

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD VIA ONLINE CONFERENCE CALL
ON MONDAY, AUGUST 3, 2020, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

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 were on the public teleconference phone line to address the Claims Board or to listen to the reportable actions of the Claims Board.

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

- a. **Maria Reza v. County of Los Angeles, et al.**
United States District Court Case No. 19STCV09463

This wrongful death lawsuit arises out of the shooting of Plaintiff's son by a Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$925,000.

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

[See Supporting Documents](#)

- b. **Duncan Roy v. County of Los Angeles, et al.**
United States District Court Case No. 2:12-CV 09012

This federal civil rights class action lawsuit alleges over-detentions arising from the Sheriff's Department's former policy and practice of detaining inmates beyond the expiration of their sentences because of immigration detainees.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$14,000,000.

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

c. **Tui Wright v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV40769

This lawsuit brought by a retired Sheriff's Sergeant alleges that he was subjected to discrimination and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$99,000.

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

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 July 20, 2020, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes.

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

[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	Maria Reza v. County of Los Angeles, et al.
CASE NUMBER	19STCV09463
COURT	United States District Court
DATE FILED	March 19, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 925,000
ATTORNEY FOR PLAINTIFF	Muammar Reed, Esq. Reed & Garcia Law, PC Humberto Guizar, Esq. Guizar, Henderson, Carrasco, LLP
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$925,000, inclusive of attorneys' fees and costs, a wrongful death and federal civil rights lawsuit filed by decedent Carmelo Pizarro's parents, Carmelo Pizarro, Sr., and Maria Reza and his minor child A.M.P., by and through her Guardian ad Litem, after the fatal shooting of Carmelo Pizarro by Sheriff's Deputies.</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 \$925,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 71,533
PAID COSTS, TO DATE	\$ 18,806



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:	July 19, 2018
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>A.M.P. et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2020-008</p> <p>On July 19, 2018, at approximately 1:35 a.m., two uniformed deputy sheriffs assigned to Pico Rivera Station's Summer Violent Crime Enforcement Team, were driving a marked black and white patrol vehicle, in the city of Pico Rivera. The deputy sheriffs were heading back to the station, as their shift was over at 2:00 a.m., when they observed a dark colored Mitsubishi Eclipse (decedent's vehicle) straddling two lanes of traffic near the 605-freeway entrance ramp on Washington Boulevard. The decedent's vehicle was turned off and had no lights on. The first deputy sheriff, who was driving, positioned the patrol vehicle approximately 15-20 feet behind the decedent's vehicle in order to contact the decedent and investigate any possible illegal activity. The deputy sheriffs exited their vehicle and attempted to approach the decedent when the decedent vehicle suddenly sped away westbound on Washington Boulevard.</p> <p>The deputy sheriffs returned to their patrol vehicle and followed the plaintiff's vehicle. They observed the decedent's vehicle weave in and out of traffic, drive with no lights on, and speed at about 70-80 m.p.h. in a residential neighborhood. The vehicle ran a red light and turned south onto Passons Boulevard, at which point the first deputy sheriff activated the patrol vehicle's light bar and siren. The second deputy sheriff broadcasted over the portable radio that they were in pursuit of a reckless drunk driver. The decedent's vehicle then turned east onto Bert Street and attempted to turn south onto Eglise Avenue when he lost control and crashed into a light pole and a parked vehicle.</p> <p>The second deputy sheriff made another broadcast over the radio advising the decedent's vehicle had crashed at the location. The first deputy sheriff exited his vehicle, thinking that the vehicle's occupants might need medical care. As both deputy sheriffs approached the decedent's vehicle, the driver's door opened, and an adult Hispanic male (decedent) exited the car. They found the decedent was the sole occupant in the vehicle. The decedent immediately grabbed his waistband and ran away from the scene and the deputies. The second deputy sheriff made an additional broadcast over the radio that they were in pursuit of the decedent on foot. The second deputy sheriff pursued the decedent on foot while the first deputy sheriff followed in the patrol car. The decedent entered a property on the north side of Schooling Road and attempted to climb its fence into the back yard but failed to clear the fence. There were two parked cars in the driveway and the decedent went behind the last car. The deputy sheriffs exited the patrol car and approached the decedent. The first deputy sheriff approached from the west side, while</p>

	<p>the second deputy sheriff approached from the east side. The second deputy sheriff gave the decedent multiple commands to stop and show his hands, but the decedent did not comply.</p> <p>As they approached the parked cars, the second deputy sheriff saw him crouch in a "catcher's stance" with his torso facing him. The second deputy sheriff again issued commands for the decedent to show his hands which were ignored. The second deputy sheriff saw the decedent hold and point a rear-view mirror at him. The decedent then dropped the mirror, stood up, and lunged at the second deputy sheriff from a distance of about 20 feet. The second deputy sheriff was immediately startled and backed up. As the decedent moved towards the second deputy sheriff, he stated in a conversational tone, "I am going to kill you." The decedent continued to move towards the second deputy sheriff, when he bladed his body and raised his shirt, revealing the dark handle of a gun near his waistband. The gun appeared to be held in place by a belt near the decedent's stomach.</p> <p>The decedent then began tugging on the handle of the gun. Given the decedent's statement, his threatening advancement, and the fact that he appeared to be arming himself, the second deputy sheriff was in fear for his life. The second deputy sheriff fired four shots at the decedent, in an attempt to keep him from arming himself and shooting him. The second deputy sheriff believed he had struck the decedent as he heard him grunt and saw him flinch.</p> <p>The first deputy sheriff was on the other side of the parked car. He saw the decedent charge toward the second deputy sheriff while reaching into his front waistband. Then just as he lost sight of the decedent behind parked cars, he heard gunshots.</p> <p>The decedent then ran away from the deputies onto Schooling Road. Both deputy sheriffs followed the decedent while attempting to keep cover with parked cars. The decedent entered a property on the south side of Schooling Road and climbed over a white fence. After losing sight of the decedent, the first and second deputy sheriffs advised responding units of the suspect's description, last known location, and direction of travel. They also began coordinating a containment of the area.</p> <p>Several other deputy sheriffs assigned to Pico Rivera station responded to the location. A third deputy sheriff, working a one-man-car, responded and took a containment spot at Eglise Avenue and Abbotsford Road. The third deputy sheriff was flagged down by four adult Hispanic males who reported the decedent was in their backyard. The third deputy sheriff responded to their residence and took a position out front for several minutes waiting for additional units.</p> <p>After several minutes, the third deputy sheriff heard radio traffic from the Los Angeles County Sheriff's Aero unit, advising the decedent had been spotted running eastbound on Bert Street to southbound Pico Vista Road. Several of the nearby deputy sheriffs began converging on the decedent's last known location.</p> <p>The third deputy sheriff left his location and responded to the decedent's last known location. While checking the area, the third deputy sheriff saw the decedent walking through the front yards of houses on Pico Vista Road while holding the waistband area of his shorts with his right hand.</p>
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	<p>The fourth deputy sheriff was also a single-man unit assigned to Pico Rivera Station. He responded to the location to assist with the incident. While checking the area of the decedents last known location, the fourth deputy sheriff also observed the decedent walking on Pico Vista Road.</p> <p>The decedent entered the driveway of a house with four parked cars and hid behind a red Ford Explorer.</p> <p>The third and fourth deputy sheriffs exited their vehicles and moved towards the decedent's last known location.</p> <p>The third and fourth deputy sheriffs advised the decedent to "stop" and "show me your hands." As the third deputy sheriff moved to find the decedent, he found him hiding near the parked car in a "catcher's stance" with his hands in front of him. The third deputy sheriff gave commands such as "put your hands up" and "show me your hands," but the decedent did not comply. The decedent then turned and looked at the third deputy sheriff with a "scary look."</p> <p>The decedent then reached into his waistband with his right hand. The decedents actions caused the third deputy sheriff to fear the decedent was reaching for a deadly weapon that could be used against him. Fearing for his life, the third deputy sheriff fired two rounds from his duty weapon at the decedent. The third deputy sheriff then restated commands for the decedent to show his hands. The decedent did not comply, stood up, and again reached toward his waistband. The third deputy sheriff fired two more rounds followed by more commands for the decedent to show his hands. With no response, and as the decedent continued to appear to be arming himself, the third deputy sheriff fired a third volley of rounds at the decedent, for a total of nine shots. The third deputy sheriff then saw the suspect fall to the ground.</p> <p>Before the third deputy sheriff's shooting, and while the third and fourth deputy sheriff were attempting to make contact with the decedent, the fourth deputy sheriff was approaching from the other side of the parked vehicle. As the decedent was crouched down hiding, the fourth deputy sheriff could only see the decedent's head, but he continued to yell commands for him to show his hands. The decedent then turned and stared at the fourth deputy sheriff with an "eerie blank stare, as if no one was home." The decedent then stood up and faced towards the third deputy sheriff. Because of the parked vehicle, the fourth deputy sheriff could only see the decedent's body from the elbows up. The fourth deputy sheriff still could not see the decedent's hands but could tell that he was moving his hands in front of his body, towards the third deputy sheriff. The fourth deputy sheriff then saw the decedent's shoulders roll forward and his left arm extend out, as if to take a combat shooting stance. The fourth deputy sheriff then heard four to five gunshots.</p> <p>The fourth deputy sheriff believed the decedent was shooting at the third deputy sheriff and other deputy sheriffs to the east. The fourth deputy sheriff felt he had a tactical advantage and a good shooting position. In fear the decedent was shooting at the third deputy sheriff and other nearby deputy sheriffs, the fourth deputy sheriff fired at the decedent five times from his duty weapon. The fourth deputy sheriff saw the decedent fall forward to the ground.</p>
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	<p>After the shooting, an on-scene sergeant immediately requested fire department personnel via her portable radio. Fire personnel were staged nearby waiting for the scene to be secure before responding in.</p> <p>NOTE: Pico Rivera dispatch immediately requested fire personnel to respond and stage, after the first shooting occurred.</p> <p>Deputies approached, handcuffed, and did a quick pat down search of the decedent. The search revealed a two-inch nylon belt around the decedent's stomach, but no weapon was observed on or near the decedent.</p> <p>The sergeant and two on-scene deputy sheriffs rendered medical aid until paramedics and fire department personnel arrived on scene. When the sergeant checked the decedent and could no longer feel a pulse, the sergeant had the handcuffs removed from the decedent.</p> <p>Los Angeles County Fire Department personnel responded to the scene. Although emergency medical care was administered to the decedent, he succumbed to his injuries and was pronounced dead at the scene.</p> <p>Note: Toxicology results determined the decedent had methamphetamine, THC, and alcohol in his system.</p> <p>A silver revolver was later found in the backyard of the home where the third deputy was flagged down by four adult Hispanic males who reported the decedent was in their backyard. The revolver was missing the cylinder. The missing cylinder was found and recovered from the decedent's vehicle.</p> <p>A murder occurred on June 28, 2018, in front of the decedent's house. The decedent was on video surveillance with the murder victim, minutes before the murder occurred. Witnesses saw the decedent over the murder victim's body immediately after shots were heard. The decedent was the primary suspect in the murder investigation. The revolver that was seen in the decedent's possession and the corresponding cylinder found in his vehicle was determined to have been the murder weapon.</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 second deputy sheriff's use of deadly force against the decedent as he was reaching for an inoperative or partially disassembled firearm in his waistband.

Another **Department** root cause in this incident was the third and fourth deputy sheriff's use of deadly force against the decedent as he repeatedly reached for his waistband, and prior to actually observing a weapon in his possession. The decedent was later found to be unarmed at the time of this shooting.

A **non-Department** root cause for this incident was the decedent stating he was going to kill a deputy sheriff, while attempting to retrieve a firearm from his waistband.

Another **non-Department** root cause in this incident was the decedent's repeated failure to follow the lawful orders of several deputy sheriffs coupled with his repeated dramatic motions to his waistband and/or his pointing a car mirror at deputy sheriffs could suggest a motive of "suicide-by-cop."

An additional **non-Department** root cause in this incident was the decedent's actions may have been related to his involvement in a recent murder of one of his long-time friends. The decedent was the primary suspect in that murder and the firearm he had during this incident was identified as the murder weapon.

2. Briefly describe recommended corrective actions:

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

Criminal Investigation

The incident was 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 other criminal misconduct occurred.

At the time of this report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

Administrative Investigation

The Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after the 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.

Once 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 Executive Force Review Committee (EFRC) for adjudication.

Deputy Sheriffs assigned to Pico Rivera Station will continuously be scheduled to attend critical incident training with the Department's Tactics and Survival (TAS) Unit.

Additionally, classes will be scheduled utilizing the Department Situation Simulation Trailer and the Multiple Interactive Learning Objective (MILO) platform.

County of Los Angeles
Summary Corrective Action Plan

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

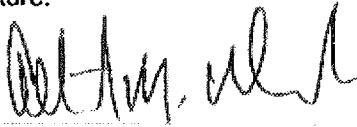
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Albert M. Maldonado, Captain
Risk Management Bureau

Signature:



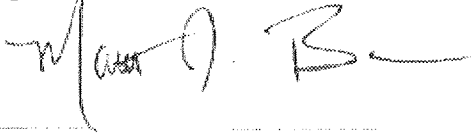
Date:

7/2/20

Name: (Department Head)

Matthew J. Burson, Chief
Professional Standards Division

Signature:



Date:

07/07/20

Chief Executive Office Risk Management Inspector General USE ONLY

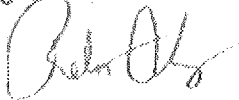
Are the corrective actions applicable to other departments within the County?

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

Name: (Risk Management Inspector General)

Roberto Chavez

Signature:



Date:

7/7/20

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JULY 20, 2020

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 a.m. The meeting was held via teleconference with all Claims Board Members participating telephonically. Claims Board Members online for the teleconference meeting were: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Jonathan McCaverty, Katherine Bowser, Latasha Corry, Kelsey Nau, Pirjo Ranasinghe, Amie Park, Jasmine Bath, Camille Granville, Jennifer Lehman, Rosanne Wong, and Nicole Davis Tinkham; Sheriff's Department: Mark Allen, Andy Rosso, Ernie Bille, Esmeralda Lopez, Melanie Rivers, and Kristine Corrales; Department of Probation: Joyce Martin, Mark Garcia, Jose Villar, and Nathan Martinez; Office of the District Attorney: Joey Esposito, and Julie Dixon-Silva; Department of Mental Health: Kendal Hudspeth, and Edgar Soto; Department of Children and Family Services: Chungyon Bang; Department of Health Services: Karen Nunn; and Outside Counsel: Avi Burkwitz, Justin Clark, and Brian Stewart.

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 were on the public teleconference phone line to address the Claims Board or to listen to the reportable actions of 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 Chair convened the meeting into Closed Session to discuss the items listed as 4(a) through 4(i).

4. Report of actions taken in Closed Session.

At 11:48 a.m., the Claims Board reconvened in open session via the public teleconference phone line and reported the actions taken in Closed Session as follows:

**a. Deana Varo v. County of Los Angeles, et al.
United States District Court Case No. CV 18-9025 DMG (KSx)**

This federal civil rights and negligence lawsuit alleges the improper disclosure of Plaintiffs' personal contact information on a protective order to a criminal defendant, which led to a shooting at their residence.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$4,250,000.

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

b. **Marcus Stewart v. County of Los Angeles, et al.**
United States District Court Case No. CV 18-7739 GW (KSx)

This federal civil rights lawsuit alleges that a former juvenile detainee of the Probation Department was sexually assaulted while he was in custody.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

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

c. **Barbara Hickman, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 19STCV37450

This wrongful death lawsuit alleges that the Department of Children and Family Services failed to investigate three calls of suspected child abuse and neglect, leading to the death of two young girls.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,500,000.

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

d. **Chung Lam, et al. v. Manzur Ahmed, et al.**
Los Angeles Superior Court Case No. 19STLC00294

Mercury Insurance Company v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18STLC14872

These lawsuits arise from alleged injuries sustained in a multi-vehicle accident involving an employee of the Department of Children and Family Services.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$28,670.99.

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

e. **Noemi Perez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 706761

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a former employee of the Department of Mental Health.

Action Taken:

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

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

f. **Michael Herring v. County of Los Angeles, et al.**
United States District Court Case No. 2:19-CV-08775

This federal civil rights lawsuit arises from alleged injuries sustained while Plaintiff was an inmate at Men's County Jail.

Action Taken:

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

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

g. **Donald Kunstt v. County of Los Angeles, et al.**
United States District Court Case No. 19-CV-07510 JAK (JPRx)

This federal civil rights lawsuit alleges Sheriff's personnel failed to protect Plaintiff while he was an inmate at North County Correctional Facility.

Action Taken:

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

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

h. **Lucy Auner and Kristen Aufdemberg v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 675 305

This lawsuit against the Sheriff's Department alleges that Plaintiffs were subjected to retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

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

i. **Nychelle Jenkins v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV19555

This claim alleges that an employee of Harbor-UCLA Medical Center with the Department of Health Services was subjected to racial discrimination and wrongful termination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,000.

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

5. **Approval of the Minutes of the July 6, 2020, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes.

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 11:50 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek Stane