

Federal jury awards teacher record \$18M against L.A. County Sheriff

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In a case of mistaken identity, a federal jury in California recently awarded a record \$18 million to a middle school teacher who claimed a Los Angeles sheriff's detective falsely arrested him, accused him of kidnapping and sexual assault of a young girl, and then ignored evidence that would have help clear him.

The verdict is the largest ever against the L.A. Sheriff's Department for an individual civil rights case, the plaintiff's lawyers said.

Although he was eventually acquitted, Raul Ramirez was arrested and prosecuted for the crime based on bad decisions, said the plaintiff's attorney, Michael Olecki. He said that while the defense tried to downplay their errors by mentioning mistakes more than a dozen times in opening remarks, the plaintiff's team pounded home a different theme.

One of our themes was the theme of choice, he said. They focused on the fact that mistakes were made. But we focused on the fact that people make choices - they decide to go ahead and make an arrest and ruin a person's life without doing an investigation. Because the detective chose not to do his job properly, our client was arrested 20 days after he was married and spent ten months and ten days in jail.

After his acquittal at his criminal trial, Ramirez filed a civil suit against the Sheriff's Department, claiming his civil rights had been violated by a false arrest, illegal search and malicious prosecution. In his civil complaint, Ramirez said Detective Frank Bravo, a 20-year-veteran, built a false case against him, shattering his life, career and marriage.

The Wrong Man

Ramirez taught at a local middle school near the spot where a 16-year-old girl was abducted at gunpoint in May 2002. The abductor drove the girl to a different area and demanded she perform a sex act. She escaped and reported the assault, but did not identify the perpetrator until eight months later.

The girl was kidnapped while waiting for her bus along a route that Ramirez traveled each day to work. In the eight months following the incident, the girl saw Ramirez drive

by many times and became convinced that his car was the one used by her kidnapper, said Olecki.

In January 2003 she took down the license plate number and reported it to the Sheriff's Department, and Ramirez was arrested that afternoon.

Ten months later, it took a jury just half an hour to acquit Ramirez on criminal charges, based largely on ATM receipts and telephone records that showed he was not in the area when the abduction occurred.

In an unusual move, the judge in the criminal trial also found Ramirez factually innocent of the crime, saying that although the young girl had been abducted it was not by Ramirez.

A Restrictive Ruling

One of the interesting challenges of the civil case was that the plaintiff's attorneys could not tell jurors about the factually innocent finding. Although they were allowed to bring up Ramirez's acquittal, they were not allowed to say that he was not the person who abducted the girl, since the real issue in the case was whether the police had probable cause to arrest Ramirez.

For instance, Olecki could not ask his client whether he committed the crime: We wanted to put him on the stand and ask him: Mr. Ramirez did you kidnap this young girl? 'No.' Did you point a gun at her head? 'No.' That's where we wanted to go, but we couldn't.

Still, Olecki said the judge's ruling may have helped.

It was hard for us, but it probably worked out for the best because we really had to focus in on whether they had probable cause to arrest and search and prosecute, he said.

The restriction forced the plaintiff's team to concentrate on proving that the defendants not only made a false arrest, but compounded it by conducting a shoddy investigation.

For example, an artist's sketch made immediately after the abduction showed a slight facial defect on the right cheek. The detective wrote in his notes that Ramirez fit the girl's description because of a mole on his right cheek. But the artist's notes indicated that the defect was a scar, not a mole.

With the exception of the right cheek abnormality, Olecki said, Ramirez did not resemble the artist's sketch.

No mole was every mentioned except by the detective, and what is on my client's right cheek is most definitely a mole, a raised mole, Olecki said. It just became clear that the detective morphed the scar into a mole of an innocent guy and used that to keep this going.

The artist's notes were not turned over to the defense until just before the criminal trial - and that wasn't the only exculpatory evidence that was withheld.

The prosecution did not reveal the existence of the girl's backpack until 10 days before trial. The backpack was found and given to police the morning of the abduction, apparently tossed from the kidnapper's car. It was many miles in the opposite direction from Ramirez's home and work. Olecki argued that this evidence bolstered his client's case by showing it would have been difficult for Ramirez to drop the backpack where it was found and still have made it to work on time.

Also, the backpack did not show any of Ramirez's fingerprints.

Lowball Settlement Offer

Olecki said the Los Angeles Sheriff's Department offered to settle the case three days before trial for just \$250,000.

I think they thought people would give police officers the extreme benefit of the doubt, he said. I think that is true when split second decisions are being made by an officer or a citizen's life is immediately in danger. But these were decisions made over time, made over many, many months, where there was time to reflect and be careful and do an investigation. There doesn't appear that there was any reflection here whatsoever, despite dozens of things that called for reflection.

Olecki said that the defense also argued that the Sheriff's Department should not be held liable because prosecutors, after reviewing the evidence, made an independent decision to bring Ramirez to trial.

But the jury didn't buy any of it, awarding \$18 million for a variety of damages including:

- * Loss of the plaintiff's job and wages.

- * Attorney fees for the defense in the criminal case.
- * Loss of liberty and governmental intrusion.
- * Bodily injury: Hitting his head in the patrol car after the arrest, being urinated on by prisoners in jail, being spat upon by deputies and developing high blood pressure while in jail.
- * Damage to his personal relationships, including his marriage, and emotional distress.
- * Damage to his reputation.

Olecki said that even three years after the arrest an Internet search returns articles about it, and some of those erroneously report that Ramirez pled guilty to kidnapping.

We argued to the jury that, with the Internet, a person would always carry the 'stain' of a false charge, said Olecki. Everyone always remembers the arrest, but no one remembers the acquittal or the innocence.

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