



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

April 3, 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
Dolores Perez v. County of Los Angeles, et al.
United States District Court Case No. 2:17-CV-01630

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 Dolores Perez v. County of Los Angeles, et al., United States District Court Case No. 2:17-CV-01630 in the amount of \$600,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges federal civil rights violations, and wrongful death arising from the fatal shooting of Plaintiff's son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Dolores Perez, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:17-CV-01630
COURT	United States District Court
DATE FILED	March 1, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 600,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$600,000, inclusive of attorneys' fees and costs, a federal civil rights and wrongful death lawsuit filed by decedent Joshua Quintero's parents after their son was fatally shot by a Sheriff's Department Deputy.</p> <p>The Deputy denies the allegations and contends his actions were reasonable.</p> <p>Given the risks and 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 \$600,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 168,646
PAID COSTS, TO DATE	\$ 23,469

Case Name: Dolores Perez & Sergio Quintero 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:	
Briefly provide a description of the incident/event:	<p><u>Dolores Perez & Sergio Quintero v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2018-032</p> <p>On September 1, 2016, at approximately 5:47 p.m., deputy sheriffs responded to the area of 83rd Street and Beach Street, in unincorporated Los Angeles, in response to two different residents calling Century Station to report a man walking around the neighborhood bleeding from an apparent gunshot wound.</p> <p>Within one minute of receiving the call for service, the first and second deputy sheriffs (radio car partners) arrived on scene and discovered a gunshot victim walking on Beach Street, South of 84th Street. The gunshot victim was under the influence of a dangerous narcotic and uncooperative with investigative questions. Within two minutes, the third and fourth deputy sheriffs (radio car partners) arrived on scene. The first deputy sheriff believed the shooting suspect may still be in the area and asked the third and fourth deputy sheriffs to canvass the area for witnesses and suspects.</p> <p>The third and fourth deputy sheriffs had only driven their marked patrol vehicle a short distance away when they found the decedent and two other men walking together. From their attire and tattoos, it appeared the decedent and the two men were possible gang members. Upon initial contact, the decedent and the two men seemed nervous when asked about the shooting. The third (driver) and fourth (passenger) deputy sheriffs stopped and exited their patrol vehicle as they further questioned the decedent and the two other men to determine if they had any knowledge of the shooting or any persons involved.</p> <p>During the questioning, the decedent slowly began to walk away, disassociating himself from the group, and then suddenly sprinted northbound on Beach Street. Under the belief the decedent may be the shooting suspect and could still possibly be armed, the third deputy sheriff drew his service weapon and held it in his hand as he chased after the decedent and repeatedly yelled for him to stop.</p> <p>Although he saw his partner chase after the decedent, the fourth deputy sheriff believed the two other men with the decedent may also be involved in the shooting. The fourth deputy sheriff remained with the two men but called out to the other nearby deputy sheriffs still investigating the incident with the gunshot victim.</p> <p>The fourth deputy sheriff yelled out that the third deputy sheriff was involved in a foot pursuit and requested the nearby partners provide some assistance. The first deputy sheriff heard the fourth deputy sheriff's</p>

	<p>request, saw the third deputy sheriff chasing the decedent, and joined in the foot pursuit.</p> <p>The third deputy sheriff closely followed the decedent (from approximately 15 feet away) as he ran northwest across Beach Street and entered a no-outlet alley. As the decedent ran into the alley, he used his hands to reach into his waistband. Fearing the decedent was involved in the recent shooting and could have a firearm, the third deputy sheriff ordered the decedent not to reach for his waistband or he would have to shoot him. The third deputy sheriff did not see the decedent holding a gun at this time.</p> <p>From the first deputy sheriff's perspective, he saw the decedent was running with a gun in his hand. The first deputy sheriff used his handheld radio to broadcast they were in foot pursuit of a man with a gun.</p> <p style="text-align: center;">Note: During the foot pursuit, the first deputy sheriff and several civilian witnesses saw the decedent running with a gun in his hand.</p> <p>As the decedent continued running in the alley, he made a turn into a fenced parking area. The third deputy sheriff saw the decedent raise his hand that was holding a firearm. This was the first time the third deputy sheriff had seen the decedent holding a firearm.</p> <p>Although the decedent was facing away from him, the third deputy sheriff feared the decedent was turning and about to shoot him. The third deputy sheriff fired his service weapon three times at the decedent, from about 10-15 feet away. Simultaneously, the decedent quickly lifted his arm up and flung the firearm into the air and over a nearby fence into the neighboring backyard. Two of the rounds fired by the third deputy sheriff struck the decedent in the back of his head and on his right heel. The decedent collapsed and fell forward to the ground.</p> <p style="text-align: center;">Note: About 30 seconds elapsed from the time the decedent ran away, until the deputy involved shooting occurred.</p> <p>Emergency medical personnel had just arrived on-scene for the original gunshot victim and responded to the decedent's location. Lifesaving efforts were conducted and the decedent was transported to Saint Francis Medical Center, where he succumb to his injuries and was pronounced dead.</p> <p>The firearm, a .38 caliber handgun discarded by the decedent, was recovered from an adjoining property where it landed.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A **Department** root cause in this incident was a deputy sheriff fired his weapon at the decedent, who was facing away and retrieving a handgun from his waistband at the time he was shot.

A **non-Department** root cause was the decedent's failure to comply with the deputy sheriff's lawful orders and by the decedent's quick hand and arm motions with a firearm, which was perceived as an impending attack against the pursuing deputy sheriff.

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's Department's Homicide Bureau and the facts of this case were presented to the Los Angeles County District Attorney's Office to determine if any criminal misconduct occurred.

On June 28, 2018, the District Attorney's Office completed its review of the fatal shooting of the decedent by the deputy, and concluded the deputy acted lawfully, and in self-defense.

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.

When the IAB investigator finishes the case, it will be reviewed and processed. 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:

12-28-18

Name (Department Head)

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

Signature:



Date:

01/03/19

Chief Executive Office Risk Management Inspector General USE ONLY

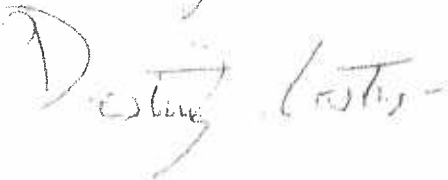
Are the corrective actions applicable to other departments within the County?

- 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: Destiny Lester

Date:



1/8/19