

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, DECEMBER 18, 2017, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, 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. A.E.R., a minor, by Stephanie Yanez, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 16-04895**

This lawsuit seeks compensation for the minor child and parents for their decedent's alleged wrongful death and federal civil rights violations caused by Sheriff's Deputies.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Documents](#)

b. **David Flores v. Los Angeles County Sheriff's Department, et al.**
Los Angeles Superior Court Case No. MC 025 473

This lawsuit arises from injuries sustained in a vehicle accident involving an employee from the Sheriff's Department.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Document](#)

c. **Christina Lary, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 651 584

This lawsuit arises from injuries sustained in a vehicle accident involving an employee from the Department of Public Health.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$44,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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 December 4, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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	A.E.R. by Stephanie Yanez, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 16-04895
COURT	United States District Court
DATE FILED	July 5, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,000,000
ATTORNEY FOR PLAINTIFF	Jorge Gonzalez, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1,000,000, inclusive of attorneys' fees and costs, a lawsuit filed by decedent Eduardo Rodriguez's minor child, A.E.R., by and through his Guardian ad Litem, Stephanie Yanez, and his parents, Abel and Estela Rodriguez, against the County, the Sheriff's Department, and Deputies Andrew Alatorre and Sandy Galdamez alleging federal civil rights violations and State-law claims of battery, negligence, and wrongful death from an incident resulting in the fatal shooting of Eduardo Rodriguez.</p> <p>Given 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 \$1,000,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 83,271
PAID COSTS, TO DATE	\$ 7,122



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 14, 2016
Briefly provide a description of the incident/event:	<p><u>A.E.R. by Stephanie Yanez v. County of Los Angeles</u> Summary Corrective Action Plan 2017-038</p> <p>On February 14, 2016, at approximately 3:50 a.m., a marked patrol unit with two deputy sheriffs were on routine patrol near Whittier Boulevard and Ferris Avenue. The location and surrounding area is a well-known area where vehicles are frequently stolen and burglarized. The area is also known for where stolen vehicles are stripped, dismantled, and/or abandoned.</p> <p>The deputy sheriffs received a Lo-Jack signal notification regarding a stolen vehicle in close proximity. The deputy sheriffs followed the signal, which led them to a shopping center parking lot near Ferris Avenue and Fetterly Avenue. The deputy sheriffs found an abandoned Acura vehicle in the parking lot near the "Top Value Market" (4831 Whittier Boulevard) that was missing a front fender, had wires sticking out, was on four spare tires, had no license plates, and appeared to have been recently dismantled in the parking lot. In close proximity to the Acura, the deputy sheriffs observed a blue minivan parked with only a female in the driver seat. The deputy sheriffs continued to check the parking lot for suspicious persons or activity.</p> <p>When the deputy sheriffs exited the parking lot, they saw the same blue minivan driving on the street with two additional occupants inside. The deputy sheriffs suspected the minivan's occupants could be involved in criminal activity. In the deputy sheriff's experience, auto burglars commonly use lookout drivers while dismantling and stripping vehicles. The deputy sheriffs found that the minivan had a malfunctioning license plate light (a violation of section 24601 of the California Vehicle Code). The deputy sheriffs performed a traffic stop on the minivan for the traffic violation and to further investigate any possible criminal activity.</p> <p>The minivan pulled over on Ferris Avenue, south of Whittier Boulevard. Due to the vehicle containing multiple occupants, the first (driver) and second (passenger) deputy sheriffs called for backup via their portable radios. Several additional patrol units and a field sergeant arrived within seconds.</p> <p>Several on-scene deputy sheriffs were on each side of the minivan when the first and second deputy sheriffs made contact with the minivan's occupants. The first deputy sheriff made contact with the female driver. The female driver exited the vehicle and was detained without incident. The first deputy sheriff returned to the driver side front area of the minivan.</p>

	<p>The second deputy sheriff made contact with the decedent in the front passenger seat of the minivan. The decedent was moving his hands around and reaching into areas that the deputy sheriffs feared could have a firearm or other weapon. The second deputy sheriff repeatedly ordered for the decedent to show his hands, but the decedent refused to follow the deputy sheriff's orders. The Decedent repeatedly moved his hands to and around his waistband area.</p> <p>The second deputy sheriff opened the passenger side front door of the minivan and the decedent exited. As the decedent exited the minivan, the first deputy sheriff saw the decedent had a large gun on his person. The gun became visible as the decedent's clothing shifted while exiting the van. The first deputy sheriff yelled out several times that he could see the decedent had a gun in his waistband.</p> <p>Alarmed that the decedent possessed a weapon, the second deputy sheriff attempted to grab the decedent's arms, to restrain and prevent him from having the ability to reach for the gun. While on the sidewalk just outside the front passenger door, the decedent violently resisted the second deputy sheriff's attempts to restrain him. Two additional on-scene deputy sheriffs assisted the second deputy sheriff with attempting to control the decedent.</p> <p>The decedent continuously resisted the deputy sheriffs by violently pushing and pulling away. The decedent was able to temporarily break free from the deputy sheriffs' grasps and repeatedly reached into his waistband area as he quickly moved from the sidewalk, past the front of the minivan, and into the middle of the street. Despite numerous instructions to cooperate and to show his hands, the decedent refused to submit to the orders and repeatedly reached his hands into his waistband area.</p> <p>Two additional deputy sheriffs had their Tasers in their hands ready to deploy. Both deputy sheriffs did not deploy their Tasers as they could not get a clear shot and feared they would hit the deputy sheriffs that were violently struggling with the decedent.</p> <p>The deputy sheriffs re-engaged the decedent and attempted to restrain him and control his hands. During the struggle, the decedent used his left hand to grab the third deputy sheriff's holstered duty firearm. The third deputy sheriff could feel the decedent pulling on the firearm and feared he was attempting to arm himself. The third deputy sheriff yelled, "He's grabbing my gun!"</p> <p>Realizing they could not completely control the decedent and fearing he was either still armed with a firearm and/or attempting to get one of their firearms, the deputy sheriffs released their holds on the decedent. Instead of running away, the decedent faced the deputy sheriffs from about three feet away and appeared to be intent on directly re-engaging them. The decedent bent over and grasped for something in his waistband area, causing the deputy sheriffs to believe he was attempting to retrieve his gun.</p> <p>Fearing for their own safety, as well as the safety of their partners, the second and third deputy sheriffs fired their duty weapons¹ at the decedent.</p>
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¹ Both the second and third deputy sheriffs estimated that they each shot three to four times.

	<p>The decedent fell to the ground on his stomach, with both hands underneath his body at his waistband. The deputy sheriffs re-engaged the decedent and attempted to control and handcuff him.</p> <p>The decedent still actively resisted the deputy sheriffs and continued to move his hands around in his waistband area. The deputy sheriffs again instructed the decedent to stop moving and to show his hands, but the decedent refused. The deputy sheriffs discovered that the decedent had a black strap underneath his sweater that looked like it could be a firearm holster.</p> <p>Fearing that the decedent was continuing to reach for a gun, and he would use it against himself or his partners, the third deputy sheriff fired an additional three to four shots at the decedent. The decedent stopped moving.</p> <p>Los Angeles County Fire Department Paramedics were summoned to the scene for the decedent, but he succumbed to his injuries and was pronounced dead at the scene.</p> <p>A loaded, .22 caliber Ruger Revolver with a six-inch barrel was recovered near the passenger door of the vehicle.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was two deputy sheriffs fired their weapons at the decedent, who was not armed at the time he was shot, but had been seen moments earlier with a pistol in his possession.

A **non-Department** root cause was the decedent's failure to comply with orders from the deputy sheriffs and his physical resistance to the deputy sheriffs attempting to control him.

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

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

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the use of deadly force was legally justified and/or if any other criminal misconduct occurred. At the time of this report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

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

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

When the IAB investigator finishes the case, it will be reviewed and processed. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee (EFRC) for adjudication.

County of Los Angeles
Summary Corrective Action Plan

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:



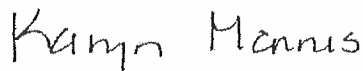
Date:

11-14-17

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards and Training Division

Signature:



Date:

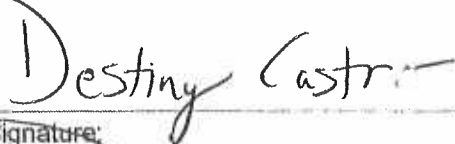
11-16-17

Chief Executive Office Risk Management Inspector General USE ONLY

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

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

Name: (Risk Management Inspector General)



Signature:



Date:

11/17/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	David Flores v. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	MC025473
COURT	Los Angeles Superior Court
DATE FILED	May 18, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	Alexander R. Wheeler R. Rex Parris Law Firm
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises out of a three-vehicle, intersection collision when a Sheriff's Department employee ran the red light at the intersection of Rancho Vista Boulevard and 30th Street West in the City of Palmdale and collided into a vehicle driven by plaintiff David Flores. The County employee's vehicle then collided into the vehicle driven by a third party. Plaintiff claims to have suffered injuries and damages as a result of 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	\$ \$27,912
PAID COSTS, TO DATE	\$ 3,745

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Christina Lary, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC651584
COURT	Los Angeles Superior Court
DATE FILED	February 24, 2017
COUNTY DEPARTMENT	Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 44,000
ATTORNEY FOR PLAINTIFF	Barry L. Edzant, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, Deputy County Counsel
NATURE OF CASE	<p>On July 29, 2015, Plaintiffs were involved in an automobile versus automobile collision with an on-duty employee of the Department of Public Health on State Route 2 in which they sustained personal injuries. Plaintiffs allege that the County is vicariously liable for the negligence of its employee who they allege caused the accident by crossing over the double-yellow centerline.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$44,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 1,783
PAID COSTS, TO DATE	\$ 0

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 4, 2017

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: Arlene Barrera and Roger Granbo, with Chair Steve Robles being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Julia Weisman, Richard Kudo, and Millicent Rolon; Department of Public Works: Martin Aiyetiwa, Gerald Ley; Department of Public Health: Nicole Alcaraz; Sheriff's Department: Roosevelt Johnson, Sergio Mancilla, Kevin Percy, and Dominic Dannan.

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 9:31 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 9:52 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Azusa Land Reclamation v. County of Los Angeles **Appeal of Enforcement Order for Penalties Associated with Delinquent Solid Waste Management Fee**

This potential lawsuit arises from the imposition of administrative penalties by the Department of Public Works resulting from a landfill operator's late payment of applicable solid waste management fees.

Action Taken:

The Claims Board recommended to the Board of Supervisors the acceptance of payment in the amount of \$250,000.

Vote: Ayes: 2 – Arlene Barrera and Roger Granbo
Absent: Steve Robles

**b. Priscilla Viramontes Gutierrez, et al. v. Robert Flores, et al.
Los Angeles Superior Court Case Number BC 607 038**

This lawsuit arises from injuries sustained in a vehicle accident involving an employee from the Department of Public Health.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$52,000.

Vote: Ayes: 2 – Arlene Barrera and Roger Granbo
Absent: Steve Robles

**c. William Tillman v. Leroy Baca, et al.
Los Angeles Superior Court Case No. BC 471 749**

This lawsuit against the Sheriff's Department alleges battery, negligence, and State-law civil rights violations.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$100,000.

Vote: Ayes: 2 – Arlene Barrera and Roger Granbo
Absent: Steve Robles

5. Approval of the minutes of the November 20, 2017, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Roger Granbo
Absent: Steve Robles

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 9:54 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek T. Stane