



0003

County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda March 6, 2001

To: Board of Supervisors

Re: Claim of Mary T. Holt, Gary H. Holt, Tea'doro J. Holt, No. 001-058

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:

Mary T. Holt, Gary H. Holt, Tea'doro J. Holt,

- 1 X Reject the claim of No. 001-058 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: Rama Khalsa, Administrator
Health Services Agency

Mark Tracy, Sheriff-Coroner

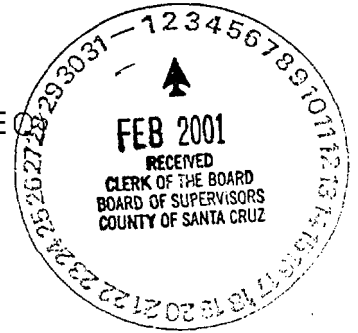
RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Kim Elizabeth Baskett

CLAIM AGAINST THE 0004
COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA
(GOVERNMENT CODE SECTION 910, ET SEQ)



TO: GOVERNING BOARD OF SANTA CRUZ COUNTY
STATE OF CALIFORNIA
CITY OF SANTA CRUZ (Police Department)
DOMINICAN BEHAVIORAL HEALTH CENTER
CAPITOLA POLICE DEPARTMENT
COUNTY SHERIFF'S DEPARTMENT
SANTA CRUZ COUNTY CHILD PROTECTIVE SERVICES
CALIFORNIA HIGHWAY PATROL, SANTA CRUZ COUNTY DIVISION

A. NAME AND POST OFFICE ADDRESS OF THE CLAIMANTS-

Mary T. Holt
Gary H. Holt
Tea'doro J. Holt
P.O. Box 7238
Nevada City, CA 95959

B. POST OFFICE ADDRESS TO WHICH THE PERSON PRESENTING THE CLAIM DESIRES NOTICES TO BE SENT.

Law Offices of Sandra Stanley
608 Neal Street
Grass Valley, CA 95945

C. THE DATE, PLACE, AND CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTION WHICH GAVE RISE TO THE CLAIM ASSERTED,

On August 5, 2000, Claimants were driving North on Highway 1, in Santa Cruz County, California. Claimant. Mary Holt, was driving. Her husband, Gary, and son, Tea'doro were a'so in the car. A driver in a sports car, wearing a nylon stocking on his head, cut in front of the Holt vehicle, then fell back behind it. From her side view mirror, Mary noticed the driver of the sports car leaning out of his side window, brandishing a large silver pistol and pointing it at the Holt vehicle. The other vehicle then passed the Halt vehicle a' second time and exited an off ramp. Mary Holt also exited the off ramp to obtain the other car's license number. At a controlled intersection, Mary Holt called out to pedestrians to call the police, that the car in the other lane had a gun.

After obtaining his license number, Mary Holt turned around and passed the vehicle, returning on the freeway. Within minutes, Mary was pulled over by the Santa Cruz police, ordered Mary out of the vehicle and down onto the ground. The Police drew their guns. Several back up cars approached and officers began going through the Holt car and luggage. One of the officers accused Mary of being crazy, then threw her onto the ground and handcuffed her, Although Mary attempted to explain what had happened, the officers refused to listen, telling her, among other things, that it was people like her who should not reproduce and that he. was taking her to a mental facility.

Thereafter, a Child Protective Services worker appeared and pulled the Holt child from its car seat, placed him in her vehicle, and took off. They took Mary's husband away next, presumably to the emergency hospital (Gary Holt suffers from the effects of a brain injury), then took Mary Holt to Dominican Behavioral Health Center, where she was subjected to continuous questioning by additional police officers and Dominican Hospital personnel,

The Dominican Hospital personnel forced Mary to take a urine test, then claimed that it was positive -- an impossibility since she had not taken any medication during the past several days. Then they held Mary overnight and forced Ativan on her (which she concealed and did not take).

The next day, Mary and Gary Holt went to Child Protective Services to retrieve their son, only to learn that a Welfare & Institutions Code, Sec. 300 Petition had been filed against them claiming that Mary Holt's decision to get the license plate of the driver with the gun had endangered their child, despite the fact that the child had been asleep during the entire incident. The Holts were told, however, that they would get their son back the next day. Their vehicle had also been impounded, and Gary was deprived of his needed medication, or the opportunity to care for his own child.

The next day, Mary Holt went back to Child Protective Services to retrieve her son. Mary was placed in a small room and Denise Testa, the CPS worker, brought in a supervisor and security guard with her. Mary kept repeating that she wanted her son back, and the CPS personnel called the police. Two uniformed officers came and took Mary back to Dominican, where she was placed under a Welfare & Institutions Code Sec. 5150 hold, and kept overnight. Mary subsequently learned that her son had been placed in a foster care facility in Watsonville, California.

The next day Mary was provided with a Patient Advocate who managed to have Mary released from Dominican CPS still wouldn't release the Holts' son until the Court hearing the next day. Due to the arrival of Mary's father from Wisconsin and friends from Yuba County, California, to act as character witnesses, at 4:00 p.m., the Holts' child was returned to his parents.

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D. A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGE, OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM:

Mary Holt sustained physical and emotional injuries as a result of the forced assault and battery upon her, the shackling of her person: the kidnapping of her son by Child Protective Services, the mental distress sustained as a result of being falsely imprisoned, placed in a mental hospital based on a false and fraudulent diagnosis, and subjected to shame, humiliation, and degradation without just cause.

Gary Holt, who is very dependent upon his wife since his brain injury,, sustained severe mental distress by her being taken from him, wrongfully deprived of his needed medication, deprived of the companionship of his son, and the fright he received by the entire series of incidents

Tea'doro Holt continues to suffer trauma and mental shock as a result of being literally ripped out of his car seat and deprived of his parents for five days, as a result of which he suffered, and continues to suffer, from separation anxiety and post-traumatic stress disorder.

E. GENERAL DESCRIPTION OF THE LEGAL BASIS FOR COUNTY LIABILITY, AND THE DATE OF DISCOVERY THEREOF

Child Protective Services, Santa Cruz Sheriffs Department, and the various police departments involved are divisions, and/or agents of Santa Cruz County, and acted under color of State Law. Dominican Behavioral Health Center is under contract to Santa Cruz County and/or is their agent for the purpose of accepting Santa Cruz County prisoners. The Holts were victims of a crime, but treated as perpetrators. Mental Health's actions in declaring Mary Holt to be subject to a W&I 5150 hold, were both Intentional and grossly negligent. Child Protective Service's actions in taking Tea'doro from his parents, without investigation of any kind, were fraudulent, oppressive, and malicious. The County of Santa Cruz violated State and County guidelines for the treatment of persons suspected of being mentally ill. Further, Mary Holt was assaulted and battered by the police officers, had her shoes taken from her at Dominican, which were not returned, and had medication forced upon her against her will. All of these actions occurred between August 5 and August 9, 2000.

- F. THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES 0007
CAUSING THE INJURY, DAMAGE, OR LOSS, IF KNOWN.

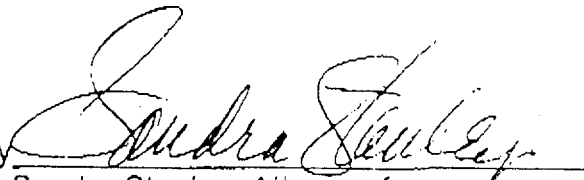
Other than Denise Testa, of CPS, the names of the employees are unknown.

- G. THE AMOUNT CLAIMED AS OF THE DATE OF PRESENTATION OF
THE CLAIM, INCLUDING THE ESTIMATED AMOUNT OF ANY
PROSPECTIVE INJURY, DAMAGE, OR LOSS, INSOFAR AS IT MAY BE
KNOWN AT THE TIME OF THE PRESENTATION OF THE CLAIM,
TOGETHER WITH THE BASIS OF COMPUTATION OF THE AMOUNT
CLAIMED:

Damages and losses include car towing, punitive damages, loss of
personal property, mental and emotional distress, and contingent and
unliquidated damages undetermined at this time, but which exceed
\$10,000.

Jurisdiction of the Claimants' claims rest in the Superior Court, and/or the
U.S. District Court, and is not limited.

DATED: February 2, 2001

By 
Sandra Stanley, Attorney for
MARY T. HOLT, GARY H. HOLT, and
TEA'DORO J. HOLT