



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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

DAWYN R. HARRISON
County Counsel

October 3, 2023

TELEPHONE
(213) 972-5742
FACSIMILE
(213) 626-5578
TDD
(213) 633-0901

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
Dennis Garr v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV05046

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 Dennis Garr v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV05046.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorize settlement of the matter entitled **Dennis Garr v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 20STCV05046 in the amount of \$650,000.00 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 an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY
INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Dennis Garr v. County of Los Angeles, et al.	
CASE NUMBER	20STCV05046	
COURT	Los Angeles Superior Court	
DATE FILED	02/07/2020	
COUNTY DEPARTMENT	Sheriff's Department	
PROPOSED SETTLEMENT AMOUNT	\$	650,000
ATTORNEY FOR PLAINTIFF	Branagan Fuller, Esq. B & B Law Group, LLP	
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Senior Deputy County Counsel	
NATURE OF CASE	On August 9, 2019, plaintiff Dennis Garr's vehicle and a Sheriff's Department patrol car collided on State Route 60 near the Hacienda Boulevard exit in Hacienda Heights. Mr. Garr alleges the collision caused injuries for which he seeks compensation.	
	Given the risk and uncertainties of litigation, a full and final settlement of the case in the amount of \$650,000 is warranted.	
PAID ATTORNEY FEES, TO DATE	\$	74,365
PAID COSTS, TO DATE	\$	24,796



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:	August 9, 2019, at approximately 9:25 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Dennis Garr v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2023-76</p> <p>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>On August 9, 2019, at approximately 9:25 a.m., an on-duty Los Angeles County Sheriff's deputy, assigned to Industry Station, was driving a marked Sheriff's patrol vehicle west on State Route 60, east of Hacienda Boulevard in Hacienda Heights, when he was involved in a traffic collision.</p> <p>The Deputy Sheriff (sole occupant) was driving westbound on State Route 60 in the number one lane, at approximately 55-60 M.P.H. The Deputy Sheriff looked to the left toward the H.O.V. lane and saw a vehicle (driver three) without the required number of occupants. While continuing to look at the vehicle, the Deputy Sheriff was unaware traffic slowed ahead, and collided with the rear of the Plaintiff's vehicle. The Plaintiff's vehicle was pushed into the HOV lane where it collided with driver three's vehicle. The Deputy Sheriff does not recall applying the brakes before the collision.</p> <p>The Plaintiff (sole occupant) was driving his vehicle westbound on State Route 60, in the number one lane, east of Hacienda Boulevard, when he slowed for traffic. He looked in his rearview mirror and saw the Deputy Sheriff's vehicle approaching at a high rate of speed. The Plaintiff attempted to move toward the number two lane but was rear-ended by the Deputy Sheriff's vehicle.</p> <p>Driver three (sole occupant) was driving westbound on State Route 60 in the HOV lane at approximately 60 M.P.H. The Plaintiff was traveling in front of driver three's vehicle when she observed the Deputy Sheriff strike the Plaintiff's vehicle from the rear. The impact from the collision caused the Plaintiff's vehicle to move into her lane (HOV lane) and collide into the right front side of her vehicle.</p> <p>The Plaintiff complained of injuries sustained in the traffic collision. He was transported to Whittier Hospital via Care Ambulance for treatment.</p> <p>Neither the Deputy Sheriff nor driver three were injured.</p> <p>The Plaintiff's vehicle sustained major damage to the rear bumper and trunk.</p>

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	<p>The patrol vehicle sustained major damage to the front push bar, hood, and bumper.</p> <p>The Plaintiff's vehicle was towed from the scene.</p> <p>Driver three's vehicle sustained minor damage to the right front bumper.</p> <p>The patrol vehicle was towed from the scene.</p> <p>A sergeant from Industry Station responded to the location and authored a Supervisor's Report of Incident and Damage to County Vehicle investigation.</p> <p>Officers from the California Highway Patrol also responded and completed a traffic collision investigation. The investigation concluded the Deputy Sheriff was the primary cause of the collision for driving in violation of California Vehicle Code Section 22350 – No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.</p> <p>The following statement is based on the Deputy Sheriff's observations which were documented in the traffic collision report:</p> <p>The Deputy Sheriff stated he was driving his marked black and white patrol vehicle in "heavy traffic" westbound on State Route 60 east of Hacienda Boulevard. He was in the number one lane traveling at approximately 55-60 miles per hour when the collision occurred. The Deputy Sheriff noticed a vehicle with a sole occupant in the High Occupancy Vehicle (HOV) lane ahead of him, and he pulled up alongside the vehicle to confirm there was only one occupant. While he was looking to his left, traffic in front of him began to slow, unbeknownst to the Deputy Sheriff.</p> <p>When the Deputy Sheriff redirected his gaze, he was unable to slow down, and collided with the Plaintiff's vehicle in front of him. The Deputy Sheriff stated he did not remember hitting the brakes.</p> <p>The Plaintiff's vehicle was pushed into the HOV lane where he collided with driver three's vehicle (2018 Ford Fusion).</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

The **Department** root cause of this incident was the Deputy Sheriff was traveling at an unsafe speed based on the traffic conditions.

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

Traffic Collision Investigation

The incident was thoroughly investigated by the California Highway Patrol.

The collision investigation concluded the Deputy Sheriff caused the collision by driving at an unsafe speed – 22350 CVC - No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Administrative Investigation

The incident was investigated by representatives of Industry Station to determine if any administrative misconduct occurred because of the traffic collision. The results of the investigation were presented for Department executive adjudication.

Executive evaluation found the collision was preventable and appropriate administrative action was taken.

The Deputy Sheriff involved in this traffic collision attended training pertaining to the circumstances presented during this incident.

Assessment and Review

Industry Station conducted a review and assessment of all traffic collisions for calendar year 2018 through the end of 2022. The audit revealed there were 134 total collisions for this five-year period, 87 of which were classified as preventable and 47 classified as non-preventable.

During the audit, it was discovered there was a spike in 2019, with a reduction the following years. Personnel who have been involved in more than one traffic collision are directed to attend Department training, such as the Sheriffs Traffic Accident Reduction driving program, Emergency Vehicle Operations, and the Alternatives to Discipline Driving Course.

Supervisors at Industry Station conducted briefing to all station personnel regarding abiding by all the rules of the road when operating county vehicles.

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2018	13	12
2019	25	9
2020	16	9
2021	16	9
2022	18	10
TOTALS	88	49

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

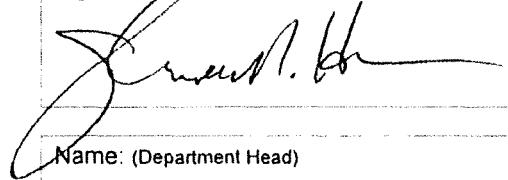
Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



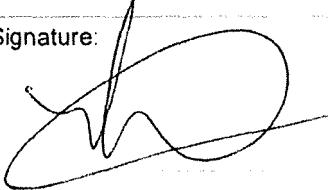
Date:

7/31/2023

Name: (Department Head)

Bruce D. Chase, Assistant Sheriff
Patrol Operations

Signature:



Date:

8/1/23

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Signature:

Daniela Prowizor

Digitally signed by Daniela Prowizor
Date: 2023.08.01 16:26:52 -07'00'

Date:

8/1/2023