

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD VIA ONLINE CONFERENCE CALL
ON MONDAY, DECEMBER 5, 2022, AT 9:30 A.M.

Present: Chair Steve Robles, and Oscar Valdez

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

a. **Veralice Aviles v. County of Los Angeles**
Los Angeles Superior Court, Case Number 22STCV04639

This lawsuit against the Department of Health Services concerns allegations of sexual misconduct by a technician at Olive View Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.a. in the amount of \$131,800.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

b. **Michael Aaron Hitchcock v. County of Los Angeles**
Los Angeles Superior Court Case No. 21STCV17492

This lawsuit against the Department of Parks and Recreation involves a trip and fall incident on a walkway at Roy Campanella Park in the City of Compton.

Action Taken:

The Claims Board approved settlement of Item 4.b. in the amount of \$65,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Document](#)

c. **Jesus Marlene Gomez Rodriguez v. Los Angeles County Sheriff's Department, et al.**
Los Angeles Superior Court Case Number 19STCV23266

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board approved settlement of Item 4.c. in the amount of \$29,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Document](#)

d. **Edilzar Arreaga v. County of Los Angeles, et al.**
Los Angeles Superior Court Case Number 19STCV38117

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board approved settlement of Item 4.d. in the amount of \$62,500.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Document](#)

e. **Eric Omar Tarrango Barrenada, et. al. v. County of Los Angeles, et al.**
Orange County Superior Court Case No.: 30-2020-01163429

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.e. in the amount of \$125,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Documents](#)

f. **Jeffrey Lynn Rethmeier v. Los Angeles County Sheriff's Department, et al.**
Los Angeles Superior Court Case Number 20STCV01171

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.f. in the amount of \$175,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Documents](#)

g. **Estate of Zelalem Eshetu Ewnetu v. County of Los Angeles, et al.**
Los Angeles County Superior Court Case No. BC702015

This wrongful death lawsuit against the Sheriff's Department arises from the fatal shooting of plaintiff's son.

Action Taken:

The Claims Board continued Item 4.g. to a future meeting

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

[See Supporting Documents](#)

h. **Gabriela Alcazar v. Los Angeles County Department of Public Social Services**
Los Angeles Superior Court Case No.: 19STCV40192

This lawsuit concerns allegations that a Department of Public Social Services employee was subjected to retaliation, failure to reasonably accommodate, and failure to engage in the interactive process.

Action Taken:

The Claims Board approved settlement of Item 4.h. in the amount of \$37,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez
Absent: 1 – Adrienne M. Byers

4. **Approval of the Minutes of the November 21, 2022, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes of the regular meeting.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

[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 an 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.

- 6. Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Aaron Hitchcock vs. County of Los Angeles
CASE NUMBER	21STCV17492
COURT	Los Angeles Superior Court
DATE FILED	May 10, 2021
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 65,000
ATTORNEY FOR PLAINTIFF	Daniel Azizi, Esq. Downtown LA Law Group
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Assistant County Counsel
NATURE OF CASE	<p>On May 25, 2019, Plaintiff Michael Hitchcock was walking in Roy Campanella Park when he tripped and fell on displaced concrete on a walkway. Plaintiff contends that the displaced concrete was a dangerous condition that caused him to sustain injuries for which he seeks damages.</p> <p>Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$65,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 11,181
PAID COSTS, TO DATE	\$ 2,898

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jesus Marlene Gomez Rodriguez vs. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	19STCV23266
COURT	Los Angeles Superior Court
DATE FILED	July 2, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 29,000
ATTORNEY FOR PLAINTIFF	George Chakmakis Jr., Esq. Chakmakis Law
COUNTY COUNSEL ATTORNEY	Kevin Engalien Deputy County Counsel
NATURE OF CASE	This incident occurred on November 20, 2018, when a Sheriff's Department employee, who was operating a Sheriff's Department car, made a left turn in a parking lot and collided with Ms. Rodriguez's car. Ms. Rodriguez claims she sustained injuries as a result of the accident. Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$29,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 11,634
PAID COSTS, TO DATE	\$ 1,212

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Edilzar Arreaga v. County of Los Angeles, et al.
CASE NUMBER	19STCV38117
COURT	Los Angeles Superior Court
DATE FILED	November 5, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 62,500
ATTORNEY FOR PLAINTIFF	Sean F. Salamati, Esq. Law Offices of Wayne McClean
COUNTY COUNSEL ATTORNEY	Kevin Engelen, Esq. Deputy County Counsel
NATURE OF CASE	This incident occurred on September 4, 2018, when an LASD employee's car attempted to make a left turn and collided with plaintiff's car. Plaintiff claims he sustained severe injuries as a result of the accident. Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$62,500 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 14,119
PAID COSTS, TO DATE	\$ 70

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Eric Omar Tarrango Barrenada v. County of Los Angeles, et al.
CASE NUMBER	30-2020-01163429
COURT	Orange County Superior Court
DATE FILED	November 12, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 125,000
ATTORNEY FOR PLAINTIFF	Trevor J. Herrera, Esq. Day, Day & Brown
COUNTY COUNSEL ATTORNEY	Kevin Engalien Deputy County Counsel
NATURE OF CASE	This incident occurred on November 12, 2019, when LASD's patrol unit collided with Mr. Barrenada's motorcycle while changing lanes. Mr. Barrenada claims he sustained severe injuries as a result of the accident. Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$125,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 7,200
PAID COSTS, TO DATE	\$ 6,704



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:	November 12, 2019, at approximately, 5:55 p.m.
Briefly provide a description of the incident/event:	<p><u>Eric Omar Tarrango Barrenada, et al. v. County of Los Angeles, et al.</u></p> <p style="text-align: center;">Summary Corrective Action Plan 2022-44</p> <p>On November 12, 2019, at approximately 5:55 p.m., an on-duty Los Angeles County Sheriff's lieutenant, assigned to Operations at Cerritos Station was driving an unmarked county vehicle (2014 Chevrolet Cruz) east on State Route 91, east of State Route 57 in the City of Anaheim, when she was involved in a traffic collision.</p> <p>The roadway consists of one High Occupancy Vehicle (HOV) lane and four general traffic lanes. The HOV lane eastbound on the 91 freeway is posted restricted to carpools only.</p> <p>The roadway is controlled by a posted maximum speed limit of 65 miles per hour (M.P.H.). The weather was clear, and there were no visual obstructions.</p> <p>The lieutenant was driving eastbound on State Route 91 in the HOV lane at approximately 15 M.P.H. The traffic on the freeway came to a complete stop in the HOV lane. From a stopped position, the lieutenant activated her right turn signal, checked to the right to make sure the lane was clear, then began to merge right into the number one lane. The lieutenant suddenly felt the impact of the Plaintiff's motorcycle collide into the right rear portion of her vehicle.</p> <p>The Plaintiff was riding his motorcycle (2006 Harley Davidson, Street Glide) eastbound on State Route 91. The Plaintiff split the HOV lane and number one lane at approximately 25 M.P.H. As the Plaintiff approached the right rear portion of the lieutenant's vehicle, he saw the vehicle's right turn signal activate. The lieutenant's vehicle then began merging right towards him, into the number one lane.</p> <p>The Plaintiff could not swerve to avoid the lieutenant's vehicle due to the congested traffic around him. The Plaintiff applied his brakes and the front of his motorcycle collided into the right side of the lieutenant's vehicle. The Plaintiff was able to keep his motorcycle upright. The Plaintiff stated the traffic around him was traveling at approximately 5 to 10 M.P.H.</p> <p>After the collision, the lieutenant and the Plaintiff drove their respective vehicles to the right shoulder.</p>

	<p>The lieutenant exited her vehicle to check on the Plaintiff as she called 9-1-1 (emergency assistance) to request the California Highway Patrol (CHP) to respond.</p> <p>The Plaintiff was extremely aggressive, yelling and cursing at the lieutenant as she exited her vehicle. The Plaintiff was irate as he walked towards the lieutenant. The lieutenant told the Plaintiff to stand back. The lieutenant identified herself as an off-duty deputy sheriff and advised the Plaintiff she was on the phone with the 9-1-1 dispatcher.</p> <p>The Plaintiff said, "I don't give a fuck if you are a cop, I fucking hate cops, and oh by the way, tell 9-1-1 to send an ambulance, because now I am hurt."</p> <p>The Orange County Fire Department responded to the scene before CHP. The Plaintiff reported to the Orange County Fire Department personnel pain to his left leg, and back, and requested to be transported to a hospital.</p> <p>Orange County Fire Department personnel informed the Plaintiff, his motorcycle was on the side of the freeway, and it would be towed at his expense. The Plaintiff stated he understood and was transported to Anaheim Global Medical Center (1025 South Anaheim Boulevard, Anaheim, CA 92805) via Care Ambulance.</p> <p>The lieutenant was not injured.</p> <p>A Los Angeles County Sheriff's Department sergeant from Cerritos Station was notified of the traffic collision and responded to the location. The sergeant conducted a Supervisor's Report of Incident and Damage to County Vehicle investigation.</p> <p>At 6:20 p.m. the CHP officer arrived on scene and handled the traffic collision investigation.</p> <p>The lieutenant's vehicle sustained minor damage, consisting of dents and scuffs to the right side of the rear bumper and right rear door. The dents were evident the handlebar and foot peg of the motorcycle hit the rear passenger door.</p> <p>The vehicle was driven from the scene.</p> <p>The Plaintiff's motorcycle sustained minor damage, a small scratch on the left side of the saddle bag, and a broken plastic piece on the left foot peg.</p> <p>The Plaintiff's motorcycle was towed from the scene by Towman Towing (2910 E. Miraloma Avenue Suite C, Anaheim, CA 92806).</p> <p>The CHP officer responded to the emergency room of Anaheim Global Medical Center to obtain the Plaintiff's statements.</p> <p>The CHP officer determined the lieutenant was the primary cause of the traffic collision and in violation of California Vehicle Code section 21658(a) – A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.</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 Lieutenant failed to safely change lanes.

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

Traffic Collision Investigation

The incident was thoroughly investigated by the California Highway Patrol.

The collision investigation concluded, the lieutenant caused the collision by failing to safely change lanes – 21658 (a) California Vehicle Code – A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

Supervisor’s Report of Incident or Damage to County Vehicle

The incident was investigated by representatives of Cerritos Station to determine if any administrative misconduct occurred because of the traffic collision. The results of the investigation were presented for department executive adjudication.

Executive evaluation found the collision was preventable resulting one point being added the employee’s driving record. Further accumulation of points would result in more serious action being taken such as reassignment to a non-driving assignment.

Traffic Collision Assessment and Review

Cerritos station conducted a review and assessment of all traffic collisions for calendar year 2017 through the end of 2021. The audit revealed there were 110 total collisions for this five-year period, 58 of which were classified as preventable and 52 classified as non-preventable.

During the audit, it was discovered there was a spike in 2017, with a progressive reduction in the following years.

Personnel who have been involved in more than one traffic collision are directed to attend Department training, such as the Sheriffs Traffic Accident Reduction driving program, Emergency Vehicle Operations, and the Alternatives to Discipline Driving Course.

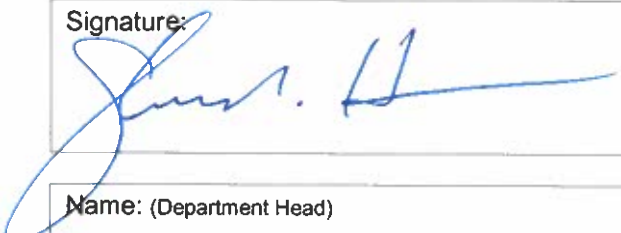
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
 - No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

11/07/2022

Name: (Department Head)

Edwin E. Alvarez, Chief
Professional Standards Division

Signature:



Date:

11/8/22

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:

11/08/2022

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jeffrey Lynn Rethmeier v. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	20STCV01171
COURT	Los Angeles Superior Court
DATE FILED	January 9, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 175,000
ATTORNEY FOR PLAINTIFF	Bobby Saadian, Esq. Wilshire Law Firm
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This Sheriff's Department automobile accident lawsuit arose when plaintiff Jeffrey Lynn Rethmeier was injured after a Deputy Sheriff lost control of his Sheriff's Department radio car and collided into plaintiff's car that was in the adjacent lane. The accident occurred on Mission Road in the City of Los Angeles. Plaintiff claim to have suffered injuries and damages from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 19,692
PAID COSTS, TO DATE	\$ 2,529

Case Name:

Rethmeir, Jeffrey Lynn v. County of Los Angeles

County of Los Angeles
Summary Corrective Action Plan

Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	February 16, 2019, at 12:25 a.m.
Briefly provide a description of the incident/event:	<p>On February 16, 2019, at approximately 12:25 a.m., an on-duty deputy sheriff was driving a marked patrol vehicle (2010 Ford Crown Victoria). A second deputy sheriff was a passenger in the patrol vehicle. The deputy sheriff driver was operating his patrol vehicle on Mission Road in the City of Los Angeles and was enroute to the Los Angeles County, USC Medical Center to pick up an inmate for transport.</p> <p>The deputy sheriff was driving in the number two lane. Plaintiff was driving in the number one lane next to the deputy sheriff. The roadway was wet and there had been rain off-and-on for several hours prior to the incident.</p> <p>While driving next to Plaintiff's vehicle, the deputy sheriff lost control of the patrol car and, after over correcting the patrol car, struck Plaintiff's vehicle. The collision caused Plaintiff's vehicle to cross the center median, jump the curb, strike a bollard, and collide with a light pole where it finally came to rest.</p> <p>Both vehicles sustained major damage and were rendered inoperable. Plaintiff and the deputy sheriff passenger were treated at the scene for injuries and directed to follow up with their primary care provider as needed. The deputy sheriff driver did not sustain any injuries in the collision.</p> <p>The Los Angeles Police Department (LAPD) responded and conducted a traffic collision investigation. Both Plaintiff and the deputy sheriff driver estimated they were driving 35 to 40 MPH. While the posted speed limit was 35 MPH the road was noted to be very wet at the time of the accident.</p> <p>Based upon the accident scene and the statements by Plaintiff and both deputy sheriffs, LAPD determined the deputy sheriff driver was operating their vehicle too fast for the conditions of the road in violation of Vehicle Code §22350 and was at fault for the accident.</p> <p>The Department concurred with LAPD's conclusion and determined that the accident was preventable. This was the deputy sheriff driver's first on-duty driving incident.</p>

Case Name: Rethmeir, Jeffrey Lynn v. County of Los Angeles

County of Los Angeles
Summary Corrective Action Plan

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

A Departmental root cause in this incident was the deputy sheriff operating a patrol vehicle too fast for the road conditions.

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

- Traffic collision investigation – Both the LAPD and LASD conducted a traffic collision investigation and determined that the deputy sheriff driver was at fault.
- Administrative investigation – Appropriate administrative actions were taken
- Training – The involved deputy sheriff was sent to an 8-hour Department sponsored driving training course

Name: (Risk Management Coordinator)
Commander Tania E. Plunkett

Signature: *T. Plunkett*

Date: 11-3-22

Name: (Department Head)
Chief Sergio A. Aloma

Signature: *Sergio A. Aloma*

Date: 11/7/22

Chief Executive Office Risk Management Inspector General USE ONLY

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

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

Name: (Risk Management Inspector General)
Destiny Castro

Signature: *Destiny Castro*

Date: 11/03/2022

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ewnetu, Zelalem Eshetu, Estate of v. County of Los Angeles, et al.
CASE NUMBER	BC702015
COURT	Los Angeles County Superior Court
DATE FILED	April 12, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$750,000
ATTORNEY FOR PLAINTIFF	Justin A. Palmer. Esq.
COUNTY COUNSEL ATTORNEY	Minas Samuelian Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$750,000 inclusive of attorneys' fees and costs, a lawsuit filed by the mother of Zelalem Eshetu Ewnetu against the County alleging civil rights violations and wrongful death following the death of Mr. Ewnetu.</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 \$750,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 376,720.42
PAID COSTS, TO DATE	\$ 42,596.70



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:	April 12, 2017, at approximately, 1:14 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Estate of Zelalem Ewnetu v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2022-42</p> <p>On April 12, 2017, at approximately 1:07 a.m., two on-duty Los Angeles County Sheriff's Department deputy sheriffs, assigned to Century Station, were dispatched a call for service (possible automobile burglary) in the unincorporated area of Los Angeles. The informant indicated an unknown male, in an unknown vehicle, opened the trunk of a 2003 Honda</p> <p>As deputies one (driver) and two (passenger) arrived at the location, they observed an unoccupied Honda with the trunk open. The vehicle description was consistent with the information relayed in the call for service.</p> <p>Deputies one and two saw a 2016, black, Kia Forte parked in the north/south alley. The vehicle's engine was on, and the brake lights were illuminated. The deputies believed the vehicle might be connected to the possible automobile burglary. The deputies drove south through the alley and parked behind the vehicle.</p> <p>As deputies one and two approached the vehicle, they saw the vehicle's windows were rolled up and had a dark tint. Additionally, they smelled the odor of marijuana emitting from the vehicle.</p> <p>Deputy one approached the driver's side of the vehicle and tapped on the closed window with his flashlight. The decedent rolled down his window approximately two inches and a plume of smoke (a strong odor of marijuana) was emitting from the interior of the vehicle. Deputy one advised the decedent it was illegal to smoke marijuana while operating a vehicle and his vehicle is blocking the ally. The decedent replied, "I can smoke marijuana wherever I want." Deputy one instructed the decedent to roll down his window further. The decedent rolled down the driver's side window another four inches which allowed deputy one to see his hands.</p> <p>As deputy two approached the passenger's side of the vehicle, he observed the passenger window was rolled down approximately five to six inches. Deputy two smelled a strong odor of burnt marijuana emitting from the vehicle. He additionally saw the decedent was the sole occupant in the vehicle (the decedent was holding a cigarette and a cellular phone in his hands).</p> <p>Deputy two instructed the decedent to roll down the front passenger window. The decedent became agitated and questioned why he was being stopped. Deputy two again asked the decedent to roll down the front passenger side window and to keep his hands on the steering wheel.</p>

	<p>The decedent replied, "Fuck you! I am not putting my hands anywhere." The decedent was loud, uncooperative, and made erratic movements with his hands. The decedent then placed his cellular phone down and moved his hands towards the gear shift.</p> <p>Deputy one ordered the decedent to exit the vehicle to further investigate the source of the marijuana.</p> <p>Deputy two reached through the vehicle's partially open passenger's side window to unlock the door. The decedent rolled the passenger's side window up, and trapped deputy two's arm between the window and window frame. Deputy two pulled his arm free and was able to unlock the passenger's side door. Deputy two reached into the vehicle and turned the vehicle off. Deputy two took the keys out of the ignition and placed them on the roof of the decedent's vehicle.</p> <p>The decedent unlocked the driver's door. Deputy one opened the driver's door and placed his hand on the decedent's left arm to guide him out of the vehicle. The decedent suddenly jerked his arm away from deputy one and turned his upper body to the right, causing his back to face deputy one. The decedent reached into the backseat of his vehicle through the two front seats.</p> <p>Deputy two ordered the decedent to show him his hands. The decedent ignored deputy two's order and armed himself with a .40 caliber semi-automatic firearm. The decedent appeared to rack the slide of the firearm while deputy two yelled, "Gun! Gun! Gun!" Deputy one retreated to the rear of the decedent's vehicle.</p> <p>Fearing the decedent was going to kill him or deputy one, deputy two drew his service weapon and fired a volley of rounds at the decedent. Deputy one immediately retreated towards the rear of the decedent's vehicle to avoid being shot.</p> <p>The decedent exited his vehicle and pointed his firearm at deputy one. Fearing he was about to be shot, deputy one fired a volley of rounds at the decedent. Simultaneously, deputy two saw the decedent turning the firearm towards deputy one. Fearing deputy one was about to be shot and killed, deputy two fired a second volley of rounds at the decedent.</p> <p>The decedent dropped his firearm (approximately one or two feet from his body) and fell face down with his hands concealed, underneath his body, near his waistband. Deputy one ordered the decedent to place his hands behind his back. Although the decedent was still moving, he did not comply with deputy ones' orders. The decedent's firearm was within arm's reach of the decedent. Deputy two broadcast emergent radio traffic regarding the deputy involved shooting.</p> <p>Deputy two aimed his service weapon at the decedent's body while Deputy one approached the decedent's firearm. Deputy one kicked the firearm towards their patrol vehicle. Both deputies retreated to their patrol vehicle, using the vehicle's doors as cover. The deputies held the decedent at gunpoint until assisting units arrived.</p> <p>Additional deputies and a field sergeant arrived to assist deputies one and two. Believing the decedent might be armed with a second firearm, the field sergeant directed deputy three to deploy a less-lethal stun bag.</p>
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	<p>Deputy three fired two stun bag rounds at the decedent's lower extremities to gain his compliance. The decedent did not respond. An arrest team was formed and approached the decedent.</p> <p>Deputies discovered the decedent had no pulse and requested the Los Angeles County Fire Department respond to render medical aid to the decedent.</p> <p>Deputies performed CPR on the decedent until the arrival of Los Angeles County Fire Department paramedics (Engine #16). Despite the efforts of both deputies and paramedics, the decedent was pronounced deceased at 1:32 a.m.</p> <p>A command post and containment of the scene were established by assisting deputies. Deputies one and two were transported to Century Station pending interviews with Homicide investigators.</p> <p>At approximately 3:00 a.m. the handling Homicide investigators arrived at the command post and took control of the scene.</p> <p>At approximately 4:40 a.m., The Los Angeles County Sheriff's Department Crime Lab arrived at the location. The criminalist identified, marked, and photographed evidence and the scene. A black semi-automatic firearm was laying between the patrol vehicle and the decedent's vehicle.</p> <p>During the investigation, sixteen live .40 caliber rounds were located wrapped inside a white tissue paper inside the center console of the decedent's vehicle. Two containers of medicinal marijuana and a small, burned marijuana cigarette were also located inside the decedent's vehicle. Investigators determined the firearm was registered to the decedent.</p> <p>The Los Angeles County Coroner's Office investigator arrived at approximately 11:00 a.m. A thorough investigation was conducted. The decedent was transported to the Los Angeles County Coroner's Office.</p> <p>The decedent was hit with three rounds. One round exited and reentered the decedent's body, causing him to sustain four gunshot wounds. One round to the upper left back. A second round to the upper right arm. A third round to the upper right arm which exited and re-entered the right portion of his abdomen. Los Angeles County Coroner Medical Examiner, Dr. Ogonna Chinwah determined the decedent died from multiple gunshot wounds.</p> <p>A toxicology report showed the presence of marijuana in the decedent's system at the time of death.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was deputy one and two used deadly force against the decedent, who was armed with a semi-automatic handgun.

A **Department** root cause in this incident was the deputies did not have equipment (Body-Worn Camera) to video record their contact with the decedent, to prove or disprove plaintiff's allegations.

A **non-Department** root cause in this incident was the decedent's failure to comply with lawful orders of the deputy sheriffs.

A **non-Department** root cause in this incident was the decedent pulled away from deputy one and armed himself with a handgun.

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

Criminal investigation

The investigation was submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office for consideration of filing criminal charges.

On September 20, 2017, the District Attorney's Office completed their review of the fatal shooting of the decedent by the deputies. It was concluded the deputies acted lawfully, and in self-defense.

Administrative Investigation

This incident was investigated by representatives of the Sheriff's Department Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The investigation results were presented to an Executive Force Review Committee (EFRC) for evaluation. On September 6, 2018, the EFRC determined the use of force and tactics were within Department policy.

Station Briefing

In the days following the incident, personnel were briefed on the events known at the time, based on information provided by Homicide investigators. Special attention was placed on officer safety (specifically reaching into vehicles), tactical preparedness, and lessons learned to assist deputies if they ever found themselves in a similar situation. Briefings occurred on all three shifts and were conducted by the field sergeants and watch commanders.

Station Body Worn Cameras

As of October 2020, all personnel assigned to Century Station were issued a Body-Worn Camera in an effort to ensure all public contact is transparent. The use of BWC's ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC:

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)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

11/14/2022

Name: (Department Head)

Edwin E. Alvarez, Chief
Professional Standards Division

Signature:



Date:

11/15/22

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:

11/16/2022

LOS ANGELES COUNTY CLAIMS BOARD

MINUTES OF REGULAR MEETING

NOVEMBER 21, 2022

1. Call to Order.

The meeting of the Los Angeles County Claims Board was called to order at 9:39 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, and Adrienne M. Byers. Oscar Valdez was absent.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Caroline Craddock, Edward Morrissey, Richard Hsueh, Carrie Clarke, LaTasha Corry, Adrian Gragas, Michael Gordon, Jenny Tam, and Eduardo Montelongo; Department of Health Services: Dr. Arun Patel, Nikolay Teophilov, Roberto Avitia, Brad Spellberg, and Claudia Aguirre; Sheriff's Department: Irma Chavez, Alise Norman, Julia Valdes, Thomas Kim, Carl Ekstrom, Brian Sirkel, Johann Thrall, Angela Gonzalez, Rick Mejia, and Keith Harrison; Fire Department: Julia Kim, and Dennis Breshears; Outside Counsel: Avi Burkwitz, Thomas Hurrell, Michele Goldsmith, Ronda Jamgotchian, and Michael Campbell.

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.

There was an unidentified member of the public on the public teleconference phone line but that person did not respond to the opportunity to address the Claims Board.

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

At 9:42 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.

Fiona Nagle was on the public teleconference phone line to hear the reportable actions of the Claims Board.

At 11:56 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. M.H.C., a minor v. County of Los Angeles, et al. United States District Court Case Number 2:18-CV-08305

This lawsuit alleges federal civil rights violations and deliberate indifference to medical needs by the Department of Health Services while plaintiff was held at Barry J. Nidorf Juvenile Hall facility.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.a. in the amount of \$790,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

**b. Chrysie Anagnostou v. County of Los Angeles et al.
United States District Court Case No. 2:19-cv-08111**

This lawsuit alleges wrongful death and federal civil rights violations against the Department of Health Services after plaintiff's daughter died at LAC+USC Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.b. in the amount of \$600,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

**c. Sennett Devermont v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-07028**

This lawsuit concerns allegations of federal civil rights violations against the Sheriff's Department.

Action Taken:

The Claims Board approved making a Rule 68 statutory offer in the amount of \$60,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

**d. Daniel Castillo v. County of Los Angeles, et al.
United States District Court Case No. 20-CV-06227-DDP**

This lawsuit concerns allegations of federal civil rights violations against the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of Item 4.d. in the amount of \$26,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

**e. Jesse Ortiz v. County of Los Angeles, et al.
United States District Court Case No. 20-CV-06229-DDP**

This lawsuit concerns allegations of federal civil rights violations against the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of Item 4.e. in the amount of \$39,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

f. **Carolyn Jackson vs. Los Angeles County Sheriff's Department, et al.**
Los Angeles Superior Court Case Number 20STCV49897

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board approved settlement of Item 4.f. in the amount of \$75,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

g. **Robert Paul Lee Gurule, et al. v. Douglas Monroe Campbell, et al.**
Los Angeles Superior Court Case No. 20STCV06489

This lawsuit arises from alleged injuries plaintiff sustained in an automobile accident involving a Fire Department employee.

Action Taken:

The Claims Board approved settlement of Item 4.g. in the amount of \$26,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

h. **Michael Ahdunko v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 686341

This lawsuit concerns allegations that a probationary firefighter was subjected to harassment and discrimination by the Fire Department.

Action Taken:

The Claims Board approved settlement of Item 4.h. in the amount of \$97,500.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

i. **Fiona Nagle v. County of Los Angeles**
Los Angeles Superior Court No. 20STCV41860

This lawsuit concerns allegations that an employee of the Executive Office of the Board of Supervisors was subjected to disability discrimination, failure to accommodate, and retaliation.

This lawsuit concerns allegations of federal civil rights violations against the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.i. in the amount of \$225,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

5. Approval of the Minutes of the October 17, 2022, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the October 17, 2022, regular meeting.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Absent: 1 – Oscar Valdez

6. Adjournment.

The meeting was adjourned at 12:01 p.m.

LOS ANGELES COUNTY CLAIMS BOARD

By *Derek Stane*
Derek Stane
Claims Board Secretary