



COUNTY OF LOS ANGELES
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County Counsel

October 23, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Ada Morales Coto v. County of Los Angeles
Los Angeles Superior Court Case No. BC 444 905
consolidated with Luis Molina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 465 132

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

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

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ada Morales Coto v. County of Los Angeles, Los Angeles Superior Court Case No. BC 444 905 consolidated with Luis Molina v. County of Los Angeles, Los Angeles Superior Court Case No. BC 465 132, in the amount of \$280,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

These consolidated wrongful death lawsuits concern allegations of excessive force by a Sheriff Deputy, allegedly causing the death of their son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ada Morales Coto v. COLA consolidated with Luis Molina v. COLA
CASE NUMBER	BC 444905 and BC 465132
COURT	Los Angeles Superior Court
DATE FILED	September 3, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 280,000
ATTORNEY FOR PLAINTIFF	Robert McKernan, Esq. F.X. Sean O'Doherty, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiffs' Ada Morales Coto and Luis Molina filed lawsuits alleging federal civil rights and State law claims and contend that a Sheriff's Deputy used excessive force on their son, Miguel Molina, causing his death.</p> <p>The Sheriff's Deputy contends that he used only reasonable force when Mr. Molina assaulted him and that the use of force did not cause his death.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of these cases in the amount of \$280,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 369,355

PAID COSTS, TO DATE \$ 54,963

Case Name: Ada Morales Coto/Luis Molina 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:	Wednesday, August 26, 2009; approximately 8:18 p.m.
Briefly provide a description of the incident/event:	<p><u>Ada Morales Coto v. County of Los Angeles</u> consolidated with <u>Luis Molina v. County of Los Angeles</u> Summary Corrective Action Plan No. 2014-022</p> <p>On Wednesday, August 26, 2009, at approximately 8:18 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Transit Services Bureau, was standing on the mezzanine level of the North Hollywood Metro Station when he saw a man (decedent) walk through the electronic turnstiles.</p> <p>The deputy sheriff approached the man and asked if he was in possession of a valid ticket. The man replied that he was not. When the deputy sheriff instructed the man to either purchase a ticket or leave the area, the man charged the deputy sheriff with his hands in the air.</p> <p>The deputy sheriff avoided the assault and attempted to control the man by holding him and handcuffing him. Despite repeated warnings to stop resisting, the man broke free from the deputy sheriff's grasp. The deputy sheriff attempted to regain control of the man, but the man responded by charging the deputy sheriff while swinging his fists.</p> <p>The deputy sheriff avoided this assault as well. When the man charged the deputy sheriff a third time, the deputy sheriff deployed his TASER device. The man attempted to remove the darts from his body and stand. The deputy sheriff deployed his TASER device three more times before the man could be safely handcuffed.</p> <p>The man received medical treatment at the scene. He was subsequently transported to a local hospital where he was pronounced dead.</p>

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

The root cause in this incident is the use of physical force by a member of the Los Angeles County Sheriff's Department.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of their investigation were presented to representatives from the Office of the Los Angeles County District Attorney. On October 21, 2010, the Office of the Los Angeles County District Attorney concluded that the deputy sheriff applied lawful force in detaining the man and was not criminally responsible for his death.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On June 30, 2011, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined the physical force used by the deputy sheriff was reasonable, necessary and in compliance with Department policy. The members of the committee also determined that the tactics employed by the deputy sheriff were within Department policy.

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor 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.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

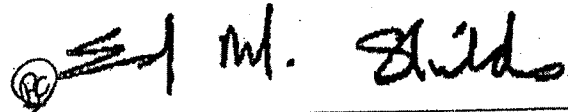
Patrick Hunter, Acting Captain
Risk Management Bureau

Signature:

Date:

9/2/14

County of Los Angeles
Summary Corrective Action Plan

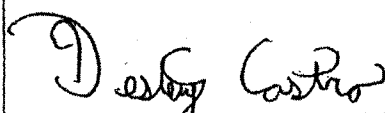
Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 09/02/14

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: 9/4/2014