel's basic driving skills and reduce the occurrence of future traffic collisions.

3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain  
Risk Management Bureau

Signature:



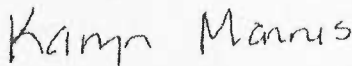
Date:

3-30-16

Name: (Department Head)

Karyn Mannis, Chief  
Professional Standards Division

Signature:



Date:

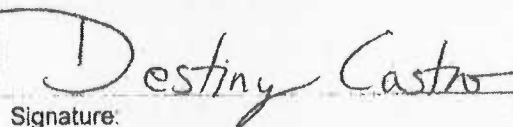
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Chief Executive Office Risk Management Inspector General USE ONLY

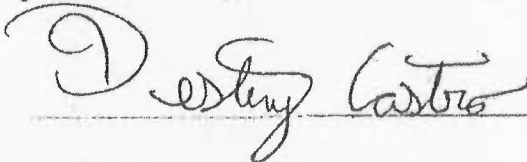
Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability
- No, the corrective actions are applicable only to this Department

Name: (Risk Management Inspector General)



Signature:



Date:

5/16/2016