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, AUGUST 1, 2016, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo

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. **Carlos Sierra v. County of Los Angeles, et al.**
   Los Angeles Superior Court Case No. BC 477 258

   This lawsuit concerns allegations of civil rights violations, false arrest, and excessive force by Sheriff's Deputies.

   Action Taken:

   The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $137,500.

   Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

   See Supporting Documents

   b. **Non-Litigated Claims of Dalia Gomez, Daisy Hernandez, and Daisy Morales**

   These claims arise from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

   Action Taken:

   The Claims Board approved the settlement of this matter in the amount of $23,500.

   Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

   See Supporting Document

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

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

5. **Approval of the minutes of the July 18, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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		Carlos Sierra v. County of Los Angeles, et al.
CASE NUMBER		BC 477258
COURT		Los Angeles Superior Court
DATE FILED		January 16, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	137,500
ATTORNEY FOR PLAINTIFF		Law Offices of John Ralphing 310-450-8093
COUNTY COUNSEL ATTORNEY		Edwin Lewis Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $137,500, the lawsuit filed by Carlos Sierra alleging civil rights violations, assault and battery, false imprisonment, and related State-law claims. Due to the 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 $137,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	130,018
PAID COSTS, TO DATE	$	34,824

Case Name: Carlos Sierra 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:	January 15, 2011, at approximately 1:50 p.m.
Briefly provide a description of the incident/event:	**Carlos Sierra v. County of Los Angeles, et al.** Summary Corrective Action Plan 2016-012 On January 15, 2011, at approximately 1:50 p.m., deputies responded to an "Assault with a Deadly Weapon" call which occurred near the intersection of Imperial Highway and Van Buren Avenue, Los Angeles. The caller identified the suspects as male Hispanics, armed with a handgun, driving a gray Toyota Corolla. The suspect vehicle was last seen heading south on Van Buren Avenue toward Imperial Highway. Less than one minute after the call, the deputy sheriffs located a silver Honda (a vehicle similar in description to the information in the call), in the area where the suspect vehicle had last been seen. The deputy sheriffs performed a high-risk investigatory traffic stop on the vehicle near the intersection of Imperial Highway and Van Buren Avenue[1]. Two of the vehicle's occupants exited the vehicle and were detained without incident. When the plaintiff (the rear passenger) was ordered out of the vehicle, he got out and walked back to the deputy sheriffs but was uncoopertive, argumenative, and refused to follow instructions to get onto his knees. When the first deputy sheriff made contact with the plaintiff, a struggle ensued. During the struggle, the first deputy sheriff performed a takedown and struggled with the plaintiff on the ground. The first deputy sheriff maintained control of the plaintiff's right arm, but the plaintiff held his left arm under his body and refused to release it. Fearing the plaintiff might have been involved in the call for service, could be armed with a firearm, and may be reaching for a firearm or other weapon under his body, three additional deputy sheriffs assisted in attempting to control and handcuff the plantiff. During the struggle, the plaintiff punched at, but missed, a deputy sheriff and sucessfully kicked two other deputy sheriffs. The plantiff continiously thrashed his body and refused to follow orders to release his left arm from underneath his body. The deputy sheriffs sprayed O.C. spray in the plaintiff's face, but he would not release his arm. One deputy sheriff attempted to use a Taser on the plaintiff but the Taser did not function. The deputy sheriff went to his vehicle to retrieve another Taser.

[1] The distance between where the "Assault with a Deadly Weapon" call for service originated and where the traffic stop was conducted was approximately 640 feet.

	In an attempt to get the plaintiff to release his left arm, the other deputy sheriffs punched the plaintiff in the face and body several times, and kneed him in the thigh three to four times. The plaintiff continued to refuse to relase his arm. The deputy sheriff returned with another Taser and performed one activation agaist the plaintiff. The deputy sheriffs were able to get the plaintiff's left arm free from underneath his body and secured both of his arms behind his back with handcuffs. A search of the plantiff, the other vehicle's occupants, and the vehicle itself did not reveal any firearms. The plaintiff was transported to Centinela Hospital in Inglewood for medical treatment. He was medically cleared for booking and was transported to South Los Angeles Station where he was booked for Obstructing/Delaying an Officer in the Course of their Duties and Resisting Arrest, and Battery on a Peace Officer[2]. The informant to the initial call for service was contacted and provided limited details about the incident. The informant refused to cooperate in a field show up with the people detained out of fear of possible retaliation.

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

A **Department** root cause in this incident was the deputy sheriffs performed an investigative traffic stop, but possibly pulled over the wrong vehicle.

Another **Department** root cause in this incident is addressing better practices to deal with uncooperative detainees in an attempt to de-escalate incidents before they result in a use of force. If force is needed, Department members should utilize the most effective force options based on the incident.

An additional **Department** root cause in this incident was Taser equipment malfunction when it was needed during the incident.

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

The Los Angeles County District Attorney's Office declined to pursue the Resisting Arrest and Battery on a Police Officer *criminal* charges against the plaintiff in this case citing "Insufficient Evidence."

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training program addresses the circumstances which occurred in the incident.

The incident was investigated by representatives from the South Los Angeles Station and Central Patrol Division executive staff to determine if any *administrative* misconduct occurred before, during, and/or after the incident. Executive Review of the incident did not reveal any employee misconduct.

[2] The plaintiff was released approximately nine hours after his arrest after posting a bond.

Upon reviewing the force investigation in this case, it was discovered that the witness interviews were brief and lacked detail. There was no indication in the force documentation that the involved personnel discussed other use of force options and de-escalation techniques. There was no indication that the involved deputy sheriffs discussed how the vehicle's occupants may have not been criminals or involved in a crime.

South Los Angeles Station trains all of their current supervisory staff regarding force investigations and stress the importance of documenting details and recording of all force interviews. They currently conduct in depth audits of their force investigations and force interviews to ensure a thorough and comprehensive investigation is completed and documented.

De-escalation techniques and best practices are emphasized during incident debriefings and daily shift briefings to improve patrol deputy sheriffs' responses to a variety of future incidents.

A strong emphasis has been placed on training South Los Angeles Station employees and all Department members regarding perception/bias between law enforcement and community members. With tolerance training, community oriented policing philosophies, and law enforcement/community partnerships, the Department is working hard to reduce pre-conceived notions between the people in the communities we service and the deputies that work there.

The vehicle that the plaintiff was in matched the general description of the suspect vehicle except:

- The suspect vehicle was a different make and model.
    - The vehicle the plaintiff was in and the suspect vehicle are similar in physical description and are commonly confused with one another.
- The vehicle as described in the call for service was described as having four occupants where plaintiff's vehicle had three occupants.
    - It is conceivable that a passenger could have gotten out of the vehicle, or the victim/witness information was not exact, but more of a guess.

Federal case law gives peace officers the legal authority and legal standing to conduct investigatory stops when there is a reasonable suspicion that a person has been, is currently, or is about to be engaged in the commission of a crime.

Based on the totality of this incident, the deputy sheriffs performed well within the legal and Department guidelines pertaining to an investigatory traffic stop. No corrective action was implemented or contemplated.

During this incident, the plaintiff refused to follow verbal commands to get down on his knees and to interlock his fingers. The plaintiff's uncoopertive behavior precipitated the force used against him.

To improve the deputy sheriffs' tatical procedures and their response to uncoopertive and non-compliant suspects, South Los Angeles Station participates in the annual Department wide "Tactical Proficiency Training" program. The station training is coordinated by the station training office and their assigned master field training officer. The training is monitored by the Department's Advanced Officer Training, Force Options Training, and the Tactics and Survival Unit.

The purpose of the training is to provide station personnel with a live-action practical application exercise where deputy sheriffs have the opportunity to demonstrate their skills and tactics in planning for and handling situations involving the mentally ill, high-risk traffic stops, bicycle contacts, foot pursuits, and tactical communication. The exercises address topics including threat assessment, situational awareness, tactical planning, tactical awareness, force options, coordination, and response tactics.

Learning goals of this training are to:

- Form a basic plan for responding to and handling of high-risk vehicle and bicycle stops.
- Form basic tactical plans for the sucessful and safe handling of each incident.

- Recognize that the best laid plan may need to evolve as new information is developed and circumstances change.
- Use sound tactical planning and communication with assisting deputies, render or summon aid to/for victims, and identify and capture any suspects.

At the conclusion of each training exercise, the monitor deputies and training staff will debrief the deputy's actions. Monitors will complete a performance evaluation checklist for each involved deputy sheriff. At the discretion of the training staff, any deputy sheriffs needing additional training may complete more scenarios to enhance their experience and improve their performance.

Upon completion of the Sheriff's academy, all deputy sheriffs attend Jail Operations and Jail Operations Continuum training before they go to their units of assignment. During the training, deputy sheriffs receive training, including but not limited to:

- Less-lethal weapons training including practical application of the Taser, pepper ball, stun bag, and 37mm and 40mm systems that can be used to launch foam tipped or rubber batons and/or "Stinger" rubber pellets
- Control, Escort, Restrain and Takedown (CERT) where they learn and perform force and takedown techniques to mitigate injury to employees and the person the force is used against
- De-escalation and verbal resolution training including how to deal with the mentally ill and persons under the influence of drugs
- Critical decision making

When deputy sheriffs transition from custody to patrol for the first time, they attend a "Patrol School" where among other things they review the Department's policy regarding the use of less-lethal weapons. The training consists of the effective ranges and authorized uses of the less-lethal weapons, nomenclature of the systems, and their proper functions. All students conduct hands-on training firing each less-lethal weapon systems.

A Continual Professional Training (CPT) class is mandated for all deputy sheriffs assigned to patrol to attend once every two years. This training consists of:

- Force training
- Emergency Vehicle Operation Center training
- Tactics and Survival training
- Handgun/shotgun training and qualification

All deputy sheriff personnel newly assigned to South Los Angeles Station are given instruction on all the less-lethal weapons deployed and available at the station, such as the Taser, pepper ball gun, stun bag and baton launching platforms (37mm and/or 40mm). The training consists of the effective ranges and authorized uses of the less-lethal weapons.

Daily station briefings and incident debrief discussions focus on officer safety and tactical decision making as it pertains to utilizing available options and other less-lethal force options to achieve the best possible outcome.

Since July of 2013, the master field training officer at South Los Angeles Station has conducted an annual hands-on, in-service refresher training for less-lethal weapons to all patrol personnel assigned to their station.

The failure of the first Taser may have added time to the deputy sheriffs' struggle with the plaintiff.

A full tactical debrief of the incident was conducted with special emphasis made on the importance of properly checking and maintaining their equipment (Taser) prior to going into the field on each shift.

The malfunctioning Taser was reported to the station armory personnel and it was taken out of service for repairs or replacement. At the time of this report, the reason for the malfunction is unknown.

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) Scott E. Johnson, Captain Risk Management Bureau	
Signature:	Date: 7-6-16
Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 07-07-16

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: 7/11/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-Litigated Claims of Dalia Gomez, Daisy Hernandez, and Daisy Morales
CASE NUMBER		N/A
COURT		N/A
DATE FILED		January 21, 2016 (Dalia Gomez); January 7, 2016 (Daisy Hernandez and Daisy Morales)
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	23,500
ATTORNEY FOR PLAINTIFF		The Dominguez Law Firm, Inc. (Dalia Gomez); Amirian Law Group, PC (Daisy Hernandez and Daisy Morales)
COUNTY COUNSEL ATTORNEY		Jessica C. Rivas Deputy County Counsel
NATURE OF CASE		These are non-litigated claims filed by Dalia Gomez, Daisy Hernandez, and Daisy Morales for bodily injuries caused by a Sheriff's Deputy in an August 14, 2015 traffic collision. Liability is adverse to the County. Thus, a full and final settlement of the claim in the amount of $23,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	0

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

JULY 18, 2016

1. **Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:31 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 John Naimo, Steve Robles, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Jonathan McCaverty, Pirjo Ranasinghe, Joyce Aiello, Richard Kudo, Millicent Rolon, and Donna Koch; Sheriff's Department: Buddy Goldman, Joseph F. Fennell, Jr., Kevin Pearcy, Dominic Dannan, Esmeralda Lopez, Joshua Thai, and Blaine Born; Department of Public Works: Sree Kuman and David Gonzalez; Probation Department: Jacklin Injijian; Internal Services Department: Mark Colton; and Outside Counsel: Alyssa Gjedsted.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

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

At 10:52 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Gonzalo Martinez v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-5456

This lawsuit concerns allegations of civil rights violations and excessive force when Plaintiff was shot while he was a backseat passenger in a vehicle that was trying to flee from Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,800,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

b. **<u>Raymond Leyva, et al. v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. BC 573 382

This lawsuit alleges that employees of the Sheriff's Department were subjected to race and national origin discrimination, retaliation, and the Department's failure to prevent discrimination.

<u>Action Taken</u>:

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

Vote: Ayes: 3 – John Naimo, Steve Robles and Roger Granbo

c. **<u>Jane Taylor, et al. v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. BC 567 844

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

<u>Action Taken</u>:

Referred back to County Counsel.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

d. **<u>Renee Galvan, et al. v. Los Angeles County Department of Public Works, et al.</u>**
Los Angeles Superior Court Case No. BC 560 897

This lawsuit seeks compensation for alleged injuries sustained in a vehicle accident involving an employee from the Department of Public Works while in the course and scope of his employment.

<u>Action Taken</u>:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

e. **<u>Irma Fuerte Arias v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. PC 053 656

This lawsuit alleges that a probationer performing community service was sexually harassed and her civil rights were violated by a Probation Department employee.

<u>Action Taken</u>:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $430,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

f. **<u>Yannashet Woods v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. BC 571 719

This lawsuit alleges that the Probation Department failed to engage in a good faith interactive process and did not provide reasonable accommodation for Plaintiff's disability.

<u>Action Taken</u>:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

g. **<u>Manuel Cruz v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. BC 567 276

This lawsuit alleges that an employee from the Internal Services Department was subjected to sexual battery, hostile work environment, and retaliation. (Continued from the meeting of June 20, 2016)

<u>Action Taken</u>:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $175,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

5. **Approval of the minutes of the June 20, 2016, regular meeting of the Claims Board.**

<u>Action Taken</u>:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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 10:55 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By ______________________
Sandra C. Ruiz