



COUNTY OF LOS ANGELES  
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June 5, 2019

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TO: CELIA ZAVALA  
Executive Officer  
Board of Supervisors  
  
Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS  
Litigation Cost Manager  
Executive Office 

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Consuelo Barajas, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 644126**

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 Consuelo Barajas, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 644126 in the amount of \$650,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit arises from the fatal shooting of Plaintiffs' son.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barajas, Consuelo, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 644126
COURT	Los Angeles Superior Court
DATE FILED	December 16, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	James M. Lee, LTL Attorneys LLP
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, inclusive of attorneys' fees and costs, a wrongful death lawsuit filed by decedent Cristian Renee Medina's parents, Consuelo Barajas and Hector Medina, against the County after their son was fatally shot by Sheriff's Department ("LASD") 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 \$650,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 117,116
PAID COSTS, TO DATE	\$ 10,068

Case Name: Consuelo Barajas, et al. 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:	Wednesday, March 16, 2016, at approximately 4:21 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Consuelo Barajas, et al. v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan 2018-048</p> <p>On March 16, 2016, at approximately 4:21 a.m., two deputy sheriffs (radio car partners) were in a marked black and white patrol vehicle when they responded to the area of Holmes Avenue and Gage Avenue, in unincorporated Los Angeles, regarding a report of a robbery in progress. The call for service was a 9-1-1 call from a public payphone located near the intersection of 64<sup>th</sup> Street and Holmes Avenue. The caller told the 9-1-1 operator a robbery suspect was at the location and he was wearing a black hooded sweatshirt, shorts, and was armed with a black handgun.</p> <p><b>Note:</b> Unbeknownst to the 9-1-1 operator, the decedent was the caller and he had described himself as the armed robber. The decedent was wearing a black hooded sweatshirt and long shorts; however, he was not armed with a handgun.</p> <p>Within two minutes of receiving the call for service, the deputy sheriffs arrived on scene and observed the decedent, standing next to a payphone at the location.</p> <p>As the deputy sheriffs drove toward the decedent, he abruptly stepped away from the payphone, turned to his left, and faced the approaching patrol vehicle. The decedent then extended his arms forward with his hands together and appeared to be pointing a handgun towards the deputy sheriffs.</p> <p>Believing the decedent was armed with a firearm, taking a "shooting stance," and preparing to shoot him and his partner, the first deputy sheriff (driver) stopped the patrol vehicle approximately 18 feet from the decedent. In fear for his and his partner's lives, the first deputy sheriff, while still seated in the patrol vehicle, fired one round from his duty weapon through the windshield at the decedent. The first deputy sheriff then repositioned and fired twelve additional rounds through his open driver's side door window at the decedent.</p> <p>Simultaneously, the second deputy sheriff (passenger), independently believed the decedent was armed with a firearm and was preparing to shoot both himself and his partner. In fear for his and his partner's lives, the second deputy sheriff quickly exited the patrol vehicle and fired eleven rounds from his service weapon at the decedent.</p> <p>The decedent was struck by the deputy sheriffs' gunfire and fell to the ground. Emergency medical personnel were requested and responded</p>

	<p>to the location. Lifesaving efforts were conducted; however, the decedent succumbed to his injuries and was pronounced dead at the scene.</p> <p>A search of the decedent and the scene revealed the decedent did not have a firearm.</p> <p>Based on the fact that the decedent made the 9-1-1 call describing himself as an armed robbery suspect, coupled with his actions when confronted with the responding deputy sheriffs, it is suspected that the decedent forced the circumstances in this incident and caused what is commonly known as a "suicide by cop."</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

<p>A <b>Department</b> root cause in this incident was the use of deadly force against the decedent and no gun was found in his possession or at the crime scene.</p> <p>A <b>non-Department</b> root cause in this incident was the decedent's false report of an armed robbery whereby he described himself as the person armed with a firearm.</p> <p>Another <b>non-Department</b> root cause in this incident was that the decedent took a "shooting stance" towards the deputy sheriffs as they arrived on scene and simulated he was in possession of a firearm and about to shoot the deputy sheriffs, causing them to fear for their lives.</p>
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2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

<p>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.</p> <p>On April 10, 2018, the District Attorney's Office completed its review of the incident and concluded that both deputy sheriffs acted reasonably and lawfully in self-defense, and in defense of each other, when they used deadly force against the decedent.</p> <p>This incident was investigated by representatives of the 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.</p> <p>On March 7, 2019, the EFRC determined the use of deadly force and tactics were within Department policy.</p>
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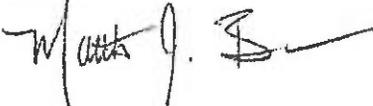
County of Los Angeles  
Summary Corrective Action Plan

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.

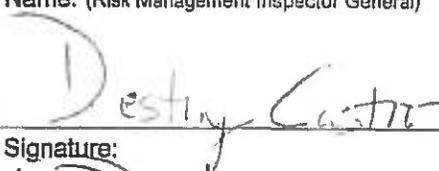
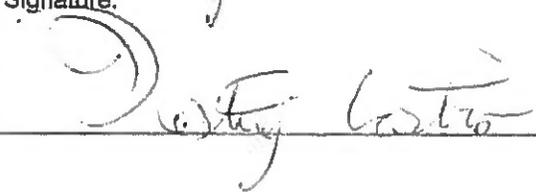
Los Angeles County Sheriff's Department

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

Name: (Department Head)  Matthew J. Burson, Chief Professional Standards and Training Division	
Signature:  	Date:  02/06/19

CONTENTS  
S.E. JOHNSON  
NOTED  
S.O.  
2-9-19

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
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