

Santa Cruz/Monterey

Victim cries foul in crash probe

'87 accident surfaced in D.A. election campaign

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There was a time when Sandra Larsen thought that being hurt in an accident caused by the Santa Cruz County district attorney would work in her favor.

"It means he has insurance, right?" she asked the police officer who followed her to the emergency room.

Now, Larsen feels victimized by an investigation she says favored the man who hit her, District Attorney Art Danner.

Police officials deny the allegations of favoritism but do acknowledge that they handled the accident investigation differently because it involved a public official. They say it made them investigate the accident more thoroughly than usual. The investigating officer said he was aware from the beginning that his actions would be closely scrutinized.

Danner — and investigating officer Kenneth L. Black — agree that the prosecutor never asked for any special treatment. He was given

and paid a citation for failure to yield the right of way.

But Larsen, a 30-year-old massage therapist, said, "It was a very thorough investigation. They investigated me."

Black said he gave Danner and Larsen equal scrutiny.

"If there is any hint on anybody's part that there was some collusion, some coverup, or any impropriety in this investigation, then the person making that statement or suggesting that obviously does not know me," Black said.

He added that he resented those insinuations.

Danner's insurance company paid the vehicle claims. But, because Larsen had been recovering from a work-related back injury, the insurance company disputed about \$13,000 in medical bills.

Larsen filed a civil lawsuit against Danner in 1988 — and last week an arbitrator awarded her \$22,500. She says the award won't cover her medical bills once she pays her lawyers. She is considering an appeal before a Superior Court jury.

In the suit, Larsen contended that she aggravated a slipped disc,

broke four teeth and suffered a concussion and nerve damage in the June 9, 1987, crash in front of the county courthouse. Her suit alleged that Danner was negligent for driving under the influence of alcohol.

Interviews and court records show that Larsen passed a field sobriety test as she lay on a gurney in a hospital emergency room. Still, police demanded a sample of her blood, which was analyzed in elaborate tests that failed to turn up even the most minute trace of alcohol or drugs.

But Danner's sobriety was never
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District Attorney Art Danner
... Cited in crash

Crash probe was biased, victim says

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tested. The district attorney wasn't asked if he had been drinking until nearly four hours after the accident, according to a police report and court records.

The records show that both drivers had something to drink during the afternoon and early evening of June 9, 1987. Larsen said she had a single beer at about 4:30 p.m. Danner said he had a gin-and-tonic — and part of a second — during a 45-minute meeting just before the 8:40 p.m. collision.

So, why was Larsen — not Danner, the driver at fault — given a sobriety test?

Santa Cruz Police Chief Jack Bassett says that drinking was not an issue at the accident scene. Neither driver appeared to be under the influence.

Larsen was tested later only because Black smelled alcohol on her breath during an interview in a small hospital cubicle, Bassett and Black said.

The accident received little attention when Danner paid his cita-

tion.

Danner said in a court deposition that he decided not to contest the ticket because he wanted to avoid additional publicity.

But the 3-year-old case resurfaced recently as an issue during Danner's re-election campaign. His opponent, Santa Cruz attorney Ed Frey, circulated an "open letter" that questioned whether Danner had received favored treatment from police because of the office he holds. Danner, who called Frey's letter "a smear tactic," was adamant that he never sought special treatment from police — and both Bassett and Black agree with him on that point. But Danner added that he disagreed with Black's decision to test Larsen's sobriety.

"I did not think she was driving under influence," Danner said. "I didn't think she should be given a test ... Am I responsible for what the police department does? What you need to do is ask what they did and why they did it. It's not fair to saddle me with that."

Bassett denied that favoritism

played a role in his officers' handling of the investigation.

"If Art was on the gurney and they smelled the alcohol on his breath, he would have had an alcohol test, too," Bassett said. "The reason I'm positive about that is they would have asked me what to do, and I would have said, 'Test him.'"

However, Bassett could not explain why the investigating officers smelled alcohol on Larsen — who had a single beer 2½ hours earlier — and not on Danner, who had two drinks during the hour before the accident.

"Some drinks don't show up on the breath as readily," Bassett said.

The report also notes that Black and two other officers saw no evidence at the accident scene that Danner had been drinking. A sergeant who gave Danner a ride home, "stated that he was particularly sensitive to the possible presence of alcohol, but that he did not notice any symptomatology or the

indication of any alcohol on Danner's part," according to Black's 10-page report.

There are a number of inaccuracies in the report, Larsen contends. The most glaring is the allegation that she hit Danner's car broadside. A diagram attached to the report shows the accident was a front-end fender-bender that occurred when Danner attempted to turn left into oncoming traffic.

She says she never set out to become a campaign issue or take on the county district attorney. "I'm sure he's probably a very nice man. He made a mistake. But I'm the one who's got to take all the losses because everybody's protecting him."

She added, "I feel like a real pawn in the whole thing. I just want to pay my bills and get on with my life ... It's sad to me that public officials aren't held accountable in the same way ordinary people are. It's been stacked all along against me."