

REVISED MOTION BY SUPERVISORS MARK RIDLEY-THOMAS September 29, 2020 AND SHEILA KUEHL

ENSURING THE LONG-TERM VIABILITY OF THE FAMILY ASSISTANCE PROGRAM

For families who have lost a loved one due to the fatal use of force by law enforcement, the trauma of this loss has too often been compounded by an indifference to the hurt and pain of the family, through a lack of communication, or miscommunication, or even mistreatment. Since July 2019, 14 individuals, including Andres Guardado and Dijon Kizzee, have been killed in cases of fatal use of force by Los Angeles Sheriff's Department (LASD) deputies. On Monday, August 31, 2020, after two LASD deputies shot and killed 29-year-old Dijon Kizzee, his body remained in the street, handcuffed, for nearly nine hours while LASD personnel conducted its investigation. By the time the Department of Medical Examiner-Coroner (DMEC) removed Mr. Kizzee, the community was forced to suffer not only the pain of another young man killed by law enforcement but also the indignity and inhumanity of his remains left on the pavement for an inordinate amount of time. This kind of trauma not only impacts the family -- it reverberates throughout the community, impacting multiple generations.

The community deserves a compassionate and considerate response when these much too frequent incidents take place. Families and communities ~~deserve~~ are entitled to full and complete information when personnel from various Los Angeles County (County) departments respond to deaths by deputy-involved shootings and should be informed of how the County's Family Assistance Program (FAP) is implemented in such

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cases. Similarly, an assessment is needed to ensure that personnel from the relevant County departments who respond to fatal deputy-involved shootings such as Mr. Kizzee's and Mr. Guardado's do so in accordance with established policies and that the FAP is implemented to provide trauma-informed, responsive and necessary services to the impacted families.

The FAP was created by the Board of Supervisors (Board) on July 9, 2019 (*Supporting Families Following an In-Custody Death or Fatal Use of Force*, Ridley-Thomas/Kuehl July 9, 2019) upon the recommendation of the Civilian Oversight Commission. This program was proposed in response to community concerns about the needs of families whose loved ones have died while in the LASD's custody, or during out-of-custody incidents involving fatal uses of force by LASD deputies. At its core, the FAP was designed to provide a trauma-informed response to these tragic incidents, primarily led by the Department of Mental Health (DMH). A key element of the FAP is the employment of "advocates" to be present during next-of-kin notifications in order to provide crisis intervention and grief counseling, explain available resources, and serve as liaisons between LASD and other County departments as needed. In addition, the FAP provides up to \$7,500 at the request of families to alleviate the financial hardship of burial costs, which are costs that only compounds the emotional trauma caused by the loss of a loved one.

In Fiscal Year (FY) 2019-2020 the DMH was allocated \$636,000 in one-time funding to offset the annual FAP costs for supportive services, burial services, and maintenance of a web portal. The FY 2020-2021 budget carries over \$151,000 to assist families in need with burial costs but no new one-time or ongoing funding was identified to sustain the FAP. The Department of Mental Health (DMH) was initially allocated \$437,000 to fund the FAP. However, revenue shortfalls resulting from the COVID-19 pandemic could result in the FAP exhausting its funds by the end of December 2020 with no new funding identified to continue the program. Additionally, In addition to the lack of

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ongoing funds, the Inspector General has identified several challenges with the FAP ~~that require redress~~, including mistrust from impacted families of program services; timeliness and efficiency of service provision; and identifying an ideal lead department.

Since the FAP's inception in 2019, 14 individuals have died at the hands of LASD, but the program has only distributed \$10,300 among two families in ~~Fiscal Year (FY)~~ 2019-2020. This low dispersal rate is due in part to families refusing payments which are classified as taxable income, for which the families must bear the financial burden. More information is needed to understand the barriers and deterrents that keep families from accepting this assistance.

The fatal shootings of Dijon Kizzee and Andres Guardado underscore the critical need of the FAP. The protests that have followed these tragedies speak to the substantial trauma and pain these ~~officer-deputy~~-involved use of force deaths inflict on families and the community, as all attempt to cope with mounting inequalities, grief and loss. The FAP presents a humane and compassionate model for meeting the needs of these families and the larger community. However, without future funding and further refinement, this important and critical program cannot meet the needs of the community.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct the ~~Acting Chief Executive Officer (CEO)~~ Inspector General (IG), in consultation with ~~the Inspector General (IG)~~, County Counsel, the Director of the Department of Mental Health (DMH) and the Medical Examiner-Coroner, and request the Sheriff, to report back to the Board of Supervisors (Board) in writing in 15 days with an assessment of the response to the deaths of Dijon Kizzee and Andres Guardado by all relevant Los Angeles County (County) departments, as well as the utilization of the Family Assistance Program (FAP), including response times and any resources provided to the families of Mr. Kizzee and Mr. Guardado.

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2. Instruct the Director of Public Health and the Acting Chief Executive Officer (CEO), in collaboration with County Counsel and the Director of ~~Mental Health~~ DMH, Medical Examiner-Coroner, and the Executive Director of the Civilian Oversight Commission, the IG, community and other relevant stakeholders, and request the Sheriff, to report back to the Board in writing in 30 days with an overall review of the FAP, including:
 - a. Outcomes to date; and
 - b. Recommendations for improving the FAP, including addressing the tax burden imposed on families by the FAP's dispersal of benefits, identifying the ideal lead department for the FAP, developing a clear mission statement and outcome measures, strategies for gaining the trust of impacted families to provide them with FAP services, streamlining of any processes to provide services in a timely manner, and a long-term funding plan.
3. Instruct the Acting CEO, in consultation with the IG and County Counsel, to identify funding options to continue for the FAP beyond the one-time carryover referenced above, and develop a proposed plan to cover costs for staffing, burial expenses, supplies, and other relevant and associated costs needed to sustain the FAP to keep the FAP fully operational and report back, in writing, in 30 days. If deemed a legally viable and fiscally prudent funding option by County Counsel and the Acting CEO respectively, taking into consideration relevant departments and existing services, the unclaimed funds in the Victim Restitution Fund shall be identified in the report back as a possible one-time funding source.

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(JB/CAS/DBV)