

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD VIA ONLINE CONFERENCE CALL
ON MONDAY, MARCH 1, 2021, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public were on the public teleconference line to address the Claims Board or to listen to the reportable actions of the Claims Board.
3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).**

a. **Los Angeles County Hall of Justice Dewatering – Notice of Violation**
Los Angeles Regional Water Quality Control Board Claim No. R4-2020-0123

This matter involves a Notice of Violation from the Los Angeles Regional Water Quality Control Board to the Chief Executive Office relating to the utility plant at the Hall of Justice.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$111,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

b. **Waddell Franklin, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 20AVCV00333

This lawsuit arises from injuries plaintiff allegedly sustained in an automobile accident involving an employee from the Department of Public Works.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

c. **Bradley Couce, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC672386

This dangerous condition and wrongful death lawsuit against the County and the Department of Public Works arises from an accident involving a motorcyclist and an automobile in an unincorporated area of the County near the City of Malibu.

Action Taken:

Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$300,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

d. **Ace American Insurance Company v. County of Los Angeles**
United States District Court Case No. 2:20-CV-4198 SVW

This lawsuit concerns property damage to Plaintiff's docked marine vessel which was struck by a Fire Department marine vessel.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$36,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

e. **Pasadena Alternative Care. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BS 168369

This lawsuit seeks the return of property allegedly seized by the Sheriff's Department as evidence during a criminal investigation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$54,560.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

f. **Mayra Houston v. County of Los Angeles, et al.**
United States District Court Case No. 2:20-CV-04171

This lawsuit concerns allegations of federal civil rights violations, false arrest, and excessive force by two Sheriff's deputies.

Action Taken:

The Claims Board authorized a statutory rule 68 offer in the amount of \$75,000. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

**g. Calvin Newburn v. Los Angeles County Board of Supervisors, et al.
United States District Court Case No. 2:18-CV-09692**

This lawsuit alleges federal civil rights violations, excessive force, and unreasonable search and seizure by two Sheriff's Department deputies.

Action Taken:

Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

**h. Sharon Watson v. County of Los Angeles
United States District Court Case No. 2:19-CV4149**

This lawsuit concerns allegations that an employee with the Department of Mental Health was subjected to disability discrimination.

Action Taken:

Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$260,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

i. Claim of Kimberly Claxton

This discrimination claim involves allegations that an employee with the Probation Department was subjected to disability discrimination, harassment based on gender, and other forms of discrimination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$93,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**j. Crystal Chavez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 563100**

This lawsuit involves allegations of emotional injuries suffered by Plaintiff's son while he was in custody with the Probation Department and receiving counseling from a social worker with the Department of Mental Health.

Action Taken:

Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$199,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in Closed Session as indicated under Agenda Item No. 3 above.

5. Approval of the Minutes of the February 1, 2020, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Los Angeles County Hall of Justice Dewatering Administrative Notice of Violation
CASE NUMBER	Los Angeles Regional Water Quality Control Board Claim No. R4-2020-0123
COURT	Not Applicable
DATE FILED	Not Applicable
COUNTY DEPARTMENT	Chief Executive Office
PROPOSED SETTLEMENT AMOUNT	\$ 111,000
ATTORNEY FOR PLAINTIFF	Los Angeles Regional Water Quality Control Board
COUNTY COUNSEL ATTORNEY	Laura T. Jacobson, Deputy County Counsel Tracey J. Egoscue, Egoscue Law Group
NATURE OF CASE	The National Pollution Discharge Elimination System issued a permit violation of effluent limitations to be enforced by the Los Angeles Regional Water Quality Control Board to the Los Angeles County Hall of Justice Utility Plant.
PAID ATTORNEY FEES, TO DATE	\$ 48,201
PAID COSTS, TO DATE	\$ 74,770

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Waddell Franklin, et al. v. County of Los Angeles, et al.
CASE NUMBER	20AVCV00333
COURT	Los Angeles Superior Court
DATE FILED	May 15, 2020
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	Bruce Wernik, Wernik Law, Inc.
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a vehicle collision that occurred on November 20, 2019, in which Plaintiffs Waddell Franklin and Treeba Vivion were injured when DPW employee Andres Baron rear ended their vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 1,028
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Bradley Couce, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC672386
COURT	Los Angeles Superior Court
DATE FILED	August 14, 2017
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 300,000
ATTORNEY FOR PLAINTIFF	Kevin Boyle, Esq. Panish Shea & Boyle
COUNTY COUNSEL ATTORNEY	Yuan Chang, Esq. Deputy County Counsel
NATURE OF CASE	This case involves a fatal vehicle collision that occurred on August 20, 2016, when a motorcycle driven by Florentino Couce collided with an automobile driven by Annabelle McVeigh at the intersection of Latigo Canyon Road and Ocean View Drive in an unincorporated area of the County near Malibu. Mr. Couce died as a result of his injuries. Plaintiffs contend the roadway was a dangerous condition of public property. Due to the risks and uncertainties of litigation, a full and final settlement of the case is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 89,200
PAID COSTS, TO DATE	\$ 76,503



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:	August 20, 2016
Briefly provide a description of the incident/event:	On August 20, 2016, at approximately 4:30 p.m. the decedent, Florentino Frank Couce, was riding his motorcycle northbound on Latigo Canyon Road near Ocean View Drive when he collided with a vehicle turning left onto Latigo Canyon Road. Florentino Frank Couce sustained fatal injuries as a result of the collision. The Plaintiffs, adult children, Bradley and Logan Couce, allege that the County owns, manages, and controls the roadway and intersection where the incident occurred, which was dangerous and defectively designed.

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

The collision occurred due to Florentino Frank Couce's negligence in the operation of his motorcycle by driving without due care and at an unsafe speed.

Just prior to the collision, Mr. Couce passed an intersection ahead warning sign with a 25-mph speed advisory sign on the same signpost; and at the time of the collision, Mr. Couce was traveling 46 mph, 21 mph faster than the posted speed limit, with a rear facing GoPro camera engaged. As a result, Mr. Couce collided with a left turning driver in the windy canyon street on Latigo Canyon Road causing his death.

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

Relevant policies and practices were reviewed and no corrective actions are contemplated.

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.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)
Michael J. Hays

Signature:

Michael J. Hays

Date:

11/18/2020

Name: (Department Head)
Mark Pestrella

Signature:

Mark Pestrella

Date:

1/21/2021

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)

Destiny Castro

Signature:

Destiny Castro

Date:

11/19/2020

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ace American Insurance Company a/s/o M/V Frenchship, LLC v. County of Los Angeles
CASE NUMBER	In Admiralty 2:20-cv-4198 SVW (RAOx)
COURT	United States District Court Central District of California
DATE FILED	March 27, 2020
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 36,000
ATTORNEY FOR PLAINTIFF	Robert S. Crowder, Esq.
COUNTY COUNSEL ATTORNEY	Kevin J. Engelen Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vessel versus vessel collision that occurred on April 11, 2019, when a Firefighter Specialist of the Los Angeles County Fire Department lost control of the Fireboat he was operating in the Marina del Rey Harbor and collided with the unmanned, stationary, moored vessel owned by Frenchship LLC. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 10,763
PAID COSTS, TO DATE	\$ 1,125

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Pasadena Alternative Care v. County of Los Angeles, et al.
CASE NUMBER	BS168369
COURT	Los Angeles Superior Court
DATE FILED	April 16, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 54,560
ATTORNEY FOR PLAINTIFF	Anthony Curiale, Esq. Law Offices of Anthony Curiale
COUNTY COUNSEL ATTORNEY	Richard Hsueh Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$54,560, inclusive of attorneys' fees and costs, this State lawsuit filed by Pasadena Alternative Care ("Plaintiff") against the County seeking the return of property seized by the Sheriff's Department as evidence during a criminal investigation and subsequent prosecution of Plaintiff's owner for operating a marijuana dispensary in an unincorporated area of the County in violation of the County Code. 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 \$54,560 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 82,747
PAID COSTS, TO DATE	\$ 1,769

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME Houston, Mayra v. Los Angeles County, et al.

CASE NUMBER 2:20-CV-04171

COURT United States District Court

DATE FILED May 7, 2020

COUNTY DEPARTMENT Sheriff's Department

PROPOSED SETTLEMENT AMOUNT \$ 75,000

ATTORNEY FOR PLAINTIFF Steven A. Lamb
Rovens Lamb, LLP

COUNTY COUNSEL ATTORNEY This is a recommendation to make a statutory offer of judgment pursuant to Federal Rule of Civil Procedure Rule 68 in the amount of \$75,000, inclusive of attorneys' fees and costs, to Plaintiff Mayra Houston, et. al. Ms. Houston filed a lawsuit against Los Angeles County Sheriff's Department ("LASD"), Detective Dion Ingram and Deputy Erika Ortiz-Garcia alleging federal civil rights violations, false arrest, excessive force and unreasonable search and seizure.

NATURE OF CASE Given the high risks and uncertainties of litigation, a statutory offer under Federal Rule 68 will reduce the amount of further litigation costs. A statutory offer of judgment in the amount of \$75,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 12,822

PAID COSTS, TO DATE \$ 181

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Calvin Newburn v. Los Angeles County Board of Supervisors, et al.
CASE NUMBER	2:18-CV-09692
COURT	United States District Court
DATE FILED	November 16, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Winston & Strawn, LLP
COUNTY COUNSEL ATTORNEY	Minas Samuelian, Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$200,000 inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Plaintiff Calvin Newburn against Los Angeles County Sheriff's Department Deputies alleging excessive force and unreasonable search and seizure. Given 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 \$200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 68,679
PAID COSTS, TO DATE	\$ 6,040

Case Name: Calvin Newburn 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:	September 3, 2014, at approximately 8:40 a.m.
Briefly provide a description of the incident/event:	<u>Calvin Newburn v. County of Los Angeles</u> Summary Corrective Action Plan 2020-30 On September 3, 2014, at approximately 8:40 a.m., two uniformed deputy sheriffs assigned to South Los Angeles Station, were driving a marked black and white vehicle northbound on the 10600 block of Budlong Avenue. The deputy sheriffs observed a 2004 tan Cadillac (plaintiff's vehicle) stopped in the southbound lane of Budlong Avenue, blocking southbound traffic (violation of blocking traffic with a vehicle 22500 (a) CVC [Exhibit A]). The deputy sheriffs saw two males talking to the plaintiff, the sole occupant of the Cadillac. One male was leaning on the passenger's side door of the plaintiff's vehicle and the second male stood outside a residential gate on the west side of the street, adjacent to the plaintiff's vehicle. The first deputy sheriff (driver) continued to drive northbound toward the plaintiff's vehicle. Both males observed the patrol vehicle and immediately walked towards the residential gate, separating themselves from the plaintiff's vehicle. As the deputy sheriffs drove past the plaintiff's vehicle the second deputy sheriff (passenger) conducted a query of the plaintiff's California License Plate, which revealed the vehicle registration was expired as of July 2, 2014, (violation 4000(a) (1) CVC [Exhibit B]). The deputies attempted to contact the plaintiff regarding vehicle registration violation. The plaintiff drove southbound on Budlong Avenue and parked his Cadillac directly in front of 1029 West 107th Street, Los Angeles. The first deputy sheriff stopped his patrol vehicle approximately 10-15 feet behind the plaintiff's vehicle. The plaintiff exited the Cadillac and began walking eastbound on the north sidewalk of 107th Street. Both deputy sheriffs exited the patrol vehicle. The second deputy sheriff exited the front passenger side door of the patrol vehicle and advised the plaintiff of the vehicle violation, which the plaintiff acknowledged. The second deputy sheriff asked the plaintiff if the vehicle belonged to him and if he had a driver's license. The plaintiff responded it was his vehicle, and he did have a driver's license. The second deputy sheriff observed the plaintiff was holding a newspaper and two amber-colored prescription bottles in his right hand. The second deputy sheriff asked the plaintiff to walk to his patrol vehicle, which the plaintiff complied. The plaintiff walked to the patrol vehicle unassisted and still holding the newspaper and prescription bottle in his right hand. The first deputy sheriff was standing at the front hood area of the patrol vehicle.

The first deputy sheriff asked the plaintiff if the prescription bottle that contained medication was for the plaintiff. The plaintiff did not answer. The first deputy sheriff directed the plaintiff to place the medication on the patrol vehicle's hood; however, the plaintiff did not comply. The second deputy sheriff ordered the plaintiff to put his hands behind his back, pending a narcotics investigation. The second deputy sheriff placed both his hands on both sides of the plaintiff's bicep/triceps area.

The second deputy sheriff started to slide both his hands down on the plaintiff's arms. As the second deputy sheriff reached the plaintiff's elbow area, the plaintiff immediately turned his body to the left and pulled away from the second deputy sheriff. The plaintiff began to take a few steps then proceeded to run northbound toward the sidewalk. The second deputy sheriff immediately turned toward the plaintiff and with his left hand reached out and grabbed the bottom portion of the plaintiff's shirt and ordered him to stop running.

Note: The plaintiff pulled away from the second deputy sheriff before being searched. The second deputy sheriff was uncertain if the plaintiff was armed with a weapon or his reason for running away.

The plaintiff ran towards an approximate four-foot chain link fence and attempted to jump over the fence. The second deputy sheriff was able to pull the plaintiff off the fence and attempted to control his arms. The plaintiff turned and used his left elbow to strike the second deputy sheriff in the left shoulder. The plaintiff then threw the prescription bottles into the front yard of 1029 West 107th Street.

The second deputy sheriff continued to order the plaintiff to stop resisting and show his hands. The plaintiff did not comply with the orders.

Due to the fact the plaintiff assaulted the second deputy sheriff, the first deputy sheriff struck the plaintiff approximately three times to the right side of his face with his right fist, while ordering the plaintiff to give up his hands. The second deputy sheriff struck the plaintiff's left side of his face twice with his fist, while ordering him to stop fighting. The second deputy sheriff broadcasted emergent radio traffic via his hand-held radio that they were involved in a fight and requested additional deputy personnel, while simultaneously attempting to control the plaintiff's left arm/hand.

The first deputy sheriff took hold of both of the plaintiff's shoulders from behind and guided the plaintiff down on the ground, landing on his right side. The first deputy sheriff was near the plaintiff's shoulder area, while the second deputy sheriff was kneeled down near the plaintiff's legs. The plaintiff kicked his legs up in an upward motion and turned his body to the left. While lying on his back the plaintiff pushed his arms upwards to grab his feet and stand. Both deputy sheriffs continued to order the plaintiff to stop fighting.

The plaintiff continued to ignore the deputy sheriff's orders.

The first deputy sheriff then struck the plaintiff once on the left side of his face with his right fist. The plaintiff turned his body to the right and was now lying on his stomach. The first deputy sheriff placed his right knee on the plaintiff's right triceps.

	The second deputy sheriff placed his knee on the plaintiff's back, gained control of his right hand, and handcuffed the plaintiff's right wrist. The second deputy sheriff continued to order the plaintiff to give the second deputy sheriff his left arm, which was extended above the plaintiff's head. The plaintiff continued to struggle with the deputy sheriffs. The second deputy sheriff was finally able to gain control of the plaintiff's left wrist and guide the plaintiff's left arm behind his back. Both deputy sheriffs were able to safely secure the handcuffs on the plaintiff. Additional deputy personnel along with two field sergeants assigned to South Los Angeles Station arrived on scene. The third and fourth deputy sheriff assisted the plaintiff to his feet, while awaiting medical response for the plaintiff. The first and second deputy sheriff had no further contact with the plaintiff. The first field sergeant videotaped the detention of the plaintiff being placed in the patrol vehicle. The first and second sergeant interviewed three civilian witnesses regarding the incident. The civilian witnesses stated they did not observe the plaintiff hit the deputy sheriffs. However they did observe the first and second deputy sheriff hit the plaintiff in the head and face approximately 10 times. During the investigation, it was determined the two amber-colored prescription bottles contained 120 pills of Hydrocodone and marijuana, neither prescribed to the plaintiff. The plaintiff was arrested for Battery on a Peace Officer, 243(a)(2) P.C., Possession of a Controlled Substance, 11350(a) H.S., Possession of Marijuana, 11357(b) H.S and 4000(a)(1) CVC, Expired Vehicle Registration. The plaintiff was not in possession of a medical marijuana card at the time of the incident. The plaintiff was medically treated at the scene by Los Angeles County Fire Department and then transported by assisting deputy personnel to Centinela Hospital. During the treatment, an X-ray revealed that the plaintiff sustained a fracture to his right orbital bone, consistent with the force reported. Internal Affairs Bureau Force Response Team responded and conducted the force investigation. On September 10, 2014, the Los Angeles County District Attorney's Office reviewed the case and filed one felony count of Possession of a Controlled Substance, 11350(a) H.S, Battery on a Peace Officer, 243(b) P.C. and Resist, Obstruct, Delay a Peace Officer, 148(a)(1) P.C., under case # YA091138. On April 20, 2017, the Plaintiff was convicted on the narcotics charge and acquitted on the battery charge. The plaintiff later appealed the narcotics charge, and the conviction was conditionally reversed and sent back to the trial court. The resisting charge was dismissed on April 28, 2017. Following remand, the Los Angeles County District Attorney's Office moved to dismiss the case under Penal Code 1385, furtherance of justice.
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the deputies used personal weapons (fists), during the use of force against the plaintiff.

A **non-Department** root cause in this incident was the plaintiff's failure to follow the lawful commands of the deputy sheriffs.

A **non-Department** root cause in this incident was the plaintiff's physical assault on the deputy sheriff.

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

Administrative Investigation

The plaintiff alleged the deputy sheriff's used unnecessary force while he was detained. The allegation was investigated and addressed as follows:

Investigation into the Plaintiff's Claim of Unnecessary Use of Force

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. An extensive investigation was conducted into the plaintiff's allegations regarding unnecessary use of force. The investigation included interviews with the plaintiff, the involved deputy sheriffs, and all identified witnesses. An executive evaluation determined the involved deputies were justified in their actions related to their contact, searching, and detaining of the plaintiff. Therefore, the deputies physical contact with the plaintiff was determined to have been appropriate and within policy.

The results of the investigation were presented to the Executive Force Review Committee (EFRC) for adjudication.

On August 21, 2015, the EFRC determined that the force and tactics used against the plaintiff were within Department Policy.

Employee Review and Assessment

To assess the employees' performance and evaluate his future risk, a review of this incident, coupled with a review of each incident in the involved employees' personnel history was conducted. The goal of this review is to determine if the employees' decision making in this incident, or in a pattern of incidents, gives cause for the need to send them to additional training, have them assigned to a mentoring program, or if a re-assessment of their ability for duty is warranted. The program defines clear goals and expectations for the employees and is a custom designed program to train and guide the employees in specific area(s) of concern.

The Captain of South Los Angeles Station conducted a comprehensive review of both involved employees' personnel history including all shootings, uses of force, civil claims, and complaints.

Based on an evaluation of the deputy sheriffs' performance, it was determined that both deputy sheriffs were working within the guidelines of what is expected from employees assigned to South Los Angeles Station and the Department. No further action was taken.

Tactical Debriefing

In the days following the incident, personnel were briefed on the events known at the time of the incident to all sworn South Los Angeles Station personnel. Emphasis was placed on officer safety, tactical preparedness, and lessons learned to assist employees for future situations similar in nature.

Briefings occurred on all shifts and were given by the Captain of South Los Angeles Station.

County of Los Angeles
Summary Corrective Action Plan

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

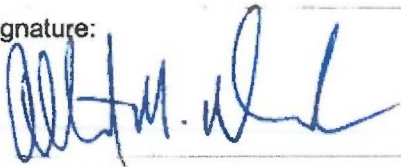
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Albert M. Maldonado, Captain
Risk Management Bureau

Signature:



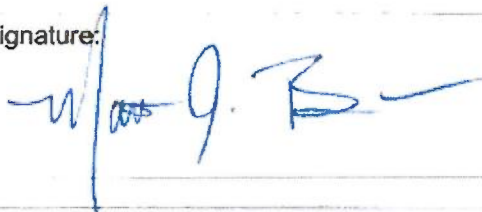
Date:

1/13/21

Name: (Department Head)

Matthew J. Burson, Chief
Professional Standards Division

Signature:



Date:

01/20/21

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)

Destiny Castro

Signature:

Destiny Castro

Date:

1/20/2021

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

FEBRUARY 1, 2021

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:38 a.m. The meeting was held via teleconference with all Claims Board Members participating telephonically. Claims Board Members online for the teleconference meeting were: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Lindsay Yoshiyama, Jessica Rivas, Richard Kudo, Jonathan McCaverty, Kevin Engelen, Adrian Gragas, Richard Hsueh, Keever Muir, Richard Brouwer, Camille Granville, and Jenny Tam; Sheriff's Department: Benjamin Torres, Juan Carrillo, Dan Dyer, Christopher Nee, Jesus Carrasco, Holly Francisco, David Auner, Melynie Rivers, and Kristine Corrales; Department of Public Works: Ronald Castenada, and Michael Hays; Department of Public Social Services: Simone Agee; Department of Children and Family Services: Armon Montiel; Department of Military and Veterans Affairs: Ruth Wong; Fire Department: Julia Kim; and Outside Counsel: Greg Bergman, Jen Choi, and Calvin House.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public were on the public teleconference phone line to address the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).

At 9:39 a.m., Chair Steve Robles convened the meeting into closed session to discuss the items listed as 4(a) through 4(i).

4. Report of actions taken in Closed Session.

No members of the public were on the public teleconference phone line to hear the reportable actions of the Claims Board.

At 11:47 a.m., the Claims Board reconvened in open session via the public teleconference line and reported the actions taken in closed session as follows:

a. Non-Litigated Claim of USAA

This is a subrogation claim for reimbursement of the insurance benefits paid for property damages sustained in an automobile accident involving a Department of Social Services employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$30,826..

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

b. Non-Litigated Claims of Alfredo Munoz and Ian Flores

These claims arise from injuries plaintiff allegedly sustained when his vehicle was involved in a collision with a Department of Public Works employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$28,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**c. Edgar Lopez v. Edith Gharibian, et al.
Los Angeles Superior Court Case No. 19STCV13091**

This lawsuit concerns allegations that a Department of Children and Family Services employee was negligent when opening the door of a County vehicle directly into a bicycle path.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$95,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**d. Iris Teresa Ramirez, et al. v. Josefa Hernandez, et al.
Los Angeles Superior Court Case No. 19STCV10786**

This lawsuit arises from injuries plaintiff allegedly sustained in a multi-vehicle accident involving a Sheriff's Deputy.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**e. Victor Ulloa, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19AVCV00302**

This lawsuit arises from injuries plaintiff allegedly sustained in a vehicle accident involving a Sheriff's Deputy.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$33,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

f. **Daniel Bertino v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 20STCV10354

This lawsuit arises from injuries allegedly sustained when plaintiff's' motorcycle was involved in a collision with a vehicle driven by a Sheriff Department civilian employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

g. **Tracy Evanson v. County of Los Angeles, et al.**
United States District Court Case No. 2:19-CV-05393

This lawsuit concerns allegations of federal civil rights violations against the Sheriff's Department for unreasonable search and seizure arising from the execution of a search warrant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

h. **Vermont Entertainment Village, LLC v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BS171709

This lawsuit involves a claim for attorneys' fees associated with a mandamus proceeding pertaining to a California Public Records Act involving the Board of Supervisors.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

i. **Jaime Gomez Beltran v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 19STCV41801

This lawsuit involves allegations that an employee with the Department of Military and Veteran's Affairs was subjected to disability discrimination and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$55,000.

Vote: Ayes: 2 – Steve Robles, and Arlene Barrera
Abstention: 1 – Adrienne Byers

j. **Timothy Smith v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV20211

This lawsuit concerns allegations that an employee with the Fire Department was subjected to disability discrimination, failure to accommodate and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

5. **Approval of the Minutes of the December 7, 2020, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes.

Vote: Ayes: 3 – Chari Steve Robles, Arlene Barrera, and Adrienne Byers

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 11:50 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek Stane