



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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

TELEPHONE  
(213) 974-1908  
FACSIMILE  
(213) 626-2105  
TDD  
(213) 633-0901

MARY C. WICKHAM  
County Counsel

July 27, 2017

TO: LORI GLASGOW  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JENNIFER A.D. LEHMAN *JAL*  
Assistant County Counsel  
Law Enforcement Services Division

RE: **Item for the Board of Supervisor's Agenda**  
**County Contract Cities Liability Trust Fund**  
**Claims Board Recommendation**  
**Carla Wade, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 16-03150**

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary for the case.

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

JADL:sz

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Carla Wade, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 16-03150 in the amount of \$1.5 million and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of federal civil rights and wrongful death by a Sheriff's Deputy.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Carla Wade, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 16-03150
COURT	United States District Court
DATE FILED	February 22, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1.5 million
ATTORNEY FOR PLAINTIFF	Law Offices of Milton C. Grimes
COUNTY COUNSEL ATTORNEY	Diane Reagan Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1.5 million, including attorneys' fees and costs, a federal civil rights and State-law wrongful death lawsuit filed by Carla Wade, decedent Nephie Arreguin's mother, and Summer Nelson, the mother of Mr. Arreguin's child, against the County and Deputy Edward Fitzgerald. Mr. Arreguin was shot and killed when he accelerated his vehicle toward and struck Deputy Fitzgerald after the Deputy tried to detain him as a possible burglary suspect.</p> <p>Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$1.5 million is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 21,741
PAID COSTS, TO DATE	\$ 434

Case Name: Carla Wade et al. v. County of Los Angeles



## 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	May 7, 2015
Briefly provide a description of the incident/event	<p><u>Carla Wade et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2017-006</p> <p>On May 7, 2015, at approximately 4:17 p.m., a resident informant called Cerritos Sheriff's Station and reported that a suspicious woman knocked on her front door looking for someone that does not live there. Upon advising her of the mistake, the suspicious woman got into the passenger side of a waiting gray Chevrolet Impala and the vehicle drove away. The informant was concerned that the woman and other possible occupant(s) of the Impala were possibly casing the area with intent to commit some type of crime.</p> <p>The first deputy sheriff was in uniform and in a marked patrol vehicle when he responded to the call for service and checked the area for the described woman and Impala vehicle. At approximately 4:31 p.m., the first deputy sheriff observed a female matching the description of the female in the call walking on the sidewalk, in the 13200 block of Palm Place (approximately 0.3 miles east of the call for service). The first deputy sheriff stopped his vehicle in the street and approached the woman on foot.</p> <p>As the first deputy sheriff approached the woman, he observed a gray Impala (matching the vehicle in the call) parked along the curb with the engine off. The vehicle had dark tinted front and rear side windows, and initially, the deputy sheriff could not see if the Impala was occupied. The first deputy sheriff's patrol vehicle was stopped in the street a few feet from where the Impala was parked.</p> <p>As the first deputy sheriff continued to approach the woman, he saw through the front windshield of the Impala and discovered the decedent was sitting in a reclined position in the driver's seat.</p> <p>Concerned that the decedent and the woman were possibly involved in some type of unknown criminal act, the first deputy sheriff positioned himself by the Impala's front driver's side fender so he could maintain a view of the decedent through the front windshield and the woman who was walking behind the vehicle. The first deputy sheriff pointed his duty weapon at the decedent and ordered both of them to show their hands.</p> <p>The first deputy sheriff used his portable radio to request assistance regarding his detention of two suspicious people at gunpoint.</p> <p>Upon first contact, the woman was cooperative as she showed her hands and laid down on the ground, as directed. The decedent reacted to the deputy sheriff's orders to show his hands by making furtive movements</p>

with his hands toward his waistband. The decedent also reached around inside the vehicle and refused to comply with the deputy sheriff's orders. The first deputy sheriff felt threatened by the decedent's actions and feared the he was searching for a weapon. The first deputy sheriff maintained his position and continued to give the decedent commands to stop moving and to show his hands, as he waited for additional responding units to arrive on scene.

Approximately two minutes later, the second and third deputy sheriffs arrived on scene. As the second and third deputy sheriffs pulled up, the decedent started and revved the Impala's engine.

The first deputy sheriff used his left hand to push away from the Impala and took one step back to give himself some distance. The decedent then accelerated the Impala forward and turned the steering wheel towards the first deputy sheriff.

The first deputy sheriff feared that if the Impala continued on its path it could knock him down and run him over or it could pin and crush him against his nearby patrol vehicle. As the vehicle continued to accelerate towards him, the first deputy sheriff was thrust against the Impala's fender, driver's side windshield, and driver's side door mirror. Fearing for his life, the first deputy sheriff used his left hand to try and protect himself from the vehicle, while simultaneously using his right hand to fire two rounds at the decedent from his duty weapon<sup>1</sup> through the closed front driver's side window. The impact from the Impala caused the first deputy sheriff to be pushed back and thrown against his patrol car. The first deputy sheriff then fell to the ground, landing on his hands and knees.

The Impala then accelerated away, down the street and out of view.

The first deputy sheriff used his handheld radio to broadcast that he was involved in a shooting and that the vehicle was leaving southbound towards Artesia Boulevard.

The decedent's vehicle continued to travel west on Palm Place to south Pires Avenue, making it three blocks away before colliding into a fire hydrant, light pole, and a block wall at the south-east corner of Pires Avenue and Albana Place (approximately 0.2 miles south of the initial contact location).

Other deputy sheriffs responded to the crash site and broke through the Impala's driver's side window and found the decedent was unconscious inside the vehicle. The sheered fire hydrant was shooting a stream of water that prevented the deputy sheriffs from removing the decedent from the vehicle. Deputy sheriff personnel requested paramedics to assist with the rescue attempt.

Los Angeles County Fire Department personnel arrived on scene and ordered deputies to stay away from the vehicle until electricity from the power pole was turned off and the fire hydrant water flow was shut off.

When the scene was made safe, the Los Angeles County Fire Department's lifesaving efforts were unsuccessful and the decedent was pronounced dead at 5:40 p.m.

<sup>1</sup> One round struck the decedent in the chest and one round missed the decedent.

County of Los Angeles  
Summary Corrective Action Plan

	<p>The first deputy sheriff was transported to La Palma Hospital via ambulance for complaint of pain to the left side of his body<sup>2</sup>. He was later released from the hospital.</p> <p>The female described in the call for service made a statement to homicide investigators and was later released.</p> <p>Following the shooting, several previously reported stolen items were recovered from the Impala. During the investigation, the vehicle and suspects were found to be connected to other burglaries in the area.</p>
--	---

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

<p>A <b>Department</b> root cause in this incident was the discharge of a firearm into an occupied moving vehicle after placing oneself into the path of the moving vehicle in an effort to detain or apprehend the occupant.</p> <p>A <b>non-Department</b> root cause in this incident was the decedent's failure to comply with the lawful orders of the Los Angeles County deputy sheriff. Instead of obeying the orders, the decedent intentionally drove his vehicle into the direction of the first deputy sheriff, striking him with his vehicle.</p>
---

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

<p>The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.</p> <p>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.</p> <p>This incident was investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during or after this incident.</p> <p>On March 4, 2017, the results of the administrative investigation were presented to the Executive Force Review Committee (EFRC) for evaluation.</p> <p>The EFRC determined the tactics and use of deadly force were within Department policy. No recommendations were made and no further action was taken.</p>
---

<sup>2</sup> The first deputy sheriff had visible and documented bruises to his left hip and left back.

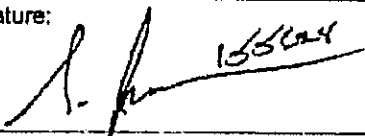
County of Los Angeles  
Summary Corrective Action Plan

3. Are the corrective actions addressing Department-wide system issues?

Yes - The corrective actions address Department-wide system issues.

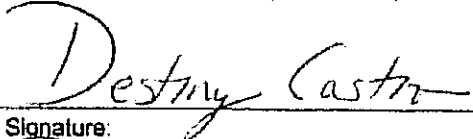
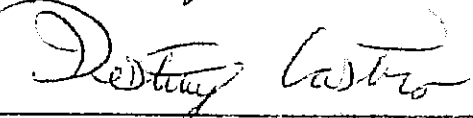
No - The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 5-23-17

Name: (Department Head) Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 05-30-17

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this Department.	

Name: (Risk Management Inspector General) 	
Signature: 	Date: 5/30/2017