



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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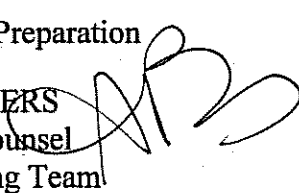
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May 2, 2019

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS 
Assistant County Counsel
Litigation Monitoring Team

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Oswaldo Ureta v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 501051

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.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Osvaldo Ureta v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 501051 in the amount of \$700,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit against the Sheriff's Department involves allegations of civil rights violations and excessive force when Plaintiff was shot while trying to flee from Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Oswaldo Ureta v. County of Los Angeles, et al.
CASE NUMBER	BC 501051
COURT	Los Angeles Superior Court
DATE FILED	February 13, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 700,000
ATTORNEY FOR PLAINTIFF	Dale Galipo, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$700,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Ozvaldo Ureta, his father and his daughter, after Mr. Ureta was shot and tasered by Sheriff's Deputies.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Due to the high 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 \$700,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 430,846
PAID COSTS, TO DATE	\$ 179,001



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:	February 14, 2011
Briefly provide a description of the incident/event:	<p>On February 14, 2011, at approximately 8:00 p.m., two deputy sheriffs were patrolling in their marked patrol unit in the unincorporated Los Angeles County area of East Los Angeles when they recognized a stolen vehicle (a White Cadillac Escalade) from an earlier call for service. The street they were on was narrow and there were parked vehicles on both sides of the street. As they drove toward the stolen vehicle, the driver of the stolen vehicle (the plaintiff), drove directly towards them. The plaintiff then collided head-on into the front of their patrol unit.</p> <p>The first deputy sheriff (driver) backed the patrol unit away about five feet from the plaintiff's vehicle and yelled out the open driver's window for the plaintiff to stop. The plaintiff drove towards the patrol unit again and pointed a small black semiautomatic handgun at the deputy sheriffs. Both deputy sheriffs reacted by quickly ducking down in an attempt to get some type of cover inside their vehicle. The plaintiff maneuvered his vehicle to drive by the deputy sheriffs, and sideswiped the two vehicles as he passed. As the plaintiff passed the patrol vehicle, he struck a parked vehicle then drove southbound away from the scene. The first deputy sheriff (driver) put his patrol vehicle in reverse and drove backwards until he was able to turn the patrol vehicle around at a cross street. The first deputy sheriff began pursuing the plaintiff and initially began radio traffic indicating they were in pursuit of an assault with a deadly weapon suspect. After a short time and distance, the second deputy sheriff took over the radio traffic for the pursuit.</p> <p>A second marked patrol unit with two deputy sheriffs joined the pursuit. The pursuit progressed on both surface streets and the freeway. During the pursuit, the plaintiff failed to stop at nine posted stop signs, seven red traffic signals, and reached speeds of over 80 mph on the freeway. The plaintiff made several erratic unsafe lane changes and turning movements, narrowly missing several uninvolved motorists and pedestrians.</p> <p>While being pursued, the plaintiff unexpectedly and abruptly braked almost to a stop. The first patrol unit (occupied by the first and second deputy sheriffs) was close behind at the time and was unable to stop before colliding into the rear of the plaintiff's vehicle. After the front of the patrol vehicle collided with the rear of the plaintiff's vehicle, the plaintiff quickly sped away. As the plaintiff's vehicle made a quick right turn, the passenger side rear wheel hit a curb, causing the tire to blowout.</p> <p>As both patrol units continued to pursue the plaintiff's vehicle westbound on Boswell Place, the plaintiff abruptly and aggressively braked a second time. Both patrol units made evasive driving maneuvers to avoid colliding with the plaintiff's vehicle, causing them to stop on opposing sides of the</p>

	<p>plaintiff's vehicle. The first deputy's vehicle stopped on the driver's side of the plaintiff's vehicle and the third deputy sheriff's vehicle stopped on the passenger side. As the third deputy sheriff's patrol vehicle stopped, the plaintiff accelerated his vehicle slightly forward and struck the left front fender of his patrol unit. All three vehicles faced westbound on Boswell Place and the plaintiff's vehicle appeared to be partially wedged between the two patrol vehicles.</p> <p>While seated in their patrol vehicle, both the first and second deputy sheriffs observed the plaintiff look in their direction and raise his right arm. Fearing the plaintiff still had the firearm they had witnessed in his possession a short time earlier, and that he was about to shoot at them, the first deputy sheriff fired 10 rounds and second deputy sheriff fired six rounds from their duty weapons at the plaintiff. The third deputy sheriff saw the plaintiff turn and heard gunshots. Fearing the plaintiff was shooting at him and/or his partners, the third deputy sheriff fired three rounds from his duty weapon at the plaintiff.</p> <p>All four deputy sheriffs exited their patrol vehicles. To avoid a potential crossfire situation, all four deputy sheriffs moved to conceal themselves on the south side of the first deputy sheriff's patrol unit. The deputy sheriffs ordered the plaintiff to raise his hands. The plaintiff failed to comply and continued to move around inside the vehicle. The plaintiff's vehicle's engine was revving and the plaintiff was moving the gear shifter as the vehicle moved slightly back and forth. It appeared that the plaintiff was attempting to make the vehicle go forward or in reverse; however, the vehicle seemed to be disabled or stuck.</p> <p>Additional deputy sheriffs arrived on scene and a four person arrest team was formed. The arrest team approached the driver's side door and attempted to extract the plaintiff. As the arrest team opened the driver's side door, the plaintiff used his hands to reach into his waistband area. Fearing the plaintiff was attempting to retrieve a weapon, the fifth deputy sheriff (a member of the arrest team, but uninvolved in the earlier shooting), employed his Taser, striking the plaintiff in the chest and abdomen. The Taser seemed to have an immediate effect on the plaintiff. The plaintiff was removed from the vehicle, placed on the ground, and handcuffed without further incident.</p> <p>The plaintiff was found to have sustained gunshot wounds to his upper torso, head, and left hand. Emergency medical services were summoned to the scene. The plaintiff received medical care and he was transported to the Los Angeles County/USC Medical Center where he was treated for his injuries.</p> <p>The involved deputy sheriffs stated that at several different times during the pursuit the suspect made quick turns, sweeping lane changes through traffic, and failed to follow the rules of the road. The plaintiff's driving caused the deputy sheriffs to briefly lose sight of the suspect and the SUV several times during the pursuit. The first deputy sheriff indicated the plaintiff's driver side door opened and closed two different times during the pursuit, but he could not see if anything had been discarded from the vehicle. The subsequent search and investigation did not reveal any firearms in the SUV or in the pursuit area.</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 deputy sheriffs' radio transmission during the pursuit failed to provide information indicating the plaintiff had rammed the patrol unit and was armed with a handgun

Another **Department** root cause in this incident was the positioning of the deputies' vehicles which stopped and/or remained in an unsound tactical position at the terminus of the pursuit resulting in a shooting with a crossfire situation

A **non-Department** root cause in this incident was the plaintiff's failure to comply with the lawful orders of Los Angeles County deputy sheriffs. Instead of obeying the orders, the plaintiff committed acts of assault with a deadly weapon using both his vehicle and a firearm against deputy sheriffs

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 to determine if any criminal misconduct occurred.

On August 30, 2011, the Los Angeles County District Attorney's Office concluded the deputy sheriffs acted lawfully, in self-defense and the defense of others, when they used deadly force against the plaintiff.

This incident was investigated by representatives of the Sheriff's Department 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.

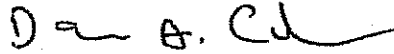
On January 31, 2012, the EFRC determined the force used in this incident was within Department policy but the tactics were in violation of Department policy. Appropriate administrative action has been taken.


County of Los Angeles
Summary Corrective Action Plan

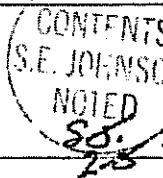
3. Are the corrective actions addressing Department-wide system issues?

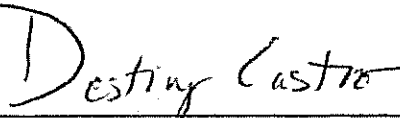

- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Dana A. Chemintzer, A/Captain Risk Management Bureau	
Signature: 	Date: 1-29-19

Name: (Department Head) Matthew J. Burson, Chief Professional Standards and Training Division	
Signature: 	Date: 02/05/19



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: 2/7/2019