



County of Los Angeles

October 22, 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: EDWARD YEN  
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  
Gabrielle Bynum v. County of Los Angeles, et al.  
United States District Court Case No. 2:21-cv-04453**



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 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:lzs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Gabrielle Bynum v. County of Los Angeles, et al., United States District Court Case No. 2:21-cv-04453, in the amount of \$485,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This federal civil rights lawsuit arises from Plaintiff's participation in a protest that took place on September 7, 2020, near South Los Angeles Sheriff's Department Station

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|--|
| CASE NAME                   | Gabrielle Bynum v. County of Los Angeles, et al.   |
| CASE NUMBER                 | 2:21-CV-04453  |
| COURT                       | United States District Court   |
| DATE FILED                  | June 1, 2021   |
| COUNTY DEPARTMENT           | Sheriff's Department   |
| PROPOSED SETTLEMENT AMOUNT  | \$ 485,000   |
| ATTORNEY FOR PLAINTIFF      | Thomas C. Seabaugh<br>Law Office of Thomas C. Seabaugh   |
| COUNTY COUNSEL ATTORNEY     | Richard Hsueh<br>Senior Deputy County Counsel  |
| NATURE OF CASE              | <p>This is a recommendation to settle the federal civil rights lawsuit filed by Gabrielle Bynum ("Plaintiff") arising out of her participation in a protest on September 7, 2020, for a sum of \$485,000, inclusive of attorneys' fees and costs.</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 \$485,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 136,072   |
| PAID COSTS, TO DATE         | \$ 28,015  |



## 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.

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| Date of incident/event:                              | September 7, 2020, approximately 10:30 p.m.  |
| Briefly provide a description of the incident/event: | <p style="text-align: center;">Summary Corrective Action Plan 2023-137</p> <p><b>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</b></p> <p>Multiple investigative reports indicated on September 7, 2020, an organized protest occurred due to a deputy-involved shooting. As the protest persisted, a Mobil Field Force (MFF) and Sheriff's Response Team (SRT) was activated. Upon MFF and SRT's arrival, they provided structural support for the Sheriff's Station.</p> <p>The SRT established a perimeter in front of the Sheriff's Station. The SRT personnel manned static barriers and monitored protestors who were boisterous, agitated, and belligerent towards law enforcement. A large portion of the protestors left the area without incident. Still, approximately 100 protestors remained in the alleyway and the parking lot of the strip mall utilizing shields.</p> <p>The protestors pushed "the sign" and a shopping cart towards the scrimmage line. Verbal commands were given to the protestors via the public address system and both the sign and shopping cart were removed by SRT personnel. The protestors became more aggressive by pushing a wooden dresser towards Los Angeles County Sheriff's personnel.</p> <p>Sergeant One deemed the desk to pose an immediate threat to personnel and ordered Deputy Four to discharge the pepper ball gun. Deputy Four was instructed to fire the pepper ball rounds at the desk. As the rounds struck the desk, the protestors began to throw glass bottles, frozen water bottles, rocks, and mortar fireworks at them.</p> <p>SRT personnel fired less lethal munitions to clear the alley and the adjacent strip mall parking lot. Due to the crowds' increasingly volatile behavior, an unlawful assembly was declared. A dispersal order was given to the protestors. The protestors were given specific verbal instructions to vacate the area.</p> <p>Video of the incident depicts protestors and the Plaintiff running east to west across the parking lot. The Plaintiff stood up from behind a cinder block wall located at the southeast corner of the parking lot.</p> |

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|  | <p>Approximately 23 seconds after the pepper ball rounds were fired at the wooden desk, the Plaintiff ran diagonally across the parking lot in a northwesterly direction. The Plaintiff stopped momentarily in the middle of the parking lot where she stated she was struck.</p> <p>The Plaintiff took approximately 8 seconds to move to the other side of the parking lot. The Plaintiff was not subjected to any use-of-force afterwards and was not arrested.</p> <p>The Plaintiff does not know which type of munition struck her, and she also does not know specifically which deputy sheriff is responsible for her injuries. The Plaintiff sustained an injury.</p> <p>Deputy One deployed the pepper ball launcher. The purpose of utilizing the pepper ball launcher was to saturate the area which would aid in dispersing the remainder of the protesters. Deputy One stated he was standing approximately 20 to 30 feet south of the southern side of the strip mall parking lot. Deputy One fired his weapon towards the ground and the laundromat located on the east side of the parking lot. Deputy One did not fire his weapon at any one person.</p> <p>Deputy Two deployed the Less Lethal Launcher FN303. Deputy Two focused the FN303 rounds toward the adjacent alley in different parts of the strip mall parking lot. Deputy Two did not observe anyone being struck by the FN303 pepper ball rounds. He utilized the FN303 to saturate the area being occupied by the protesters.</p> <p>Deputy Three deployed a 40mm multi-shot launcher.</p> <p>Several protesters were arrested for Failure to Disperse at an Unlawful Assembly, in violation of California Penal Code – 409.</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' utilization of munitions (use of less lethal) to disperse an unlawful assembly.

A **non-Department** root cause in this incident was the Plaintiff's refusal to adhere to the sheriff's lawful order to disperse from the area which was deemed an unlawful assembly.

A **Department** root cause in this incident was the deputies were not equipped with Body-Worn Camera. The recorded video would have captured the deputies' contact with the plaintiff in order to prove or disprove plaintiffs' allegations.

A **non-Department** root cause in this incident was Deputy Three made inconsistent statements as to his use-of-force.

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

Administrative Investigation

Upon the completion of the administrative investigation, it will be submitted for approval.

This corrective action plan will be supplemented with the report to include:

- Any personnel-related administrative action taken
- Any systemic issues (e.g., training, curriculum, etc.) identified
- Any other corrective action measure(s) identified or taken

Policy - Use of Kinetic Energy Projectiles and Chemical Weapons to Disperse Assemblies, Protests, and/or Demonstrations.

Policy Update - The Use of Less Lethal Weapons During Civil Unrest.

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

Body-Worn Cameras (BWC)

As of July 11, 2021, all sworn personnel assigned to Norwalk, Walnut, and West Hollywood Stations were issued a Body Worn Camera in an effort to ensure all public contacts are transparent.

Emergency Operations Bureau has not been issued BWCs.

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


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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)<br><br>Julia M. Valdés, A/Captain<br>Risk Management Bureau     |                         |
| Signature:<br><br> | Date:<br><br>06/15/2024 |

|  |                      |
|--|----------------------|
| Name: (Department Head)<br><br>Myron Johnson<br>Assistant Sheriff, Patrol Operations                 |                      |
| Signature:<br><br> | Date:<br><br>7/25/24 |

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|--|------------------------|
| <b>Chief Executive Office Risk Management Inspector General USE ONLY</b>   |                        |
| Are the corrective actions applicable to other departments within the County?  |                        |
| <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.<br><input checked="" type="checkbox"/> No, the corrective actions are applicable only to this Department. |                        |
| Name: Daniela Prowizor-Lacayo (Risk Management Inspector General)  |                        |
| Signature:<br><br>  | Date:<br><br>8/22/2024 |