



County of Los Angeles

November 26, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

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Supervisor, Second District

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Supervisor, Third District

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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
N.B., et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:21-cv-02165**



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 N.B., et al. v. County of Los Angeles, et al., United States District Court Case No. 2:21-cv-02165, 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 federal civil rights and wrongful death lawsuit arises out of a fatal deputy-involved shooting of Decedent while deputies attempted to arrest him pursuant to a felony arrest warrant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	N.B., A minor by Elonda Holman, et al., v. County of Los Angeles, et al.
CASE NUMBER	2:21-CV-02165
COURT	United States District Court
DATE FILED	March 10, 2021
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 275,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq. Law Office of Dale K. Galipo
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 and wrongful death lawsuit filed by Shellondra Thomas and her child, and decedent Terron Boone's three children, arising out of a fatal deputy-involved shooting of Mr. Boone while deputies attempted to arrest him pursuant to a felony arrest warrant.</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 \$275,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 111,208
PAID COSTS, TO DATE	\$ 106,238

Case Name: B.N. et al v. County of Los Angeles



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:	June 17, 2020, at approximately 4:37 p.m.
	<p style="text-align: center;">Summary Corrective Action Plan 2023-131</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>Call for Service</p> <p>Multiple investigative reports indicated, on June 15, 2020, Los Angeles County Sheriff's Department deputies responded to a call in Palmdale. Deputy sheriffs contacted a female adult (Victim) who informed them she was involved in a domestic violence incident with her boyfriend (Decedent).</p> <p>The Decedent held the Victim against her will in the apartment bedroom, from June 9, 2020, to June 15, 2020, and blamed her for the death of his brother. The Decedent repeatedly sexually assaulted the Victim, struck her on her right forearm with a semi-automatic pistol, and threatened to kill her and her five children. The Decedent told her he was going to "go out with a bang," and would kill the Victim and any police who attempted to help her. The Victim interpreted this as the Decedent saying he would die in a shootout with police. The Victim explained the Decedent possessed a black semi-automatic handgun and a black rifle.</p> <p>The Victim escaped on June 15, 2020, and ran to a nearby business to call the police because the Decedent took her cell phone. During the interview, the investigating deputies observed visible injuries to the Victim's neck, bruising and swelling to her left eye, and reported pain in her ribs.</p> <p>Although the Decedent was never diagnosed with any mental illness, the Victim suspected he was mentally ill. An Emergency Protective Order was issued against the Decedent.</p> <p>The Victim was transported to the hospital for medical treatment.</p> <p>LASD subsequently lost contact with the Victim.</p> <p>Summary of the Incident</p> <p>An arrest warrant was issued for the Decedent, and detectives worked in conjunction with Major Crimes Bureau (MCB) and the Surveillance and Apprehension Team (SAT) to author a cellphone "ping" search warrant for cellphones believed to be in the Decedent's possession.</p>

	<p>On June 17, 2020, MCB detectives, along with SAT detectives, met to conduct a briefing in preparation to locate the Decedent. Department personnel were informed of the Decedent's violent criminal history, possible possession of firearms, and intentions to forcefully resist arrest efforts made by law enforcement.</p> <p>On June 17, 2020, at approximately 2:00 p.m., a cellphone "ping" revealed a potential address for the Decedent at an apartment complex. Detectives identified a specific apartment as the Decedent's most likely location within that address, due to the fact the owner of the apartment was an associate of the Decedent. The Detectives also identified a blue Jeep SUV registered to the Decedent's associate parked in the parking space designated for the apartment.</p> <p>At approximately 4:00 p.m. on June 17, 2021, a male adult (the Decedent), a female adult (Plaintiff One), and a child (Plaintiff Two) exited the apartment and entered the blue Jeep. At the time, detectives were unable to positively identify with 100 percent certainty the male adult as the individual they were looking for, although his physical features were consistent with that of the Decedent. Deputy Two noted the male (Decedent) appeared to intentionally conceal his identity by wearing large, dark sunglasses and a surgical mask.</p> <p>SAT Detectives followed the Jeep (in unmarked undercover police vehicles) to a nearby Family Dollar Discount store.</p> <p>Plaintiff One (driver) parked, exited the vehicle, and entered a store leaving the Decedent and Plaintiff Two behind.</p> <p>Plaintiff One returned to the Jeep and exited the parking lot, making several superfluous turns through a residential area in a possible effort to determine if they were being followed. Detectives planned to conduct a felony traffic stop of the Jeep when it stopped in the apartment parking lot, as their vehicles were not equipped with emergency lights and sirens to alert the public of an exigent circumstance should it arise.</p> <p>The Jeep stopped, and Department personnel gave the Decedent numerous verbal commands to show his hands. The Decedent opened the passenger door of the vehicle, exited, and began to shoot at the Deputy Sheriffs. Detectives returned gunfire at the Decedent.</p> <p>Using his Department-issued handheld radio, Detective Three notified dispatch that a shooting occurred.</p> <p>He requested emergency medical assistance and additional units, but initially provided the wrong address for the apartment complex. The address was ultimately corrected.</p> <p>A Major Crimes Bureau detective notified Kern County emergency services of the shooting and was patched through to Kern County Sheriff's Department. At this time, emergency medical aid was requested as well as "black and white" backup units to respond to the location of the shooting.</p> <p>Under direction from the Detectives, Plaintiff One exited the vehicle and retrieved Plaintiff Two before receiving medical aid from Major Crimes Bureau detectives, pending the arrival of paramedics.</p>
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	<p>The Detectives tactically approached the Jeep with a ballistic shield when it was safe to do so, unaware if the Decedent was still armed. They cleared the Jeep and deputies conducted life-saving measures on the Decedent (who was unresponsive) for several minutes. The Decedent was pronounced dead by Kern County Fire Department paramedics at approximately 5:02 p.m.</p> <p>Plaintiff One was transported to the hospital by ambulance and treated for her injuries.</p> <p>Plaintiff Two who was in the backseat at the time of the shooting, sustained a cut on her arm from a broken window. She received medical attention at the scene before being transported to Lancaster Sheriff's Station, where the Department of Children and Family Services was notified. No bystanders were injured.</p> <p>A functional, black Glock 27 .40 caliber handgun was recovered from the ground outside of the Jeep near the Decedent's feet. DNA from the Decedent was recovered from the slide of the gun.</p> <p>The following is based on Sergeant One's interview with Homicide Bureau:</p> <p>Sergeant One and his detective team assisted in apprehending the Decedent who had an arrest warrant for various felonious crimes. Utilizing digital phone surveillance, Sergeant One and his team of detectives located a vehicle containing a male adult (Decedent) whom they believed to be the suspect named in the warrant.</p> <p>The team followed the vehicle (in accordance with their tactical plan) as it drove to a nearby store, Plaintiff One exited and went inside, leaving the Decedent and child in the vehicle. Sergeant One parked his vehicle next to the Jeep to positively identify the male in the front passenger seat.</p> <p>The Decedent restlessly moved around in the vehicle, fidgeting with the sunglasses he was wearing, and attempting to look at Sergeant One. The female returned to the Jeep, backed out of the stall, stopping behind Sergeant One's vehicle. Sergeant One exited his vehicle and entered the store, pretending to be a patron. The occupants of the Jeep seemed satisfied they were not being followed, and left the Family Dollar Discount Store parking lot, taking a discursive route back to the apartment.</p> <p>Sergeant One and Detectives One through Three determined conducting a felony traffic stop of the Jeep was the safest plan of action. Based on the Decedent's evasive behavior and the information available, Sergeant One and his team were certain the Decedent was the suspect listed on the warrant. Sergeant One deduced it was imperative to assist his team during the felony traffic stop and did not have adequate time to don his vest prior to the stop. He retrieved his firearm and additional magazines and tucked his shirt behind his badge to make himself "easily identifiable" as a deputy sheriff.</p> <p>While maintaining a clear view of the Decedent from the side of Detective One's vehicle, Sergeant One saw the passenger door open. He heard a deputy yell, "Sheriff's Department, let me see your hands!"</p>
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	<p>The Decedent exited the vehicle and fired two to three rounds at Sergeant One. Sergeant One returned fire, engaging the Decedent.</p> <p>Believing he had been shot, Sergeant One moved to a different position, as the Decedent mirrored him from the Jeep.</p> <p>Sergeant One continued to fire, as the Decedent was still on his feet and, reacting to the gunfire. The Decedent ultimately sat down in the vehicle and fell back. Sergeant One yelled for Plaintiff One to get Plaintiff Two and get out of the car, to which she eventually complied.</p> <p>Sergeant One and Detective One assessed each other for injuries, and realizing they were uninjured, waited for additional uniformed personnel.</p> <p>When deputies arrived, they removed the Decedent from the vehicle and began to render emergency aid.</p> <p>The following is based on Detective One's interview with Homicide Bureau:</p> <p>Detective One attended a briefing, familiarizing himself with the team's tactical plan to locate the Decedent. The team planned to confirm the Decedent's identity and notify the Special Enforcement Bureau (if the Decedent was in a structure), or utilize their tactics if the Decedent was in a vehicle.</p> <p>During the briefing, the Decedent's phone "pinged" to an apartment in Rosamond. The "ping" then moved to the Lancaster/Palmdale area. Detective One surveilled the location, while two detectives responded to Lancaster.</p> <p>While maintaining a visual of the target location, Detective One saw a male adult concealing his identity (the Decedent) leave an apartment with Plaintiffs One and Two, and enter a blue Jeep.</p> <p>Detective One and his team initiated mobile surveillance and followed the Jeep as it exited the west side of the parking lot, ultimately parking at a nearby store.</p> <p>Detective One heard radio traffic advising the team Plaintiff One entered the store and left the Decedent and Plaintiff Two in the car. Sergeant One drove his unmarked vehicle into the stall parallel to the Decedent's vehicle, but was still unable to positively verify the Decedent's identity due to the heavy tint on the windows. To ease the Decedent's suspicion, Sergeant One entered the Dollar Store mimicking a patron.</p> <p>Plaintiff One returned, and the Jeep made several evasive turns before returning to the apartment and parking. Detective One positioned his vehicle at a 45-degree angle behind the passenger door of Detective Three's vehicle.</p> <p>Detective One activated the forward-facing emergency lights on his vehicle, retrieved his duty rifle, and stepped out of the vehicle while identifying himself as a member of the Sheriff's Department. He announced for the occupants in the vehicle to show their hands.</p>
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	<p>After approximately five seconds, the Decedent turned, shifted in the passenger seat, and turned his body toward Detective One. The front passenger door opened, and Detective One saw what he believed to be smoke from a firearm. Fearing for his life and the lives of his partners, Detective One fired seven to ten rounds at the Decedent from his position next to the driver's side door of his vehicle.</p> <p>Detective One moved to a more tactically advantageous position at the rear of his vehicle, and the shooting from the Jeep stopped. Detective One was unsure if the Decedent was attempting to obtain an additional firearm. Once the Decedent appeared incapacitated, the Detectives ordered Plaintiff One to exit the vehicle with Plaintiff Two. After approximately ten minutes, Lancaster Sheriff's Station units arrived with a ballistic shield, allowing them to safely approach the Decedent and render aid pending the arrival of paramedics. Department personnel then contained the scene.</p> <p>The following is based on Detective Two's interview with Homicide Bureau:</p> <p>Detective Two and his team conducted surveillance of an apartment in Lancaster in conjunction with a warrant for the Decedent. When the Decedent exited the apartment with Plaintiffs One and Two, Detective Two and his team followed them as they drove to a nearby store in hopes of positively identifying the Decedent as the individual named in the warrant.</p> <p>Detective Two and his team continued to surveil the Decedent as they drove back to the apartment complex. Detective Two and his team decided the safest option was to conduct a traffic stop of the vehicle to prevent a hostage situation should the Decedent reenter the apartment.</p> <p>Detective Two communicated the tactical plan vehicle radio, and entered the apartment parking lot flanking himself behind the Decedent's vehicle. The additional members of his team parked their vehicle. Detective Two exited his vehicle and gave commands for the Decedent to exit his vehicle. The Decedent moved around in the vehicle, and Detective Two heard gunfire a short time later. Fearing for his life, Detective Two returned fire, and stopped when he could no longer see the Decedent in the vehicle.</p> <p>Plaintiff's One and Two were instructed to exit the vehicle and Detective Two called for law enforcement and paramedics. Detective Two positioned himself on the passenger side of Detective One's vehicle, and saw the Decedent in the vehicle with a firearm on the ground near his feet.</p> <p>The detectives confirmed the medical status Plaintiffs One and Two. Additional deputies arrived and safely approached the Decedent before rendering emergency aid.</p> <p>The following is based on Detective Three's interview with Homicide Bureau:</p> <p>Detective Three and his team followed the Victim's cell phone signal to an apartment in Lancaster and established physical surveillance of the location.</p>
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	<p>Detective Three, along with other members of his team, followed the Decedent and Plaintiffs One and Two as they entered a blue Jeep and traveled to a nearby Family Dollar Discount Store. Detective Three requested Sergeant One take a position on the passenger side of the Decedent's vehicle to get a better look at him, while the remaining detectives assumed strategic positions around the parking lot of the Dollar Store.</p> <p>Plaintiff One exited the vehicle and entered the store as Sergeant One positioned his vehicle and attempted to get a better visual of the Decedent. Plaintiff One exited the store and reentered the vehicle, backing out of the parking stall and stopping directly behind Sergeant One's vehicle. Sergeant One exited his vehicle and entered the store to appear as a patron.</p> <p>The vehicle drove away from the store and took what Detective Three believed were "counter-surveillance" measures. Detective Three told the team the safest option was to conduct a traffic stop of the Jeep.</p> <p>Detective Three entered the parking lot as the fourth vehicle in line, and positioned himself facing the passenger side rear quarter panel of the Jeep. He activated the red and blue lights on his vehicle, exited, and repeatedly commanded the occupants of the vehicle to show their hands.</p> <p>Detective Three used the engine block of his vehicle as cover, noting that verbal commands stopped for approximately five seconds. He then saw the Decedent open the front passenger door of the Jeep and extend his hand while holding a firearm. He simultaneously heard two gunshots and saw the gun recoil in the Decedent's hand.</p> <p>Detective Three saw the passenger door of the Jeep completely open, and the Decedent's feet planted themselves on the ground just outside the door while maintaining a hold of the firearm. In fear for his life and the lives of those around him, Detective Three fired five rounds from his Department-issued Colt model AR-15.</p> <p>The gunfire stopped after approximately seven seconds, and Detective Three reassessed the situation. He saw a firearm with an extended magazine lying on the ground near the Decedent's feet.</p> <p>Detective Three saw Plaintiff One exit the vehicle and followed deputies' commands to retrieve Plaintiff Two.</p> <p>On June 17, 2022, the Kern County District Attorney's Office determined, given the facts and circumstances known to and/or believed by the Sergeant and Detectives at the time of the shooting, that their actions were reasonable and lawful.</p> <p>Moreover, available evidence supported the Deputies' belief that the Decedent, if not apprehended, presented an imminent threat of serious bodily injury or death to the public.</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 against the Decedent.

A **Department** root cause in this incident was Detective Three transmitting the incorrect location over the radio, causing a delay in emergency medical response.

A **Department** root cause in this incident was Sergeant One not wearing a ballistic vest with visible Department insignia.

A **Department** root cause in this incident was lack of an appropriately- sized ballistic shield at the scene.

A **Department** root cause in this incident was the involved Deputy Sheriffs did not utilize marked patrol vehicles.

A **non-Department** root cause in this incident was the Decedent's felonious assault, kidnapping, and use of a firearm against a member of the public and Department personnel.

A **non-Department** root cause in this incident was the Decedent's failure to comply with lawful orders given by 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 incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred. The results of their investigation were submitted to the Kern County District Attorney's Office.

On June 17, 2022, the Kern County District Attorney's Office concluded the deputy sheriffs acted reasonably and lawfully, in self-defense and in the defense of others to defend against an imminent threat of death or serious bodily injury posed by the Decedent. There is no state criminal liability for their use of deadly force under the circumstances of this case, and the shooting was legally justified.

Administrative Investigation

Upon completion of the District Attorney's Office's findings, the Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after the incident.

Tactical Incident Debriefing

The captains of both Lancaster Station and Major Crimes Bureau conducted a tactical incident debriefing regarding the dynamic circumstances of this incident with all involved personnel. All tactical aspects of this incident were addressed, including but not limited to the exigency of circumstances that dictated law enforcement action. A comprehensive review of the tactics and techniques implemented by deputy personnel was discussed.

The Deputy Sheriffs involved in this incident received additional training pertaining to the circumstances surrounding the incident.

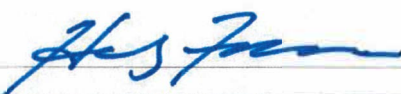
3. Are the corrective actions addressing Department-wide system issues?
- Yes – The corrective actions address Department-wide system issues.
 - No – The corrective actions are only applicable to the affected parties.


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) Julia M. Valdés, A/Captain Risk Management Bureau	
Signature: 	Date: 08/08/24

Name (Department Head) Holly A. Francisco Assistant Sheriff, Countywide Operations	
Signature: 	Date: 9/4/24

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: Betty Karmirlian (Risk Management Inspector General) Acting Risk Management Inspector General	
Signature: 	Date: 9/5/2024