



COUNTY OF LOS ANGELES
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March 19, 2024

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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", is placed over the name and title of the sender.

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Olga Torres v. Cong Ha, et al.
Los Angeles Superior Court Case No. 21STCV09926

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 Summary Corrective Action Plan to be made available to the public.

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

AMB:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Olga Torres v. Cong Ha, et al., Los Angeles Superior Court Case No. 21STCV09926, in the amount of \$215,000, 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 sergeant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Olga Torres v. Cong Ha, et al.
CASE NUMBER	21STCV09926
COURT	Los Angeles Superior Court
DATE FILED	March 12, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 215,000
ATTORNEY FOR PLAINTIFF	MICHAEL A. KAHN, ESQ.
COUNTY COUNSEL ATTORNEY	RICHARD K. KUDO Principal Deputy County Counsel
NATURE OF CASE	This case arose from a multiple-vehicle accident that occurred on May 20, 2020, in the unincorporated area of the County near Hacienda Heights. A Sheriff's Department Sergeant was on duty and rolling Code 3, south on Hacienda Boulevard in his Sheriff's Department Ford Explorer with its siren and emergency lights activated. As the Sergeant drove through the Hacienda Boulevard/Colima Road intersection against a red signal light, the passenger side of his Ford was broadsided by the Toyota Avalon in which plaintiff Olga Torres was seated in the front passenger seat. Plaintiff 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.
PAID ATTORNEY FEES, TO DATE	\$ 80,790
PAID COSTS, TO DATE	\$ 13,024



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 20, 2020, at approximately 3:30 p.m.
Briefly provide a description of the incident/event:	<p>Summary Corrective Action Plan 2023-112</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>Various investigative reports indicated, on May 20, 2020, at approximately 3:30 p.m., an on-duty Los Angeles County Sheriff's Department Sergeant, assigned to Industry Station, was driving Code-3 in a marked Sheriff's patrol vehicle south on Hacienda Boulevard. As he approached the four-way intersection of Colima Road in Hacienda Heights, he was involved in a traffic collision.</p> <p>Sergeant One was driving southbound on Hacienda Boulevard with his vehicle's lights and sirens on, as he responded to an assistance call for service. As he approached the intersection, there was a vehicle stopped at the intersection, he sounded his [airhorn] and the vehicle turned right onto westbound Colima Road. The Sergeant cleared lane-by-lane and began and proceeded to drive through the intersection from the right turn lane.</p> <p>The Plaintiff was the passenger in her daughter's (Driver Two) vehicle, who was driving eastbound on Colima Road, in the number one lane.</p> <p>The Plaintiff's daughter's vehicle struck the passenger side of the Sergeant's marked patrol vehicle, causing his vehicle to spin and collide with another vehicle (Driver Three), which was waiting in the northbound turn lane on Hacienda Boulevard (Driver Three is not part of this lawsuit).</p> <p>The Los Angeles County Fire Department responded to the collision. The Plaintiff was treated for her injuries sustained in the traffic collision and subsequently transported to the hospital for additional treatment.</p> <p>At the time of the collision, the Sergeant was wearing his seatbelt and complained of pain to his right side, elbow, and left hand as a result of the collision.</p> <p>The patrol vehicle and the Plaintiff's daughter's vehicle sustained major damage; both vehicles were towed from the scene.</p> <p>A Los Angeles County Sheriff's Department sergeant from Industry Station was notified of the traffic collision and responded to the location.</p> <p>The Sergeant authored a Supervisor's Report of Incident and Damage to County Vehicle investigation.</p>

	<p>California Highway Patrol Officers responded and completed a traffic collision investigation. Their investigation concluded the involved Sergeant was the primary cause of the collision by failing to yield the right-of-way to approaching traffic.</p> <p>The involved Sergeant's statement is based on the Supervisor's Report of Incident or Damage to County Vehicle:</p> <p>The Sergeant stated he was driving Code-3 (lights and sirens) on Hacienda Boulevard when he entered the intersection at Colima Road. The Sergeant stated he cleared both the left turning lane and the number one lane. As the Sergeant [attempted] to clear the number two lane, Driver Two collided with his patrol vehicle. The force of the collision caused the Sergeant's vehicle to collide with Driver Three.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The sergeant failed to yield the right-of-way to approaching traffic.

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 investigated by the California Highway Patrol.

The collision investigation concluded the Sergeant was the primary cause of the collision by failing to yield the right-of-way to approaching traffic, in violation of California Vehicle Code section – 21800. (Exhibit A)

Supervisor's Report of Incident or Damage to County Vehicle

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 sergeant involved in this incident received additional training pertaining to the circumstances surrounding this incident.

Training Collision 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 in 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.

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2018	13	12
2019	25	9
2020	16	9
2021	16	8
2022	17	8
TOTALS	87	47

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

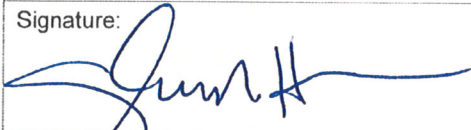
3. Are the corrective actions addressing Department-wide system issues?
- ☐ Yes – The corrective actions address Department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

01/03/24

Name: (Department Head)

Myron Jonson, Assistant Sheriff
Patrol Operations

Signature:



Date:

1/18/24

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

Date:

1/19/2024