



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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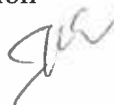
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February 20, 2019

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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
Kent Oda, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 657 355

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 Kent Oda, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 657 355 in the amount of \$800,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries allegedly sustained by Plaintiffs in a home invasion robbery allegedly due to a Sheriff's Deputy mishandling the 911 call.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kent Oda, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 657355
COURT	Los Angeles Superior Court
DATE FILED	April 17, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$800,000, inclusive of attorneys' fees and costs, a lawsuit filed by Kent and Domciely Oda alleging federal civil rights violations and State-law negligence claims.</p> <p>Given the uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$800,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 2,312
PAID COSTS, TO DATE	\$ 0

Case Name: Kent Oda 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 4, 2016
Briefly provide a description of the incident/event:	<p><u>Kent Oda v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2018-035</p> <p>On Friday, March 4, 2016, between approximately 1247 hours and 1257 hours, an on-duty Los Angeles County deputy sheriff, assigned to the dispatch area at Temple Station, answered three related calls for service.</p> <p><u>First Call</u> At 1247 hours, the on-duty Los Angeles County deputy sheriff received a call from a male resident on the Temple Station business line. The caller reported a male Black knocked on the door of his residence and when he answered, the man asked if the house belonged to someone else (by name). The caller informed the male there was no one at his house by that name. The male walked away and entered a Range Rover and drove away. The caller found the man's demeanor and actions to be suspicious. The caller also found it strange that the man's vehicle (a Range Rover with paper plates) was backed into his driveway. When the Range Rover left, it headed northbound into a "no outlet" residential neighborhood of Bradbury.</p> <p>The caller recognized the male's behavior as a typical modus operandi (M.O.) for "knock-knock" burglars, and believed the suspect was possibly casing his house and the neighborhood for a potential opportunity to commit nefarious activity.</p> <p>The caller advised the deputy sheriff if he sent a patrol unit up Mount Olive Drive (the only way in and out of the area), they would likely find and be able to catch the suspicious male.</p> <p>The deputy sheriff advised the caller, "Okay, but catch for what? Cause he knocked on the door and asked who lived there?" The caller expressed his concerns regarding the suspicious activity and that in the past they have had similar incidents resulting in criminal activity. The deputy sheriff stated, "That's not a crime sir. I don't think no one would be breaking in your house, knocking on your door, in a Range Rover."</p> <p>The caller became infuriated and told the deputy sheriff, "You know what? Go to hell buddy. Go to hell! You're an asshole." The deputy sheriff responded, "I'm far from hell. You go there." The phone line suddenly became disconnected. It is unknown if the call was abruptly disconnected by the caller or the deputy sheriff.</p> <p>The deputy sheriff continued answering calls for service and did not type in a call for service for the suspicious activity reported by the caller.</p>

Second Call

At 1256 hours, the same deputy sheriff received a second call on the 9-1-1 line from a female resident. The caller reported her neighbor, "just got jumped" and advised her husband was helping the injured man because he was bleeding. The caller advised the injured man was located at 2207 Rim Road near the corner of Rim Road and Spinks Canyon Road, in Bradbury (approximately 0.5 miles from the residence of the first caller). The deputy sheriff transferred the caller to the fire department. A few seconds later, the deputy sheriff ended the call without inquiring how the injuries occurred, nor did he type in a call for service to send deputies to the location.

Note: It was later discovered that the suspect who had knocked on the first caller's door, was one of three suspects who, a short time later, committed an assault with a deadly weapon and home invasion robbery against a husband and wife (the plaintiffs) at their house on Spinks Canyon Road.

The on-duty watch deputy overheard the second caller and knew something was going on, based on the tone of the woman's voice. Because the deputy sheriff never inquired why the person was bleeding while he was on the phone with her, the watch deputy ordered the deputy sheriff to re-contact the second caller to ascertain the reason for the person's injury. The deputy sheriff was unable to re-contact the second caller because he received a third call related to this incident.

Third Call

At 1257 hours, the deputy sheriff received a third call on the 9-1-1 line from a different female resident. The caller advised that while she was driving home, she saw an incident occurring in front of the house at 255 Spinks Canyon Road, which was just a few houses away from her home. She saw an older man who had been knocked over, on the street and he was bleeding from his lip. There was also a man, wearing all black, running back and forth from the house. As she drove by, she slowed down and rolled down her window to check on the injured man. She heard a woman inside the house screaming for help. The caller told the deputy sheriff, "I don't know what he's doing. It sounds like he's killing her."

The caller stated the man wearing all black ran to her car, reached into the open window, and tried to open her car door from the inside. Fearing the man in all black was about to hurt her and/or steal her car, the caller rolled up her window and drove away from the location.

Note: The events reported by the second and third callers were determined to be the same home invasion robbery and assault with a deadly weapon incident, against a husband and wife (the plaintiffs) at their house on Spinks Canyon Road. The violent incident was still in progress during both the second and third calls.

The deputy sheriff focused on the caller's report of the suspect attempting to take her car. After talking with the caller for approximately five minutes, the deputy sheriff was able to determine the male wearing all black clothing had assaulted the people on Spinks Canyon Road. The deputy sheriff entered a routine (not priority or emergent) call for service as "suspicious circumstances."

	<p>At 1301 hours, as the deputy sheriff was on the phone with the third caller, a different deputy sheriff working the Temple Station desk received a call from the Fire Department requesting deputies to respond to the location of the second caller's reported assault and injured person incident. Other desk personnel realized that something serious was occurring at the location on Spinks Canyon Road. They changed the call to a disturbance, upgraded it to a priority, and quickly advised field personnel to respond to the location. The three suspects fled the scene in the Range Rover, prior to the field deputies' arrival.</p> <p>The victims (plaintiffs) of the home invasion robbery and assault with a deadly weapon sustained significant injuries requiring hospitalization.</p> <p><u>Home Invasion Incident</u></p> <p>The first plaintiff was working in his front yard when he saw the suspects drive by several times, in the Range Rover. The suspects then pulled their vehicle into the plaintiff's driveway and stopped. After about five seconds, all of the vehicle's doors opened at the same time and three males came out running toward him. Fearing he was about to be attacked, the first plaintiff turned and ran down his driveway toward the street while yelling for a neighbor's help. The suspects caught and beat the plaintiff in the street in front of his house. The attack on the first plaintiff happened so quickly and violently he could not remember any other details about the incident. Hearing the plaintiff's yelling, a neighbor came out and gave aid to the first plaintiff in the street.</p> <p>The second plaintiff heard the doorbell ring and went to answer the front door. As she opened the door, one of the suspects pushed her to the ground and punched her in the face five times with both fists. The second plaintiff fought her way to her feet and ran out of the house toward the driveway. As she was running, she encountered another suspect who confronted her and told her to get back in the house. The second plaintiff ignored the demand and continued to run down her driveway, away from her house. The second plaintiff saw her husband injured and lying in the street. A short time later, she saw the suspects enter a Range Rover that was parked in their driveway and leave the location.</p> <p><u>Criminal Investigation</u></p> <p>A subsequent investigation identified the vehicle and suspects involved in this incident. The suspects were known "PJ Watts" CRIPS gang members that were conducting daytime residential burglaries all over southern California. All three suspects had subsequently been arrested and convicted in other similar burglaries. One of the suspects had been on active parole and was wearing his GPS ankle bracelet at the time of the incident. The ankle bracelet recorded that he was at the location during the attack. Within a few weeks of the incident, the three suspects were charged and subsequently convicted for the crimes committed during this incident.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A Department root cause in this incident was during a 10 minute span, an on-duty Los Angeles County deputy sheriff failed to properly identify and handle a series of three priority and emergent phone calls related to a group of suspects on a crime spree, and actively committing a home invasion robbery, an assault with a deadly weapon, and an attempted carjacking.

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

This incident was thoroughly investigated by Temple Station operations staff and supervisors.

Executive adjudication of this incident found the deputy sheriff's actions were in violation of Department policy. Appropriate administrative action was taken.

Temple Station will have in-service training with all personnel who are temporarily assigned to the desk. The purpose of the training will be to provide temporarily assigned personnel with an understanding of the station's desk operations. The training is designed to enhance the effectiveness of the day-to-day desk operations, and re-emphasize the primary responsibilities of dispatch personnel to improve: officer safety, public safety, dispatching Department resources, processing calls for service, and processing inquiries.

To establish clear guidelines for what is expected of desk personnel when handling critical calls for service, a new Field Operations Directive (FOD) titled "Critical Calls For Service" was developed. This new Department policy and operational guideline was distributed to all Department personnel on October 24, 2018.

The FOD identifies desk personnel's critical role in providing critical, vital, and accurate information during dangerous and rapidly evolving incidents.

County of Los Angeles
Summary Corrective Action Plan

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

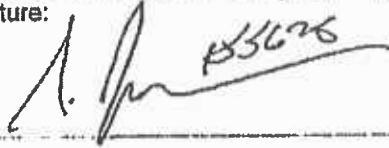
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



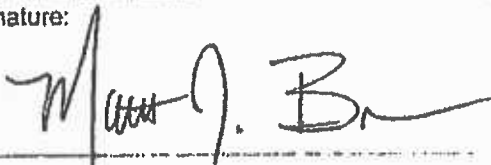
Date:

12-14-18

Name: (Department Head)

Matthew J. Burson, A/Chief
Professional Standards and Training Division

Signature:



Date:


12/20/18

Chief Executive Office Risk Management Inspector General USE ONLY

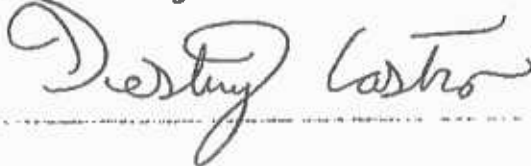
Are the corrective actions applicable to other departments within the County?

- 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:

1/8/2019