



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE  
(213) 974-1838  
FACSIMILE  
(213) 626-7446  
TDD  
(213) 633-0901

ANDREA SHERIDAN ORDIN  
County Counsel

August 9, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI   
Senior Assistant County Counsel

RE: **Elida Mercedes Portillo v. County of Los Angeles**  
**Los Angeles Superior Court Case No. YC 059 748**

Attached is the Agenda Entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter.

It is requested that this recommendation be placed on the Board of Supervisor's agenda.

JFK:dad

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Elida Mercedes Portillo v. County of Los Angeles, Los Angeles Superior Court Case No. YC 059 748, in the amount of \$750,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department budget.

This lawsuit concerns the use of deadly force by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elida Mercedes Portillo v. County of Los Angeles
CASE NUMBER	YC 059748
COURT	Los Angeles County Superior Court , Southwest District
DATE FILED	July 24, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 750,000
ATTORNEYS FOR PLAINTIFF	Frank Casco and Carl Douglas
COUNTY COUNSEL ATTORNEY	Gordon W. Trask, Principal Deputy County Counsel, (213) 974-1921
NATURE OF CASE	<p>On July 24, 2008, two Sheriff's Deputies were on patrol and attempted to contact plaintiffs' decedent, who they suspected of engaging in the unlawful sales of narcotics. When the Deputies approached the decedent, who was sitting in his parked car in his family's driveway, he reached down for something and came up with an object in his hand that the Deputies believed was a gun.</p> <p>One of the Deputies fired two rounds at the decedent, killing him. No weapons were found in his automobile.</p>



Case Name: Elida Mercedes Portillo, et al. v. County of Los Angeles



## 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, July 23, 2009; 11:43 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Elida Mercedes Portillo, et al. v. County of Los Angeles</u></b> (Summary Corrective Action Plan #2010-002CR)</p> <p>The plaintiffs, the surviving parents and brother of the decedent, allege their son and brother was shot and killed by a Los Angeles County deputy sheriff. The plaintiffs also allege that the deputies failed to summon immediate medical assistance after the shooting.</p>

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

A public entity is responsible for the intentional, wrongful, or negligent acts of its employees when the acts are committed in the course and scope of employment. A public entity may also be held liable for a violation of civil rights law when its employees use excessive force in the performance of their duties.

The plaintiffs allege wrongful death, assault and battery, violation of civil rights, conspiracy, failure to immediately summon medical aid, and intentional infliction of emotional distress.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

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

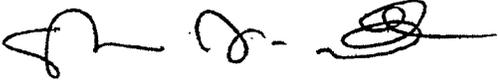
The Los Angeles County Sheriffs Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

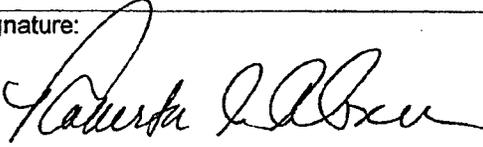
Appropriate administrative action was taken.

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)

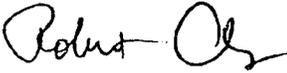
- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

**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

**Chief Executive Office Risk Management Branch**

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

i:\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx