



COUNTY OF LOS ANGELES
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May 7, 2009

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

62 JUNE 2, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisor

Attention: Agenda Preparation

Sachi A. Hamai
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EXECUTIVE OFFICER

FROM: JOHN F. KRATTLI *JFK*
Senior Assistant County Counsel

RE: **Darryl and Monet Titus v. County of Los Angeles, et al.**
United States District Court Case No. CV 06-3690 ODW
(AJWx)

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 the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Darryl and Monet Titus v. County of Los Angeles, et al., United States District Court Case No. CV 06-3690 ODW (AJWx) in the amount of \$550,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit seeks compensation for a false imprisonment by the Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darryl Titus, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV06-3690 ODW (AJWx)
COURT	United States District Court
DATE FILED	August 9, 2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$550,000
ATTORNEY FOR PLAINTIFF	Rami Kayyali, Esq. Thris Van Taylor, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Deputy County Counsel
NATURE OF CASE	<p>Plaintiff alleges his civil rights were violated when he was arrested without probable cause for felony vandalism. Plaintiff alleges he spent approximately 106 days in custody until criminal charges were dismissed.</p> <p>The investigating detective claims that he had probable cause for an arrest based on an eye-witness identification in a photographic line-up.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$550,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$207,610
PAID COSTS, TO DATE	\$42, 259



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:	<p style="text-align: center;"><u>Darryl and Monet Titus v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan (SCAP) #2009-009)</p> <p>Wednesday, February 9, 2005; 2:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>On January 29, 2004, the Los Angeles County Sheriff's Department's Palmdale Station received a telephone call from a woman who reported that both her and her husband's vehicle had been vandalized. The woman reported seeing a man and a woman standing next to her husband's vehicle in the parking area of her apartment complex. The woman said she saw the man puncture the tires on her husband's vehicle using a screwdriver or similar sharp instrument. While the woman said she did not know the exact identity of the man, she said she recognized the woman as a resident of her apartment complex.</p> <p>The victim positively identified the (male) plaintiff as the person who vandalized her vehicle.</p> <p>An investigation was conducted and the detective submitted the results of his investigation to representatives of the Los Angeles County District Attorney's Office. A criminal complaint was filed against the plaintiff. On February 9, 2005, the plaintiff was arrested on a charge of felony vandalism.</p> <p>During the trial testimony, the detective began to question the plaintiff's criminal culpability. He reopened the investigation and concluded the plaintiff was not responsible for the crime. The plaintiff was released from custody and declared factually innocent after 106 days of incarceration.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The arrest of an individual without probable cause is a violation of the individual's Fourth Amendment right guaranteed by the United States Constitution. A plaintiff who prevails in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

This is a case of probable liability.

The detective reasonably relied upon the positive identification of an eyewitness to further his investigation. He presented his findings to a representative of the Los Angeles County District Attorney's Office who concluded the plaintiff engaged in criminal misconduct.

County of Los Angeles
Summary Corrective Action Plan

It is believed, however, a jury would return a verdict in favor of the plaintiff based on the plaintiff's extended incarceration and the court's subsequent declaration of factual innocence.

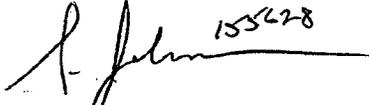
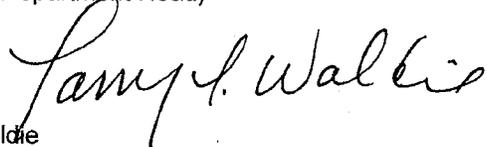
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions, if appropriate.)

No employee misconduct is alleged. No corrective measures are contemplated.

A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which would likely exceed the recommended settlement amount.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  Scott E. Johnson, Acting Captain Risk Management Bureau	Date: 4-24-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 04/28/09