



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda May 18, 1999

To: The Board of Supervisors

Re: Claim of Jed A. Oliver & Penelope M. Oliver, No. 899-122

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 Jed A. Oliver & Penelope M. Oliver, and refer to County Counsel. No. 899-122
2. Deny 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 the balance, if any, and refer to County Counsel.
5. Reject the claim of \_\_\_\_\_ as insufficiently filed and refer to County Counsel.

cc: Christine Patton, Executive Officer/Clerk  
Municipal and Superior Courts

RISK MANAGEMENT

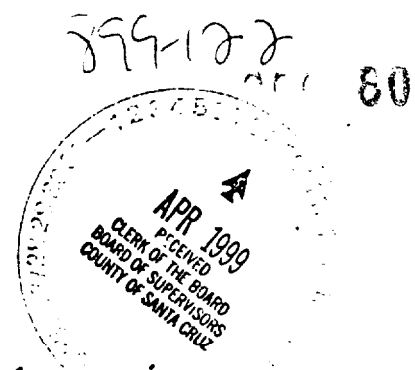
By Janet McKinley

COUNTY COUNSEL

BY Ellen Aldridge

CLAIM AGAINST THE COUNTY OF SANTA CRUZ  
(Pursuant to Section 9 10 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS  
COUNN OF SANTA CRUZ  
ATTN: Clerk of the Board  
Governmental Center  
70 1 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: Jed A. Oliver & Penelope M. Oliver  
Address: 200 Castillion Ter.  
Santa Cruz, CA 95060  
Phone No: 831-420-1167  
P.O. Box to which notices are to be sent: \_\_\_\_\_
2. Occurrence: Unjust arrest.  
Date: 2 Jan '99 Place: Mede r St. Park in the city of Santa Cruz  
Circumstances of occurrence or transaction giving rise to claim: \_\_\_\_\_  
See a ttached letters.
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:  
oss of pay resultina from incident  
public humili ation in the presence of friends  
and co-workers
5. Name(s) of public employee(s) causing injury, damage or loss, if known: not known
6. Amount claimed now ..... \$ 1,000.00  
Estimated amount of future loss, if known ..... \$ 0  
TOTALS 1,000.00
7. Basis for above computations: work l o s s 800.00  
humiliation, ineserved 200.00
8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:

\_\_\_\_\_ Municipal Court \_\_\_\_\_ Superior Court

CLAIMANT'S SIGNATURE: \_\_\_\_\_

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).

# Superior Court of California

COUNTY OF SANTA CRUZ

271 81

CHRISTINE E. PATTON  
Executive Officer and Clerk  
Superior Court



701 Ocean Street, Room 120  
Santa Cruz, CA 95060  
Phone: (831) 454-2012

February 18, 1999

Penelope M. Oliver  
200 Castillion Terrace  
Santa Cruz, CA 95060

**RE: Traffic** Case No. 60062020

Dear Ms. Oliver:

I am in receipt of your letter of January 28, 1999, and have reviewed the record in your son's case. As you have stated, he did pay his fine on November 18, 1998, and the Court did issue a bench warrant in error on November 19, 1998. Your son was arrested on the warrant in January, 1999, and released on bond. Upon discovering the error, the Court canceled further action in this case and refunded your son's fine of \$70.00.

I want to personally apologize for the inconvenience and hardship caused by the Court's mistake. We try very hard to **establish** and follow procedures to prevent this type of occurrence, -however, every once in a while a clerical error is made, and, unfortunately, your son had to bear the consequences of this one. If you wish to pursue this matter, your remedy would be a tort claim against the Court through the County Risk Management Department.

I hope this letter is of use to you and your son in explaining the events to third persons. We will strive to improve our procedures so that similar errors are not repeated.

Sincerely,

CHRISTINE E. PATTON  
-Executive Officer and Clerk

CEP:mks

cc: Risk Management, Janet McKinnley

28 January 1999

To Christine Patton,

On January 2nd, 1999, my son was arrested, handcuffed, and taken to jail for failure to pay a \$70 fine he'd already paid on November 18, 1998. He has the receipt.

Jan. 2nd was a Saturday. He was playing basketball in the park with his friends. The basketball court, at Meder St. Park, is in an undeveloped part of the park and the guys often bring their dogs and let them run lose while they play. Jed had his that day, that's why the park ranger stopped him and asked him his name. When she entered his name in some computerized device, she found that he had a warrant out for his arrest. So, she called the police and had him arrested.

When I got to the jail, they told me they were going to keep him until Tuesday, on which day he'd be taken to court. I showed them the receipt, It didn't matter. "Can't I get him out? He didn't do anything wrong." They told me I could post bond, which I did. Three or 4 hours later they let him out, with a lecture about learning his lesson.

Upon his release he was given 1/29/'99 court date, which was subsequently cancelled, although he was not notified of the cancellation. In fact, the supervisor at traffic and minor violations didn't even know he'd had a 1/29/'99 court date. The jail people didn't know he'd paid the fine. The judge evidently didn't know he'd paid the fine. Poor communication plus a clerical, or ?, error caused my son to be arrested and put in jail.

In 1995, he let our dog outside our condo fence to pee. He got a ticket for that. That's what started this whole thing.

Jed was also put in jail on an **alledged** DUI. After the blood alcohol results came back, the judge reduced the charges.

Jed was pulled over for, they charged, peeling out of a driveway. At the time of his arrest, the police locked his keys in his car so he had to walk home the next morning. They

also took his driver's license and, subsequently, they or the DMV people destroyed it, even though the judge ruled his license shouldn't be suspended.

Jed got the number of an arbitrator who said he needed to get a copy of the blood alcohol test from the CHP. He couldn't use the copy he'd received from the court. So, Jed went to the CHP. They wouldn't release the report without authorization from the D.A.'s office. Jed went there. They were closed (Friday afternoon). On Monday, he went back to the D.A.'s office, then to the CHP, and then to the San Jose DMV office and some long lines. OK, he could have his license back if he applied for a duplicate and paid the fee. More time off work. More money not earned.

I'm angry at the way he's been treated. I'm angry at what can happen to a young man's attitude toward law enforcement by being treated this way. He said he felt like he was in Guatemala or someplace where people are assumed guilty until they prove themselves innocent.

Please do something that lets my son, and myself, and all those young men he was playing basketball with, know that he should not have been arrested and put in jail that Saturday morning. That "you" care that people here in Santa Cruz are treated fairly.

This is not the first letter I've written, but it is the first one I've mailed. I didn't know you, your position, existed until this morning. Legal Aide said they couldn't help. Attorney Services charges. I didn't know how to be heard. I haven't yet talked to a private attorney, but my friends and my sister have strongly urged me to protest in some way.

Sincerely,

*Penelope M. Oliver*  
Penelope M. Oliver

*Jed A. Oliver*  
Jed A. Oliver