



COUNTY OF LOS ANGELES

CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Curtis Morris
City Council Member
Mark R. Alexander
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Mark Waronek
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California Contract
Cities Association

NOTICE OF MEETING

The County of Los Angeles Contract Cities Liability Trust Fund Claims Board will hold its Regular Meeting on Wednesday, November 9, 2016, at 11:00 a.m. in the City of Norwalk, Community Meeting Center, Sproul Room at 13200 Clarkdale Avenue, Norwalk, California 90650.

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.

- a. Oscar Ramirez, Sr., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-03062 AB

This lawsuit involves excessive force shooting and civil rights violations by a Sheriff's Deputy.

- b. Michelle Salgado v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 54971

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)
 - a. Hilda Alvarez, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-09065

This lawsuit involves allegations of excessive force shooting and wrongful death by a Sheriff's Deputy.
 - b. Luis Arias v. County of Los Angeles, et al.
United States District Court Case No. CV 15-02170

This lawsuit involves excessive force shooting and civil rights violations by Sheriff's Deputies.
 - c. Rosa Linda Bellman v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 545771

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.
 - d. Rebecca Lynn Braden v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 499223

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.
4. Report of actions taken in Closed Session.
5. Approval of Minutes for the September 21, 2016, meeting of the Contract Cities Liability Trust Fund Claims Board.
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.
7. Other Business
8. Adjournment

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Oscar Ramirez, Sr., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 15-3062
COURT	United States District Court
DATE FILED	April 24, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,250,000
ATTORNEY FOR PLAINTIFF	Humberto Guizar, Esq. Guizar, Henderson & Carrasco, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1,250,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by the parents of decedent Oscar Ramirez, Jr., arising out of the October 27, 2014 fatal shooting in the City of Paramount, when Deputies responded to a 911 call of a fight involving suspects allegedly armed with a knife and possible handgun.</p> <p>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 \$1,250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 202,623
PAID COSTS, TO DATE	\$ 49,303

Case Name: Oscar Ramirez 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:	October 27, 2014, at approximately 2:30 p.m.
Briefly provide a description of the incident/event:	<p><u>Oscar Ramirez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2016-029</p> <p>On October 27, 2014, at approximately 2:30 p.m., a fight occurred at Paramount Park involving local gang members. Civilian witnesses called 911 to report a fight between several gang members possibly armed with a knife and/or a gun. The school resource deputy observed a portion of the incident and notified Lakewood Station desk personnel via his handheld radio. He also requested back-up units to respond to the area.</p> <p>Several deputy sheriffs responded to the location as the involved parties in the fight fled from the scene in separate directions. One deputy sheriff contacted a witness who advised him that the decedent was possibly armed with a knife, and indicated he was last seen heading towards Paramount Park. The deputy sheriff responded to the Paramount Park area to check for the decedent.</p> <p>The deputy sheriff saw the decedent running north through the park, then east along the railroad tracks separating Paramount Park and Paramount High School. Although the deputy sheriff believed the decedent had possibly assaulted someone and might be armed, he decided to exit his patrol car and follow the decedent on foot, along the railroad tracks.</p> <p>The deputy sheriff broadcast on the dispatch channel, on "direct mode,"¹ that the decedent was last seen running eastbound on the railroad tracks, just north of Paramount Park. The deputy sheriff did not broadcast that he was following the decedent on foot; he only broadcast the decedent's location on the railroad tracks.</p> <p>The deputy sheriff removed his firearm from its holster and walked through a wrought-iron fence to keep the decedent in sight. As the decedent walked away along the railroad tracks, the deputy sheriff walked behind him about 50 to 75 yards back. The decedent crossed over to the south side of the railroad tracks and disappeared from the deputy sheriff's sight.</p> <p>The deputy sheriff encountered a school security guard who was on the south side of the railroad tracks. The deputy sheriff asked her if she had seen which way the decedent went. The security guard told the deputy sheriff that the decedent probably jumped over the fence on the south side of the railroad tracks and showed him the approximate location. The</p>

¹ Direct mode is a car-to-car radio transmission, is not relayed through Department radio towers, has very limited range, and does not have dispatcher support.

	<p>deputy sheriff broadcast the decedent's last known location on the dispatch channel in "direct mode."</p> <p>As the deputy sheriff checked the area, the decedent suddenly appeared from behind a set of bushes on the south side of the tracks. The deputy sheriff began to immediately give the decedent numerous verbal commands to get on his knees and show his hands. The decedent refused to comply with the deputy sheriff's orders by keeping his right hand concealed behind his lower back while facing the deputy sheriff. The decedent started to walk backward, away from the deputy sheriff, as the deputy walked forward toward him. All the while, the deputy sheriff was verbally ordering the decedent to show his hands. The deputy sheriff broadcast on "direct mode" that he was detaining one armed fight suspect at gunpoint on the railroad tracks. Another employee on the radio advised the deputy sheriff to broadcast the information on "the patch."²</p> <p>The deputy sheriff requested the patch and broadcast that he was detaining an armed fight suspect at gunpoint. The deputy sheriff noticed that the decedent was speaking, but he was so focused on his body language and the way he continued to conceal his right hand behind his back, that he did not hear his words. The deputy sheriff pointed his firearm directly at the decedent, while continuing to order him to show his hands. The decedent refused to follow the deputy sheriff's commands and continued to hide his right hand behind his back.</p> <p>Suddenly, the decedent removed his right hand from behind his lower back, brought it forward, and raised it up at the deputy sheriff. Fearing the decedent was going to attack him with a weapon, the deputy sheriff fired his weapon eight times, directly at the decedent, striking him six times. The decedent turned slightly to his right and fell to the ground.</p> <p>Emergency medical services were summoned for the decedent, but he succumbed to his injuries and was pronounced dead at the scene.</p> <p>The autopsy report revealed the decedent had alcohol, marijuana, amphetamine, and methamphetamine in his system. The decedent was not found to be in possession of a weapon at the time of the shooting.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was that although the deputy sheriff believed the decedent had possibly assaulted someone and might be armed with a knife, he made the decision to follow the decedent alone on foot onto the railroad track area.

Another **Department** root cause in this incident was the deputy sheriff used his radio to broadcast the decedent's direction of travel and advised he was detaining at gunpoint on "direct mode," instead of using the standard "repeat mode."

Another **Department** root cause in this incident were some procedural issues in Homicide Bureau's investigation. Issues were identified regarding:

- The length of time the decedent's remains were left at the scene.
- The investigators' contact with the decedent's father and not advising him of his son's death.

² "The patch" is a car-to-car radio transmission that is in repeat mode, is relayed through Department radio towers, and has dispatcher support.

- Possible leading questions to the deputy sheriff during his post shooting interview.

A **non-Department** root cause in this incident was the decedent's failure to comply with the deputy sheriff's orders to show his hands and to get on his knees, while concealing his right hand behind his back, and suddenly bringing it forward and raising it at the deputy sheriff, as if he had a weapon.

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 Los Angeles County Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The results of the criminal investigation were presented to the Los Angeles County District Attorney's Office for consideration.

On April 29, 2015, the Los Angeles County District Attorney's Office concluded that the deputy sheriff involved in the incident "acted lawfully in self-defense when he used deadly force" (against the decedent).

The incident was investigated by the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, and/or after the incident.

On April 21, 2016, the results of the administrative investigation were presented to the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee determined that although the deputy sheriff's use of deadly force was within Department policy, his tactics leading up to the incident were in violation of Department policy. Appropriate administrative action was taken.

Sheriff's Department radios function in repeat or direct modes. In repeat mode, the frequency uses a busy tone (similar to busy tone on a telephone) to indicate another department member is talking and for personnel to stand-by if they have routine radio traffic. If the employee had emergent radio traffic, they can talk over the busy tone and the dispatcher will give the emergent radio traffic priority. The busy tone can be temporarily removed and field personnel can talk car-to-car if they request "the patch." There is no exact map that indicates repeater radio coverage, but all patrol station areas have radio coverage issues.

Repeat mode positives:

- Personnel can communicate through County radio towers and repeater antennas covering most of Los Angeles County.
- Sheriff's Communication Center (SCC) dispatchers and station dispatchers can assist field personnel with coordination and resources.
- All radio traffic broadcast in repeat mode is recorded and archived.

Direct mode utilizes the same dispatch frequency as repeat mode and allows the radio user to communicate directly (no busy tone) to other nearby personnel.

Direct mode negatives:

- No radio contact with SCC dispatchers or station dispatchers.
- Radio transmissions can cause distorted and garbled communications, if used during regular dispatch transmissions.
- Radio transmissions are not repeated through towers and/or antennas outside of the local area.
- Effective distance is severely affected by physical barriers and is usually only good for a distance up to one mile.
- Radio traffic broadcast in direct mode is not recorded or archived.

Direct mode positives:

- Information can be quickly disseminated without the delay of waiting for the dispatcher to repeat information to local personnel.
- Improved local communications for on scene personnel during situations where repeater radio coverage is poor (i.e., canyons, mountains, inside buildings, etc.)
- Better communications between aero units and ground units.
- Direct mode is required as a Department emergency procedure "fall back" radio communication system that could be utilized during a repeater system failure.

Direct mode has its limitations but is also a valuable part of a robust radio communications system. Department policy has clear direction that personnel shall only use repeat mode unless otherwise directed by SCC dispatchers. Based on the above, the communications system and its policy related to repeat and direct modes are deemed as comprehensive and appropriate.

An evaluation of the investigation was conducted and analyzed. Homicide investigation guidelines were revised to better instruct investigators on how to conduct deputy involved shooting investigations. No investigators were found to be in violation of Department policy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michelle Gonzalez Salgado v. County of Los Angeles, et al.
CASE NUMBER	BC 545971
COURT	Los Angeles Superior Court
DATE FILED	May 19, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 174,999.99
ATTORNEY FOR PLAINTIFF	Jason B. Javaheri, Esq.
COUNTY COUNSEL ATTORNEY	Richard Kudo Principal Deputy County Counsel
NATURE OF CASE	On May 31, 2013, at 10:35 p.m., an on-duty Sheriff's Deputy, driving a marked patrol unit for the Contract City of West Hollywood, was traveling on westbound Santa Monica Boulevard, and approached the signalized intersection with Sweetzer Avenue on a green traffic signal. The Deputy collided into the rear-end of a Volkswagen Beetle, driven by Michelle Salgado. Ms. Salgado's vehicle collided into the rear of a vehicle ahead of her. She contends that the Deputy was negligent when he rear-ended her vehicle. The County contends that Ms. Salgado was responsible for a portion of her own injuries.
PAID ATTORNEY FEES, TO DATE	\$ 87,623
PAID COSTS, TO DATE	\$ 44,459

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

September 21, 2016

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris at 11:13 a.m. The meeting was held in the Community Meeting Center, Multi-Purpose Room, 13200 Clarkdale Avenue, Norwalk, CA 90650.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, At-Large; Mark Alexander, East Division; Margaret Finlay, East Division; Doug Prichard, At-Large; Mark Waronek, South Division; Marcel Rodarte, California Contract Cities Association; *Alternates:* Darrell George, East Division; Cheri Kelley, East Division; David Spence, East Division; **County of Los Angeles Staff:** Jennifer A.D. Lehman, Assistant County Counsel; Ruben Baeza, Assistant County Counsel; Jacques A. LaBerge, Los Angeles Sheriff's Department; Scott Johnson, Los Angeles Sheriff's Department; Maxine Kallenberger, Los Angeles Sheriff's Department; Brant Frederickson, Los Angeles Sheriff's Department; Chris Deacon, Los Angeles Sheriff's Department; Buddy Goldman, Los Angeles Sheriff's Department; **Attendees:** Lou La Monte, Ex-Officio, California Contract Cities Association; Ken Striplin, North Division; Jose Pulido, Central Division; John La Salle, Wells Fargo Insurance Services; **Third Party Administrator for the County of Los Angeles:** Silvia Hernandez, Claims, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Jim Thyden, Insurance Programs Manager; Denise Covell, Office Assistant; Jennifer Fullerton, Administrative Analyst.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 11:14 a.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

**3. Closed Session - Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. Kevin Cohen and Leesa Danzek v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 536618

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$41,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

- b. Marlene P., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-06497
Bernardita Maldonado Gomez, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-06576

This lawsuit arises from allegations of excessive force shooting and wrongful death by Sheriff's Deputies.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,750,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

- c. K.C.R., et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 13-3806

This lawsuit concerns allegations of excessive force shooting and wrongful death by Sheriff's Deputies.

Action Taken:

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

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

- d. Jane Taylor, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 567844

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$59,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

- e. Valenzuela Elia Torres, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 024624

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$65,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

4. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)

- a. Kathleen Anderson, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-09289

This lawsuit concerns allegations of wrongful death and federal civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- b. Teresita Garcia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 553204

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- c. Carla Wade, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 611073

This lawsuit concerns allegations of excessive force shooting and wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 1:32 p.m. No action was taken in Closed Session which required a public report pursuant to Government Code Section 54957.1.

6. Approval of the Minutes for August 10, 2016, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Michael Egan

7. Approval of the Biennial review of the Liability Trust Fund Claims Board Conflict of Interest Code.

The Biennial Review of the Liability Trust Fund Claims Board Conflict of Interest Code was approved.

8. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims 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

None

9. Other Business

None

10. Adjournment

There being no further business, the meeting was adjourned at 1:34 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD



Diana Bluem