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January 12, 2024

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ELIZABETH D. MILLER *edm*
Assistant County Counsel
Justice and Safety Division

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Jesus Medina v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-005554

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan for the case.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

EDM:js

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

**Settlement for Matter Entitled Jesus Medina v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-005554.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorize settlement of the matter entitled **Jesus Medina v. County of Los Angeles, et al.**
United States District Court Case No. 2:21-CV-005554 in the amount of \$300,000.00
and instruct the Auditor-Controller to draw a warrant to implement this settlement from the
Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of unlawful arrest and excessive force during a traffic
stop.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jesus Medina, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:22-CV-00554
COURT	United States District Court
DATE FILED	May 17, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 300,000
ATTORNEY FOR PLAINTIFF	Bart A. Seemen, Esq Williams & Seemen, A.P.L.C.
COUNTY COUNSEL ATTORNEY	Richard Hsueh Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$300,000, inclusive of attorneys' fees and costs, the federal civil rights lawsuit filed by Jesus Medina and Omar Medina (collectively "Plaintiffs") against the County of Los Angeles and two Los Angeles County Sheriff's Department ("LASD") deputies alleging unlawful arrest and excessive force during a traffic stop.</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 \$300,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 81,843
PAID COSTS, TO DATE	\$ 24,920

Case Name: Jesus Medina, et al 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:	May 24, 2020, approximately 12:15 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-89</p> <p>Details provided in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>The following statements are based on Deputy One and Two's observations, which were documented in criminal, supplemental, and Internal Affairs Bureau reports.</p> <p>On May 24, 2020, at approximately 11:59 a.m., a Century Station deputy sheriff (Deputy One), was driving northbound on Atlantic Avenue from Cortland Avenue in the City of Lynwood. Deputy One observed a gray 4-door sedan with tinted windows, (violation of California Vehicle Code section 26708) driving southbound on Atlantic Avenue.</p> <p>Using Department resources, Deputy One discovered the vehicle's registration was expired, a violation of California Vehicle Code section 4000(a)(1), and conducted a traffic stop of the vehicle.</p> <p>Deputy One approached the driver's side of the vehicle and asked the driver (Plaintiff) to lower the windows. When Deputy One ordered the passengers of the vehicle to place their hands in plain view, the Plaintiff questioned Deputy One's procedures. When the Plaintiff refused to listen to commands to turn his vehicle off, Deputy One used his portable radio to request additional units to his location. The Plaintiff demanded to speak to a supervisor.</p> <p>The Plaintiff continued to argue with Deputy One and simultaneously used his cell phone to call the police (Century Station). He asked the dispatcher to send a supervisor to his location, as he believed Deputy One was impersonating a deputy sheriff.</p> <p>The Plaintiff insisted Deputy One was not a real deputy sheriff, and said he was going to roll up his windows. The Plaintiff instructed the remaining two occupants of the vehicle to begin recording the encounter with their cell phones. Deputy One decided to remove the Plaintiff from the vehicle for safety reasons.</p> <p>Deputy One attempted to unlock and open the driver's side door of the Plaintiff's vehicle by reaching into the open driver's side window, but the Plaintiff "forcefully pulled" his hand away.</p>

	<p>Deputy One utilized his portable radio a second time to broadcast emergent radio traffic. As the Plaintiff began to roll the driver's side window up, Deputy One believed the Plaintiff would crush his left arm if he were allowed to completely close the window.</p> <p>Deputy Two responded to the location and approached the front passenger side of the Plaintiff's vehicle. Deputy Two said she observed the Plaintiff "swing" at Deputy One, and ran to the driver's side of the Plaintiff's vehicle to assist him.</p> <p>Believing the Plaintiff would continue to assault him, Deputy One used his hands to strike the Plaintiff four to five times in the face and body. Deputy Two subsequently used her left fist to strike the Plaintiff three to four times while giving him commands to step out of the vehicle.</p> <p>While Deputies One and Two were removing the Plaintiff from the vehicle, he kicked Deputy Two, causing her to fall to the ground and break her right arm. Deputy One performed a takedown of the Plaintiff, and attempted to gain compliance by striking him with his hand approximately four times. Unable to utilize both hands, Deputy Two used her body weight to prevent the Plaintiff from standing up.</p> <p>The two other occupants of the vehicle exited and began recording the incident in close proximity to Deputies One and Two.</p> <p>Deputy One continued to try and subdue the Plaintiff, while Deputy Two gave Suspects One and Two commands to step back. Deputy Two ordered the Plaintiff to put his hands behind his back, to which he complied.</p> <p>Deputy One handcuffed the Plaintiff, while Deputy Two handcuffed Suspect Two. Responding deputies detained Suspect One, while Deputy One escorted the Plaintiff to a marked patrol vehicle before going to assist Deputy Two.</p> <p>The Plaintiff was subsequently arrested for assault with a deadly weapon on a peace officer (violation of California Penal Code section 245(c). After additional investigation, Suspect Two was arrested for possession of methamphetamine for sales (violation of Health and Safety Code section 11378). Suspect One was arrested for refusal to comply with a lawful order (violation of California Vehicle Code section 2800).</p> <p>The Plaintiff was transported to Saint Francis Medical Center pending medical clearance. Deputy One also responded to the hospital due to possible COVID-19 exposure.</p> <p>While at the hospital, Deputy One responded to the Plaintiff's hospital room after the deputy sheriff who transported the Plaintiff to the hospital requested additional units. Deputy One placed his hand on the Plaintiff's shoulder, and guided him to a seated position. Deputy One exited when additional deputy sheriffs arrived. No force was used during the incident.</p> <p>The Plaintiff was ultimately transported to Century Regional Detention Center, where he was booked for the indicated charges.</p>
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The following statement is based on Deputy One's criminal and supplemental reports, as well as his Internal Affairs interview:

On May 24, 2020, at approximately 11:59 a.m., Deputy One conducted a traffic stop of the Plaintiff's vehicle to warn or cite the driver for tinted windows and expired vehicle registration.

Deputy One approached the vehicle on the driver's side and stopped behind the frame of the passenger door. He asked the Plaintiff (driver) to lower the vehicle's windows, to which he complied. Deputy One ordered the front and rear passengers to place their hands in front of them where they were visible. The Plaintiff (driver) grew irritated and increasingly uncooperative, questioning Deputy One's tactics and the legality of the traffic stop. Deputy One utilized L-TAC to request a unit back-up to his location.

Deputy One repositioned himself at the driver's window, providing him with a better view of the interior of the Plaintiff's vehicle. The Plaintiff refused to comply with Deputy One's order to turn the vehicle engine off, and demanded a supervisor respond to the location. Before Deputy One could use his portable radio to request a supervisor, the Plaintiff called 9-1-1 using his cell phone.

The Plaintiff spoke with a Century Station dispatcher and requested a supervisor respond to his location. He believed Deputy One was an imposter wearing a costume uniform.

While the Plaintiff was on the phone with a Century Station dispatcher, Deputy One communicated he was conducting a traffic stop of the Plaintiff's vehicle over L-TAC. The Plaintiff finished his phone call with the dispatcher, and instructed the two other occupants of the vehicle (Suspect One and Suspect Two) to begin recording. The two occupants reached into their pockets and started recording Deputy One with their cell phones.

The Plaintiff continued arguing with Deputy One and threatened to roll his windows up. Deputy One said the Plaintiff began reaching under his seat, and between the driver's seat and center console making Deputy One believe he may be attempting to retrieve a weapon. The Plaintiff eventually rolled the rear passenger side window up, obstructing Deputy One's view of the vehicle's occupants.

Deputy One placed his left hand inside the driver's compartment of the vehicle, and grabbed the Plaintiff's left arm to prevent him from rolling the window up. Deputy One attempted to reach the control switch and roll down the rear driver's side window of the vehicle down, but the Plaintiff forcefully pulled his hand away. Deputy One quickly assessed the situation, and concluded pepper spray was not appropriate, as he feared he may have to use his free hand to retrieve his firearm if the Plaintiff had a weapon.

At approximately 12:05 p.m., Deputy Two arrived, and positioned herself on the front passenger side of the Plaintiff's vehicle. Deputy One opened the driver's side door, held onto the Plaintiff's left wrist, and attempted to remove him from the vehicle. The Plaintiff pulled his arm back toward his

	<p>body, and stated he was not going to exit the vehicle, and yelled, "I'm going to fight this guy!"</p> <p>The Plaintiff clenched his fist and lunged towards Deputy One. Believing he would be assaulted, Deputy One used his right hand to strike the Plaintiff four to five times in the face and torso. Deputy One maintained a grasp of the Plaintiff's left hand, fearing the Plaintiff may reach for his duty weapon.</p> <p>Deputy One's efforts proved ineffective, as did his commands for the Plaintiff to step out of the vehicle, and place his hands behind his back. The Plaintiff tensed his body, and Deputy One was unable to place the Plaintiff's arm behind his back.</p> <p>Deputy Two utilized her Department-issued, portable radio to activate the duplex patch and notify nearby deputy sheriffs they were involved in a fight.</p> <p>Deputy Two ran over to the driver's side of the vehicle, and attempted to assist Deputy One in handcuffing the Plaintiff. The Plaintiff turned his body to the left as if exiting the vehicle while facing Deputies One and Two. The Plaintiff kicked Deputy Two, causing her to fall to the ground and break her right hand.</p> <p>Deputy Two communicated to Deputy One she broke her wrist as she stood up. Deputy One held onto the Plaintiff's waist while conducting a takedown, and his prescription glasses broke. Deputy Two ran to help when she saw the Plaintiff and Deputy Two on the ground.</p> <p>Deputy One was able to roll over and kneel on top of the Plaintiff, as he observed the Plaintiff push Deputy Two off of him. Deputy One delivered four additional strikes to the Plaintiff's face to gain compliance and prevent him from assaulting Deputy Two. Suspects One and Two exited the vehicle and began recording. Deputy Two commanded the suspects to step back, while directing the Plaintiff to place his hands behind his back.</p> <p>Deputy One handcuffed the Plaintiff, assisted him to his feet, and escorted him to a marked patrol vehicle. The Plaintiff sat in the rear seat, but refused to put his foot inside the threshold of the door. Deputy One was cognizant of Deputy Two's broken right hand, and the difficulty she may encounter in handcuffing Suspect Two with one hand. Deputy One pushed the Plaintiff's left shoulder, allowing him to close the vehicle door and assist Deputy Two in detaining Suspect Two.</p> <p>Deputy Two successfully handcuffed Suspect Two prior to Deputy One's arrival, and a responding deputy sheriff handcuffed Suspect One.</p> <p>The Plaintiff was subsequently arrested for assault on a peace officer with a deadly weapon, a violation of Penal Code section 245 (c), resisting an executive officer, (a violation of Penal Code section 69), and driving without a license, a violation of California Vehicle Code section 12500 (a).</p> <p>After further investigation, Suspect Two was arrested for possession of a controlled substance for sales (a violation of Health and Safety Code 11378). Suspect One was arrested for failure to comply with the lawful</p>
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	<p>order of a uniformed police officer, a violation of California Vehicle Code section 2800 (a).</p> <p>The Plaintiff was transported to Saint Francis Medical Center to be medically cleared prior to booking for complaints of pain to his right hand, left shoulder, and left eye.</p> <p>While at the hospital, Deputy One heard the deputy sheriff who transported the Plaintiff to the hospital request back up via his portable radio. Deputy One responded, and the Plaintiff stood up and took an "aggressive stance."</p> <p>Deputy One took hold of the Plaintiff's right arm with his left hand, placed his right hand on the Plaintiff's left shoulder, and assisted him in sitting down. Deputy One then exited the hospital room. No force was used.</p> <p>The Plaintiff was transported to Century Regional Detention Center where he was booked.</p> <p>The following statement is based on Deputy Two's IA interview:</p> <p>Deputy Two heard broken radio traffic over the L-TAC frequency requesting back-up to Deputy One's location. Deputy Two began to respond to the request and while responding, she heard Deputy One make a second back-up request over L-TAC. Deputy Two upgraded to a Code-3 response.</p> <p>Approximately four minutes later, Deputy Two arrived and saw Deputy One positioned at the front driver's side of the Plaintiff's vehicle. She approached the passenger side of the vehicle and observed three individuals, whom she believed to be gang members based on her training and experience.</p> <p>Deputy Two saw Suspect Two recording with his cellphone, and ordered the occupants to place their hands in plain view. She attempted to deescalate the situation by saying, "relax." Deputy Two observed the Plaintiff "swing his fist" at Deputy One in what she referred to as a "punching" motion, before threatening to fight him.</p> <p>Based on the furtive movements of the vehicle occupants, the inability to see their hands, and the Plaintiff's assaultive behavior, Deputy Two believed they posed an immediate threat to her safety and that of Deputy One. She was also aware she and Deputy One were in a known gang area.</p> <p>Deputy Two broadcast emergent radio traffic ran over the front driver's side door, and used personnel weapons (hands) to strike the Plaintiff approximately four times on his left upper arm. Deputy Two witnessed the Plaintiff assault Deputy One, and felt it necessary to intervene.</p> <p>Deputy Two gained control of the Plaintiff's left arm, and demanded the Plaintiff exit the vehicle, as she and Deputy One attempted to pull him out. The Plaintiff simultaneously kicked Deputy Two in her hip, causing her to fall and break her right arm. When Deputy Two saw her hand and arm out of alignment, she advised Deputy One her arm was broken.</p>
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	<p>Deputy Two ran to assist Deputy One as he struggled with the Plaintiff on the ground.</p> <p>Deputy Two used her bodyweight and left arm to try and control the Plaintiff. She attempted to use her right hand, but said her wrist was "flopping."</p> <p>The Plaintiff resisted Deputy Two's efforts by attempting to push her body weight off him. Deputy Two ordered the Plaintiff to stop fighting, while she assessed her surroundings and told the encroaching suspects to step back.</p> <p>Deputy Two continued to assist Deputy One in managing the Plaintiff's resistive efforts, and repeatedly told the Plaintiff to place his hands behind his back. Deputy Two continued to use her body weight and left hand to apply downward pressure as the Plaintiff attempted to stand up. Deputy Two saw an opportunity to grab the Plaintiff's hand and she handcuffed him with the assistance of Deputy One.</p> <p>Additional deputy sheriffs arrived, and the Plaintiff was escorted to a marked patrol vehicle. Deputy Two handcuffed Suspect Two using her left hand.</p> <p>On May 27, 2020, the Los Angeles County District Attorney's Office filed charges against the Plaintiff. He was charged with a violation of Penal Code, section 245 (c), assault on a peace officer, and Penal Code section 69, resisting an officer by force. The Plaintiff entered a plea of not guilty on the same day, and was released from custody on bond on May 28, 2020.</p> <p>On January 5, 2021, a preliminary hearing was held, and the Plaintiff was held to answer on all charges. On October 13, 2021, the case was dismissed because the prosecution failed to provide the Plaintiff with a speedy trial.</p> <p>The rear passenger (Suspect Two) was charged and sentenced to 161 days in jail and two years of probation for possession of methamphetamine for sale. It was determined that the rear passenger possessed 3.604 grams of methamphetamine and was on active probation at the time of the incident. The Los Angeles County District Attorney's Office declined to file charges against the front passenger (Suspect One).</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's attempt to detain the Plaintiff during a traffic stop, which led to a use of force.

A **Department** root cause in this incident was that the deputies were not equipped with Body-worn Cameras (BWCs) to video record their contact with the Plaintiff.

A **Department** root cause in this incident was Deputy One did not utilize the main frequency when requesting additional units to his location.

A **Department** root cause in this incident was Deputy One did not utilize sound tactics during the traffic stop.

A **Department** root cause in this incident was Deputy One's failure to familiarize himself with policy/state law regarding COVID-19 and motor vehicle registration.

A **non-Department** root cause in this incident was the Plaintiff's persistent physical and verbal resistance, and assaultive/high-risk behavior/failure to comply with lawful orders.

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

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. On April 13, 2021, Internal Affairs Bureau concluded their investigation. Appropriate administrative action was taken regarding Deputy One's actions during the incident as it relates to his use of language, tactics, and lack of coordination and supervisor notification during the traffic stop.

The deputies involved in this incident received additional training as it pertains to the circumstances surrounding this incident.

Use of Force Investigation

Century Station supervisors investigated this use of force. It was determined that the force used by Deputies One and Two during this incident was objectively reasonable and within Department policy.

Station Briefings

In the days following this incident, Century Station deputy sheriffs were briefed on the circumstances of the incident. Special attention was placed on officer safety, the dangers of reaching into vehicles, back-up/assistance requests, and lessons learned to assist deputies in the event they found themselves in a similar situation. Briefings occurred on all three shifts and were conducted by the field sergeants and watch commanders.

Department Publications

On August 12, 2020, the Department's Field Operations Support Services (FOSS) published a newsletter titled "Backup/Assistance Requests and Coordinated Emergency Responses." The newsletter details information that should be broadcast over the dispatch channel to ensure a more coordinated response from field units.

On October 1, 2021, Department's FOSS disseminated another newsletter titled "Reaching Into Vehicles." The newsletter contains information on the dangers of reaching into an occupied vehicle, the tactical disadvantages, and other tactical considerations during traffic stops.

Station Body-Worn Camera

As of October 2020, all personnel assigned to Century Station were issued a Body Worn-Camera (BWC) to ensure all public contact is transparent. The use of BWCs ensures reliable recording of enforcement and investigative contacts with the public. The Department established policies and procedures for the purpose, use, and deployment of the Department issued BWCs.

County of Los Angeles
Summary Corrective Action Plan

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

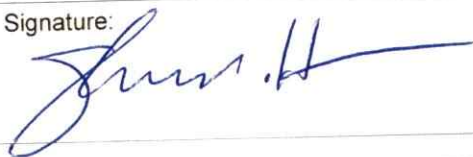
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

11/13/2023

Name: (Department Head)

Myron Johnson, A/Assistant Sheriff
Patrol Operations

Signature:



Date:

11/15/23

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Signature:



Date:

11/16/23