



County of Los Angeles

March 29, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

Janice Hahn
Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

TO: JEFF LEVINSON
Interim Executive Officer
Board of Supervisor

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
Antonio Rodriguez v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-06574



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 Antonio Rodriguez v. County of Los Angeles, et al.
United States District Court Case No. 2:21 CV-06574.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorize settlement of the matter entitled **Antonio Rodriguez v. County of Los Angeles, et al.**
United States District Court Case No. 2:21-CV-06574 in the amount of \$800,000.00 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 Plaintiff's detention civil rights violations, excessive force
and accidental shooting by a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Antonio Rodriguez v. County of Los Angeles, et al.
CASE NUMBER	2:20-CV-10460
COURT	United States District Court
DATE FILED	August 13, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	V. James DeSimone Law
COUNTY COUNSEL ATTORNEY	Richard Hsueh Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$800,000, inclusive of attorneys' fees and costs, this federal civil rights lawsuit filed by Antonio Rodriguez and Priscilla Loza ("Plaintiffs") against the County of Los Angeles, former Sheriff Alex Villanueva, and two Los Angeles County Sheriff's Department (LASD) deputies arising from Plaintiffs' detention and the accidental shooting of Mr. Rodriguez on August 22, 2020.</p> <p>Due to the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$800,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 130,599
PAID COSTS, TO DATE	\$ 131,348



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/lawsuit's 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 22, 2020, at approximately 9:52 p.m.
Briefly provide a description of the incident/event:	<p>Summary Corrective Action Plan 2023-103</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>Multiple investigative reports indicated on August 22, 2020, East Los Angeles Sheriff's Station received a priority hit and run call for service. The call stated a white sedan hit the informant's parked, white Toyota.</p> <p>The informant witnessed the white sedan hit her vehicle and observed two "gangster" looking male Hispanics exit the vehicle and run into a nearby park. Moments later, the two male Hispanics entered a grey sedan and fled the scene, leaving the disabled white Honda Civic at the location.</p> <p>The informant moved her vehicle a few hundred feet away to the south curblane of Triggs Street, and called police to report a hit and run. While on the phone with an East Los Angeles Sheriff's Station Dispatcher, the informant witnessed the grey sedan return to the location. The two male Hispanics she saw earlier exited the vehicle, and were attempting to repair the disabled vehicle when Sheriff's deputies arrived.</p> <p>The following is a summary of Deputy One's interviews with Internal Affairs Bureau:</p> <p>At approximately 9:47 p.m., Deputy One heard a priority hit and run just occurred call for service dispatched from the Sheriff's Communication Center (SCC). He added himself to the call due to his close proximity to the location of the incident. While Deputy One followed Deputy Two to the location, the call was updated, and stated the disturbing parties were on Triggs Street attempting to fix the disabled vehicle.</p> <p>Deputy One drove westbound on Triggs Street from McDonnell Avenue and saw a stopped white sedan facing west on the north curblane of Triggs Street with its hazard lights on.</p> <p>Deputy One drove closer and saw approximately four to five Hispanic males standing near the hood of the disabled vehicle in close proximity of each other (semicircular configuration). Deputy One stopped his patrol vehicle to the left of Deputy Two's vehicle approximately 25 feet away from the Honda Civic. He stated Deputy Two's vehicle was positioned parallel to his vehicle directly behind the white Honda Civic.</p>

	<p>Based on his training and experience, he believed the individuals may have been possible gang members. Deputy One saw the Plaintiff standing approximately 2 feet behind Suspect One at the time of the incident.</p> <p>Deputy One exited his patrol vehicle, drew his firearm, and gave verbal commands to the males to show their hands. Suspect One simultaneously took a step toward Deputy One with his right foot, and raised his plaid shirt above his waist with his left hand, which had a blue bandana wrapped around it. Suspect One then used his right hand to draw a black semi-automatic handgun from his waistband while pointing the barrel of the weapon toward the ground.</p> <p>Fearing for his life, Deputy One fired one round from his duty weapon at Suspect One, who subsequently ran southwest across Triggs Street into a nearby park and out of view.</p> <p>As the additional three males raised their hands in the air, Deputy One notified Deputy Two he discharged his firearm, and initiated emergent radio traffic using his Department-issued handheld radio. He then initiated a containment of the immediate area. As Deputy One was voicing radio traffic, he heard Plaintiff One scream he had been shot.</p> <p>When Deputy One realized Plaintiff One sustained a gunshot wound, he utilized his Department-issued handheld radio to request emergency medical services, and rendered emergency aid by applying a tourniquet to the Plaintiff's right upper thigh. Additional deputy sheriff personnel arrived and relieved Deputy One in rendering aid to the Plaintiff, while he continued relaying information about Suspect One over the radio.</p> <p>The following is a summary of Deputy Two's interviews with Internal Affairs Bureau:</p> <p>Deputy Two responded to a hit and run call for service in tandem with Deputy One, and began to check the area for the vehicle or individuals who may have hit the informant's vehicle. Deputy Two saw a white sedan with its hazard lights on as he traveled westbound on Triggs Street.</p> <p>As Deputy Two positioned his vehicle south of Deputy One's vehicle, he saw three male Hispanic adults and one female Hispanic adult standing near the front of the disabled vehicle with its hazard lights on. He saw the vehicle sustained collision damage, and activated his overhead rotating lights with solid red. He also positioned his spotlight toward the white sedan.</p> <p>Deputy Two exited his patrol vehicle, and drew his service weapon from his holster, while ordering the individuals to stop moving and show their hands. Deputy Two knew from personal experience he was in an area frequented by a criminal street gang. Deputy Two also observed tools on the ground near the disabled car, which could have been used as weapons.</p> <p>Three of the individuals complied with Deputy Two's commands to show their hands, while a fourth (Suspect One) looked nervously at the deputy sheriffs and back at the group he was with.</p>
--	---

	<p>Suspect One lifted his shirt with his left hand, and bladed his body away from Deputy Two, while stepping south toward Deputy One.</p> <p>Deputy Two heard one shot fired, and was initially concerned Deputy One may have been injured. He looked in Deputy One's direction, and confirmed he was not injured. He heard Deputy One state Suspect One had a black firearm, and observed Suspect One run southbound across Triggs Street into Bristow Park and out of view. Plaintiffs One and Two, along with the driver of the white Honda remained at the location and complied with Deputy Two's orders to lie on the ground in a prone position.</p> <p>When Deputy Two saw Plaintiff One was struck by gunfire, he rendered the area safe, and assisted Deputy One in emergency first aid. The Los Angeles County Fire Department responded to the location.</p> <p>LASD established a containment area and began searching for Suspect One. After several hours, Suspect One was located hiding in the back seat of an abandoned vehicle parked in the back yard of a nearby residence. Suspect One was removed from the vehicle, searched, and arrested for assault with a firearm on a peace officer, in violation of Penal Code Section 245(d)(1). Suspect One was transported to East Los Angeles Sheriff's Station for booking.</p> <p>A field identification of Suspect One was conducted individually with Deputies One and Two. Deputy One positively identified Suspect One as the person who ran from him while in possession of a firearm. Deputy Two positively identified Suspect One as the person who ran from them toward the nearby park.</p> <p>Responding deputy sheriffs detained Plaintiff Two (Plaintiff One's fiancé), and the driver of the white sedan.</p> <p>On August 22, 2020, LASD Investigators investigated the circumstances surrounding the incident. During their investigation, the scene was photographed, evidence was collected, and witnesses were interviewed. The firearm was not recovered.</p> <p>On August 25, 2020, LASD presented the case to the Los Angeles County District Attorney's Office, Justice System Integrity Division for prosecution of Suspect One's charges of felony assault with a firearm on a peace officer, in violation of Penal Code Section 245(d)(1), and possession of a firearm by a convicted felon, in violation of Penal Code Section 29800(a)(1).</p> <p>The District Attorney's Office declined to file charges due to the lack of evidence, and Suspect One was released from custody on August 25, 2020. LASD continued to investigate, but did not present the case to the District Attorney's Office a second time.</p>
--	---

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

A **Department** root cause in this incident was Deputies One and Two attempted to detain Suspect One regarding a hit and run investigation.

A **Department** root cause in the incident was a deputy-involved shooting occurred.

A **Department** root cause in this incident was Deputy One did not properly acquire his target prior to discharging his firearm; as a result, shooting Plaintiff One.

A **Department** root cause in the incident was the deputies were not equipped with Body-Worn Camera. The recorded video would have captured the deputies' contact with the Plaintiff in order to prove or disprove the Plaintiff's allegations.

A **non-Department** root cause in this incident was Suspect One refused to comply with the lawful orders given by Deputies One and Two.

A **non-Department** root cause in this incident was Suspect One withdrew a black, semi-automatic handgun from his waistband, exposing the barrel of the weapon.

A **non-Department** root cause in this incident was Suspect One was detained pending a hit-and-run (parked vehicle) investigation, and fled the scene.

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

Internal Criminal Investigation Bureau

The incident was investigated by the Sheriff's Department Homicide Bureau. The results of their investigation were submitted to the Los Angeles County District Attorney's Office, Justice System Integrity Division.

On September 7, 2022, the District Attorney's Office completed their review of the incident and determined there was insufficient evidence to prove Deputy One did not act in lawful self-defense and the defense of his partner when he fired his duty weapon.

Administrative Investigation

This use-of-force was investigated by the Internal Affairs Bureau to determine if any Department policy violations occurred during the use of force used against the Plaintiff.

On July 6, 2023, the Executive Force Review Committee determined the force used in this incident was within policy.

On September 7, 2023, the IAB investigation into this matter concluded. This case was subsequently reviewed by the Executive Force Review Committee, who determined the following:

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

Body-Worn Cameras (BWC)

As of November 2020, all sworn personnel assigned to East Los Angeles Station were issued a Body-Worn Camera to ensure all public contacts are transparent. The use of BWCs 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.

County of Los Angeles
Summary Corrective Action Plan

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:

01/31/24

Name: (Department Head)

Myron Johnson, Assistant Sheriff
Patrol Operations

Signature:



Date:

2/8/24

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:

2/9/2024