



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

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(213) 633-0901

MARY C. WICKHAM
County Counsel

August 5, 2020

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ELIZABETH D. MILLEN *Edm*
Assistant County Counsel
Sheriff's Services Division

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Andy Davis, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18AVCV00202

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 is the Case Summary and the Summary Corrective Action Plan for the case.

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

EDM:js

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Settlement for Matter Entitled Andy Davis, et al. v. County of Los Angeles, et al.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matters entitled Andy Davis, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 18AVCV00202 in the amount of \$125,000 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 an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Andy Davis, et al. v. County of Los Angeles, et al.
CASE NUMBER	18AVCV00202
COURT	Los Angeles Superior Court
DATE FILED	December 20, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Robert S. Walch, Esq. Law Offices of Gary K. Walch, ALC
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on June 17, 2018, in which Plaintiff Andy Davis was injured when LASD Deputy Jim Allen Devoe made a left turn in front of his vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 17,143
PAID COSTS, TO DATE	\$ 3,193



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>Andy Davis, et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2020-04</p> <p>On Sunday, June 17, 2018, at approximately 5:35 p.m., an on-duty Los Angeles County Sheriff's Department deputy sheriff, assigned to patrol at Lancaster Station, was driving a marked black and white patrol vehicle, when he responded (without emergency lights and siren) to a non-emergent call for service involving a person speeding. The deputy sheriff was travelling west on Lancaster Boulevard, preparing to turn south on Challenger Way, in the city of Lancaster.</p> <p>The deputy sheriff was driving approximately 35 miles per hour, he slowed down and entered the left turn lane. The deputy sheriff saw from a distance the plaintiff's 2003 Kia Sorento eastbound on Lancaster Boulevard, approaching from the opposite direction.</p> <p>As the deputy sheriff entered the intersection, on a green light, he believed he had enough time to safely complete a left (southbound) turn onto Challenger Way. As the deputy sheriff began to turn, his vision became obscured from glare of the sun reflecting off the hood and windshield of his vehicle. As he was halfway through his turn, the deputy sheriff's vision became clear and he saw the plaintiff was entering the intersection (also on a green light) much sooner than he had anticipated. The deputy sheriff applied his brakes but was unable to stop before the driver's side front bumper of the patrol vehicle collided with the driver's side door of the plaintiff's vehicle, causing moderate damage to both vehicles.</p> <p>The force of the collision caused the plaintiff's vehicle to deflect to the right and collide with a third vehicle (a 2015 Mitsubishi Lancer) that was stopped at the red light in the right-hand turn lane of northbound Challenger Way, to eastbound Lancaster Boulevard.</p> <p>All vehicles involved in this collision stayed on-scene pending medical response.</p> <p>The plaintiff was transported to Antelope Valley Hospital Medical Center where he received treatment and was released approximately three hours later.</p> <p>The driver of the third vehicle was not injured in the collision.</p> <p>The deputy sheriff was not wearing his seatbelt at the time of collision but was not injured.</p>

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

A **Department** root cause of this incident was the deputy sheriff made an unsafe left turn and collided into the plaintiff's vehicle.

Another **Department** root cause in this incident was the deputy sheriff driving while his vision was obstructed by sunlight.

An additional **Department** root cause in this incident was the deputy sheriff was not wearing his seatbelt.

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

Traffic Collision Investigation

This incident was thoroughly investigated by investigators from the Lancaster Station, Traffic Unit.

The collision investigation concluded the deputy sheriff caused the collision as he failed to yield to the plaintiff's vehicle, in violation of California Vehicle Code section 21801 (a).

Administrative Investigation

This incident was investigated by representatives at Lancaster Station to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

Executive evaluation of this incident found some of the deputy sheriff's actions were in violation of Department policy. Appropriate administrative action has been taken.

Traffic Collision Assessment Review

As a result of this collision, an assessment of employee-involved traffic collisions was conducted from January 1, 2016 to December 31, 2018, at Lancaster Station.

The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2016	23	14
2017	34	26
2018	34	15
2019	32	10

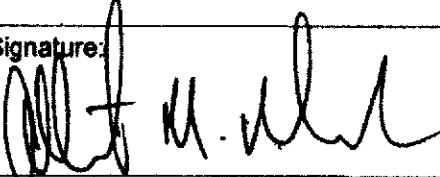
In an attempt to improve employee safety and reduce the Department's liability exposure, Lancaster Station continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program and the EVOC simulator. The S.T.A.R. program focuses on low-speed parking and starting maneuvers. The EVOC traffic simulator replicates driving Code-3 through crowded city conditions and reacting to various introduced hazards.

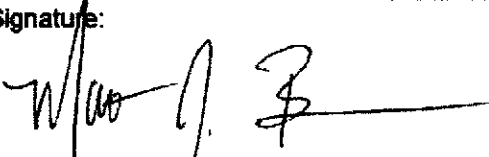
Since this incident, 13 station employees have successfully completed the S.T.A.R. driving program and four employees have completed the EVOC driving simulator.

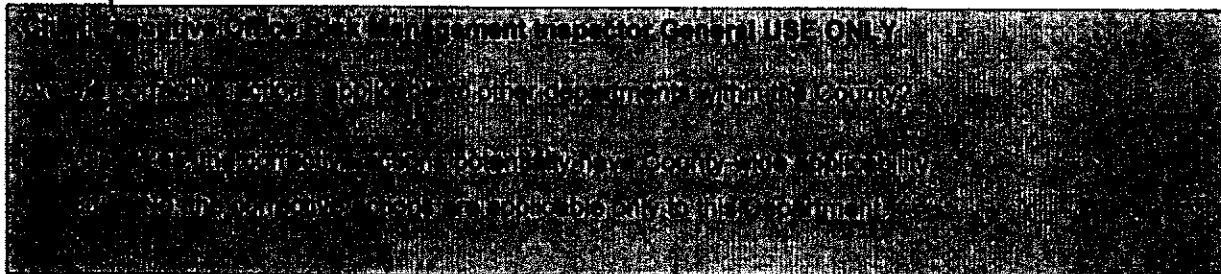
3. Are the corrective actions addressing Department-wide system issues?


- 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: 6/4/20

Name: (Department Head) Matthew J. Burson, Chief Professional Standards Division	
Signature: 	Date: 06/11/20



Name: (Risk Management Inspector General) Roberto Chaver	
Signature: 	Date: 6/18/20



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CONFIDENTIAL

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ATTORNEY-CLIENT AND/OR THE ATTORNEY
WORK PRODUCT PRIVILEGES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Item for the Board of Supervisors' Agenda
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Andy Davis, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18AVCV00202**

Dear Supervisors:

This is to transmit the recommendation of the Los Angeles County Contract Cities Liability Trust Fund Claims Board, the confidential Contract Cities Claims Board memorandum and Case Summary prepared by this office, and the Summary Corrective Action Plan and confidential Corrective Action Plan prepared by the Sheriff's Department regarding this lawsuit. It is recommended that your Board authorize the payment of \$125,000 in settlement of this matter and that the Auditor-Controller be directed to draw a warrant in that amount payable from the Sheriff's Department Contract Cities Trust Fund budget.

This matter, without the confidential documents, will be placed on your Board's public meeting agenda, under Miscellaneous Communications.

The Honorable Board of Supervisors
August 5, 2020
Page 2

If you have any questions concerning this matter, please contact Deputy
County Counsel Kelsey Nau at (213) 974-1889.

Very truly yours,

MARY C. WICKHAM
County Counsel

By



ELIZABETH D. MILLER
Assistant County Counsel
Sheriff's Services Division

EDM:js

Enclosures

c: Honorable Alex Villanueva
Sheriff

Sachi A. Hamai
Chief Executive Officer

Celia Zavala
Executive Officer
Board of Supervisors

MEMORANDUM

April 20, 2020

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THIS MATERIAL IS SUBJECT TO THE
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WORK PRODUCT PRIVILEGES

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: KELSEY NAU
Deputy County Counsel
General Litigation Division

LENORE C. KELLY
Collinson, Daehnke, Inlow & Greco

RE: Andy Davis, et al., v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18AVCV00202

DATE OF
INCIDENT: June 17, 2018

AUTHORITY
REQUESTED: \$125,000

COUNTY
DEPARTMENT: Sheriff's Department Contract Cities Trust Fund – Lancaster

CLAIMS BOARD ACTION:

Approve Disapprove Recommend to Board of Supervisors for Approval


LINDSEY HORVARTH
City Council Member

MARK ALEXANDER
City Manager

JAMES BOZAJIAN
City Council Member

ERNIE HERNANDEZ
City Manager

MARGARET FINLAY
City Council Member

JENNIFER VASQUEZ
City Manager

MARK WARONEK
City Council Member

KENNETH STRIPLIN
City Manager

PATRICK KEARNEY
City Council Member

REVA FELDMAN
City Manager

MARCEL RODARTE
California Contract Cities Association

on July 8, 2020

MEMORANDUM

April 20, 2020

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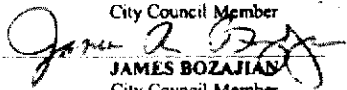
COUNTY
DEPARTMENT: Sheriff's Department Contract Cities Trust Fund -- Lancaster

CLAIMS BOARD ACTION:

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Supervisors for Approval

LINDSEY HORVARTH
City Council Member

MARK ALEXANDER
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MARK WAKONEK
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KENNETH STRIPLIN
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REVA FELDMAN
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MARCEL RODARTE
California Contract Cities Association

on July 8, 2020

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California Contract Cities Association

on

July 8, 2020

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MARCEL RODARTE
California Contract Cities Association

on July 8, 2020

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Approve

Disapprove

Recommend to Board of
Supervisors for Approval

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PATRICK KEARNEY
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REVA FELDMAN
City Manager

Marcel Rodarte
MARCEL RODARTE
California Contract Cities Association

on July 8, 2020

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California Contract Cities Association

on July 8, 2020

MEMORANDUM

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TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

FROM: KELSEY NAU Deputy County Counsel General Litigation Division

LENORE C. KELLY Collinson, Daehnke, Inlow & Greco

RE: Andy Davis, et al., v. County of Los Angeles, et al. Los Angeles Superior Court Case No. 18AVCV00202

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MARGARET FINLAY City Council Member

JENNIFER VASQUEZ City Manager (with signature)

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California Contract Cities Association


JOHN MORENO
City Manager July 8, 2020

SUMMARY

This is a recommendation to settle for \$125,000, this motor vehicle collision lawsuit brought by Plaintiff Andy Davis ("Mr. Davis") against the Los Angeles County Sheriff's Department ("LASD") and LASD Deputy Jim Allen Devoe ("Deputy Devoe").

CONTRACT CITIES JURISDICTION

Deputy Devoe was assigned to the City of Lancaster ("City") and was on routine patrol for the City at the time of the incident. The accident occurred at the intersection of Lancaster Boulevard and Challenger Way in the City.

LEGAL PRINCIPLE

A public entity is liable for injuries and damages proximately caused by the negligent operation of a motor vehicle by its employee acting within the scope of his employment.

SUMMARY OF FACTS

On June 17, 2018, at approximately 5:35 p.m., Deputy Devoe was driving an LASD patrol vehicle westbound on Lancaster Boulevard, approaching its intersection with Challenger Way. As he entered the left turn lane for southbound Challenger Way, he observed the Kia Sorento ("Kia") operated by Mr. Davis from a distance, driving eastbound on Lancaster Boulevard.¹ As Deputy Devoe prepared to turn left into southbound Challenger Way, his vision was obscured due to sunlight reflection on his vehicle. He did not see that the Kia had also entered the intersection until after he had already begun his left turn into Challenger Way. Deputy Devoe applied his brakes, but was unable to avoid colliding into the front of the Kia. The impact caused the Kia to strike a third vehicle stopped on northbound Challenger Way.² At the time of the accident, the patrol vehicle's emergency lights and sirens were not activated.

According to Mr. Davis, he was driving eastbound in the number one lane on Lancaster Boulevard and entered the intersection traveling at approximately 40 miles-per-hour. He observed the patrol vehicle only seconds before the collision and did not have sufficient time to avoid the impact. The Traffic Collision Report prepared by LASD concluded that Deputy Devoe caused

¹ The Kia that Mr. Davis was driving at the time of the incident was owned by his friend Douglas Nguyen. The property damage to the Kia was settled through a subrogation claim brought by Mr. Nguyen for \$5,541.93.

² The third vehicle struck by the Kia as the result of the collision was a 2015 Mitsubishi Lancer owned by Christian Gaona. The property damage to this vehicle was settled through a subrogation claim brought by Mr. Gaona's insurer for \$16,031.01.

the collision by failing to yield the right-of-way prior to turning left, in violation of Vehicle Code section 21801(a).

DAMAGES

Mr. Davis, then age 30, complained of neck pain, chest pain, and headaches at the scene of the accident and was taken by ambulance to Antelope Valley Hospital. He was assessed and discharged three hours later with a diagnosed cervical strain and given prescriptions for Motrin and Norco. Three days after the accident, he was evaluated by a chiropractor. The chiropractor diagnosed Mr. Davis with traumatic headaches, chest contusion, rib sprains, cervical and sacroiliac joint sprains, cervical disc bulge, lower back strain, and muscle spasms. Mr. Davis began a treatment plan of two to three chiropractic visits per week until October 2018.

On June 21, 2018, Mr. Davis visited pain management specialist Dr. Jain, who recommended that Mr. Davis continue with chiropractic care. On July 11, 2018, Mr. Davis consulted with another pain management specialist, Dr. Narinder Grewal, ("Dr. Grewal"), who ordered magnetic resonance imaging ("MRI") of Mr. Davis' lumbar and cervical spine. An MRI of Mr. Davis' cervical spine showed stenosis at the C5-C6 level, while the MRI of the lumbar spine revealed only degenerative changes. On July 27, 2018, Dr. Grewal performed bilateral lumbar facet injections. On August 7, 2018, Dr. Grewal performed a lumbar medial branch radiofrequency neurotomy at L4-L5 and L5-S1.

Mr. Davis was ultimately referred to an orthopedic surgeon, Dr. Stepan Kasimian ("Dr. Kasimian"), who examined him on November 14, 2018. Dr. Kasimian recommended that Mr. Davis undergo a nerve root block and nerve conduction study to further assess his injuries. Mr. Davis never returned to Dr. Kasimian to undergo these procedures.

Mr. Davis returned to Dr. Grewal on January 2, 2019, with complaints of continuing pain. Dr. Grewal assessed Mr. Davis' condition as guarded, due to structural weakening of the axial skeletal system and supporting musculature caused by the trauma of the accident. Dr. Grewal, opined that Mr. Davis is now prone to development of neuralgia, athralgias, and myalgias, which may require future medical intervention.

To date, Mr. Davis has incurred \$84,826 in past medical expenses. Mr. Davis has also documented \$19,264 in lost earnings, as he was unable to work from June 2018 to January 2019, due to his ongoing back pain. Mr. Davis also claims \$204,500 in future medical expenses, consisting of a trigger point

injection, three steroid injections, a discectomy, fusion surgery, continued chiropractic care, and pain medication.³

STATUS OF CASE

Mr. Davis' original settlement demand was \$195,000. This matter was presented at the Contract Cities Liability Trust Fund meeting of February 12, 2020, where settlement authority of up to \$195,000 was authorized. We subsequently negotiated a settlement of \$125,000. Trial court proceedings have been suspended pending consideration of the proposed settlement.

EVALUATION

This is a case of adverse liability. Deputy Devoe failed to yield the right-of-way to Mr. Davis while making a left turn. No comparative negligence can be assessed against Mr. Davis as he was traveling within the speed limit and had the right-of-way.

Mr. Davis alleges at least \$308,590 in special damages, including past and future medical expenses, and lost earnings. At trial, he will also claim non-economic damages for pain and suffering, in an unknown amount.

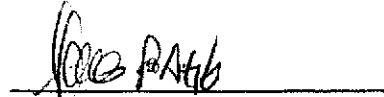
The County disputes the nature and extent of Mr. Davis' injuries. Moreover, the County disputes the reasonableness and necessity of the medical treatment received by Mr. Davis, as well as Mr. Davis' claims that he will require future medical care. Plaintiff's experts will argue that Mr. Davis was asymptomatic prior to the collision. A reasonable settlement at this time will forestall further litigation costs and avoid a potential jury verdict that could exceed the amount of the settlement.

The County and Deputy Devoe are represented by Lenore C. Kelly of Collinson, Daehnke, Inlow & Greco. To date, the County has incurred \$17,143 in attorneys' fees and \$3,193 in costs in defense of this action.

³ Initially, Mr. Davis' wife Rosa Johnson asserted in this lawsuit a claim for loss of consortium, but she failed to comply with the claims presentation requirements for her claim. This claim was voluntarily dismissed as a part of this settlement.

We recommend settlement of this matter in the total amount of \$125,000. LASD concurs in the recommendation.

APPROVED:



ADRIAN G. GRAGAS
Assistant County Counsel

AGG:wb

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Andy Davis, et al. v. County of Los Angeles, et al.
CASE NUMBER	18AVCV00202
COURT	Los Angeles Superior Court
DATE FILED	December 20, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Robert S. Walch, Esq. Law Offices of Gary K. Walch, ALC
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on June 17, 2018, in which Plaintiff Andy Davis was injured when LASD Deputy Jim Allen Devoe made a left turn in front of his vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 17,143
PAID COSTS, TO DATE	\$ 3,193



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>Andy Davis, et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2020-04</p> <p>On Sunday, June 17, 2018, at approximately 5:35 p.m., an on-duty Los Angeles County Sheriff's Department deputy sheriff, assigned to patrol at Lancaster Station, was driving a marked black and white patrol vehicle, when he responded (without emergency lights and siren) to a non-emergent call for service involving a person speeding. The deputy sheriff was travelling west on Lancaster Boulevard, preparing to turn south on Challenger Way, in the city of Lancaster.</p> <p>The deputy sheriff was driving approximately 35 miles per hour, he slowed down and entered the left turn lane. The deputy sheriff saw from a distance the plaintiff's 2003 Kia Sorento eastbound on Lancaster Boulevard, approaching from the opposite direction.</p> <p>As the deputy sheriff entered the intersection, on a green light, he believed he had enough time to safely complete a left (southbound) turn onto Challenger Way. As the deputy sheriff began to turn, his vision became obscured from glare of the sun reflecting off the hood and windshield of his vehicle. As he was halfway through his turn, the deputy sheriff's vision became clear and he saw the plaintiff was entering the intersection (also on a green light) much sooner than he had anticipated. The deputy sheriff applied his brakes but was unable to stop before the driver's side front bumper of the patrol vehicle collided with the driver's side door of the plaintiff's vehicle, causing moderate damage to both vehicles.</p> <p>The force of the collision caused the plaintiff's vehicle to deflect to the right and collide with a third vehicle (a 2015 Mitsubishi Lancer) that was stopped at the red light in the right-hand turn lane of northbound Challenger Way, to eastbound Lancaster Boulevard.</p> <p>All vehicles involved in this collision stayed on-scene pending medical response.</p> <p>The plaintiff was transported to Antelope Valley Hospital Medical Center where he received treatment and was released approximately three hours later.</p> <p>The driver of the third vehicle was not injured in the collision.</p> <p>The deputy sheriff was not wearing his seatbelt at the time of collision but was not injured.</p>

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

A **Department** root cause of this incident was the deputy sheriff made an unsafe left turn and collided into the plaintiff's vehicle.

Another **Department** root cause in this incident was the deputy sheriff driving while his vision was obstructed by sunlight.

An additional **Department** root cause in this incident was the deputy sheriff was not wearing his seatbelt.

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

Traffic Collision Investigation

This incident was thoroughly investigated by investigators from the Lancaster Station, Traffic Unit.

The collision investigation concluded the deputy sheriff caused the collision as he failed to yield to the plaintiff's vehicle, in violation of California Vehicle Code section 21801 (a).

Administrative Investigation

This incident was investigated by representatives at Lancaster Station to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

Executive evaluation of this incident found some of the deputy sheriff's actions were in violation of Department policy. Appropriate administrative action has been taken.

Traffic Collision Assessment Review

As a result of this collision, an assessment of employee-involved traffic collisions was conducted from January 1, 2016 to December 31, 2018, at Lancaster Station.

The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2016	23	14
2017	34	26
2018	34	15
2019	32	10

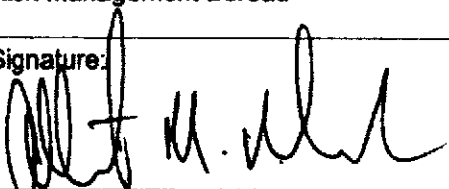
In an attempt to improve employee safety and reduce the Department's liability exposure, Lancaster Station continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program and the EVOC simulator. The S.T.A.R. program focuses on low-speed parking and starting maneuvers. The EVOC traffic simulator replicates driving Code-3 through crowded city conditions and reacting to various introduced hazards.

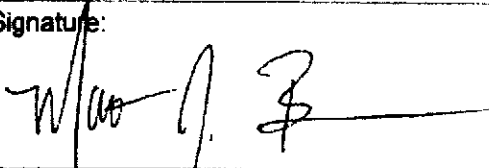
Since this incident, 13 station employees have successfully completed the S.T.A.R. driving program and four employees have completed the EVOC driving simulator.

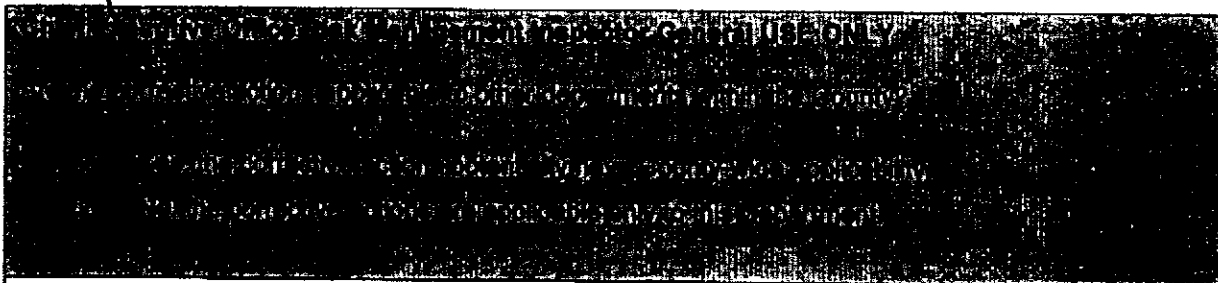
3. Are the corrective actions addressing Department-wide system issues?


- 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: 6/4/20

Name: (Department Head) Matthew J. Burson, Chief Professional Standards Division	
Signature: 	Date: 06/11/20



Name: (Risk Management Inspector General) Roberto Chavez	
Signature: 	Date: 6/18/20

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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Corrective Action Plan

CONFIDENTIAL

General Information

Department:	Sheriff
Name of Department Contact Person:	Kevin Pearcy
• Title:	Sergeant, Risk Management Bureau
• Phone Number:	(323) 890-5398
• E-mail Address:	krpearcy@lasd.org

Incident/Event Specific Information

Date of Incident/Event:	June 17, 2018
Location of Incident/Event:	Lancaster Boulevard and Challenger Way, Lancaster, CA
Incident/Event Contact Person:	Terry A. Burgin Jr., Lieutenant, Lancaster Station
• Phone Number:	(661) 940-3802
• E-mail Address:	taburgin@lasd.org
Claim Adjuster: <small>(Third Party Administrator or County Counsel)</small>	Lenore C. Kelly at Collinson, Daehnke, Inlow & Greco
• Phone Number:	(424) 212-7777
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Kelsey Nau, Deputy County Counsel
• Phone Number:	(213) 974-1889
Settlement Amount:	\$125,000 (Contract Cities Liability Trust Fund)

CONFIDENTIAL
Subject to Attorney-Client and Work Product Privilege.
Unauthorized distribution prohibited.

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
 Corrective Action Plan

Incident/Event Description:

<p>Provide a Description of the Incident/Event:</p>	<p>On Sunday, June 17, 2018, at approximately 5:35 p.m., an on-duty Los Angeles County Sheriff's Department deputy sheriff, assigned to patrol at Lancaster Station, was driving a marked black and white patrol vehicle, when he responded (without emergency lights and siren) to a non-emergent call for service involving a person speeding. The deputy sheriff was travelling west on Lancaster Boulevard, preparing to turn south on Challenger Way, in the city of Lancaster.</p> <p>The deputy sheriff was driving approximately 35 miles per hour, he slowed down and entered the left turn lane. The deputy sheriff saw from a distance the plaintiff's 2003 Kia Sorento eastbound on Lancaster Boulevard, approaching from the opposite direction.</p> <p>As the deputy sheriff entered the intersection, on a green light, he believed he had enough time to safely complete a left (southbound) turn onto Challenger Way. As the deputy sheriff began to turn, his vision became obscured from glare of the sun reflecting off the hood and windshield of his vehicle. As he was halfway through his turn, the deputy sheriff's vision became clear and he saw the plaintiff was entering the intersection (also on a green light) much sooner than he had anticipated. The deputy sheriff applied his brakes but was unable to stop before the driver's side front bumper of the patrol vehicle collided with the driver's side door of the plaintiff's vehicle, causing moderate damage to both vehicles.</p> <p>The force of the collision caused the plaintiff's vehicle to deflect to the right and collide with a third vehicle (a 2015 Mitsubishi Lancer) that was stopped at the red light in the right-hand turn lane of northbound Challenger Way, to eastbound Lancaster Boulevard.</p> <p>All vehicles involved in this collision stayed on-scene pending medical response.</p> <p>The plaintiff was transported to Antelope Valley Hospital Medical Center where he received treatment and was released approximately three hours later.</p> <p>The driver of the third vehicle was not injured in the collision.</p> <p>The deputy sheriff was not wearing his seatbelt at the time of collision but was not injured.</p>
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Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
 Corrective Action Plan

Identify as many root causes as necessary. Reference each root cause by its respective letter (i.e., Root Cause A) when describing the Corrective Action Plan Steps.

Root Cause A	
Describe Root Cause:	A Department root cause of this incident was the deputy sheriff made an unsafe left turn and collided into the plaintiff's vehicle.

Root Cause B	
Describe Root Cause:	Another Department root cause in this incident was the deputy sheriff driving while his vision was obstructed by sunlight.

Root Cause C	
Describe Root Cause:	An additional Department root cause in this incident was the deputy sheriff was not wearing his seatbelt.

* If additional root causes need to be noted, add tables as needed. Delete any tables left blank.

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
 Corrective Action Plan

Corrective Action Plan Steps

Reference each Root Cause letter(s) this Corrective Action Plan Step is addressing.

Associated Root Cause Reference Letter(s):	A, B, and C
Step Number:	1 of 6
Step Name:	Traffic Collision Investigation
Scheduled Start Date:	June 17, 2018
Scheduled Completion Date:	Completed
Person Responsible:	Task Complete
Step Description:	<p>This incident was thoroughly investigated by investigators from the Lancaster Station, Traffic Unit.</p> <p>The collision investigation concluded the deputy sheriff caused the collision as he failed to yield to the plaintiff's vehicle, in violation of California Vehicle Code section 21801 (a) (Exhibit A).</p>

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
Corrective Action Plan

Associated Root Cause Reference Letter(s):	A, B, and C
Step Number:	2 of 6
Step Name:	Administrative Investigation
Scheduled Start Date:	July 9, 2018
Scheduled Completion Date:	Completed
Person Responsible:	Task Complete
Step Description:	<p>This incident was investigated by representatives at Lancaster Station to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.</p> <p>Executive evaluation of this incident found some of the deputy sheriff's actions were in violation of Department policy.</p> <p>The deputy sheriff received a two-day suspension for violation of the following Los Angeles County Sheriff's Department Manual of Policy and Procedures Section:</p> <ul style="list-style-type: none"> • 3-01/090.07, Use of Seatbelts

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
Corrective Action Plan

Associated Root Cause Reference Letter(s):	A ,B, and C
Step Number:	3 of 6
Step Name:	Assignment of Administrative Driving Points
Scheduled Start Date:	June 17, 2018
Scheduled Completion Date:	Complete
Person Responsible:	Task Complete
Step Description:	<p>The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.</p> <p>Pursuant to the Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/070.45, Corrective Action, three administrative driving points were assessed against the deputy sheriff's Department driving record.</p> <p>The deputy sheriff was assigned to non-driving status for a period of six months due to the amount of administrative driving points.</p>

Associated Root Cause Reference Letter(s):	A, B, and C
Step Number:	4 of 6
Step Name:	Involved Personnel Training
Scheduled Start Date:	October 24, 2018
Scheduled Completion Date:	Completed
Person Responsible:	Task Complete
Step Description:	<p>Since this incident, the involved deputy sheriff has completed the following training related to the circumstances presented during this incident:</p> <ul style="list-style-type: none"> • 8 hours - Decision Making / Basic • 8 hours - Arrest Control / Driver's Training • 8 hours - Driver Training Alternative Techniques Refresher

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
 Corrective Action Plan

Corrective Action Plan Steps

Reference each Root Cause letter(s) this Corrective Action Plan Step is addressing.

Associated Root Cause Reference Letter(s):	A, B, and C
Step Number:	5 of 6
Step Name:	Employee Risk Assessment and Review
Scheduled Start Date:	June 18, 2018
Scheduled Completion Date:	Completed
Person Responsible:	Task Completed
Step Description:	<p>To assess the employee's performance and evaluate his future risk, an executive review of this incident coupled with a review of each incident in the involved employee's personnel history was conducted. The goal of this review was to determine if the employee's decision-making in this incident, or in a pattern of incidents, gives cause for the need to send the employee to additional training, have the employee assigned to a mentoring program, or if a re-assessment of the employee's ability for duty is warranted.</p> <p>The captain of Lancaster Station conducted a comprehensive review of the involved employee's personnel history including preventable traffic collisions, administrative investigations, uses of force, civil claims, and complaints.</p> <p>Based on an evaluation of the deputy sheriff's performance, it was determined that a station-level performance mentoring program was warranted. The program defines clear goals and expectations for the employee and is custom designed program to train and guide the employee in specific area(s) of concern. While in the performance mentoring program, the employee's progress will be monitored by a direct supervisor and evaluated on a quarterly basis for progress.</p>

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
Corrective Action Plan

Associated Root Cause Reference Letter(s):	A, B and C															
Step Number:	6 of 6															
Step Name:	Traffic Collision Assessment and Review															
Scheduled Start Date:	June 18, 2018															
Scheduled Completion Date:	December 31, 2019															
Person Responsible:	Task Complete															
Step Description:	<p>As a result of this collision, an assessment of employee-involved traffic collisions was conducted from January 1, 2016, to December 31, 2019, at Lancaster Station.</p> <p>The audit revealed the following:</p> <table border="1" data-bbox="706 930 1330 1115"> <thead> <tr> <th>Calendar Year</th> <th>Preventable Collisions</th> <th>Non-Preventable Collisions</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>23</td> <td>14</td> </tr> <tr> <td>2017</td> <td>34</td> <td>26</td> </tr> <tr> <td>2018</td> <td>34</td> <td>15</td> </tr> <tr> <td>2019</td> <td>32</td> <td>10</td> </tr> </tbody> </table> <p>In an attempt to improve employee safety and reduce the Department's liability exposure, Lancaster Station continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program and the EVOC simulator. The S.T.A.R. program focuses on low-speed parking and starting maneuvers. The EVOC traffic simulator replicates driving Code-3 through crowded city conditions and reacting to various introduced hazards.</p> <p>Since this incident, 13 station employees have successfully completed the S.T.A.R. driving program and four employees have completed the EVOC driving simulator.</p>	Calendar Year	Preventable Collisions	Non-Preventable Collisions	2016	23	14	2017	34	26	2018	34	15	2019	32	10
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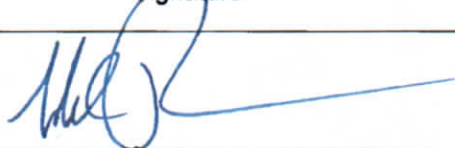
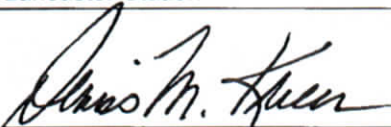
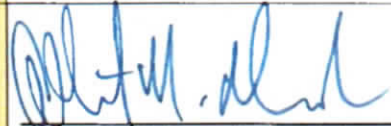
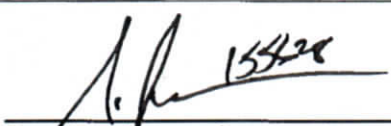
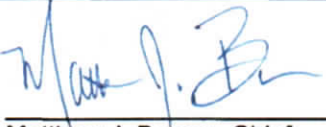
* If additional steps need to be noted, add table pages as needed. Delete any step tables left blank.

Case Name:	<u>Andy Davis, et al. v. County of Los Angeles, et al.</u>
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County of Los Angeles
 Corrective Action Plan

Review and Authorization

The Department has reviewed the incident/event investigation, root cause analysis documentation, and Corrective Action Plan, and has/will take all appropriate corrective actions required.

Review and authorization steps	Signature	Date
Document Approved by Concerned Unit Commander:	 Todd P. Weber, Captain Lancaster Station	05/18/20
Document Approved by Concerned Division Chief:	 Dennis M. Kneer, Chief North Patrol Division	5/28/20
Document Approved by Department Risk Management Coordinator:	 Albert M. Maldonado, Captain Risk Management Bureau	6/4/20
Document Approved by Department Risk Management Commander:	 Scott E. Johnson, Commander Professional Standards Division	6-7-20
Document Approved by Department head or designee:	 Matthew J. Burson, Chief Professional Standards Division	6-11-20

IRMIG/CAPs-SCAPs/CAP Form 2015 (Confidential) - revised 9-29-15.docx

EXHIBITS

EXHIBIT A



State of California

VEHICLE CODE

Section 21801

21801. (a) The driver of a vehicle intending to turn to the left or to complete a U-turn upon a highway, or to turn left into public or private property, or an alley, shall yield the right-of-way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.

(b) A driver having yielded as prescribed in subdivision (a), and having given a signal when and as required by this code, may turn left or complete a U-turn, and the drivers of vehicles approaching the intersection or the entrance to the property or alley from the opposite direction shall yield the right-of-way to the turning vehicle.

(Amended by Stats. 1993, Ch. 272, Sec. 40. Effective August 2, 1993.)