



County of Los Angeles

December 3, 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
Adrian Cruz, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:23-cv-02702**



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 Adrian Cruz, et al. v. County of Los Angeles, et al., United States District Court Case No. 2:23-cv-02702, in the amount of \$525,000, 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 by Sheriff's deputies during the detention of Plaintiff.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Adrian Cruz, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:23-CV-02702
COURT	United States District Court
DATE FILED	March 14, 2023
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 525,000
ATTORNEY FOR PLAINTIFF	Greg L. Kirakosian
COUNTY COUNSEL ATTORNEY	Minas Samuelian Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$525,000 inclusive of attorneys' fees and costs, a federal and State civil rights lawsuit filed by Adrian Cruz, Amanda Sainz, and A.C., a minor by and through his guardian ad litem, Krystle Garcia, ("Plaintiffs"), alleging excessive force arising out of Plaintiff Cruz's detention.</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 \$525,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 18,391
PAID COSTS, TO DATE	\$ 2,892



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:	November 9, 2022 approximately 5:30 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-138</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 November 9, 2022, a stolen vehicle pursuit entered the Norwalk Station reporting district. Prior to that, the suspect was seen on live television broadcasts leading police on a prolonged vehicle pursuit; at one point exiting one vehicle and stealing another. The suspect's driving habits were erratic, and the suspect displayed no regard for the safety of the public or the police officers who were pursuing and attempting to apprehend him.</p> <p>As the suspect drove into the reporting area, his vehicle became disabled. The suspect exited the stolen vehicle and fled on foot, entering an occupied residence from a rear patio sliding door. Once inside the residence, he encountered the occupants and brandished a pair of scissors while stealing their car keys. The suspect exited the residence into the front yard and used the stolen car keys to enter another vehicle that was parked in the driveway. The suspect exited the property by driving through a closed gate, nearly striking one of the occupants of the residence.</p> <p>Emergent assistance was requested, and Department personnel responded to the area attempting to locate and apprehend the suspect. Deputies from neighboring stations pursued the suspect through several cities on the highway and residential streets, crossing several jurisdictions. As the suspect continued to flee, he side-swiped several vehicles on the roadway including a marked Los Angeles County Sheriff's Department patrol vehicle.</p> <p>Emergent radio traffic broadcast the suspect's locations and actions, but was infrequent and distorted at times.</p> <p>The vehicle pursuit terminated at an intersection when the suspect vehicle collided with the Plaintiff's vehicle and became disabled.</p> <p>Several deputies and peace officers from various agencies responded to the termination of the pursuit. Two deputies arrived and recognized Plaintiff One was not the suspect.</p>

	<p>Moments later, Deputies One, Two, and Three arrived on scene as an officer-involved shooting simultaneously occurred between the suspect and Department personnel. Emergent radio traffic was broadcast reporting the officer-involved shooting.</p> <p>The following is based on Deputy One's incident report and interview with Internal Affairs Bureau:</p> <p>Deputy One responded to an assistance request regarding a carjacking suspect that was leading law enforcement on a vehicle pursuit.</p> <p>As Deputy One arrived on scene, he observed the suspect's vehicle reverse into a marked patrol vehicle. As Deputy One exited his vehicle, he heard gun shots followed by emergent radio traffic broadcasting a deputy-involved shooting occurred.</p> <p>Deputy One moved to the rear of his vehicle where he observed Plaintiff One's vehicle approximately 20 feet away from the carjacking suspect's disabled vehicle. Deputy One observed a female and child screaming while running from the open driver's side door of the Plaintiff's vehicle. He also observed an unknown male (Plaintiff One) attempting to enter the driver's seat of the vehicle. Deputy One believed the person he observed attempting to enter the vehicle was the carjacking suspect continuing his efforts to escape capture. Deputy One approached on foot to assist additional personnel with detaining the individual he believed was the carjacking suspect.</p> <p>Deputy One attempted to gain control of Plaintiff One's left arm, but he was uncooperative, argumentative, and resisted Deputy One's efforts to control his arm. Deputy Two arrived and began giving verbal commands to whom they believed to be the carjacking suspect. Deputy One maintained his control of Plaintiff One's left arm while forcibly turning Plaintiff One away from him, pushing him up against the rear passenger door of the vehicle, in preparation to handcuff him. He observed Deputy Two use a personal weapon (fist) to Plaintiff One's face. Deputy One conducted a takedown of Plaintiff One by pulling both his arms towards the ground, ultimately landing on his back with Plaintiff One partially on top of him.</p> <p>Once on the ground, Deputy One observed Plaintiff One continue to physically resist efforts to control his arms. Deputy One maintained control of Plaintiff One's arms and observed Deputy Three attempting to control Plaintiff One's right arm. Plaintiff One ultimately complied and was handcuffed. He was escorted away from the white sedan and detained pending the outcome of the on-scene investigation.</p> <p>The following is based on Deputy Two's incident report and interview with Internal Affairs Bureau:</p> <p>Deputy Two responded to the scene, exited his vehicle, and immediately ran toward the carjacking suspect's vehicle. He continued to run towards the location when he observed Plaintiff One's vehicle approximately 20 feet away from the carjacking suspect's disabled vehicle. Deputy Two observed a female and child screaming while running from the open driver's side door of Plaintiff One's vehicle.</p>
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	<p>He also observed deputies contacting a male Hispanic (Plaintiff One) near the driver's side door, arguing, and refusing to comply with Deputy One's verbal commands to place his hands behind his back.</p> <p>Based on all the above, Deputy Two believed Plaintiff One was the carjacking suspect who was now attempting to steal the white sedan and was physically resisting Deputy One.</p> <p>Deputy Two saw Plaintiff One pull his right hand toward his pocket. He believed Plaintiff One was possibly attempting to retrieve a weapon, and used personal weapons (fist) to the right side of Plaintiff One's face. He observed Deputy One conduct a takedown of Plaintiff One, landing on the ground. Once on the ground, he observed Plaintiff One continue refusing to comply with Deputy One. Deputy Two began giving Plaintiff One verbal commands to put his hands behind his back. Plaintiff One ultimately complied and was handcuffed.</p> <p>He was escorted away from the white sedan and detained pending the outcome of the on-scene investigation.</p> <p>The following is based on Deputy Three's incident report and interview with Internal Affairs Bureau:</p> <p>Deputy Three arrived at the termination of the pursuit and heard emergent radio traffic of a deputy involved shooting with the suspect.</p> <p>Based on the emergent radio traffic, Deputy Three believed Plaintiff One was the carjacking suspect who was now attempting to steal another vehicle while physically resisting Deputy One. Deputy Three arrived at the same time as Deputy Two. Deputy Three observed Deputy Two use personal weapons (fist) to the right side of Plaintiff One's face, as Deputy One conducted a takedown of Plaintiff One who continued to physically resist efforts to handcuff him. Once on the ground, Deputy Three indicated he observed Plaintiff One on top of Deputy One, and Plaintiff One appeared to roll onto his side. Deputy Three believed Plaintiff One was attempting to escape and utilized personal weapons (fist) to Plaintiff One's face, attempting to gain compliance.</p> <p>The personal weapon proved effective, and Plaintiff One complied with all further orders. He was handcuffed and escorted to the rear of a marked patrol vehicle, where he was detained pending the outcome of the on-scene investigation.</p> <p>Plaintiff One was medically treated before being released.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was Deputies One, Two, and Three detained Plaintiff One pending an assault with a deadly weapon investigation prior to having the suspect's physical description.

A **Department** root cause in this incident was Deputies One, Two, and Three failed to properly assess the situation prior to using force.

A **Department** root cause in this incident was the lack of de-escalation techniques used by Deputies One, Two, and Three.

A **Department** root cause in this incident was Deputy One failed to activate his body-worn camera.

A **Non-Department** root cause in this incident was the Plaintiff's failure to follow lawful orders given by Deputy One during the initial contact and detention resulting in a use of force.

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

Administrative Investigation

This incident was assigned to the Department Internal Affairs Bureau to determine if any Department policy violations occurred before, during, or after the incident. This case was subsequently reviewed by the Executive Force Review Committee, who determined the force used in this incident was not within Department policy. Appropriate administrative action was taken.

Tactical Incident Debriefing

Sheriff's Department personnel were briefed on the events known at the time and based on the information provided by responding personnel. Special focus was placed on emergency driving policies, initiation of Code-3 responses, vehicle operation and tactics, vehicle pursuits/tactics, responding field units' responsibilities, and lessons learned to assist employees should they find themselves in a similar situation.

The Deputy Sheriffs involved in this incident received additional training.

EFRC Recommended Policy Re-brief and Tactical De-brief of Incident

The EFRC Panel also recommended that all personnel involved in this incident undergo a tactical de-brief of this incident, as well as a re-briefing of Department policies.

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. Valdes, A/Captain Risk Management Bureau	
Signature: 	Date: 09/04/2024

Name: (Department Head) Myron Jonson, Assistant Sheriff Patrol Operations	
Signature: 	Date: 9/9/24

Chief Executive Office Risk Management Inspector General USE ONLY Are the corrective actions applicable to other departments within the County? <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this Department.

Name: Betty Karmirlian (A/Risk Management Inspector General) Acting Risk Management Inspector General	
Signature:  Betty Karmirlian	Date: 9/10/2024

Digitally signed by Betty Karmirlian
Date: 2024.09.10 11:06:03 -07'00'