



County of Los Angeles

December 17, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District


Holly J. 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

FROM: TIMOTHY J. KRAL 
Acting Assistant County Counsel
Justice and Safety Division

RE: **Item for the Board of Supervisors' Agenda
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Alcaez, Mark Anthony vs. Los Angeles County Sheriff's
Department, et al.
Los Angeles Superior Court Case No. 20STCV35456**



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.

TJK:sr

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Settlement for Matter Entitled Alcaez, Mark Anthony v. Los Angeles County Sheriff's Department, et al. Los Angeles Superior Court Case No. 20STCV35456.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorized Settlement of the matter entitled **Alcaez, Mark Anthony v. Los Angeles County Sheriff's Department, et al.** Los Angeles Superior Court Case No. 20STCV35456 the amount of \$850,000 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 an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mark Anthony Alcaez vs. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	20STCV35456
COURT	Los Angeles Superior Court
DATE FILED	September 18, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 850,000
ATTORNEY FOR PLAINTIFF	JAMES R. TRAUT, ESQ. TRAUT FIRM
COUNTY COUNSEL ATTORNEY	MELISSA A. McCAVERTY Deputy County Counsel BRIAN STEWART, ESQ. Collins + Collins, LLP
NATURE OF CASE	This case involves a vehicle collision between a Sheriff's Department 2011 Crown Victoria and a 2004 Ford F-150 driven by the Plaintiff that occurred on May 10, 2020, at the intersection of Imperial Highway and Woods Avenue in the City of Irwindale. Plaintiff claims to have suffered injuries and damages from the collision. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 38,238
PAID COSTS, TO DATE	\$ 20,538



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:	May 10, 2020, at approximately 3:25 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-139</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 indicate on May 10, 2020, at approximately 3:25 p.m., a Norwalk Sheriff's Station deputy was driving a marked Sheriff's Department patrol vehicle west in eastbound lanes of traffic when he was involved in a traffic collision.</p> <p>The Deputy Sheriff was driving authorized Code-3 (emergency response with red, blue, yellow flashing lights and audible siren) at approximately 59 miles per hour to a traffic collision with injuries call for service.</p> <p>The Deputy Sheriff observed the intersection to be clear and the traffic control signal light green. The Deputy Sheriff proceeded through the intersection as the Plaintiff simultaneously turned southbound on Woods Avenue from the left turning lane of westbound Imperial Highway. The Plaintiff stated the light was green.</p> <p>The Plaintiff stated he heard emergency sirens through his open driver side window prior to the collision, but was unable to see which direction they were coming from.</p> <p>The Deputy Sheriff, who was not wearing his seatbelt at the time of the traffic collision, sustained several lacerations to his head and facial area. He also complained of pain in his head, neck, and right leg. The Deputy Sheriff was transported via ambulance to the hospital.</p> <p>The Plaintiff complained of pain in his neck and sustained a laceration to his face. He was transported via ambulance to the hospital from the scene of the collision. The additional five occupants of the Plaintiff's vehicle did not require medical attention, nor did they have any complaints of pain at the time of the incident.</p> <p>Both the Deputy Sheriff and Plaintiff's vehicles sustained major damage and were towed from the location.</p> <p>A sergeant responded to the scene and authored a Supervisor's Report of Incident or Damage to County Vehicle.</p> <p>A deputy responded to the location and conducted a traffic collision investigation.</p>

	<p>The following statement is based on the Deputy Sheriff's account of events which were documented in the traffic collision report:</p> <p>The Deputy Sheriff stated he was driving westbound on Imperial Highway in the eastbound lanes of traffic, at approximately 30 miles per hour. He was responding authorized Code-3 to a "traffic collision with injuries" call for service. As the Deputy Sheriff neared the intersection, he observed it to be clear and the traffic control signal light to be green. He proceeded into the intersection when the Plaintiff's vehicle began to travel south in front of him, entering the intersection from the left turn lane.</p> <p>The Deputy Sheriff began to apply the vehicle's braking system to avoid a collision but was unable to stop. The front of his patrol vehicle collided with the driver side of the Plaintiff's vehicle. Both vehicles rolled to the southwest curb line of Woods Avenue following the collision where they came to rest.</p>
--	--

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

<p>A Department root cause in this incident was the deputy failed to clear the intersection as directed by Department policy and collided with the Plaintiff's vehicle.</p> <p>A Department root cause in this incident was the Deputy Sheriff failed to drive with due regard for the safety of all persons using the highway.</p> <p>A Department root cause in this incident was the failure of the Deputy Sheriff to utilize a seatbelt.</p> <p>A non-Department root cause in this incident was the Plaintiff's failure to yield to an emergency vehicle with activated lights and sirens.</p>

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

<p>Traffic Collision Investigation:</p> <p>The incident was thoroughly investigated by a representative from Norwalk Station. The investigation concluded the Plaintiff was at fault for failing to yield to an emergency vehicle with lights and sirens activated, a violation of California Vehicle Code Section 21806(a)(1).</p> <p>Supervisor's Report of Incident or Damage to County Vehicle:</p> <p>This incident was investigated by a representative of Norwalk Station to determine if any administrative misconduct occurred before, during, or after this collision. The results of the investigation were presented for Department executive adjudication.</p> <p>Executive evaluation of this incident found some of the Deputy Sheriff's actions were in violation of Department policies and appropriate administrative action was taken.</p> <p>The Deputy Sheriff involved in this incident received training surrounding the circumstances of this incident.</p>

Traffic Collision Assessment Review:

As a result of this collision, an assessment of employee involved traffic collisions from January 1, 2019, to December 31, 2023, was conducted. The audit revealed the following:

- 86 preventable collisions occurred during the evaluated five years.
- 47 nonpreventable collisions occurred during the evaluated five years.

Personnel who have been involved in more than one traffic collision are directed to attend Department training such as the Sheriff's Traffic Accident Reduction driving program, Emergency Vehicle Operations, and Alternative to Discipline Driving Course.

Sheriff's Department Announcement – Department-Wide Broadcast Announcements via Sheriff's Communication Center (SCC):

The purpose of this re-brief is to remind Department personnel that the safety of Department members and the public is paramount when engaged in routine driving and Code-3 responses.

It is essential to maintain heightened officer safety, common sense, and sound tactics to reduce collision-related injuries, deaths, and financial liability to the Department.

Expanded Department Briefing:

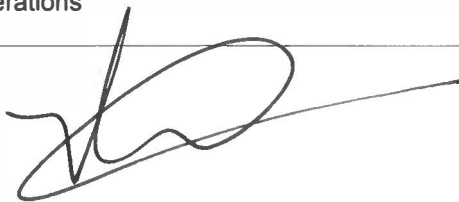
In hopes of further mitigating financial liability to the Department as a result of traffic collisions, representatives from Risk Management Bureau briefed the participants of Emergency Vehicle Operations Courses on the ramifications of engaging in poor driving practices and non-adherence to Department driving 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. Valdés, A/Captain Risk Management Bureau	
Signature: 	Date: 09/13/2024

Name: (Department Head) Myron Johnson, Assistant Sheriff Patrol Operations	
Signature: 	Date: 9/23/24

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: Betty Karmirlian (A/Risk Management Inspector General)	
Signature: 	Date: 9/25/2024