



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR
LOS ANGELES, CALIFORNIA 90013
(213) 974-6100
<http://og.lacounty.gov>

MEMBERS OF THE BOARD

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October 14, 2020

TO: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

FROM: Max Huntsman *M. Huntsman*
Inspector General

SUBJECT: REPORT BACK ON ENSURING THE LONG-TERM VIABILITY OF
THE FAMILY ASSISTANCE PROGRAM

Purpose of Memorandum:

By motion on September 29, 2020, the Board of Supervisors (Board) directed the Inspector General, in consultation with County Counsel, the Director of the Department of Mental Health (DMH) and the Department of Medical Examiner-Coroner (DMEC), to provide a written report back in 15 days assessing the response to the deaths of Dijon Kizzee and Andres Guardado by all relevant Los Angeles County departments. The motion also requested information regarding the utilization of the Family Assistance Program (FAP) in these instances, including response times and any resources provided to the families of Mr. Kizzee and Mr. Guardado. In addition to consulting with County Counsel, DMH and DMEC, the Office of Inspector General consulted with the Department of Public Health (DPH) and the Los Angeles County Sheriff's Department Homicide Bureau, each of which interacted with at least one of the families of Dijon Kizzee and Andres Guardado.

Crime Scene Investigation, Evidence Collection, and Preserving the Dignity of the Deceased

Both the Los Angeles County Sheriff's Department (Sheriff's Department) and the Department of Medical Examiner-Coroner (DMEC) have established protocols for preserving homicide crime scenes and transporting decedents.

Los Angeles Sheriff's Department¹

When investigating deputy-involved shootings, the Homicide Bureau must document all evidence that will aid in determining not only the legality of the acts of the involved employees, but also the acts of the deceased and the others who were present immediately prior to the shooting. In some cases, there may be evidence of criminal conduct by others that must be investigated as well.

Homicide investigations require methodical and thorough collection of evidence. Photographs are taken, evidence is identified and recovered, and measurements are taken. The scene should not be disturbed before the District Attorney Justice System Integrity Division, Sheriff's Department Internal Affairs Bureau, and Office of Inspector General personnel arrive on scene. While evidence is identified and collected the Sheriff's Department Homicide Bureau is charged with maintaining the dignity of the deceased by working with DMEC personnel to have the deceased person transported from the scene as soon as practicable and by placing visual barriers to shield the deceased from public view until DMEC personnel remove the decedent.

This protocol is addressed in Field Operations Directive 09-003, which establishes procedures for crime scene barriers. Once the barrier is erected, the directive requires that it remain in place until the Homicide Bureau detectives have it removed or until the conclusion of the investigation and recovery of the deceased by the Medical Examiner-Coroner's Office.

California Government Code section 27491.2 prohibits anyone from disturbing or moving the deceased from the place of death without the permission of DMEC. Any alteration of the decedent influences the interpretation of the scene. For example, in forensic medicine the practice of covering the decedent with a sheet is not advised, since this may remove or introduce trace evidence.

¹ DMH, the Sheriff's Department and DMEC were cooperative and responded promptly and thoroughly to our request for information. DMEC and DMH each submitted reports to the Office of Inspector General. Portions of their reports have been incorporated verbatim. Each agency was provided with a copy of this report for input and validation, as was Los Angeles County Counsel.

According to information provided by Captain Kent Wegener of the Sheriff's Department Homicide Bureau, barriers were used at the scenes of the deputy-involved shootings of both Andres Guardado and Dijon Kizzee. Other makeshift barriers were also employed at each scene. Office of Inspector General personnel responded to both of these scenes and saw that efforts had been taken to shield the deceased from public view. The Sheriff's Department's barriers do not preclude media helicopters from broadcasting aerial views of the crime scene.

DMEC's Response to Law Enforcement Officer-Involved Deaths

DMEC is responsible for investigating fatal deputy-involved shootings that occur in Los Angeles County. In accordance with California Government Code section 27491, DMEC has the statutory responsibility to inquire into and determine the circumstances, manner, and cause of all deaths that fall under its jurisdiction. The possible causes of death include any suspected homicide, suicide, or accidental deaths and any natural death where there either is no physician to sign a death certificate, or the physician is unwilling or legally prohibited from doing so.

In deputy-involved shooting cases, the Sheriff's Department typically notifies DMEC immediately when the deceased is pronounced dead at the scene. DMEC does not respond to the scene at the time of this first notification because homicide investigators have not completed processing the crime scene. There is a general concern by DMEC personnel that the process of removing the deceased might disturb the scene or interfere with the evidence collection process. Accordingly, DMEC waits for a second notification from the Sheriff's Department that the collection of evidence is completed. Upon this second call, a DMEC investigator is assigned and responds to the scene. Because the collection of evidence is a lengthy process, the deceased may remain at the scene for hours prior to DMEC's arrival.

While the DMEC investigator conducts their physical examination in deputy-involved shooting cases, DMEC typically advises staff to position vehicles or requests Sheriff's Department personnel to hold up sheets to block the view of bystanders.

In the cases of Mr. Andres Guardado and Mr. Dijon Kizzee, DMEC response times are provided below.

Guardado Response Times	
Time of death	June 18, 2020 at 6:01 p.m.
Time of "first call" from LASD	June 18, 2020 at 6:57 p.m.
Time investigator is assigned ²	June 19, 2020 at 2:10 a.m.
Time investigator arrives on the scene	June 19, 2020 at 2:38 a.m.
Time investigator left the scene	June 19, 2020 at 4:05 a.m.

Kizzee Response Times	
Time of death	August 31, 2020 at 3:27 p.m.
Time of "first call" from LASD	August 31, 2020 at 4:46 p.m.
Time investigator is assigned	August 31, 2020 at 9:52 p.m.
Time investigator arrives on the scene	August 31, 2020 at 10:30 p.m.
Time investigator left the scene	September 1, 2020 at 12:15 a.m.

Communication with Families of the Deceased

DMEC Protocols for Communication with Families

While at the scene, the DMEC investigator will speak to the deceased's family, if present, to determine the decedent's legal next-of-kin and provide preliminary information. DMEC is legally responsible for notifying the decedent's next-of-kin. In the case of officer-involved shootings, the responding law enforcement agency may request to make the next-of-kin notification as part of its investigative process. In these instances, DMEC staff request that the DMEC investigator be immediately notified and provided next-of-kin contact information once the law enforcement agency makes the initial notification. The DMEC investigator will then follow-up with the decedent's family. In all other cases, the DMEC investigator will respond to the home address or location of the next-of-kin and attempt to make notification.

According to DMEC, when DMEC staff speak with the next-of-kin at the scene, at another location or over the phone, the investigator is to provide them with the following information:

² DMEC investigators are typically assigned within a few minutes after receiving the second call from the responding law enforcement agency. According to DMEC, the time of the second call is not recorded. Regarding both of these deputy-involved shootings, DMEC reports that a DMEC investigator was assigned within minutes of the second call.

- DMEC handling investigator contact information;
- Coroner case number;
- Handling law enforcement agency contact information;
- Description of basic circumstances of death;
- Overview of the DMEC process, including timelines for exam completion and the release of the decedent's body;
- Information on locating a mortuary and making funeral arrangements;
- Instructions on collecting the decedent's property;
- Information on the death certificate process and the availability of the autopsy report,³ including expected timeframe.

At times, the family member with whom DMEC staff initially speak to at the scene may not be the legal next-of-kin. Therefore, DMEC investigators will subsequently contact the legal next-of-kin and share the information listed above. If family is present at the scene, the DMEC investigator makes the determination of whether the family can view the decedent's body. This is generally based on the observed behavior and circumstances surrounding the investigative scene.

DMEC Coordination with the Family Assistance Program

DMEC and Department of Mental Health (DMH) collaborate throughout the Family Assistance Program (FAP) case process. DMEC investigators work with DMH staff when DMH staff is present at the scene. In all cases, DMEC supervisors are to provide follow-up case information to DMH staff, which includes the sharing of next-of-kin information, case status updates, as well as answer questions about the DMEC processes. DMH staff may interact with DMEC staff multiple times throughout the life of a case.

To better communicate with and address the needs of the families, DMEC reports that it is drafting a written resource brochure outlining DMEC's services and providing helpful information to grieving families. The brochure will also include information about the FAP program.

³ The DMEC Investigator will only address the autopsy report with the decedent's family. The family is advised that the autopsy report is a public document and does not contain photographs. The final autopsy report includes the toxicology report, DMEC investigator's report and the medical examiner's report.

Multi-Departmental Involvement in Next-of-Kin Notification and FAP

Communication with Family Members on the Day of the Shooting

While DMEC is legally responsible for notifying the next-of-kin, circumstances at the crime scene often dictate that the Sheriff's homicide investigators or DMH make the initial notification. In multiple instances family members arrive at the crime scene upset and seeking information. Compassion dictates that such information be communicated in a trauma-informed⁴ way and as soon as feasible. The circumstances regarding notification to the Guardado and Kizzee families are illustrative of ways families are notified that a family member has been killed in a deputy-involved shooting.

Andres Guardado

According to the Sheriff's Department, following the shooting of Andres Guardado, Homicide Bureau investigators interviewed Mr. Guardado's parents at the scene. DMH was notified of the shooting by the Sheriff's Department Homicide Bureau. Two family assistance advocates, both Licensed Clinical Social Workers, arrived and met with the lead homicide investigator at the command post in Gardena. The homicide investigator confirmed that Mr. Guardado had been shot and had died as a result of his injuries. He informed the family that an investigation was underway. He then introduced the family assistance advocates to Mr. Guardado's family members at the location.

DMH indicates that the family assistance advocates provided information to the family in Spanish and offered emotional support to the parents and other family members who were present. Mr. Guardado's parents asked to see their son. They were distraught that they were not permitted to enter the scene to see him. Sheriff's Department personnel informed the parents that DMEC needed to complete its investigation before they could be permitted into the crime scene. Andres Guardado's cousin was identified as a family spokesperson/advocate. DMH staff

⁴ "A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist re-traumatization." ([The Substance Abuse and Mental Health Services Administration's \(SAMHSA\) Concept of Trauma and Guidance for a Trauma-Informed Approach.](#)) [The Center for Disease Control and Prevention recognizes the concept of trauma-informed care for issues of public health](#); the concept applies in situations where the care is being provided to a person who has suffered trauma.

exchanged information with this cousin based upon his representation that he was helping Andres Guardado's father.

DMEC did not have contact with any member of Mr. Guardado's family at the scene.

The Sheriff's Department reports that no one from the Sheriff's Department Homicide Bureau has had contact with the Guardado family since the night of the shooting. The Sheriff's Department is aware of pending civil litigation by the family and that the family is represented by counsel.

Dijon Kizzee

According to the information provided by the Sheriff's Department, on the night of the deputy-involved shooting of Dijon Kizzee, homicide investigators spoke with two women at the scene who identified themselves as Dijon Kizzee's aunts. Although it could not be verified that the women were his relatives, one of the homicide investigators personally walked the aunts to the location of the incident and allowed them to view Mr. Kizzee's body once it was presentable and on the gurney. This was done with the permission of the DMEC investigator. The aunts provided the homicide investigators with Mr. Kizzee's next-of-kin information and informed homicide investigators that they had already notified Mr. Kizzee's father.

According to both the Sheriff's Department and DMH, following the deputy-involved shooting of Mr. Kizzee, the Sheriff's Department's Homicide Bureau contacted the DMH Family Assistance Program. DMH reports that a lieutenant with the Homicide Bureau informed the DMH family assistance advocate that community members had gathered at the scene. According to the Sheriff's Department, approximately 100 protesters were gathered at the scene. The family assistance advocate was informed that there was no family on scene and the investigation was underway. According to DMH, after this information was conveyed DMH made a decision not to go to the scene. The Sheriff's Department notified DMH about the next of kin on September 9, 2020.

DPH's contracted agency for Street Outreach and Community Violence Intervention Services in Westmont West Athens was also notified of the shooting by the South Los Angeles Station's Watch Commander following a protocol that DPH established with the Sheriff's Department where intervention workers are notified of violent incidents in the community. Upon learning of the deputy-involved shooting, an

intervention worker from [Soledad Enrichment Action](#)⁵ responded to the incident. The intervention worker⁶ is from the community and was able to meet with the family and offer them support and information. The intervention workers, who are contracted by the DPH Office of Violence Prevention in four unincorporated communities of South Los Angeles through the Trauma Prevention Initiative, often know many people in the neighborhood and are thus credible messengers. They walk a fine line so as to be able to offer help to the community mediate conflicts, and maintain peace, and in order to maintain their credibility and safety in community they must maintain distance from law enforcement. Intervention workers have valuable insights into how to engage community in a trauma-informed and culturally appropriate way, and how to build trust between law enforcement and the community. Captain Allen of the Sheriff's Department's South Los Angeles Station has met with DPH and intervention workers. They have had positive conversations regarding establishing communication protocols, improving public safety, problem solving, and increasing meaningful dialogue between law enforcement and the community.⁷

DMEC records show that the DMEC investigator spoke with two aunts of Mr. Kizzee at the scene.

The various contacts by these agencies at the location of the shootings of Mr. Guardado and Mr. Kizzee illustrate the need to assign a lead agency and to standardize the protocols for communications by the various departments involved in the Family Assistance Program.

⁵ [Soledad Enrichment Action](#) is a grassroots organization that seeks to bring together parents, youth, law enforcement, elected officials, and gang members to find ways develop plans to promote peace and reduce violence in their communities.

⁶ Intervention workers prefer their identity remain confidential. This allows them to interact with community members without being associated with law enforcement. Given the family and community grief at the scene of a deputy-involved shooting, their presence can be reassuring and help to restore calm. For this reason, a decision was made to preserve the confidentiality of the intervention worker in these cases.

⁷ DPH raised the issue mistrust of law enforcement in the community, including concerns over how deputy-involved shootings are handled, which has been raised at the Civilian Oversight Commission and other forums. DPH has also developed a forum, Community Action for Peace, to support community stakeholders to develop community safety solutions, and this may be a forum to raise community concerns such as harassment of families of shooting victims, to be shared with the Sheriff's Department.

Communications with Next-of-Kin Regarding the Family Assistance Program

While DMEC is legally responsible for notification to next-of-kin, currently DMH is responsible for informing families of the services available through the FAP. The contacts with the families of Mr. Guardado and Mr. Kizzee demonstrate the need for uniformity in communicating with the deceased's family about the program.

Andres Guardado

On June 19, 2020, the day following the shooting of Mr. Guardado, family assistance advocates attempted to contact his father, but were told that he was not able to speak with anyone due to the death of his son. The advocate provided a phone number to call back.

On June 20, 2020, a family assistance advocate called Mr. Guardado's cousin, with whom she had communicated at the scene, to inform him about services that DMH can provide, including mental health services, burial expenses, and case management services. His cousin indicated that he would call on Monday because it was a difficult time, and his uncle and aunt were still coping with the loss of their son.

On June 22, 2020, the cousin communicated with the advocates to inquire about services and assistance with burial expenses. On that same day, the advocates unsuccessfully tried to arrange a home visit.

On June 23, 2020, the family assistance advocate followed up with Mr. Guardado's cousin to discuss services and a home visit. Mr. Guardado's cousin said the family was focusing on the funeral arrangements. Advocates communicated with the cousin as to the availability of burial expenses, additional services through the FAP and the means of communicating with DMEC.

As a result of these communications, DMH was able to process an expedited payment directly to the mortuary on July 1, 2020. Andres Guardado's body was released by DMEC to the mortuary on June 24, 2020.

Andres Guardado's cousin also informed FAP that the family had retained a lawyer. Thereafter the cousin indicated that the family's attorney would handle all matters.

DMEC staff received a letter from an attorney representing the family dated June 20, 2020, indicating that all contact to the family should go through the family's retained attorney.

Dijon Kizzee

DMH did not communicate with the family of Dijon Kizzee regarding the FAP.

DMEC staff has interacted with both the family and lawyers representing the family. DMEC staff report that on the morning of September 1, 2020, a DMEC supervisor spoke with Mr. Kizzee's father by telephone to confirm notification and to explain the DMEC process moving forward. DMEC staff provided guidance to the family on obtaining notarized documents to allow an aunt to make funeral arrangements. On September 16, 2020, DMEC staff also spoke to an attorney representing one of Mr. Kizzee's aunts, who inquired about the process of releasing the deceased to a mortuary. According to DMEC, burial expenses were not requested. Mr. Kizzee was released to a mortuary on September 18, 2020.

Autopsies

Any family that wishes to have a private autopsy may do so once DMEC completes its examination. The private autopsy does not occur at the DMEC office, but at a location arranged by the private pathology service. Both families obtained private autopsies.

In both cases, the families publicly objected to delays in the release of the public autopsy reports pursuant to Penal Code section 832.7. In both cases the Los Angeles Sheriff's Department did not provide detailed factual justification for autopsy holds as required by Penal Code section 832.7. In the Guardado case, DMEC released the autopsy over the Sheriff's Department objection. In the Kizzee case, the Sheriff's Department requested a one-week delay; according to DMEC, the autopsy release was not delayed beyond the time it took to prepare. In both cases, DMEC provided a copy of the report to the family or a representative when the report was publicly released.

Coordination of Family Assistance Program Services

Communications with the Guardado and Kizzee families demonstrate the problematic nature of communications among the various departments involved in

the Family Assistance Program. In fact, DMEC noted that while it was able to verify that certain information was provided to DMH with regard to the shooting of Mr. Guardado, DMEC generally does not document interactions with FAP partner agencies.

Each of the involved departments is committed to the program but without a more cohesive approach there remains the possibility that families will not be made aware of the program or the services it provides. Having a lead agency to coordinate communications among the departments is paramount to ensuring the long-term viability of the program. DPH is willing to be the lead agency and has the resources to coordinate with the other involved departments through its Office of Violence Prevention.

Recommendations

- The Department of Public Health should be the lead agency for the Family Assistance Program and work collaboratively with the Department of Mental Health and other county and community partners to implement services.
- The Department of Mental Health should work with the Department of Public Health and provide DPH with the outcome data to date for the Family Assistance Program so that a comprehensive assessment of the program can be completed and data used to inform services moving forward.
- The Department of Public Health should work with community members and agencies countywide but particularly in communities with high numbers of legal intervention deaths to understand how FAP services can be offered in a way that is trauma-informed and more likely to be accepted. This includes how information and services coming from credible messengers without obvious ties to law enforcement or the government can be integrated to improve communication and foster trust and confidence.
- Funding should be provided to the Department of Public Health to ensure that the necessary resources exist to support FAP including internal staffing and infrastructure needs. The Department of Public Health will need to do a funding assessment to determine whether any additional budgetary allotment

is necessary to ensure the long-term success of the Family Assistance Program.⁸

- The Department of Public Health in collaboration with DMH and DMEC should draft a brochure for the Family Assistance Program that details the contact information for each of the involved departments and the available services. The brochure should include a layperson's description of relevant and applicable laws governing unnatural deaths. Contact information for ombudspersons and for the Office of Inspector General should also be included, should any person wish to file a complaint or offer suggestions for improvement.
- The Los Angeles Sheriff's Department should ensure that appropriate barriers are erected at the scene of all deputy-involved shootings as soon as the evidence in the immediate area of the deceased has been processed.
- DMEC should consider authorizing removal of the handcuffs prior to the arrival of the DMEC investigator. The Sheriff's Department and DMEC should coordinate their efforts in order to facilitate the prompt transportation of the deceased. When possible, the Sheriff's Department should prioritize evidence collection and scene processing in a manner that allows for the prompt transportation, such as first processing the area immediately around the deceased and allowing DMEC to start its investigation once that is done.

MH:db:dw

c: Alex Villanueva, Sheriff
Fesia Davenport, Acting Chief Executive Officer
Celia Zavala, Executive Officer
Mary C. Wickham, County Counsel
Brian Williams, Executive Director, Sheriff's Civilian Oversight Commission
Jonathan Lucas, M.D., Chief Medical Examiner
Jonathan E. Sherin, M.D., PH.D., Department of Mental Health
Gregory C. Polk, M.P.A., Department of Public Health
Captain Kent Wegener, Los Angeles Sheriff's Department, Homicide Bureau

⁸ In response to a September 29, 2020 Board motion, DPH will be requesting funding to permanently fund the Office of Violence Prevention with money from Measure B, It is unknown whether this funding will be available or sufficient for the long-term viability of the Family Assistance Program.