



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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County Counsel

July 21, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO <sup>RHG</sup>  
Assistant County Counsel  
Law Enforcement Services Division

RE: **Daniel Martinez v. County of Los Angeles, et al.**  
**United States District Court Case No. CV0908371**

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of August 3, 2010.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Daniel Martinez v. County of Los Angeles, et al., United States District Court Case No. CV0908371, in the amount of \$2 million plus a waiver of \$241,380 County lien, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Daniel Martinez v. County of Los Angeles, et al.</u>
CASE NUMBER	CV 09-08371
COURT	United States District Court
DATE FILED	August 8, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2 million plus assumption of \$241,380 medical lien
ATTORNEY FOR PLAINTIFF	The Cochran Firm
COUNTY COUNSEL ATTORNEY	Gordon Trask Principal Deputy County Counsel
NATURE OF CASE	<p>Plaintiff alleges that his civil rights were violated when he was shot and severely wounded by Sheriff Deputies. He claims that the Deputies use of deadly force was not warranted.</p> <p>The Deputy who shot Mr. Martinez contends that he fired in self-defense.</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 \$2,000,000 is</p>

recommended.

PAID ATTORNEY FEES, TO DATE           \$   18,271

PAID COSTS, TO DATE                   \$    4,054

Case Name: Daniel Martinez v. County of Los Angeles, et al.



## 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:	Sunday, May 24, 2010; 1:22 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><b><u>Daniel Martinez v. Los Angeles, et al.</u></b> (Summary Corrective Action Plan #2010-012CR)</p> <p>On Sunday, May 24, 2009, at approximately 1:22 a.m., two Los Angeles County deputy sheriffs were on routine patrol in a marked black and white patrol vehicle when they saw the plaintiff and another man acting suspiciously in front of a restaurant. It appeared to the deputies that the plaintiff was acting as a lookout. The deputies believed the plaintiff and the other man were preparing to commit a robbery.</p> <p>The deputies exited their patrol vehicle and began to walk toward the plaintiff. He looked in their direction, appeared startled, and remained still. The deputies ordered him to show his hands, but the plaintiff ran away. The deputies ran after him and ordered him to stop, but the plaintiff continued to run.</p> <p>While the deputies were in pursuit, they saw the plaintiff turn his upper body to the right and remove a dark-colored object from his right-rear pants pocket with his right hand. One of the deputies believed the object was a gun and, fearing for his safety, discharged his weapon, striking the plaintiff.</p>

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

The Fourth Amendment to the United States Constitution prohibits the use of unreasonable force by a peace officer during an arrest. A prevailing party in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

As a result of the shooting, the plaintiff is now a paraplegic.

The plaintiff claims damages including medical costs and attorneys' fees.

County of Los Angeles  
Summary Corrective Action Plan

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

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

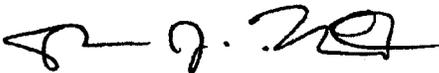
The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

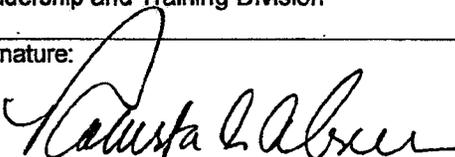
Appropriate administrative action was taken.

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 an implication 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(s) implications.

**Los Angeles County Sheriff's Department**

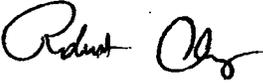
Name: (Risk Management Coordinator)  Shaun J. Mathers, Acting Captain Risk Management Bureau	
Signature: 	Date: 5/17/10

Name: (Department Risk Manager)  Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 05/18/10

County of Los Angeles  
Summary Corrective Action Plan

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**Chief Executive Office Risk Management Branch**

Name: Robert Chavez	
Signature: 	Date: 5/28/10

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