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February 27, 2024

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

TO: JEFF LEVINSON
Interim Executive Officer
Board of Supervisors

Attention: Agenda Preparation

74 February 27, 2024

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

JEFF LEVINSON
INTERIM EXECUTIVE OFFICER

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Niani Shabazz, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:21-CV-06111

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:ds

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Niani Shabazz, et al. v. County of Los Angeles, et al., United States District Court Case No. 2:21-CV-06111, in the amount of \$275,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death and civil rights lawsuit against the Sheriff's Department arises from a fatal deputy-involved shooting.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Shabazz, Niani v. County of Los Angeles, et al.
CASE NUMBER	2:21-CV-06111
COURT	United States District Court
DATE FILED	July 30, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 275,000
ATTORNEY FOR PLAINTIFF	Barrett S. Litt, Esq. McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY	Richard Hsueh Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$275,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Niani Shabazz and Tajanique Williams (collectively "Plaintiffs"), on behalf of themselves individually and as successors-in-interest to the Estate of Dana Mitchell Young (collectively "Plaintiffs") in connection with the fatal shooting of Mr. Young in October 2020.</p> <p>Due to 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 \$275,0000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 76,727
PAID COSTS, TO DATE	\$ 82,671



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:	October 15, 2020, at approximately 3:49 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-75</p> <p>Details provided in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>The following call for service was made to the Los Angeles Police Department:</p> <p>On October 15, 2020, at approximately 3:30 a.m., a female adult (Victim One) was working as a sex worker walking on Figueroa Street from 102nd Street in South Los Angeles. Victim One was approached by a male adult (Decedent), wearing a gray hoodie, shorts, and a hat. The Decedent was on foot when he jammed a black, long, revolver, against her waist. The Decedent demanded, "Give me all your f**king money!" Victim One gave the Decedent \$100 dollars from inside the boots she was wearing. The Decedent began to push Victim One, forcing her to walk from 102nd Street to 103rd Street.</p> <p>The Decedent then struck Victim One with the firearm in the back of the head, and forced her into a nearby vehicle (a silver Volkswagen, four-door Tiguan, California license plate 6HGJ377). The Decedent threatened, "If you try to run, I'll kill you!"</p> <p>Another sex worker (Witness One), saw the kidnapping and told another sex worker (Witness Two) what occurred.</p> <p>Witness Two quickly went to Victim One's location. Upon her arrival, she observed Witness One and an unknown bystander point towards a Volkswagen as they yelled, "She is in there!" The Volkswagen continued westbound on 104th Street from Figueroa Street, with Victim One in the vehicle.</p> <p>Witness One called 9-1-1, which routed the call to the jurisdiction of the Los Angeles Police Department (LAPD). Two LAPD uniformed officers driving a marked black and white police vehicle responded to 103rd Street and Figueroa Street, in the city of Los Angeles, and contacted Witness One. Witness One told the officers a Black man (the Decedent) kidnapped her friend (Victim One), and she was tracking her using a cellphone. Witness One showed the officers her cellphone, which had an application called Life 360. The officers informed other LAPD units of the global positioning system (GPS) signal path.</p>

	<p>LAPD Officers used the cellphone application to locate the Decedent's vehicle at a parking lot on New Hampshire Avenue, south of Imperial Highway.</p> <p>Upon their arrival, both officers checked surrounding vehicles, but did not locate Victim One or the Decedent. LAPD Officers stayed in the immediate area and continued to search for Victim One and the Decedent.</p> <p>LAPD Officers saw a Los Angeles County Sheriff's Deputy and advised him of their incident and asked if he could be on the lookout for the suspect and Victim One.</p> <p>LAPD Officers continued to search the immediate area when they heard a "radio call" broadcast to meet Los Angeles County Sheriff's Deputies at 120th Street and Normandie Avenue, regarding an assault with a deadly weapon which occurred on 120th Street and Figueroa Street.</p> <p>LASD Call for Service</p> <p>At approximately 3:49 a.m., the Los Angeles County Sheriff's Department, (LASD) Sheriff's Communication Center, voiced an "Assault with a Deadly Weapon (firearm) just occurred," priority call for service to South Los Angeles Station's patrol deputies. The reporting party stated he was at 113th Street and Normandie Avenue, Los Angeles when he was flagged down by an unknown female (Victim One's friend). The female stated her friend was kidnapped, and begged the reporting party to follow the Decedent's vehicle (silver Volkswagen). The reporting party allowed the unknown female to enter his vehicle, and proceeded to follow the Decedent's vehicle north on Normandie Avenue, before the Decedent shot at them moments later. The reporting party pulled over and contacted police.</p> <p>Two marked, LASD, black and white patrol units manned with two deputy sheriffs each, were assigned, and responded to the call for service. South Los Angeles Station desk personnel updated the call to advise responding units the victims/witnesses related to the call were now parked at 120th Street and Normandie Avenue.</p> <p>The following statement is a summary of homicide detectives' Interview with Deputy One and Deputy Two:</p> <p>Deputies One and Two responded to 120th Street and Normandie Avenue to assist deputies with a call which indicated a silver vehicle was shooting at the informants. Deputy One heard an unknown female informant speaking to deputies who were already at the location. The informant said her friend was inside of the Decedent's vehicle, and noted she had the ability to track her friend's cellphone.</p> <p>Deputies One and Two asked the informant if they could use her cellphone to track the Decedent's vehicle.</p> <p>Deputy One told Deputy Two the cellphone was "pinging" near Imperial Highway and New Hampshire Avenue.</p>
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	<p>Deputies One and Two drove southbound on New Hampshire Avenue from Imperial Highway towards the location of the cellphone signal, and located a silver Volkswagen sport utility vehicle identical to that described by the informant, in the park and ride parking lot.</p> <p>Deputies One and Two exited their patrol vehicle, and approached the Decedent's vehicle, while Deputy One called out to the possible occupants. There was no response.</p> <p>Deputy One approached the driver's side while Deputy Two approached the passenger side of the Decedent's vehicle.</p> <p>Deputy Two walked to the driver's side of the Decedent's vehicle with his firearm drawn. The light on his firearm illuminated the vehicle and revealed what he believed to be a female based on the hair in the back seat. Deputy Two instructed the victim to exit the vehicle. Simultaneously, Deputy Two saw a male Black sit up in the driver's seat, start the vehicle, and drive eastbound, as the victim exited the moving vehicle. Deputy Two moved out of the way of the vehicle, as Deputies Three and Four arrived and initiated a pursuit of the Decedent's vehicle. Deputy One requested a unit to respond to the park and ride parking lot to assist Victim One, who jumped out of the Decedent's vehicle.</p> <p>Deputy One observed Deputies Three and Four arrive at the park and ride parking lot, as the Decedent was driving at a high rate of speed, and they began to follow the Decedent's vehicle. Via their Department-issued hand-held radio, Deputy One heard Deputies Three and Four broadcast they were involved in a vehicle pursuit. Deputies One and Two followed and became the secondary unit involved in the vehicle pursuit.</p> <p>Although Deputies One and Two lost sight of Deputies Three and Four, they heard radio traffic stating the pursuit was now traveling westbound on 108th Street. Deputies One and Two turned onto 108th Street (cul-de-sac), and stopped their vehicle behind the primary unit (Deputies Three and Four).</p> <p>While seated in the patrol vehicle, Deputy One heard approximately 5 to 7 gunshots. Deputy One indicated he was unable to see Deputies Three and Four from where he was sitting, nor could he see the Decedent.</p> <p>When Deputy One heard the gunshots, he thought the Decedent was shooting at him and his partners, so he quickly exited the patrol vehicle, drew his duty weapon from the holster, and took cover near the rear of his patrol vehicle.</p> <p>Deputy One could not see Deputy Two, and transmitted emergent radio traffic stating a deputy-involved shooting occurred. Deputy One requested paramedics and again requested a unit to respond to the park and ride parking lot to meet with Victim One.</p> <p>Deputy One briefly observed the Decedent on the sidewalk, but redirected his attention to the Decedent's vehicle. Deputy One wanted to ensure there were no additional occupants and/or additional victim(s) inside. Deputy One cleared the Decedent's vehicle and observed a woman's clothing inside. Additionally, Deputy One located a revolver underneath the driver's seat.</p>
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The following statement is a summary of homicide detectives' interview with Deputies Three and Four:

At approximately 3:40 a.m. Deputy Three and his partner Deputy Four, heard an assault with a deadly weapon priority call for service dispatched over the radio. The call stated the informant was shot at, and was later updated to indicate the informant was driving behind the person who shot at him. Deputies Three and Four, who were assigned as the assisting unit, responded to the updated location in the call (120th Street and Normandie Avenue) to confer with the informant.

When Deputy Three arrived at the location, he saw a male and female informant speaking to Deputies One and Two. Deputy Three contacted the female informant who explained a male (the Decedent) kidnapped her friend (Victim One) and was going to kill her. Deputy Three calmed the informant, and inquired as to the whereabouts of Victim One. The informant explained an unknown male (the Decedent) kidnapped her friend on Figueroa Street. She stopped a passing vehicle with an unknown male driving, and explained her friend (Victim One) was kidnapped. She then entered the vehicle with the unknown male, and they followed the Decedent's vehicle. The informant explained she was near a roundabout when the Decedent shot at them but missed. They then pulled over and called police.

The informant showed her cellphone to Deputy Three, and indicated she was tracking Victim One by using a global positioning system (GPS) locator application. There was a circle "pinging" near the area of Imperial Highway and New Hampshire Avenue.

When Deputies One and Two arrived, Deputy Three informed them of his findings, and said the tracking application on Victim Three's phone was tracking both Victim One and the Decedent who were in a silver vehicle.

Deputies Three and Four assisted with the search for Victim One and the Decedent. Deputy Three utilized his vehicle's Mobile Digital Computer Mapper function, and saw Deputies One and Two were at 115th Place and New Hampshire Avenue, which Deputy Three recognized as a park and ride parking lot.

As Deputies Three and Four drove towards the parking lot to locate Deputies One and Two, Deputy Three looked through a west gate, and saw a vehicle matching the description of the Decedent's vehicle backed into a parking stall.

Deputy Three saw Deputies One and Two standing on either side of the Decedent's vehicle with their firearms pointed towards the windshield. Deputy Four accelerated and turned into the parking lot. Simultaneously, Deputy Three heard the tires of the Decedent's vehicle screeching, and observed Deputies One and Two step back, appearing startled.

Deputy Four alerted Deputy Three he smelled gunpowder, and believed Deputies One and Two may have shot at the Decedent's vehicle. Deputy Three did not smell anything, but deduced the Decedent may have shot at Deputies One and Two.

	<p>Deputies Three and Four followed the vehicle as it sped out of the parking lot, and announced over the radio they were in a vehicle pursuit of the Decedent's vehicle.</p> <p>The Decedent continued on Vermont Avenue, driving recklessly in opposing lanes of travel. Deputy Three was unsure if the Victim was still inside the Decedent's vehicle, but believed the Decedent was an immediate threat due to the fact he kidnapped Victim One and possibly shot at unknown individuals.</p> <p>The Decedent's vehicle continued westbound on 108th Street, and collided at the end of the cul-de-sac. When the Decedent exited the front driver's side of the vehicle, Deputy Four saw a black object in the Decedent's left hand, and what he believed was a firearm in the Decedent's raised right hand. The Decedent looked towards Deputy Three, as he attempted to establish cover behind his patrol vehicle, while maintaining a visual of the Decedent.</p> <p>The Decedent again looked back towards Deputy Three's patrol vehicle, ran eastbound on the south sidewalk, and away from his vehicle. Deputy Three believed the Decedent would run to the rear of his patrol vehicle and shoot him and his partner. With his firearm drawn, Deputy Three moved east along the passenger side to the rear of his patrol vehicle. Deputy Three took a few steps south towards the sidewalk and found himself face to face with the Decedent. The Decedent began to raise his right arm.</p> <p>Believing the Decedent was going to shoot him, Deputy Three discharged his firearm, causing the Decedent to fall to the ground.</p> <p>Deputy Three and Deputy Four approached the Decedent. Deputy Three did not see anything in the Decedent's left hand, but saw a COVID-19 style mask in his open right hand. Deputy Three did not see a firearm.</p> <p>Deputies One and Two arrived, and Deputy Two assisted Deputy Four in handcuffing the Decedent. Deputy One initiated emergent radio traffic advising a deputy-involved shooting occurred, and requested emergency medical services.</p> <p>Los Angeles County Fire Engine #14 responded to the location. The Decedent sustained several gunshot wounds. LACo Fire Department assessed the Decedent's injuries, and the responding paramedic pronounced him deceased at 4:12 a.m.</p> <p>Deputy Two advised Deputy Three a firearm was recovered from the Decedent's vehicle. Deputy Three confirmed the findings when he looked inside the Decedent's vehicle with a flashlight and saw a firearm.</p> <p>Deputy Three discontinued his involvement in the incident, and a supervisor transported him to South Los Angeles Station.</p> <p>The LAPD subsequently documented the robbery, assault, and kidnapping for rape violations, as these incidents occurred within their jurisdiction.</p>
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	<p>Los Angeles County Sheriff's Department Homicide Bureau investigators submitted the facts, evidence, and information about the incident to the Los Angeles County District Attorney's Office, Justice System Integrity Division.</p> <p>On July 25, 2022, the Los Angeles County District's Attorney's Office determined, given the facts and circumstances known to and/or believed by Deputy Three at the time of the shooting, he believed the Decedent raised a firearm at him, therefore deeming his actions reasonable and lawful.</p> <p>Moreover, the available evidence supported Deputy Three's belief the Decedent, if not apprehended, presented an imminent threat of serious bodily injury or death to the public.</p> <p>On January 1, 2020, California Assembly Bill 392, Mandating Standard for Use of Deadly Force, redefined the circumstances. The law deemed deadly force justifiable only when any peace officer, who has reasonable cause to believe, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death. Additionally, the person to be arrested must have committed a public offense which threatened or resulted in serious bodily injury.</p> <p>Deputy Three's use of deadly force against the Decedent was determined to be in lawful self-defense, in the lawful defense of others, and a lawful attempt to apprehend a dangerous fleeing felon.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

- A **Department** root cause in this incident was Deputy Three's use of deadly force against the Decedent.
- A **Department** root cause in this incident was Deputy Three's firing of 7-8 gunshots in rapid succession without reassessment.
- A **Department** root cause in this incident was Deputy Three's lack of verbal commands and de-escalation.
- A **Department** root cause in this incident was the lack of tactical coordination between Deputies Three and Four upon making contact with the Decedent.
- A **Department** root cause in this incident was the deputies' lack of Body-Worn Cameras. The recorded video would have captured the deputies' contact with the Decedent to prove or disprove the plaintiff's allegations.
- A **non-Department** root cause in this incident was the Decedent's felonious assault, kidnapping, attempted rape, and use of a firearm against public members and deputy sheriffs.

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

Criminal Investigation

This incident was investigated by the Sheriff's Homicide Bureau to determine if any criminal misconduct occurred.

The investigative materials of the incident were submitted to the Los Angeles County District Attorney's Office, Justice System Integrity Division for evaluation and criminal filing consideration.

On July 25, 2022, the District Attorney's Office determined the third deputy sheriff's belief that deadly force was necessary and reasonable, given the totality of the circumstances, and therefore lawful. The use of deadly force was in lawful self-defense, in lawful defense of others, and a lawful attempt to apprehend a dangerous fleeing felon.

Internal Affairs Bureau Investigation

The incident has been assigned to the Internal Affairs Bureau to determine if any Department policy violations occurred before, during, or after the incident. In accordance with the California Government Code governing the Police Officer's Bill of Rights, a statute date was set after the conclusion of the administrative investigation.

At the conclusion of the investigation, it was determined Deputy One and Deputy Two were in violation of Department policy.

Appropriate action has been taken.

The deputies involved in this incident received additional training as it pertains to the circumstances surrounding this incident.

Body-Worn Camera

As of January 2021, all personnel assigned to South Los Angeles Station have been issued a Body-Worn Camera (BWC) to ensure all public contact is captured and transparent. The use of BWCs ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC.

Tactical Debriefing

In the days following the incident, a briefing was facilitated on the events known at the time of the incident to all sworn South Los Angeles Station personnel. Emphasis was placed on officer safety, tactical preparedness, and lessons learned to assist employees for future situations similar in nature.

Briefings occurred on all shifts and were given by field sergeants and watch commanders of South Los Angeles Station.

County of Los Angeles
Summary Corrective Action Plan

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

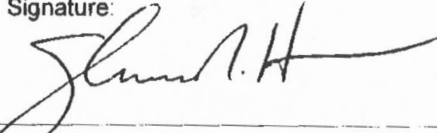
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



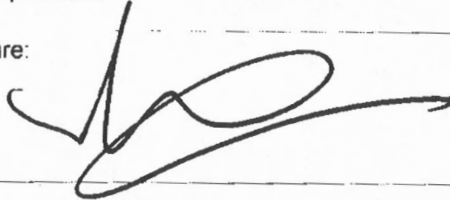
Date:

10/25/2023

Name: (Department Head)

Myron Johnson, A/Assistant Sheriff
Patrol Operations

Signature:



Date:

10/31/23

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.

X

Name: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Signature:

Daniela Prowizor

Date:

10/31/2023