



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

DAWYN R. HARRISON
County Counsel

January 12, 2024

TELEPHONE
(213) 972-5742
FACSIMILE
(213) 626-5578
TDD
(213) 633-0901

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
Mesalina Montes v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV30333

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 Mesalina Montes v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV30333.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorize settlement of the matter entitled **Mesalina Montes v. County of Los Angeles, et al.** Los Angeles Superior Court Case No. 20STCV30333 in the amount of \$800,000.00 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 an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mesalina Montes, et al. vs. County of Los Angeles, et. al.
CASE NUMBER	20STCV30333
COURT	Los Angeles Superior Court
DATE FILED	August 11, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	John Glantz, Esq. Glantz Law, APLC
COUNTY COUNSEL ATTORNEY	Janet L. Keuper, Esq. Seki, Nishimura & Waste, LLP Melissa McCaverty Deputy County Counsel
NATURE OF CASE	On January 20, 2019, Defendant was responding to a call for service regarding an assault with a deadly weapon. As he approached the intersection of Bouquet Canyon Road and Espuella Drive, he entered the intersection against a solid red light and collided with Plaintiffs' vehicle. As a result of this accident, Plaintiffs allege they sustained injuries and damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$800,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 32,190.00
PAID COSTS, TO DATE	\$ 49,918.65

Case Name: Montes Messalina 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:	January 20, 2019, approximately 4:30 p.m.
Briefly provide a description of the incident/event:	<p>Summary Corrective Action Plan 2023-101</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>On Saturday, January 20, 2019, at approximately 4:30 p.m., an on-duty Los Angeles County deputy sheriff (Deputy One) assigned to Santa Clarita Valley Station was driving Code-3 as he traveled north on Bouquet Canyon Road. Deputy One entered the intersection against a solid red light and collided with the Plaintiffs' Ford F-150 truck which was traveling westbound on Espuella Drive with the intent of turning left onto southbound Bouquet Canyon Road.</p> <p>The Plaintiffs entered the intersection at approximately 5 mph facing a green traffic signal, and reported they did not hear the emergency siren or see the emergency lights prior to the collision due to the windows on their vehicle being rolled up.</p> <p>The Los Angeles County Fire Department responded to the location and transported Plaintiff Two to the hospital.</p> <p>Both the patrol vehicle and the Plaintiffs' vehicle sustained major front-end damage, and the airbags on both vehicles deployed as a result of the collision.</p> <p>A Los Angeles County Sheriff's Department supervisor responded to the location and authored a Supervisor's Report of Incident/Damage to County Vehicle Report.</p> <p>The investigation determined Deputy One was the primary cause of the collision, as he entered the intersection against a red traffic signal, a violation of California Vehicle Code section 21453 (a).</p> <p>Deputy One was also in violation of California Vehicle Code section 21087- Failing to drive an emergency vehicle with due regard for the safety of others on a highway.</p> <p>Plaintiffs One and Two were treated for their injuries.</p>

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

A **Department** root cause of this incident is the Deputy Sheriff failed to drive an emergency vehicle in Code-3 capacity with due regard for the safety of others on a highway.

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

Traffic Collision Investigation

The incident was thoroughly investigated by a Santa Clarita Valley Traffic Unit.

The collision investigation concluded Deputy One caused the collision by failing to stop at a red light, a violation of California Vehicle Code section 21453 (**Exhibit A**).

Additionally, Deputy One caused the collision as he failed to drive an emergency vehicle in Code-3 capacity with due regard for the safety of others on a highway, in violation of California Penal Code section 21807 (**Exhibit B**).

Administrative Investigation

This incident was investigated by a representative at Santa Clarita Station to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

Executive evaluation found the collision was preventable.

Appropriate administrative actions were taken. The Deputy Sheriff received training pertaining to the circumstances surrounding the incident.

Traffic Collision Assessment and Review

As a result of this collision, a station-wide assessment of employee-involved traffic collisions from January 1, 2019, to December 31, 2021, was conducted. The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2019	24	8
2020	16	8
2021	18	10

Santa Clarita Valley Station documented 58 preventable collisions over the past 3 years. Of those 58 preventable collisions, 3 involved failures to place a vehicle transmission in park prior to exiting a patrol vehicle.

To improve employee safety and reduce the Department's liability exposure, Santa Clarita Valley Station continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program.

Additionally, from 2020, the Department requires all patrol personnel to attend an 8-hour Emergency Vehicle Operations Course training every two years.

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

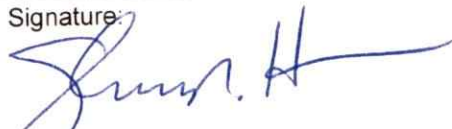
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

10/30/2023

Name: (Department Head)

Myron Johnson A/Assistant Sheriff
Patrol Operations

Signature:



Date:

11/1/23

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:

Daniela Prowizor

Date:

11/2/2023