



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

February 20, 2019

TELEPHONE
(213) 974-1762
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901
E-MAIL
sestabrook@counsel.lacounty.gov

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: STEVEN H. ESTABROOK 
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Vanessa Bowers, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 17-08088
(consolidated case: C.M., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 17-05135)

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 the 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.

SHE:scr

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Vanessa Bowers, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 17-08088 (consolidated case: C.M., et al. v. County of Los Angeles, et al., United States District Court Case No. CV 17-05135) in the amount of \$4,600,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

These consolidated wrongful death lawsuits concern allegations of negligence by a Sheriff's Deputy arising from a shooting.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Vanessa Bowers, et al. v. County of Los Angeles, et al.
	C.M., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 17-08088 CV 17-05135
COURT	United States District Court
DATE FILED	July 18, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 4,600,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq., The Law offices of Dale Galipo John Taylor, Esq., Taylor and Ring, LLP
COUNTY COUNSEL ATTORNEY	Richard Hsueh Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$4,600,000 inclusive of attorneys' fees and costs, the two lawsuits filed by the decedent's mother and his four children alleging wrongful death and civil rights violations against the Sheriff's Department. Given the risks and uncertainties of litigation, a full and final settlement of these two cases is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 190,534
PAID COSTS, TO DATE	\$ 94,457

Case Name: Bowers / C.M. 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:	
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Bowers / C.M. v. County of Los Angeles</u> Summary Corrective Action Plan 2018-028</p> <p>On August 2, 2016, shortly before 9:00 p.m., two uniformed deputy sheriffs on patrol in the Castaic area were responding to a stolen vehicle report call at an address they thought was the "Rodeway Inn Motel." After entering the parking lot of the Rodeway Inn, the deputy sheriffs observed the decedent riding his bicycle in the parking lot near the southwest corner of one of the buildings. The decedent was known from several prior contacts as a local transient, who sold drugs, and was on active probation for theft and narcotics.</p> <p>As the decedent rode his bicycle slowly eastbound through the parking lot, the deputy sheriffs drove up next to him (in the same direction) and illuminated him with the patrol car's spotlight. The first deputy sheriff (driver) said through the open window, "Hey Bill, can we talk to you?" When the decedent looked over his shoulder at the deputy sheriffs he yelled, "Fuck you!" and immediately started pedaling fast as he rode away from them. The decedent sped through the parking lot on his bicycle as the deputies followed in their patrol car. Two different times as he fled, the decedent threw a small object from his right hand onto the ground.</p> <p style="text-align: center;">Note: Both deputy sheriffs believed the decedent was discarding narcotics, and they needed to detain him for a narcotics investigation.</p> <p>The decedent rode into a walkway between the motel buildings and out of the deputy sheriff's sight. The deputy sheriffs drove through the parking lot and around the buildings, in an attempt to find the decedent. When they were on the north side of the motel, the deputy sheriffs saw the decedent riding his bicycle westbound on the north driveway, towards Castaic Road. The first deputy sheriff turned on the patrol vehicle's overhead lights and used the siren and air horn as they drove towards the decedent. The decedent continued to ride his bicycle away and made a left turn onto a dirt sidewalk area between a chain link fence and a parked tractor trailer, along Castaic Road. As the decedent continued to flee, he used one hand to reach into his pocket and appeared to make an additional hand toss of an object over a chain link fence. Both deputy sheriffs shouted at the decedent to stop his bicycle.</p> <p style="text-align: center;">Note: During several prior contacts, the decedent was very cooperative and the deputy sheriffs did not have any issues. The current actions by the decedent seemed out of character and</p>

	<p>caused both deputy sheriffs to believe the decedent may have drugs and/or could be armed.</p> <p>Due to poor lighting, fences, fixed objects, a parked tractor-trailer, and a nearby taco truck with several patrons, the deputy sheriffs lost sight of the decedent again. As the deputy sheriffs drove past a parked tractor-trailer, they found the decedent's bicycle abandoned on the dirt sidewalk, but the decedent was not seen.</p> <p>The second deputy sheriff (passenger) got out of the patrol vehicle and attempted to locate the decedent. Some of the patrons at the taco truck indicated the decedent was moving north. The second deputy sheriff began moving north on foot. The first deputy sheriff began driving the patrol car next to the second deputy sheriff, paralleling him. The first deputy sheriff saw what he believed were the decedent's legs moving northbound behind the parked tractor-trailer. In an attempt to meet or get ahead of the decedent, the first deputy sheriff drove the patrol car north on Castaic Road past the parked tractor-trailer and stopped partially blocking the driveway of the Rodeway Inn.</p> <p>The first deputy sheriff exited his patrol vehicle and moved along the front of the tractor-trailer until he saw the decedent walking towards him. The first deputy sheriff saw the decedent's hands near his waistband. The first deputy sheriff contacted the decedent, pointed his firearm at him, activated the gun light, and said, "Bill stop, let me see your hands." The decedent did not comply and continued walking towards the first deputy sheriff.</p> <p>The first deputy sheriff saw the decedent raise his hands up from his waistband towards his chest. The decedent cupped his hands together and appeared to be holding an object, now at chest level. The first deputy sheriff feared the decedent was continuing to advance, had a gun in his hands, was taking a shooting stance, and was about to shoot him.</p> <p>In fear for his life, the first deputy sheriff fired one round from his pistol, which struck the decedent on the left side of his chest, from approximately 5-10 feet away. The decedent fell on the dirt sidewalk next to the passenger side of the tractor-trailer. The deputy sheriffs held the decedent at gunpoint until an additional unit arrived for backup. They then approached and made contact with the decedent. Upon first contact, they checked the decedent for signs of life, but none were found.</p> <p>Emergency medical services were summoned, but lifesaving efforts were unsuccessful and the decedent was pronounced dead at the scene.</p> <p>No weapons were found on or near the decedent's body. A subsequent search of the path the decedent had ridden his bicycle and walked yielded no weapons or narcotics. Toxicology of the decedent's blood revealed presence of amphetamine, methamphetamine, and marijuana.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A Department root cause in this incident was the use of deadly force against the decedent when he made a threatening gesture with his hands towards the first deputy sheriff.

A non-Department root cause in this incident was the decedent's failure to follow the lawful commands of a Los Angeles County Deputy Sheriff. Instead of complying with orders, the decedent fled on a bicycle, fled on foot, remained uncooperative, and moved his hands together at chest level while facing the first deputy sheriff. The decedent's threatening actions caused the first deputy sheriff to fear for his life, resulting in a deputy involved shooting.

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

This incident has been investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the use of deadly force was legally justified and/or if any other criminal misconduct occurred. At the time of this report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

The Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after this incident.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigation statute dates. Upon completion of the Los Angeles County District Attorney's investigation, a statute date will be set regarding the administrative investigation.

When the IAB investigator finishes the case, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's, Executive Force Review Committee (EFRC) for adjudication.

County of Los Angeles
Summary Corrective Action Plan

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

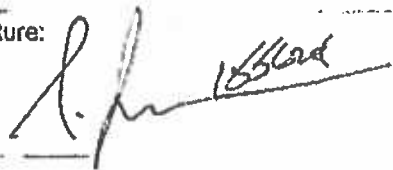
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



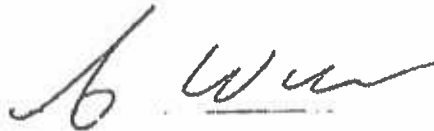
Date:

12-11-18

Name: (Department Head)

Scott W. Gage, A/Chief
Professional Standards and Training Division

Signature:



Date:

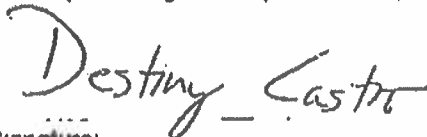
12/12/18

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:

12/13/2018