



COUNTY OF LOS ANGELES
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MARK J. SALADINO
County Counsel

November 5, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JENNIFER A.D. LEHMAN *JADL*
Assistant County Counsel
Law Enforcement Services Division

RE: **Michael Lobrono, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-03838

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of November 18, 2014.

JADL

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Michael Lobrono, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 13-03838 in the amount of \$335,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force and false arrest by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Lobrono, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 13-03838 RGK(Ex)
COURT	United States District Court
DATE FILED	5/30/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 335,000.
ATTORNEY FOR PLAINTIFF	Darrell J. York, Esq. Law Offices of York & Garvey Dale K. Galipo, Esq. Law Offices of Dale Galipo
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	<p>This is a recommendation to settle for \$335,000, the lawsuit filed by Plaintiffs Michael Lobrono and Lisa Puente alleging that their federal civil rights were violated when he was falsely arrested and shot by Sheriff's Deputies and she was detained by Sheriff's Deputies.</p> <p>The Sheriff's Department contends that probable cause existed for Mr. Lobrono's shooting, arrest and that he was not falsely arrested. Similarly, the Sheriff's Department claims reasonable suspicion existed for Lisa Puente's detention.</p>

Case Name: Michael Lobrono, et al. 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:	Friday, February 1, 2013; approximately 1:58 a.m.
Briefly provide a description of the incident/event:	<p><u>Michael Lobrono, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-027</p> <p>On Friday, February 1, 2013, at approximately 1:58 a.m., a uniformed Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Walnut Station, was driving a standard black and white, County of Los Angeles-owned patrol vehicle in the 300 block of Lemon Drive, Walnut, when he contacted a pedestrian.</p> <p>While the deputy sheriff was talking to the woman, the plaintiff approached the deputy sheriff in his vehicle and yelled through the open window that the woman was his girlfriend. The deputy sheriff instructed the plaintiff to leave the area as he was interfering with his investigation. The plaintiff revved the vehicle's engine and accelerated his vehicle directly at the deputy sheriff. Fearing the plaintiff was going to run him over and kill him, the deputy sheriff discharged his weapon, striking the man twice.</p> <p>The plaintiff's vehicle crashed a short distance away and the man fled on foot. He was located and arrested minutes later.</p>

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

The root cause in this incident is the plaintiff driving a motor vehicle directly at 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 Los Angeles County District Attorney's Office. On June 21, 2013, the office of the Los

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Angeles County District Attorney concluded the deputy sheriff acted in lawful self-defense.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On June 5, 2014, 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 concluded the force used against the plaintiff was within Department policy.

While the force used by the deputy sheriff was within Department policy, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

No systemic issues were identified. Consequently, no further personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

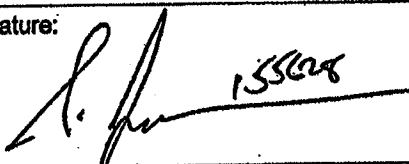
On June 16, 2014, Risk Management Bureau re-broadcast two related videos: *Assaults by Use of a Moving Vehicle* (originally broadcast November 4, 2005) summarizing the Los Angeles County Sheriff's Department's policy on the use of firearms against moving vehicles and the effect such an action has on the vehicle and/or occupants, and *Shooting Through Windshields* (originally broadcast January 27, 2006) summarizing issues to be considered when discharging a firearm at or through a windshield of a motor vehicle.

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

Yes – The corrective actions address department-wide system issues.

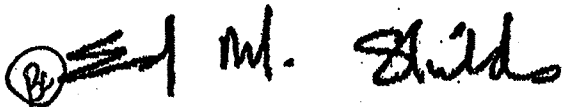
No – The corrective actions are only applicable to the affected parties.

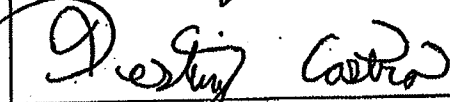
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Acting Captain Risk Management Bureau	
Signature: 	Date: 9-26-14

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Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 09/29/14

Chief Executive Office Risk Management Inspector General USE ONLY Are the corrective actions applicable to other departments within the County? <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 10/1/2014