

Re: Woman, 84, files \$900,000 claim against San Francisco

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Source: <http://newsgroups.derkeiler.com/Archive/Alt/alt.true-crime/2005-08/msg03954.html>

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- From: "JonesieCat" <Long Ago & Far Away>
  - Date: Thu, 18 Aug 2005 20:49:37 +1000
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<earthage2002@xxxxxxxx> wrote in message  
news:1124349459.611667.275610@xx  
<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/08/18/GUTIERREZ.TMP>  
SAN FRANCISCO

Woman, 84, files \$900,000 claim against the city  
She says officials failed to protect her from abuse by gang  
Jaxon Van Derbeken,  
San Francisco Chronicle Staff Writer  
Thursday, August 18, 2005

An 84-year-old woman whose San Francisco apartment was overrun by gang members has filed a \$900,000 claim against the city, charging that officials failed to protect and care for her.

The claim is a necessary first step before Ellen Gutierrez can file a lawsuit charging that the city's social service system failed to look after her when she was put in the care of the Adult Protective Services agency.

Police said in May that Gutierrez had been living for several months in her apartment at 2265 Mission St. as a virtual prisoner of six alleged members of the Sureño gang. Gutierrez was unharmed, but her apartment was filled with drugs and crack pipes, there was gang graffiti on the walls, and a gun was found in the bathroom, police said.

The alleged gang members were charged with a variety of offenses, including elder abuse and residential burglary.

It turned out that contract workers who looked in on Gutierrez for Adult Protective Services had seen signs that all was not right at the apartment, but it was months before they alerted police.

The incident prompted the Department of Human Services to re-examine how it oversees Adult Protective Services and its many contract providers. Mayor Gavin Newsom called for the city to hire 14 more social workers and to provide better training for contract workers.

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Kathryn Stebner, an attorney representing Gutierrez, said that her client has mild dementia and that Adult Protective Services had failed to monitor her health and well-being closely.

"The city failed to protect Ms. Gutierrez," she said. "We are very concerned about the vulnerability of the elder population, especially since (Adult Protective Services) is failing to protect them, and that is what they are there for."

She said Gutierrez is now in an assisted-living facility and cannot return to her apartment.

"Our concern is that this has happened to other people," Stebner said. "If it is true that (Adult Protective Services) is understaffed, staff it. This is the last line of defense, and the elderly population depends on these city institutions to protect them. Obviously they are not."

A spokeswoman for the city attorney's office, Alexis Truchan, said her office had not seen the claim and she could not comment.

Human Services Director Trent Rohrer could not be reached for comment. He has acknowledged that the city "didn't intervene soon enough" in the Gutierrez case.

One problem, Rohrer has said, is that Gutierrez explained to a social worker who checked in on her that the gang members living in her apartment were her friends.

But Stebner said it is the job of social workers to assess situations that are out of the ordinary. "These people are trained people who are supposed to spot this," she said. "You have to hold this to a much higher standard."

A city report of the handling of the case found that Gutierrez began receiving three-day-a-week care from the city in spring 2004, through the nonprofit In-Home Supportive Services Consortium. The Consortium, in turn, contracted with another agency, 30th Street Senior Services, to deliver her meals.

The meal provider complained to the Consortium in September that there were young people in the apartment who were using drugs and drinking. The Consortium responded that it was "the client's lifestyle," the report said.

The following month, however, the Consortium contacted Adult Protective Services about her situation. Agency workers paid three visits and found she was not being taken advantage of.

In May, the Consortium filed a complaint with Adult Protective Services about possible illegal activity in the apartment by youths staying

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there. During a visit, an In-Home manager and a meal provider were threatened, and services were stopped May 13.

The matter languished until May 18, when police were summoned and found the alleged gang members inside.

Hope this old girl wins, and her final years on this earth are comfortable, wherever she winds up. Reprehensible what she went thru.

JC

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• *Follow-Ups:*

- ◆ *Re: Woman, 84, files \$900,000 claim against San Francisco*  
◇ From: Bo Raxo

• *References:*

- ◆ *Woman, 84, files \$900,000 claim against San Francisco*  
◇ From: earthage2002@xxxxxxxxxx

- Prev by Date: *Re: Missing Newport couple's last hours aboard yacht described*
- Next by Date: *Re: BTK*
- Previous by thread: *Woman, 84, files \$900,000 claim against San Francisco*
- Next by thread: *Re: Woman, 84, files \$900,000 claim against San Francisco*
- Index(es):
  - ◆ *Date*
  - ◆ *Thread*