



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) 229-3097
FACSIMILE
(323) 415-3307
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

October 3, 2018

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ELIZABETH D. MILLER
Acting Assistant County Counsel
Sheriff's Services Team

A handwritten signature in black ink, appearing to be "ED" or similar initials.

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Mildred Mae Mendoza, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 594206

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 and the Summary Corrective Action Plan for the case.

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

EDM:js

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Settlement for Matter Entitled Mildred Mae Mendoza, et al. v. County of Los Angeles, et al.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matters entitled Mildred Mae Mendoza, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 594206 in the amount of \$14,350,000 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 involves excessive force shooting and wrongful death by Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mildred Mendoza, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 594206
COURT	Los Angeles Superior Court
DATE FILED	September 9, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 14,350,000
ATTORNEY FOR PLAINTIFF	Garo Mardirossian, Esq.
COUNTY COUNSEL ATTORNEY	Millicent Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$14,350,000 a lawsuit filed by decedent Frank Mendoza Sr.'s mother Mildred Mae Mendoza, partner Lorraine Munoz, and adult children Frank Mendoza Jr., Jeremy Mendoza, Lorraine Samantha Mendoza, Steven Mendoza, and Jason Mendoza, alleging wrongful death and other State-law torts against the County and Sheriff's Department Deputy Anselmo Gonzalez.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$14,350,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 347,818
PAID COSTS, TO DATE	\$ 101,192



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:	August 1, 2014
Briefly provide a description of the incident/event:	<p><u>Mildred Mae Mendoza, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2018-15</p> <p>On August 1, 2014, the Summer Enforcement Team was in the area of Reichling Lane and Rosemead Boulevard in the city of Pico Rivera. The Summer Team sergeant (team sergeant) observed a white Honda CRV drive past him, driven by a male Hispanic (suspect) that looked familiar to him. The sergeant called the first deputy sheriff to his location and requested to see a recent "Be On the Lookout" (BOLO) for a "parolee at large," that had a picture of the outstanding suspect. Upon seeing the BOLO, the sergeant confirmed the "parolee at large" was the driver he had just seen in the Honda CRV.</p> <p>Note: At the time of the incident, the suspect was a "parolee at large," who had absconded from the terms of his release. In addition, on July 22, 2014, (10 days prior to the incident) the suspect ran from a stolen vehicle and had left behind a loaded 9mm handgun and an AR-15 (.223 caliber high-powered rifle) in the vehicle. Operation Safe Streets created the referenced BOLO for the suspect on July 22, 2014. Pico Rivera patrol and specialized units were actively looking for the suspect.</p> <p>The first deputy sheriff had previous encounters with the suspect and his girlfriend (later referred to as the woman), who lived at 9008 Reichling Lane and was known to be on active probation. The first deputy sheriff and his deputy sheriff "STC ride-along"¹ drove to the Reichling address and observed a white Honda CRV parked on the street in front of the home. The first deputy sheriff used his radio to coordinate assisting Pico Rivera Station Summer Team and patrol units to contain the Reichling address.</p> <p>The team sergeant drove to a nearby frontage road of Rosemead Boulevard and Rosehedge Drive to start a containment of the Reichling location. The first deputy sheriff walked up to the front door and knocked, while the STC ride-along deputy sheriff took a position on the east side of the front yard. Two door knock attempts met with negative results, as no one answered the door.</p> <p>While in the front yard of the location, the first deputy sheriff called the woman's probation office to ascertain her conditions of probation and to see if she had search conditions. A second deputy sheriff arrived at the</p>

¹ "STC" stands for Standard Training for Corrections, which is a program where non-patrol trained deputy sheriffs assigned to Custody Division, work an 8-hour shift in uniform at a patrol station to prepare them for a potential transfer to a patrol assignment.

	<p>Reichling location and took a position along the west side of the residence.</p> <p>The STC ride-along deputy sheriff saw the blinds of the southeast window quickly open and close. The STC ride along deputy sheriff advised the other on scene personnel he had seen a female Hispanic (later identified as the woman) and a male Hispanic with tattoos (later identified as the suspect) inside the window of the Reichling residence.</p> <p>The first deputy sheriff shouted the first name of the woman and asked her to come to the door. Moments later, the Pico Rivera desk received a call from 9009 Rosehedge Drive where a woman advised that her daughter saw a man jump over their back wall and jump over another wall into their neighbor's backyard. The desk passed the information along to the on-scene units. An air unit was quickly overhead due to a previous nearby prowler call. The air unit coordinated responding units to set up a containment on the area.</p> <p>The second deputy sheriff drove his patrol vehicle one street south of the location and took a position on Rosehedge Drive. The second deputy sheriff was contacted by a male resident² (resident) at 9015 Rosehedge Drive (the location) that advised a male Hispanic was in his backyard near his trash cans. The second deputy sheriff broadcasted radio traffic of the suspect's possible whereabouts and said they were creating a "contact team" to search for the suspect.</p> <p>A third deputy sheriff (an Operation Safe Streets investigator) climbed into the truck bed of a parked white pickup truck, in order to have an elevated view to see over the side fence into the backyard of the location. The third deputy sheriff made several verbal announcements into the backyard, stating "Sheriff's Department, come out with your hands up." The third deputy sheriff also stated he was part of the canine detail (as a ruse) and a police dog would be used if the suspect did not come out.</p> <p>A contact team was assembled, consisting of the second, fourth, fifth, and sixth deputy sheriffs. The sixth deputy sheriff was designated as the less lethal member of the contact team and was equipped with a Taser.</p> <p>As the contact team was setting up, the resident at the location stated the suspect was now in the garage of the location. The resident gave the deputy sheriffs permission to walk through his house to access the backyard and the rear garage.</p> <p>The third deputy sheriff (standing in the truck bed near the side fence) saw the suspect near the garage, in a crouched position. The suspect pointed a pistol at the deputy sheriff and the third deputy sheriff saw a muzzle flash as the suspect shot at the deputy sheriff. Fearing for his safety, the third deputy sheriff fired 2-3 times at the suspect who then ran through the backyard in an easterly direction and out of view.</p> <p>The contact team was moving through the house and had not yet reached the backyard when the gunfire was heard outside. All members of the contact team retreated to the front door, exited the home, and took positions outside the location.</p>
--	---

² The resident was later determined to be a son of the decedent, who also lived at 9015 Rosehedge Drive.

	<p>After the third deputy sheriff lost sight of the suspect, his attention was drawn inside the house where he observed two crying children. The third deputy sheriff walked to the front door of the home and told the kids, "come to me." As the two children exited the home, the resident followed, running past the deputy sheriff with his hands up in the air. In addition, a Great Dane and another large dog also exited the home and were kept secure by the resident.</p> <p>The second deputy sheriff after exiting the home saw the evacuation of some of the residents, as he was standing just to the south side (left) of the front door.</p> <p>Unbeknownst to the deputy sheriffs, the suspect made entry into the home from the back door. As the second and third deputy sheriffs were standing by the front door, they saw the suspect in the living room to the right of both of them (east side of living room), still armed with his handgun.</p> <p>The second and third deputy sheriff stated the suspect raised his weapon towards them as they saw a muzzle flash coming from the suspect's firearm. The second deputy sheriff stated he saw the third deputy sheriff move to a "single knee" shooting stance. The second deputy sheriff stated he stood over the third deputy sheriff with one of his hands holding the third deputy sheriff down, so that he would not accidentally move into his line of fire. Both deputy sheriffs fired their weapons at the suspect. The third deputy sheriff stated he did not see his rounds strike the suspect, but recalled some rounds struck a rear-projection TV that was in the living room.</p> <p>After firing their weapons, the second and third deputy sheriffs retreated further from the front door. The second deputy sheriff performed a "tactical reload"³ and took cover behind a vehicle that was parked in front of the location.</p> <p>When the contact team had exited the location, the fourth deputy sheriff took a position along the east side of the home. He had seen the evacuation of some of the residents and observed the second and third deputy sheriffs exchange gunfire with the suspect through the front door of the location.</p> <p>As the second and third deputy sheriffs were retreating from the front window of the home, the fourth deputy sheriff saw the "side profile" of a silhouetted man running from the east to the west in the front room, just inside the front door. Believing that the silhouetted man was the suspect charging towards the front window to ambush the retreating deputy sheriffs, the fourth deputy sheriff fired two rounds at the man (later identified as the decedent).</p> <p>Note: During the administrative investigation, the fourth deputy sheriff stated the decedent did not make any statements that he was coming out of the home.</p> <p>Less than five seconds after the shots were fired, the decedent collapsed just inside the front door. The resident immediately shouted, "that's my</p>
--	---

³ A tactical reload is the action of reloading a weapon that has only fired a few rounds out of its magazine and retaining the original magazine. Retention of the original magazine allows the ammunition to be used later if needed, as opposed to leaving a partially loaded magazine on the ground.

father!" The second deputy sheriff put out radio traffic requesting a rescue team due to a "man down at the front door, per the family it's his father."

Note: As he was outside the location, the resident advised his father (the decedent) and his mother were still inside.

A Pico Rivera field sergeant arrived on the west side of the location as the second and third deputy sheriffs were exchanging gunfire with the suspect inside the residence.

Upon learning of the man down, the field sergeant created a rescue team. A Special Enforcement Bureau (SEB) deputy sheriff arrived on scene.

The field sergeant used a shield and the SEB deputy sheriff used an AR-15 as the rescue team stepped into the home, past the decedent, and provided cover as two additional deputy sheriffs rescued the decedent.

The decedent was picked up from the entryway of the location and the rescue team provided cover as he was carried to an awaiting black and white patrol vehicle. The decedent was placed in the backseat and taken to a preset medical staging location where he was treated by awaiting members of the Los Angeles County Fire Department. Although lifesaving efforts were conducted, the decedent succumbed to his injuries and was pronounced dead at the scene.

Note: An autopsy conducted by the Los Angeles County Coroners' Office concluded two bullets struck the decedent. The decedent had one non-fatal hit to his right leg, below his knee, and a fatal round to his upper right forehead.

At the conclusion of the rescue operation, the field sergeant told the rescue team if they needed to enter as a hostage rescue, he would use the same team members. The rescue team remained at the scene, pending further developments.

After the rescue operation, the resident called his mother's (in house hostage) cell phone and the suspect answered the phone. The resident handed his cell phone to the fifth deputy sheriff who proceeded to have on and off phone conversations with the suspect over the next several hours. The phone calls would frequently end because the suspect would hang-up on the deputy sheriff.

A Crisis Negotiation Team (CNT) sergeant arrived at the location and continued to talk to the suspect over the next few hours.

Based on the ongoing incident and the now relatively static situation, a team of Special Enforcement Bureau deputies took over responsibility as the entry team and potential hostage rescue team.

As the night went on, a gunshot was heard coming from inside the location. SEB determined that the gunshot was fired at containment personnel, but the hostage was not in any danger. A short time later, a second gunshot was heard; however, CNT heard no distress coming from the hostage as they still could hear conversations between the suspect and the hostage. After the third shot, phone communication with the suspect was lost. SEB declared a "crisis entry" to rescue the hostage at 1:30 a.m., on August 2, 2014.

	<p>As the SEB entry team moved through the house, the eighth deputy sheriff (a member of the SEB team), stood just inside the front door of the home and covered other SEB team members attempting to secure the hostage and find the suspect.</p> <p>The SEB team was able to locate the hostage, locked inside a small bathroom at the rear of the home and they updated team members via their portable radio. However, the SEB team advised that they had not found the suspect.</p> <p>The eighth deputy sheriff observed a four and a half-foot tall pile of laundry inside the living room, just to the east of the front door. With a pistol in his right hand, the deputy sheriff moved a blanket from the stack of clothing with his left hand. The deputy sheriff immediately saw a male Hispanic (the suspect) crouched with his back against the wall. The suspect's arms were on top of his knees and he was holding a revolver in his right hand.</p> <p>The eighth deputy sheriff and the suspect were just inches from each other. The suspect pointed the revolver at the eighth deputy sheriff as he began to stand up. The eighth deputy sheriff feared for his life and the lives of his team members and fired four to five times, striking the suspect who fell to the ground.</p> <p style="text-align: center;">Note: During SEB tactical incidents, additional paramedic trained SEB deputy sheriff(s) assigned to Emergency Service Detail (ESD) are present.</p> <p>Following the shooting, the ESD paramedics conducted lifesaving efforts for the suspect at the scene. The suspect succumbed to his injuries and was pronounced dead at the scene.</p>
--	--

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

<p>A Department root cause in this incident was the accidental shooting of the decedent. The fourth deputy sheriff deployed deadly force against the decedent as he was mistakenly identified to be a suspect that had just exchanged gunfire with three different deputy sheriffs. The decedent was seen actively moving to a position that would have enabled him a position of advantage to ambush two other deputy sheriffs.</p> <p>Another Department root cause in this incident was the first deputy sheriff's hasty tactics in attempting to apprehend a high risk suspect believed to be armed without first obtaining available resources.</p> <p>A non-Department root cause in this incident was the suspect's failure to comply with the lawful orders of the Los Angeles County deputy sheriffs. The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.</p>

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

Criminal Investigation

The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

On January 5, 2016, the Los Angeles County District Attorney's Office concluded all deputy sheriffs in this incident acted lawfully, in self-defense, and in the defense of others, when they used deadly force against the suspect and the decedent.

On January 5, 2016, the Justice System Integrity Division of the Los Angeles County District Attorney's Office issued an officer involved shooting determination letter, concluding the involved deputies acted lawfully in self-defense during the August 1, 2014, incident and indicating the District Attorney's Office will not be taking any further action relating to this incident.

Administrative Investigation

The 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. The results of the investigation were presented to the Executive Force Review Committee (EFRC) for adjudication.

On December 22, 2016, the EFRC determined the use of force was within Department Policy; however, the tactics were out of policy. Appropriate administrative action has been taken.

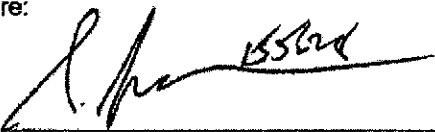
Tactical Debriefing

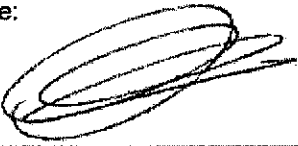
In the days following the incident, the unit commander of Pico Rivera Sheriff's Station conducted a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. Attention was given to proper tactics, situational awareness, reaction time, and high-risk contacts were thoroughly discussed.

County of Los Angeles
Summary Corrective Action Plan

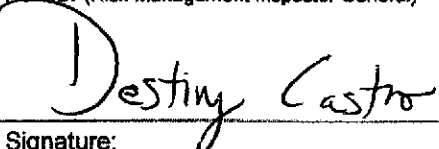
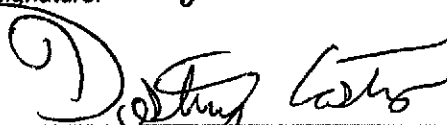
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 8-27-18

Name: (Department Head)	
Alicia E. Ault, Chief Professional Standards and Training Division	
Signature: 	Date: 8/29/18

Chief Executive Office Risk Management Inspector General USE ONLY
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: 8/29/2018