



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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June 5, 2019

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office 

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Andrew Taylor, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 028803

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 the 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.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Andrew Taylor, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. TC 028803 in the amount of \$7,000,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges wrongful death and State-law civil rights violations arising from the fatal shooting of Plaintiffs' son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Andrew Taylor v. County of Los Angeles, et al.
CASE NUMBER	TC 028803
COURT	Los Angeles Superior Court
DATE FILED	March 1, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 7,000,000
ATTORNEY FOR PLAINTIFF	John E. Sweeney, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$7,000,000, inclusive of attorneys' fees and costs, a civil rights and wrongful death lawsuit filed by decedent, Donta Taylor's father and his three non-biological children alleging that Sheriff's Deputies used excessive force against Mr. Taylor and caused his death.</p> <p>The Deputies deny the allegations and contend their actions were reasonable.</p> <p>Given the 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 \$7,000,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 341,272
PAID COSTS, TO DATE	\$ 22,600



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>Andrew Taylor et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2018-45</p> <p>On August 25, 2016, at approximately 8:26 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to Compton Station were assigned to a County funded gang suppression detail designated to saturate areas with high gang activity. The deputy sheriffs were driving a marked black and white patrol vehicle in the city of Compton. The decedent was walking along Wilmington Avenue near Brazil Street in an area controlled by the "Cedar Bloc Piru" gang. The Cedar Bloc Piru gang is a notorious and ruthless gang that commonly wears red clothing and accessories displaying the letter "C" to symbolize "Cedar Bloc." When the deputy sheriffs observed and approached the decedent, he was wearing a red hat with the letter "C" on the front and he appeared to be holding his front waistband.</p> <p>The deputy sheriffs drove alongside the decedent and asked him if he was on probation or parole. The decedent responded "No, I'm not" and simultaneously reached into his waistband with his right hand. The decedent removed a semiautomatic stainless steel handgun from his waistband and ran from the deputy sheriffs with the gun in his hand. Both deputy sheriffs exited their patrol vehicle, drew their firearms, and ran after the decedent. As the deputy sheriffs chased him they continually yelled commands for the decedent to stop and surrender. The deputy sheriffs broadcasted via their portable radios that they were in foot pursuit of a man with a gun and requested assistance.</p> <p>The decedent ran for approximately one block along Wilmington Avenue, turned left, and ran on Arbutus Street for approximately one block, where it terminates at a storm flow wash. The decedent turned right at the dead end and ran along the footpath parallel to the wash for approximately one block. He turned left and ran on the footbridge that crosses over the wash. On the other side of the wash, the decedent turned left and ran parallel along the wash. As the decedent continued to run, the deputy sheriffs chased him and ordered him to stop.</p> <p>Both deputy sheriffs were close behind the decedent but split up while they were at the end of the footbridge. The first deputy sheriff (passenger of the patrol vehicle) continued to chase directly behind the decedent. Anticipating the decedent would attempt to run through a known hole in a fence to escape, the second deputy sheriff (driver of the patrol vehicle) circled around on an adjacent street in an attempt to block the decedent's escape route.</p>

	<p>The first deputy sheriff stayed on the footpath by the wash and encountered two men near the hole in the fence. The area was poorly lit. Since the deputy sheriff could not determine if the two men were associates of the decedent or possibly helping him, the deputy sheriff held the two men at gunpoint. The second deputy sheriff continued to move into a position to block off the decedent's escape route.</p> <p>As anticipated, the decedent ran through the hole in the fence and ran along Arbutus Street where he came face-to-face with the second deputy sheriff, who had positioned himself to cutoff the decedent.</p> <p>On Arbutus Street, the second deputy sheriff held the decedent at gunpoint and ordered him to drop the gun and show his hands. The decedent did not comply. He turned around and ran back toward the wash. The decedent ran toward the hole in the fence where the first deputy sheriff continued to hold the two men at gunpoint. The first deputy sheriff's position blocked the decedent's route.</p> <p>Possibly realizing his escape route through the hole in the fence was blocked by the first deputy sheriff, the decedent turned back towards the second deputy sheriff and pointed his gun at him. Fearing for his life, the second deputy sheriff fired three shots from his duty weapon at the decedent. At this time both deputy sheriffs were positioned on opposite sides of a 90-degree blind corner and could not see each other; however, both knew they were within close proximity to each other and both were in communication with dispatch. It was unknown if these initial shots struck the decedent.</p> <p>After the second deputy sheriff's gunshots, the decedent ran back through the hole in the fence and proceeded toward the first deputy sheriff. The first deputy sheriff saw the decedent aggressively moving towards him and holding something in his hands at chest level. Fearing the decedent had just shot the second deputy sheriff, was still holding the gun that he saw in his possession earlier, and continued to aggressively advance towards him, the first deputy sheriff fired approximately 10 to 12 rounds from his duty weapon at the decedent.</p> <p>The second deputy sheriff heard gunshots and believed the first deputy sheriff was now involved in a gunfight with the decedent. The second deputy sheriff ran toward the hole in the fence to assist the first deputy sheriff. As the second deputy sheriff approached he saw the decedent had turned back and was again running towards him. Fearing the decedent was still armed and was about to shoot him, the second deputy sheriff fired two to three additional rounds at the decedent. The decedent fell to the ground.</p> <p>Both deputy sheriffs held the decedent at gunpoint until additional deputy sheriffs arrived. Two deputy sheriffs handcuffed, searched, and provided medical aid to the decedent. Emergency medical services were requested to the scene. Although emergency medical care was administered to the decedent, he succumbed to his injuries and was pronounced dead at the scene.</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 deputy sheriffs' decision to engage in a foot pursuit of an armed suspect.

Another **Department** root cause in this incident was the deputy sheriffs' tactical decision to partner split during a foot pursuit of an armed suspect, causing increased risk to both employees.

Another **Department** root cause in this incident was the use of deadly force against the decedent and no gun was found in his possession or at the crime scene.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of Los Angeles County deputy sheriffs. Instead of obeying orders, the decedent fled into populated residential and pedestrian traveled areas while armed with a handgun. The decedent's actions caused both deputy sheriffs to fear for their lives, resulting in a deputy involved shooting.

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 Los Angeles County Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office.

On August 7, 2017, the Los Angeles County District Attorney's Office concluded the deputy sheriffs acted lawfully, in self-defense and in the defense of others, when they used deadly force against the decedent.

This incident was investigated by representatives of the Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented to the Executive Force Review Committee (EFRC) for adjudication.


On March, 21, 2019, the EFRC determined the use of deadly force was within Department policy but the tactics were in violation of Department policy. Appropriate administrative action has been taken.

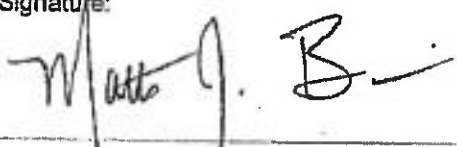
County of Los Angeles
Summary Corrective Action Plan

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

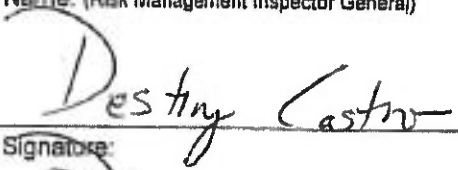
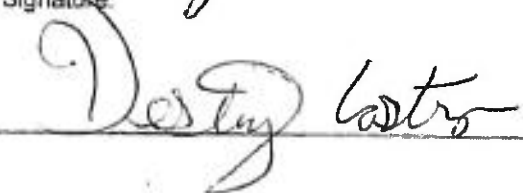
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Kimberly L. Unland, Captain Risk Management Bureau	
Signature: 	Date: 1/23/19

Name: (Department Head)	
Matthew J. Burson, Chief Professional Standards and Training Division	
Signature: 	Date: 01/28/19

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)	
	
Signature: 	Date: 1/29/2019