



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

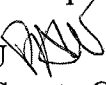
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RICHARD D. WEISS  
Acting County Counsel

July 31, 2014

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors  
  
Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Trinidad Macias v. County of Los Angeles, et al.**  
**Norwalk Superior Court Case No. VC 040 762**

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.

PAW:cs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Trinidad Macias v. County of Los Angeles, et al., Norwalk Superior Court Case No. VC 040 762, in the amount of \$500,000 and instruct the Acting Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges civil rights violations and State law causes of action arising out of the execution of a search warrant by Sheriff's Deputies and a subsequent detention and arrest.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Trinidad Macias v. County of Los Angeles, et al.
CASE NUMBER	VC040762
COURT	Los Angeles Superior Court, Norwalk
DATE FILED	August 28, 2003
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Vicki I. Sarmiento, Esq. Law Offices of Vicki I. Sarmiento
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$500,000, the lawsuit filed by Plaintiff Trinidad Macias against the County and three Sheriff's Deputies alleging federal civil rights violations and other State law causes of action arising out of his detention and arrest when a search warrant was served at his home in Pico Rivera on August 8, 2003.</p> <p>The Sheriff's Department contends that the search warrant was valid and that the search was conducted reasonably.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$500,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	754,221
PAID COSTS, TO DATE	\$	172,760

Case Name: Trinidad Macias 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:	Wednesday, August 28, 2002; approximately 5:00 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Trinidad Macias v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2014-005</p> <p>On Wednesday, August 28, 2002, approximately 5:00 a.m., members of the Los Angeles County Sheriff's Department's Safe Streets Bureau executed a search warrant and an arrest warrant at the plaintiff's residence. The execution of this search warrant was part of a larger, multi-location operation. This location was believed to be the residence of a gang member connected to a larger network of gang members who were suspected of committing several felony crimes including assaults, thefts, and a shooting.</p> <p>Members of the Los Angeles County Sheriff's Department detained the the plaintiff (owner of the residence) outside for a short period of time (approximately 4-5 minutes) while the house was cleared for safety. The plaintiff was then escorted back inside his home where he was allowed to sit while team deputy sheriffs searched the residence. He was never handcuffed nor restrained in any manner.</p> <p>The plaintiff alleged he was forcefully removed from his residence and detained outside clad only in an undershirt. He also claimed the deputies made him stand outside for an extended period of time.</p> <p>While the suspect in the original arrest warrant was not present, items of evidentiary value were found.</p>

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

The root cause in this incident is the plaintiff's allegation that physical force was used and he was detained for an unreasonable amount of time while members of the Los Angeles County Sheriff's Department served a search warrant at his residence.

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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 relevant policies and procedures/protocols in effect at the time of the incident.

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

No employee misconduct is suspected and no systemic issues were identified. Consequently, no employee-related administrative action was taken, and no other corrective action measures are recommended or contemplated.

3. Are the corrective actions addressing department-wide system issues?

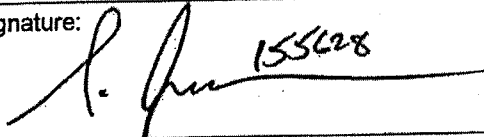
- Yes – The corrective actions address department-wide system issues.  
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Acting Captain  
Risk Management Bureau

Signature:

 155628

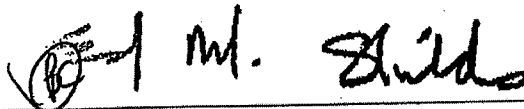
Date:

6-24-14

Name: (Department Head)

Earl M. Shields, Chief  
Professional Standards Division

Signature:

 Earl M. Shields

Date:

06/24/14

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**Chief Executive Office Risk Management Inspector General USE ONLY**

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.  
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

*Destiny Castro*

Signature:

*Destiny Castro*

Date:

*6/24/2014*