

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF NORWALK, COMMUNITY MEETING CENTER
SPROUL ROOM, 13200 CLARKSDALE AVENUE, NORWALK,
CALIFORNIA 90650

ON

WEDNESDAY, JULY 12 2017, 2017, AT 11:00 AM

Members Present: Curtis Morris, Marcel Rodarte, Margaret Finlay, Mark Waronek, Ken Striplin, Mark Alexander, James Bozajian, and Doug Prichard

Member Absent: Michael Egan

Alternates Present: Reve Feldman, Patrick Kearney, Steve Mandoki, and Steve Hofbauer

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. Carla Wade, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 16-03150

This lawsuit concerns allegations of federal civil rights and wrongful death by a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors and settlement of this matter in the amount of \$1,500,000.

Vote: Ayes: 6 - Curtis Morris, Marcel Rodarte, Margaret Finlay, Mark Waronek, Steve Hofbauer, and Ken Striplin

Noes: 4 - Mark Alexander, James Bozajian, Doug Prichard, and Patrick Kearney

Absent: Michael Egan

[See Supporting Document](#)

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

- a. Sergio Salcedo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 585736

This lawsuit concerns allegations of 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 14, 2017, 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: 10 - Curtis Morris, Marcel Rodarte, Margaret Finlay, Mark Waronek, Steve Hofbauer, Ken Striplin, Mark Alexander, James Bozajian, Doug Prichard, and Patrick Kearney

Absent: Michael Egan

[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	Carla Wade, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 16-03150
COURT	United States District Court
DATE FILED	February 22, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1.5 million
ATTORNEY FOR PLAINTIFF	Law Offices of Milton C. Grimes
COUNTY COUNSEL ATTORNEY	Diane Reagan Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1.5 million, including attorneys' fees and costs, a federal civil rights and State-law wrongful death lawsuit filed by Carla Wade, decedent Nephie Arreguin's mother, and Summer Nelson, the mother of Mr. Arreguin's child, against the County and Deputy Edward Fitzgerald. Mr. Arreguin was shot and killed when he accelerated his vehicle toward and struck Deputy Fitzgerald after the Deputy tried to detain him as a possible burglary suspect.</p> <p>Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$1.5 million is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 21,741
PAID COSTS, TO DATE	\$ 434

Case Name: Carla Wade et al. v. County of Los Angeles



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:	May 7, 2015
Briefly provide a description of the incident/event:	<p><u>Carla Wade et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2017-006</p> <p>On May 7, 2015, at approximately 4:17 p.m., a resident informant called Cerritos Sheriff's Station and reported that a suspicious woman knocked on her front door looking for someone that does not live there. Upon advising her of the mistake, the suspicious woman got into the passenger side of a waiting grey Chevrolet Impala and the vehicle drove away. The informant was concerned that the woman and other possible occupant(s) of the Impala were possibly casing the area with intent to commit some type of crime.</p> <p>The first deputy sheriff was in uniform and in a marked patrol vehicle when he responded to the call for service and checked the area for the described woman and Impala vehicle. At approximately 4:31 p.m., the first deputy sheriff observed a female matching the description of the female in the call walking on the sidewalk, in the 13200 block of Palm Place (approximately 0.3 miles east of the call for service). The first deputy sheriff stopped his vehicle in the street and approached the woman on foot.</p> <p>As the first deputy sheriff approached the woman, he observed a grey Impala (matching the vehicle in the call) parked along the curb with the engine off. The vehicle had dark tinted front and rear side windows, and initially, the deputy sheriff could not see if the Impala was occupied. The first deputy sheriff's patrol vehicle was stopped in the street a few feet from where the Impala was parked.</p> <p>As the first deputy sheriff continued to approach the woman, he saw through the front windshield of the Impala and discovered the decedent was sitting in a reclined position in the driver's seat.</p> <p>Concerned that the decedent and the woman were possibly involved in some type of unknown criminal act, the first deputy sheriff positioned himself by the Impala's front driver's side fender so he could maintain a view of the decedent through the front windshield and the woman who was walking behind the vehicle. The first deputy sheriff pointed his duty weapon at the decedent and ordered both of them to show their hands.</p> <p>The first deputy sheriff used his portable radio to request assistance regarding his detention of two suspicious people at gunpoint.</p> <p>Upon first contact, the woman was cooperative as she showed her hands and laid down on the ground, as directed. The decedent reacted to the deputy sheriff's orders to show his hands by making furtive movements</p>

with his hands toward his waistband. The decedent also reached around inside the vehicle and refused to comply with the deputy sheriff's orders. The first deputy sheriff felt threatened by the decedent's actions and feared the he was searching for a weapon. The first deputy sheriff maintained his position and continued to give the decedent commands to stop moving and to show his hands, as he waited for additional responding units to arrive on scene.

Approximately two minutes later, the second and third deputy sheriffs arrived on scene. As the second and third deputy sheriffs pulled up, the decedent started and revved the Impala's engine.

The first deputy sheriff used his left hand to push away from the Impala and took one step back to give himself some distance. The decedent then accelerated the Impala forward and turned the steering wheel towards the first deputy sheriff.

The first deputy sheriff feared that if the Impala continued on its path it could knock him down and run him over or it could pin and crush him against his nearby patrol vehicle. As the vehicle continued to accelerate towards him, the first deputy sheriff was thrust against the Impala's fender, driver's side windshield, and driver's side door mirror. Fearing for his life, the first deputy sheriff used his left hand to try and protect himself from the vehicle, while simultaneously using his right hand to fire two rounds at the decedent from his duty weapon¹ through the closed front driver's side window. The impact from the Impala caused the first deputy sheriff to be pushed back and thrown against his patrol car. The first deputy sheriff then fell to the ground, landing on his hands and knees.

The Impala then accelerated away, down the street and out of view.

The first deputy sheriff used his handheld radio to broadcast that he was involved in a shooting and that the vehicle was leaving southbound towards Artesia Boulevard.

The decedent's vehicle continued to travel west on Palm Place to south Pires Avenue, making it three blocks away before colliding into a fire hydrant, light pole, and a block wall at the south-east corner of Pires Avenue and Albana Place (approximately 0.2 miles south of the initial contact location).

Other deputy sheriffs responded to the crash site and broke through the Impala's driver's side window and found the decedent was unconscious inside the vehicle. The sheered fire hydrant was shooting a stream of water that prevented the deputy sheriffs from removing the decedent from the vehicle. Deputy sheriff personnel requested paramedics to assist with the rescue attempt.

Los Angeles County Fire Department personnel arrived on scene and ordered deputies to stay away from the vehicle until electricity from the power pole was turned off and the fire hydrant water flow was shut off.

When the scene was made safe, the Los Angeles County Fire Department's lifesaving efforts were unsuccessful and the decedent was pronounced dead at 5:40 p.m.

¹ One round struck the decedent in the chest and one round missed the decedent.

	<p>The first deputy sheriff was transported to La Palma Hospital via ambulance for complaint of pain to the left side of his body². He was later released from the hospital.</p> <p>The female described in the call for service made a statement to homicide investigators and was later released.</p> <p>Following the shooting, several previously reported stolen items were recovered from the Impala. During the investigation, the vehicle and suspects were found to be connected to other burglaries in the area.</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 discharge of a firearm into an occupied moving vehicle after placing oneself into the path of the moving vehicle in an effort to detain or apprehend the occupant.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of the Los Angeles County deputy sheriff. Instead of obeying the orders, the decedent intentionally drove his vehicle into the direction of the first deputy sheriff, striking him with his vehicle.

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

The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

On April 6, 2016, the Los Angeles County District Attorney's Office concluded the deputy sheriff acted lawfully, in self-defense and in the defense of others, when he used deadly force against the decedent.

This incident was investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during or after this incident.

On March 4, 2017, the results of the administrative investigation were presented to the Executive Force Review Committee (EFRC) for evaluation.

The EFRC determined the tactics and use of deadly force were within Department policy. No recommendations were made and no further action was taken.

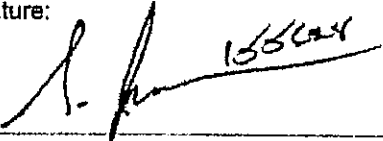
² The first deputy sheriff had visible and documented bruises to his left hip and left back.

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

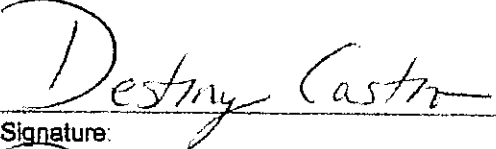
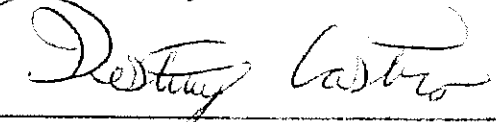
Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 5-23-17

Name: (Department Head) Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 05-30-17

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: 5/30/2017

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

MINUTES OF MEETING

June 14, 2017

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris at 11:20 a.m. The meeting was held in the Community Meeting Center, Sproul Room, 13200 Clarkdale Avenue, Norwalk, CA 90650.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, At-Large; Mark Alexander, East Division; James Bozajian, North Division; Michael Egan, South Division; Margaret Finlay, East Division; Doug Prichard, At-Large; Jose Pulido, Central Division; Ken Striplin, North Division; Mark Waronek, South Division; **Alternate:** Reve Feldman, At Large, Patrick Kearney, Central Division; Steve Mandoki, Central Division; **County of Los Angeles Staff:** Maxine Kallenberger, Los Angeles Sheriff's Department; Brant Frederickson, Los Angeles Sheriff's Department; Keith Swensson, Commander, Los Angeles Sheriff's Department; Andrew Rosso, Captain, Los Angeles Sheriff's Department; **Attendees:** Karen Bartak, President, Bedford Falls Insurance; John La Salle, Sales Executive, Wells Fargo Insurance Services; **Third Party Administrator for the County of Los Angeles:** Stacy Luster, Supervisor, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Jim Thyden, Insurance Programs Manager; Jennifer Fullerton, Administrative Analyst.

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 11:22 a.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)**

There were no settlement proposals at this meeting.

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

a. Allison Ewart v. Gillian Verner, et al.

Los Angeles Superior Court Case No. BC 522492

This lawsuit concerns allegations of vehicular negligence by a Sheriff's Deputy.

Action taken:

No reportable action taken.

b. Bertha Yanez Gonzalez, et al. v. County of Los Angeles, et al.

Raymundo Garcia Ceja v. County of Los Angeles, et al.

Los Angeles Superior Court Case No. BC 540696

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

Action taken:

No reportable action taken.

c. Pierre Johnson v. County of Los Angeles, et al.

United States District Court Case No. CV 16-01488

This lawsuit concerns allegations of federal civil rights violations.

Action taken:

No reportable action taken.

d. Sergio Salcedo v. County of Los Angeles, et al.

Los Angeles Superior Court Case No. BC 585736

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

Action taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 11:54 a.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 10, 2017, 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: 6 -- Curtis Morris, Doug Prichard, Mark Waronek, Michael Egan, Mark Alexander, and Margaret Finlay

Absent: Marcel Rodarte

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

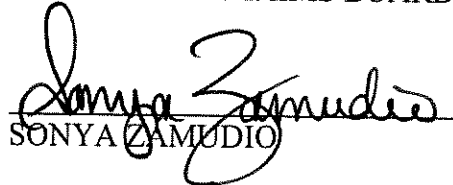
8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 11:57 a.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


SONYA ZAMUDIO