

MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND HILDA L. SOLIS

September 28, 2021

Ensuring a Transparent and Independent Investigation into Deputy-Involved Fatal Uses of Force

As we continue to witness the tragic deaths of Black and Brown people at the hands of law enforcement officers across the nation, we continue to look for ways to eliminate these occurrences in Los Angeles County (County). The murder of George Floyd on May 25, 2020 and far too many others since then illuminate the lasting suffering and grief families and communities experience as a result of losing a loved one. Yet, despite their grief and fatigue, families and communities continue to demand transparency and accountability from law enforcement officers. The evasion of oversight and transparency is fundamentally wrong and cannot be a trend in the County.

On Thursday, October 15, 2020, Dana Mitchell “Malik” Young, Jr., a 47-year-old Black male, was shot and killed by a Los Angeles County Sheriff’s Department (LASD) Deputy near West 108th Street and South Vermont Avenue in the unincorporated area of Westmont. Mr. Young was struck by multiple gunshots. Two months prior, on Monday, August 31, 2020, Dijon Kizzee, a 29-year-old Black male, was shot and killed by LASD Deputies near 110th Street and Budlong Avenue in the unincorporated area of Westmont. Mr. Kizzee had bullet wounds to his back, chest, hands, arm, chin, shoulder, hip and the back of his head. Likewise, on Thursday, September 10, 2020, Samuel Herrera Jr., a 41-

- MORE -

MOTION

MITCHELL	_____
KUEHL	_____
HAHN	_____
BARGER	_____
SOLIS	_____

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND HILDA L. SOLIS
September 28, 2021
PAGE 2**

year-old, Latino male, was shot and killed by LASD Deputies as they attempted to serve a search warrant on a house in the City of Compton. These three families continue to seek justice and petition for the release of all documents and information related to the killings of their loved one at the hands of LASD Deputies.

In 2018, California Governor Gavin Newsom signed [Senate Bill 1421](#), the Right to Know Act. As a result of the bill, [Penal Code Section 832.7](#) was amended to require transparency in police shootings. Under the law, reports must be made public unless a public agency can justify that an interest in secrecy is stronger than the public's right to know. Moreover, California law permits the Medical Examiner-Coroner to order a formal inquest any time there is a death of an individual in the County. An inquest provides independent, evidence-based death investigations, and addresses the public's interest in the death. While inquests are not common proceedings, they are not new to the County. On November 30, 2020 an [inquest](#) was conducted by the Medical Examiner-Coroner, to determine the circumstance, manner, and cause of the death of Andres Guardado Pineda, an 18-year-old Latino male who was shot and killed by an LASD Deputy on June 18, 2020¹. Likewise, on January 28, 2021, an [inquest](#) was conducted in the death of Fred Williams, III, a 25-year-old Black male who was also shot and killed by an LASD Deputy on October 16, 2020².

Lack of oversight and transparency of LASD investigations threatens to further erode the public's trust that justice will be served. Although State and County law provide for civilian monitoring, LASD continues to resist the efforts of public officials to conduct proper oversight. According to a [report](#) published by the Office of Inspector General (OIG), the Los Angeles County Civilian Oversight Commission reported that 1,942 requests for the Right to Know Act (Senate Bill 1421) and the California Public Records Act were outstanding for 180 days without response in 2019. Additionally, in Summer 2020, LASD shut down the OIG's computer terminals that provided access to LASD's discipline records. Since then, LASD has repeatedly refused to allow the OIG to fulfill a

¹ ["Ensuring a Transparent and Independent Investigation into the Shooting Death of Andres Guardado", 2020](#)

² ["Ensuring A Transparent and Reliable Investigation into The Shooting Death of Fred Williams", 2020](#)

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND HILDA L. SOLIS
September 28, 2021
PAGE 3**

critical part of its mission, to actively monitor the largest law enforcement agency in the nation.

Secrecy and lack of accountability harm not only vulnerable communities but the entire justice system. Given the public's legitimate interest in officer-involved deaths, formal public inquests into the circumstances, manner, and causes of death of Dana Mitchell "Malik" Young, Jr., Dijon Kizzee, and Samuel Herrera, Jr. are needed to instill public trust in our law enforcement institutions.

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.
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

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND HILDA L. SOLIS
September 28, 2021
PAGE 4**

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.

#

(JM/CAS/NR)