

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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

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GOVERNMENT TORT CLAIM RECOMMENDED ACTION

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JANE M. SCOTT
RAHN GARCIA
TAMYRA CODE
PAMELA FYFE
ELLEN LEWIS
KIM BASKETT
LEE GULLIVER
DANA McRAE

ASSISTANTS

Agenda September 1, 1998

To: The Board of Supervisors

Re: Claim of Swan Rosenberg, No. 899-017

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 Suzan Rosenberg, No. 899-017 and refer to County Counsel.

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

3. Grant 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: SUZAN ROSENBERG
Address: 1289 Magnolia Av #5
San Carlos, CA 94070
Phone No: 650-592-8702
P.O. Box to which notices are to be sent: above address unjust, ↑
2. Occurrence: I was wrongfully taken into custody on 5150 claim
Date: Feb 1, 1998 Place: 18,311 Las Cumbres Rd Los Gatos, CA, (Santa Cruz County)
Circumstances of occurrence or transaction giving rise to claim: The actions of the officers prevented me from getting to work. This caused the loss of my job, and my home - as it was a live in position
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
The financial loss described is the dollar amount of 3 months wages - not including housing cost incurred because of the loss of employment
5. Name(s) of public employee(s) causing injury, damage or loss, if known: Officer Nate Murray
#10615992 & partner on date Feb. 1, 1998
6. Amount claimed now \$ 6,800.00 xx
Estimated amount of future loss, if known \$
TOTALS 6,800.00 xx
7. Basis for above computations: Three month wages due to W & U detention - wrongful detention described on
8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction: attached pages
_____ Municipal Court _____ superior court

CLAIMANT'S SIGNATURE: Suzan Rosenberg

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 454-2 123).

July 30, 1998

This is a complaint against Officer Nate Murray and his partner on February 1, 1998. I believe the name of the other officer to be either Thompson or Johnson. Mr. Murray completed the report under her direction, but did not indicate the name of his partner anywhere on the paperwork. It is primarily against this female supervising officer that this complaint is directed since she supervised and initiated the incident. For the sake of simplicity (although I am not sure which name is correct) I will refer to the supervising officer as **Officer Thompson**.

On February 1, 1998 I was wrongfully taken into custody on a 5150 which was fabricated by my landlady and the offending officers. This action caused me extreme distress, **I was left stranded over 40 miles from my home, with no money and no transportation, and this resulted in the loss of my job** - and I had advised the officers that this would be a consequence of their callous and insidious behavior:

I believe this officer to have made invidious judgments, based on the fact that my landlady Joan Anderson had advised her to take me in. **Joan made sure to tell Officer Thompson that she was a psychotherapist; although she had done no actual assessment**, and was in fact continually harassing me during my move. She (Joan) is very controlling and was disturbed that I was unable to give her an address to which to send my deposit. Because I told Joan that I didn't know where to send the deposit, and I didn't care, she assumed that I was suicidal. Never in the course of my interaction with Joan did I ever indicate any wish to kill myself. She misrepresented herself and her position to the officers, and this was accepted without question. **This is evidenced by the fact that the officer clearly stated in the report that "Joan is a psychotherapist". The referring person should never have been mentioned in this capacity in a report, and she was given undue credibility.**

Officer Thompson made statements to her partner to follow her direction; and at one point early in the interview, she said to him aside, "I'll show you how this is done." This indicated to me that **she had already made a decision to take me into custody even prior to hearing any statements that I made.**

When I let the officers into my home, **I was neatly and carefully packing my belongings** (not the actions of a suicidal person) to move to my new residence. I let them in because I had nothing to hide. I was under extreme pressure, and in response to their questioning and reflecting on my troubles, I began to cry. I did not realize that this was a reason to take me into custody. Officer Thompson asked me if I was thinking of killing myself, **I told her I was sad, but not planning on killing myself. At this point SHE suggested that "some people take a lot of pills or jump off Castle Rock".** (This is totally inappropriate regardless of the mental state of the person being interrogated.) I did say that I was in distress, I was financially stressed, I was moving large and heavy objects by myself in the rain, and had been given a warning regarding timeliness on my new job. This was a live in nanny position, so **I was also left homeless after this incident.**

When **Officer Thompson** made it clear to me that she was going to **take me** in; I fervently argued and **told her that I would be penniless, homeless, and unemployed if this unjust and uncalled for action was taken. In my distress, and under continued harassment, I made a sarcastic comment that I would only have cause to consider killing myself if they did take me in** and left me in these circumstances.

I was then tackled and handcuffed. I screamed "No!" The officers refused to let me call my boyfriend, or get my purse; I was then left with no way home. I was not even allowed to get dry shoes and socks.

In the report unkempt grooming was mentioned; it was not mentioned that I had been moving in the rain all morning, and consequently was in wet and dirty clothes and shoes. In the **report** it was also mentioned that I was "verbally and physically abusive to deputies". This involved trying to not be handcuffed and resisting such action. Veribaii, i told them they were pernicious and vindictive, callous and unfeeling. I said that they were malicious and abusive for handcuffing me. I called them insensitive, uneducated, and cruel. That was the extent of my 'verbal abuse' **They also refused to loosen or remove the handcuffs after I was in their vehicle**, with no recourse. **I had lesions on my hands for three weeks afterwards** due to their stubborn meanness.

Once at Dominican Hospital, **I was released** after a short and concise interview where **the examining psychiatrist judged me clear and thoughtful, pleasant and agreeable, with good judgment and insight** I made calls to try to save the job that I was supposed to resume that evening, but because I was left without money or transportation was unable to fulfill my work obligations.

This incident compounded an already difficult situation and cost me thousands of dollars in lost wages and housing. **I expect a report of a reprimandatory actions taken against this officer** as well as a complete apology from the offending officers within 90 days.

This disgraceful and damaging action should never be inflicted on any human being. Even after 6 months, I am not completely emotionally, and certainly not financially recovered from this horrific and detrimental experience.

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ETS A COPY OF HOSPITAL CRISIS FORM, INSERTS IT IN AN EMPTY DOCUMENT
Santa Cruz County Mental Health
CRISIS INTERVENTION RECORD: DMHU

Service Date/time in>1-Feb-1998/1530 Service Date/time
out>1-Feb-1998/1730 Total Time>2HRS
Patient's Name (last, first, middle) D.O.B. Case Number
>ROSENBERG, SUZAN >12/23/59 >NONE
Address Phone SSN#
>18311 LAS CUMBRES, LOS GATOS, CA. NONE >558-48-4264 >
Age Sex Ethnicity Marital Status Living Arrangement Emergency Contacts
38 >F >C >SINGLE >IN PROCESS OF MOVING >DR VICKI MARKHAM
50-328-0567

Legal Status>5150-DTS Employment Status>LIVE IN
NANNY/TEACHER
Insurance ID #>PSI-SUB OF FOUNDATION HEALTH-COBRA FROMN CUPERTINO-SCHOOL DIST
Verified by>PT
County Clinicians>NONE Pvt Clinicians>DR VICKI
MARKHAM-PALO ALTO
Prior Hospitalizations DMHU>NO Other>1990-ORANGE COUNTY AFTER
BEING SEXUALLY ASSAULT
Present Meds>PROZAC 40 MG QD, SYNTHROID 0.5 MG QD, WELLBRUTIN 300 MG QD,
DEXADRINE 20 MG QD
Substance Abuse/ETOH/Drugs>DENIES BAL>
Physical Problems/Allergies/Med Clearance>NONE REPORTED

PRESENTING CIRCUMSTANCES (to include presenting problem, symptoms, situational issues, pertinent social & psychiatric history, consultation with MD, & disposition)

>THIS 38 YEAR OLD EMPLOYED CAUCASIAN FEMALE WAS BROUGHT TO DMHU ON 5150-DTS BY SCSO. PT HAD DISPUTE WITH LANDLADY OVER RENT PAYMENT AS SHE WAS MOVING AND STATED SOME DEPRESSIVE THOUGHTS AND DISTANTLY VAGUE SUICIDAL IDEATION. PT ADVISED POLICE THAT SHE WILL REALLY KILL SELF IF SHE GOES TO DMHU.

IN PSYCHIATRIC EVALUATION PT REPORTS SHE IS NOT NOW OR HAS NOT BEEN SUICIDAL TODAY AS REPORTED. SHE HAS MULTI STRESS THAT HAVE CAUSED HER TO BE EMOTIONALLY OVERWHELMED AND ADMITS SHE SAID THE WRONG THINGS TO HER LANDLADY AND POLICE. PT STATES SHE IS HAVING FINANCIAL PROBLEMS WITH UNSTABLE INCOME AND IS FEARFUL OF NOT MAKING HER RENT. SHE IS FEELING FRANTIC ABOUT HAVING TO MOVE BY HERSELF ON SHORT NOTICE. HER B/F IS UNWILLING TO AGREE TO A COMMITTED RELATIONSHIP WHICH SHE DESIRES. SHE HAS RUN OUT OF MEDS AND HER CAR BATTERY WENT DEAD WHEN SHE ATTEMPTED TO GET MEDS FILLED YESTERDAY. SHE STARTS NEW LIVE IN NANNY JOB TOMORROW WHICH SHE NEEDS TO BEGIN TO MEET FINANCIAL RESPONSIBILITIES AND HAVE A PLACE TO LIVE.

PT CLEARLY AND THOUGHTFULLY ABLE TO DEVELOP DISCHARGE PLAN. B/F VINCE DOSTON TO TRANSPORT HER TO HER CURRENT RESIDENCE, HELP HER MOVE AND THEN SUPPORT HER TONIGHT. TO CALL NEW EMPLOYEE TO ASSURE THEM THAT SHE WILL BE AT THEIR HOME TOMORROW TO BEGIN WORK. OBTAIN HER MEDS FROM SARATOGA CLINIC-DR WETTERHOLT TOMORROW NIGHT AND HAVE HER SCHEDULED

THERAPY APPT WITH THERAPIST DR VICKI MARKHAM ON TUESDAY.

PT CALLED HER THERAPIST-DR MARKHAM WHO CALLED THIS CRISIS WORKER. DR MARKHAM SAW PT LAST FRIDAY IN THERAPY. DR MARKHAM DOES NOT THINK PT IS AT RISK OF SUICIDING **AND HAS** NEVER EXPRESSED SUICIDAL THOUGHT TO THERAPIST. THERAPIST FEELS PT OPPORTUNITY TO WORK AS NANNY WILL BE THERAPEUTIC FOR HER AND THAT PT DOES NOT TRANSFER HER DEPRESSIVE SYMPTOMS TO CHILDREN. PT HAS HER MASTERS IN EDUCATION **AND REALLY ENJOYS WORKING** WITH CHILDREN PER HER THERAPIST. THERAPIST CONFIRMED **PTS TUES 2/2/98 APPT.**

MENTAL STATUS (to include orientation, **appearance, behavior, speech/thought, mood, affect, memory, Judgment, insight, hallucination/delusions, DTS/DTO**)

>OX4. UNKEPT DRESS AND GROOMING. ANXIOUS FROM LIFE SITUATION STRESSORS WITH PRESSURED SPEECH THAT SHE IS ABLE TO MODERATE. **PLEASANT** AND AGREEABLE WITH GOOD JUDGEMENT AND INSIGHT. DEPRESSED MOOD DUE TO DIFFICULTY COPING WITH MULTI STRESSORS. NO DELS OR HALS. NO DTO OR DTS.

CLINICAL FINDINGS:

1. DANGER TO SELF AS EVIDENCED BY:

	YES	NO
1. Significant life threatening attempt to harm self within the past 24 hours with continued risk?	>	>X
2. Specific plan to harm self with clear intention. high lethality & availability of means?	>	>X
3. A level of suicidality that cannot safely be managed at a lower level of care?	>	>X
4. Suicidality with a lack of available support?	>	>X

If yes to any above, **explain>**

2. DANGER TO OTHERS AS EVIDENCED BY:

1. Significant life threatening action within the past 24 hours with continued imminent risk?	>	>X
2. Specific plan with clear intention, high lethality & availability of means?	>	>X
3. Dangerousness with lack of available support?	>	>X

If yes to any above, **explain>**

3. DANGER TO PROPERTY WHERE SUCH DANGER INCLUDES:

1. Significant property destruction within the past 24 hours with continued imminent risk?	>	>X
2. Dangerousness with lack of available support?	>	>X

If yes to any above, **explains**

4. PRESENCE OF A MEDICAL CONDITION THAT COMPLICATES TX OF PSYCHIATRIC DISORDER AT A LESS INTENSIVE LEVEL OF CARE?

If yes, explain>	>	>X
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5. HIGH RISK PSYCHIATRIC PROCEDURES THAT REQUIRE INTENSIVE OBSERVATION BY MEDICAL PERSONNEL?

If yes, explain,	>	>X
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6. LOSS OF ABILITY TO PERFORM ADLs DUE TO IMPAIRED JUDGMENT, IMPULSE CONTROL OR COGNITIVE/PERCEPTUAL ABILITIES?

1. Sig. decrease measured against baseline in prior year?	>	>X
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If yes, **explain>**

OSM IV DX:

AXIS I>MOOD DISORDER NOS

AXIS I>

AXIS II>DEFERRED

AXIS III>

AXIS IV>WORK/RELATIONSHIP/MOVING PROBLEMS

>296.90

#>

#>799.9

#>

S V>70/0

Coordinator **Recommendations**>NONE
Contact Date/Time>1-Feb-1998

DISPOSITION:

Per consultation with Dr.> BILLETT :
Admit Vol> Admit **72**> 72 **Waived**>X Not Admitted>

Inpatients crisis **Stab**> Residential, Day Service, **Outpatient**>X
 Justify why this **level** of care is appropriate to safely treat the individual &
 state the availability of settings>

Other **Disposition/Referral**>B/F TO TRANSPORT HOME. THERAPY APPT -SCHEDULED FOR
 2/3/98 WITH DR MARKHAM.

Clinician Signature

Ed Crowley MFCC
 Ed Crowley, MFCC

DATE>2/1/98

**NOTIFICATION FOR 72-HOUR DETENTION
EVALUATION AND TREATMENT**

Confidential Client / Patient Information
See California W & I Code Section 5328

1302 (7/90)

W & I Code, Section 5157, requires that each person when first retained for psychiatric evaluation be given Certain specific information orally, and a record be kept of the advisement by the evaluating facility.

☒ Advisement Complete ☐ Advisement Incomplete

Good Cause for Incomplete Advisement

Advisement Completed By

NATE MURRAY # 106/5992

Position

DEPUTY SHERIFF

Date

2/1/98

to DOMINICAN HOSPITAL MENTAL HEALTH UNIT

Application is hereby made for the admission of SUZAN ROSENBERG - 12/23/59

Residing at 1831 LAS CUMBRES LOS GATOS, SANTA CRUZ COUNTY, California, for 72-hour treatment and evaluation pursuant to Section 5150, (adult) et seq. or Section 5585 et seq. (minor), of the Welfare and Institutions Code. If a minor, to the best of my knowledge, the legally responsible party appears to be/is: (Circle one) Parent; Legal Guardian; Juvenile Court as a WIC 300; Juvenile Court as a WIC 601/602; Conservator. If known, provide names, address and telephone number:

The above person's condition was called to my attention under the following circumstances: (See reverse side for definitions) IN 2/1/98 AT APPROXIMATELY 1148 HOURS I WAS DISPATCHED TO 1831 LAS CUMBRES TO CHECK ON THE WELFARE OF SUZAN ROSENBERG. SUZAN'S LANDLORD, JOAN ANDERSON, CALLED THE SHERIFF'S OFFICE TO REPORT THAT SUZAN WAS ACTING VERY DEPRESSED. JOAN SAID THAT WHEN SHE SPOKE TO SUZAN, SUZAN MADE VAGUE COMMENTS OF NOT BEING AROUND ANYMORE. JOAN IS A CERTIFIED PSYCHOTHERAPIST.

The following information has been established: (Please give sufficiently detailed information to support the belief that the person for whom evaluation and treatment is sought is in fact a danger to others, a danger to himself/herself and/or gravely disabled.) SUZAN TOLD ME THAT IF SHE GOES TO MHU, THAT SHE "WILL REALLY KILL MYSELF". SUZAN SAID THAT SHE HAS BEEN ON MEDICATION FOR DEPRESSION. SHE SAID THAT SHE HAS BEEN ON PROZAC BEFORE, SHE SAID THAT SHE HAS NOT BEEN ON MEDICATION "FULL DOSE" FOR 8 OR 9 DAYS. THAT MAY BE WHY SHE IS DEPRESSED. SHE SAID THAT THE ONLY REASON SHE DOESN'T END HER LIFE, IS BECAUSE SHE DOES NOT WANT HER FINANCIAL PROBLEMS TO BURDEN HER LOVED ONES. SUZAN WAS VERBALLY AND PHYSICALLY ABUSIVE TO DEPUTIES. Based upon the above information it appears that there is probable cause to believe that said person is, as a result of mental disorder:

☒ A danger to himself (herself) ☐ A danger to others ☐ Gravely disabled adult. ☐ Gravely disabled minor.

Signature, title and badge number of peace officer, member of attending staff of evaluation facility person designated by county.

M. MURRAY

Date 2/1/98
Time 1522

Phone 454-2440

Name of Law Enforcement Agency or Evaluation Facility/Person

SANTA CRUZ SHERIFFS OFFICE

Address of Law Enforcement Agency or Evaluation Facility/Person

701 OCEAN ST RM 340
SANTA CRUZ, CA 95060

☐ Weapon was confiscated and detained person notified of procedure for return of weapon pursuant to W & I Code Section 8102. (officer/unit & phone #)

NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY

Notification of person's release from an evaluation and treatment facility is requested by the referring peace officer because:

☐ Person has been referred under circumstances in which criminal charges might be filed pursuant to W & I Code Sections 5152.1 and 5152.2. Notify (officer/unit & phone #)

☐ Weapon was confiscated pursuant to W & I Code Section 8102. Notify (officer/unit & phone #)

SEE REVERSE SIDE FOR INSTRUCTIONS

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