



County of Los Angeles

July 9, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

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Supervisor, First District

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Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

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Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

TO: EDWARD YEN
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
Albino Villegas-Ayala vs. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 21STCV41723**



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:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Albino Villegas-Ayala vs. County of Los Angeles, et al., Los Angeles Superior Court Case No. 21STCV41723, in the amount of \$285,000, 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 a vehicle accident involving a Sheriff's Department deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Albino Villegas-Ayala vs. County of Los Angeles, et al.
CASE NUMBER	21STCV41723
COURT	Los Angeles Superior Court
DATE FILED	November 12, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 285,000
ATTORNEY FOR PLAINTIFF	Scott Spell, Esq. Law Offices of Scott Spell
COUNTY COUNSEL ATTORNEY	Patrick E. Stockalper, Esq. Kjar, McKenna, & Stockalper, LLP Kevin Engelién Senior Deputy County Counsel
NATURE OF CASE	This incident occurred on October 7, 2020, northbound on the 71 Freeway, in the city of Pomona, when LASD's patrol unit collided with Mr. Villegas-Ayala's vehicle. Mr. Villegas-Ayala alleges he sustained injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$285,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 31,606
PAID COSTS, TO DATE	\$ 9,088



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:	October 7, 2020, approximately 4:50 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-106</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>The following is a synopsis obtained from the Trial Counsel Report, Narrative Supplemental Report and SH-R-257 (Supervisor's Report of incident or Damage to County Vehicle or Permittee's Vehicle).</p> <p>On October 7, 2020, at approximately 4:45 a.m., a Los Angeles County Deputy Sheriff, assigned to Narcotics Bureau was driving his assigned, unmarked undercover vehicle northbound on Highway 71, approaching the 57 Freeway, when he was involved in a traffic collision.</p> <p>While driving at approximately 65 miles per hour, about to transition onto the northbound 57 Freeway, traffic suddenly stopped. The Deputy Sheriff applied his brakes and slowed his vehicle to approximately 35 miles per hour, but he was unable to stop his vehicle. He subsequently rear-ended the plaintiff's vehicle. The force from the collision caused the plaintiff's vehicle to collide with the rear end of another vehicle, which was also stopped in northbound traffic on Highway 71.</p> <p>A California Highway Patrol Officer responded to the collision and conducted a traffic collision investigation.</p> <p>The Deputy Sheriff notified an LASD Sheriff's supervisor and advised he was involved in a traffic collision. The supervisor responded to the collision location and authored Supervisor's Report of Incident or Damage to County Vehicle investigation.</p> <p>The Deputy Sheriff was able to drive his vehicle off the freeway with the assistance of California Highway Patrol.</p> <p>Following the traffic collision, the Plaintiff complained of pain to his back, right rib cage area, chest, shoulders, and left arm.</p> <p>The Plaintiff's vehicle was towed off the freeway.</p> <p>The Los Angeles County Fire Department responded to the location and rendered aid.</p> <p>The Deputy Sheriff sustained injuries related to the traffic collision.</p>

	<p>The Plaintiff was transported to the hospital for additional medical treatment.</p> <p>The Third Driver did not sustain any injuries in the traffic collision. The CHP Officer determined the Deputy Sheriff was the primary cause of the traffic collision, in violation of California Vehicle Code Section 22350.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the deputy sheriff was driving at an unsafe speed in violation of 22350, California Vehicle Code.

A **Department** root cause of this incident is the deputy sheriff failed to stop his vehicle before colliding into the back of the Plaintiff's vehicle, which caused the Plaintiff's vehicle to collide into another vehicle.

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 investigated by an officer from the California Highway Patrol.

The collision investigation concluded the Deputy Sheriff caused the collision by driving at an unsafe speed, in violation of California Vehicle Code section - 22350 (**Exhibit A**).

Administrative Investigation

This incident was investigated by representatives at Narcotics Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

Executive evaluation of this incident determined no violations of Department policy.

On October 14, 2020, the Deputy Sheriff attended driver's training. Since this incident, he has not been involved in any additional traffic collisions.

The Deputy Sheriff involved in this incident attended training pertaining to the circumstances surrounding this incident.

Traffic Collision Assessment and Review

As a result of this collision, an assessment of employee-involved traffic collisions was conducted from January 1, 2018, to December 31, 2022. The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2018	6	12
2019	5	10
2020	8	21
2021	6	16
2022	6	10

The number of preventable traffic collisions over the past five years was not excessive based on the amount of driving conducted by personnel assigned to Narcotics Bureau.

However, in an attempt to improve employee safety and reduce the Department's liability exposure, Narcotics Bureau continues to schedule personnel to the four and eight-hour driver training course facilitated by the Los Angeles County Sheriff's Department Emergency Vehicle Operations Center.


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: 12-11-2023

Name: (Department Head) Holly Francisco, Assistant Sheriff Countywide Operations	
Signature: 	Date: 12-13-23

Chief Executive Office Risk Management Inspector General USE ONLY
Are the corrective actions applicable to other departments within the County? <input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input type="checkbox"/> 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: 2024.01.18 14:10:21 -08'00'	Date: 1/18/2024