



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 229-3097
FACSIMILE
(323) 415-3307
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

September 11, 2019

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ELIZABETH D. MILLER *EDM*
Assistant County Counsel
Sheriff's Services Division

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Earving Gonzalez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 026383

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan for the case.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

EDM:js

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Settlement for Matter Entitled Earving Gonzalez v. County of Los Angeles, et al.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matters entitled Earving Gonzalez v. County of Los Angeles, et al., Los Angeles Superior Court Case No. MC 026383 in the amount of \$800,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Earving Gonzalez v. County of Los Angeles, et al.
CASE NUMBER	MC026383
COURT	Los Angeles Superior Court
DATE FILED	June 15, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	Michael Shemtoub Beverly Law
COUNTY COUNSEL ATTORNEY	Yuan Chang Los Angeles County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on March 25, 2015, when a Deputy with the Los Angeles County Sheriff's Department made a left turn in front of Plaintiff's vehicle at the intersection of Lancaster Boulevard and Division Street in the City of Lancaster. Due to the risks and uncertainties of litigation, a full and final settlement of the case is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 123,437
PAID COSTS, TO DATE	\$ 42,589



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 25, 2015
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Earving Gonzalez v. County of Los Angeles et al.</u> Summary Corrective Action Plan 2019-005</p> <p>On March 25, 2015, at approximately 7:40 p.m., an on-duty Los Angeles County Sheriff's Department deputy sheriff assigned to Lancaster Station, was driving a marked black and white patrol vehicle at 15 mph west on Lancaster Boulevard behind two other marked patrol vehicles when he entered the left turn lane at the intersection of Division Street (at this intersection West Milling Street turns into East Lancaster Boulevard). The deputy sheriff was following his partners that made a left turn on Division Street. The deputy sheriff did not see the plaintiff entering the intersection in the opposite direction.</p> <p style="text-align: center;">Note: The deputy sheriff was driving his patrol vehicle with only the parking lights on; the headlights were off.</p> <p>The plaintiff was traveling east on West Milling Street in the number one lane at approximately 25 mph to 35 mph. As the plaintiff approached the intersection at Division Street, he observed two marked patrol vehicles coming westbound toward him with their headlights on. The two patrol vehicles crossed in front of his path to turn left (southbound) onto Division Street. The plaintiff continued driving straight through the intersection in the number one lane.</p> <p>Simultaneously, as the plaintiff drove eastbound into the intersection, the deputy sheriff drove westbound and began to make a left turn (to southbound Division Street) directly in front of the plaintiff's path of travel. Both drivers were unable to stop or avoid each other, resulting in a head on collision. The front push-bars and passenger side front bumper of the deputy sheriff's vehicle collided with the center front bumper of the plaintiff's vehicle.</p> <p>The plaintiff was wearing his safety belt; however, his vehicle's airbag did not deploy. At the time of the incident, the plaintiff complained of pain to his lower back, upper chest, his right thigh, and his neck. Paramedics were summoned to the scene and the plaintiff was transported to Antelope Valley Hospital for medical evaluation and treatment.</p> <p>The airbag in the deputy sheriff's vehicle did not deploy and he was wearing a factory installed seat belt. The deputy sheriff had a complaint of a headache but did not sustain any injuries.</p>

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **Department** root cause in this incident was the deputy sheriff failed to yield to the right of way of the plaintiff's approaching vehicle.

Another **Department** root cause in this incident was the deputy sheriff failed to activate his vehicle's headlights while driving during darkness.

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 traffic investigators assigned to Lancaster Station's Traffic Unit. The investigation included measurements of the scene, the gathering of witness statements, photographs, analysis, estimation of distances, road and weather conditions, as well as factual diagrams and applicable mathematical computations.

The collision investigation determined the deputy sheriff caused the collision as he failed to yield to oncoming traffic, a violation of California Vehicle Code section 21801(a) Rules of the Road – Yielding the Right-of-Way.

The results of the traffic investigation were presented to Department executives to determine if the deputy sheriff's actions constituted misconduct.

Department executives determined the failure to yield to oncoming traffic and driving without headlights issues were best addressed via the Department's established training curriculum.

Pursuant to the Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/070.45, Corrective Action, appropriate administrative action was taken.

Lancaster Sheriff's Station conducted a review of all deputy involved collisions which occurred between October, 2014 and April, 2017. The goal of the review and audit was to identify patterns of driving immediately following similar incidents, as well as identify solutions to prevent or mitigate such collisions. Based on the audit, a traffic collision reduction – risk management plan was developed.

The audit revealed 43 "preventable" deputy involved traffic collisions occurred between the dates noted above. Of those collisions, 35% were attributed to moving violations such as failing to yield the right of way to an approaching vehicle, or making an unsafe turn; 30% were attributed to unsafe backing or starting; 14% were attributed to sworn personnel following a vehicle too closely; 12% resulted from the driver's inattention; 7% resulted from the involved persons unsafe speed; and 2% were attributed to a failure to stop for a posted traffic signal.

Mitigation efforts have included a quarterly audit of preventable traffic collisions, and an increase in the number of employees attending the Department's S.T.A.R. program. This program focuses on low speed parking and starting maneuvers, and is hosted at the Los Angeles County Sheriff's Department's Emergency Vehicle Operations Center. In addition, deputies who accumulate two (2) administrative driving points are assigned to complete additional training via a driving simulator at Palmdale Sheriff's Station. Since the inception of these training courses, Lancaster Station has seen a dramatic reduction in certain classifications of accidents, specifically those involving the use of seatbelts.

Finally, recurrent briefings of applicable Department policies and state laws are being conducted on all shifts. Field supervisors have been tasked to monitor the driving habits of all persons under their span of control.

County of Los Angeles
Summary Corrective Action Plan

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

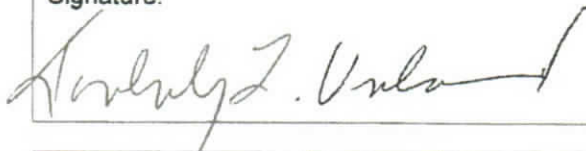
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Kimberly L. Unland, Captain
Risk Management Bureau

Signature:



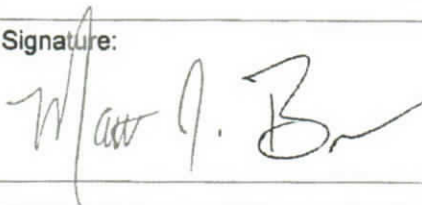
Date:

5/1/19

Name: (Department Head)

Matthew J. Burson, Chief
Professional Standards and Training Division

Signature:



Date:

05/01/19

Chief Executive Office Risk Management Inspector General USE ONLY

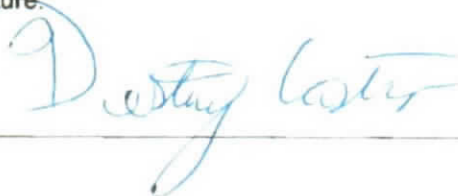
Are the corrective actions applicable to other departments within the County?

- 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:



Date:

5/6/2019