

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD VIA-TELECONFERENCE
ON
WEDNESDAY, July 14, 2021, AT 11:00 AM

Members Present: Mark Waronek, James Bozajian, Margaret Finlay, Mark Alexander, Patrick Kearney, John Moreno, Ken Striplin, Marcel Rodarte, Jennifer Vasquez, Bryan Cook, Lindsey Horvath.

Alternates Present: *Steve Hofbauer, Kevin Chun, John Moreno, Rob Wishner, Gustavo Camacho, Jose Gonzalez, Michael Davitt, Thaddeus McCormack, Jennifer Perez.*

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

No members of the public addressed the Claims Board.

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

- a. Marshall, Shaun, et al. v. County of Los Angeles, et al.
United States District Court Case No. 8:20-CV-00916

This lawsuit concerns allegations of civil rights violations, false arrest, and falsified police report by Sheriff's Deputies.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$525,000.

Vote: Ayes: 11 - Mark Alexander, James Bozajian, Bryan Cook, Margaret Finlay, Lindsey Horvath, Patrick Kearney, John Moreno, Ken Striplin, Jennifer Vasquez, Mark Waronek, Marcel Rodarte.

[See Supporting Document](#)

4. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Lauren Dodson v. County of Los Angeles, et al.
United States District Court Case No. 2:20-CV-04011

This lawsuit concerns allegations of civil rights violations and false arrest by Sheriff's Deputies.

Action Taken:

No reportable action taken

- b. Metoyer, Erin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV05424

This lawsuit concerns allegations of an automobile accident involving Sheriff's Deputies.

Action Taken:

No reportable action taken

- c. Virgen, Genevie Isabel v. Rogers Brett Randall, et al.
Los Angeles Superior Court Case No. 19STCV01504

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

Action Taken:

No reportable action taken

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the June 9, 2021 meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 11 - Mark Alexander, James Bozajian, Bryan Cook, Margaret Finlay, Lindsey Horvath, Patrick Kearney, John Moreno, Ken Striplin, Jennifer Vasquez, Mark Waronek, Marcel Rodarte.

[See Supporting Document](#)

7. 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.

8. Other Business.

None

9. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Shaun Marshall v. County of Los Angeles, et al.
CASE NUMBER	8-20-CV-00916
COURT	United States District Court
DATE FILED	August 20, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 525,000
ATTORNEY FOR PLAINTIFF	Thomas Beck, Esq. Law Offices of Thomas Beck
COUNTY COUNSEL ATTORNEY	Timothy J. Kral, Principal Deputy County Counsel This is a recommendation to settle for \$525,000, inclusive of attorneys' fees and costs, the federal civil rights lawsuit filed by Shaun Marshall, Angelique Crawford, and their two minor children arising from the arrest of Shaun Marshall on January 8, 2019. Plaintiffs claim that Deputies falsely arrested Shaun Marshall. They further claim this arrest led to the closure of Mr. Marshall's auto repair business and to the Department of Children and Family Services removing the minor children from the custody of their parents until a court ordered their return 10 months later on November 6, 2019.
NATURE OF CASE	Given the high risks and uncertainties of litigation, a reasonable settlement at this time to avoid further litigation costs. The full and final settlement amount of \$525,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 38,610
PAID COSTS, TO DATE	\$ 4,750



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 style="text-align: center;"><u>Shaun Marshall v. County of Los Angeles</u> Summary Corrective Action Plan 2021-12</p> <p>On Tuesday, January 8, 2019, at approximately 5:30 p.m., two on-duty Los Angeles County Sheriff's Department deputy sheriffs from Lakewood Station, assigned to the Special Assignment Officer (SAO) team, were driving a marked black and white patrol vehicle near the area of Flora Vista Street and Cornuta Avenue in the City of Bellflower.</p> <p>Both deputies observed two male adults (the plaintiff and another male adult) standing and talking behind a parked U-Haul truck in the lot of Curt's Wheel and Tire Shop located 16448 Cornuta Avenue in the City of Bellflower. Both deputies saw the plaintiff hand the male adult an item. Alerted by the presence of the patrol vehicle approaching, the plaintiff placed an article on the rear bumper of the parked U-Haul truck and quickly walked south from the location with the male adult.</p> <p>Note: The City of Bellflower partnered with the Los Angeles County Sheriff's Department, Lakewood Station, to suppress gang violence, traffic enforcement, property crimes, and narcotic activities through the SAO team. Additionally, the SAO team addresses crime trends, quality of life issues, community policing, special events, and identified areas of concerns deemed by the City of Bellflower and the District Attorney.</p> <p>The City of Bellflower and The District Attorney's Office also developed programs such as the SAGE Program. The SAGE program focus is to decrease street gang violence and narcotics-related activities by utilizing criminal nuisance abatement, corridor enrichment, anti-prostitution, mobile home park inspection programs, forfeiture proceedings, informal interventions, and technical assistance to sheriff's personnel.</p> <p>While seated in their patrol vehicle, both deputies contacted the plaintiff and the male adult. During the interaction, the plaintiff advised both deputies that he was coming from home (16448 Cornuta Avenue, Bellflower, [Curt's Wheel and Tire Shop]) and the male adult stated he was on probation. Based on the male adult statement of being on probation, coupled with the possible narcotic activity observed between the plaintiff and the male adult, the deputies detained both men.</p> <p>The second deputy contacted the male adult to verify his probation search conditions. The male adult told the second deputy he possessed methamphetamine in his pocket. The male adult was arrested for possession of the controlled substance and other criminal charges.</p>

During the narcotics investigation, the first deputy returned to Curt's Wheel and Tire Shop, where both deputies observed the hand-to-hand exchange between the plaintiff and the male adult. The first deputy discovered a Marlboro cigarette box on the bumper of the parked U-Haul truck which the plaintiff had set down. Inside the cigarette box was one (1) clear plastic baggie containing methamphetamine. Based on both deputies' observations and narcotics investigation, the plaintiff was arrested for possession of a controlled substance for sales in violation of 11378 H.S.

On January 9, 2019, at 10:22 a.m., the plaintiff posted bail and was released from Lakewood Station Jail. The plaintiff alleged he requested to speak with a watch commander to file a complaint against the first deputy for false arrest. An unidentified watch commander at Lakewood Station refused to take the complaint but presented the plaintiff with a copy of page 5 of the incident report. As the plaintiff left Lakewood Station, he read the report and allegedly discovered both the first and second deputies falsely claimed to have witnessed a hand-to-hand drug sale transaction between him and the male adult. Additionally, the plaintiff alleged the report falsely claimed the male adult arrestee told both the first and second deputies that the methamphetamine was from the plaintiff.

The plaintiff returned to Curt's Wheel and Tire Shop (16448 Cornuta, Avenue, Bellflower) and downloaded video footage from the shop's surveillance camera that depicted the detention and arrest. After obtaining the surveillance footage at approximately 3:30 p.m., the plaintiff returned to the Lakewood Station and again demanded to file a false arrest complaint with the on-duty watch commander. The plaintiff alleged the watch commander refused to take a Personnel Complaint - False Arrest and limited his complaint to Personnel Complaint - Improper Detention, Search or Arrest.

Note: The plaintiff did not advise the watch commander or make the Department aware he had surveillance video depicting the arrest.

On January 10, 2019, the Los Angeles County District Attorney's (Bellflower) Office filed criminal charges of possession of a controlled substance 11377 (a) H.S., against the plaintiff.

As a result of the arrest and criminal filing, a district attorney allegedly threatened the owner of the property Curt's Wheel and Tire Shop (16448 Cornuta Avenue, Bellflower), with legal proceedings. The property owner subsequently terminated the plaintiff's tenancy, causing the plaintiff to become unemployed and to lose his business.

Additionally, by reason of the arrest, the Department of Children and Family Services (D.C.F.S.) allegedly instituted juvenile dependency proceedings claiming the plaintiff and his wife (the additional plaintiff in this case) were unfit parents to their minor children. As a result, the plaintiffs temporarily lost custody of their daughters. The plaintiff and his wife were forced to undergo drug testing and incurred the cost of defending themselves in the dependency proceedings. Both plaintiffs alleged their relationship with their children was damaged by their placement into foster care.

	<p>On January 16, 2019, the plaintiff received a letter from the Captain of Lakewood Station informing him that his complaint would be reviewed, and the results would be conveyed upon completion.</p> <p>During the supervisory inquiry of the complaint, the investigating supervisor noted a surveillance camera covering the area of the arrest. A copy of the surveillance video was requested and denied by the plaintiff. Due to no evidence (surveillance footage of the arrest) the supervisory inquiry was closed, and the actions of the deputies were deemed "reasonable."</p> <p>However, the plaintiff alleged that at no time did anyone from the Department contact him or ask to see the video footage from the surveillance camera.</p> <p>The plaintiff's attorney provided the District Attorney's Office a copy of the surveillance video. On March 6, 2019, the criminal case against the plaintiff was "dismissed in furtherance of justice."</p> <p>On April 24, 2020, the Los Angeles District Attorney's Office, Justice System Integrity Division (JSID), received a letter from an attorney representing the plaintiff, who alleged two Lakewood Station deputies made false statements resulting in the arrest and charges filed against his client (plaintiff). The attorney reported he had surveillance video that proved his client (plaintiff) was innocent of the charges.</p> <p>Based on the criminal allegations, the JSID Head Deputy District Attorney forwarded the letter to the Internal Criminal Investigation Bureau (ICIB) Captain.</p> <p>On May 13, 2020, Internal Affairs Bureau (IAB) received a letter from the ICIB Captain and generated a complaint which alleged two Lakewood Station deputies made false statements in an incident report. The complaint was forwarded to Lakewood Station for review. The complainant (attorney representing the plaintiff) said there was surveillance video of the incident in question but had not provided the video.</p> <p>On June 3, 2020, the assigned lieutenant at Lakewood Station conducted a supervisory inquiry into the allegations brought forward by the plaintiff's attorney.</p> <p>On June 14, 2020, a Lakewood Station Lieutenant received an envelope from the plaintiff's attorney that contained a letter and a DVD. The DVD contained surveillance video from Curt's Wheel and Tire Shop, 16448 Cornuta Avenue, Bellflower, dated January 8, 2019, 1700 to 1745 hours.</p> <p>The lieutenant reviewed the video and found the events depicted were contradictory to those reported by the two deputies in their written incident report. Neither the plaintiff nor the other male could be seen conducting "a hand-to-hand" narcotics transaction. Additionally, the plaintiff could not be seen placing any item on the bumper of the U-Haul truck.</p> <p>On June 24, 2020, the supervisory inquiry was forwarded to ICIB to determine the appropriate course of action regarding any potential criminal misconduct violations.</p>
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	<p>On November 23, 2020, the ICIB investigator completed their investigation and presented their findings to JSID, where the case is currently under review.</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 first and second deputy sheriff's failure to accurately identify person(s) involved in a narcotics transaction.

A **Department** root cause in this incident was due to false identification and arrest, the plaintiff's children were removed from the plaintiff's custody.

A **non-Department** root cause, the plaintiff did not immediately provide a copy of the surveillance video upon request by the investigating sergeant.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Internal Criminal Investigation Bureau

This incident has been investigated by the Internal Criminal Investigation Bureau (ICIB) to determine if any criminal misconduct occurred. The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination if any criminal misconduct occurred. At the time of the report, the Los Angeles County District Attorney's Office had not advised the Department of their findings.

Administrative Investigation

Upon completion of the District Attorney's Office's findings, the Sheriff's Department's Internal Affairs Bureau will investigate this incident to determine if any administrative misconduct occurred before, during, or after the incident.

Constitutional Policing

Lakewood Station supervisors have conducted briefings with personnel from all three shifts to discuss issues related to 4th and 14th Amendment rights of individuals. Scenarios were presented to personnel to refresh their understanding of report writing, consensual encounters, detention and lawful arrest.

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:



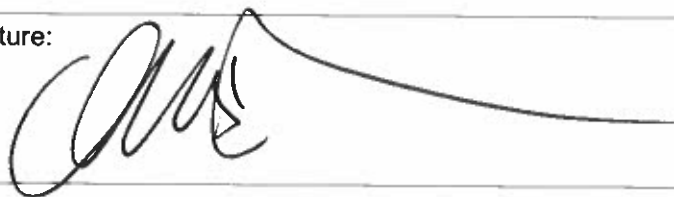
Date:

6/16/21

Name: (Department Head)

Kelly M. Porowski, Chief
Professional Standards Division

Signature:



Date:

6/21/21

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:



Date:

06/22/2021

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

June 9, 2021

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by James Bozajian at 12:32 p.m. The meeting was held via-teleconference.

Present at the meeting were Claims Board Members: James Bozajian, Chair; Mark Waronek, South Division; John Moreno, South Division; At-Large; Margaret Finlay, East Division; Mark Alexander, East Division; Patrick Kearney, Central Division; Ken Striplin, North Division; Jennifer Vasquez, Central Division; Marcel Rodarte, Executive Director; At-Large; **Alternate:** Steve Hofbauer, North Division; Kevin Chun, Central Division; Gustavo Camacho, South Division; Michael Davitt, East Division; Thaddeus McCormack, South Division; Jennifer Perez, At-Large; Rob Wishner, East Division; Jose Gonzalez, Central Division; **County of Los Angeles Staff:** Elizabeth D. Miller, Assistant County Counsel; Adrian Gragas, Assistant County Counsel; Steve Robles; County of Los Angeles; Millicent L. Rolon, Principal Deputy County Counsel; Minas Samuelian, Deputy County Counsel; Bryan Aguilera, Los Angeles Sheriff's Department; Pilar Chavez, Los Angeles Sheriff's Department; Albert Maldonado, Los Angeles Sheriff's Department; Sergio Escobedo, Los Angeles Sheriff's Department; Greg McKnight, Los Angeles Sheriff's Department; **Attendees:** Karen Bartak, Bedford Falls Insurance; Kristen DesCombes, Alliant Insurance Services, Inc.; Chris Gray, Alliant Insurance Services, Inc.; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims Manager, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Alex Smith, Deputy Executive Officer; Jim Thyden, Insurance Programs Manager; Paul Zeglovitch, Liability Program Manager; Veronica Ruiz, Agency Clerk.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 12:35 p.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)

- a. Rodrigo Zarazua v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV34070

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

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$44,000.

Vote: Ayes: 9 - Mark Alexander, James Bozajian, Margaret Finlay, Patrick Kearney, John Moreno, Ken Striplin, Jennifer Vasquez, Mark Waronek, Marcel Rodarte.

Absent: Bryan Cook, Lindsey Hovath

4. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)

- a. Lombardi, Michael v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV04771

This lawsuit concerns allegations of excessive force shooting and civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken

- b. Mary Starks v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV38462

This lawsuit concerns allegations of civil rights violations, excessive force shooting, wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 12:55 p.m. No action was taken in Closed Session which required a public report pursuant to Government Code section 54957.1.

6. Approval of the Minutes for May 12, 2021, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 9 - Mark Alexander, James Bozajian, Margaret Finlay, Patrick Kearney, John Moreno, Ken Striplin, Jennifer Vasquez, Mark Waronek, Marcel Rodarte.

Absent: Bryan Cook, Lindsey Hovath.

7. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims 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.

None

8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 12:56 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD

Jahel Saucedo

JAHHEL SAUCEDO