

OFFICE OF THE  
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
(408)454-2040  
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

DWIGHT L. HERR  
COUNTY COUNSEL

DEBORAH STEEN  
SAMUEL TORRES, JR.  
CHIEF ASSISTANTS

HARRY A. OBERHELMAN III  
MARIE COSTA  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA CODE  
PAMELA FYFE  
ELLEN LEWIS  
KIM BASKETT  
LEE GULLIVER  
DANA McRAE

ASSISTANTS

GOVERNMENT TORT CLAIM  
RECOMMENDED ACTION

Agenda September 1, 1998

To: The Board of Supervisors

Re: Claim of Michael J. Lokken, No. 899-012

Original Document and associated materials are on file at the Clerk to the Board of Supervisors,

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

X 1. Deny the claim of Michael J. Lokken, No. 899-012 and refer to County Counsel.

Deny 2 the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.

Grant 3 the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.

4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_ and reject it as to the balance, if any, and refer to County Counsel.

5. Reject the claim of \_\_\_\_\_ as Insufficiently filed and refer to County Counsel.

cc: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elaine Lewis

LTR9.WPT

PER 5 107 Rev. 4/ 97

CLAIM AGAINST THE COUNTY OF SANTA CRUZ  
(Pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS  
COUNTY OF SANTA CRUZ  
ATTN: Clerk of the Board  
Governmental Center  
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: Michael J. Lokken  
Address: 3358 South (Polo) Drive  
Aptos, CA 95003  
Phone No: (831) 689-9242  
P.O. Box to which notices are to be sent: N/A
2. Occurrence: Personal injury by SCC Sheriff's deputy  
Date: 5/23 Place: Aptos Village Park  
Circumstances of occurrence or transaction giving rise to claim: Undo / inappropriate use of force (see attached)
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:  
Medical bills, loss of ability to work, drugs, attorney fees, glasses
5. Name(s) of public employee(s) causing injury, damage or loss, if known: D. Kerr, ID 86/3440
6. Amount claimed now ..... \$ 1,910.00  
Estimated amount of future loss, if known ..... \$ 133,000  
TOTALS 134,910
7. Basis for above computations: doctor's estimates, current therapy costs, lost wage potential, attorney's fees
8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:  
Santa Cruz County Municipal Court Santa Cruz County Superior Court

CLAIMANT'S SIGNATURE: Michael Lokken

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123).

## Background for Claim

-- 15

**Who:** Michael John **Lokken**. Home owner in Aptos for last 2 years; Residence: 3358 South (Polo) Drive. Age: 59, retired

**What:** Santa **Cruz** County Sheriffs Department's use of unusual force by a deputy resulting in: 1) torn rotator **cuff**; 2) broken right little finger; 3) sprained right elbow and **wrist**; 4) multiple lacerations and contusions; 5) loss of \$450 prescription sunglasses.

**Where:** Aptos Village **Park**, Blues Festival, East asphalt ramp near Main Gate

**When:** Approximately **4:00PM** Saturday, May **23rd**, 1998

**Why:** I was awaiting the **immanent arrival** of a good **friend**, Joey K. Tuttle (522 Giorgio Way, in Cathedral housing development behind Aptos Post Office). Two **Hispanic** uniformed representatives of A & B Security approached me and asked that I leave the ramp. I told them that I was awaiting a **friend** and that this is where I planned to meet him and his guest ( we would then use his tickets or purchase some **from** the Main Gate Concessionaire). Subsequently, a Santa Cruz County Deputy, D. Kerr, ID **86/3440**, appeared and told me I'd have to leave. I picked my lawn chair and prepared to leave when officer Kerr made some **offensive** remarks and his demeanor was objectionable. I made the conscious decision to stay where I was a few more minutes to let Joey and his **friend arrive** ( I've been to about five Fat Fries and Blues Festivals at Aptos Park and I was unaware of another place to wait where they could **find** me). Officer Kerr then slapped me on the **left** cheek hard (**where** I have **TMJ**) and then repeatedly slapped me on the right cheek (maybe 5 times). He then **grabbed and** threw me over the embankment down into some briars where the lacerations on hands, **arms** and face occurred. He then came down the embankment and dragged me back up to the ramp in the process injuring the right shoulder, wrist and finger. I was then handcuffed behind my back, under my verbal plea that my shoulder was injured. I was thrown in the back of a SCC **Sheriff's** car and taken to Dominican **Hospital**. I was subsequently taken to the SCC Jail and booked for "drunk in public", 647 (f) PC \*(evidence seems to prove otherwise), and released 6 hours later **after** being kept in a bare cell. No water or bathroom facilities were provided for the 8 hours of incarceration.

\*- Please note that the original P.C. was for "criminal trespass" which I believe was abandoned when the officer realized I was a resident of Aptos (a fact not recorded on the arrest report) and was therefore an "owner of the park".