

**STATEMENT OF PROCEEDINGS**  
**FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD**  
**HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,**  
**500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012**  
**ON MONDAY, APRIL 1, 2019, AT 9:30 A.M.**

**Present: Arlene Barrera and Adrienne Byers, with Chair Steve Robles being absent.**

- 1. Call to Order.**
- 2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

- 3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

- a. Raquel Salcedo v. City of Whittier, et al.  
Los Angeles Superior Court Case No. BC 672 120**

This dangerous condition lawsuit against the Department of Public Works arises from alleged injuries Plaintiff sustained when she tripped and fell over metal bolts protruding from the sidewalk.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$90,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

b. **Barbara Benjamin, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 661 884**

This lawsuit against the Sheriff's Department arises from damages and injuries Plaintiff allegedly sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

c. **Pablo Limon v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 18STLC05574**

This lawsuit against the Sheriff's Department arises from damages and injuries Plaintiff allegedly sustained in a vehicle accident involving an on-duty Sheriff's Sergeant.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,075.40.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

d. **Osvaldo Ureta v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 501 051**

This lawsuit against the Sheriff's Department involves allegations of civil rights violations and excessive force when Plaintiff was shot while trying to flee from Sheriff's Deputies.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$700,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Documents](#)

e. **V.W., et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. 2:18-CV-03684**

This wrongful death lawsuit against the Sheriff's Department involves allegations of excessive force when Plaintiff was shot while he fled from Sheriff's Deputies.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$3,750,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Documents](#)

f. **Jermaine Toomer v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 570 633**

This lawsuit against the Sheriff's Department concerns allegations of excessive force during a pursuit when Plaintiff was shot while he fled from Sheriff's Deputies.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$95,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

g. **ACLU, et al. v. County of Los Angeles.**  
**Los Angeles Superior Court Case Nos. BS 143 004**

This is a writ of mandate against the County and the City of Los Angeles seeking to compel production of Automated License Plate Reader data gathered by the Sheriff's Department and the Los Angeles Police Department.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$337,500.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

**h. Jessica Hodges, et al. v. County of Los Angeles, et al.  
United States District Court Case No. 2:17-CV-00067**

This lawsuit alleges Plaintiffs' civil rights were violated when the Department of Children and Family Services detained their minor children by causing issuance of a false warrant.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$350,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

**i. Linda Fitton v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 668 146**

This lawsuit alleges a breach of contract resulting in damages involving the operation of the Whittier Narrows Equestrian Center.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

**j. Bernard Williams v. County of Los Angeles  
United States District Court Case No 2:18-CV-04758**

This lawsuit claims violations of civil rights by the Department of Health Services pursuant to the Americans with Disabilities Act, alleging that restroom facilities were not accessible to disabled individuals at LAC+USC Medical Center.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$60,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)



**4. Report of actions taken in Closed Session.**

The Claims Board reconvened in open session and reported the actions taken in Closed Session as indicated under Agenda Item No. 3 above.

**5. Approval of the minutes of the March 18, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers  
Absent: Steve Robles, Chair

[See Supporting Document](#)

**6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

**7. Adjournment.**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Raquel Salcedo v. City of Whittier, et al.
CASE NUMBER	BC672120
COURT	Los Angeles Superior Court
DATE FILED	August 14, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 90,000
ATTORNEY FOR PLAINTIFF	Rachel Fishenfield, DAG Law Firm, APC
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a November 2, 2016, trip and fall incident on the sidewalk adjacent to 8536 Norwalk Boulevard, in an unincorporated area of the County of Los Angeles. Plaintiff claims to have suffered injuries as a result. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 28,662
PAID COSTS, TO DATE	\$ 5,413

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barbara Benjamin, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC661884
COURT	Los Angeles Superior Court
DATE FILED	May 23, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Michael Stone-Molloy The Lion's Law Office
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This case involves a vehicle collision that occurred on July 4, 2015, when a Ford Crown Victoria radio car driven by a Deputy Sheriff traveling Code 3 on westbound Woodbury Road collided with Plaintiff Walter Gates' Ford Escape that was traveling on northbound Fair Oaks Avenue. Mr. Gates' girlfriend, Plaintiff Barbara Benjamin, was seated in the front passenger seat. The Deputy Sheriff was responding to a call for assistance. Plaintiffs claim to have suffered injuries and damages from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted
PAID ATTORNEY FEES, TO DATE	\$ 19,375
PAID COSTS, TO DATE	\$ 4,329

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Pablo Limon v. County of Los Angeles, et al.
CASE NUMBER	18STLC05574
COURT	Los Angeles Superior Court
DATE FILED	April 12, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 25,075.40 (including prior payment of \$7,075.40)
ATTORNEY FOR PLAINTIFF	Mario M. De La Rosa, Law Offices of Mario M. De La Rosa
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	<p>On January 30, 2017, Plaintiff Pablo Limon was allegedly injured as a result of an automobile versus automobile collision involving an on-duty employee of the Sheriff's Department. Mr. Limon allegedly suffered injuries to his right arm, right leg, and lower back. He claims \$14,387 in recoverable past medical expenses, \$29,000 in future medical expenses, lost earnings, and general damages for pain and suffering.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$25,075.40 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 2,402.50
PAID COSTS, TO DATE	\$ 100



## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Osvaldo Ureta v. County of Los Angeles, et al.
CASE NUMBER	BC 501051
COURT	Los Angeles Superior Court
DATE FILED	February 13, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 700,000
ATTORNEY FOR PLAINTIFF	Dale Galipo, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$700,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Ozvaldo Ureta, his father and his daughter, after Mr. Ureta was shot and tasered by Sheriff's Deputies.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Due to 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 \$700,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 430,846
PAID COSTS, TO DATE	\$ 179,001



## 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:	February 14, 2011
Briefly provide a description of the incident/event:	<p>On February 14, 2011, at approximately 8:00 p.m., two deputy sheriffs were patrolling in their marked patrol unit in the unincorporated Los Angeles County area of East Los Angeles when they recognized a stolen vehicle (a White Cadillac Escalade) from an earlier call for service. The street they were on was narrow and there were parked vehicles on both sides of the street. As they drove toward the stolen vehicle, the driver of the stolen vehicle (the plaintiff), drove directly towards them. The plaintiff then collided head-on into the front of their patrol unit.</p> <p>The first deputy sheriff (driver) backed the patrol unit away about five feet from the plaintiff's vehicle and yelled out the open driver's window for the plaintiff to stop. The plaintiff drove towards the patrol unit again and pointed a small black semiautomatic handgun at the deputy sheriffs. Both deputy sheriffs reacted by quickly ducking down in an attempt to get some type of cover inside their vehicle. The plaintiff maneuvered his vehicle to drive by the deputy sheriffs, and sideswiped the two vehicles as he passed. As the plaintiff passed the patrol vehicle, he struck a parked vehicle then drove southbound away from the scene. The first deputy sheriff (driver) put his patrol vehicle in reverse and drove backwards until he was able to turn the patrol vehicle around at a cross street. The first deputy sheriff began pursuing the plaintiff and initially began radio traffic indicating they were in pursuit of an assault with a deadly weapon suspect. After a short time and distance, the second deputy sheriff took over the radio traffic for the pursuit.</p> <p>A second marked patrol unit with two deputy sheriffs joined the pursuit. The pursuit progressed on both surface streets and the freeway. During the pursuit, the plaintiff failed to stop at nine posted stop signs, seven red traffic signals, and reached speeds of over 80 mph on the freeway. The plaintiff made several erratic unsafe lane changes and turning movements, narrowly missing several uninvolved motorists and pedestrians.</p> <p>While being pursued, the plaintiff unexpectedly and abruptly braked almost to a stop. The first patrol unit (occupied by the first and second deputy sheriffs) was close behind at the time and was unable to stop before colliding into the rear of the plaintiff's vehicle. After the front of the patrol vehicle collided with the rear of the plaintiff's vehicle, the plaintiff quickly sped away. As the plaintiff's vehicle made a quick right turn, the passenger side rear wheel hit a curb, causing the tire to blowout.</p> <p>As both patrol units continued to pursue the plaintiff's vehicle westbound on Boswell Place, the plaintiff abruptly and aggressively braked a second time. Both patrol units made evasive driving maneuvers to avoid colliding with the plaintiff's vehicle, causing them to stop on opposing sides of the</p>

	<p>plaintiff's vehicle. The first deputy's vehicle stopped on the driver's side of the plaintiff's vehicle and the third deputy sheriff's vehicle stopped on the passenger side. As the third deputy sheriff's patrol vehicle stopped, the plaintiff accelerated his vehicle slightly forward and struck the left front fender of his patrol unit. All three vehicles faced westbound on Boswell Place and the plaintiff's vehicle appeared to be partially wedged between the two patrol vehicles.</p> <p>While seated in their patrol vehicle, both the first and second deputy sheriffs observed the plaintiff look in their direction and raise his right arm. Fearing the plaintiff still had the firearm they had witnessed in his possession a short time earlier, and that he was about to shoot at them, the first deputy sheriff fired 10 rounds and second deputy sheriff fired six rounds from their duty weapons at the plaintiff. The third deputy sheriff saw the plaintiff turn and heard gunshots. Fearing the plaintiff was shooting at him and/or his partners, the third deputy sheriff fired three rounds from his duty weapon at the plaintiff.</p> <p>All four deputy sheriffs exited their patrol vehicles. To avoid a potential crossfire situation, all four deputy sheriffs moved to conceal themselves on the south side of the first deputy sheriff's patrol unit. The deputy sheriffs ordered the plaintiff to raise his hands. The plaintiff failed to comply and continued to move around inside the vehicle. The plaintiff's vehicle's engine was revving and the plaintiff was moving the gear shifter as the vehicle moved slightly back and forth. It appeared that the plaintiff was attempting to make the vehicle go forward or in reverse; however, the vehicle seemed to be disabled or stuck.</p> <p>Additional deputy sheriffs arrived on scene and a four person arrest team was formed. The arrest team approached the driver's side door and attempted to extract the plaintiff. As the arrest team opened the driver's side door, the plaintiff used his hands to reach into his waistband area. Fearing the plaintiff was attempting to retrieve a weapon, the fifth deputy sheriff (a member of the arrest team, but uninvolved in the earlier shooting), employed his Taser, striking the plaintiff in the chest and abdomen. The Taser seemed to have an immediate effect on the plaintiff. The plaintiff was removed from the vehicle, placed on the ground, and handcuffed without further incident.</p> <p>The plaintiff was found to have sustained gunshot wounds to his upper torso, head, and left hand. Emergency medical services were summoned to the scene. The plaintiff received medical care and he was transported to the Los Angeles County/USC Medical Center where he was treated for his injuries.</p> <p>The involved deputy sheriffs stated that at several different times during the pursuit the suspect made quick turns, sweeping lane changes through traffic, and failed to follow the rules of the road. The plaintiff's driving caused the deputy sheriffs to briefly lose sight of the suspect and the SUV several times during the pursuit. The first deputy sheriff indicated the plaintiff's driver side door opened and closed two different times during the pursuit, but he could not see if anything had been discarded from the vehicle. The subsequent search and investigation did not reveal any firearms in the SUV or in the pursuit area.</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 sheriffs' radio transmission during the pursuit failed to provide information indicating the plaintiff had rammed the patrol unit and was armed with a handgun

Another **Department** root cause in this incident was the positioning of the deputies' vehicles which stopped and/or remained in an unsound tactical position at the terminus of the pursuit resulting in a shooting with a crossfire situation

A **non-Department** root cause in this incident was the plaintiff's failure to comply with the lawful orders of Los Angeles County deputy sheriffs. Instead of obeying the orders, the plaintiff committed acts of assault with a deadly weapon using both his vehicle and a firearm against deputy sheriffs

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

On August 30, 2011, the Los Angeles County District Attorney's Office concluded the deputy sheriffs acted lawfully, in self-defense and the defense of others, when they used deadly force against the plaintiff.

This incident was investigated by representatives of the Sheriff's Department Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented to the Executive Force Review Committee (EFRC) for adjudication.

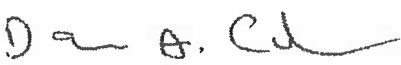
On January 31, 2012, the EFRC determined the force used in this incident was within Department policy but the tactics were in violation of Department policy. Appropriate administrative action has been taken.


County of Los Angeles  
Summary Corrective Action Plan

3. Are the corrective actions addressing Department-wide system issues?

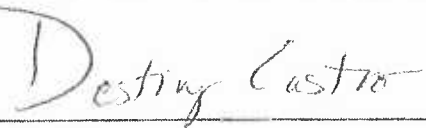
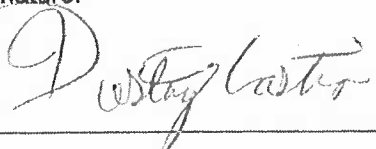
- ☐ Yes – The corrective actions address Department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)  Dana A. Chemintzer, A/Captain Risk Management Bureau	
Signature:  	Date:  1-29-19

Name: (Department Head)  Matthew J. Burson, Chief Professional Standards and Training Division	
Signature:  	Date:  02/05/19

CONTENTS  
S.E. JOHNSON  
NOTED  
SS.  
2-5-19

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>  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: (Risk Management Inspector General)  	
Signature:  	Date:  2/7/2019

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	W., V. v. County of Los Angeles, et al.
CASE NUMBER	2:18-CV-03684
COURT	United States District Court
DATE FILED	May 3, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 3,750,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,750,000, inclusive of attorneys' fees and costs, a federal civil rights and wrongful death lawsuit filed by the minor child and parents of Anthony Weber alleging that Sheriff's Deputies used excessive force against Mr. Weber and caused his death.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Due to 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 \$3,750,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 54,489
PAID COSTS, TO DATE	\$ 7,205





## 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:	
Briefly provide a description of the incident/event:	<p><b><u>V.W., et al. v. County of Los Angeles, et al.</u></b> <b>Summary Corrective Action Plan 2018-038</b></p> <p>On February 4, 2018, at approximately 7:40 p.m., South Los Angeles Station received a call from an anonymous informant who advised that while he was driving, a man walked into the middle of the street and pointed a gun at him. The caller advised the man with a gun was a Black male, 19 years old, wearing a black shirt and blue jeans, and was seen near an apartment building at Budlong Avenue and 107<sup>th</sup> Street. Two uniformed deputy sheriffs on patrol in a marked patrol vehicle were assigned the call and arrived about 34 minutes later.</p> <p>The deputy sheriffs checked the area for an armed man described in the call and focused their attention to the indicated apartment complex at the location. Both deputy sheriffs had prior knowledge, reinforced with several contacts, that numerous gang members lived and frequented the apartments at the location.</p> <p>Both deputy sheriffs exited their patrol vehicle and walked down a driveway at the location. A wooden fence parallels the driveway on one side which separates the apartments from the next property. The fence had several missing boards creating openings along the fence line. Near the end of the driveway, the first deputy sheriff looked through a large opening in the fence and saw the decedent and a female talking to each other.</p> <p>Both deputy sheriffs saw the decedent wearing similar clothing to the reported gunman in the call and could clearly see the decedent had a handgun in his waistband.</p> <p><b>Note:</b> Although both deputy sheriffs saw the gun in the decedent's waistband, the first deputy sheriff's description of the weapon was more detailed. The first deputy sheriff described the gun as a Smith &amp; Wesson M&amp;P, semi-automatic pistol with black Talon grips and a red dot sight.</p> <p>Both deputy sheriffs immediately drew their duty weapons, pointed at the decedent, and the first deputy sheriff yelled, "Let me see your hands!" Both the decedent and the female complied by raising their hands above their heads. The first deputy sheriff then advised the decedent something to the effect of "If you move, I'll shoot you!" When the first deputy sheriff began to move through the opening in the fence to approach the decedent, the decedent turned and ran east down a short hallway of the apartment building. Both deputies quickly moved through the fence and ran after the decedent.</p>

The decedent ran with his hands over his head as he exited the hallway and turned into the apartment complex courtyard. The first deputy sheriff momentarily lost sight of the decedent around the turn; however, when he exited the hallway, he saw the decedent running away and he continued to chase him. The first deputy sheriff was approximately five to ten feet behind the decedent when the decedent turned his body toward the first deputy sheriff and looked directly at him "as if he was acquiring a target." The decedent then reached toward his front right waistband, where the first deputy sheriff had seen the gun. Fearing for his life, the first deputy sheriff fired at the decedent thirteen times. The decedent was hit several times and he fell to the ground.

The second deputy involved in the foot pursuit was approximately 12 to 18 feet behind the first deputy sheriff when he heard approximately eight gunshots. The second deputy did not discharge his firearm.

Immediately after the shooting, the deputy sheriffs heard a number of people yelling and screaming. Multiple people exited their apartments in the complex and came toward the deputy sheriffs and the injured decedent. The deputy sheriffs heard the people yelling, "fuck the police!" The deputy sheriffs feared the crowd was hostile and were going to attack them. The first deputy sheriff ordered the crowd to stay away from them.

The deputy sheriffs' attention were drawn to the hostile crowd. They were unable to secure the crime scene for approximately 30 minutes, until sufficient responding units arrived.

Paramedics were summoned to the scene. Although lifesaving efforts were conducted, the decedent succumbed to his injuries and he was pronounced dead at the scene.

When the crime scene was established and secured, detectives were unable to locate the described firearm at the scene. Due to the deputy sheriffs' inability to secure the scene as a result of the post-shooting apartment melee, it is believed that an unknown person tampered with the decedent and/or the crime scene and stole the decedent's gun.

#### SUBSEQUENT INVESTIGATION

The initial anonymous 911 caller was identified and interviewed. The caller positively identified the decedent as the person who pointed a gun at him.

A Gunshot Residue (GSR) test was conducted on the decedent's hands and waistband which revealed "many characteristic particles of gunshot residue."

Social media video depicted a known associated gang member pointing a Smith & Wesson M&P pistol with a silver threaded barrel and a holographic red dot sight at the camera. The recording took place two days prior to the shooting in an apartment at 1212 West 107<sup>th</sup> Street, where numerous gang members and the decedent were present.

The investigation lead to several search warrants served at different gang members' residences on West 107th Street. At one of the searched residences, several firearms were recovered. One of the firearms

	<p>recovered was a Smith &amp; Wesson pistol with a silver threaded barrel and a red dot holographic sight. This firearm was similar to the one depicted on the social media site on February 2, 2018, and the one seen with the decedent on February 4, 2018 as described by the first deputy sheriff.</p> <p>Witnesses at the location identified the aforementioned firearm as belonging to the decedent.</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 use of deadly force against the decedent and no gun was found in his possession or at the crime scene.

Another **Department** root cause in this incident was the deputy sheriffs' decision to engage in a foot pursuit of an armed suspect.

A **non-Department** root cause in this incident was the decedent's failure to follow the lawful commands of the deputy sheriff.

Another **non-Department** root cause in this incident was the gathering of a hostile crowd. These actions diverted the deputy sheriffs' attention away from the decedent, which may have allowed the crowd to tamper with the crime scene and evidence.

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

This incident has been investigated by the Sheriff's Department Homicide Bureau to determine if any criminal misconduct occurred.

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the use of deadly force was legally justified and/or if any criminal misconduct occurred. At the time of the report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

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 this incident.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigation statute dates. Once the Homicide Bureau and the Los Angeles County District Attorney's Office investigations are complete, a statute date will be set regarding the administrative investigation.

When the IAB investigator finishes the case, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's, Executive Force Review Committee (EFRC) for adjudication.

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)

Dana A. Chemnitzer, A/Captain  
Risk Management Bureau

Signature:

*Dana A. Chemnitzer*

Date:

1-29-19

Name: (Department Head)

Matthew J. Burson, Chief  
Professional Standards and Training Division

Signature:

*Matthew J. Burson*

Date:

02/05/19

**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: (Risk Management Inspector General)

*Dan G. Carter*

Signature:

*Dan G. Carter*

Date:

2/7/2019

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jermaine Toomer v. County of Los Angeles, et al.
CASE NUMBER	BC 570633
COURT	Los Angeles Superior Court
DATE FILED	January 27, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 95,000
ATTORNEY FOR PLAINTIFF	Randy H. McMurray, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$95,000, inclusive of attorneys' fees and costs, a civil rights lawsuit filed by Jermaine Toomer after he was shot by a Sheriff's Department Deputy.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Due to 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 \$95,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 137,803
PAID COSTS, TO DATE	\$ 26,980

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	ACLU, et al. v. County of Los Angeles, et al.
CASE NUMBER	BS143004
COURT	Los Angeles Superior Court
DATE FILED	September 5, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 337,500
ATTORNEY FOR PLAINTIFF	American Civil Liberties Union Foundation
COUNTY COUNSEL ATTORNEY	Timothy J. Kral, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle the attorneys' fees claim associated with the mandamus proceeding pertaining to a California Public Records Act in the amount of \$337,500. Petitioners American Civil Liberties Union Foundation of Southern California and Electronic Frontier Foundation, allege that the Sheriff's Department improperly refused to release Automated Plate Reader Data. This matter has been litigated through multiple levels of appeal where Petitioners won access to some of the requested data. Petitioners are entitled to recover attorneys' fees for a successful mandamus petition. The full and final settlement of the case in the amount of \$337,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 177,284
PAID COSTS, TO DATE	\$ 4,573



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Jessica Hodges, et. al. v. County of Los Angeles, et. al.</u>
CASE NUMBER	2:17-cv-00067 VAP(RAOx)
COURT	United States District Court, Central District of California
DATE FILED	January 4, 2017
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Law Offices of Vincent W. Davis & Associates
COUNTY COUNSEL ATTORNEY	Shawn Luna Senior Associate County Counsel  Tom Guterres, Esq. and Christie Swiss, Esq. of Collins Collins Muir + Stewart, LLP
NATURE OF CASE	<p>This is a recommendation to settle, for \$350,000, this lawsuit filed by Plaintiffs against the County of Los Angeles, the Department of Children and Family Services, and several employees, alleging that their constitutional rights were violated when social workers detained their children. Defendants deny the allegations.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$350,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 67,893
PAID COSTS, TO DATE	\$ 21,075

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Williams, Bernard v. County of Los Angeles
CASE NUMBER	2:18-CV-04758
COURT	United States District Court
DATE FILED	May 30, 2018
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Elliott Montgomery, Esq. Center for Disability Access
COUNTY COUNSEL ATTORNEY	Keever Rhodes Muir Deputy County Counsel
NATURE OF CASE	<p>This is a complaint alleging ADA violations filed by Plaintiff Bernard Williams. He alleges that due to his physical impairments, he encountered barriers to access the public restrooms at LAC+USC Medical Center.</p> <p>Due to risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs.</p>
PAID ATTORNEY FEES, TO DATE	\$ 31,218
PAID COSTS, TO DATE	\$ 5,099

# COUNTY OF LOS ANGELES CLAIMS BOARD

## MINUTES OF REGULAR MEETING

March 18, 2019

### 1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:34 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Chair Steve Robles, Arlene Barrera, and Steven Estabrook.

Other persons in attendance at the meeting were: Office of the County Counsel: Alexandra Zuiderweg, Christopher Keosian, Adrian Gragas, Alex Espinoza, and Kent Sommer; Sheriff Department: Mark Slater, Coronne Jacobs, Kevin Percy, Reginald Louie, April Carter, and Brian Mann; Fire Department: Anthony Morrone and Tom Brown; Department of Public Social Services: Simone Agee and Arnetta Counts; Department of Mental Health: Monica Parajon Dominguez; Outside Counsel: Avi Burkwitz.

### 2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

### 3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9)

At 9:36 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

### 4. Report of actions taken in Closed Session.

At 10:46 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

#### a. Marshal Wood v. County of Los Angeles, et al. United States District Court Case No. 2:18-CV-05788

This lawsuit against the Sheriff Department alleges federal civil rights violations in which Plaintiff claims that he was unlawfully detained and arrested for domestic violence.

#### Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

b. **Brandon Dean v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 654 303**

This lawsuit concerns allegations made by a Sheriff's Department employee who claims that he was subjected to retaliation.

**Action Taken:**

The Claims Board approved the settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

c. **Ki Chong Lee, Harold Choo v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 626 739**

This lawsuit arises from damages and injuries allegedly sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

d. **George Kelly Thomas Halgrims v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 622 856**

This lawsuit arises from damages and injuries allegedly sustained in a vehicle accident involving a Fire Department paramedic.

**Action Taken:**

The Claims Board recommended the settlement of this matter in the amount of \$585,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

e. **Michelle Gomez, Roberto Gonzalez v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 645 050**

This lawsuit arises from damages and injuries allegedly sustained in a vehicle accident involving a delivery truck driven by a Department of Public Social Services employee.

**Action Taken:**

The Claims Board approved the settlement of this matter in the amount of \$67,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

f. **Susan Bandong v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 613 144**

This lawsuit concerns allegations made by a Department of Public Social Services employee who claims that she was subjected to disability discrimination, and that the Department failed to make a reasonable accommodation and to engage in the interactive process.

**Action Taken:**

The Claims Board approved the settlement of this matter in the amount of \$45,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

g. **Sunny Bath v. County of Los Angeles.**  
**Los Angeles Superior Court Case Nos. BC 614 536 and BC 648 6966**

This lawsuit concerns allegations made by a Department of Mental Health employee who claims that she was subjected to retaliation, discrimination and harassment based on race.

**Action Taken:**

The Claims Board approved the settlement of this matter in the amount of \$68,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

5. **Approval of the minutes of the March 4, 2019, regular meeting of the Claims Board.**

**Action Taken:**

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:48 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By   
Sandra C. Ruiz