



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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November 21, 2017

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TO: LORI GLASGOW
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Altrikii Brown v. County of Los Angeles, et al.
United States District Court Case No. CV 16-01413

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

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

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Altrikii Brown v. County of Los Angeles, et al., United States District Court Case No. CV 16-01413 in the amount of \$ 300,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of civil rights violations and excessive force when Plaintiff was shot and arrested by a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Altriki Brown v. County of Los Angeles, et al.
CASE NUMBER	CV 16-01413
COURT	United States District Court
DATE FILED	July 25, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 300,000
ATTORNEY FOR PLAINTIFF	Jamon R. Hicks, Esq. Douglas/Hicks Law, APC
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$300,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit arising out of a May 2014 non-fatal, deputy-involved shooting at the House of Blues in the City of West Hollywood filed by Altriki Brown.</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	\$ 40,051
PAID COSTS, TO DATE	\$ 2,303

Case Name: Altriki Brown 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, 2014 at approximately 1:50 A.M.
Briefly provide a description of the incident/event:	<p><u>Altriki Brown v. County of Los Angeles</u> Summary Corrective Action Plan 2017-27</p> <p>On May 24, 2014, at approximately 1:50 A.M., six deputy sheriff personnel and one sergeant were working a special contract event at the "House of Blues" providing security at a rap concert. A briefing was conducted prior to the start of the shift in which personnel were instructed to allow House of Blues security staff to handle any problems inside the venue.</p> <p>The assigned deputy sheriff personnel were to intervene if they witnessed a criminal act outside of the venue, but maintain awareness of potential consequences due to the presence of a large crowd at the venue.</p> <p>Note: On-duty deputy sheriff personnel assigned to West Hollywood Station commonly work similar events to assist in discouraging problems and to provide a more rapid and coordinated response if any problems arise.</p> <p>Once the event concluded, and patrons were leaving the venue, House of Blues security personnel alerted deputy sheriff personnel of a fight in the parking lot of the venue. Deputy sheriff personnel responded to the area for further investigation.</p> <p>Prior to the deputy sheriffs' arrival at the location of the fight, House of Blues security personnel separated the involved parties. One of the involved male adults was angry and he attempted to re-engage the plaintiff and other involved persons. The angry man was escorted to a brown Pontiac Bonneville that was parked in the valet area. The Pontiac was parked approximately four to ten feet in front of the plaintiff's Chrysler 300.</p> <p>The first deputy sheriff saw that the plaintiff was uncooperative with security personnel and approached to assist. Security personnel convinced the plaintiff to enter his Chrysler 300, prior to the first deputy making contact with him.</p> <p>The plaintiff entered his Chrysler 300 vehicle and accelerated forward, ramming the Pontiac Bonneville parked in front of him. After the collision, the plaintiff's vehicle continued to accelerate forward and push against the Bonneville, causing his tires to screech, spin, and smoke.</p> <p>Several patrons scattered and two security personnel, which had been positioned between the two vehicles, were forced to jump out of the way. One security officer received a minor injury when he fell as he moved out of the way.</p>

	<p>A second deputy sheriff ran over to the driver's side of the Chrysler 300, drew his firearm, and ordered the plaintiff to stop and exit the vehicle. The plaintiff briefly stopped accelerating then re-accelerated "full-throttle," and rammed the Bonneville for a second time. While the plaintiff's Chrysler 300 was in contact with the Bonneville, the plaintiff continued to accelerate forward, causing his vehicle's tires to spin, screech, and smoke.</p> <p>The first deputy sheriff ran toward the driver's side of the Chrysler 300, in close proximity to the second deputy sheriff, and drew his firearm. Both deputy sheriffs ordered the plaintiff to stop and exit the vehicle, but the plaintiff did not comply. Event patrons were standing in several positions around and near the Chrysler 300, and the plaintiff continued accelerating his vehicle's engine and using his vehicle to recklessly push the Bonneville.</p> <p>Due to the plaintiff's erratic and reckless actions causing a potential for great bodily injury or death to the nearby patrons, security, and deputy sheriff personnel, the first deputy fired one round which struck the rear driver's window of the Chrysler 300. The plaintiff continued to recklessly accelerate his vehicle against the Bonneville. The first deputy reassessed the plaintiff's actions and the threat to the bystanders, and then fired a second round which struck the plaintiff in the left bicep.</p> <p>After the second shot, the plaintiff immediately stopped his acceleration, exited his vehicle, rolled onto the ground, and was handcuffed without further resistance.</p> <p>A third deputy sheriff broadcasted via radio that a shooting occurred and requested paramedics. The second deputy sheriff, along with one security guard, administered first aid to the plaintiff until paramedics arrived at the location.</p> <p>The plaintiff was subsequently transported to the hospital, where he was treated for a gunshot wound to his left arm.</p> <p>The plaintiff was arrested and charged with Assault with a Deadly Weapon (California Penal Code Section 245[a](1)), Obstruct/Resist a Peace Officer by means of threats or violence (California Penal Code Section 69), and Resisting, Delaying or Obstructing a Peace Officer (California Penal Code section 148[a](1)).</p> <p>The plaintiff was released from custody on bond, pending criminal proceedings.</p> <p>As a result of a jury trial, the plaintiff was acquitted of Assault with a Deadly Weapon and the subsequent criminal charges were dismissed in furtherance of justice.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A Department root cause in this incident was the discharge of a firearm into an occupied and moving vehicle in an effort to stop the driver's erratic and reckless actions.

A Non-Department root cause in this incident was the plaintiff's failure to comply with the lawful orders of the Los Angeles County deputy sheriff, and his reckless actions that placed citizens and deputy sheriff personnel in danger of great bodily injury or death.

The plaintiff intentionally caused damage to another patron's vehicle. The plaintiff's actions also caused a security guard to be injured when he feared for his life and safety and fell when he moved out of the way of the plaintiff's moving vehicle.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred. Upon conclusion of their investigation, the case was submitted to the Los Angeles County District Attorney's Office for filing consideration.

On January 22, 2015, the Los Angeles County District Attorney's Justice Systems and Integrity Division (J.S.I.D.) concluded that the first deputy sheriff, "acted in lawful self-defense and the defense of others when he used deadly force against (the plaintiff)." They added that they are closing their file on this case and will take no further action in this matter.

The incident was investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident.

On December 3, 2015, the results of the administrative investigation were presented to the Executive Force Review Committee (EFRC) for evaluation.

The EFRC determined the tactics and the use of deadly force were within Department policy.

On August 4, 2016, the Los Angeles County Sheriff's Department published an update to the Manual of Policy and Procedures, section 3-10/220.00 *Use of Firearms Against Vehicles and/or Occupants of Vehicles*. The policy update was coupled with a training video that was produced by the Department's Video Production Unit.

County of Los Angeles
Summary Corrective Action Plan

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

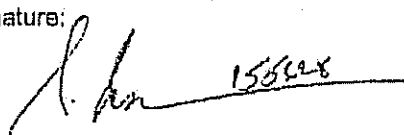
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:

 156228

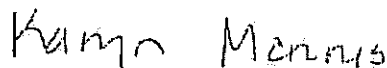
Date:

9-13-17

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards and Training Division

Signature:

 Karyn Mannis

Date:

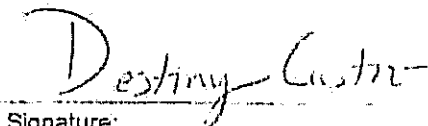
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Chief Executive Office Risk Management Inspector General USE ONLY

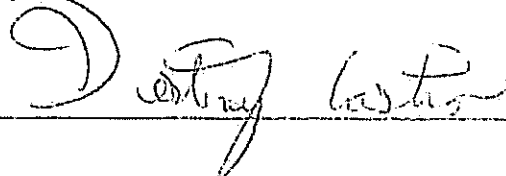
Are the corrective actions applicable to other departments within the County?

- ☐ 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:

 Destiny Castro

Date:

9/18/2017