

Salinas settles for \$2.1M in police shooting

Maria Irma Dela Torre was shot by police officers in 2008

BY **KIMBER SOLANA** • ksolana@thecalifornian.com • October 20, 2010

Updated 1:30 P.M.

The lawyer for the family of a woman fatally shot by a Salinas police officer in 2008 responded this morning to the \$2.1 million settlement reached with the city of Salinas.

Michael Haddad, the Oakland attorney who represented Maria Irma Dela Torre's mother, Maria Saldago Dela Torre, said there were several pertinent issues at hand that brought forth the settlement.

On Tuesday, the city announced that under the terms of the settlement, without any admission of liability, the city will pay Maria Irma Dela Torre's mother \$1.6 million; her husband, Jose Maximiano Licea Abarca, will receive \$525,000.

The 45-year-old woman was fatally shot by a Salinas police officer outside her home in east Salinas. Police have said Maria Irma Dela Torre lunged at officers Steve Mattocks and Robert Balaoro with a metal crochet hook. The officers, they said, mistook it for an ice pick or knife, and Mattocks shot her three times, killing her. Balaoro used a Taser stun gun on De La Torre.

Haddad disclosed the following details about the case. They are:

- > All non police witnesses interviewed stated that Dela Torre was not holding anything in her hands at the time she was shot
- > Police officers gave conflicting testimony about how Dela Torre was holding the crochet hook in her hand
- > Right after the incident, Mattocks stated that he saw the crochet hook fall to the ground upon shooting Dela Torre. However, in his deposition on Nov. 4, 2009, Mattocks stated that the crochet hook was in her hands. He could not explain the

discrepancy, Haddad said.

> In his deposition, Balaoro stated that he didn't see a need for deadly force in that incident, and he was surprised that Mattocks shot Dela Torre

> Two other police officers testified that Mattocks stood in a different location than Mattocks later claimed he was in to explain his shooting.

Haddad said the \$1.6 million settlement for his client is one of the largest settlements reported for parents in officer-involved shootings.

"The money will never replace Irma and the family is glad there's been this acknowledgement in the justness of their position," he said. "But they would rather have Irma."

-- Sunita Vijayan, svijayan@thecalifornian.com

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Original Story

The mother and husband of a woman who was fatally shot by police officers two years ago have settled a lawsuit against the city for \$2.1 million, city officials announced Tuesday.

Under the terms of the settlement, without any admission of liability, the city will pay Maria Irma Dela Torre's mother, Maria Saldago Dela Torre, \$1.6 million; her husband, Jose Maximiano Licea Abarca, will receive \$525,000.



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"We are pleased this difficult case has been brought to a close both for the family and the Salinas Police Department," said Mayor Dennis Donohue, who confirmed the settlement was approved by the City Council in a closed session Tuesday night.

Salinas will pay about \$650,000 of the settlement; the remainder will be paid by the city's insurance.

A trial was set to begin Nov. 8.

According to police, at 3:47 a.m. July 13, 2008, two officers — Steven Mattocks and Robert Balaoro — responded to a call reporting "a woman acting strangely" outside a home in east Salinas.

The officers found Maria Irma Dela Torre in a minivan parked in the driveway.

Seeing Dela Torre stabbing herself in the neck with an opened safety pin, police had said, the officers approached the van and tried speaking with her.

According to police, Dela Torre responded by jumping back and forth from the driver's to the passenger's seat, rummaging and throwing things around.

Police said the officers told investigators she then rushed at Balaoro with arms stretched out, clutching what they thought was a knife or ice pick.

Officials said Balaoro shot Dela Torre with a Taser stun gun, while Mattocks, thinking his fellow officer was about to be stabbed, at the same instant fired his gun. Dela Torre was fatally wounded.

Instead of a knife or ice pick, a 5-inch-long crochet hook was found in her hand.

According to the city, Dela Torre suffered from epilepsy almost all of her life, which "sometimes made her appear to be acting aggressively towards others." She had been hospitalized and released from Salinas Valley Memorial Hospital two days prior to the shooting.

Dela Torre, her family said, was one of 17 children. According to the city, her mother traveled from Mexico to Salinas following her death.

Dela Torre had been married to her husband three weeks prior to her death.



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