



County of Santa Cruz⁰⁰⁴⁷

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda November 2, 1999

To: Board of Supervisors

Re: Claim of Michael Lynn Adams, No. 900-059

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 Lynn Adams, No. 900-059 and refer to County Counsel.
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: Mark Tracy, Sheriff-Coroner
Charles Moody, Administrator,
Health Services Agency

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Samuel Torres, Jr.

900-053

0048



MICHAEL LYNN ADAMS
N PROPRIA PERSONA
8 15 Amity Road
Nampa, Idaho 83687
Telephone No: (208) 461-1016

CLAIM OF:

MICHAEL LYNN ADAMS,

Claimant,

CLAIM FOR PERSONAL
INJURIES

v.

SANTA CRUZ COUNTY; SANTA CRUZ
COUNTY SHERIFF-CORONER; SANTA CRUZ
COUNTY JAIL; COUNTY OF SANTA CRUZ
DETENTION MEDICAL CLINIC; JEREMY
VERINSKY - DEPUTY SHERIFF; GARY
MC CONNEL - DEPUTY SHERIFF; GILDARDO
CHAIRES; D.W. JOHNSTON, R.N., and
UNKNOWN DOCTORS, NURSES, SHERIFF'S
OFFICERS AND OTHER EMPLOYEES OF
SANTA CRUZ COUNTY; THE SANTA CRUZ
COUNTY JAIL AND DETENTION MEDICAL
CLINIC,

Respondents.

TO: THE BOARD OF SUPERVISORS, COUNTY OF SANTA CRUZ AND CLERK OF THE
BOARD; SANTA CRUZ COUNTY SHERIFF-CORONER; JEREMY VERINSKY, DEPUTY
SHERIFF; GARY McCONNEL, DEPUTY SHERIFF; SANTA CRUZ COUNTY JAIL;
COUNTY OF SANTA CRUZ DETENTION MEDICAL CLINIC; COUNTY EMPLOYEES
GILDARDO CHAIRES, D.W. JOHNSTON, R.N., AND OTHER EMPLOYEES OF SANTA
CRUZ COUNTY:

You are hereby notified that MICHAEL LYNN ADAMS, whose current address is 58 15
Amity Road, Nampa, Idaho, 83687, claims damages of \$10,000,000.00 computed as of the date
of presentation of this claim against the County of Santa Cruz; Santa Cruz County Sheriff-
Coroner; Jeremy Verinsky , Deputy Sheriff, Gary McConnel, Deputy Sheriff; Santa Cruz County
Jail; County of Santa Cruz Detention Medical Clinic; Gildardo Chaires; D.W. Johnston, R.N.;
unknown doctors, nurses, sheriff s officers, and other employees of Santa Cruz County, Santa
Cruz County Sheriff; and the Santa Cruz County Jail and Detention Medical Clinic.

1 This claim is based on personal injuries sustained by claimant on or about April 18⁰⁰⁴⁹, 1997,
2 t the Santa Cruz County Jail and County of Santa Cruz Detention Medical Clinic, under the
3 bllowing circumstances:

4 **A. FACTS**

5 **1) Presentation at Dominican Hospital on April 17, 1999**

6 On or about April 17, 1999, claimant was taken to Dominican Hospital at
7 1555 Soquel Drive, Santa Cruz, California, by his friend and foster brother,
8 Martin Culver, for emergency medical treatment and hospitalization.
9 Claimant was exhibiting extreme paranoid, schizophrenic behavior and
10 repeatedly threatening suicide.

11 Upon presentation at the hospital, the claimant became further agitated,
12 confused, suicidal, and clearly exhibiting signs of a serious psychosis and
13 potential harm to himself and others. Immediate hospitalization and
14 treatment should have been administered in order to prevent harm to claimant
15 and others because claimant was in need of such immediate care and known
16 to be in need of such care.

17 At the same time of claimant's presentation to Dominican Hospital, Santa
18 Cruz County Sheriffs Officer, Deputy Gary McConnel, was present for an
19 unrelated issue. Deputy McConnel and others caused to be administered a
20 drug screening test to claimant to rule out a drug related cause to claimant's
21 agitated, suicidal, and psychotic behavior. The drug screening test was
22 negative for any known drug that could explain claimant's behavior
23 Claimant was also given anti-psychotic medication which Sheriff McConnel
24 Sheriff Verinsky, and other county employees were aware of. At the
25 hospital, Martin Culver expressed his concern to the hospital staff, Deputy
26 McConnel and later arriving Santa Cruz County Sheriff Officer, Jeremy
27 Verinsky, that the claimant was extremely suicidal and that the claimant also
28 believed he was Jesus.

Instead of providing the needed immediate medical care, the sheriffs arrested
the claimant, telling Martin Culver not to worry because the Santa Cruz

County Jail has a psychiatric ward and medical staff that can ⁰⁰³⁰evaluate and treat inmates and that claimant would be put in a medical observation ward at the jail to prevent claimant from suicide or harm to others. The sheriffs officers promised to explain the suicidal behavior and claimant's medicated state to the jail employees when claimant was transported to the jail. This promised undertaking created a special relationship, and the claimant became dependent on the sheriffs officers for protection, and the transport to jail and incarceration of the claimant increased the risk of harm to claimant and gave claimant and Martin Culver a false sense of security and prevented claimant from getting immediate and appropriate needed medical care.

2) **Transport to Jail and Incarceration**

Officer Jeremy Verinsky transported claimant to the Santa Cruz County Jail, and despite the officer's promise to explain the claimant's suicidal behavior and promise to have claimant held in a medical observation ward to prevent suicide or harm to others, the officer failed to advise the jail and staff of claimant's suicidal threats, failed to have claimant committed to a medical observation ward, failed to advise of claimant's medications given by the hospital, and failed to provide medical care to the claimant who was known to be in immediate need of such care.

Further, the Santa Cruz County Jail, County of Santa Cruz Detention Medical Clinic and their employees Gildardo Chairez, D.W. Johnston, R.N., and unknown doctors, nurses, sheriffs officers and other employees, once claimant arrived at the jail, failed and refused to give claimant immediate needed medical care in order that claimant would not attempt suicide. These individuals further mis-diagnosed claimant's medical condition, failed to note claimant's known suicidal intentions, failed to note the medications given by the hospital, failed to prevent claimant from attempting suicide, and failed to adequately treat claimant from attempting suicide and failed to adequately treat claimant medically.

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Further, claimant alleges on information and belief that at the time claimant was presented to the County of Santa Cruz Detention facility, the jail and medical facility was inadequately staffed and supervised with qualified medical practitioners who, if present, could have properly cared for and treated claimant, thereby preventing his attempted suicide further explained herein.

In failing to provide known and needed immediate medical care, in mis-diagnosing claimant's medical condition, in failing to recognize claimant's medicated state, in failing to prevent claimant from attempting suicide in their facility when such suicide was a known possibility, in having an inadequately supervised and staffed facility, and by creating the risk of suicide by arresting the claimant and releasing claimant into the general inmate population, claimant attempted suicide on April 18, 1999, at the Santa Cruz County Jail and detention' facility by jumping off a second floor balcony area and landing on his head, severely fracturing his skull and neck, causing catastrophic injuries and brain damage.

B. NAMES OF PUBLIC EMPLOYEES

The names of the public employees causing claimant's injuries are not entirely known to claimant but include sheriffs officers Jeremy Verinsky, Gary McConnel, County of Santa Cruz Jail and Detention Medical Clinic, medical practitioners, Gildardo Chairez, D.W. Johnston, R.N., and other employees whose names are known to the County. Claimant's records from the detention facility reference other potentially responsible employees, however the names are difficult to interpret and or identify due to the illegibility of the names on the records and the absence of names on the records. Moreover, claimant cannot recall the names of all responsible employees, in part because of his medical and mental state at the time of the fact: giving rise to the incident described above.

C. INJURIES

Claimant's injuries include severe brain damage, fractured cervical vertebrae (C-7) left temporal parietal skull fracture, subarachnoid hemorrhage, traumatic deafness and other injuries requiring extensive hospitalization and surgeries at Stanford Hospital in Palo Alto, California. Claimant's injuries are permanent and disabling

1 Claimant will need lifetime medical, hospital, and nursing care. Claimant's past and future
2 medical bills will exceed \$500,000.00. Claimant's wage loss and loss of earning capacity
3 exceeds \$1 ,000,000.00.

4 **D. JURISDICTION**

5 Jurisdiction over the claim would rest in Superior Court of the State of California.

6 **E. THEORIES OF RECOVERY**

7 Claimant's theories of recovery against the governmental entities and employees, as set
8 forth herein under the factual description of events, include but are not limited to
9 negligence, including, a) failing to warn Martin Culver and others of claimant's release into
10 the general inmate population while claimant was known to be threatening suicide and
11 exhibiting irrational psychotic and paranoid behavior, b) failing to prevent claimant's
12 suicide when his suicidal behavior was known, c) failure to provide adequate and immediate
13 medical care to claimant who was in need of such care, d) the creation of a special
14 relationship between the sheriffs officer and other county employees with claimant who
15 improperly arrested claimant 'and took claimant to an inadequately staffed and supervised
16 facility while claimant was in need of appropriate medical care and observation and
17 claimant failed to obtain the proper care and observation at the Santa Cruz County jail and
18 detention facility, e) the claimant was dependent upon the sheriffs officers and the other
19 county employees for protection from suicide because the sheriffs and county employees
20 were aware of claimant's known suicidal tendency, and the medications given by the
21 hospital, and promised Martin Culver that claimant would be treated, held, and observed
22 so as to prevent suicide, and promised to notify the Santa Cruz County jail employees of
23 claimant's condition and medications, but failed to do so, f) to the extent that the Santa
24 Cruz County Jail and Detention Medical Clinic employees were licensed to practice or
25 practicing medicine, these employees and the facility committed medical negligence in
26 failing to adequately treat; diagnose, and care for claimant so as to prevent his potential
27 suicide and injuries, g) the Santa Cruz County Sheriffs Department; the Santa Cruz
28 County Jail and Santa Cruz County Detention Medical Clinic failed to take precaution to
prevent the claimant's suicide attempt even though the staff, including the medical staff

1 responsible for claimant's care, knew or should have known, the claimant was likely
2 to take his own life, h) The improper arrest of claimant at a time when claimant was
3 in need of known and immediate medical care which arrest and detention prevented
4 claimant from receiving the appropriate care, and I) The governmental entities and
5 employees are liable under any and all theories expressed or implied in claimant's
6 statement of facts set forth above.

7
8 F. NOTICES

9 All notices or other communications with regard to this claim should be sent to:

10 Michael Lynn Adams
11 5815 Amity Road
12 Nampa, Idaho, 83687
13 Telephone No: (208) 461-1016

14 bated:

15  10/12/99
16 MICHAEL LYNN ADAMS-
17 Claimant