# MEMORANDUM

April 7, 2005

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| TO: | THE LOS ANGELES COUNTY CLAIMS BOARD |
| FROM: | ELIZABETH D. MILLER<br>Deputy County Counsel<br>General Litigation Division |
| RE: | **Simona Wilfred v. County of Los Angeles**<br>**United States District Case No. CV 04-2971 JFW (CWx)** |
| DATE OF INCIDENT: | November 11, 2003 |
| AUTHORITY REQUESTED: | $200,000 |
| COUNTY DEPARTMENT: | Sheriff's Department |

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CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☒ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
**ROCKY A. ARMFIELD**

_____, County Counsel
**JOHN F. KRATTLI**

_____, Auditor-Controller
**MARIA M. OMS**

on May 2, 2005

HOA.287820.1

## SUMMARY

This is a recommendation to settle for $200,000 the lawsuit brought by Simona Wilfred, who was injured in a shooting incident with several Los Angeles County Sheriff's Deputies on November 11, 2003.

## LEGAL PRINCIPLES

Public employees may be held liable for the violation of a person's federally protected civil rights when they use excessive force in making a detention or arrest.

The prevailing party in a lawsuit brought under the Federal Civil Rights Act may be awarded attorney fees.

## SUMMARY OF FACTS

On November 11, 2003, members of the Sheriff's Department Community Oriented Multi-Agency Narcotics Enforcement Team (COMNET) observed suspicious activity at a house in the unincorporated area of Monrovia. The COMNET Sheriff's Deputies work undercover in plainclothes and unmarked vehicles.

Tommie Campbell was observed leaving the location in a blue Ford Explorer. Sheriff's Deputies began a mobile surveillance of him in their unmarked vehicles. It soon became apparent to the Sheriff's Deputies that Mr. Campbell realized he was being followed, as he began to take evasive measures.

After driving down many side streets, Mr. Campbell brought the Explorer to a stop. The Sheriff's Deputies pulled up behind the vehicle, and two Sheriff's Deputies started to approach it. The Sheriff's Deputies stated to Mr. Campbell "Sheriff's Department. Turn off your engine." Mr. Campbell then began backing the Explorer directly at the two Sheriff's Deputies. The Sheriff's Deputy closest to the vehicle fired several rounds towards the driver's area of the Explorer. Mr. Campbell sped off, with two unmarked Sheriff vehicles in pursuit.

The two Sheriff's Deputies who had been on foot, stayed at the location to preserve the scene of the shooting. After a couple of minutes, they observed the Explorer speeding around the corner, in what they perceived as another attempt to run them down. The Sheriff's Deputies fired their weapons at the Explorer as it approached them. The Explorer ran into one of the unmarked vehicles, and crashed into a block wall.

Mr. Campbell opened his passenger door, and rather than complying with the Sheriff's Deputy's commands to, "Get to the ground, show me your hands," Mr. Campbell put his right hand into his waistband in what was believed to be an effort to arm himself. The Sheriff's Deputies began to fire at Mr. Campbell. Mr. Campbell finally laid down in the street, and the incident came to an end. Approximately 65 rounds were fired by the Sheriff's Deputies. It was later determined that Mr. Campbell was unarmed.

Throughout these events, unbeknown to the Sheriff's Deputies, Simona Wilfred had been situated on the floorboard of the Explorer nearest the passenger seat. She exited the vehicle at the same time as Mr. Campbell and received ten bullet wounds.

Simona Wilfred and Tommie Campbell, who are African-American, allege that they did not know that the persons approaching them were Sheriff's Deputies, but rather believed they were being attacked by Hispanic gang members. The area where the incident occurred is well-known for gang activity between rival African-American and Hispanic gangs.

## DAMAGES

Simona Wilfred claims permanent nerve damage in her arms and left leg, which has limited her arm lifting strength, her grip strength, and the ability to stand on her feet for any length of time. Ms. Wilfred was employed at the time of the shooting as a clerk at Rite-Aid, and she alleges that her injuries have permanently limited her ability to work.

## STATUS OF CASE

Trial of this case was set to begin on February 15, 2005. From the outset of the litigation, the County had offered a proposed settlement of $150,000. Ms. Wilfred's initial demand was $12 million. Four days before trial was to start, Ms Wilfred reduced her demand to $250,000. In response, the County offered $200,000, which was accepted.

Legal expenses incurred by the County to date in defense of this matter are attorney fees of $104,375 and $114,033 in costs.

EVALUATION

Although we believe the Sheriff's Deputies' actions in this matter were justified by the aggressive conduct of Tommie Campbell, we also believe that Simona Wilfred could be viewed as an "innocent" third party. She is likeable and well-spoken, and makes a sympathetic witness. A jury could award an amount of damages along with attorney fees well in excess of the recommended settlement.

We believe that settlement of this matter in the amount of $200,000 is in the best interest of the County. The Los Angeles County Sheriff's Department concurs with the recommendation.

APPROVED:

GARY N. MILLER
Assistant County Counsel
General Litigation Division

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