

September 28, 2021

AMENDMENT TO SUPERVISORS HOLLY J. MITCHELL’S AND HILDA L. SOLIS’
MOTION NO. 20 BY SUPERVISOR SHEILA KUEHL

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Chief Medical Examiner-Coroner, pursuant to Government Code Section 27491, to conduct inquests into the circumstance, manner, and causes of the deaths of Mr. Dana Mitchell “Malik” Young, Jr., Mr. Samuel Herrera, Jr., and Mr. Dijon Kizzee, or provide an explanation to the Board of Supervisors (Board) why such an action is not warranted. The inquests should employ the Chief Medical Examiner-Coroner’s subpoena power to preserve a reliable record of the investigative steps taken by the Los Angeles County Sheriff’s Department (LASD) as to the circumstance, manner, and cause of death, even if LASD requires those documents to be kept secret pursuant to Government Code Section 27498(b), which may be invoked “when such inquest pertains to a death caused by a police officer.”
2. Direct the Chief Medical Examiner-Coroner to provide any findings, documents, and investigative records from each inquest to the immediate family of the deceased within 30 days of the completion of the respective inquest proceedings, unless otherwise precluded by applicable law.

MOTION

Mitchell	_____
Kuehl	_____
Hahn	_____
Barger	_____
Solis	_____

3. Direct the Chief Medical Examiner-Coroner, in consultation with the Inspector General, the Executive Director of the Sheriff's Civilian Oversight Commission, Chief Executive Officer, County Counsel, and other relevant community and County stakeholders, to report back in writing within 90 days with a recommended policy for conducting inquests into deaths resulting from fatal uses of force by LASD personnel. The policy should be based on consideration for, and the report back should include a discussion of:
 - a. How to ensure and enhance transparency in the investigation of these cases, with the goal of building public confidence and trust. This should include a discussion on whether and how the inquest hearing officer's findings, as well as any related analysis and evidence, can be publicly disclosed for the purpose of enhancing transparency; and a timeline for the completion of an inquest, with a consideration for using the incident in question as the beginning of such a timeline;
 - b. What criteria, if any, should be used to determine when an inquest should be conducted, including considerations to comply with Penal Code Section 832.7 and for the need to enhance transparency and preserve evidence in cases in which the Office of the Inspector General is not allowed to fully monitor LASD investigations into fatal use of force cases, pursuant to Government Code Section 25303, Government Code Section 25303.7, and Los Angeles County Code Section 6.44.190;
 - c. How such recommendations should be enforced, including what ordinance, Board policy, Department policy, or other form of systemic change is necessary to achieve the stated goals effectively. This should include a discussion on why a certain form of policy (such as ordinance, Board policy, or others) is being recommended; and

- d. Instruct the Inspector General to include within this report his feedback on the recommended policy.
4. Direct the Chief Executive Officer, in consultation with the Chief Medical Examiner-Coroner, County Counsel, the Inspector General, and other relevant County stakeholders to include (a) information about the average cost of inquests, (b) a budget estimate for how much the inquests requested by this motion will cost, (c) available funding sources to cover these inquests, so that the Medical Examiner-Coroner is not solely responsible for absorbing the necessary costs, and (d) a plan to include funding in the Medical Examiner-Coroner's budget in future years for inquests in the report back requested in Directive 3.

S:SKi/Amendment to item 20_9.28.21