



County of Los Angeles

September 10, 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: 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  
Samuel Nelson v. County of Los Angeles, et al.  
United States District Court Case No.: 2:22-cv-00832**



Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is 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 Samuel Nelson v. County of Los Angeles, et al., United States District Court Case No.: 2:22-cv-00832, in the amount of \$7,000,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This civil rights lawsuit concerns allegations of excessive force arising out of Plaintiff's detention and arrest by a Sheriff's Department deputy.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Samuel Nelson v. County of Los Angeles, et al.
CASE NUMBER	2:22-CV-00832
COURT	United States District Court
DATE FILED	February 7, 2022
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 7,000,000
ATTORNEY FOR PLAINTIFF	Cameron Sehat
COUNTY COUNSEL ATTORNEY	Minas Samuelian Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$7,000,000 inclusive of attorneys' fees and costs, a federal and state civil rights lawsuit filed by Samuel Nelson ("Plaintiff"), alleging excessive force arising out of Plaintiff's detention and arrest.</p> <p>Given 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 \$7,000,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 160,682
PAID COSTS, TO DATE	\$ \$16,499



## 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:	September 23, 2020, at approximately 4:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-111</p> <p><b>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</b></p> <p>Based on the multiple investigative reports, on September 23, 2020, at approximately 4:00 p.m., the Deputy Sheriff who is assigned to Whittier Courthouse (7339 Painter Ave, Whittier, CA, 90602), finished working his shift; and while in civilian clothing, walked to the courthouse parking structure. Once inside the parking structure, the Deputy Sheriff observed an unknown male standing in between two parked vehicles near the northwest corner of the parking structure. As the Deputy Sheriff continued to walk towards his vehicle, he observed a second unknown male (Plaintiff) looking into his vehicle through the front windshield.</p> <p>The following statement is a summary of Homicide Bureau's Interview with Deputy One:</p> <p>The Deputy Sheriff stated once he was inside of the parking structure, he observed an unknown male standing in between two parked vehicles. The first unknown individual made eye contact with the Deputy Sheriff as he stretched and yawned loudly all while looking over his left shoulder towards the employee parking area. As the unknown individual stepped from in between the parked vehicles, he looked at the Plaintiff, walked past the Deputy Sheriff and exited the parking structure.</p> <p>As he walked past the Deputy Sheriff, the Deputy Sheriff's attention was drawn to the Plaintiff. As the Deputy Sheriff continued to walk towards his vehicle when he saw the Plaintiff (standing near the driver's side [front] bumper of his vehicle) looking into his vehicle via the front windshield.</p> <p>The Deputy Sheriff yelled at the Plaintiff, "What are you doing to my car?" The Plaintiff responded, "I dropped something." After being confronted, the Plaintiff discontinued looking for the dropped item and began to walk towards the parked vehicle on the west side of the aisle.</p> <p>The Deputy Sheriff asked the Plaintiff, "What did you drop? The Plaintiff replied, "Don't f**king worry about it." The Deputy Sheriff walked to his vehicle to ensure his vehicle had not been burglarized. Once the Deputy Sheriff confirmed his vehicle was not burglarized, he redirected his attention back to the Plaintiff. The Deputy Sheriff quickly removed his cellular phone from his pocket to record the Plaintiff "casing" vehicles inside of the parking structure.</p>

	<p>The Deputy Sheriff followed the Plaintiff as he walked to the exit located near the northeast corner of the parking structure.</p> <p>As the Plaintiff reached the parking structure exit, he turned and aggressively told the Deputy Sheriff to stop recording him. The Deputy Sheriff stated he was standing near a center wall inside of the parking structure when the Plaintiff aggressively approached him and quickly placed his right hand underneath his jacket near his waistband. The Deputy stated when the Plaintiff reached underneath his jacket, he believed the Plaintiff was reaching for a weapon.</p> <p>The Deputy Sheriff did not believe he could physically outrun the Plaintiff due to a pulled hamstring and a bad back. [Instead of running], he identified himself as a Deputy Sheriff, drew his off-duty firearm, and pointed it at the Plaintiff. The Deputy Sheriff ordered the Plaintiff to show him his hands.</p> <p>After the Deputy Sheriff identified himself and held the Plaintiff at gunpoint, the Plaintiff replied, "I don't give a f**k!" and began tugging at the front of his waistband.</p> <p>Due to the Deputy Sheriff fearing the Plaintiff was armed with a weapon, and may be able to draw it from his waist, the Deputy Sheriff fired two rounds at the Plaintiff from his off-duty revolver. As the shots were fired, the Plaintiff bent at his waist and turned to his left. When the Plaintiff turned to his left, the Deputy Sheriff observed the Plaintiff continuing to fumble and tug at his waistband.</p> <p>Due to the Deputy Sheriff's sustained fear for his safety and the Plaintiff's continued effort to retrieve a possible weapon, the Deputy Sheriff fired a third round from his off-duty firearm. After the third round, the Plaintiff's legs went "limp," and the Plaintiff fell on his stomach. The Deputy Sheriff ordered the Plaintiff not to reach for his "gun." The Plaintiff replied, "I was not reaching for a gun, but a knife." As the Plaintiff rolled over, the Deputy Sheriff could see a red box cutter knife attached to the front of the Plaintiff's waistband.</p> <p>The Deputy Sheriff continued to hold the Plaintiff at gunpoint while he called for emergency medical services.</p> <p>The Deputy Sheriff stayed at the location and gave the responding Whittier Police Officer a statement, after which he was escorted to the Whittier Courthouse by one of his supervisors and awaited Homicide Investigators. Upon speaking to the Homicide Detectives, he stated he attempted to locate the video of the incident on his cellphone, but he could not find the video recording. The Deputy Sheriff then realized he did not capture the incident on his cellular phone.</p> <p>Whittier Police Department's Detective's Observations:</p> <p>While the Deputy Sheriff was on the telephone with the 9-1-1 Dispatcher, a pick-up truck entered the parking structure. A detective from Whittier Police Department exited the truck and approached the Deputy Sheriff. The Detective ensured the Deputy Sheriff was off-duty law enforcement and began rendering aid to the Plaintiff. The Detective observed the Plaintiff sustained a gunshot wound. As the Detective lifted the Plaintiff's shirt, in search of additional gunshot wounds.</p>
--	--

	<p>The Detective observed the Plaintiff had a “construction type” folding knife clipped to the Plaintiff’s belt. The Detective rolled the Plaintiff over, he observed an additional gunshot wound.</p> <p>During the Detective’s medical assessment, he observed a glass pipe protruding from the Plaintiff’s front right pocket.</p> <p>Responding Whittier Police Department’s personnel secured the scene with crime scene tape, effectively closing the sidewalk to the public.</p> <p>Upon being notified of the shooting, Los Angeles County Sheriff’s Department’s Homicide Bureau Detectives arrived and assumed control of the investigation.</p> <p>The Los Angeles County Fire Department responded and rendered medical aid to the Plaintiff.</p> <p>The Plaintiff was transported to the hospital for medical treatment for his gunshot wounds.</p> <p>On Tuesday, March 16, 2021, the District Attorney’s Office reviewed the case and declined to file charges against the Plaintiff. The District Attorney indicated there was sufficient evidence to file violations of Health and Safety section 11377 - Possession of a controlled substance, Health and Safety section 11364 - Possession of Drug Paraphernalia and Penal Code section 415 – Disturbing the Peace but declined to file those charges based on Los Angeles DA Special Directive 20-07’s – Misdemeanor Declination Policy.</p> <p>Additionally, The District Attorney’s Office declined to file charges in violation of Penal Code sections 664/459 – Attempted Burglary, Penal Code section 136.1- Witness Tampering and Penal Code section 417 – Brandishing a Weapon, and Penal Code section 245 – Assault with a deadly weapon, due to insufficient evidence.</p>
--	---

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

<p>A <b>Department</b> root cause in this incident was the Deputy Sheriff’s discharge of his off-duty firearm.</p> <p>A <b>Department</b> root cause in this incident was the Deputy Sheriff’s involvement in an active Law Enforcement situation while off-duty.</p> <p>A non-<b>Department</b> root cause in this incident was, The Plaintiff aggressively advanced toward the Deputy Sheriff and reached towards his waistband as if reaching for a weapon.</p> <p>A non-<b>Department</b> root cause in this incident was the Plaintiff did not comply with the lawful verbal commands given by the Deputy Sheriff, who identified himself as a law enforcement officer and presented his firearm.</p>
--

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

**Criminal Investigation**

This incident was investigated by the Los Angeles County Sheriff's Department Homicide Bureau to determine if any criminal misconduct occurred. The investigative materials of the incident were submitted to the Los Angeles County District Attorney's Office, Justice System Integrity Division for evaluation and filing consideration.

On November 22, 2022, the District Attorney's Office completed its review of the September 23, 2020, non-fatal shooting of the Plaintiff and concluded there is insufficient evidence to prove beyond a reasonable doubt that Deputy One was not acting in lawful self-defense.

**Administrative Investigation**

Upon completion of the District Attorney's Office's 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.

**Incident Debriefing**

A debriefing was conducted by area supervision. The briefing consisted of the following:

- Tactical issues.
- Safety concerns for personnel walking to and from the parking structure.

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)

*J. M. Valdes*  
Julia M. Valdes, A/Captain  
Risk Management Bureau

Signature:

*J. M. Valdes*

Date:

5-10-24

Name: (Department Head)

Holly A. Francisco, Assistant Sheriff  
Countywide Operations

Signature:

*Holly Francisco*

Date:

6-11-27

**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:

6/12/2024