

Siskiyou County pays to settle 2009 wrongful death suit

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Yreka, Calif. —

The family of a 29 year old man who committed suicide while an inmate at Siskiyou County Jail in 2009 will receive \$1.6 million in a court settlement that should be finalized this week.

Siskiyou County paid \$1.2 million and the state paid \$400,000 to settle the wrongful death case, which was brought by Matthew Anderson's mother, Mineko Swezey of Canyonville, Ore., according to her attorney Michael Haddad of Oakland.

All but \$10,000 of the county's share of the cost will come from the California State Association of Counties, a Joint Powers Agreement that works like insurance, said attorney Phillip Price, who handled the case for the county.

Price said the case was settled in a mediation in December 2011. The state recently issued a check for its share of the settlement, said Haddad, and Price said now the county will pay its part.

Once the amounts are paid, US District Court judge will dismiss the civil case, said Price.

Anderson, who was not on suicide watch at the time, was found unresponsive in his cell on the evening of April 2, 2009 by a deputy. CPR was started immediately and was continued until an ambulance personnel arrived, said a spokesperson for the Siskiyou County Sheriff's Department at that time.

Anderson was pronounced dead at 9:16 p.m. at Fairchild Medical Center in Yreka.

Anderson had been arrested by the Yreka Police Department on July 15, 2008 at Carl's Jr., where he was allegedly bothering and intimidating the employees and patrons, the spokesperson said. He was arrested for obstructing/resisting an officer, being under the influence of a controlled substance and obstructing or intimidating a business operator/patron.

During his preliminary hearing two days later, Deputy Public Defender Warshawsky requested that Anderson be examined by two expert doctors to determine if he was mentally competent to stand trial, stating this should be done as expeditiously as possible as it was an emergency situation, according to court documents.

Dr. Kent Caruso and Dr. Ray Carlson submitted their evaluations to the court on July 29, 2008, in which they recommended that Anderson be transferred to a recovery facility as he was not competent to stand trial at that time. On August 26, Anderson was admitted to Napa State Hospital, which treats adults with serious mental illness.

Six months later, on February 20, Anderson was returned to Siskiyou County with a Certification of Mental Competency from the State Hospital.

“We took one look at him and knew he still wasn't competent,” said Siskiyou County Public Defender Lael Kayfetz in an interview with Mt. Shasta Area Newspapers a few days after Anderson's death. “On March 11, the judge found that he was not yet returned to competency, and that he should be returned to Napa for further treatment.”

An order to that effect was filed on March 27 by Judge William Davis. While Anderson was awaiting transfer back to the State Hospital, he was being housed in administrative segregation in the Siskiyou County Jail due to his difficulty being around other inmates said the spokesperson.

“Anderson was not on suicide watch,” the spokesperson said, “but it appears that he laid down on his bed and tied his sweatshirt around his neck, strangling himself.”

Haddad said Anderson suffered from bipolar disorder and schizophrenia.

“This is one of the most egregious jail suicide cases we've ever seen,” Haddad said. “Matthew Anderson's death at age 29 was easily preventable. If either the state or the county defendants had simply obeyed their constitutional duties, Matthew would still be alive today.”

Named as defendants in the case were the County of Siskiyou, Siskiyou County Sheriff's Department, Sheriff Rick Riggins, Captain Jim Betts, Deputy Christopher Miller, Ronald Bortman MD, Lauri Hunner, Thomas McAleer, Terry Barber, Betty Brees, State of California, Napa State Hospital, Dr. Ed Folk RN, Dana White RN and Diane Johnston Mond.

“I am furious,” Kayfetz stated at that time. “Our jail did everything correctly, but while Anderson was waiting for transfer, he killed himself. (Napa State Hospital) was ordered to transport him back, and they didn't obey. This was a very mentally ill person who deserved treatment.”