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Video raises questions about boy's drowning

Time lapse, coroner's ruling bother parents

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A surveillance camera at the Cathedral Oaks Athletic Club captured the horrifying images of a 4-year-old child submerged motionless in the pool for at least five minutes before anyone noticed, although children swam nearby and two lifeguards were on duty, a sheriff's coroner's report revealed.

On that day, Aug. 15, at least 16 people,

mostly children, were in the shallow end of the outdoor pool, including a camp counselor and two swimming instructors. Another counselor on the pool deck finally alerted a lifeguard to Jonathan Gottesman's lifeless form.

But it was too late. Efforts to revive the boy were unsuccessful and he was pronounced dead a little over an hour later.

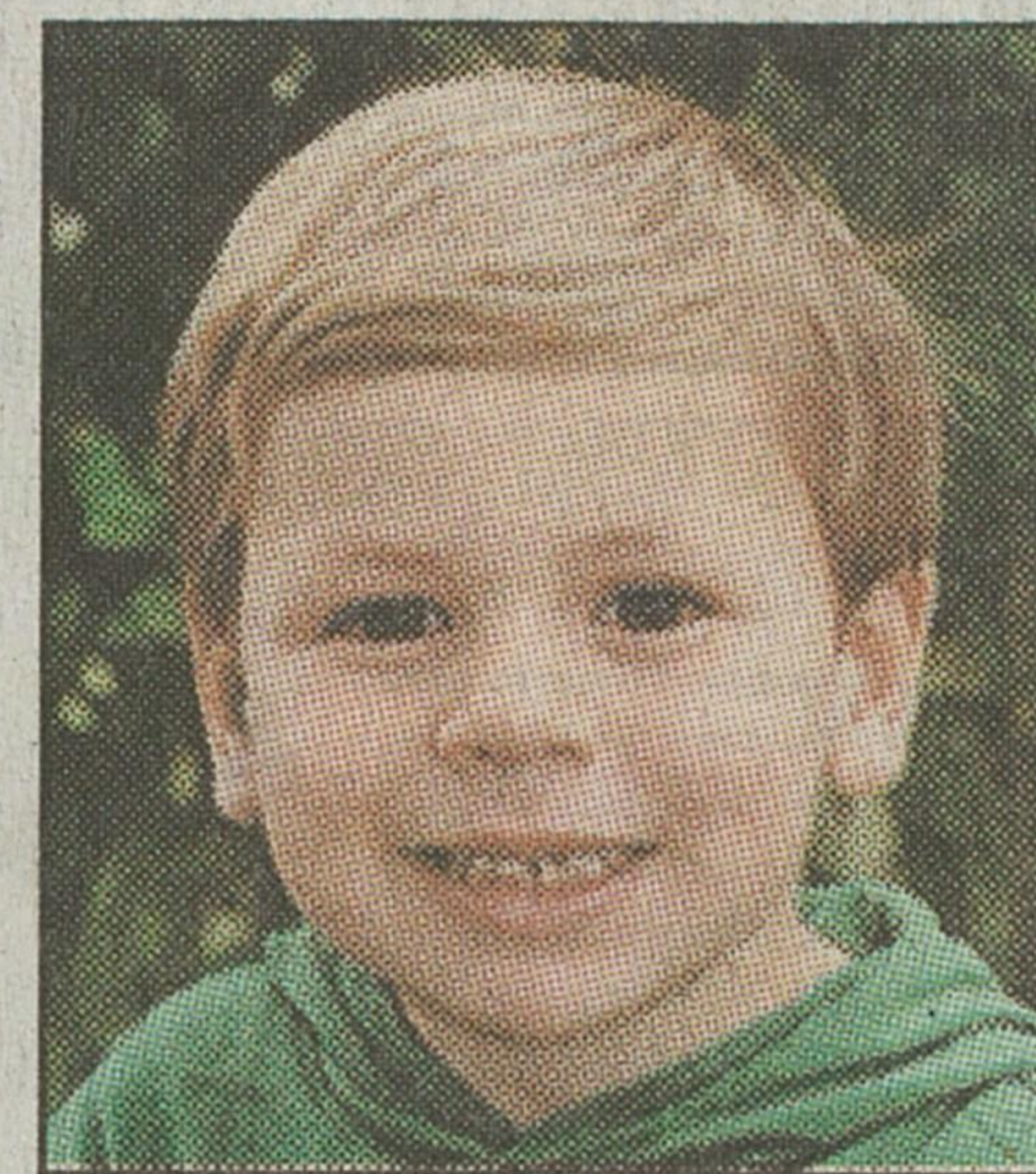
The time lapse, as revealed by the club's video, has generated painful questions for Jonathan's grieving parents, Oded and

Anat Gottesman, who have one other child, a daughter.

"We want answers," said Mr. Gottesman. "All we have is the end of the story."

The parents are mystified that Sheriff's Department investigators concluded the drowning was accidental, even before they viewed the video. At the parents' urging, the state Department of Social Services is investigating whether the athletic club needed a license for child care and, if so, whether it was properly licensed, according to a department

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Jonathan Gottesman
died on Aug. 15 at
the age of 4.

No one noticed boy until it was too late

■ DROWNING

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spokeswoman.

The Gottesmans have not seen the disturbing 10-minute video footage, but asked an attorney to review it. They are asking the club for copies of at least two weeks' worth of surveillance images leading up to the drowning to examine the amount of supervision given the children.

"This is a serious issue. I realize now how much our children are totally, vulnerable and totally unwatched," said Mr. Gottesman. "There are less laws protecting our children than there are to get a driver's license." They would not comment on the possibility of pursuing legal action.

The club referred media inquiries to its attorney, John Levitt. Numerous attempts to reach Mr. Levitt were unsuccessful.

On Aug. 15, Mr. Gottesman was preparing to pick up Jonathan at the club when he got a call from a club employee that his son had had an accident near the pool, he said.

"I asked what had happened and they said he had a seizure," he said.

He was later told at the Goleta Valley Cottage Hospital emergency room that his child had drowned.

The next day the coroner classified the death as accidental after finding no signs of foul play. However, the videotape of the drowning was not viewed in determining that initial finding, according to the detailed coroner's report issued several weeks later.

Sheriff's spokesman Sgt. Erik Raney said the drowning was classified early on as accidental because "that's what all the initial facts pointed to."

"The Fire Department, the medical personnel and a deputy were there immediately," said Sgt. Raney. "None of those people on scene raised any red flags to do anything differently."

He explained that if a club

employee's intentional lack of action or direct action caused the drowning, there is the possibility that criminal negligence was involved.

"In this case, as the investigation unfolded, it was clear that it was a tragic accident and that there was no criminal involvement," said Sgt. Raney. "In response to any accusation that we didn't do a proper investigation, the coroner's investigation — whether a child, adult or elderly person — handles every case with the same degree of detail for information."

But Mr. Gottesman is not satisfied with the findings and said the Sheriff's Department should have conducted a criminal investigation from the start to determine whether anyone had been negligent.

In his opinion, he said, "(Investigators) didn't find anything criminal because they weren't looking for anything criminal; that's the bottom line."

Jonathan, whose nickname was Yoni, had been looking forward to his first day at the club's summer camp, said his father, who described his child as athletic, a good swimmer and not afraid of the water.

"He was very excited," said Mr. Gottesman. "He was going to see his friends from school."

The summer camp was for children 4 to 10 years old who attended from 9 a.m. to 3 p.m. The 13 children did art projects, played outdoor sports and swam. All children were given swim tests before being allowed in the pool, according to the coroner's report. They were asked to swim a 20-foot distance: from the edge of the pool to near the middle of the shallow end and back.

After his test that day, Jonathan was told to stay in the shallow end of the pool, a camp counselor told the coroner's investigator. At 3 feet 5 inches, his head was barely above water at a 3-foot depth.

On that day, the pool was teeming with activity when the child slipped

underwater, according to the surveillance images and statements provided by club employees, the report said.

The hard-to-see figures on the tape appeared to be mostly children, with the exception of about three to four adults, the report said. Several adults could also be seen walking around the pool deck area.

There was constant "motion and fluctuation of all occupants in the pool area" until 2:43 p.m. (the time indicated on the surveillance clock), when a figure appears mostly motionless in the center of the shallow end of the pool, according to Detective John Kolbert's report.

"The figure appears to be bobbing under the water surface with the flow of the pool water," he noted, "which appears to be in constant flux due to the activity of the others in the pool."

The tape shows that four minutes later, an adult approached the lifeguard at the shallow end of the pool. At 2:48 p.m., the lifeguard is seen jumping into the pool and pulling the child out of the water.

"During my review of this video I saw nothing that indicated Jonathan was either accidentally or intentionally struck or handled in a manner that would cause him to drown," Mr. Kolbert noted in his report.

In the moments leading up to the discovery of the child, the other children were in the pool's shallow end participating in a "recreational swim," the report said. Several adults and other children, who were not part of the camp, were also in the pool, as were two instructors who were giving swimming lessons. The lone camp counselor in the pool, Maryam Sofinya, told the investigator that she was watching the children. When Jonathan was discovered, however, she had been temporarily distracted by a group of kids at the pool stairs who were "loud and acting up."

Lifeguard Michael Bowen told the investigator he, too, was momentarily distracted by the same children when a camp counselor, Jennie Darling,

alerted him about the motionless child floating in the middle of the pool, according to the report.

Ms. Darling was sitting on the pool deck near one of the lifeguard chairs when she noticed the small figure floating underwater. She watched carefully for a moment because when the "children play in the pool they frequently go under water and pretend to be lifeless," she told the investigator.

"She sensed something was not right and went to tell the lifeguard," the report said.

Mr. Bowen jumped in immediately, pulled Jonathan out of the water and began performing CPR. Swimming instructor Gabi Kasimatis reportedly joined in the lifesaving efforts. The child was not breathing and did not have a pulse when he was taken out of the water, the report said.

The other lifeguard, David Merin, had left the pool deck temporarily to get a soda and returned to find the pair trying to revive the child, according to a written statement he gave to investigators.

As for the state investigation, Shirley Washington, a spokeswoman with the Social Services' community care licensing division, said the agency is in the "examining phase of a complaint we received."

Mr. Gottesman is also asking that the private club allow members to see any history of drowning and near-drowning incidents at their two outdoor pools.

"When somebody accumulates so many points on their driving record, their license is revoked," said Mr. Gottesman. "There should be something like that here."

He said he assumed that the camp, which was recommended by some friends, would be a safe place for his child.

"At the end of the day, parents are left totally vulnerable," Mr. Gottesman said. "That morning, I left a perfectly healthy child there."

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