



County of Santa Cruz

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CHIEF ASSISTANTS
RAHN GARCIA
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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda October 24, 2000

To: Board of Supervisors

Re: Claim of Sarah Newcomb, No. 001-030, Amended

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:

- 1 . Reject the claim of Sarah Newcomb, No. 001-030, Amended 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: John Rhoads, Chief Probation Officer RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

BY Kim Elizabeth Baskett

DESCRIPTION OF THE INCIDENT

This claim arises from an incident that occurred on April 1, 2000 in which claimant was wrongfully seized and held on an unlawful warrant in Docket No. 93503 issued by Judge Love on behalf of the County of Santa Clara on April 17, 1996, when claimant was a minor. The County of Santa Cruz wrongfully, negligently, and erroneously held claimant and detained her over night, despite the fact that it knew, or through reasonable diligence would have discovered, that the warrant was erroneous and that there existed no lawful basis upon which to hold claimant and detain her.

Specifically, claimant was arrested by the Scotts Valley Police Department on April 1, 2000, and was delivered to the Santa Cruz County Juvenile Hall on that date, where she was unlawfully detained by Santa Cruz County until the following day, April 2, 2000. Santa Cruz County knew or through non-negligent investigation would have known, that the warrant had been recalled, was not valid, and that claimant should not have been held pursuant to the warrant.

BASIS FOR LIABILITY

Claimant's theories of recovery against the County of -Santa Cruz and its employees include: negligence, violation of mandatory duties, false arrest, and civil rights violations pursuant to 42 USC 1983.

INJURIES AND DAMAGES

The injuries to claimant include loss of income, emotional distress, embarrassment, and humiliation. Claimant's general damages are expected to exceed \$45,000, and her special damages are expected exceed \$5,000. Her total claim thus exceeds \$50,000. The

exact nature and amount of her damages will be calculated by experts and/or medical professionals.

WITNESSES

Witnesses include Scotts Valley Police Department, 1 Civic Center Drive, Scotts Valley, California 95066; Judge Love, County of Santa Clara; Santa Clara Juvenile Hall, Dorothy Holmes, P.O. Box 1812, Santa Cruz, California 95061; Santa Clara County Sheriff's Office.

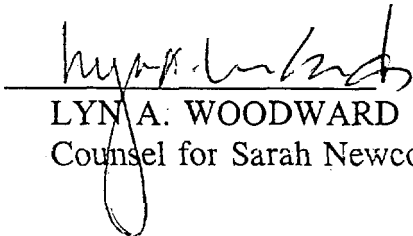
JURISDICTION

Jurisdiction over the claim rests in the Superior Court of the County of Santa Cruz and/or the Superior Court of the County of Santa Clara.

NOTICE

All notices or other communications with regard to this claim should be sent Lyn A. Woodward, Esq., 245 Foam Street, Suite 220, Monterey, California, 93940, 831/375-1191.

DATED: September 27, 2000

By: 
LYN A. WOODWARD
Counsel for Sarah Newcomb