



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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November 1, 2022

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

A handwritten signature in blue ink, appearing to read "AMB", is written over the name "ADRIENNE M. BYERS".

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Elisa Guardado, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STV33203

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.

AMB:jkb

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Elisa Guardado, et al. v. County of Los Angeles, et al, Los Angeles Superior Court Case No. 20STV33203, in the amount of \$8,000,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit arises from the death of plaintiff's son, who was fatally shot by a Sheriff's deputy in an unincorporated area near the City of Gardena.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elisa Guardado, et al. v. County of Los Angeles, et al.
CASE NUMBER	20STCV33203
COURT	Los Angeles Superior Court
DATE FILED	August 31, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 8,000,000
ATTORNEY FOR PLAINTIFF	Adam Shea, Esq. Panish Shea & Boyle, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$8,000,000, inclusive of attorneys' fees and costs, a wrongful death and civil rights lawsuit filed by Decedent Andres Guardado's parents arising out of a fatal deputy-involved shooting in June 2020.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement amount of \$8,000,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 460,630
PAID COSTS, TO DATE	\$ 94,349



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:	June 18, 2020, at approximately 5:53 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Elisa Guardado, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2022-11</p> <p>On Thursday, June 18, 2020, two uniformed Los Angeles County Sheriff's Department deputy sheriffs assigned to Compton Station were on routine patrol (two-person unit) in a marked black and white patrol vehicle. They were patrolling the unincorporated area of Los Angeles County, known as East Gardena. While doing so, the deputies conducted a patrol check at the "Bow Down Performance," 420 West Redondo Beach Boulevard.</p> <p>Note: The "Bow Down Performance" is an auto shop located in a commercial business district. There have been several violent incidents at the business: November 10, 2018, a male was shot and killed; June 9, 2020, a male was shot; and a male was arrested for the illegal possession of a firearm. Additionally, this business was known to both deputies as a location that illegally sold nitrous oxide to customers for human ingestion (no arrest noted for Possession of Nitrous Oxide, 381b of the California Penal Code).</p> <p>Deputies one (driver) and two (passenger) saw a vehicle (2003, silver, Ford Expedition) parked facing southbound in the driveway of Bow Down Performance (auto shop). The deputies observed a male (decedent), wearing a dark blue t-shirt and a black hat with a "D" logo on the front, standing near the front passenger side of the Ford Expedition. The deputies observed the Ford Expedition then drive westbound on Redondo Beach Boulevard. Deputies one and two identified probable cause for a traffic stop and a traffic stop was conducted in the south parking lot at 555 West Redondo Beach Boulevard in the city of Gardena.</p> <p>During the traffic stop, both deputies observed nitrous oxide type tanks and a bag of multicolored rubber balloons in the vehicle. When deputies inquired, the driver of the vehicle explained he had picked up the tanks from the "Bow Down Performance" auto shop and was delivering the tanks to another business. Based on the driver's statements, coupled with no arrestable offense, the deputies concluded the traffic stop and the driver was released without a citation.</p> <p>At approximately 5:52 p.m., the deputies were traveling eastbound Redondo Beach Boulevard. They observed a white Lexus occupied by two females parked on the south curb line in front of the driveway of the "Bow Down Performance" (420 West Redondo Boulevard, Gardena).</p>

	<p>Both deputies saw the same individual (decedent) they observed earlier (talking with occupants of the Ford Expedition) standing by the white Lexus.</p> <p>The individual (decedent) was bent at the waist, leaning towards the passenger side window conversing with the driver seated in the white Lexus.</p> <p>Shortly thereafter, the deputies pulled up and parked parallel to the driver-side of the white Lexus. Deputy two asked the decedent, "What are you doing?" The decedent looked up in the deputies' direction and appeared startled (wide eyes). He straightened his torso and walked backwards then ran south through the business driveway. Deputies one and two saw a handgun in the decedent's waistband area.</p> <p>The deputies swiftly exited their patrol vehicle and both deputies pursued after the decedent. Deputy one initiated emergency radio traffic advising they were in foot pursuit of an armed suspect. The deputies chased the decedent in a short, slow foot pursuit. The decedent stopped running, facing a westerly direction, with his hands concealed against his torso. Deputy one ordered the decedent to remove his hands from his torso. With his arms raised, the decedent displayed a firearm in his left hand. Deputy one updated his emergency radio traffic and stated he was detaining the decedent at gunpoint.</p> <p>Deputy one ordered the decedent to, "Drop the gun, and to get on the ground." The decedent initially surrendered and placed the pistol on the ground, approximately 2 to 3 feet away from his person, knelt down and laid down on his stomach. As deputy one approached the decedent to arrest him, the decedent repositioned himself within three inches in reach of the firearm on the ground. As the decedent attempted to reach for the semiautomatic pistol with his right hand, deputy one shot five times from his duty weapon. The decedent sustained five gunshots to his torso and all five of the gunshot wounds were fatal. Due to the pistol being in close proximity of the decedent's right hand, deputy one moved the firearm with his foot approximately six feet away.</p> <p>At the time of the deputy involved shooting, deputy two was positioned nearby within view of deputy one and only saw the lower half of the decedent's body. Deputy two did not fire his duty weapon.</p> <p>Note: After the decedent ran and was chased by deputies, the driver (witness one) and passenger (witness two) of the white Lexus reversed, made a U-turn, and drove west on Redondo Beach Boulevard.</p> <p>The Los Angeles County Fire Department and paramedics were requested, and deputy two applied first aid to the decedent until Los Angeles County Fire arrived.</p> <p>Assisting units arrived on scene from Compton Station. Deputies three and four took the handle of the incident and established the command post.</p> <p>At approximately 5:56 p.m., the Los Angeles County Fire Department and paramedics arrived on scene. Although emergency medical care was administered to the decedent, he succumbed to his injuries and the Los</p>
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	<p>Angeles County Fire Department Captain pronounced the decedent deceased at 6:01 p.m.</p> <p>At approximately 7:40 p.m., the handling homicide investigators arrived at the command post, participated in a public safety briefing, and walk through of the scene with the handling deputies three and four.</p> <p>A thorough investigation was conducted and during the investigation, several witnesses and persons were interviewed; warrants were acquired and served for evidentiary purposes.</p> <p>During the investigation, it was learned the decedent was a security guard at the auto shop. However, he no longer employed with the security company "Precision Protective Service." Therefore, it was inconclusive if the decedent was employed as a security guard at the time of the incident.</p> <p style="text-align: center;">Note: The decedent clothing did not identify him as a security guard, i.e. security uniform, security uniform jacket, or security uniform hat.</p> <p>On December 2, 2020, the homicide investigation was concluded and the case was submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

<p>A Department root cause in this incident was deputy one used of deadly force against the decedent who possessed a semiautomatic pistol.</p> <p>A Department root cause in this incident was deputies one and two pursued the decedent in an alleyway, knowing he was armed with a firearm.</p> <p>A Department root cause in this incident was the deputies should have developed a tactical plan of approach with back-up units and a supervisor, based on the prior knowledge of violent incidents at the location.</p> <p>A Department root cause in this incident was the deputies did not have equipment (Body Worn Camera) to video record their contact with the decedent in order to prove or disprove plaintiff's allegations.</p> <p>A non-Department root cause in this incident was the decedent's failure to comply/cooperate with Los Angeles County deputy sheriffs. Instead of staying at the location, the decedent ran away to avoid being contacted.</p> <p>A non-Department root cause in this incident was the decedent's possession of a pistol, which he reached for which detained on the ground.</p>
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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 Homicide Bureau to determine if any criminal misconduct occurred.

The investigation has been submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office for consideration of filing criminal charges. At the time of the report, the Los Angeles County District Attorney's Office had not advised the Department of their findings.

Administrative Investigation

Upon completion of the District Attorney's Office 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

As of November 2020, all personnel assigned to Compton Station were issued a Body Worn Camera, as a form of transparency. Per policy, the camera must be turned on during all public contacts and reviewed by the employee, as well as a supervisor(s) regarding incidents and allegations of misconduct. Also, supervisors conduct random daily audits of Body Worn Cameras, to ensure compliance.

Tactical De-brief

Since the incident, to mitigate any future incidents, briefings were conducted on each shift with station personnel to address possible issues identified in the incident.


- Re-briefed the Los Angeles County Sheriff's Department Policy and Procedures- 5-09/220.50, Foot Pursuits.
- Re-briefed radio communication discipline and tactical approach best practices.

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) Shawnee N. Hinchman, A/Captain Risk Management Bureau	
Signature: 	Date: 5/4/22

Name: (Department Head) Edwin E. Alvarez, A/Chief Professional Standards Division	
Signature: 	Date: 5/9/22

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 type="checkbox"/> No, the corrective actions are applicable only to this Department.	
Name: (Risk Management Inspector General)	
Signature:	Date: