



COUNTY OF LOS ANGELES
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May 5, 2022

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ELIZABETH D. MILLER
Assistant County Counsel
Justice and Safety Division

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Jesus Alegria v. County of Los Angeles
Los Angeles County Superior Court Case No. 21STCV01750

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 Jesus Alegria v. County of Los Angeles
Los Angeles County Superior Court Case No. 21STCV01750.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled **Jesus Alegria v. County of Los Angeles, Los Angeles County Superior Court Case No. 21STCV01750** in the amount of \$450,000.00 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 civil rights violations, false imprisonment, excessive force, denial of medical attention, and denial of substantive due process by Sheriff's Deputies

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jesus Alegria v. County of Los Angeles, et al.
CASE NUMBER	21STCV01750
COURT	Los Angeles Superior Court
DATE FILED	January 15, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 450,000
ATTORNEY FOR PLAINTIFF	Humberto M. Guizar, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$450,000, inclusive of attorneys' fees and costs, a false arrest and excessive force civil rights lawsuit filed by Jesus Alegria arising out of an April 2020 detention in which Mr. Alegria was put in the back of a patrol car which later crashed causing injuries.</p> <p>Mr. Alegria claims to have suffered injuries and damages from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted</p>
PAID ATTORNEY FEES, TO DATE	\$ 113,426
PAID COSTS, TO DATE	\$ 1,274



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:	April 13, 2020
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Jesus Alegria v. County of Los Angeles</u> Summary Corrective Action Plan 2021-33</p> <p>On April 13, 2020, at 2:30 p.m., two on-duty Los Angeles County Sherriff's Department deputy sheriffs assigned to Compton Station working as a two-person unit were conducting a patrol check at the skate park within Wilson Park (123 N. Rose Ave, Compton, California, 90221).</p> <p>Both deputies' attention was drawn to the plaintiff who was in the park allegedly screaming obscenities towards the other park patrons. The plaintiff allegedly walked towards the deputy's patrol vehicle. The first and second deputies observed the plaintiff sweating profusely, speaking rapidly, acting erratic, and grinding his teeth.</p> <p>Based on both deputies' observations, coupled with their training and experience in the field of narcotics, the plaintiff displayed the signs and symptoms of an individual under the influence of a controlled substance (stimulant).</p> <p>The first deputy conducted a pat down of the plaintiff's outer clothing for weapons prior to conducting Field Sobriety Tests (prove or disprove the plaintiff's objective signs of being under the influence). The first deputy alleged the plaintiff was breathing heavily, appeared to have an elevated pulse, and 7.0 mm dilated pupils (normal range 3.0 mm to 6.5 mm).</p> <p>While detaining the plaintiff, both deputies stated an unknown group of individuals inside the park began to walk towards their direction, yelling for the release of the plaintiff. Both deputies feared the group would attempt to aid the plaintiff. Therefore, the first deputy quickly placed the plaintiff in the backseat of their patrol vehicle without handcuffing and safely securing the plaintiff in the backseat.</p> <p style="text-align: center;">Note: Wilson Park is a known gang hangout for "Compton Varrio Largo," "Compton Varrio," "124th Street," and "Santana Block Compton Crips."</p> <p>The plaintiff was subsequently arrested by the first and the second deputy for being under the influence of a controlled substance Methamphetamine (11550 H&S).</p> <p>The first deputy drove, the second deputy was the front passenger, with the plaintiff unsecured in the backseat of the patrol vehicle. While driving en route to Century Regional Detention Facility (CRDF) to process and book the plaintiff, the deputies drove north on Alameda Street. At the corner of 129th Street, both deputies observed a group of males.</p>

	<p>The first deputy observed a group of male Hispanics, one was riding a bicycle and the other two were on foot, on the corner of Alameda Street and 129th Street. The male Hispanic who was on the bicycle looked in their direction and grabbed the right side of his waistband. All three male Hispanics instantly began to travel westbound on 129th Street. The first and second deputy sheriffs pursued the male Hispanic whom they presumed to be armed. The second deputy followed on foot, while the first deputy followed while inside the vehicle.</p> <p>The first deputy continued to pursue the male down an east/west alley between 129th Street and 130th Street. While driving westbound in the east/west alley, the first deputy allegedly observed the male grab a black semi-automatic firearm from his right waistband area and threw the firearm with his right-hand into an unknown yard.</p> <p>Note: the deputies set up a containment in an attempt to apprehend the male Hispanic who threw a firearm in an unknown backyard. The unknown suspect was not located, nor was the semi-automatic gun.</p> <p>While attempting to contain the male Hispanics, the first deputy drove through the east/west alley at allegedly thirty (30) to thirty five (35) miles per hours when he and collided with a wrought iron fence, cinder block wall, and a parked vehicle (2007, BMW, 528i, CA Plate 6AOZ046), that was parked along the south wall in the alley. The plaintiff was in the backseat of the patrol vehicle at the time of the collision. The plaintiff sustained a ½ inch laceration to his right eyebrow from hitting his head on the metal bars inside the patrol vehicle.</p> <p>After the traffic collision, the first deputy exited the patrol vehicle through the driver's side window. The first deputy helped the plaintiff exit the patrol vehicle and allowed the plaintiff to leave the scene of the traffic collision.</p> <p>Later, while inside the containment for the male Hispanic who allegedly threw the firearm, the plaintiff was contacted by assisting deputy sheriffs. The plaintiff was then placed in the backseat of a different patrol vehicle.</p> <p>The Los Angeles County Fire Department responded to the traffic collision site and rendered medical aid to the plaintiff. The plaintiff was then transported to Martin Luther King Jr. Community Hospital (120th Street, Los Angeles, CA, 90059) via McCormick Ambulance for further medical treatment.</p> <p>Note: The California Highway Patrol Officer indicated the plaintiff stated the first deputy was traveling approximately 55 to 65 M.P.H. The east/west alley is controlled by a prima facie speed of 15 M.P.H.</p> <p>Based on the first and second deputy's initial arrest of the plaintiff, a third deputy responded to the hospital. After the plaintiff received medical treatment for the injury sustained in the traffic collision, the third deputy issued the plaintiff a citation for being under the influence of a controlled substance of Methamphetamine (11550 H&S). The plaintiff was offered the opportunity to provide a urine sample to prove or disprove the presence of a stimulant. However, the plaintiff refused.</p>
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	<p>The plaintiff was scheduled to appear at The Compton Superior Court, Compton, on August 18, 2020.</p> <p>The Los Angeles County District Attorney's Office declined to file charges due to insufficient evidence.</p> <p>On December 7, 2020, Internal Criminal Investigations Bureau (ICIB) opened an investigation at the request of Central Patrol Division regarding an allegation of two Incident Reports, which were authored by the first and second deputies, containing false statements documenting the arrest of the plaintiff.</p> <p>ICIB investigator completed their investigation and presented their findings to JSID. The case is currently under review.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause was the detainment and arrest by the first and second deputy sheriffs and subsequent transport of the plaintiff.

A **Department** root cause was the first and second deputy sheriff's failure to secure the plaintiff in a handcuff or a seatbelt when he was placed in the backseat of the patrol vehicle.

A **Department** root cause was the first deputy driving at an unsafe speed in the alley, between a parked vehicle, and a cinderblock wall.

A **Department** root cause was the first and second deputy sheriffs released the plaintiff, who sustained injuries after the traffic collision. They also, failed to provide medical care immediately after the traffic collision.

A **Department** root cause in this incident was the deputies did not have equipment (Body-Worn Camera) to video record their contact with the plaintiff, in order to prove or disprove plaintiff's allegations.

A **Department** root cause in this incident was the first and second deputy failure to provide sufficient evidence to indicate the plaintiff was under the influence of a controlled substance.

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

Criminal Investigation

This incident has been investigated by the Sheriff's Department Internal Criminal Investigations Bureau (ICIB) to determine if any criminal misconduct occurred.

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the deputy's actions were legally justified and/or if any criminal misconduct occurred. At the time of the report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

Administrative Investigation

Upon completion of the District Attorney's Office's findings, the Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after the incident.

Body-Worn Cameras (BWC)

As of November 2020, all personnel assigned to Compton Station were issued a Body-Worn Camera in an effort to ensure all public contact is transparent. The use of BWC's ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC:

- Must be turned on during all public contacts and reviewed by the employee.
- Collect evidence for use in criminal investigation and prosecutions.
- Deter criminal activity and uncooperative behavior during law enforcement interactions with the public.
- Promote accountability.
- Assist with resolving public complaints and administrative investigation.
- Supervisors conduct random daily audits of Body-Worn Cameras to ensure compliance.

Compton Station Training and Briefing


Since this incident, to mitigate any future similar incidents, Compton Station training staff and supervisors conducted several briefings on each shift with field deputies to re-address the Los Angeles Sheriff's Department Policy and Procedures regarding arrest procedure and transporting of prisoners.


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: 12/15/21

Name: (Department Head) Kelly M. Porowski, Chief Professional Standards Division	
Signature: 	Date: 12/15/21

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: 01/03/2022