



COUNTY OF LOS ANGELES
CLAIMS BOARD
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Arlene Barrera
Auditor-Controller
Steve Robles
Chief Executive Office
Adrienne M. Byers
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold a regular meeting on **Monday, May 3, 2021 at 9:30 a.m.**, via online conference call. Members of the public who would like to listen to the open sessions of the meeting may call (323) 776-6996, then enter ID 260 550 080#, at 9:30 a.m. on May 3, 2021.

Reports of actions taken in Closed Session. The County of Los Angeles Claims Board will report actions taken on any Closed Session Items on Monday, May 3, 2021 at 10:40 a.m. Members of the public who would like to hear reportable actions taken on any Closed Session items may call (323) 776-6996, then enter ID 260 550 080# at 10:35 a.m. on May 3, 2021. Please note that this time is an approximate start time and there may be a short delay before the Closed Session is concluded and the actions can be reported.

TO PROVIDE PUBLIC COMMENT:

You may submit written public comments by e-mail to claimsboard@counsel.lacounty.gov or by mail to: Attention: Los Angeles County Claims Board, Executive Office, County Counsel, 500 W. Temple St., Los Angeles, CA, 90012.

Written public comment or documentation must be submitted no later than 12 p.m. on Friday, April 30, 2021. Please include the Agenda item and meeting date in your correspondence. Comments and any other written submissions will become part of the official record of the meeting.

SUPPORTING DOCUMENTATION: Any supporting documents will be posted and can be provided upon request. Please submit requests for any supporting documents to claimsboard@counsel.lacounty.gov.

If you would like more information, please contact Derek Stane at dstane@counsel.lacounty.gov.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of 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 Tarlena Owens

This claim seeks compensation from the Department of Public Works for property damage allegedly caused by a backflow of sewage due to a mainline blockage; settlement is recommended in the amount of \$25,780.85.

[See Supporting Document](#)

b. Karla Garcia Aranda, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:19-CV-1770
Los Angeles Superior Court Case No. 20STCV25347

This lawsuit alleges civil rights violations and negligence against the Department of Children and Family Services; settlement is recommended in the amount of \$400,000.

[See Supporting Documents](#)

c. Philip Margulies v. County of Los Angeles, et al.
United States District Court Case No. 2:20-CV-05491

This lawsuit concerns allegations of excessive force and false arrest against a Sheriff's deputy; settlement is recommended in the amount of \$26,000.

[See Supporting Document](#)

d. Michael Cusumano v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 696951

This lawsuit alleges plaintiff was wrongfully detained and injured by Sheriff deputies; settlement is recommended in the amount of \$175,000.

[See Supporting Documents](#)

- e. Don Spencer, et al. v. County of Los Angeles
United States District Court Case No. 2:19-CV-00808

This wrongful death lawsuit alleges excessive force and violations of civil rights during a physical altercation with Sheriff's deputies; settlement is recommended in the amount of \$2,000,000.

[See Supporting Documents](#)

- 4. Approval of the minutes of the April 19, 2021, regular meeting of the Claims Board.

[See Supporting Document](#)

- 5. 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.
- 6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|---|
| CASE NAME | Non-litigated Claim of Tarlena Owens |
| CASE NUMBER | N/A |
| COURT | N/A |
| DATE FILED | N/A |
| COUNTY DEPARTMENT | Department of Public Works |
| PROPOSED SETTLEMENT AMOUNT | \$ 25,780.85 |
| ATTORNEY FOR PLAINTIFF | N/A |
| COUNTY COUNSEL ATTORNEY | Joseph A. Langton Principal Deputy County Counsel |
| NATURE OF CASE | This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's residence and damaged her real 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

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|-----------------------------|--|
| CASE NAME | Karla Aranda, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | 2:19-CV-1770-RGK-RAO 20STCV25347 |
| COURT | United States District Court, Central District Los Angeles Superior Court |
| DATE FILED | August 15, 2018 |
| COUNTY DEPARTMENT | Department of Children and Family Services |
| PROPOSED SETTLEMENT AMOUNT | \$ 400,000 |
| ATTORNEY FOR PLAINTIFF | Dan Stormer and Brian Olney Hadsell Stormer Renick & Dai LLP |
| COUNTY COUNSEL ATTORNEY | Shawn Luna Deputy County Counsel Avi Burkwitz Peterson Bradford Burkwitz LLP |
| NATURE OF CASE | This is a recommendation to settle for \$400,000 this lawsuit against the County of Los Angeles, the Department of Children and Family Services, and several employees alleging that Plaintiff's constitutional rights were violated and DCFS was negligent when social workers failed to protect a minor from abuse while in foster care. |
| PAID ATTORNEY FEES, TO DATE | \$ 280,151 |
| PAID COSTS, TO DATE | \$ 67,827 |

Case Name: Garcia Aranda, Karla, et al. vs. COLA, 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.

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| Date of incident/event: | June thru September 2015 |
| Briefly provide a description of the incident/event: | Plaintiffs alleged violation of civil rights by Department and Children and Family Services (DCFS) when DCFS failed to protect B.A. by placing B.A. in the home of an unlicensed caregiver, who the family identified as a non-related extended family member (NREFM). There, they alleged that he suffered sexual abuse by the caregiver. |

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

Lack of documentation regarding how DCFS came to consider the identified NREFM for placement, her relationship with the family, and the living situation in the home.

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

A case review of staff member's current caseload was completed. It was found that staff member was still having difficulty documenting casework. Staff member will receive regular case conferencing and 1:1 meetings with her supervisor to improve her quality of work and to comply with policy regarding case documentation. Staff member will also be assigned protected time to help her focus and complete her documentation.

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

The corrective actions address department-wide system issues

✓ The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Diane Iglesias, Senior Deputy Director

Signature: 

Date:
2/5/21

Name: (Department Head)

Bobby D. Cagle, Director

Signature: 

Date:
2-5-21

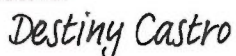
Chief Executive Office Risk Management Inspector General USE ONLY

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: 

Date:
02/09/2021

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|---|
| CASE NAME | Philip Margulies v. County of Los Angeles, et al. |
| CASE NUMBER | 2:20-CV-05491-PA-KES |
| COURT | United States District Court |
| DATE FILED | 4/23/19 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 26,000 |
| ATTORNEY FOR PLAINTIFF | Gregory Peacock, Esq. Law Offices of Gregory Peacock |
| COUNTY COUNSEL ATTORNEY | Timothy J. Kral, Principal Deputy County Counsel This is a request to settle for \$26,000, inclusive of attorneys' fees and costs, the lawsuit brought against the County and Los Angeles County Sheriff's Department ("LASD") by Plaintiff ("Phillip Margulies"). Plaintiff claims he was arrested without probable cause, subjected to excessive force when Deputies grabbed him and put handcuffs on too tight, and that Deputies unlawfully seized and/or destroyed evidence that belong to him. |
| NATURE OF CASE | Given the high risks and uncertainties of litigation, a reasonable settlement at this time to avoid further litigation costs. The full and final settlement amount of \$26,000 is recommended. |
| PAID ATTORNEY FEES, TO DATE | \$ 20,142 |
| PAID COSTS, TO DATE | \$ 0 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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| CASE NAME | Michael Cusumano v. County of Los Angeles, et al. |
| CASE NUMBER | 18SMCV00272 |
| COURT | Los Angeles Superior Court |
| DATE FILED | 11/29/18 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 175,000 |
| ATTORNEY FOR PLAINTIFF | Mark D. Baute, Esq. Baute Crochetiere Harley & Velkei, LLP |
| COUNTY COUNSEL ATTORNEY | Lana Choi, Deputy County Counsel |
| NATURE OF CASE | <p>This is a request to settle for \$175,000, inclusive of attorneys' fees and costs, the lawsuit brought against the County and Los Angeles County Sheriff's Department ("LASD") Deputy Matthew Doud by Plaintiff Michael Cusumano. Plaintiff seeks damages arising from a March 2, 2018 detention by LASD Deputies during which he was removed from his vehicle at gunpoint, handcuffed, and placed in the back seat of a patrol car.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time to avoid further litigation costs. The full and final settlement amount of \$175,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 130,523 |
| PAID COSTS, TO DATE | \$ 11,645 |

Case Name: Michael Cusumano 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.

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| Date of incident/event: | March 2, 2018 |
| Briefly provide a description of the incident/event: | <p><u>Michael Cusumano v. County of Los Angeles</u> Summary Corrective Action Plan 2021-34</p> <p>On March 2, 2018, at approximately 9:27 p.m., the witness called Malibu/Lost Hills Sheriff's Station and reported an unknown person broke into her husband's locked vehicle ("victim vehicle") window (violation Vehicle Burglary, 459 P.C). The witness stated she was chasing the suspect down Pacific Coast Highway (PCH) toward Corral Canyon in her own vehicle, a white Bentley. The witness reported the suspect was driving a gold Maserati SUV with paper license plates, at speeds in excess of 100 miles per hour as he attempted to evade her.</p> <p>A Malibu/Lost Hills dispatcher originated an emergency call for service of a burglary to a vehicle. The call was assigned to the first deputy sheriff (driver) and second deputy sheriff (passenger) patrol unit. The second deputy sheriff coordinated the call for service via his radio, to assisting units assigned to Malibu/Lost Hills Station. The deputy sheriffs drove toward PCH and Corral Canyon in an attempt to locate the suspect (plaintiff) with the plan of conducting a felony traffic stop.</p> <p>Note: The Malibu/Lost Hills Station dispatcher only provided the deputy sheriffs with a description of the plaintiff's vehicle, not a description of the plaintiff.</p> <p>At approximately 9:32 p.m., the plaintiff called Malibu/Lost Hills Station to report he was being chased by an unknown person in a car. The watch deputy informed the plaintiff the vehicle chasing him had also called 9-1-1 and suspected the plaintiff of committing a crime.</p> <p>The watch deputy advised the plaintiff to pull over to a safe, well-lit public area and wait for the deputy sheriff to approach him. The plaintiff complied and pulled into a 76 gas station. At approximately 9:33 p.m., the watch deputy conveyed the plaintiff's location to the responding deputy sheriff.</p> <p>The third deputy sheriff arrived on the scene first, pulled his marked patrol vehicle into the 76 gas station behind the plaintiff's vehicle. The third deputy sheriff notified responding units that he had located the plaintiff's vehicle via his radio. The third deputy sheriff exited his patrol vehicle, stood behind the front driver's side door, and pointed his firearm at the plaintiff, intending to initiate a felony traffic stop as soon as additional deputy sheriffs arrived on scene.</p> <p>The plaintiff attempted to exit his vehicle. The third deputy sheriff ordered the plaintiff to stay inside his car. The plaintiff complied with the third</p> |

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| | <p>deputy sheriff's orders. The fourth deputy sheriff arrived, took a cover behind the third deputy sheriff's front passenger door, and pointed his firearm at the plaintiff's vehicle.</p> <p>The fifth and sixth deputy sheriff arrived (in a single, marked patrol vehicle), bringing the total number of deputy sheriffs at the scene to four.</p> <p>The fifth deputy sheriff took a position of cover to the left of the third deputy sheriff, drew his duty weapon, and pointed it at the plaintiff's vehicle, while the sixth deputy sheriff took a position of cover to the right of the fourth deputy sheriff, drew a less-than-lethal stun bag shotgun, and pointed it at the plaintiff's vehicle.</p> <p>The four deputy sheriffs at the scene conducted a felony traffic stop as follows:</p> <p>The third deputy sheriff ordered the plaintiff to place his hands outside his open car door, exit the vehicle, lift his shirt, and rotate 360 degrees so the deputy sheriffs could visually check the plaintiff's waistband for weapons. The third deputy sheriff instructed the plaintiff to place his hands up, walk backward toward the deputy sheriffs, kneel on the ground, and place his hands behind his head. The plaintiff understood these orders and complied.</p> <p>The fifth deputy sheriff holstered his duty weapon, approached the plaintiff, and handcuffed the plaintiff with his hands behind his back. The fifth deputy sheriff assisted the plaintiff to his feet, escorted him toward a patrol vehicle, and conducted a pat-down search.</p> <p>Shortly after, the first and second deputy sheriffs (handling unit) arrived, bringing the total number of patrol vehicles to four, plus the Los Angeles County Sheriff's Aero unit, and deputy sheriffs to six.</p> <p>Note: The first deputy sheriff and second deputy sheriff did not participate in the felony traffic stop nor did they draw their weapons at any time.</p> <p>The fifth deputy sheriff placed the plaintiff in the backseat of a patrol vehicle at the scene. The first deputy sheriff sat in the patrol vehicle's front seat and asked the plaintiff questions related to the vehicle burglary investigation. The plaintiff was cooperative and answered the first deputy sheriff's questions. The first deputy sheriff informed the plaintiff he was being detained on suspicion of a vehicle burglary. The plaintiff complained to the first deputy sheriff that the handcuffs were too tight.</p> <p>The first deputy sheriff, who could not physically access the plaintiff from the front seat, told the plaintiff he would loosen the handcuffs. Minutes later, the first deputy sheriff exited the patrol vehicle and loosened the plaintiff's handcuffs.</p> <p>At approximately 9:41 p.m., after the plaintiff was removed from his vehicle, the witness' husband (victim), called 9-1-1 to report a black bag containing a firearm had been stolen from the victim's vehicle.</p> <p>The deputy sheriffs conducted a field show-up with the witness, who stated the plaintiff was not the person she saw break into the victim's</p> |
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| | <p>vehicle. The witness apologized numerous times to the deputy sheriffs for her mistake.</p> <p>The plaintiff was placed back in the back seat of the patrol vehicle after the field show-up. The plaintiff complained to the first deputy sheriff that his handcuffs were tight, the first deputy again loosened the plaintiff's handcuffs. The plaintiff no longer complained of the handcuffs being too tight.</p> <p>The victim, who traveled out to the scene, was instructed by the deputy sheriffs to walk around the plaintiff's vehicle and look at the contents in plain sight to see if any of the items belonged to the victim. The victim confirmed none of the items inside was taken from the victim's vehicle.</p> <p>Once it was confirmed that plaintiff was not involved in the burglary of the victim's vehicle, the first deputy sheriff explained the situation to the plaintiff, apologized, and released the plaintiff without further incident. The detention was approximately 30 minutes.</p> <p>The subsequent search and investigation did not reveal any firearms in the plaintiff's vehicle.</p> <p>The plaintiff alleged he was roughly handcuffed, yanked off the ground, and pushed into the patrol vehicle. The plaintiff further alleged the handcuffs were applied as tight as possible, causing him injury. The plaintiff did not seek medical treatment regarding the alleged injuries caused by the handcuffs.</p> <p>The plaintiff also alleged, while waiting in the backseat of the patrol vehicle, the deputy sheriffs tried to fabricate a reason for the detention with the first deputy sheriff, allegedly stating they could arrest the plaintiff for driving under the influence of alcohol "DUI."</p> <p>During the vehicle burglary investigation, the first deputy sheriff was informed by the plaintiff that the plaintiff just had dinner at the "Soho House," an establishment that serves food.</p> <p>During deposition, the first deputy sheriff recalled commenting to the deputy sheriffs at the scene that he could smell alcohol emitting from the plaintiff's breath. There were no attempts made to test the plaintiff or charge him with a DUI because the plaintiff did not display any objective signs or symptoms of being under the influence of alcohol. The first deputy sheriff did not initiate a "DUI" investigation based solely on the smell emitting from the plaintiff's breath.</p> <p>Note: The deputy sheriffs who conducted the felony traffic stop did so based on the initial 459 PC call for service. The report of the stolen gun had no impact on their decision to conduct the felony traffic stop.</p> |
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1. Briefly describe the root cause(s) of the claim/lawsuit:

This case was settled due to a prudent business decision. Therefore, this is an economic settlement.

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

Plaintiff's Allegations Investigated and Assessed

Investigation into the Plaintiff's Allegations of Being Illegally Detained and Searched

This incident was investigated by the Los Angeles County Sheriff's Department to determine if there was any misconduct during and after the plaintiff's detention.

The conduct of the deputy sheriffs was evaluated and determined to have been appropriate.

A review of the Department's actions in this matter was found to be justified and proper.

Investigation into Fabricating a Reason (DUI) for Detention

This incident was investigated by the Los Angeles County Sheriff's Department to determine if there was misconduct during the plaintiff's detention.

Based on the facts established in this matter, it was determined no formal administrative investigation was warranted and no Department personnel violated Department policy.

A review of the Department's actions in this matter was found to be justified and proper.

Investigation into the Plaintiff's Claim of Unnecessary Use of Force

This incident was investigated by the Los Angeles County Sheriff's Department to determine if there was any misconduct during the incident.

An extensive investigation was conducted into all the plaintiff's allegations regarding unnecessary use of force. The investigation included interviews with the plaintiff, the involved deputy sheriffs, and all identified witnesses.

An executive evaluation determined the involved deputies were justified in their actions related to their contact, searching, and detaining of the plaintiff. Therefore, the deputies physical contact with the plaintiff was determined to have been appropriate and within policy.

A review of the Department's actions in this matter was found to be justified and proper.

Investigation into the Plaintiff's claim of Intentional Emotional Stress

A thorough investigation was conducted into the plaintiff's allegations regarding intentional infliction of emotional stress during the felony traffic stop initiated by the deputy sheriffs.

Based on the facts established in this matter, it was determined no formal administrative investigation was warranted and no Department personnel had violated Department policy.

An executive evaluation of the Department's actions regarding alleged misconduct in this matter was found to be justified and proper.

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:

3/8/21

Name: (Department Head)

Kelly M. Porowski, Chief
Professional Standards Division

Signature:



Date:

3/10/21

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:



Date:

3/11/2021

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|--|
| CASE NAME | Don Spencer, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | 2:19-CV-00808 |
| COURT | United States District Court |
| DATE FILED | February 4, 2019 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 2,000,000 |
| ATTORNEY FOR PLAINTIFF | Mark Stephen Smith, Esq. The Community Law Group, LLC |
| COUNTY COUNSEL ATTORNEY | Millicent L. Rolon, Principal Deputy County Counsel |
| NATURE OF CASE | <p>This is a recommendation to settle for \$2,000,000, inclusive of attorneys' fees and costs, a wrongful death and federal civil rights lawsuit filed by decedent Jeremy Spencer's father, estranged wife, and adult daughter. Jeremy Spencer was tased during a physical altercation with Sheriff's Deputies, resulting in 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 \$2,000,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 55,618 |
| PAID COSTS, TO DATE | \$ 10,892 |



Summary Corrective Action Plan

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| Date of incident/event: | February 3, 2018 |
| Briefly provide a description of the incident/event: | <p><u>Don Spencer, et.al. v. County of Los Angeles</u> Summary Corrective Action Plan 2021-01</p> <p>The decedent had numerous calls for services and events involving the Los Angeles County Sheriff's Department prior to the final incident date. The plaintiff's (decedent) father, wife, and biological daughter allege the Los Angeles County Sheriff's Department is liable for the wrongful death of the decedent.</p> <p>On January 12, 2018, at approximately 12:19 p.m., Lancaster Station received a 9-1-1 call regarding the informant's neighbor (the decedent) was in his yard with an axe, challenging the informant to a fight. A call for service was created and two deputy sheriffs assigned to Lancaster Station responded to the location. The deputy sheriffs contacted the informant, found no evidence of a crime, and left the location.</p> <p>Note: The following calls for service showed a Hazard Advisement to the location noting, "Officer Safety, Use Caution." This advisement was associated with the decedent's address after the initial call listed above on January 12, 2018.</p> <p>On January 28, 2018, at approximately 1:17 p.m., Lancaster Station received a 9-1-1 call regarding the decedent who was in his front yard challenging multiple neighbors to fight. A call for service was created, two deputy sheriffs and a supervisor responded to the location. They were unable to determine if a crime occurred and left the location.</p> <p>On January 30, 2018, at approximately 7:10 a.m., Lancaster Station received a 9-1-1 requesting a patrol check in the area due to the decedent constantly yelling and threatening children, as well as throwing trash in the neighbors' yards. The caller specifically requested not to be contacted. Several deputy sheriffs and a supervisor assigned to Lancaster Station responded to the location, found no evidence of a crime, and left the location.</p> <p>At approximately 8:55 a.m., two deputy sheriffs who responded earlier that morning returned to check the location, the neighborhood was quiet. The deputy sheriffs found no evidence of a crime at that time.</p> <p>At 9:50 a.m., a neighbor called Lancaster Station a third time, stating the decedent threw a jar at him and they were arguing at the location. Five deputy sheriffs and a supervisor assigned to Lancaster Station responded to the location, three deputy sheriffs of whom responded to the first call that day, as well as the supervisor. The caller denied being injured and was very uncooperative. The deputy sheriffs contacted the decedent and the caller but found no evidence of a crime. The decedent was referred</p> |

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| | <p>to the Mental Evaluation Team (MET). The MET Team referred the incident to the Veteran's Affairs police.</p> <p>On February 1, 2018, at approximately 3:00 p.m., Lancaster Station received a 9-1-1 call regarding the decedent who was fighting with someone and trying to hit people with a pole. An emergent call for service was created. Five deputy sheriffs and a supervisor assigned to Lancaster Station responded Code 3 to the location. The decedent ran inside his home as soon as he saw the patrol vehicles. The deputy sheriffs contacted multiple juveniles who claimed the decedent threatened to kill them, and they were in fear for their safety. One juvenile informant claimed the decedent decapitated chickens and posted the heads on the fence around his front yard. The deputy sheriff discovered the decedent had firearms registered to him. At this time, they requested additional deputy sheriffs to their location and contained the decedent's residence.</p> <p>Once the containment was established, one deputy sheriff ascertained the telephone number of the decedent's father who lived in Torrance. The one deputy sheriff spoke to the decedent's father via telephone. The decedent's father agreed to call the decedent to have him come outside and speak with the deputy sheriffs. After speaking with the decedent, the decedent's father spoke with the same deputy sheriff again. The decedent's father informed the deputy sheriff the decedent refused to exit his home, believing the "cops weren't real cops" and that they "were aliens."</p> <p>The decedent told his father there were no weapons in the home, and the cops would just go away "like they did last time." The decedent's father told the deputy sheriff the one firearm (Glock 17) he knew was registered to the decedent was at his (the father's) home in another city. A MET Team unit was requested, but it appears they were unavailable to respond to the location.</p> <p>The deputy sheriffs established a containment and made PA announcements for the decedent to step out of his home to speak with them, but the decedent refused, yelling out an open window, "Go away, I'm a federal agent, you are impeding my investigation." The deputy sheriffs attempted to call the decedent, but the decedent's phone was turned off. It was ultimately decided by personnel on scene not to approach the home, so they disengaged. A criminal threat (422(a) P.C.) report was authored, listing the decedent as a suspect.</p> <p>On February 2, 2018, at approximately 2:13 p.m., a Lancaster Station detective sent an email to all sworn personnel at Lancaster Station. The email was entitled, "Officer Safety Information Only." The email noted the decedent was listed as a suspect in an annoying/threatening phone calls (653M P.C.) report and a criminal threat (422(a) P.C.) report over the last few days. The decedent had two weapons registered to him, and while the criminal threats investigation had not been assigned yet, the decedent could be arrested for criminal threats (422 (a) P.C.) felony charge if he was contacted over the weekend.</p> <p>On February 3, 2018, at approximately 8:10 a.m., Lancaster Station received a 9-1-1 call from the informant stating the decedent ran after the informant with an axe. The informant stated he is waiting outside for the deputy sheriffs to arrive. Two deputy sheriffs and a supervisor assigned to Lancaster Station responded to the location but were unsuccessful in contacting the informant from the 9-1-1 call. The deputy sheriffs</p> |
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| | <p>contacted the decedent, who refused to come out of his home. The decedent said the deputies were “genies” and he was “a government agent.” The deputy sheriffs could not make contact with the informant, they found no evidence of a crime, and left the location.</p> <p>On February 3, 2018, at approximately 4:15 p.m., two deputy sheriffs assigned to Lancaster Station, the Lake Los Angeles area, responded to the decedent’s address due to their knowledge of the email sent out by the Lancaster Station detective the previous day, listing the decedent as a suspect in a criminal threat’s investigation.</p> <p>Note: The first deputy sheriff had been part of the containment of the decedent’s home on February 1, 2018.</p> <p>When the first and second deputy sheriff arrived at the decedent’s location, they made contact with the decedent’s neighbor, which was located to the north of the decedent’s home. Both deputy sheriffs intended to arrest the decedent if the opportunity presented itself.</p> <p>Note: The two backyards were separated by a chain-link fence, allowing both deputy sheriffs to see into the decedent’s backyard from where they were standing and speaking to the neighbor.</p> <p>Both deputies were aware of the prior containment at the decedent’s home, as well as his involvement in a criminal threats investigation, as it had been covered in pre-shift briefing.</p> <p>While talking to the neighbor, both deputy sheriffs saw the decedent enter his own backyard with no weapons in his hands. The decedent was facing away from both deputy sheriffs, they decided to use the element of surprise to contact and arrest the decedent.</p> <p>Note: Prior to making contact, both deputy sheriffs devised a quick tactical plan, designating the first deputy as cover and the second deputy as contact person.</p> <p>Both deputy sheriffs entered the decedent’s backyard. As the first deputy sheriff approached the decedent, he told the decedent to put his hands behind his back, while simultaneously grabbing the decedent’s arms to gain control of his hands. The decedent turned, looked at both deputy sheriffs, pulled away from the first deputy sheriff and punched the first deputy sheriff in the face, striking him in the chin. The first deputy sheriff lost control of the decedent, while the second deputy sheriff unholstered his Department-issued X26P Taser. The decedent pushed the first deputy sheriff, which caused the first deputy sheriff to lose his balance and stumble back approximately 3-4 feet. The decedent immediately advanced on the second deputy sheriff. The second deputy sheriff then deployed his Taser for a full cycle from a distance of approximately eight feet away, with the Taser darts appearing to strike the decedent’s back. The Taser had no apparent effect. The decedent then jumped on the first deputy sheriff, taking him down to the ground. The second deputy sheriff attempted a second Taser cycle, still with no apparent effect. The decedent was on top of the first deputy sheriff on the ground, and they were exchanging punches with each other.</p> <p>The second deputy sheriff dropped his Taser and attempted to pull the decedent off the first deputy sheriff. The second deputy sheriff also put</p> |
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out emergent radio traffic via his portable radio requesting assisting units as the first and second deputy sheriff were involved in a fight. The second deputy sheriff finally pulled the decedent off the first deputy sheriff. The decedent then got on top of the second deputy sheriff who was now on the ground. The first deputy sheriff retrieved the second deputy sheriff's Taser from the ground and attempted to drive stun the decedent in the back with no effect. The first deputy sheriff dropped the Taser and pulled the decedent off the second deputy sheriff but ended up back on the ground with the decedent on top of him. The first deputy sheriff's arm was pinned either under the decedent or the second deputy sheriff during the fight. Both deputy sheriffs gave the decedent commands to stop fighting, which the decedent ignored.

During the fight, the first deputy sheriff felt the decedent's hand near or on his gun. The first deputy sheriff used his right hand to hold the gun in his holster and yelled out, "He's got his hand on my gun!" The second deputy sheriff continued to try to pull the decedent off the first deputy sheriff and hit the decedent in the back approximately 5-8 times with a flashlight. At this time, a male neighbor entered the backyard and assisted the second deputy sheriff in pulling the decedent off the first deputy sheriff. Both deputy sheriffs and the neighbor were able to push the decedent onto his stomach and the deputy sheriffs placed handcuffs on the decedent.

While handcuffed, the decedent continued to physically resist, scream, yell, and kick his feet, despite the commands from both deputy sheriffs to stop fighting and calm down. The first deputy sheriff was attempting to hold the decedent's legs, while the second deputy sheriff made additional radio broadcasts, including a request for an ambulance. Due to the decedent continuing to actively struggle with the deputy sheriffs, they applied a Hobble restraint around the decedent's ankles. The first and second deputy sheriffs attempted to place the decedent on his side in the recovery position, but the decedent continued to struggle with both deputy sheriffs. The first and second deputy sheriffs waited for additional units to arrive.

Note: A person is considered hobbled when they are handcuffed, their ankles are held together with a Hobble restraint device, and the clip end of that device is not connected to the handcuffs. The decedent did not appear to have any trouble breathing at this time.

Two additional deputy sheriffs assigned to Lancaster Station were the first to arrive on scene to assist. The decedent continued to struggle against the deputy sheriffs, so the third and fourth deputy sheriffs assisted the first and second deputy sheriffs with applying the TARP (Total Appendage Restraint Procedure). All four deputy sheriffs continued to attempt to put the decedent on his side in the recovery position, but he resisted their efforts and used his body weight in an attempt to get off the ground. After approximately one minute in the TARP position, the decedent stopped yelling and was only moaning. After approximately one additional minute, the deputy sheriffs noticed the decedent had labored breathing. The deputy sheriffs immediately removed the handcuffs off the decedent, rolled him onto his back, and the second deputy sheriff started CPR (Cardiopulmonary Resuscitation). CPR was continued on the decedent until the Fire Department arrived and took over life saving measures. The decedent was declared dead at the scene.

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| | <p>The first and second deputy sheriffs were transported to the hospital with minor injuries (i.e., abrasions, contusions, and swelling, and the second deputy sheriff had a sprained wrist).</p> <p>Note: Toxicology results determined the decedent had marijuana in his system. He also had a history of schizophrenia.</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 fight with a violent, mentally ill man by deputy sheriffs who were attempting to take him into custody.

Another **Department** root cause in this incident was the contact of the decedent in the backyard of his own home, absent a warrant, consent, or exigent circumstances.

Another **Department** root cause in this incident was the lack of investigation and utilizing appropriate resources regarding the decedent's alleged mental illness prior to making contact with him.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of the deputy sheriffs. Instead of complying with the deputy sheriff's orders, the decedent fought with both deputy sheriffs and attempted to arm himself with the first deputy sheriff's firearm.

2. Briefly describe recommended corrective actions:

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

Criminal Investigation

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

The investigation has been submitted to the Justice System Integrity Division (JSID) of the Los Angeles District Attorney's Office for consideration of filing criminal charges. At the time of the report, the Los Angeles County District Attorney's Office had not advised the Department of their findings.

Administrative Investigation

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 the incident.

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

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

Mental Illness-Station Field and Desk Personnel

Since this incident, Lancaster Station's training staff and supervisors have conducted several in-service training sessions with desk and field personnel during shift briefings to discuss addressing issues involving persons with mental illness. Desk personnel have been trained on how to identify key words and behaviors that could assist responding personnel regarding possible mental illness issues. Desk and field personnel have been trained on interacting with mentally ill persons and taking necessary steps to safeguard the disturbing parties, victims, witnesses, and/or themselves during tactical responses or operations. Members of the MET team have also attended shift briefings to assist with this training.

Mental Evaluation Team Deployment

MET Deployment at the Time of this Incident

During February 2018, the Department had five countywide Mental Health Evaluation Teams (MET) scheduled to cover seven days a week (Sunday to Saturday) with the hours to reflect:

- 10:00 a.m. to 6:00 p.m. - Three teams
- 3:00 p.m. to 11:00 p.m. - Three teams

Note: On the night of the incident, two MET teams were deployed. A MET team was not requested to respond to the location before, during, or after the incident.

Current and Future MET Deployment

The current MET team deployment has increased to 23 teams deployed between 6:00 a.m. and 2:00 a.m., seven days a week (with three additional teams currently training for deployment).

The MET team triage desk is now staffed 24 hours a day, seven days a week. The triage desk can assist patrol stations with after-hours mental health issues. If an immediate response is needed, the triage desk can call a team to come in early.

The current growth model is to add 12 teams and deploy 45 MET teams total, with adequate supervision and support staff with Department of Mental Health (DMH) to match. This deployment will provide 24/7 coverage.

Utilizing a Risk Assessment Management Program (RAMP) MET monitors their recurrent and high-need service users. This process allows MET to better identify and address critical cases which need immediate attention. RAMP cases are monitored closely by a panel of mental health experts. Each case is reviewed and a plan of action is created based on the service users threat to the public, danger to self or others, health (both mental and physical), and other risks imposed by the patients continued environmental conditions.

The next proposed growth phase would increase the Veterans Mental Evaluation Teams (VMET), which was developed and replaced the Veteran's Affairs Police as a result of this incident. The VMET team responds with and supports the LASD MET Team. The VMET team deployment is one team working on a 40-hr flexible schedule and is awaiting approval and funding to increase its deployment.

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:



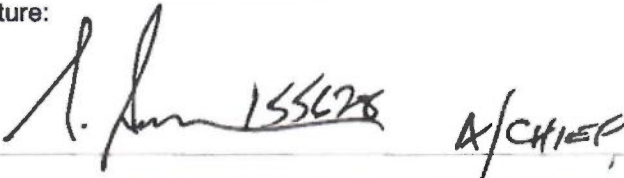
Date:

4/7/21

Name: (Department Head)

Kelly M. Porowski, Chief
Professional Standards Division

Signature:



Date:

4-7-21

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:



Date:

04/07/2021

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

APRIL 19, 2021

1. Call to Order.

The meeting of the County of Los Angeles Claims Board was called to order at 9:38 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: Jessie Lee, Eduardo Montelongo, and Camille Granville; Department of Children and Family Services: Armand Montiel; Department of Health Services: Catherine Mathers; and Outside Counsel: Christie Swiss.

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.

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

At 9:41 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.

No members of the public were on the public teleconference phone line to hear the reportable actions of the Claims Board.

At 10:55 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. Lori Ibrahim, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:18-CV-06013**

This lawsuit alleges the wrongful detention of minor children and civil rights violations by the Department of Children and Family Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000.

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

**b. Don Spencer, et al. v. County of Los Angeles
United States District Court Case No. 2:19-CV-00808**

This wrongful death lawsuit alleges excessive force and violations of civil rights during a physical altercation with Sheriff's Deputies.

Action Taken:

The Claims Board continued this item to a future meeting date.

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

c. Claim of Judith Boston

This claim involves allegations that an employee with the Department of Health Services was subjected to retaliation and discrimination.

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 Adrienne Byers

d. Claim of Shawn Phipps

This claim involves allegations that an employee with the Department of Health Services was subjected to sexual harassment, disability and other forms of discrimination.

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 Adrienne Byers

5. Approval of the Minutes of the April 5, 2021, 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 10:59 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Derek Stane