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Daily Post

Locally owned, independent

Local VA worker claims retaliation for whistleblowing

BY BREENA KERR
Daily Post Staff Writer

An employee at the Palo Alto VA says that he was placed on leave in retaliation after he complained to his supervisors about problems at the health care system's pharmacy, according to a report from a government accountability non-profit.

Stuart Kallio, a former veteran and pharmacy supervisor at the VA Palo Alto Health Care Sys-
[See VA, page 22]

Stanford Fast Track



Emergency Department Fast Track

Fast Track is located at Stanford Hospital's award winning Marc and Laura Andreesen Emergency Department at 900 Quarry Road Extension, Stanford, and is **open daily from 11:30am-11:30pm.**



City's most arrested man



Can the system help a 'defiant' man who doesn't want help?

BY BREENA KERR
Daily Post Staff Writer

Palo Alto, a city that considers itself an example to others, has a vibrant downtown, billionaire tech magnates and a sparkling reputation for using clean energy. But despite those successes, it can't seem to rescue a homeless man who has been cited 168 times in the last 15 years, often for public drunkenness, drinking in public or sleeping on city property.

As he wanders the downtown streets, Scott Duesenberg is proof that crime, alcoholism, poverty and social breakdown are riddles that city leaders haven't been able to solve.

Duesenberg spends most of his nights on the bottom floor of the Bryant Street parking structure and most of his days in or near Cogswell Plaza, sitting on a bench in the sun with a fifth of vodka. His skin is tanned a golden brown from all the time he has spent outside. By afternoon, his words are often slurred.

SCOTT DUSENBERG, the most frequently arrested man in Palo Alto. Post photo by Breena Kerr.

'We're not mental health experts, but we kind of do our best. And we inherit the problems that no one else wants.'

Police Sgt. Wayne Benitez

'I'm 5150, all the way.'

Scott Duesenberg, referring to the state law that allows police to take people with a suspected mental health disorder to a hospital for an involuntary 72-hour examination.

At least that's how things are when he isn't sitting in jail or confined to a hospital bed.

Duesenberg, 51, is a likable guy with a ready smile who admits he's "defiant." He has such frequent contacts with law enforcement that many police and paramedics know him by name. They are both his nemeses and his caretakers — the ones who arrest him and the ones who take him to the hospital when he's dangerously drunk or sick. The only living family member he has in the area is an estranged
[See ARRESTED, page 8]

THE UPDATE

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CORRECTION: A story yesterday about Chuck Podaras, who was wrongfully convicted of assault, contained inaccurate information about his appeal. His conviction was overturned by an appeals panel from the San Mateo County Superior Court.

OBAMA STOPPING BY: The president is due to arrive at San

Francisco International Airport today, and he and House Minority Leader Nancy Pelosi are slated to attend a luncheon fundraiser tomorrow at the Los Altos Hills home of real estate developer George Marcus. Tickets start at \$10,000 per person and go up to \$32,400 for a couple, according to an invitation. Afterward Obama heads to Los Angeles for another fundraiser.

BLACK BOX TURNED OVER: Pro-Moscow separatists released a train packed with bodies and handed
[See THE UPDATE, page 4]

Pipe leaks 36,000 gallons of water into Bay a day

BY ANGELA RUGGIERO
Daily Post Staff Writer

While residents are asked to conserve water due to the drought, a leak in a giant pipe that brings water to Peninsula cities has dumped approximately 65 million gallons of water into the Bay over the last five years.

The leak is on a pipe that stretches across the Bay, south of the Dumbarton Bridge. An average of 25 gallons per

minute, or 36,000 gallons per day, leak out of the pipe, said David Briggs, local and regional water systems manager of the San Francisco Public Utilities Commission. The SFPUC operates the pipes that run water from the Hetch Hetchy reservoir in Yosemite National Park to serve more than 200 million users in the Bay Area.

The pipe has been leaking for about
[See LEAKS, page 22]

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Duesenberg cited 168 times in 15 years

ARRESTED

brother. He has no wife, ex-wife or girlfriend.

Since 1999, Duesenberg has been cited with 168 misdemeanors, which means he hasn't served any time in state prison like he might have been had he been convicted of a felony. As a result, he returns to the streets sometimes immediately after his arrest. It's too expensive to go through the entire process of taking him to the jail in San Jose and booking him, so he's cited and released.

When he fails to appear in court, which often happens, a warrant is issued for his arrest. That's happened 40 times.

Currently he is at Elmwood Correctional Facility in Milpitas for failing to appear in court, and is awaiting his next court date, according to his attorney, Santa Clara County public defender Gary Goodman.

Nine charges in six days

Police couldn't name anyone who has been arrested more times than Duesenberg. Sgt. Wayne Benitez called him the most frequently arrested person in the city.

Between June 3 and June 6, Duesenberg was cited nine times on charges such as drinking in public, smoking in public, sleeping in a public place and lewd conduct.

While people can be arrested for lewd conduct for engaging in prostitution or pornography, people can also be arrested for lewd conduct for

DUESENBERG CHARGES

Here's what Scott Duesenberg's been charged with over the past 15 years:

- 43 arrests on warrants (usually for failing to appear in court)
- 38 public drunkenness
- 30 sleeping on city property
- 29 drinking in public
- 14 having an open container of alcohol in public
- 4 trespassing
- 2 public urination
- 2 parks violations
- 1 burglary
- 1 battery
- 1 petty theft
- 1 smoking in a public place
- 1 lewd conduct
- 1 shoplifting

exposing themselves. Benitez said that officers sometimes find Duesenberg passed out with his pants down in the city garages after defecating nearby.

System hasn't worked

Just about everyone the Post interviewed about Duesenberg, from police to homeless advocates, agree that the system hasn't worked in his case. But it's hard to know what to do when

a "defiant" man seems hell-bent on drinking himself into oblivion.

Duesenberg's drinking is so severe that he has almost killed himself at least once in the last two months, according to Sgt. Benitez.

Benitez said that a few weeks ago some officers were doing their rounds in one of the city garages when they found Duesenberg lying on his back in a pool of vomit, barely breathing.

Police called paramedics who rushed him to the hospital, where he stayed for three days. His blood alcohol level at the time was ".40 and rising." That's more than four and a half times the legal limit of .08.

Benitez said he knows that arresting Duesenberg over and over isn't a good way to solve the problem, but it seems like there is no other option.

So far, none of the social service programs, including free housing and drug treatment programs, have succeeded. Duesenberg always seems to end up back on the streets, drinking and living in the city garages.

Limited options for police

Benitez said that the only option Palo Alto has is to keep arresting him and hope that eventually one of the drug treatment programs he is put in as a condition of his parole finally helps him help himself.

It's a bad way to solve the problem, Benitez said, but it's all they've got.

"We're not mental health experts, but we

Fighting homelessness with housing

BY BREENA KERR
Daily Post Staff Writer

In a program that could serve as an example for other cities, Phoenix claims it has put all of the city's 222 chronically homeless veterans in homes and helped them stay off the streets.

Since 2011, the nonprofit Arizona Coalition to End Homelessness found temporary and then permanent homes for the veterans. It also assigned all of them to a person who worked as a cross between a case manager, friend and mentor. That person met with them every day and did whatever it took to help them get their life on track.

The housing and support cost a fraction of what it would have cost if the veteran stayed on the street.

A way to save money

When a homeless person lives on the streets, they run up expenses that are often paid by the public — such as ambulance runs, stays in the hospital and incarceration costs.

According to a 2009 report by the Los Angeles Homeless Services Authority, the public cost of a homeless person living on the streets runs about \$67,000 a year.

That same person can be housed and receive counseling for \$53,000 a year — 20% less.

The White House lauded the program in December as the first to solve homelessness among veterans.

To be considered "chronically homeless" the veterans had to have been living outside for 8 years or more.

"They're the hardest to serve," said the program's Communications Director Rebecca Pringle.

The program works by helping the homeless through the bureaucratic process to get things such as subsidized housing, drug or mental health treatment, Social Security and whatever else they need. The people who help them through the process are called "navigators," Pringle said.

Phoenix program gives chronically homeless a home and counseling

Navigators initially check on program members every day to also make sure they get to doctor's appointments, help them cook, teach them to budget, counsel them and do whatever else they need, she said.

The program's navigators are either veterans, recovering addicts or alcoholics, or formerly homeless — and sometimes all three — so they have much in common with the program participants, she said.

Of the veterans who got into housing through the program, 94% hadn't fallen back into homelessness after a year. That's 10 percentage points better than the national average, Pringle said.

Lack of funding locally

Chris Richardson, director of operations for Palo Alto's homeless work program known as the Downtown Streets Team, said that his organization tries to check on people in its program every day, and sometimes does, but it doesn't have enough funding for something like the Phoenix program.

The Downtown Streets Team has a program where the homeless clean up Palo Alto Streets. In exchange, they get a stipend and work experience that can help them get a job in the future. The streets team also provides workers with a case manager and helps them find a job and a place to live.

'They're the hardest to serve.'

Rebecca Pringle, Arizona Coalition to End Homelessness

A unique Palo Alto courthouse program, established in 2012, also tries to do some of the same things as the Phoenix program, Santa Clara County public defender Gary Goodman said.

It's called the Palo Alto Review Court. Once or twice a month, homeless or indigent people who have been charged with low-level, nonviolent crimes go there instead of appearing for a regular court date.

It's structured differently than a typical court. Along with defense attorneys, deputy district attorneys and a judge, nonprofit workers also show up.

Bringing services to defendants

With homeless advocates in the courtroom, Goodman is able to try to get people into programs rather than behind bars. Members from Downtown Streets Team, Palo Alto's Opportunity Center, Momentum for Mental Health and other nonprofits go into the courtroom and meet with the accused to set them up with one of their programs.

Then a judge may waive some of their fines and let them stay out of jail in favor of enrolling in a program, Goodman said.

Once the people commit to a program, they are scheduled to appear back in the courtroom so that the judge can see if they are doing what they promised.

Some people who stick to their programs may have their crimes eventually expunged from their record, Goodman said.

The public defender's office, which is across from the courthouse on Grant Avenue, has also asked the Downtown Streets Team and other nonprofits to set up desks in their office. Goodman says he hopes to make the office a one-stop-shop for services that people can visit right after they get out of court.

The review court is a way of connecting the homeless and poor with services and advocating for them, Goodman said. And that can give them the most important thing of all: hope.

CITY'S MOST ARRESTED MAN

Programs didn't work for Duesenberg

kind of do our best. And we inherit the problems that no one else wants," he said.

"We've been taking a pretty heavy-handed approach, saying, 'If you keep doing criminal acts, we're going to try to use the DA's office as leverage,'" Benitez said. "We keep citing him ... to help him ... because it's an absolute waste of everyone's time to keep arresting him and sending him to jail."

Benitez said that there are success stories — people who used to be where Duesenberg is now. After being arrested over and over, some of them finally got clean and now have jobs or are reunited with their families.

City Attorney Molly Stump said the same.

"Sometimes people take a number of trips through the system and finally it will take, and then they're better and the community is better," she said.

A special court

After Palo Alto police arrest Duesenberg, he is sometimes brought to a special court called the Palo Alto Review Court where defendants are put in touch with drug and alcohol counselors, representatives of housing programs and others who can help the homeless.

Gary Goodman, the Santa Clara County public defender assigned to Duesenberg, said he believed that the city and county had "bent over backwards" for Duesenberg by setting him up in recovery programs.

'(Duesenberg) tries extremely hard. Then he falls back into it.'

Gary Goodman, public defender assigned to Duesenberg

Goodman said there are many others who have used the programs, put their lives on track and eventually have their arrests expunged from their record.

"(Duesenberg) tries extremely hard," Goodman said. "Then he falls back into it."

Duesenberg has been in many programs without much result, he admits. In some cases, he said he dropped out because he didn't get along with the other people there, or because he "didn't clean up after himself" and got kicked out. Sometimes, he finished a program, and then ended up right back on the streets drinking again, he said.

Making a personal connection

In general, Duesenberg didn't have many good things to say about the programs, except one. One time, he said, he was in a program with a girl who said she felt safer because he was there.

"That really made me feel good," he said.

It might not seem like much, but social connections like that hold a key to getting people such as Duesenberg off the street, said Heiri Schuppiser, who does outreach for the San Jose-based mental health nonprofit, Momentum for Mental Health.

Along with a safe place to stay, a supportive friend, family member or a social worker can be the deciding factor in whether someone decides to stay on track and get their life together or slips back into mental illness, drug abuse and homelessness, Schuppiser said.

It's an idea that has worked in Phoenix, where advocates from the Arizona Coalition to End Homelessness said they've eliminated homelessness among 222 veterans who had been living on the streets. To do that, they put each person in a newly refurbished apartment and give them a case manager who also is a friend and personal coach. (See story on opposite page.)

The Phoenix program, which has been held up as an example of what other cities can do to deal with chronic homelessness, won't work if



SCOTT DUESENBERG poses for a Post photographer in downtown Palo Alto.



JEFF BRUNEAU overcame homelessness and now is a leader with the Downtown Streets Team. Post photo.

the person doesn't want to change, Goodman said.

And for some people, that doesn't happen until they hit rock bottom.

Those who don't want to change are often the people who fall through the cracks, he said.

Life turned around

Jeff Bruneau, now a team leader for the Downtown Streets Team's afternoon crew in downtown Palo Alto, used to be one of those people. After chronic pain forced him to quit his job at Borders Books and Music store, he became homeless. He lived on the streets of San Francisco for 12 years, and then came back to the mid-Peninsula and camped along San Francisco Creek for three more years. During that time, he had serious alcohol abuse issues and was arrested about 10 times for offenses such as sleeping in parks and being drunk in public, he told the Post.

He volunteered with the Downtown Streets Team for two years before he really "got serious" about turning his life around. Now, he proudly sweeps the downtown streets and wears the green shirt that designates him as a supervisor. He was also able to get into a subsidized apartment a few months ago, he said.

"That's all behind me now," Bruneau said of

homelessness and alcoholism. For him, the system seems to have worked.

"Downtown Streets Team saved me," he said, adding that things didn't turn around until he found the determination to change his life.

Luckily, Bruneau said, he didn't have to contend with mental illness.

Mental illness, by its nature, may hold many people back from seeking the treatment they need to get on their feet again, Schuppiser said.

For those people, the only option left is for a judge to grant full legal guardianship or "conservatorship" of a person to someone else who may decide to put them in a home for people with mental illnesses.

But that's a difficult step, he said.

Two women who lived on the streets of Palo Alto for many years — Valerie "Bunny" Good, 71, and Michelle Bush, 72 — suffered from mental illnesses and died in the past eight months, said Schuppiser from Momentum for Mental Health. Yet despite their living conditions,

he doubted that a judge would have appointed a conservator to manage their lives for them — because the threshold to do so is very high.

"You can't just get them off the streets. They have their rights," he said. "If they would have gone before a judge, they would have gotten out of it because they knew all the right words to say."

This month, the San Francisco Board of Supervisors approved "Laura's Law," which creates an easier path for judges to force mentally ill patients to get treatment under certain conditions.

The law allows court-ordered outpatient treatment for people with chronic and severe mental illness who are deemed a risk to themselves or others or who have been hospitalized more than once in the last three years. But the law has been criticized by some civil rights advocates who say it violates the liberties of the mentally ill.

Problem challenges city leaders

Easy solutions to Palo Alto's homelessness problem have evaded City Council. When council decided last year to ban sleeping in cars and parking overnight at the Cubberley Community Center, the public hearings were emotional, pitting the homeless and their advocates against residents who didn't want them in their neighborhoods.

Council members admitted they were in over their heads.

"The idea that the city could solve this prob-

[See BANS, page 10]

'If they would have gone before a judge, they would have gotten out of it because they knew all the right words to say.'

Heiri Schuppiser of Momentum for Mental Health

Homelessness expensive for the public

BANS

lem is really unrealistic," City Manager Jim Keene said.

As council struggled with the proposed bans, Councilwoman Liz Kniss called on nonprofits to help the city deal with the homeless.

"It is not something Palo Alto can do alone," she said.

Cubberley, a former high school at 4000 Middlefield Road, had become what Keene said was a "de facto homeless shelter." The city had allowed the homeless to use the showers there, and sleep in cars there overnight.

Council shut down the showers at Cubberley and banned overnight parking. Council also banned sleeping in cars citywide, but that law was never put into effect. Instead, the city waited to see what a federal appeals court would do with a similar ordinance that was being challenged in Los Angeles. On June 19, the U.S. 9th Circuit Court of Appeals struck down the Los Angeles ordinance banning people from living in vehicles, declaring that the law "opens the door to discriminatory enforcement" against the poor.

Palo Alto officials haven't decided what their next move will be.

Cost of homelessness

Santa Clara County doesn't even know how much it spends on people like Duesenberg and the rest of the homeless population.

Los Angeles County recently did a study that found that a homeless person costs it about \$67,000 annually, in expenses that include arrests, hospital visits and other services.

Those who get arrested or taken to the hospital frequently can cost even more, said Chris Richardson, director of operations for Palo Alto's homeless work program known as the Downtown Streets Team. And those who have mental health or substance abuse problems likely drive up the \$67,000 average. Those problems often go hand-in-hand with homelessness and result in more arrests and hospitalizations, Richardson said. But not every homeless person suffers from drug abuse or mental health issues, he added.

Palo Alto has 157 homeless people, according to the most recent count done this year.

Police said that although Duesenberg is arrested often, he's taken to the hospital even more frequently. Those trips to the hospital can cost \$2,000 a pop, according to information from Palo Alto Fire Chief Eric Nickel. And a week's stay in the hospital can cost \$23,000 or more, Richardson said.

Many homeless and other uninsured people in the county are taken to Valley Medical Center in San Jose, which Santa Clara County operates at a loss. But when people are rushed from Palo Alto to the Stanford ER and they can't pay, the hospital ends up absorbing the cost, Richardson said.

Schuppiser, of Momentum for Mental Health, said that some people cost the county \$1 million or more on arrests, hospital trips and services over a lifetime.

A chain reaction

Duesenberg hasn't always been homeless. He grew up in Los Altos in a family with children. He went to high school in Mountain View and became a handyman and painter after he graduated.

He did that for about 15 years. Things were going pretty well until one day in 1989 when he got pulled over after drinking a few beers on his way home from work, he said. It was his first DUI. In 2000, he got his second. And when he lost his license, he stopped driving to painting and handyman jobs.

"I didn't want to be a danger," he said.

That's when Duesenberg became homeless for the first time. And a cycle began of finding housing, eviction and returning to the streets.



DOWNTOWN — Two teenagers give food to a homeless man in downtown Palo Alto. Post photo.

'I didn't want to be a danger.'

Scott Duesenberg

Many people who get into legal trouble end up in a similar cycle, according to Goodman, Duesenberg's public defender. It isn't because one arrest for DUI, driving without a license or petty theft ruins someone's life. But for those who live on the edge of poverty, an arrest can start a chain reaction that can inhibit a person from doing things such as driving to work or getting a new job. The fees and penalties imposed by the courts cut into much-needed savings, sending a person on a financial tailspin that can end in homelessness.

Duesenberg said he got government subsidized apartments, known as "Section 8" housing, at least two or three times over the past decade and a half, and sometimes found apartments he could afford on his own. But he rarely lived in one place for more than a year or two before becoming homeless.

Good memories of Palo Alto

Despite his history of arrests, Duesenberg said he has good memories from Palo Alto and he keeps coming back. His parents met in Palo Alto in the 1950s. And when he was in high school in the late 70s and early 80s, he and his best friend used to go to see movies at the Varsity Theater on University Avenue.

Duesenberg said that his worst and most recent bout of homelessness, alcoholism and health problems has occurred over the past four years. The period began around the time when his mother died in 2010. The death, he said, hit him hard.

"She used to call me her favorite son," he said. "If it wasn't for my mom, life wouldn't have been worth living," he said.

Things got even worse when a car hit him on his way to the Little Orchard homeless shelter in San Jose. He was in a wheelchair for four months, he said, which made him even more depressed.

During that dark time, he said he sometimes finished an 18-pack of beer in a day. With all that drinking, he'd often forgot to pay his rent, he said.

Mental health problems

He now has problems with alcohol and with his physical and mental health, he told the Post.

"I'm 5150, all the way," he said, referring to a section of state law police use when they place people in a hospital's psychiatric unit for a 72-hour examination out of concern that they may be a danger to themselves or others.

Duesenberg said he also suffers from schizophrenia, bipolar disorder and seizures. The drinking, he said, at least keeps the seizures at bay.

"I don't think (drinking) helps them — but it stops them," he said.

Despite his depression, he said doctors are sometimes reticent to prescribe him antidepressants because they can cause weight gain, and he already weighs 356 pounds.

Duesenberg is currently in the county jail, where he said he's receiving little mental health counseling and none of the meds he has been prescribed in the past. Those meds include Prozac, Trazadone and Seroquel. Prozac is used to treat depression and obsessive-compulsive disorder while Trazadone is used to treat depression and sleep disorders. Seroquel is used to treat bipolar disorder and schizophrenia.

\$181 a week

Duesenberg said he survives on \$181 a week from the government that is given to him by someone who manages the money he gets.

Although Duesenberg wasn't specific about whom that person was, it's likely a financial conservator, said Richardson of the Downtown Streets Team. Such a person is usually appointed by a judge to manage the finances of someone who can't manage their own. Conservators are often hired and paid for the work they do, and their job is limited to dispensing money. They're not expected to be social workers.

Based on the amount Duesenberg receives, Richardson said he probably receives Social Security Disability payments.

A ray of hope

In the meantime, some help may be on the way for Duesenberg. After voting to ban car camping, City Council also decided to join with the county and spend \$250,000 to house some of the city's homeless and provide them with case managers to provide individual assistance. Working with the county, the city decided to give priority for 10 of the 20 spots in the program to the city's most problematic homeless: those who have had the most run-ins with the law and are at risk for being repeat offenders.

Duesenberg could well be on that list, according to public defender Goodman and Streets Team director Richardson.

The case manager will play a critical role in turning the opportunity for housing into something that could help Duesenberg and others like him, Goodman said. The case manager will handle all 20 people in the program, which Richardson said is considered a light caseload.

Without someone to be there, hold Duesenberg accountable and watch out for him, the housing won't do much, Goodman said.

In the meantime, Duesenberg remains in jail, waiting for his next court date.