



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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

TELEPHONE
(213) 974-1885
FACSIMILE
(213) 626-2105
TDD
(213) 633-0901
E-MAIL
abyers@counsel.lacounty.gov

DAWYN R. HARRISON
County Counsel

May 2, 2023

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
Sarah Jafari v. County of Los Angeles, et al.
United States District Court Case No. 2:22-CV-00305

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

It is requested that this recommendation be placed on the Board of Supervisors' agenda.

AMB:ds

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled, Sarah Jafari v. County of Los Angeles, et al., United States District Court Case No. 2:22-CV-00305 in the amount of \$1,750,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges federal civil rights violations, excessive force, and unlawful arrest by a Sheriff's Department employee.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sarah Jafari v. County of Los Angeles, et al.
CASE NUMBER	2:22-CV-00305
COURT	United States District Court
DATE FILED	December 14, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,750,000
ATTORNEY FOR PLAINTIFF	Vincent Miller, Esq.
COUNTY COUNSEL ATTORNEY	Minas Samuelian Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1,750,000 inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Sarah Jafari ("Plaintiff"), against the County alleging excessive force and unlawful arrest of the Plaintiff.</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 \$1,750,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 47,517
PAID COSTS, TO DATE	\$ 1,518

Case Name: Sarah Jafari 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:	April 10, 2021, at approximately 7:50 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Sarah Jafari v. County of Los Angeles</u> Summary Corrective Action Plan 2022-0049</p> <p>On April 10, 2021, at approximately 7:50 p.m., Malibu/Lost Hills Station received a call for service regarding a family disturbance/ person with a knife. The witness (mother) stated her daughter (plaintiff) was destroying her house and had a knife.</p> <p>Deputy one, working as a single man unit, arrived at the location and heard yelling and screaming. He exited his vehicle and observed the plaintiff yelling at an elderly woman (the witness) in the driveway. He contacted the plaintiff in the street. Deputy one asked the plaintiff if she had a knife, and she replied, she did not have a knife. He ordered the plaintiff to his patrol vehicle, but the plaintiff did not immediately comply. Deputy one again, ordered the plaintiff to his vehicle and she complied. As the plaintiff walked in his direction, deputy one reached with his left hand toward the plaintiff to guide her towards his patrol vehicle. The plaintiff pulled away from him and said, "Don't touch me, thank you. I have already had enough." Deputy one responded, "Don't get stupid with me." The plaintiff turned toward the deputy and said, "I'm not being apprehensive with you." Deputy one responded, "If you pull back on me, I'm going to punch you in the face."</p> <p>Deputies two and three (two-man unit) arrived at the location. Deputy two deployed his taser and ordered the plaintiff to place her hands behind her back. The plaintiff backed away from deputy one and took a fighting stance (squaring her body toward deputy one). The plaintiff asked why she was being detained.</p> <p>Deputy one attempted to conduct a protective search of the plaintiff for weapons, but she would not comply. Deputy one was concerned the plaintiff was "stalling" to retrieve a deadly weapon; so he lunged at the plaintiff with his left arm extended in front of his body. Deputy one's hand connected with the plaintiff's neck which resulted in her falling backward, hitting the ground, and landing on her back. Once the plaintiff was on the ground, she rolled onto her stomach and tucked her hands underneath her body (towards her waistband). Deputy one knelt down next to the plaintiff's right side and ordered her to place her hands behind her back. The plaintiff refused to follow deputy one's orders. Deputy one attempted to remove the plaintiff's left arm from underneath her body, but he unsuccessful.</p> <p>Deputy one ordered the plaintiff to give him her left arm, but she refused to comply. Deputy one ordered the plaintiff numerous times to remove her arms from underneath her body, but she refused.</p>

	<p>The plaintiff refused to comply with the commands which were given by both deputies one and two. The plaintiff continued to assault both deputies one and two; which caused deputy three to apply a hobble to the plaintiff's feet. Deputy one warned the plaintiff she will be tased if she continued to resist and assault both he (deputy one) and deputy two.</p> <p>Deputy one counted down, placed the taser on the plaintiff's lower back and then activated his Taser (X-26P). The taser cycled for five seconds. The Taser did not have the desired effect, as the plaintiff continued to kick, physically resist and not comply with his orders to place her hands behind her back.</p> <p>The plaintiff grabbed deputy one's taser which activated the taser a second time. The second activation caused the plaintiff to grab his hand, which caused a third Taser activation.</p> <p>After the third taser activation, Deputies one and two were able to successfully handcuff the plaintiff's left and right wrist. Once the handcuffs were applied, deputy three removed the hobble restraint.</p> <p>The plaintiff was assisted to her feet and escorted to the patrol vehicle by deputies one and two. The plaintiff pulled away from Deputy two as he began to search the plaintiff for weapons at the hood of the patrol vehicle. While at the patrol vehicle, the plaintiff turned her head towards deputy two, leading him to believe she was preparing to spit on him.</p> <p>Deputy one initially grabbed the back of the plaintiff's neck with his left hand, as the plaintiff moved her head and body side to side. Deputy one grabbed the back of the plaintiff's hair, forced her head downward, pinning her hair and head onto the hood of the patrol vehicle. Once the search of the plaintiff was conducted, the plaintiff was escorted toward the backseat of the patrol vehicle.</p> <p>Deputy one controlled the plaintiff's right arm with his right hand and continued holding her hair with his left hand. Deputy two controlled the plaintiff's left arm. While at the threshold of the patrol vehicle, the plaintiff started kicking deputy one in his left ankle and legs several times. The plaintiff then "lunged" into the backseat of the patrol vehicle and onto the floorboard. Deputy one applied a wrist control hold on the plaintiff and gave her orders to comply. Deputy two assisted deputy one in seating the plaintiff in the backseat without further objection.</p> <p>The Los Angeles City Fire Department, responded to the location to medically evaluate the plaintiff for injuries and/or other medical conditions.</p> <p>The plaintiff was transported by ambulance to West Hills Hospital for an "Ok" to Book.</p> <p>The plaintiff was treated for an abrasion to her forehead, contusions on her left and right wrists, and a head injury, without loss of consciousness. The plaintiff was treated and cleared for booking.</p> <p>Deputies four and five transported and booked the plaintiff at Malibu/Lost Hills Station.</p>
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	<p><u>Internal Criminal Investigation Bureau (ICIB) Investigation</u></p> <p>On May 20, 2021, North Patrol Division Chief requested an Internal Criminal Investigation regarding the incident.</p> <p>During the criminal investigation, the investigator made the following observations which contradicted deputy one's supplemental report when compared to body worn camera footage:</p> <p>The investigator concluded the plaintiff did not appear to be in a fighting stance and her arms were at her side, contrary to deputy one statements, when the plaintiff asked why she was being detained.</p> <p>The investigator stated as the plaintiff's left wrist was being handcuffed by deputy two, she did not appear to be resisting.</p> <p>The investigator indicated as the plaintiff was being searched, her upper body was leaning forward against the side of the patrol vehicle with her head facing down. During the search, the plaintiff straightened her upper body and lifted her head. The plaintiff did not appear to pull away from the deputies, nor look in the direction of deputy two.</p> <p>The investigator said the plaintiff appeared to not want to enter the backseat of the patrol vehicle, stating, "No way," several times. It appeared deputy one held her hair and guided her downward and to the right (toward the backseat). The investigator was unable to determine if the plaintiff lunged in the patrol vehicle or was guided in by the deputies.</p> <p>The investigator did not observe the plaintiff being assaultive or kicking her legs as she was positioned on the floorboard of the patrol vehicle. Deputy three applied the hobble restraint to the plaintiff at this time.</p> <p>ICIB investigator completed their investigation and presented their findings to the Justice System Integrity Division (JSID) for consideration.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A **Department** root cause in this incident was Personnel's decision to use force.

A **Department** the failure of deputies to intervene when they observed the use of excessive force.

A **Department** root cause in this incident was the deputies did not recognize the plaintiff displayed symptoms of mental illness. Additionally, the deputies did not contact the MET team.

A **Department** root cause in this incident was the lack of a Hazard hit placed on the location. A "Hazard Location Hit" on the residence would have advised responding personnel the plaintiff suffered from mental illness.

A **Non-Department** root cause in this incident was the plaintiff's failure to follow directions / orders.

2. Briefly describe recommended corrective actions:

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

Criminal Investigation

A thorough investigation was conducted by the Department's Internal Criminal Investigations Bureau (ICIB). The assigned ICIB investigator completed their investigation and presented their findings to JSID, for filling consideration.

Administrative Investigation

Due to the ongoing criminal investigation, the administrative investigation has not yet started and currently pending.

Immediately following the conclusion of the prosecution, this incident will be investigated by representatives of the Sheriff's Department to determine if any administrative misconduct occurred prior to, during, or after this incident. The results of the investigation will then be presented to an Executive Review Panel for adjudication.

Duty to Intervene

Institution of Manual of Policy and Procedures, 3-01/030.00, Unreasonable Force and Duty to Intervene (adopted June 1, 2021):

Department members who observe a serious violation of Department policy or law that may result in discipline, shall intervene, and report the incident when safe to do so.

This policy was briefed upon being instituted and included in ongoing briefings.

Handling Family Disturbance Calls for Service

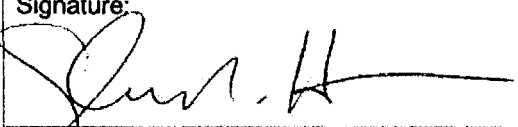
Calls for service to family disturbances are inherently dangerous. Every attempt should be made to ascertain as much information as possible from the informant.

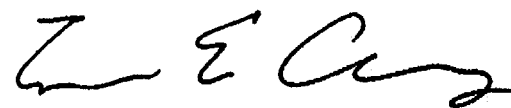
Responding deputy personnel will inquire about any updates obtained from dispatch personnel as they are responding to the location. Deputy personnel should wait for assisting units and a field sergeant prior to making contact at the location, unless exigent circumstances exist.

The deputies involved in this incident received refresher training.

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: 01/20/2023

Name: (Department Head)	
Edwin E. Alvarez, Chief Professional Standards Division	
Signature: 	Date: 1/23/23

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)	
Daniela Prowizor	
Signature: Daniela Prowizor	Date: 2/6/2023
Digitally signed by Daniela Prowizor Date: 2023.02.06 13:37:16 -08'00'	