



County of Los Angeles

April 1, 2025

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
Jesus Avitia, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 21STCV44681**



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:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jesus Avitia, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 21STCV44681, in the amount of \$350,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This state civil rights lawsuit arises from Sheriff's Department deputies' alleged use of deadly force against Plaintiffs' son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Avitia, Jesus, et al. v. County of Los Angeles, et al.	
CASE NUMBER	21STCV44681	
COURT	Los Angeles County Superior Court	
DATE FILED	December 8, 2021	
COUNTY DEPARTMENT	Sheriff's Department	
PROPOSED SETTLEMENT AMOUNT	\$	350,000
ATTORNEY FOR PLAINTIFF	Dale Galipo & Bradley Gage	
COUNTY COUNSEL ATTORNEY	Minas Samuelian Senior Deputy County Counsel	
NATURE OF CASE	<p>This is a recommendation to settle for \$350,000 inclusive of attorneys' fees and costs, a lawsuit filed by Gabriela Avitia and Jesus Avitia ("Plaintiffs"), the mother and father of decedent Robert Avitia, alleging civil rights violations and wrongful death arising out of the death of their son.</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 \$350,000 is recommended.</p>	
PAID ATTORNEY FEES, TO DATE	\$	95,264
PAID COSTS, TO DATE	\$	7,990



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:	May 26, 2020, approximately 5:15 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-146</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>Based on multiple investigative reports, on May 26, 2020, at approximately 10:00 a.m., the Los Angeles County Sheriff's (Department) - Operation Safe Streets Bureau (OSS) Gang Surveillance Unit (GSU) deputies conducted a surveillance/apprehension operation in the unincorporated area of Vermont in Los Angeles County.</p> <p>Deputies One, Two, Three and Four were dressed in civilian clothing, with the Department tactical vests which clearly identified them as police officers. The operation was for a male adult (Decedent) who was wanted for a murder which occurred on May 1, 2020. A Ramey Warrant was issued for the Decedent.</p> <p>The GSU Deputies received information where the Decedent resided. During the surveillance operation, Deputy One observed the Decedent looking out of the front door. Deputy One advised his partners via his Department-issued handheld radio of the Decedent actions. Deputy One requested additional GSU team members to surround the residence. A marked Department patrol vehicle was positioned in front of the residence. Via loudspeaker, the Decedent was given verbal orders to exit the residence.</p> <p>During the call outs, the Decedent exited the rear door of the residence and ran. The GSU Team initiated a foot pursuit of the Decedent. They observed the Decedent standing on the sidewalk holding a firearm in his right hand.</p> <p>The deputies ordered the Decedent several times to drop the firearm and surrender but he did not comply with their verbal commands and continued to run from the deputies.</p> <p>The Decedent stopped on the corner. Deputies One, Two, and Three took cover behind a vehicle parked and again gave verbal commands to drop the firearm. The Deputy Sheriffs observed the Decedent holding the firearm in his right hand with his finger on the trigger of the firearm.</p> <p>The Decedent reached into his pants pocket, retrieved his cellphone and called his mother.</p>

	<p>When the Decedent completed the call, he remained standing with the firearm in his hand, he then raised his arm and pointed his firearm in the direction of the Deputy Sheriffs, and a deputy-involved shooting (D.I.S.) occurred.</p> <p>The Decedent was struck several times, and he fell to his knees. While on his knees, the Decedent raised the gun towards Deputies One, Two and Three. Deputies One and Four fired at the Decedent. The Decedent fell from his knees to the ground.</p> <p>After the D.I.S., deputies approached the Decedent, handcuffed him, and requested paramedics. The Los Angeles County Fire Department paramedics responded and provided medical aid to the Decedent. He was pronounced deceased by the LACo Fire Department paramedic.</p> <p>A firearm was recovered at the scene.</p> <p>The Department's Homicide Bureau responded to the scene and began their investigation. During the investigation, video surveillance recovered depicted the Decedent running away and pointing a firearm at the deputy sheriffs. Another video uploaded on to social media depicts deputies ordering the Decedent to "drop the firearm," at least twice, prior to the D.I.S. In addition, multiple civilian witnesses heard these commands, with some estimating the Decedent was ordered to drop the weapon as many as twenty times.</p> <p>On June 24, 2021, the Los Angeles County District Attorney's Office, Justice System Integrity Division (JSID), completed their review of the D.I.S. and concluded all involved deputy sheriffs acted lawfully in self defense and in defense of another. JSID concluded the involved deputies used deadly force when the Decedent was pointing or raising the weapon in a manner which posed an imminent deadly threat.</p> <p>On March 3, 2022, the Department's Executive Force Review Committee (EFRC) convened to review the tactics and force used in this incident. The EFRC Committee determined the tactics and force used by all four deputies in this incident were within Department policy.</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 Deputies involved in this incident used deadly force.</p> <p>A Department root cause was the Deputies were not yet equipped with Body-Worn Cameras (BWC). The recorded video would have captured the Deputies' contact with the plaintiff in order to prove or disprove the Plaintiffs' allegations.</p> <p>A non-Department root cause in this incident was the Decedent refused to surrender to the Deputy Sheriffs, but instead he decided to flee from the location.</p> <p>A non-Department root cause in this incident was the Decedent's failure to comply with the Deputy Sheriffs' lawful orders to drop the firearm.</p> <p>A non-Department root cause in this incident was the Decedent pointing a firearm at the Deputy Sheriffs.</p>

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 LASD's Homicide Bureau, and the results of the investigation were presented to the Los Angeles County District Attorney's Office, JSID, for their evaluation and filing consideration. JSID completed its review of the DIS and concluded all four deputies involved in this incident acted lawfully in self-defense and in defense of another. JSID closed their file on this incident and will take no further action in this matter.

Administrative Investigation

This use-of-force was investigated by the Internal Affairs Bureau (IAB) to determine if any Department policy violations occurred during the use-of-force used against the Decedent. The IAB investigation into this matter concluded. This case was subsequently reviewed by the EFRC, who determined the force and tactics used in this incident were within Department policy.

Although the EFRC Panel found the force and tactics within Department policy, the involved deputy sheriff's attended training pertaining to the circumstance surrounding this incident.

Tactical Debriefing

In the days following the incident, personnel were briefed on the events known at the time and based on the information provided by Homicide Bureau investigators. Special focus was placed on tactical preparedness, shooting backdrop and lessons learned to assist employees if they ever find themselves in a similar situation. The debriefing included all members of the GSU.

At the conclusion of the administrative process an additional debriefing was conducted to discuss the findings of the EFRC.

Body Worn Camera

On September 28, 2021, all OSS personnel were issued BWC worn cameras as a form of transparency.

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.

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

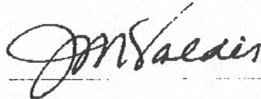
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Julia Valdes, A/Captain
Risk Management Bureau

Signature:



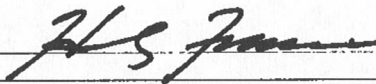
Date:

12/11/24

Name: (Department Head)

Holly Francisco, Assistant Sheriff
Countywide Operations

Signature:



Date:

12/17/27

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.

Name: Betty Karmirlian (Risk Management Inspector General)

Signature:



Date:

12/18/2024