



County of Los Angeles

May 7, 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 Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation
Sanchez Gallegos, Gloria v. County of Los Angeles, et al.
United States District Court No. 2:23-cv-00112**



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 is requested that this recommendation, Case Summary, and 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 Sanchez Gallegos, Gloria v. County of Los Angeles, et al., United States District Court No. 2:23-cv-00112, in the amount of \$250,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This federal civil rights lawsuit against the Sheriff's Department arises out of the fatal shooting of Plaintiff's son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Gloria Gallegos Sanchez v. County of Los Angeles, et al.
CASE NUMBER	23-CV-00112
COURT	United States District Court
DATE FILED	December 21, 2022
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Christian Contreras, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$250,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Gloria Gallegos Sanchez, mother of decedent Augustin Flores Sanchez after he was shot by Los Angeles Sheriff's Department ("LASD") deputies.</p> <p>Given the 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 \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 25,426
PAID COSTS, TO DATE	\$ 530



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 31, 2022, approximately 6:50 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-104</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>The initial call for service, various investigative reports, and summaries indicate on August 31, 2022, at approximately 06:50 a.m., two on-duty Los Angeles County Sheriff's Department Deputy Sheriffs assigned to Century Station responded to ReConserve of California (9112 Graham Avenue, Los Angeles, CA 90002), a nearby business regarding a "Person with a knife" call. The informant, an employee at the business, indicated that a male Hispanic in his 40s (Decedent), wearing a black shirt, was swinging a machete and threatening employees.</p> <p>When Deputy One (driver) and Deputy Two (passenger) arrived at the location, employees directed them to the Decedent, who was seated in the driver's seat of a white pick-up truck with tinted windows. The pick-up truck was parked along the west curblineline of Graham Avenue, just south of 92nd Street. Deputies One and Two approached the truck on the driver's side and contacted the Decedent. They detained the Decedent at gunpoint and ordered him to open the door.</p> <p>Deputy One opened the driver's side door and Deputy Two attempted to detain the Decedent by controlling his hands. The Decedent punched and kicked at Deputies One and Two as they forcefully tried to pull him from the driver's seat. The Decedent yelled, "Jalale!" (Pull it!) in Spanish, referring to the Deputies' guns. Fearing the Decedent was attempting to arm himself, Deputies One and two disengaged in the struggle, moved away from the truck, and waited for additional units to arrive. The Decedent armed himself with a machete (approximately three feet in length), which he retrieved from the interior of his vehicle.</p> <p>Several other Deputy Sheriffs, including Deputies Three and Four, arrived at the scene. The Decedent, still detained at gunpoint, stood on the truck's running board holding the machete in his right hand and a metal torch tank in his left. The Decedent wielded the machete at the Deputies. The Decedent yelled at deputies in Spanish, "Dale!" (Go for it!) and "Jalale!" Deputies ordered the Decedent to drop the machete, but instead, he threw a small metal propane tank at Deputy Two, striking him on his left arm.</p>

	<p>Deputies deployed less lethal weapons. The Decedent was tased, struck in his torso with two rounds from the 40mm Sage Deuce foam baton launcher, and struck in the abdomen with a round from the stun bag shotgun. The less lethal weapons had a minimal effect on the Decedent. As the Decedent lunged at Deputies with the machete in his right hand, and Deputies One through Four fired their Department-issued firearms. The Decedent was struck by gunfire and fell to the ground due to sustaining multiple gunshot wounds to his torso. Deputies made a tactical approach and began to render aid to the Decedent pending the arrival of Los Angeles County Fire Department personnel. Paramedics arrived and administered medical aid. The Decedent was pronounced deceased at the scene at 07:03 a.m.</p> <p>A command post and containment of the scene were established by assisting Deputy Sheriffs. Deputies One through Four were transported to Century Sheriff's Station pending interviews with Homicide Bureau investigators.</p> <p>At approximately 10:21 a.m., the Los Angeles County Sheriff's Department Crime Lab arrived at the scene. Forensic Identification Specialists identified, marked, and photographed evidence and the scene.</p> <p>At approximately 10:23 a.m., the handling Homicide Bureau investigators arrived at the command post and took control of the scene.</p> <p>The Los Angeles County Coroner's Office investigators arrived at approximately 06:35 p.m. After a thorough investigation was conducted, the Decedent was transported to the Los Angeles County Coroner's Office.</p> <p>The deputy-involved shooting was captured by the deputies' body-worn cameras.</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 Deputies One through Four used deadly force against the Decedent.</p> <p>A Department root cause in this incident was Deputies' failure to identify the Decedent as an armed, barricaded suspect, warranting notification to Special Enforcement Bureau.</p> <p>A non-Department root cause in this incident was the Decedent's failure to comply with lawful orders issued by the Deputy Sheriffs.</p> <p>A non-Department root cause in this incident was the Decedent's decision to charge towards Deputies with a machete.</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

The incident was investigated by the Sheriff's Department Homicide Bureau to determine if any criminal misconduct occurred.

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the use of deadly force was legally justified and/or if any criminal misconduct occurred. At the time of this report, the Los Angeles County District Attorney's Office had not advised the Department of their findings.

This corrective action plan will be supplemented with a report to include:

- The findings of the Los Angeles County District Attorney's Office assessment regarding the incident.

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.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigations statute dates. Once the Homicide Bureau and the Los Angeles County District Attorney's Office investigations are complete, a statute date will be set regarding the administrative investigation.

Upon completion of the investigation, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee (EFRC) for adjudication.

This corrective action plan will be supplemented with the report to include:

- The findings of the EFRC
- Any personnel-related administrative action taken
- Any systemic issues (e.g., training, curriculum, etc.) identified
- Any other corrective action measure(s) identified or taken.

Station Briefings

In the days following the incident, personnel were briefed on the events known at the time, based on information provided by Homicide Bureau investigators. Special attention was placed on officer safety, the dangers of reaching into vehicles, back-up/assistance requests, and lessons learned to assist deputies in the event they found themselves in a similar situation. Briefings occurred on all three shifts and were conducted by the field sergeants and watch commanders.

Station personnel are repeatedly briefed on Field Operations Directives (FOD) 21-13, Reaching into Vehicles, and FOD 18-007, Critical Calls for Service.

Deputy Sheriffs will be continuously scheduled to attend TAS 1 Training with the Department's Tactics and Survival Unit and Arrest and Control / Use of Force Training.

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)

Julia M. Valdés, A/Captain
Risk Management Bureau

Signature:



Date:

2/29/2024

Name: (Department Head)

Myron Johnson, Assistant Sheriff
Patrol Operations

Signature:



Date:

3/1/24

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)

Daniela Prowizor

Signature:



Date:

3/11/2024