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Acting County Counsel

October 24, 2022

TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

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

RE: **Item for the Board of Supervisors' Agenda**
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Ricardo Murillo v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-06937
Los Angeles Superior Court Case No. 20CMCV00223

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 Ricardo Murillo v. County of Los Angeles, et al., United States District Court Case No. 2:21-CV-06937; Los Angeles Superior Court Case No. 20CMCV00223.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled **Ricardo Murillo v. County of Los Angeles, et al., United States District Court Case No. 2:21-CV-06937 Los Angeles Superior Court Case No. 20CMCV00223** in the amount of \$875,000.00 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 civil rights violations by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Murillo, Ricardo, et al. v. County of Los Angeles, et al.
CASE NUMBER	20CMCV00223 & 2:21-CV-06937
COURT	Los Angeles Superior Court & United States District Court September 9, 2020 & August 27, 2021
DATE FILED	
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 875,000
ATTORNEY FOR PLAINTIFF	Jamon Hicks, Esq.
COUNTY COUNSEL ATTORNEY	Minas Samuelian Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$875,000, inclusive of attorneys' fees and costs, the state and federal civil rights lawsuits filed by plaintiffs Ricardo Murillo and Elian Murillo against the County of Los Angeles and Sheriff's Deputies Kyle Gillespie, Joshua Minchaca, Miguel Vega, and Christopher Hernandez ("Defendants"), alleging unlawful arrest and excessive force.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$875,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 59,177
PAID COSTS, TO DATE	\$ 2,760



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:	September 1, 2019, at approximately, 12:20 a.m.
Briefly provide a description of the incident/event:	<p><u>Ricardo Murillo v. County of Los Angeles</u> Summary Corrective Action Plan 2022-25</p> <p>On September 1, 2019, at approximately 12:20 a.m., two uniformed on-duty Los Angeles County Sheriff's Department deputy sheriffs assigned to Compton Station, had completed a call for service (disturbance/fight) near the area of South Harris Avenue in East Rancho Dominguez (unincorporated area in the city of Compton).</p> <p>While, at the call for service, the first (driver) and second (passenger) deputy sheriffs arrested a male adult (witness) for an outstanding arrest warrant [Driving on a Suspended License, 14601.1 (a)(1) California Vehicle Code (CVC)]. The male adult was seated in the backseat of the deputies' marked black and white patrol vehicle. The deputies were transporting the male adult to Century Regional Detention Facility (CRDF) to book him for the arrest warrant.</p> <p>The first deputy sheriff drove south on Harris Avenue and approached a stop sign at Greenleaf Boulevard. While at the stop sign, both deputy sheriffs observed a red Chevrolet Camaro driving west on Greenleaf Boulevard. As the Chevy Camaro passed the deputies' patrol vehicle in the intersection of Greenleaf Boulevard and Harris Avenue, the driver (first Plaintiff) honked his horn excessively.</p> <p>This nuisance drew both deputy sheriffs' attention to the Chevy Camaro. The deputies noticed the front passenger window was tinted and slightly lowered. They also heard a modified exhaust system. As the vehicle proceeded through the intersection, the front passenger (second Plaintiff) looked at the deputy sheriffs and yelled, "What the fuck?"</p> <p>Based on the first Plaintiff excessively honking his horn to apparently gain the attention of the deputy sheriffs, coupled with violations of 27001(a) CVC – Horns, sirens, and Amplification Devices; 26708(9) CVC – Windshield and Mirrors; and 27151(a) CVC – Exhaust Systems, the deputy sheriffs conducted a traffic stop of the vehicle on Greenleaf Boulevard, west of Harris Avenue, to warn and/or cite the first Plaintiff.</p> <p>The first deputy sheriff approached the first Plaintiff and the second deputy sheriff approached the second Plaintiff on the passenger side of the Chevy Camaro. The driver and passenger side windows were rolled down.</p> <p>Note: Throughout the duration of the traffic stop, the male adult (witness) who was arrested for an outstanding warrant on Harris Avenue, remained in the backseat of the deputies' patrol vehicle.</p>

	<p>The first deputy sheriff explained the reason for the traffic stop to the first Plaintiff. The first Plaintiff immediately told the first deputy sheriff he honked his horn because he believed the first deputy sheriff was not going to stop the patrol vehicle at the stop sign on Harris Avenue and Greenleaf Boulevard. The first Plaintiff asked the first deputy sheriff for his name. The first deputy sheriff provided his last name to the first Plaintiff.</p> <p>The first deputy sheriff asked the first Plaintiff to step out of the Chevy Camaro in order to conduct an inspection of the vehicle's exhaust system. The first Plaintiff refused to exit the vehicle. The first deputy sheriff then opened the front driver side door and ordered the first Plaintiff to exit the Chevy Camaro.</p> <p>Upon contact by the second deputy sheriff, the second Plaintiff appeared to be using his cell phone to record the interaction with the deputies. The second deputy sheriff ordered the second Plaintiff to exit the vehicle; however, he refused.</p> <p>With the driver side door open, the first deputy sheriff grabbed the first Plaintiff's left arm, the second Plaintiff reached over and grabbed the first Plaintiff's other arm to seemingly prevent him from exiting the vehicle.</p> <p>The second deputy sheriff reached inside the open passenger window and grabbed both of the second Plaintiff's wrists to prevent him from interfering with the first deputy sheriff's attempt to have the first Plaintiff exit the vehicle. The second Plaintiff attempted to break free of the second deputy sheriff's grasp with a quick motion, almost causing the second deputy sheriff to be pulled into the vehicle.</p> <p>Two uniformed on-duty Los Angeles County Sheriff's Department deputy sheriffs, assigned to Compton Station working as a two-person unit, noticed a patrol vehicle stopped behind a red Chevy Camaro. Both deputies decided to stop and assist the deputies on the traffic stop. Upon exiting their patrol vehicle, the third and fourth deputy sheriffs heard a commotion (yelling) coming from the location of the traffic stop, between the patrol vehicle and the Chevy Camaro.</p> <p>The third and fourth deputy sheriffs approached the traffic stop and heard the first and second deputy sheriff's order the occupants out of the vehicle.</p> <p>The third deputy sheriff assisted the first deputy sheriff on the driver side.</p> <p>The first Plaintiff reached toward the space between the driver's seat and center console, causing the first deputy to grab the first Plaintiff's left wrist. Ultimately, the first Plaintiff stepped out of the vehicle; however, he leaned his body against the vehicle and kept his right hand near his waistband. The third deputy sheriff grabbed the first Plaintiff's right hand and placed it behind his back. The first deputy sheriff handcuffed the first Plaintiff and escorted him to the back seat of the third and the fourth deputy sheriff's patrol vehicle.</p> <p>As the first and third deputy sheriffs were interacting with the first Plaintiff, the second and fourth deputy sheriffs simultaneously interacted with the second Plaintiff.</p> <p>The fourth deputy sheriff opened the front passenger door of the Chevy Camaro as the second deputy sheriff released his grip on the second</p>
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	<p>Plaintiff. The second deputy sheriff repositioned himself from outside of the passenger window to inside the open passenger side door. The second deputy sheriff attempted to regain control of the second Plaintiff's wrists. The second Plaintiff used his right elbow to strike the second deputy sheriff in the chest. The fourth deputy sheriff struck the second Plaintiff once on the face with his right fist as the second Plaintiff continued to elbow the second deputy sheriff. The second deputy sheriff released his grip of the second Plaintiff's wrist and punched him twice on the face.</p> <p>As the second Plaintiff covered his face with his hands, the second deputy sheriff reached into the vehicle and unbuckled the second Plaintiff's seatbelt. The second Plaintiff made a fist with his left hand. Believing the second Plaintiff was about to punch him, the second deputy sheriff punched the second Plaintiff once again in his face. This defensive tactic caused the second Plaintiff to say, "Okay, I'm done."</p> <p>The fourth deputy sheriff pulled the second Plaintiff out of the vehicle by his legs. The second deputy sheriff reached around the second Plaintiff's back and turned him to the right side as he was pulled out of the vehicle. The second Plaintiff landed on his stomach on the north sidewalk of Greenleaf Boulevard. The second deputy sheriff placed his left knee on the second Plaintiff's back as the fourth deputy sheriff handcuffed him.</p> <p>Upon handcuffing the second Plaintiff, both deputies noticed the second Plaintiff was bleeding from the top of his head. The second deputy sheriff requested the Compton Fire Department to respond to the scene.</p> <p>The Compton Fire Department and rescue paramedics arrived on scene and medically evaluated the second Plaintiff; however, the second Plaintiff refused to be treated.</p> <p>While the first Plaintiff was detained by the first deputy sheriff, the first deputy sheriff observed objective signs and symptoms the first Plaintiff was under the influence of a controlled substance (sweating profusely despite cold weather, eyes were red in color, and his speech was slow, thick, and slurred).</p> <p>Based on the first Plaintiff's symptoms, the first deputy sheriff asked the first Plaintiff to perform a field sobriety test. The first Plaintiff stated, "No." A Compton Station field supervisor responded to the scene and initiated a use of force investigation.</p> <p>The field supervisor contacted the male adult (witness) in the back of the first and second deputy sheriffs' patrol vehicle. The witness stated he did not see the use of force incident.</p> <p>The first Plaintiff was arrested for Driving Under the Influence, 23152 (a) CVC. The second Plaintiff was arrested for Resisting Executive Officer, 69 California Penal Code (PC). Both Plaintiffs were transported by two deputy sheriffs (uninvolved to the incident) to Compton Station for booking.</p> <p>During an inventory search of the first Plaintiff's vehicle, a pipe and suspected concentrated cannabis were found in the center console in the vehicle. The vehicle was towed and stored due to Driver Arrested, 22655.5 California Vehicle Code and the evidence was booked at Compton Station.</p>
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	<p>Upon arrival to Compton Station, the on-duty watch commander continued the use of force investigation. The watch commander directed two deputy sheriffs (uninvolved to the incident) to transport both Plaintiffs to the hospital for booking clearance.</p> <p>The first Plaintiff sustained no injuries. The second Plaintiff sustained head injuries. The second Plaintiff was treated and released for booking.</p> <p>Note: When interviewed by the watch commander, the second Plaintiff refused to explain how he received the scalp laceration; however, the field sergeant conducting the use of force investigation determined the injury was consistent with the second Plaintiff's head striking the sidewalk after being pulled out of the vehicle by his feet.</p> <p>After receiving medical treatment, both Plaintiffs were transported to CRDF and booked.</p> <p>Two of the four deputy sheriffs involved suffered minor injuries.</p> <p>The case was presented to the District Attorney (DA). The first Plaintiff was charged with Resisting Arrest, 148(A)(1) PC. On January 25, 2020, the Los Angeles District Attorney's office dismissed the charges as a result of pandemic conditions.</p> <p>The second Plaintiff was charged with Resisting Arrest, 148(A)(1) PC, and Battery on a Peace Officer, 243(B) PC. After completing a pretrial diversion program, the charges were dismissed.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was upon observation of the Plaintiff's uncooperative demeanor, the first and second deputy sheriffs should have de-escalated the incident by requesting a field supervisor and/or allowing more time to verbally persuade the Plaintiffs to cooperate.

A **Department** root cause in this incident was the deputy sheriffs should have discussed a tactical plan and other less-lethal options to extract the Plaintiffs out of the vehicle.

A **Department** root cause in this incident was the failure by the field sergeant to have transport the second Plaintiff to the hospital for medical treatment prior to transporting them to Compton Station, thus delaying necessary medical treatment.

A **Department** root cause in this incident was the deputies did not have body-worn cameras to video record their contact with the Plaintiffs in order to prove or disprove Plaintiffs' allegations.

A **Non-Department** root cause in this incident was the Plaintiffs' failure to comply/cooperate with lawful orders given to them by Los Angeles County deputy sheriffs. Instead of complying, one of the Plaintiffs assaulted a deputy sheriff.

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

Administrative Investigation - Use of Force Investigation

Immediately following this incident, a thorough use of force investigation was conducted by Compton Station supervisors. An extensive investigation was conducted into the use of force incident which included interviewing the plaintiffs, reviewing the involved deputies' reports, and all identified witnesses.

The result of the investigation determined the use of force was legal, reasonable, and within Department training and guidelines.

Body-Worn Cameras (BWC)

As of November 2020, all personnel assigned to Compton Station were issued a Body Worn Camera, as a form of transparency. Per policy, the camera must be turned on during all public contacts and reviewed by the employee, as well as a supervisor(s) regarding incidents and allegations of misconduct. Also, supervisors conduct random daily audits of BWC to ensure compliance.

Station Training

Deputy sheriffs assigned to Compton Station will continuously be scheduled to attend arrest and control training with the Department's Tactical Survival (TAS) and Force Training units. Department certified force and tactics instructors will teach blocks of instruction on arrest and control techniques on a regular basis, with an emphasis on de-escalation tactics.

Tactical Debriefing

In the days following the incident, all sworn Compton Station personnel were briefed on the events known at the time of the incident. Emphasis was placed on de-escalation tactics, requesting a supervisor for uncooperative individuals, and lessons learned to assist employees for future situations similar in nature.

Also discussed amongst Compton Station command staff and supervisors was the need to provide immediate medical attention to anyone injured during a use of force incident. Medical treatment should always be a first priority after any use of force incident.

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

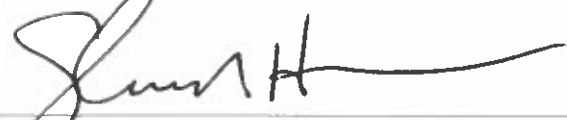
- ☐ Yes – The corrective actions address Department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, A/Captain
Risk Management Bureau

Signature:



Date:

7/12/22

Name: (Department Head)

Edwin E. Alvarez, Chief
Professional Standards Division

Signature:



Date:

7/14/22

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)

Destiny Castro

Signature:



Date:

07/18/2022