

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, MARCH 9, 2016, AT 11:00 AM

Members Present: Chair Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, Mark Waronek, and Sam Olivito

Alternates Present: David Spence and Cheri Kelley

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. Christopher Pettersen v. County of Los Angeles, et al.
United States District Court Case No. CV 14-4699

This lawsuit concerns allegations of wrongful death and excessive force 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 \$150,000.

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

[See Supporting Documents](#)

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

- a. 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.

- b. 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.

- 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.

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 February 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 with correction to attendance register that Doug Prichard was not present.

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

CASE NAME	Christopher Pettersen, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 14-4699
COURT	United States District Court
DATE FILED	May 16, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	Alan J. Schimmel, Esq. Schimmel & Parks, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty, Principal Deputy
NATURE OF CASE	<p>This is a recommendation to settle for \$150,000, inclusive of attorneys' fees and costs, the lawsuit filed by Christopher Pettersen (the son of Steven Pettersen, the decedent), and the Estate of Steven Pettersen, against the County of Los Angeles, and Sheriff's Deputies Edgar Quintana and Louis Cabrera alleging federal civil rights violations based on excessive force, negligence, and State-law causes of action arising out of the shooting death of Steven Pettersen.</p> <p>The County denies the allegations; however, 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 \$150,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 119,323
PAID COSTS, TO DATE	\$ 32,956

Case Name: Christopher Pettersen, et al. v. County of Los Angeles



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:	
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Pettersen, et al. v. County of Los Angeles</u></p> <p>On Thursday, January 30, 2014, at approximately 8:14 p.m., the Los Angeles County Sheriff's Department's Santa Clarita Station received three separate calls from citizens reporting that a man (later identified as the decedent) was walking in traffic and attempting to strike passing vehicles with a large metal spike.¹</p> <p>At about the same time, two Los Angeles County deputy sheriffs assigned to the Santa Clarita Station and working a marked two-man patrol unit, were at a convenience store just a block away. The deputy sheriffs were flagged down by three citizens who advised them a man (the decedent) was walking on the center median of Soledad Canyon Road² clad only in his underwear, acting erratically and carrying a large metal spike.</p> <p>The deputy sheriffs got into their patrol vehicle and drove "Code-3" to the location where they observed the decedent at the intersection of Soledad Canyon Road and Shangri-La Drive. The decedent was wearing only underwear during cold weather, appeared "enraged," and was carrying a large metal spike. The deputy sheriffs formed the opinion that the decedent might be under the influence of "PCP," or some other type of drug, because he was wearing inadequate clothing for the cold temperature.</p> <p>The decedent charged the deputies yelling, "Kill me, kill me," while holding the large metal spike over his head. The decedent's actions forced the two deputy sheriffs to retreat to the rear bumper of their patrol car for safety. The deputy sheriffs attempted to detain the decedent at gunpoint as they requested emergency radio clearance and additional units for assistance. While the decedent stopped his aggression, he refused several orders to drop the spike. The two deputy sheriffs formulated a plan; the first deputy sheriff would cover the decedent with his firearm, while the second deputy sheriff deployed a Taser.</p> <p>Due to heavy traffic conditions, several cars were slowing and stopping in the area. The decedent approached an occupied vehicle stopped at the traffic signal and struck the driver's side rear window with the large metal</p>

¹ The object was identified differently by several involved parties in this incident. It was described as a hockey stick, large stick, water pipe, spear, sign post, arrow, metal pole, and harpoon. During their investigation, Homicide detectives determined the large metal spike was a four foot long "sand spike" or "sand rod holder" which is a spike with a pointed end that is driven into the ground and used to hold a fishing rod for shore fishing.

² Soledad Canyon Road has a flat, raised center median that is approximately six inches high and two and one-half feet wide which separates the eastbound and westbound lanes.

spike. The decedent was unable to break through the window. Due to the decedent posing an immediate threat to the public, both deputy sheriffs approached the decedent.

The decedent then turned and charged the first deputy sheriff with the large metal spike raised over his head and the spike pointed directly at the deputy sheriff. When the decedent was just a few feet away from the first deputy sheriff, the deputy sheriff discharged his Department-issued duty weapon two times at the decedent (Los Angeles County Sheriff's Department Manual of Policy Procedures section 3-10/200.00, *Use of Firearms and Deadly Force*). The decedent stopped his advance but did not fall to the ground. The first deputy sheriff moved away from the decedent, and the second deputy sheriff deployed a Taser device on the decedent (Los Angeles County Sheriff's Department Manual of Policy Procedures section 5-08/040.95, *Electronic Immobilization Device [Taser] Procedures*). The Taser device had no affect on the decedent.³

The decedent advanced towards the first deputy sheriff causing him to discharge three more rounds from his duty weapon.

The decedent dropped the large metal spike, turned and advanced toward the second deputy sheriff holding an open folding knife in a threatening manner.⁴ The second deputy sheriff dropped the Taser device and drew his firearm. As the decedent came to within a few feet and continued to advance towards him, the second deputy sheriff feared for his life and discharged one round from his Department-issued duty weapon.

The decedent stopped, turned, and advanced on the first deputy sheriff again while holding the knife in a threatening manner. Both deputy sheriffs discharged their firearms at the decedent, causing him to stop and fall to the ground. The deputy sheriffs requested paramedics to the scene. The decedent maintained his grasp of the knife while he was on the ground. When additional deputy sheriffs arrived, they disarmed the decedent and began to administer first aid.

Los Angeles County Fire Paramedics responded to the location. The decedent was pronounced dead at the scene.

³ One Taser dart struck the decedent, while the second dart missed and did not make contact.

⁴ A folding "Buck" style knife with a four and one-half inch blade that locks out to a nine inch total length weapon.

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

The primary root cause in this incident was the decedent's failure to comply with the orders of two Los Angeles County deputy sheriffs while, at the same time, charging at them (several times) while armed with a large metal spike and ultimately a large hunting knife.

Fearing for their lives, the deputy sheriffs discharged their service weapons at the decedent, striking him.

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

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *criminal* misconduct.

The results of the criminal investigation were presented to representatives from the Los Angeles County District Attorney's Office. On January 7, 2015, the Los Angeles County District Attorney's Office concluded that the two Los Angeles County deputy sheriffs "acted lawful in self-defense and in defense of others."

The incident is currently being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department may have engaged in *administrative* misconduct before, during, and/or after the incident.

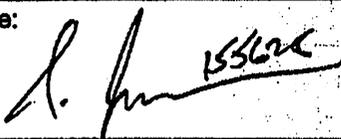
Once the investigation is completed, the results will be presented to the Los Angeles County Executive Force Review Committee for review and consideration.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

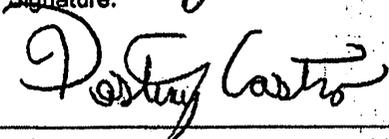
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 1-27-16

Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 02-03-16



Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 2/4/2016

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

MINUTES OF MEETING

February 10, 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 11:41 a.m. The meeting was held in the Community Meeting Center, Sproul 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; **County of Los Angeles Staff:** Jennifer A.D. Lehman, Assistant County Counsel; Michael Stuver, Civil Litigation Unit, Los Angeles Sheriff's Department; Scott Johnson, Civil Litigation Unit, Los Angeles Sheriff's Department; Chris Deacon, Civil Litigation Unit, Los Angeles Sheriff's Department; Maxine Kallenberger, Los Angeles Sheriff's Department; Andrew Rosso, Los Angeles Sheriff's Department; John La Salle, Wells Fargo Insurance Services USA, 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 11:41 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. 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: 6 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: Sam Olivito

**4. 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.

Action Taken:

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.

Action Taken:

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.

Action Taken:

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.

Action Taken:

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.

Action Taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 12:56 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 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: 6 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, and Mark Waronek

Absent: 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 12:56 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


LUZ ARACELY LOZA