



County of Los Angeles

April 14, 2026

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

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Supervisor, Fourth District

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Supervisor, Fifth District

TO: JOSEPH M. NICCHITTA
Acting Chief Executive Officer

EDWARD YEN
Executive Officer
Board of Supervisors

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

RE: **Item for the Board of Supervisors' Agenda
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Jose, Gutierrez v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-08223**



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:AS

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

**Settlement for Matter Entitled Jose Gutierrez v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-08223**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorized Settlement of the matter entitled Jose Gutierrez v. County of Los Angeles, et al.,
United States District Court Case No. 2:21-CV-08223 in the amount of \$250,000 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 civil rights violations, use of excessive force, violation of
substantive due process, *Monell* liability arising from a non-fatal shooting involving Sheriff's
deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jose Gutierrez v. County of Los Angeles, et al.
CASE NUMBER	2:21-CV-08223
COURT	United States District Court
DATE FILED	October 18, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	PETER L. CARR & NA'SHAUN L. NEAL PLC Law Group, APC
COUNTY COUNSEL ATTORNEY	MINAS SAMUELIAN Senior 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 Jose Gutierrez, alleging excessive force.</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 \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 381,752
PAID COSTS, TO DATE	\$ 72,377



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:	March 31, 2019
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2025-245</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>Based on multiple investigative reports, on the evening of March 31, 2019, Patrol Deputies One and Two received a call for service detailing an assault with a deadly weapon with the suspect being armed with a gun. The description of the call stated there were two male Hispanics, one wearing a backpack and the other wearing a hoodie, who were breaking into vehicles and had been in an altercation with one of the vehicle's owners.</p> <p>The call directed the Deputies to a location within a minute of the station. Upon arriving at the scene, the Deputies observed the Plaintiff and his friend, who matched the suspects' description walking southbound on the curb. The Deputies made a U-turn and approached the Plaintiff from behind and turned on their spotlight. The Deputies then exited their vehicle and ordered the Plaintiff to show his hands multiple times. The Plaintiff and his friend ignored the commands and continued to walk away.</p> <p>Deputy One observed the Plaintiff place his right hand alongside his waistband in a move that appeared like he was trying to conceal a firearm. The Plaintiff began to turn towards the Deputies. As the Plaintiff turned, Deputy One saw the barrel of a black firearm pointed in his direction in the Plaintiff's hand. Simultaneously, Deputy One heard Deputy Two yell "he has a gun!" Deputy One discharged five rounds at the Plaintiff. Deputy Two discharged two or three rounds at the Plaintiff. After being struck, the Plaintiff fell to the ground and dropped the firearm.</p>

	<p>Deputy Two detained the Plaintiff and his friend at gunpoint. Deputy One requested assistance and the fire department to render aid on the patrol vehicle's radio. The Plaintiff was transported to St. Francis Medical Center where he received additional medical treatment.</p> <p>The Plaintiff and his friend were booked for residential vehicle burglaries after a backpack containing many of the stolen items was recovered at the scene. A Glock .380 caliber semi-automatic pistol with extended magazine was also recovered from the scene.</p> <p>The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office completed its review of the shooting and concluded the Deputies acted in lawful self-defense.</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 and Two responded to a call for service and upon contacting the Plaintiff to investigate the call, a Deputy involved shooting took place.

A **Department** root cause in this incident was Deputies One and Two were unable to prove or disprove the Plaintiff's allegations due to not being issued Body Worn Camera equipment to video record the incident.

A **non-Department** root cause in this incident was the Plaintiff was in possession of a concealed firearm.

A **non-Department** root cause in this incident was the Plaintiff was contacted by Deputy One and Two and refused a lawful order to show his hands and instead reached into his right front pants pocket and retrieved a handgun.

A **non-Department** root cause in this incident was the Plaintiff was contacted by Deputies One and Two and lawfully ordered to stop walking but refused.

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

Homicide Bureau Investigation/JSID Rendered Opinion:

JSID determined Deputies One and Two acted in lawful self-defense and defense of others when they used deadly force against the Plaintiff. As a result, JSID closed the file and decided no further action was necessary.

Internal Affairs Bureau (IAB)/Executive Force Review Committee (EFRC) Review:

The EFRC determined the use of force and tactics were within Department policy.

Although not required by EFRC, both deputies attended several training courses to improve their knowledge and skills regarding this incident.

Body-Worn Cameras:

In November of 2020, sworn personnel assigned to the station were issued a Body-Worn Camera (BWC), as a form of transparency. The use of BWC's ensures a reliable recording of enforcement and investigative contacts with the public.

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)

Tri Hoang, Captain
Risk Management Bureau

Signature



Date

12.17.25

Name: (Department Head)

Yolanda Figueroa, Chief
Central Patrol Division

Signature:



Date:

12/03/25

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: Betty Karmirlian (Risk Management Inspector General)

Signature:
Betty Karmirlian

Date:
12/23/25