

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF NORWALK, COMMUNITY MEETING CENTER
SPROUL ROOM, 13200 CLARKSDALE AVENUE, NORWALK, CALIFORNIA 90650
ON
WEDNESDAY, FEBRUARY 10, 2016, AT 11:00 AM

Members Present: Chair Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, and Mark Waronek

Members Absent: Doug Prichard and Sam Olivito

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund 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. Benjamin Hernandez v. County of Los Angeles, et al.
United States District Court Case No. CV 13-06654

This lawsuit concerns allegations of excessive force shooting 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 \$700,000.

Vote: Ayes: 5 -- Chair Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, and Mark Waronek

Absent: Doug Prichard and Sam Olivito

[See Supporting Documents](#)

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

- a. Donelda Amie, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 14-04330

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

No reportable action taken.

- b. Sonya Benton v. County of Los Angeles, et al.
Compton Superior Court Case No. TC 027002

This lawsuit concerns allegations of a collision with a vehicle driven by a Sheriff's Deputy for failure to yield.

No reportable action taken.

- c. Victor Ignacio Ochoa de Leon, et al. v. County of Los Angeles, et al
Los Angeles Superior Court Case No. BC 530149

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

No reportable action taken.

- d. Marlene P., et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:15-CV-06497

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

No reportable action taken.

- e. Estate of Kenneth Rivera, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 510309

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

No reportable action taken.

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the January 14, 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: 5 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, and Mark Waronek

Absent: Doug Prichard and Sam Olivito

[See Supporting Document](#)

7. 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.

8. Other Business.

None

9. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|------------------------------------|--|
| CASE NAME | Benjamin Hernandez, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | CV13-06654 |
| COURT | United States District Court |
| DATE FILED | September 11, 2013 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ \$700,000 |
| ATTORNEY FOR PLAINTIFF | Anthony O. Egbase A.O.E. Law & Associates, Inc. 350 South Figueroa Street, Suite 189 Los Angeles, California 90071 |
| COUNTY COUNSEL ATTORNEY | Edwin Lewis Principal Deputy County Counsel |
| NATURE OF CASE | This is a recommendation to settle for \$700,000, the lawsuit filed by Plaintiff Benjamin Hernandez alleging that his federal civil rights were violated when he was falsely arrested and shot by Sheriff's Deputies. The Sheriff's Department contends that the Deputies actions were reasonable under the circumstances. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$700,000 is recommended. |
| PAID ATTORNEY FEES, TO DATE | \$ 91,673 |
| PAID COSTS, TO DATE | \$ 24,414 |

Case Name: Benjamin Hernandez v. County of Los Angeles, et al.



Summary Corrective Action Plan

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

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| Date of incident/event: | September 8, 2012, approximately 7:17 p.m. |
| Briefly provide a description of the incident/event: | <p><u>Benjamin Hernandez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2015-048.1</p> <p>On Saturday, September 8, 2012, at approximately 7:17 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Compton Station, were driving a standard, black and white patrol vehicle west on Rosecrans Avenue, east of Santa Fe Avenue, when they stopped at the intersection for a solid red traffic light.</p> <p>While waiting for the traffic light to change, the deputies heard the sound of what they believed to be a traffic collision emanating from the gas station on the southeast corner of Rosecrans Avenue and Santa Fe Avenue. The deputies saw two vehicles adjacent to the gas pumps. The deputies were uncertain if the two vehicles had collided. The driver of a pickup truck (plaintiff) looked in the direction of the two deputies and sped away in a reckless manner and at a high rate of speed.</p> <p>Believing the plaintiff was fleeing the scene of an accident, the deputies made a U-turn and attempted to catch the truck to conduct an enforcement stop. The deputies pulled behind the truck and activated their vehicle's lights and siren to initiate the stop.</p> <p>The plaintiff refused to yield, increased his speed, ran numerous red traffic signals, and drove his truck into oncoming traffic and nearly collided with several motorists. The deputy sheriffs initiated a vehicle pursuit of the plaintiff's vehicle.</p> <p>The plaintiff lost control of his truck and collided with a tree. He exited the truck through the passenger door and fled on foot. The two deputy sheriffs chased the plaintiff on foot. As the plaintiff ran, one deputy sheriff saw him reach towards his waistband and simultaneously look over his right shoulder. The deputy believed the plaintiff was arming himself with a handgun and looking back to acquire target on the deputy sheriffs.</p> <p>Fearing the plaintiff was about to shoot him or his partner, one deputy sheriff discharged his Department-issued duty weapon, striking the plaintiff (Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-10/200.00 <i>Use Of Firearms And Deadly Force</i>). The plaintiff fell to the ground and was taken into custody.</p> <p>Hospital blood tests revealed that the plaintiff was under the influence of amphetamines and opiates at the time of the incident. As a result, he was</p> |

County of Los Angeles
Summary Corrective Action Plan

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| | <p>charged with Driving Under the Influence (California Vehicle Code section 23152, <i>Driving Offenses Involving Alcohol and Drugs</i>).</p> <p>Subsequent investigation revealed that the vehicle the plaintiff was driving had been reported stolen one day prior. The plaintiff admitted that he backed into another vehicle at the gas station and was an unlicensed driver.</p> |
|--|---|

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

The *primary* root cause in this incident was the plaintiff's failure to yield to and comply with the lawful orders of a Los Angeles County deputy sheriff. As the suspect fled in a vehicle, then on foot, he created a tense, uncertain, and rapidly-evolving situation. When the plaintiff reached for his waistband, a deputy sheriff believed he was arming himself, causing the deputy sheriff to fear for his life and the life of his partner.

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

The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. On June 12, 2013, the Los Angeles County District Attorney's Office concluded that when the deputy sheriff shot the plaintiff, "he acted lawfully in self-defense and in defense of others."

The incident was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On May 13, 2014, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee concluded the *force* and *tactics* used by the deputy sheriffs were within Department policy.

No other employee misconduct is suspected, and no systemic issues were identified. Consequently, no further personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

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.

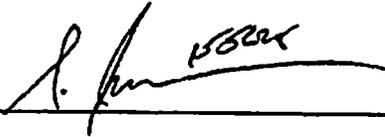
County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:

 *Scott E. Johnson*

Date:

12-30-15

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards Division

Signature:

 *Karyn Mannis*

Date:

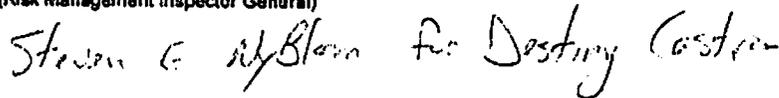
12-30-15

Chief Executive Office Risk Management Inspector General USE ONLY

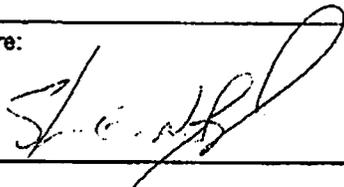
Are the corrective actions applicable to other departments within the County?

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

Name: (Risk Management Inspector General)

 *Steven E. Myblom for Destiny Costello*

Signature:



Date:

12-31-15

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

MINUTES OF MEETING

January 14, 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 1:12 p.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, San Dimas, Region III; Mark Alexander, La Canada Flintridge, Region I; Michael Egan, Norwalk, Region III; Margaret Finlay, Duarte, Region I; Doug Prichard, Rolling Hills Estates, Region II; Mark Waronek, City of Lomita, Region II; Sam Olivito, Executive Director, California Contract Cities Association; *Alternates:* Darrell George, City of Duarte, Region I; Cheri Kelley, City of Norwalk, Region III; **County of Los Angeles Staff:** Ruben Baeza, Jr., Assistant County Counsel; Jonathan McCaverty, Principal Deputy County Counsel; Michael Stuver, Civil Litigation Unit, Los Angeles Sheriff's Department; Scott Johnson, Civil Litigation Unit, Los Angeles Sheriff's Department; Vic Trujillo, Civil Litigation Unit, Los Angeles Sheriff's Department; Dana Chemnitler, Civil Litigation Unit, Los Angeles Sheriff's Department; Karen Bartak, Bedford Falls Insurance Services; John La Salle, Wells Fargo Insurance Services USA, Inc.; Michael DeMattei, Milliman, Inc.; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Paul Zeglovitch, Liability Program Manager; Jim Thyden, Insurance Programs Manager; 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 1:12 p.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. Albin Alas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 552707

This lawsuit concerns allegations of civil rights violations and wrongful death claims.

Action Taken:

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

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and Sam Olivito

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

- a. Richard Alvarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 518466

This lawsuit concerns allegations of civil rights violations and false imprisonment 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. Oscar Ramirez v. County of Los Angeles, et al.
United States District Court Case No. 2:15-CV-03062

This lawsuit concerns allegations of excessive force 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 2:41 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 December 9, 2015, 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: 7 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek and Sam Olivito

7. 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

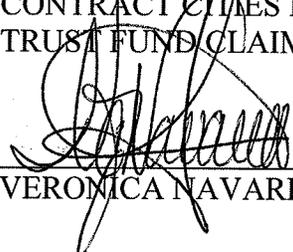
8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 2:41 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD



VERONICA NAVARRO