



County of Los Angeles

November 14, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District


Holly J. 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

FROM: TIMOTHY J. KRAL 
Acting Assistant County Counsel
Justice and Safety Division

RE: **Item for the Board of Supervisors' Agenda
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Assiff, Joshua v. County of Los Angeles, et al.
United States District Court Case No. 2:22-CV-05367.**



Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan for the case.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

TJK:sr

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Settlement for Matter Entitled Assiff, Joshua v. County of Los Angeles, et al. United States District Court Case No. 2:22-CV-05367.

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorized Settlement of the matter entitled **Assiff, Joshua v. County of Los Angeles, et al.**
United States District Court Case No. 2:22-CV-05367 in the amount of \$400,000 and instruct
the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's
Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of civil rights violations and excessive force involving Sheriff's
Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Assiff, Joshua v. County of Los Angeles, et al.
CASE NUMBER	2:22-CV-05367
COURT	United States District Court
DATE FILED	August 3, 2022
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Thomas M. Ferlauto
COUNTY COUNSEL ATTORNEY	Minas Samuelian Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$400,000 inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Joshua Assiff ("Plaintiff"), alleging excessive force arising out of Plaintiff's detention and arrest.</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 \$400,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 5,332
PAID COSTS, TO DATE	\$ 89,610



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:	September 24, 2021, at approximately 7:50 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 23-127</p> <p>Details provided in this document summarize the incident. The information provided is a culmination of various sources that provide an abstract of the incident.</p> <p>Multiple investigative reports indicate on September 24, 2021, at approximately 7:50 a.m., Sergeant One was monitoring traffic when he saw a black sport utility vehicle commit two California Vehicle Code violations. Sergeant One, who was driving his patrol motorcycle, activated the emergency lights to conduct a traffic stop. He saw the Plaintiff raising his right hand in the air while he was following. The vehicle then jerked to the right and drove into a nearby parking lot.</p> <p>As Sergeant One dismounted his motorcycle, he observed the Plaintiff turn off his engine and begin yelling out of the driver door window, asking what he did wrong. Sergeant One approached the Plaintiff's side of the vehicle and asked the Plaintiff what color the signal was when he made his right turn. The Plaintiff became argumentative. Sergeant One "could smell a strong odor of burnt marijuana emitting from his vehicle." Sergeant One believed the Plaintiff may have been under the influence of marijuana.</p> <p>Sergeant One asked the Plaintiff to provide his driver's license. The Plaintiff continued to argue about the reason for the stop, which Sergeant One noted is "common for people who are under the influence of drugs and or alcohol." The Plaintiff then attempted to retrieve his cell phone.</p> <p>Sergeant One immediately opened the Plaintiff's driver side door to prevent him from driving away and putting the public at risk. While ordering the Plaintiff to exit his vehicle, he took hold of the Plaintiff's left wrist and a fight ensued. With his driver's license in hand, the Plaintiff kicked Sergeant One in the left leg with his left foot.</p> <p>Sergeant One took a step back to request backup via his Department-issued portable radio, and saw Deputy One in the same parking lot, approximately 50-60 yards away. Sergeant One yelled towards Deputy One to get his attention, but he did not hear him.</p>

	<p>When Sergeant One looked back into the car, the Plaintiff was holding a cell phone in his left hand and Sergeant One could not clearly see his right hand. Sergeant One ordered him out of the vehicle and warned he would be pepper sprayed if he did not comply.</p> <p>Sergeant One saw the Plaintiff look down and saw his right hand and arm reach towards the center console.</p> <p>Based on his experience, Sergeant One believed the Plaintiff may have been trying to conceal or retrieve weapons or drugs. Sergeant One sprayed a one to two-second burst of his Department-issued Oleoresin Capsicum (O.C.) spray at the Plaintiff's face, as the Plaintiff continued to reach for the center console. Sergeant One transmitted over his portable radio that he was involved in a fight. Due to the Plaintiff now having been pepper sprayed in the face, Sergeant One attempted to remove the Plaintiff from the vehicle and prevent him from driving away or retrieving a weapon.</p> <p>Deputy One ran to Sergeant One and took hold of the Plaintiff's upper body. Sergeant One saw the Plaintiff punch Deputy One in the chest, and punched the Plaintiff in the face with his left fist. The Plaintiff continued resisting by pulling away and kicking towards Sergeant One and Deputy One. The Plaintiff used his legs to push against the Plaintiff's kick panel, wedging his body in the interior of the vehicle. Sergeant One attempted to pull the Plaintiff's legs out of the vehicle, but the Plaintiff kicked out of his grasp. During the struggle, the Plaintiff was given verbal commands to get out of the vehicle.</p> <p>Deputy Two arrived to assist, and pointed his TASER at the Plaintiff's back. Sergeant One directed Deputy Two to use his TASER on the Plaintiff in order to get him out of the vehicle and handcuff him. As Deputy Two tased the Plaintiff, Sergeant One and Deputy One utilized a team takedown to remove the Plaintiff from the vehicle and onto the ground. As they attempted to roll the Plaintiff onto his stomach to be handcuffed, the Plaintiff began kicking and pulling his arms away.</p> <p>Sergeant One heard the other deputies giving the Plaintiff commands to get onto his stomach and stop resisting. Sergeant One punched the Plaintiff twice in the stomach to get him to comply and prevent further assaultive behavior. The Plaintiff continued resisting the deputies' efforts to control and handcuff him. Sergeant One ordered Deputy Two to again use his TASER on the Plaintiff to gain control of him. Deputy Two placed his TASER on the Plaintiff's lower back and activated an approximate five-second shock, which had little effect on the Plaintiff who continued to resist.</p> <p>Sergeant One ordered the Plaintiff to roll onto his stomach and place his hands behind his back, and warned that if he did not comply, the deputy would use the TASER again. At this point, the Plaintiff rolled onto his stomach and stopped resisting. With the assistance of Deputy Three, Sergeant One was able to handcuff the Plaintiff without further incident.</p> <p>Once the Plaintiff was placed in the patrol car, Sergeant One looked in the compartment area of the Plaintiff's vehicle and saw a white glass pipe (commonly used to smoke marijuana) laying on a shelf in the center console in plain view.</p>
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	<p>Sergeant One picked the pipe up, saw burnt ash in the bulbous end, and noted it smelled like marijuana.</p> <p>The Los Angeles County Fire Department was dispatched to treat the Plaintiff's injuries. The Plaintiff was medically evaluated at a local hospital before being transported for booking.</p> <p>The Plaintiff was arrested for Resisting a Peace Officer 69 P.C. and Battery on a Peace Officer 243(b) P.C.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

<p>A Department root cause in this incident was Sergeant One attempted to detain the Plaintiff regarding an unlicensed driver investigation.</p> <p>A Department root cause in this incident was Sergeant One engaged the Plaintiff before additional personnel arrived based on the Plaintiff's resistive behavior.</p> <p>A Department root cause in this incident was Sergeant One failed to summon a supervisor at the request of a member of the public.</p> <p>A Department root cause of this incident was Deputy Two deployed his TASER and saw it was missing a cartridge, which forced him to adapt and use drive stun mode.</p> <p>A non-Department root cause in this incident was the Plaintiff refused to comply with lawful orders from Sergeant One.</p>

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


<p>Administrative Investigation</p> <p>Santa Clarita Valley Station investigated this incident to determine if the Deputies' actions were consistent with Department policies, procedures, and tactics before, during, and after the incident. Tactical concerns were identified and addressed.</p> <p>Since the incident, all involved personnel have attended training pertinent to the circumstances of the incident.</p> <p>Tactical Incident Debriefing</p> <p>In the days following the incident, Santa Clarita Valley Sheriff's personnel were briefed on the events known at the time based on the information provided by responding Deputy Sheriffs. Special emphasis was placed on officer safety, less lethal weapons, communication, tactical preparedness, and lessons learned to assist employees should they ever find themselves in a similar situation. Briefings occurred on all shifts and were given by field sergeants and watch commanders of Santa Clarita Valley Station.</p>
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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) Julia M. Valdés, A/Captain Risk Management Bureau	
Signature: 	Date: 09/10/2024

Name: (Department Head) Myron Johnson, Assistant Sheriff Patrol Operations	
Signature: 	Date: 9/19/24

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 (A/Risk Management Inspector General)	
Signature: 	Date: 09/20/2024