



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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

TELEPHONE
(213) 974-1885
FACSIMILE
(213) 626-2105
TDD
(213) 633-0901
E-MAIL
abyers@counsel.lacounty.gov

DAWYN R. HARRISON
County Counsel

March 19, 2024

TO: JEFF LEVINSON
Interim 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", next to the name Adrienne M. Byers.

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Juan Leon, et al. vs. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 21STCV36328

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:rm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Juan Leon, et al. vs. County of Los Angeles, et al., Los Angeles Superior Court Case No. 21STCV36328, in the amount of \$450,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department employee.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan Leon, et al. vs. County of Los Angeles, et al.
CASE NUMBER	21STCV3628
COURT	Los Angeles Superior Court
DATE FILED	October 1, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 450,000
ATTORNEY FOR PLAINTIFF	Michael Emrani, Esq. Emrani Lawyers, APLC
COUNTY COUNSEL ATTORNEY	Kevin J. Engalien Senior Deputy County Counsel
NATURE OF CASE	This case arises from a traffic collision that occurred involving Plaintiff Juan Leon and Los Angeles Sheriff's Department Deputy Victor Rodrguez. Given the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 125,016
PAID COSTS, TO DATE	\$ 15,803



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:	May 9, 2021
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-98</p> <p>Details provided 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 Sunday, May 9, 2021, at approximately 2:51 a.m., an on-duty Los Angeles County Sheriff's deputy, assigned to Norwalk Station, was driving Code-3 as he traveled east on Imperial Highway. As he entered the intersection of Imperial Highway and Shoemaker Avenue, his vehicle collided with the Plaintiff's (sole occupant) vehicle, which was traveling south on Shoemaker Avenue. The Plaintiff struck the Deputy Sheriff's vehicle on the driver's side door of the patrol vehicle. The impact of the collision caused the Deputy Sheriff's vehicle to strike a metal light pole located on the southeast side of the intersection before coming to rest.</p> <p>The Los Angeles County Fire Department was requested to respond to the traffic collision location. Upon the arrival of Los Angeles County Fire Department personnel, they confirmed neither party was injured from the traffic collision.</p> <p>The field sergeant responded to the location and authored a Supervisor's Report of Incident or Damage to County Vehicle report. Additionally, a traffic deputy sheriff responded to the scene and authored a traffic investigation report.</p> <p>Whittier Police Department responded to the scene and completed a traffic collision investigation. The investigation concluded the Deputy Sheriff was the primary cause of the collision. The Deputy Sheriff was in violation of California Penal Code Section 21056 – Failing to drive an emergency vehicle in Code-3 with due regard for the safety of others on a highway.</p>

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

The **Department** root cause of this incident is the Deputy Sheriff failed to drive an emergency vehicle in Code-3 capacity with due regard for the safety of others on a highway.

The **Department** root cause of this incident is the Deputy Sheriff did not have on 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 a representative from the Whittier Police Department.

The collision investigation concluded the Deputy Sheriff caused the collision as he failed to drive an emergency vehicle in Code-3 capacity with due regard for the safety of others on a highway, in violation of California Penal Code section – 21056.

Administrative Investigation

This incident was investigated by a representative at Norwalk 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. Appropriate administrative action was taken. The Deputy Sheriff involved in this incident received additional training pertaining to the circumstances surrounding this incident.

Traffic Collision Assessment and Review

As a result of this collision, an assessment of employees involved traffic collisions from January 1, 2017, to December 31, 2021, was conducted a traffic collision audit. The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2017	23	10
2018	22	13
2019	24	13
2020	19	7
2021	10	10

98 preventable collisions occurred during the past five years.

27% of preventable collisions involved fixed objects or parked vehicles during low-speed parking or starting maneuvers.

The most common causal factor was unsafe starting or backing.

Based on the results of the audit, a comprehensive Traffic Collision Reduction Plan was developed and implemented at Norwalk Station in early 2016. Since the implementation of the Traffic Collision Reduction Plan there has been a noticeable reduction of on-duty preventable traffic collisions each year.

To improve employee safety and reduce the Department's liability exposure, Norwalk Station continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (STAR) driving program. This program focuses on low-speed parking and starting maneuvers, hosted at the Los Angeles County Sheriff's Department's Emergency Vehicle Operations Center. Since this incident, several station employees have successfully completed the STAR driving program.

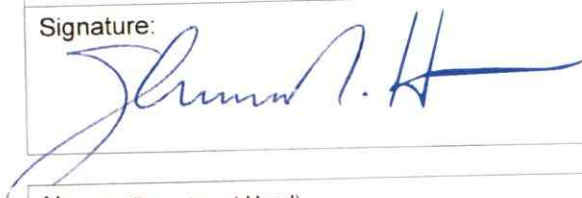
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:




Date:

11/06/2023

Name: (Department Head)

Holly A. Francisco, Assistant
Countywide Operations

Signature:



Date:

11/9/23

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:



Date:

11/13/2023