

SDC tells
chief to
halt rape
inquiry
4/18/00

By Neal Ross

Sonoma Developmental Center officials have reportedly ordered SDC Police Chief Ed Contreras to “cease ... active involvement” in investigating the alleged rape of one patient by another on April 1, according to an internal SDC memo.

“I was instructed by Acting Executive Director Patty Rees to state to you that you have no clinical nor investigative reasons for accessing the client record in this case,” wrote SDC assistant administrator Theresa Murphy in an April 14 letter to Contreras. “Ms. Rees holds Peace Officer Status and is fully qualified to instruct you in the line of duty.”

Murphy’s letter was a response to one she had received from Contreras that day. Both concern the case of a 29-year-old female client who was allegedly raped by a 60-year-old male client on April 1.

The incident, which was not reported until 48 hours later, apparently took place in the coed Bemis Unit – a secured behavioral ward to which the suspect had been transferred for the day. Previously, the suspect had been housed in the all-male Judah Unit.

Documentation of the incident, including Contreras’ and Murphy’s letters, was provided to the *Index-Tribune* by a reliable source at SDC who chooses to remain anonymous.

Murphy’s letter responds to Contreras’ request that she clarify earlier telephone comments such as “threatening me (Contreras) with being insubordinate for investigating an ongoing felony criminal complaint.”

“I told you that you sounded insubordinate because your tone was most challenging,” Murphy wrote. “Nearly all members of the (SDC) Executive Committee were in the room when I called you and can confirm the number of times you refused my instruction to cease requesting a client’s personal record.”

Telephone calls yesterday to Murphy, Rees and Contreras were referred to Department of Developmental Service spokesman Paul Verke. Verke was out of the office and could not be reached for comment by presstime.

Felony investigations are generally handled by officers of the DDS’ Office of Special Investigations, rather than by SDC police. According to Contreras’ letter, the April 14 exchange was provoked by the chief’s attempts to contact witnesses to the April 1 incident and check the suspect’s background.

“...I had some potential leads to this case and received an anonymous call that this rape was reported to the ‘Administration’ on the day of the rape,” Contreras wrote.

In his letter, Contreras recounted a conversation with Special Investigator Scott Mitchell, who said he welcomed any help the chief or his officers could give him. The SDC source has said Mitchell lacks a basic police certificate, but that he was attending training this week. A telephone call to SDC confirmed that Mitchell is away from SDC this week, but did not disclose the reason.

SDC’s former Senior Special Investigator, Denise Sheldon, initially referred the April 1 case to Mitchell – despite having told Mitchell two weeks previously that he was not to investigate felony cases since he lacked the required training, the source said. The source added that Sheldon has since been transferred back to OSI headquarters in Sacramento.

In last Tuesday’s *Index-Tribune*, Murphy said the April 1 incident was being investigated as an assault, since there was “no evidence of rape.” She also disputed the source’s classification of the suspect as a “sexual predator,” saying, “We don’t use that term at Sonoma Developmental Center.”

However, the incident was first reported to police as a “sexual assault/rape” by an SDC social worker, who also identified the suspect as a sexual predator sentenced under Section 6500 of the state Welfare and Institutions Code, the source said.

According to the source’s documentation, an SDC worker had observed the pair apparently having intercourse in a Bemis Unit courtyard, and immediately reported the incident to a senior Bemis psychiatric technician.

Asked by police if he was aware of the suspect’s “sexual predator” classification, the psych-tech said he was – adding that although Bemis staff were supposed to watch over the suspect, the technician had likely been at lunch at the time. The suspect was taken back to Judah Unit later that afternoon.

The source also alleged that the psych tech hadn’t followed proper procedure by immediately notifying police. According to the source’s documentation, management was considering transferring the suspect to the coed Bemis Unit since he was “acting out sexually” with the male clients in Judah Unit – and staff wanted to move him to a different environment. The suspect was brought to Bemis Unit on a pre-transfer visit when the incident occurred.

The source said the victim was briefly examined by the Bemis Unit doctor, but that she was “uncooperative” and a full gynecological examination wasn’t done until April 3, at Sutter Hospital in Santa Rosa. The clothing worn by victim and suspect had been taken to the SDC laundry by the time the matter was first reported to police, the source said.

Detective Sgt. Greg Contos, who supervises Sonoma County’s Domestic Violence and Sexual Assault Unit, said physical evidence of a sexual assault can be recovered within 72 hours of an assault, but the key to the process is victim consent.

“Generally, it’s best to get the victim in for a medical examination as soon as possible. However, that’s not always possible,” Contos said. “... You can’t compel the victim to have this done – you have to have the victim willing to do it.”

The *Index-Tribune* has also learned of four alleged client-abuse cases in 1999, which were reportedly either mishandled or ignored by state investigators. Since 1997, one investigator has been fired and at least one other has quit after repeatedly – and unsuccessfully – requesting training for their position, the source said.

A consultant for the state mental-health committee chaired by Sen. Wes Chesbro (D-Arcata) said last week that members of the panel may be looking into the matter later this month.