



County of Los Angeles

May 7, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

Janice Hahn
Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

TO: JEFF LEVINSON
Interim Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation
Estate of Dijon Kizzee, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. 21STCV34142**



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, Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:rm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Estate of Dijon Kizzee, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 21STCV34142, in the amount of \$3,375,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This civil rights lawsuit against the Sheriff's Department stems from the fatal shooting of Mr. Kizzee.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Dijon Kizzee, et al. v. County of Los Angeles, et al.
CASE NUMBER	21STCV34142
COURT	Los Angeles Superior Court
DATE FILED	September 10, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$3,375,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq. Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,375,000, inclusive of attorneys' fees and costs, a civil rights lawsuit filed by the father of decedent Dijon Kizzee after he was fatally shot by Los Angeles Sheriff's Department ("LASD") deputies.</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 \$3,375,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 84,054
PAID COSTS, TO DATE	\$ 23,767



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:	August 31, 2020, Approximately 3:16 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Summary Corrective Action Plan 2023-105</u></p> <p>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>Multiple investigative reports indicated, On August 31, 2020, at approximately 3:16 p.m., two on-duty Los Angeles County Sheriff's Department Deputies assigned to South Los Angeles Station were on patrol in their marked black and white vehicle. Deputies One and Two were traveling east on 110th Street from Budlong Avenue in the unincorporated area of Los Angeles County. Their attention was drawn to a male (Decedent) riding a bicycle. Deputies One and Two observed the Decedent riding his bicycle eastbound in the westbound lane (a violation of California Vehicle Code Section - 21650.1), and he almost collided with an oncoming motorist. Based on Deputies One and Two's observation, they attempted to conduct a pedestrian stop to warn and/or cite the Decedent for the vehicle code violation.</p> <p>The following statement is a summary of Homicide Bureau's Interview with Deputy One (Passenger):</p> <p>Deputy One stated he and Deputy Two were driving eastbound when they observed the Decedent riding his bicycle eastbound in the westbound lane; almost colliding with an oncoming motorist. Due to the Decedent's actions, Deputy One and Deputy Two decided to conduct a pedestrian stop to warn and/or cite the Decedent for the California Vehicle Code violation.</p> <p>Deputies One and Two approached the Decedent to warn and or/cite the Decedent. Deputy One yelled, "Hey dude, stop!" The Decedent did not comply with Deputy One's verbal commands to stop. The Decedent continued to ride his bicycle away from Deputies One and Two. The Decedent rode his bicycle away from the Deputy Sheriffs, making a U-turn in front of their patrol vehicle. The Decedent continued to ride his bicycle then tossed his bicycle and ran westbound.</p> <p>Deputies One and Two exited their patrol vehicle and [ran] after the Decedent.</p> <p>As both the Decedent and the Deputy Sheriffs continued [running] on 110th Street, Deputy One [yelled], "Stop, we just want to talk to you. Stop, let me see your hands!"</p>

	<p>Deputies One and Two briefly ran after the Decedent, however, they were unsuccessful in detaining the Decedent.</p> <p>Deputies One and Two returned to their patrol vehicle and drove in the direction the Decedent was last seen running. The Deputy Sheriffs continued to check in the area for the Decedent. The Deputy Sheriffs located the Decedent running in the middle of an unmarked intersection.</p> <p>Deputy One yelled, "Hey dude, stop!" As Deputy Two stopped the patrol vehicle, Deputy One exited the patrol vehicle to contact the Decedent. Deputy One exited the patrol vehicle and initiated a foot pursuit. The Decedent had his wrapped hands above his head but continued to move away from Deputy One.</p> <p>Deputy One yelled, "Hey stop, we just want to talk to you." The Decedent finally complied with Deputy One's verbal commands and stopped running. With the Decedent's wrapped hands above his head, Deputy One approached the Decedent in an attempt to grab his hands to handcuff and detain the Decedent. As Deputy One was within hands reach of the Decedent, he reached for the Decedent's hand and the Decedent struck him with an unknown object on the right portion of his chin. The Decedent struck Deputy One with such force, it knocked Deputy One backwards and rendered him briefly disoriented.</p> <p>Deputy One requested emergency radio clearance twice but did not receive a reply from the Sheriff's Communication Center (SCC).</p> <p>After the Decedent struck Deputy One, the Decedent dropped a handgun. After the Decedent dropped his handgun on the ground, he bent over and picked up the handgun and pointed it at Deputy One. Deputy One feared for his life, unholstered his duty weapon, and fired rounds from his duty weapon at the Decedent's center mass.</p> <p>Deputy One's duty rounds struck the Decedent causing him to fall to the ground and drop his handgun (the handgun landed near the right side of the Decedent's body). The Decedent landed with his left hand underneath his body. Deputy One heard Deputy Two give verbal commands, "Let me see your hands, let me see your hands!" Deputy One observed the Decedent moving to retrieve his handgun. In fear for his life and Deputy Two's life, he fired additional rounds from his duty weapon.</p> <p>Deputy One requested emergency radio clearance to advise a deputy-involved shooting occurred, but he did not receive a reply from SCC. He switched to an "all access" frequency which allowed for his emergent radio transmission to be heard by both South Los Angeles desk personnel and additional South Los Angeles deputies. Deputy One transmitted a deputy-involved Shooting occurred and requested fire and assisting units to respond to the location.</p> <p>Upon the arrival of assisting units and a sergeant, Deputies One and Two cautiously approached the Decedent. Utilizing a ballistic shield, Deputies One and Two secured the Decedent, and rendered medical aid to him, until paramedics arrived.</p>
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The following statement is a summary of Homicide Bureau's Interview with Deputy Two (Driver):

Deputy Two stated prior to the start of his shift, he was briefed on a shooting which occurred earlier in the day.

Deputy One stated he and Deputy Two were driving eastbound when they observed the Decedent riding his bicycle in the westbound lane; almost colliding with an oncoming motorist. Due to the Decedent's actions, Deputy One and Deputy Two decided to conduct a pedestrian stop to warn and cite the Decedent for the California Vehicle Code violation.

With the patrol vehicle's windows rolled down, Deputy Two yelled verbal commands to stop riding his bicycle. The Decedent did not comply with the verbal orders given by Deputy Two.

As Deputies One and Two approached the Decedent to conduct a pedestrian stop, he advised Deputy One to watch the Decedent's hands and his right arm (the Decedent's right arm was wrapped in clothing while he manipulated the bicycle).

Deputies One and Two exited their vehicle, the Decedent rode his bicycle towards the south side of the sidewalk and dropped his bicycle and started running. Deputies One and Two [ran] after the Decedent. The Deputies lost sight of the Decedent as he ran northbound and out of view.

Due to a minor traffic offense, Deputy Two decided not to pursue the Decedent, and Deputies One and Two walked back to their patrol vehicle.

Deputies One and Two drove northbound in the last location they saw the Decedent.

The Deputy Sherriff's approached an unmarked intersection and observed the Decedent running. Deputy Two could see the Decedent's hands were still wrapped in clothing.

Deputy Two drove westbound towards the Decedent. The Decedent continued to run away from the deputy sheriffs. As Deputies One and Two drove closer to the Decedent, the Decedent moved towards the north side of the street. Deputies One and Two yelled at the Decedent to stop. The Decedent again did not comply with the verbal commands from the deputy sheriffs.

Deputy Two stopped the patrol vehicle and Deputy One exited the patrol vehicle to contact the Decedent. The Decedent finally complied with Deputy One's verbal command to stop. When Deputy One was in proximity, the Decedent punched Deputy Two in the face with his right hand, which caused Deputy One to stumble backwards and almost fall to the ground.

While running towards Deputy One, Deputy Two attempted to utilize his Department-issued handheld radio to broadcast emergent radio traffic.

	<p>Deputy Two was now near Deputy One when he observed the Decedent pick up a “black item” which had fallen from the Decedent’s hands. Deputy Two saw the Decedent point the object at him and Deputy One.</p> <p>Deputy Two realized the Decedent was holding and pointing a “full size” semiautomatic handgun at them. Deputy Two was in fear for his life, he unholstered his duty weapon and fired his duty weapon at the Decedent. Deputy Two observed the Decedent fall to the ground with his left hand underneath his body. The fall caused the Decedent to drop his handgun (the handgun landed near the Decedent’s right hand). While on the ground, the Decedent was conscious and continued to reach for his handgun. Deputy Two gave the Decedent verbal commands not to move, but the Decedent did not comply. Deputy Two feared for his life and fired one additional round from his duty weapon.</p> <p>Deputy Two realized his emergent radio traffic was not transmitted to the station nor his assisting units. Deputy Two had Deputy One broadcast the emergent traffic to advise of the deputy-involved shooting occurred and he requested paramedics.</p> <p>Once assisting Deputies arrived, they cautiously approached the Decedent with a ballistic shield. As the Deputy Sheriffs approached the Decedent, they focused on the Decedent’s left hand, which was underneath his body. Deputy Two contacted the Decedent and conducted a sweep of the Decedent’s waistband for [additional] handguns (none were located).</p> <p>Deputy Two provided medical aid until paramedics arrived.</p> <p>Los Angeles Fire responded to the location. Under the supervision of the Fire Captain, the paramedic pronounced the Decedent, deceased at 3:27 p.m.</p> <p>Homicide Bureau Investigation:</p> <p>Homicide Bureau investigators were notified, and responded to the scene and investigated the deputy-involved shooting.</p> <p>During the course of the investigation, the Homicide Bureau investigators obtained cell phone video depicting the Decedent manipulating a black, semi-automatic firearm prior to the date of the shooting. The semi-automatic firearm was later confirmed as the same weapon the Decedent pointed at the deputy sheriffs.</p> <p>Surveillance video footage was obtained from three nearby residences. The video footage depicted the Deputy Sheriffs’ initial attempt to contact the Decedent riding a bicycle in the middle of the street. The footage also showed the patrol vehicle when it stopped, and the Decedent was running.</p> <p>Additionally, the video footage captured the Decedent walking in the middle of the street waving his hands in the air with clothing wrapped around one hand. The Decedent’s being in the middle of the street caused the driver of a black vehicle to slow down at which time the Decedent appeared to raise one of his hands toward the vehicle.</p>
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	<p>Lastly, the video footage depicted the Decedent walking west on the street until the Deputy Sheriffs arrived in the patrol vehicle. The Decedent walked away from the Deputy Sheriffs, stepped onto the north sidewalk, and began to run east. The Decedent then stopped and raised both hands in the air, while he continued to hold clothing in his hands. As Deputy One approached him on foot, the Decedent swung his arms, and then dropped an item.</p> <p>As the Decedent bent over to retrieve the item, Deputy One unholstered his firearm and backed away from the Decedent. When the Decedent stood upright, Deputy One shot at the Decedent from approximately 10-15 feet away.</p> <p>The video angle depicted Deputy Two unholster his firearm as the Decedent fell to the ground from Deputy One's gunfire. Deputy Two fired one last round at the Decedent as he (the Decedent) can be seen moving on the ground. For further detail, refer to Deputy Two's interview with the Homicide Bureau.</p> <p>The Los Angeles County District Attorney's Office, Justice System Integrity Division, completed its review of the shooting and determined Deputy One and Deputy Two reasonably believed, based on the totality of the circumstances, that force was necessary to defend against a threat of death when they initially fired their weapons.</p> <p>The Los Angeles County District Attorney's Office also concluded there was insufficient evidence to prove beyond a reasonable doubt Deputy One and Deputy Two's later series of shots, were not fired in lawful self-defense or defense of another.</p> <p>The Los Angeles County Coroner's Office indicated the Decedent sustained several gunshot wounds.</p> <p>The Decedent's toxicology report indicated the presence of narcotics in his system.</p> <p>When the scene of the shooting was later examined and photographed, the Decedent's weapon was not found within the Decedent's reach, and it could not be determined who moved the gun away from the Decedent's body and right arm.</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' use of deadly force.

A **Department** root cause in this incident was the Deputy Sheriffs' failure to formulate a tactical plan prior to contacting the Decedent.

A **Department** root cause in this incident was the Deputy Sheriffs' failure to ensure their Department handheld radio were on the correct frequency prior to leaving the station.

A **Department** root cause in this incident was the Deputy Sheriffs' failure to provide immediate medical attention after the deputy-involved shooting occurred.

Department root cause in this incident was the deputies were not equipped with Body-Worn Cameras. The recorded video would have captured the deputies' contact with the Decedent in order to prove or disprove Plaintiff's allegations.

A **non-Department** root cause in this incident was the Decedent struck Deputy One in the face with an unknown object with such force, it caused him to stumble backwards and almost fall to the ground.

A **non-Department** root cause in this incident was the Decedent's retrieval of the handgun he dropped and pointed the weapon at the Deputy Sheriffs.

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

Criminal Investigation

The Department's Homicide Bureau Detectives investigated the shooting and gathered facts and evidence to determine if the Deputy Sheriffs potentially engaged in criminal misconduct.

The Los Angeles County District Attorney's Office, Justice System Integrity Division, reviewed the circumstances involved in the shooting. On November 10, 2022, the District Attorney's Office concluded the shooting was legally justified, as the Deputy Sheriffs acted in self-defense.

Administrative Review

This use-of-force was investigated by the Internal Affairs Bureau to determine if any Department policy violations occurred during the use or reporting of force used against the Decedent.

On August 17, 2023, the IAB investigation into this matter concluded. This case was subsequently reviewed by the Executive Force Review Committee (EFRC), who determined the following:

The EFRC Committee determined the force used in this incident was within policy, but the tactics were not in compliance with Department policy and procedures.

Deputies involved in this incident received additional training pertaining to the circumstances surrounding this incident.

Body-Worn Cameras

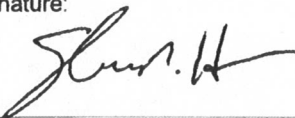
As of January 31, 2021, all sworn personnel assigned to South Los Angeles Station were issued a Body-Worn Camera in an effort to ensure all public contacts are transparent. The use of BWC's ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC.

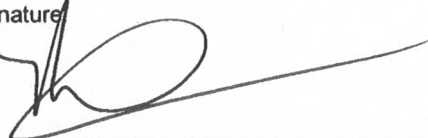
County of Los Angeles
Summary Corrective Action Plan

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: 01/22/24

Name: (Department Head) Myron R. Johnson, Assistant Sheriff Patrol Operations	
Signature: 	Date: 1/31/24

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)	
Signature: 	Date: 2/1/2024