

**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, MAY 6, 2019, AT 9:30 A.M.**

**Present: Chair Steve Robles and Adrienne Byers, with Arlene Barrera 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. Non-Litigated Claim of Bouayad and Abubaker v. County of Los Angeles**

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage.

**Action Taken:**

The Claims Board approved the settlement of this matter in the amount of \$49,650.50.

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

**[See Supporting Document](#)**

b. **Felipe Diaz v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 612 070**

This lawsuit arises from damages and injuries sustained in an automobile accident involving a Fire paramedic squad.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$540,000.

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

[See Supporting Documents](#)

c. **Claim of the Estate of Ashley Flores, et al.**

This claim arises from a Sheriff's Deputy mishandling of 911 calls which resulted in the death of Plaintiffs' decedent.

Action Taken:

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

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

[See Supporting Documents](#)

d. **Azatui Voskanyan v. Los Angeles County Sheriff's Department, et al.**  
**Los Angeles Superior Court Case No. BC 667 921**

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$35,000.

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

[See Supporting Document](#)

e. **Ricardo Bruno, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. 8:17-CV-01301**

This lawsuit alleges Plaintiffs' federal civil rights were violated when their minor children were taken by the Sheriff's Department without a warrant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

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

[See Supporting Documents](#)

f. **Andrew Taylor, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. TC 028 803**

This lawsuit alleges wrongful death and State-law civil rights violations arising from the fatal shooting of Plaintiffs' son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$7,000,000.

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

[See Supporting Documents](#)

g. **Consuelo Barajas, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 644 126**

This wrongful death lawsuit arises from the fatal shooting of Plaintiffs' son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$650,000.

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

[See Supporting Documents](#)

**h. Rosa Gonzalez v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 591 056**

This lawsuit alleges the Sheriff's Department retaliated against Plaintiff after she made a gender discrimination complaint.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,000,000.

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

**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 April 15, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

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

[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	Non-litigated Claim of Gibran Bouayad and Sumia Abubaker
CASE NUMBER	N/A
COURT	N/A
DATE FILED	January 15, 2018
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 49,650.50
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Lindsay Yoshiyama Deputy County Counsel
NATURE OF CASE	This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimants' residence and damaged their real and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Felipe Diaz v. County of Los Angeles, et al.
CASE NUMBER	BC 612070
COURT	Los Angeles Superior Court
DATE FILED	February 29, 2016
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ \$540,000
ATTORNEY FOR PLAINTIFF	Haytham Faraj, Esq.
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	Plaintiff alleges that on September 24, 2015, Paramedic Raphael Raygoza's emergency vehicle entered into an intersection and collided with the passenger side of the vehciel in which Plaintiff was a passenger. Traffic collision investigation is adverse to the paramedic.
PAID ATTORNEY FEES, TO DATE	\$ 46,071
PAID COSTS, TO DATE	\$ 23,187

Case Name: Felipe Diaz v. County of Los Angeles, Raphael Raygoza  
(BC 612070)



## 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 24, 2015
Briefly provide a description of the incident/event:	<p>On September 24, 2015, a Fire Fighter (FF) was traveling westbound on Gage Avenue to an emergency call with lights and sirens activated. FF was driving approximately 33 miles per hour and approaching the intersection of Otis Avenue. Plaintiff's father was traveling northbound on Otis Avenue at approximately 25 miles per hour. Plaintiff was a passenger in his father's vehicle.</p> <p>FF crossed the intersection with a red signal and collided broadside into the passenger side of the vehicle driven by Plaintiff's father. Plaintiff complained of back and neck pain, was treated at the scene, and transported to the hospital.</p> <p>Plaintiff had been in a previous serious traffic collision on January 24, 2014 wherein he was rear-ended by a vehicle transport truck on the freeway.</p>

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

The FF failed to operate his vehicle in a safe manner by turning at the intersection without clearing all the lanes and by deactivating the sirens prior to arriving at his destination.

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

1. The Department initiated an internal investigation into this incident on October 15, 2015. As a result of the investigation, FF was issued a Notice of Suspension for 15 Days on September 9, 2016. He served those days from September 21, 2016 through and including October 5, 2016.
2. The Department Safety Officer recommended the following training action plan:
  - Fleet Program: Intersection Safety for Emergency Vehicle Operators (1 hour);
  - Fleet Program: Driver Safety Orientation (1 hour);
  - Defensive Driver Training (2.5 hours); and
  - Driver Enrichment Course (5 hours).



County of Los Angeles  
Summary Corrective Action Plan

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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.

Name: (Risk Management Coordinator) William McCloud	
Signature: [Signature]	Date: 4/17/19

Name: (Department Head)	
Signature: [Signature]	Date: 04/17/19

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
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: (Risk Management Inspector General) Destiny Castro	
Signature: [Signature]	Date: 4/17/2019



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of the Estate of Ashley Flores, et al.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	May 21, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 3,000,000
ATTORNEY FOR PLAINTIFF	Vicki I. Sarmiento, Esq.
COUNTY COUNSEL ATTORNEY	Alexandra B. Zuiderweg, Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,000,000, inclusive of attorneys' fees and costs. Claimant Estate of Ashley Flores alleges that on December 24, 2017, a delayed response to a 9-1-1 call resulted in her death due to an untreated asthma attack.</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 \$3,000,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 12,126
PAID COSTS, TO DATE	\$ 2,875

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Azatui Voskanyan v. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	BC 667921
COURT	Los Angeles Superior Court
DATE FILED	July 7, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 35,000
ATTORNEY FOR PLAINTIFF	Farid Taghoubtil Downtown L.A. Lawgroup
COUNTY COUNSEL ATTORNEY	Jessica C. Rivas Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on January 29, 2017, in Hacienda Heights, when a vehicle driven by a Sheriff's Deputy collided with Ms. Voskanyan's vehicle. Ms. Voskanyan 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	\$ 13,525
PAID COSTS, TO DATE	\$ 0

## **CASE SUMMARY**

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

**CASE NAME** Ricardo Bruno v. County of Los Angeles, et al.

**CASE NUMBER** 8:17-CV-01301

**COURT** United States District Court

**DATE FILED** June 15, 2017

**COUNTY DEPARTMENT** Sheriff's Department

**PROPOSED SETTLEMENT AMOUNT** \$ 500,000

**ATTORNEY FOR PLAINTIFF** Shawn A. McMillan, Esq.

The Law Offices of Shawn A. McMillan, APC

**COUNTY COUNSEL ATTORNEY** Richard Hsueh

**NATURE OF CASE**

This is a recommendation to settle for \$500,000, inclusive of attorneys' fees and costs, in the federal civil rights lawsuit filed by Plaintiffs, Ricardo Bruno and Rachel Bruno, husband and wife. The lawsuit alleges that Sheriff's Deputies wrongfully removed Plaintiffs' minor children, L.B. (7 weeks old) and D.B. (20 months old), from Plaintiffs' care and custody without a warrant by placing a hospital hold on L.B. and then removing and placing D.B. in temporary foster care.

Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$500,000 is recommended.

**PAID ATTORNEY FEES, TO DATE** \$ 172,272

**PAID COSTS, TO DATE** \$ 1,987

Case Name: Ricardo Bruno et al. v. County of Los Angeles, et al.



## Summary Corrective Action Plan

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Date of incident/event:	July 8, 2015
Briefly provide a description of the incident/event:	<p><b><u>Ricardo Bruno v. County of Los Angeles</u></b> <b>Summary Corrective Action Plan 2018-46</b></p> <p>On July 8, 2015, a deputy sheriff assigned to Cerritos Station responded to a call for service at Children's Hospital of Orange County (CHOC), regarding a seven-week-old male infant who was receiving treatment for a skull fracture, swelling and hemorrhaging inside his brain, and seizures. The infant's mother was with the child at their family's home in Cerritos prior to his admission to the hospital, but denied knowing how his injuries occurred. The infant's father lived in the family home, but was out of town on a business trip.</p> <p>As the first deputy sheriff was at the hospital with the child, he contacted a Special Victims Bureau (SVB) detective on the phone regarding the incident. The first deputy sheriff informed the detective of his initial investigation and the extent of the infant's injuries including the treating physician's determination that the injuries were caused by blunt force trauma from an unknown object and/or person. The first deputy sheriff also advised the detective there was a one-year-old sibling that lived at the same residence, but was staying the night with the child's grandparents at a different location.</p> <p>Due to the infant's unexplained injuries, which appeared to be non-accidental, and the fact there was another minor that lived in the same residence, the detective feared the infant and the sibling were in imminent danger if they were left in the care of their parent(s) and/or continued to reside at their family home. The detective instructed the first deputy sheriff to place a "Hospital Hold" on the infant and take the infant's one-year-old sibling into protective custody (pursuant to Welfare and Institution Codes 300[a] and 300[j]).</p> <p>A "Hospital Hold" was placed on the infant during the early morning hours of July 9, 2015. At the direction of the first deputy sheriff and the detective, a second deputy sheriff responded to the infant's grandparents' residence with a social worker from the Orange County Social Service Agency (OCSSA) and took protective custody of the one-year-old sibling.</p> <p>Both the infant and one-year-old sibling were released by the court to their father. The court ordered the children's mother to move out of the family's home. The mother cooperated with the classes and programs required of her by OCSSA. The court allowed the mother to move back into the family home on August 28, 2015. As of January 14, 2016, both parents were compliant with all of the OCSSA and court's requirements. On February 9, 2016, the court adopted the OCSSA recommendations to</p>

	<p>terminate the dependent child's proceedings. On May 24, 2016, OCSSA closed the case.</p> <p>The Special Victims Bureau detective presented a criminal complaint to the Los Angeles County District Attorney's Office. On August 7, 2016, the district attorney's office rejected the case against any involved parties due to insufficient evidence.</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 hospital hold being placed on the infant prior to obtaining a warrant.

Another **Department** root cause in this incident was the warrantless detention and removal of the infant's sibling from the grandparent's house.

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

#### **Incident Assessment**

This incident was reviewed by executives from Special Victims Bureau, and the Detective Division to assess if any administrative misconduct occurred before, during, and/or after the incident.

Executive review of this incident did not reveal any employee misconduct. The actions taken by the deputy sheriffs and supervisors involved in this incident were found to be within the guidelines of what is expected from employees assigned to the Los Angeles County Sheriff's Department.

#### **Inter-Agency Council on Child Abuse and Neglect (ICAN)**

The Los Angeles County Sheriff's Department's SVB is committed to protecting the children of Los Angeles County by collaborating with DCFS, as well as with other law enforcement, welfare and health agencies. SVB has and continues to lead in the collaborative and transparent interaction between all inter-agency governmental stakeholders in the protection of children.

In 1977, the Los Angeles County Board of Supervisors established the Inter-Agency Council on Child Abuse and Neglect (ICAN) as the official County agency to coordinate the development of services for the prevention, identification, and treatment of child abuse and neglect. Since inception, SVB has been a strong partner of ICAN and has participated in many sub-committees, which includes the Child Death Review Team whereby multi-agencies review intentional and preventable child deaths for better case management. ICAN continues to be an important resource for SVB in providing important data, as well as trend and case review analysis.

Through SVB's collaborative efforts with ICAN, a sub-committee was formed between SVB, DCFS, the Los Angeles County District Attorney's Office Family Violence Division's E-SCARS Unit, the Los Angeles County Office of Child Protection (OCP), and other municipal law enforcement agencies in Los Angeles County to work together in developing a countywide, two-step best practice protocol for both law enforcement and DCFS Child Social Workers.

The first goal of the protocol is to strengthen the mutual collaboration, communication, and information sharing on child abuse related cases between law enforcement and DCFS Child Social Workers through immediate notifications, coordinated responses, and constant communication. Immediate notification between law enforcement and DCFS, upon determination that such a notification is required, is crucial. This immediate notification will assist both entities in a more efficient and complete investigation. The immediate notification also establishes a team approach and better communication and information sharing between the involved agencies to achieve the best resolution of these very sensitive cases.

The second goal of the ICAN sub-committee is to strengthen the collaboration and information sharing between Detectives and Child Social Workers after the initial field response. Detectives and Child Social Workers need to continue their collaborative efforts past the initial response and into the investigative stage of the case. Communication and information sharing throughout the investigation of these cases will eliminate multiple difficult and emotional interviews of victims and witnesses. Additionally, the team (law enforcement and DCFS) approach has been proven throughout the country to result in a more efficient and complete investigation and more importantly, have a less traumatic effect on the involved parties.

The ICAN sub-committee is planning several meetings in the near future with many law enforcement agencies within the county to present these protocols and ask for their cooperation in a more consistent policing method to responding and investigating these cases.

#### **Continuing Child Abuse Investigation Development**

On June 12, 2017, executives from the Department of Children & Family Services, County Counsel, the CEO's Office, Inspector General, and the Sheriff's Department's Special Victims Bureau, Professional Standards and Training Division, and Risk Management Bureau met to address issues in this case.

During the meeting, the Sheriff's Department agreed to address the following items:

- 1) A review of its current policies related to child abuse investigations and warrantless detentions.
  - a. Ensure there is a discussion to establish a joint decision between the Sheriff's Department and DCFS at the scene before any warrantless detention of a minor occurs.
  - b. If necessary, a new newsletter may be created to clearly guide Department employees on the process of warrantless detentions of minors.
  - c. Ensure that liaison contact information includes the D.A. Command Post, Special Victims Bureau's On-Call phone number, and DCFS' Emergency Response phone number listed in an easily accessible format for first responders.
- 2) Look into the possibility of partnering DCFS case workers with members of Special Victims Bureau and locating them together.
  - a. Some limiting factors are understaffing of personnel and budget, and lack of adequate workspace for both units.
- 3) Creation of a joint DCFS and LASD\Special Victims Bureau Command Post, similar to D.A. Command Post.
  - a. This command post would have the needed expertise within child abuse investigations and the knowledge of children's court procedures.
  - b. Sworn staff would have the ability to do a pre-search investigation of a location, determine the level of risk, and create an Operations Plan prior to the removal of children.
  - c. This command post would be able to standardize responses from all involved departments.
  - d. Explore the possibility of allowing detectives to have access to the 24 hour warrant desk to provide quicker access to obtain a child removal warrant.

As a result of the above meetings the following items were established:

- On May 9, 2018 the Special Victims Bureau updated the Newsletter (Volume 15 Number 01) "Warrantless Detention of Children" that was originally published in February 2015. This newsletter provides clarity and assists deputy sheriffs with the process of warrantless detentions of minors.

- Sheriff's Information Bureau - Department Operations Center instituted a 24 hour on call Special Victims Bureau Lieutenant to assist field operations with Child Abuse and warrantless detention calls.
- In February 2019, a pilot program was established partnering a DCFS social worker with a deputy sheriff to respond to suspected child abuse related reports and to assist field deputy sheriffs in their response to child abuse related calls.

To improve interoperability between the Sheriff's Department and the Department of Child and Family Services, a new program was created. The new Suspected Child Abuse Report (SCAR) team pairs a DCFS social worker with a specially assigned deputy sheriff, in the same car. The primary objective of the SCAR teams is to perform follow-up on SCAR reports and to provide much needed support to field deputies when they encounter child abuse and/or neglect related calls or issues, in the field.

**Note:** The SCAR team pilot program is based on the Mental Evaluation Team (MET team) model.

Goals of this program are to provide improved services for child related crimes and to bridge a gap between the two department's services.

Implementation of the SCAR team pilot program began in early February, 2019 with two teams assigned in Palmdale. By the end of March, an additional two teams are expected to be deployed in Lancaster. Initially, the teams are expected to cover day and PM shift schedules, five days a week. Expected future deployment would include 24 hours a day, seven days a week coverage.



County of Los Angeles  
Summary Corrective Action Plan

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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:



Date:

2-19-19

Name: (Department Head)

Matthew J. Burson, Chief  
Professional Standards and Training Division

Signature:



Date:


2/19/19

**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)



Signature:



Date:

2/26/2019

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Andrew Taylor v. County of Los Angeles, et al.
CASE NUMBER	TC 028803
COURT	Los Angeles Superior Court
DATE FILED	March 1, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 7,000,000
ATTORNEY FOR PLAINTIFF	John E. Sweeney, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$7,000,000, inclusive of attorneys' fees and costs, a civil rights and wrongful death lawsuit filed by decedent, Donta Taylor's father and his three non-biological children alleging that Sheriff's Deputies used excessive force against Mr. Taylor and caused his death.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Given the 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	\$ 341,272
PAID COSTS, TO DATE	\$ 22,600



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Date of incident/event:	
Briefly provide a description of the incident/event:	<p><b><u>Andrew Taylor et al. v. County of Los Angeles</u></b> Summary Corrective Action Plan 2018-45</p> <p>On August 25, 2016, at approximately 8:26 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to Compton Station were assigned to a County funded gang suppression detail designated to saturate areas with high gang activity. The deputy sheriffs were driving a marked black and white patrol vehicle in the city of Compton. The decedent was walking along Wilmington Avenue near Brazil Street in an area controlled by the "Cedar Bloc Piru" gang. The Cedar Bloc Piru gang is a notorious and ruthless gang that commonly wears red clothing and accessories displaying the letter "C" to symbolize "Cedar Bloc." When the deputy sheriffs observed and approached the decedent, he was wearing a red hat with the letter "C" on the front and he appeared to be holding his front waistband.</p> <p>The deputy sheriffs drove alongside the decedent and asked him if he was on probation or parole. The decedent responded "No, I'm not" and simultaneously reached into his waistband with his right hand. The decedent removed a semiautomatic stainless steel handgun from his waistband and ran from the deputy sheriffs with the gun in his hand. Both deputy sheriffs exited their patrol vehicle, drew their firearms, and ran after the decedent. As the deputy sheriffs chased him they continually yelled commands for the decedent to stop and surrender. The deputy sheriffs broadcasted via their portable radios that they were in foot pursuit of a man with a gun and requested assistance.</p> <p>The decedent ran for approximately one block along Wilmington Avenue, turned left, and ran on Arbutus Street for approximately one block, where it terminates at a storm flow wash. The decedent turned right at the dead end and ran along the footpath parallel to the wash for approximately one block. He turned left and ran on the footbridge that crosses over the wash. On the other side of the wash, the decedent turned left and ran parallel along the wash. As the decedent continued to run, the deputy sheriffs chased him and ordered him to stop.</p> <p>Both deputy sheriffs were close behind the decedent but split up while they were at the end of the footbridge. The first deputy sheriff (passenger of the patrol vehicle) continued to chase directly behind the decedent. Anticipating the decedent would attempt to run through a known hole in a fence to escape, the second deputy sheriff (driver of the patrol vehicle) circled around on an adjacent street in an attempt to block the decedent's escape route.</p>

The first deputy sheriff stayed on the footpath by the wash and encountered two men near the hole in the fence. The area was poorly lit. Since the deputy sheriff could not determine if the two men were associates of the decedent or possibly helping him, the deputy sheriff held the two men at gunpoint. The second deputy sheriff continued to move into a position to block off the decedent's escape route.

As anticipated, the decedent ran through the hole in the fence and ran along Arbutus Street where he came face-to-face with the second deputy sheriff, who had positioned himself to cutoff the decedent.

On Arbutus Street, the second deputy sheriff held the decedent at gunpoint and ordered him to drop the gun and show his hands. The decedent did not comply. He turned around and ran back toward the wash. The decedent ran toward the hole in the fence where the first deputy sheriff continued to hold the two men at gunpoint. The first deputy sheriff's position blocked the decedent's route.

Possibly realizing his escape route through the hole in the fence was blocked by the first deputy sheriff, the decedent turned back towards the second deputy sheriff and pointed his gun at him. Fearing for his life, the second deputy sheriff fired three shots from his duty weapon at the decedent. At this time both deputy sheriffs were positioned on opposite sides of a 90-degree blind corner and could not see each other; however, both knew they were within close proximity to each other and both were in communication with dispatch. It was unknown if these initial shots struck the decedent.

After the second deputy sheriff's gunshots, the decedent ran back through the hole in the fence and proceeded toward the first deputy sheriff. The first deputy sheriff saw the decedent aggressively moving towards him and holding something in his hands at chest level. Fearing the decedent had just shot the second deputy sheriff, was still holding the gun that he saw in his possession earlier, and continued to aggressively advance towards him, the first deputy sheriff fired approximately 10 to 12 rounds from his duty weapon at the decedent.

The second deputy sheriff heard gunshots and believed the first deputy sheriff was now involved in a gunfight with the decedent. The second deputy sheriff ran toward the hole in the fence to assist the first deputy sheriff. As the second deputy sheriff approached he saw the decedent had turned back and was again running towards him. Fearing the decedent was still armed and was about to shoot him, the second deputy sheriff fired two to three additional rounds at the decedent. The decedent fell to the ground.

Both deputy sheriffs held the decedent at gunpoint until additional deputy sheriffs arrived. Two deputy sheriffs handcuffed, searched, and provided medical aid to the decedent. Emergency medical services were requested to the scene. Although emergency medical care was administered to the decedent, he succumbed to his injuries and was pronounced dead at the scene.

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

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

Another **Department** root cause in this incident was the deputy sheriffs' tactical decision to partner split during a foot pursuit of an armed suspect, causing increased risk to both employees.

Another **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.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of Los Angeles County deputy sheriffs. Instead of obeying orders, the decedent fled into populated residential and pedestrian traveled areas while armed with a handgun. The decedent's actions caused both deputy sheriffs to fear for their lives, resulting in a deputy involved shooting.

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 Los Angeles County Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office.

On August 7, 2017, the Los Angeles County District Attorney's Office concluded the deputy sheriffs acted lawfully, in self-defense and in the defense of others, when they used deadly force against the decedent.

The Sheriff's Department's Internal Affairs Bureau (IAB) is in the process of investigating this incident to determine if any administrative misconduct occurred before, during, or after this incident.

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

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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)

Kimberly L. Unland, Captain  
Risk Management Bureau

Signature:



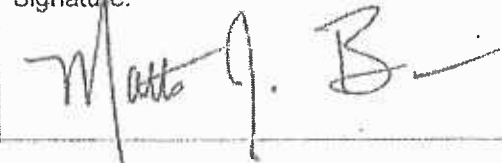
Date:

1/23/19

Name: (Department Head)

Matthew J. Burson, Chief  
Professional Standards and Training Division

Signature:



Date:

01/28/19

**Chief Executive Office Risk Management Inspector General USE ONLY**

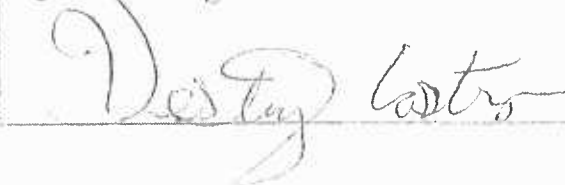
Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.  
☒ No, the corrective actions are applicable only to this Department.

Name: (Risk Management Inspector General)



Signature:



Date:

1/29/2019

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barajas, Consuelo, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 644126
COURT	Los Angeles Superior Court
DATE FILED	December 16, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	James M. Lee, LTL Attorneys LLP
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, inclusive of attorneys' fees and costs, a wrongful death lawsuit filed by decedent Cristian Renee Medina's parents, Consuelo Barajas and Hector Medina, against the County after their son was fatally shot by Sheriff's Department ("LASD") 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 \$650,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 117,116
PAID COSTS, TO DATE	\$ 10,068



Case Name: Consuelo Barajas, et al. v. County of Los Angeles, et al.



## 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:	Wednesday, March 16, 2016, at approximately 4:21 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Consuelo Barajas, et al. v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan 2018-048</p> <p>On March 16, 2016, at approximately 4:21 a.m., two deputy sheriffs (radio car partners) were in a marked black and white patrol vehicle when they responded to the area of Holmes Avenue and Gage Avenue, in unincorporated Los Angeles, regarding a report of a robbery in progress. The call for service was a 9-1-1 call from a public payphone located near the intersection of 64<sup>th</sup> Street and Holmes Avenue. The caller told the 9-1-1 operator a robbery suspect was at the location and he was wearing a black hooded sweatshirt, shorts, and was armed with a black handgun.</p> <p><b>Note:</b> Unbeknownst to the 9-1-1 operator, the decedent was the caller and he had described himself as the armed robber. The decedent was wearing a black hooded sweatshirt and long shorts; however, he was not armed with a handgun.</p> <p>Within two minutes of receiving the call for service, the deputy sheriffs arrived on scene and observed the decedent, standing next to a payphone at the location.</p> <p>As the deputy sheriffs drove toward the decedent, he abruptly stepped away from the payphone, turned to his left, and faced the approaching patrol vehicle. The decedent then extended his arms forward with his hands together and appeared to be pointing a handgun towards the deputy sheriffs.</p> <p>Believing the decedent was armed with a firearm, taking a "shooting stance," and preparing to shoot him and his partner, the first deputy sheriff (driver) stopped the patrol vehicle approximately 18 feet from the decedent. In fear for his and his partner's lives, the first deputy sheriff, while still seated in the patrol vehicle, fired one round from his duty weapon through the windshield at the decedent. The first deputy sheriff then repositioned and fired twelve additional rounds through his open driver's side door window at the decedent.</p> <p>Simultaneously, the second deputy sheriff (passenger), independently believed the decedent was armed with a firearm and was preparing to shoot both himself and his partner. In fear for his and his partner's lives, the second deputy sheriff quickly exited the patrol vehicle and fired eleven rounds from his service weapon at the decedent.</p> <p>The decedent was struck by the deputy sheriffs' gunfire and fell to the ground. Emergency medical personnel were requested and responded</p>

	<p>to the location. Lifesaving efforts were conducted; however, the decedent succumbed to his injuries and was pronounced dead at the scene.</p> <p>A search of the decedent and the scene revealed the decedent did not have a firearm.</p> <p>Based on the fact that the decedent made the 9-1-1 call describing himself as an armed robbery suspect, coupled with his actions when confronted with the responding deputy sheriffs, it is suspected that the decedent forced the circumstances in this incident and caused what is commonly known as a "suicide by cop."</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.

A **non-Department** root cause in this incident was the decedent's false report of an armed robbery whereby he described himself as the person armed with a firearm.

Another **non-Department** root cause in this incident was that the decedent took a "shooting stance" towards the deputy sheriffs as they arrived on scene and simulated he was in possession of a firearm and about to shoot the deputy sheriffs, causing them to fear for their lives.

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 and the facts of this case were presented to the Los Angeles County District Attorney's Office to determine if any criminal misconduct occurred.

On April 10, 2018, the District Attorney's Office completed its review of the incident and concluded that both deputy sheriffs acted reasonably and lawfully in self-defense, and in defense of each other, when they used deadly force against the decedent.

This incident was investigated by representatives of the Sheriff's Department's 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 March 7, 2019, the EFRC determined the use of deadly force and tactics were within Department policy.

County of Los Angeles  
Summary Corrective Action Plan

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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. Chernitzer, A/Captain  
Risk Management Bureau

Signature:

*Dana A. Chernitzer*

Date:

1-29-19

Name: (Department Head)

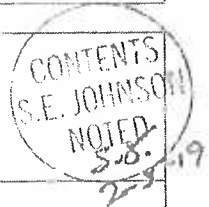
Matthew J. Burson, Chief  
Professional Standards and Training Division

Signature:

*Matthew J. Burson*

Date:

02/06/19



**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)

*Destiny Castro*

Signature:

*Destiny Castro*

Date:

2/7/2019

# COUNTY OF LOS ANGELES CLAIMS BOARD

## MINUTES OF REGULAR MEETING

April 15, 2019

### 1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 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 Adrienne Byers.

Other persons in attendance at the meeting were: Office of the County Counsel: Kelsey Nau, Richard Kudo, and Warren Wellen; Department of Public Works: Dominic Osmena and Adam Ariki.

### 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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4() below.

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

At 10:09 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

#### a. Mi Sun Kim v. James Patrick Gray, et al. Los Angeles Superior Court Case No. BC 672 868

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Department of Public Works employee and a pedestrian.

#### Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$325,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

b. **Haizel Adelyn Alvarez Hernandez, et al. v. State of California, et al.**  
**Los Angeles Superior Court Case No. BC 603 259**

This dangerous condition and wrongful death lawsuit against the Department of Public Works arises from the death of two passengers in a vehicle accident allegedly caused by the County's failure to timely repair a damaged guardrail.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$300,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

c. **Bankers Standard Insurance Company v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 672 075**

This lawsuit seeks compensation from the Department of Public Works for property damage allegedly caused by flooding due to a vehicle crashing into a fire hydrant.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$184,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

5. **Approval of the minutes of the April 1, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera and Adrienne Byers

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 10:11 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By \_\_\_\_\_