



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
June 5, 2013**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim(s)
DATE: May 28, 2013

RECOMMENDATION:

Reject claim(s) against the City by Kristin Henderson, #13-14, and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, the claimant notified of the rejection, and referred to Municipal Pooling Authority and/or the City Attorney. Government Code Section 912.6(4) provides, "If legal liability of the public entity ... is disputed, the City Council may reject the claim..."

The statute of limitations for filing a court action on a claim commences upon notification of rejection of claim.

FISCAL IMPACT:

No impact to General Fund.

ACTION:

Motion rejecting the claim(s) against the City and order that the claimant(s) be notified.

Attachment: Claim #13-14

APPROVED BY:



City Manager



Reserve for filing stamp

CLAIM PRESENTED TO THE CITY OF MARTINEZ
* Please read the instructions on the back before completing.

RECEIVED
April 23 2013

CITY OF MARTINEZ
CITY CLERK'S OFFICE

(13-14)

1. Claimant's Name: (PRINT) Kristin Henderson
 Address: 2241 LaSalle Street/Martinez, CA/94553
 Day Phone: 925 219-5756 Eve Phone: ()

2. When did the damage or injury occur?
 Month: many Day: Year: Time: a.m./p.m. Police Report # see attach

3. At which location did the damage or injury occur? Pacheco Blvd near Bush, email, City Hall

4. a. What happened and why is the City responsible? Denial of civil liberties, false imprisonment, threat of deadly force, & more
see attached

b. Name and position of responsible City Employee(s), if known:
Chief of Police Gary Peterson, Police Officers

5. What damage or injury occurred?
see attached - 3 page claim typed narrative + 3 pages attachments

6. Claim amount (only if less than \$10,000): \$900.00
 If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction:
 Municipal Court (claims up to \$25,000) Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation. Records request, clerical costs, punitive damages

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on April 23, 2013, 2013 at Martinez CA CA.
Kristin Henderson
 Signature of Claimant or Representative's Signature

9. **Official Notices and Correspondence**
 If represented by an insurance company or an attorney, please provide the information requested below.
 Name and Capacity: (PLEASE PRINT) _____
 Address: _____
 City, State, Zip: _____
 Daytime Telephone: () _____ Evening Telephone: () _____

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City of Martinez
525 Henrietta Street
Martinez, CA 94553
Attn: Mercy Cabral, City Clerk
925-372-3512

23 April 2013

RE: Tort Claim by Kristin Henderson against City of Martinez and City of Martinez Police Department

The "benchmark" damage by the City of Martinez Police Department (MPD) occurred October 23, 2012 approximately 10:20 pm on Pacheco Blvd near Bush Street, Martinez CA approximately two houses north of Cinco Demayo Restaurant. I filmed part of the incident. However, there are related incidences that show a pattern of practice by the MPD and its Chief, Gary Peterson. These have been addressed in email complaint. Moreover, I have been waiting for records and some of the evidence discovery took time.

Regarding the "benchmark" October 23, 201~~2~~¹ incidence I, Kristin Henderson, am filing a claim because of the actions of MPD officers Poertner, Zachary and Carney, Scott. I had left my house and was walking down Pacheco Blvd. Then I heard someone say my name and say "stop". The person did not identify themselves as a police person, as far as I could hear at the time. The next thing I hear is someone say behind my back "Stop, or I will taser you". I turn around and see who it is and I say "You had better have probable cause. You would kill me if you did that". It was Poertner and he said "Good! Then stop". Not exactly the dialogue of someone who is suicidal, but Poertner did not care what the probable cause was. If I had been tasered, it is likely I would have died. There was no reason for this. I am short, fat, and middle aged. I am easily stopped without the threat of painful and/or deadly force. And the great irony is that I had a "Swiss-like" miniature army knife in my purse the whole time and no one took it from me—not in the ambulance, not during the encounter, and not under custody. However, I stopped and officer Poertner tried to coerce me to the ground with verbal threats. Then, officer Carney shows up and Poertner has Carney stay with me. Poertner forces me to give him my voice recorder out of my purse and goes back to my home and I turn on my camera and ask Carney why am I being detained? Carney says that there are witnesses that I am suicidal. I tell him I am not. I did not know then that the criteria for "drunk in public" is different than drunk driving (I thought the alcohol level was the same for both charges) and I was afraid I was going to be arrested for drunk in public. Now I know I did not meet the standard for drunk in public. I had a .10 at the hospital and spoke and stood very stably through the whole incidence. I say over and over to Carney that I am not suicidal. I tell Carney what happened and he just tells me that I can go live on the street if I don't like it—including the part that my mother did this because she suspected I called APS. There is a long history of my mother protecting men from the consequences of their abusive behaviors. This attached letter of hers is not the first time she has retracted a legal statement against me. Anyway, I am incredulous that an ambulance arrives and they 51/50 me. I could not believe it. You can see that in the film. So the first claim is deprivation of my civil rights and false imprisonment. The hospital held me for just a few hours until my BAC came down. Even the nurse told me that this was ridiculous. Just so you know, all three of the other people in this

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Claim

household have been hospitalized for extended periods in different sorts of hospitals over the past couple years. I have not. There was also a huge struggle to get my Grandmother in proper care as there was obvious Manhausen's by Proxy activity going on with her care. My mother is seeing a therapist and things have gotten better since she and I spoke to a pastor who convinced her into doing something (if I caught it on film) about the physical and/or verbal abuse and death threats I receive and the verbal abuse and financial abuse she receives in this household. Moreover, Poertner told Carney to make the ambulance wait until he came back, but the ambulance guys took my blood pressure and it was so high and we waited so long, that the ambulance guys were just about to leave when Poertner came back and they told him "too bad, we don't feel comfortable with her like this waiting for you". So, in other words, Poertner was not interested in getting me help, or looking at the facts, or any other measure of reasonableness or community welfare. Poertner was just interested in making a cop score at my expense and would go so far as me having a heart attack while waiting for him and tasing me to get his way. Poertner never actually talked to me about what was going on. He was over excited by the thrill of a bust and it was obvious. Poertner also wrote on the admitting form that I had been "evasive" with him. This is false testimony of a police officer and State laws are very clear that false testimony by a police officer is a crime unto itself. In the film it is very clear I am NOT being evasive.

I have multiple times called MPD when violence and disturbance occur and the police just basically tell me "too bad, go live on the streets, you are not worth protecting." This has evidenced itself for years. No one ever called me back when my mother's boyfriend physically assaulted me (she called the police, I would not have). No one ever called me to see if I was OK the multiple times my brother aggressed on me before he was diagnosed with an Axis II disorder. However, whenever ANYONE says anything to the police about me or says to Gary Peterson anything about me—I AM SUBJECTED TO ALL SORTS OF INTERROGATION, PROFILING, LIBEL, DEFAMATION, INVALIDATION, INSULTS, EMOTIONAL STRESS, AND MORE. Some of this occurs around me expressing myself through email, the telephone, and at City Council meetings. These are violations of my First, Fourth, and Fourteenth Amendment Rights. Here is but ONE example: I called MPD Gary Peterson November 10, 2012 after a known person with multiple Axis II diagnoses had screamed extensively at me and falsely accused me in public of a serious crime while I was working the voter poll booth. Gary Peterson told me that because of my 51/50 incidence that my complaints were not valid regarding others' abuse of me. This is clearly a case of the MPD discriminating against me and not applying equal protection of the law based on a disability they allege I have. Moreover, Gary Peterson—for this same person whom he has favored and favored said family—called me up when the person filed a perjurious court claim and Peterson asked me if I was dangerous and when I said "how?" Peterson wrote "look at the affidavit in the restraining order". Gary Peterson NEVER gave that affidavit a cursory look because it was so obvious false. Ironically, if I question Gary Peterson if he is receiving financial favor from certain citizens, he threatens me with a court action.

Gary Peterson has also bore false witness.

Yes, I have all the films, police reports, correspondence, emails, etc. that support my claim. I will submit them if the City investigates my claim further. However, given that Gary Peterson has repeatedly told me that I am imagining all of this and my complaint illegitimate even before I write it, and given how the City of Martinez has used its City Attorney to defame me with allegations of "irrationality" in the RCD

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litigation, and all the other incidences where the City of Martinez City Council has insulted, humiliated, libeled, defamed, and abused me in various ways—it is likely the City of Martinez does not care to investigate this claim. If the City does, I will forward all the supporting evidence.

I paid about \$200 for records, I have been subjected to much emotional stress and terrible inconvenience because of the actions of the MPD, and there needs to be punitive damages of some sort. Moreover, it is my opinion that Gary Peterson acts this way towards me because he makes an incredible amount of money and his is a political position as well as administrative, and he feels entitled by some message the City Council or others have given him regarding me. I do not believe he learned these oppressive and violating ways at "Peace' Officer" school. In fact, Gary Peterson has used terms with me such as "everyone says you are _____" and has persecuted me based on hearsay and without probable cause. I will reiterate I have the evidence.

I will also reiterate here that I am not a violent person. I am not a criminal. I am not a felon. I am not a threat. There is no evidence that I am any of these things and yet I am battered and brutalized and demeaned by MPD, the City Council, and their friends. I save lost dogs. I donate money to charity. I do a lot of volunteer work. Since I have lived in this house, many things have been turned around for the better. I am a kind, caring, educated, career-oriented person with some very positive feathers in her cap derived in Martinez but in other places as well. I have an IQ of about 150. If I find a wallet on the street, I return it with all the money in it. I raised a pit bull to be the greatest dog in the world. Don Blubaugh would constantly compliment my resourcefulness and intelligence, as do others. I care about my neighbors. I care about a family that has not much cared about me my whole life. I have worked in the "helping" professions. I am very educated and well read. I cry easily over touching things. I teach crafts at church women's retreats. I clean houses for cancer patients. I babysit animals. Don't confuse my political persona and my inner strength with the integrity of my true character and the goodness of my spirit. Oh, lest I forget, Gary Peterson kept me from completing CERT training.

Reiteration of Claim against City of Martinez: 1st, 4th, 14th Amendment Violations; False Imprisonment; False Testimony and facilitation of Perjury by MPD; Civil Liberty Violations; Verbal and Physical Brutality; Profiling; Impeding Civic Involvement and Health and Welfare; Applying Extreme Emotional Distress.

Any Questions?

Sincerely,



Kristin Henderson
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Martinez, CA 94553
925-219-5756
hendersonkristin@hotmail.com

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