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## LEGAL UPDATE

### WARRANTLESS ENTRY BY OFFICERS INTO A RESIDENCE DEEMED THE PROXIMATE CAUSE OF SHOOTING AND INJURIES TO THE PLAINTIFFS

*Mendez v. County of Los Angeles (2018 U.S. App. LEXIS 20907)*

**Facts:** In October 2010, Los Angeles County Sheriff Deputies were looking for parolee-at-large Ronnie O'Dell. At a briefing, deputies were told O'Dell may be at a nearby residence that had a male and a pregnant female living in the backyard of the property. Information was also provided that O'Dell had possibly already left the residence. Deputies were dispatched to the residence, and Deputies Conley and Pederson were tasked with searching the backyard. The deputies located a small shack in the backyard and, without notice, entered with guns drawn. Angel Mendez and his girlfriend Jennifer Garcia were asleep inside. Mendez was roused from his sleep and picked up a BB gun he kept next to him. Deputies, believing the BB gun was a rifle, opened fire and shot Mendez ten times. Mendez had his lower leg amputated and Garcia was also shot during the encounter.

**Legal Proceedings:** Mendez and Garcia claimed civil rights violations against the deputies to include warrantless entry/search, failure to knock and announce, and excessive force. Damages were awarded by the District Court in the amount of \$4 million.

**Holding:** The 9<sup>th</sup> Circuit affirmed the lower court's decision that the deputies were liable for 4<sup>th</sup> Amendment search violations and awarded all damage claims in the plaintiffs' favor as proximately caused by the unconstitutional entry and the failure to get a warrant.

**Takeaway:** The 9<sup>th</sup> Circuit's analysis provided that officers may be liable for all damages that flow from an entry into a residence without a warrant or valid exception to the warrant requirement under the 4<sup>th</sup> Amendment. The decision here **significantly** expands the scope of potential damages resulting from an unlawful entry into a residence.

**Attachments:** CPOA Client Alert, Mendez v. County of Los Angeles