



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

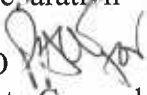
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MARY C. WICKHAM  
County Counsel

July 6, 2017

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**  
**Belia Perez, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 15-09585**

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:ds

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Belia Perez, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 15-09585 in the amount of \$400,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of excessive force during a vehicle pursuit when Plaintiff was shot while he fled from Sheriff's Deputies; settlement is recommended in the amount of \$400,000.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Belia Perez, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 15-09585
COURT	United States District Court
DATE FILED	December 14, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Diane Reagan Principal Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$400,000, including attorneys' fees and costs, a federal civil rights and State-law wrongful death lawsuit filed by Antonio Perez's parents, Belia and Mario Perez, against the County and a Sheriff's Deputy. Antonio Perez was shot and killed following an extended police pursuit of several stolen vehicles in Huntington Park.
PAID ATTORNEY FEES, TO DATE	\$ 48,553
PAID COSTS, TO DATE	\$ 57,081

Case Name: Belia Perez, et al. 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:	March 12, 2015, at 6:36 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Belia Perez, et al. v. County of Los Angeles</u></b> <b>Summary Corrective Action Plan 2017-014</b></p> <p>On March 12, 2015, at approximately 6:12 p.m., two deputy sheriffs from Century Station were driving a marked Sheriff's patrol vehicle in the area of California Street and Santa Fe Avenue in Huntington Park. The deputy sheriffs observed a green 2000 Honda Civic parked along the curb that was occupied by a male Hispanic driver (later identified as the decedent) and a female Hispanic passenger. Upon seeing the patrol car, the decedent appeared startled, then quickly drove the Honda away from the curb and proceeded in the opposite direction from the deputy sheriffs.</p> <p>The deputy sheriffs turned their vehicle around, got behind the Honda, and performed a records check on the vehicle's license plate. After making a few turns, the Honda was able to get some distance away from the deputy sheriffs and made a turn out of their view. The deputy sheriffs temporarily lost sight of the Honda but quickly located it in a nearby alleyway. The Honda was found to have collided with another vehicle in the alleyway and both the vehicle's passengers had apparently fled on foot.</p> <p>As they approached the vehicle, the records check of the Honda's license plate returned and identified it as a reported stolen vehicle. The deputy sheriffs requested additional assistance. Numerous assisting deputy sheriffs and an air unit responded to the area.</p> <p>As the deputy sheriffs set up a containment and searched the nearby area, they located several witnesses who pointed out the last seen direction of the fleeing occupants, running southbound on Santa Fe Avenue.</p> <p>The first witness told an assisting deputy sheriff (the third deputy sheriff) that she saw the decedent use his right hand to pull a black firearm out from the right side of his waist area, as he ran from the stolen Honda. The third deputy sheriff subsequently broadcast over the radio that the outstanding male driver was armed with a firearm.</p> <p>The second witness (a resident on Live Oak Street) opened her front security door to check on a noise she heard outside. The decedent quickly and forcefully pushed the second witness out of his way, as he ran into her residence. Out of fear, the second witness fled her home and flagged down the fourth deputy sheriff that was passing outside. As the second witness was talking with the fourth deputy sheriff, the decedent ran southbound across Live Oak Street, down a driveway towards the house's backyard, and continued southbound out of sight. The second</p>

witness pointed out the decedent and said, "That's him!" The fourth deputy sheriff broadcast the decedent's location and indicated he was running towards Flower Street.

As the deputy sheriffs converged on the decedent's last seen location, a third witness called 911, stating that he saw the decedent run into the backyard of his neighbor's house on Flower Street. The third witness lost sight of the decedent in his neighbor's backyard, then heard a loud crash consistent with a door being forcefully smashed open.

Meanwhile, the residents of a house on Flower Street, feared that an unknown person was locked inside a bedroom of their house because the door can only be locked from the inside and their dog was barking in the bedroom's direction. In fear of an intruder in their home, the residents exited their home and encountered the fifth and sixth deputy sheriffs<sup>1</sup> that had just pulled up to their house.

While continuing to monitor his neighbor's house, the third witness saw the decedent appear again in the same Flower Street house's backyard. The third witness advised dispatch that the decedent had changed his clothes and was now wearing a dark colored hooded sweatshirt and orange shorts, both of which were ill-fitting. The decedent crouched down next to a wall in the backyard and appeared to be hiding, then stood up and walked along the side of the house, towards Flower Street.

While talking with the Flower Street residents about a possible unknown intruder, the fifth deputy sheriff observed the decedent walking on the north sidewalk of Flower Street and recognized that he matched the suspect description, was visibly winded, and was "glistening with sweat."

The fifth deputy sheriff ordered the decedent to stop, present his hands, and to lie on the ground. The decedent did not stop and continued to walk toward the fifth and sixth deputy sheriffs with his hands in his pockets. The decedent momentarily acted as if he was going to stop, but instead made a "quick jerk movement" and ran past the two deputy sheriffs and continued running southbound across the street. The deputy sheriffs pursued the decedent on foot across Flower Street while continuing to order him to stop and show his hands.

The decedent ran up a driveway with a closed sliding vehicle gate in the front yard. The decedent stopped running, spun his body around to face the fifth deputy sheriff, and reached into his waistband with both of his hands. As the decedent reached into his waistband, the fifth deputy sheriff yelled for him to put his hands up.

Based on the earlier radio broadcast advising that a witness saw the suspect pull a gun from his waistband, the fifth deputy sheriff believed the decedent was armed with a firearm. When the decedent failed to comply and reached into his waistband, the fifth deputy sheriff feared that the decedent was retrieving a gun from his waistband and was going to shoot him and/or his partner, who was standing right behind him. For his own protection and the protection of others, the fifth deputy sheriff fired three rounds from his duty weapon at the decedent, striking the decedent three

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<sup>1</sup> While en-route to the scene, the fifth and Sixth Deputy sheriffs heard the third deputy sheriff's radio broadcast regarding the decedent being seen to have a firearm in his hand as he fled from the stolen Honda. This led both deputy sheriffs to believe that the decedent was armed and dangerous.

times. After the three gunshots, the decedent fell to the ground. The fifth deputy sheriff was approximately five feet from the decedent when the shooting occurred.

The deputy sheriffs handcuffed the decedent as he was on the ground. The sixth deputy sheriff used his radio to advise of the deputy involved shooting and requested paramedics for the decedent.

Los Angeles County Fire Department personnel responded to the scene. Emergency, life-saving, medical treatment for the decedent was unsuccessful and the decedent was pronounced dead at the scene by fire department personnel.

The female passenger was apprehended by assisting deputy sheriffs near California Street and Pacific Boulevard moments after the shooting. She was questioned by homicide detectives and was released from the scene.

The search of the decedent and the surrounding area did not reveal a firearm.

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

A **Department** root cause in this incident was the lack of availability to deploy a Taser as a less lethal option upon contact with the decedent, as he ignored their commands. Both deputy sheriffs at the conclusion of this incident did not have Tasers available for deployment.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of Los Angeles County deputy sheriffs. Instead of obeying orders, the decedent ran from and past several deputy sheriffs and, ultimately, made threatening movements as he turned towards the deputy sheriffs by reaching with both hands into his waistband area.

The decedent's actions caused the fifth deputy sheriff to fear that he and his partner were about to be shot, prompting a deputy involved shooting.

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

The incident was investigated by the Sheriff Department's Homicide Bureau to determine if any criminal misconduct occurred. On April 6, 2016, the Los Angeles County District Attorney's Office concluded the deputy sheriff acted lawfully, in self-defense and in the defense of others, when he used deadly force against the decedent.

This incident was investigated by representatives of the Sheriff Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The investigation results were presented to an Executive Force Review Committee (EFRC) for evaluation. On March 9, 2017, the EFRC determined the use of deadly force and the tactics used were within Department policy.

Century Station has recently purchased enough Tasers in order for each deputy sheriff patrol unit, including sergeants, to be equipped with one during their shift.

Century Station has implemented a recurrent Taser training program to improve device familiarization and use. The Taser training incorporates scenario-based situations as well as a written examination.

Additional training for all deputy sheriffs assigned to Century Station will be sought at the Tactics and Survival Unit regarding responses to critical incidents. Classes will be scheduled utilizing the Department Situation Simulation Trailer and the Multiple Interactive Learning Objective platform. Century Station field training officers have already attended this training as a group.


Re-current training at Century Station has been implemented on an ongoing basis. This training incorporates scenario based situations similar to this incident. Emergency radio broadcast procedures have also been implemented utilizing both scenario based situations as well as re-current review of policies and procedures.

County of Los Angeles  
Summary Corrective Action Plan

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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: 5-30-17

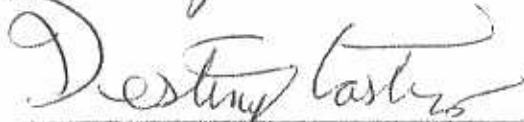
Name: (Department Head)	
Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 06-05-17

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)	
Destiny Castro	
Signature: 	Date: 6/7/2017