

February 10, 2013

VIA ELECTRONIC MAIL
mleflar@ci.fayetteville.ar.us

City of Fayetteville
Civil Service Commission
c/o Missy Leflar
113 W. Mountain
Fayetteville, AR 72701

Re: David Nguyen

Dear Ms. Leflar:

Please consider this as a formal request to dismiss Mr. Nguyen's appeal filed on January 9, 2014 with a hearing scheduled to be held February 11, 2014.

Thank you for your patience and the opportunities provided. If you have any questions, please do not hesitate to contact me.

Sincerely,

Andrew R. Miller
Keith, Miller, Butler,
Schneider & Pawlik, PLLC

Cc; David Nguyen

LETTER OF UNDERSTANDING

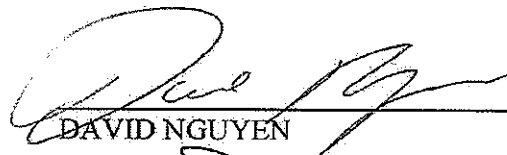
This Letter of Understanding is hereby agreed to by David Nguyen (hereinafter referred to as "Nguyen") and Chief Greg Tabor of the Fayetteville Police Department (hereinafter referred to as "Tabor").

1. That Nguyen, prior to his signing this Letter of Understanding, has dismissed his appeal to the Civil Service Commission of the City of Fayetteville of his termination by Tabor, said termination effective January 3, 2014. That Nguyen agrees that he has no further appeals nor claims against Tabor, the City of Fayetteville, or the Fayetteville Police Department regarding his termination.


2. That Tabor agrees to issue an amended Termination of Employment Letter stating that Nguyen was terminated on January 3, 2014 for violating Rule 26.1.1(A)(4)(c) of the Policies, Procedures and Rules of the Fayetteville Police Department. That said amended Termination of Employment letter will be added to Nguyen's personnel file.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

11 day of FEB 2014.



DAVID NGUYEN



GREG TAVOR, CHIEF OF POLICE



OFFICE OF PROFESSIONAL STANDARDS

February 10, 2014

David Nguyen
471 Drewrys Bluff Drive
Fayetteville, AR 72704

RE: Termination of Employment (Amended)

Dear Mr. Nguyen:

On or about July 8, 2013, Fayetteville Police Department Dispatcher [REDACTED] came to you and reported she had been assaulted by Fayetteville Police Department Officer [REDACTED], who was on duty when the assault occurred. [REDACTED] made this report to you within hours of the assault. You did not report the alleged criminal act to your supervisors, or anyone in your chain of command at the Fayetteville Police Department.

On December 16, 2013, [REDACTED] was terminated from employment at the Fayetteville Police Department following an investigation into a sexual assault that he was alleged to have committed on October 26, 2013, while he was on duty. Even after [REDACTED] termination, you did not come forward to report [REDACTED] alleged assault of [REDACTED] although you felt it significant enough that you contacted [REDACTED] and told her [REDACTED] was no longer employed by the police department.

On December 17, 2013, [REDACTED] reported to the Fayetteville Police Department that she was sexually assaulted by [REDACTED] on July 8, 2013, while he was on duty and in uniform. Sergeant Gabbard and Sergeant Franklin were assigned through the Office of Professional Standards (OPS) to investigate the complaints made against [REDACTED]. You at no time came forward and reported your knowledge of [REDACTED] alleged criminal conduct until you were directly asked about it by Sergeant Gabbard and Sergeant Franklin.

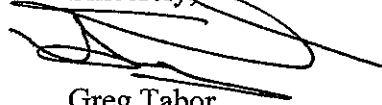
Sergeant Gabbard and Sergeant Franklin, through their investigation and documented in their OPS investigative report and summary, determined you violated the following policy:

Disciplinary Matters & Award Procedures section 26.1.1(A)(4), which states in part: "Personnel shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by: ... (c) The

failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.”

Therefore, you are hereby **TERMINATED** from employment with the Fayetteville Police Department. This termination was effective January 3, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Tabor', written over a horizontal line.

Greg Tabor
Chief of Police

GT:jf

SCANNED

01/03/2014

PERSONNEL ACTION (Send to HR First)

Employee's Name: David Nguyen Emp # 2354 Date: 01/03/2014

Position Division: CDL Required? Y N Previous Employee in Position Supervisor: Full Time Part Time Temporary Scheduled Shift: Grade: Hourly Rate: Annualized Salary: GL Fund/ Program: Split % Position Control #: Hire Date (First Day of Work): Approved: Dept/Division Head

NOTE: Status changes involving a change in pay must be approved below - Please send to HR First

Current Position Current Division: Change Requested: New Division: Current Grade: Hourly Rate: Annualized Salary: New Grade: Hourly Rate: Annualized Salary: GL Fund and Program Split % Split % Additional Information: Effective Date: (Must be beginning of a pay period) HR Review Approved: Dept/Division Head Chief of Staff Finance Director

Current Position: Police Corporal Division: Police Reason for Termination: Resigned Retired Terminated Reminder: Please notify IT to disable system/email access. Effective Date: 01/03/2014 Approved: Dept/Division Head

Internal HR/Payroll Use Only

Salary Range: Low Grade: Mkt High Grade: Benefit Code: Personal Day: Employee Type: Location: FICA: Y N Medicare: Y N Dept Sub Dept Holiday Hours: Y N Reason for Status Change: TERM

Table with 6 columns: Termination Reason, Beginning Balance, Earned This P/R, Used This P/R, Payout This P/R, Write Off. Rows include SICK, VACATION, COMP TIME, STOF, PDL, PERS. HOLI.

Verified by Payroll

Verified by HR



OFFICE OF PROFESSIONAL STANDARDS

January 3, 2014

David Nguyen
471 Drewrys Bluff Drive
Fayetteville, AR 72704

RE: Termination of Employment

Dear Mr. Nguyen:

On or about July 8, 2013, Fayetteville Police Department Dispatcher [REDACTED] came to you and reported she had been assaulted by Fayetteville Police Department Officer [REDACTED] who was on duty when the alleged assault occurred. [REDACTED] made this report to you within hours of the alleged assault. You did not report the alleged criminal act to your supervisors, or anyone in your chain of command at the Fayetteville Police Department.

On December 16, 2013, [REDACTED] was terminated from employment at the Fayetteville Police Department following an investigation into a sexual assault that he was alleged to have committed on October 26, 2013, while he was on duty. Even after [REDACTED] termination, you did not come forward to report [REDACTED] alleged assault of [REDACTED] although you felt it significant enough that you contacted [REDACTED] and told her [REDACTED] was no longer employed by the police department.

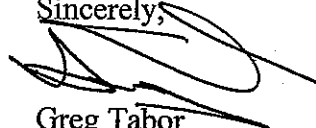
On December 17, 2013, [REDACTED] reported to the Fayetteville Police Department that she was sexually assaulted by [REDACTED] on July 8, 2013, while he was on duty and in uniform. Sergeant Gabbard and Sergeant Franklin were assigned through the Office of Professional Standards (OPS) to investigate the complaints made against [REDACTED]. You at no time came forward and reported your knowledge of [REDACTED] alleged criminal conduct until you were directly asked about it by Sergeant Gabbard and Sergeant Franklin.

Sergeant Gabbard and Sergeant Franklin, through their investigation and documented in their OPS investigative report and summary, determined you violated the following policies:

Integrity 1.1.1 section C: "The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency."

Disciplinary Matters & Award Procedures section 26.1.1(A)(4)(c): "Personnel shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by: (c) The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention."

Therefore, you are hereby **TERMINATED** from employment with the Fayetteville Police Department. This termination is effective immediately.

Sincerely,

Greg Tabor
Chief of Police

**NOTE: Pursuant to Civil Service Rule 5:05, you have ten calendar days in which to request a hearing in regard to this action.*

"By signing below, the employee is acknowledging that he or she has received this notice."

Received by:  Date: 1/3/14

Witnessed by:  Date: 1-3-2014

Human Resources:  Date: 1-3-14


GT:jf



Office of Professional Standards

MEMORANDUM

TO: Sergeant Shannon Gabbard

FROM: Lieutenant Jamie Fields 

DATE: December 20, 2013

SUBJECT: OPS 13-0008-c (Nguyen)

On Tuesday, December 17, 2013, former Fayetteville Police Department employee [REDACTED] reported she had been sexually assaulted by former Fayetteville Police Department employee [REDACTED]. [REDACTED] reported the incident occurred in front of her home at [REDACTED] on or about July 7, 2013, while [REDACTED] is on-duty and in uniform. [REDACTED] told investigators she disclosed the sexual assault to Corporal David Nguyen on the same date the incident occurred.

Corporal Nguyen did not report the criminal behavior to his supervisors, or any supervisor of the Fayetteville Police Department. You are being assigned to investigate Corporal Nguyen's failure to report/act upon the criminal activity. Please include this inquiry in your OPS 13-0008 as a supplement numbered OPS 13-0008-c.

arrived before the competition started and had a few drinks. [REDACTED] said she made it through the second round and at some point she felt she had enough so she took a cab home. She said she didn't remember parting ways with [REDACTED]

[REDACTED] said around 5:00 A.M. the following morning she received a text from [REDACTED] asking her to call when she got up. [REDACTED] indicated she was awake when the text came in so she called [REDACTED] told her she just woke up to a police officer standing over her. The police officer grabbed her breast and left [REDACTED] indicated to [REDACTED] he was not alarmed when this was happening but reflecting on what happened she had started to worry. The main worry circulated around her thinking about a person in a position of authority entering her apartment and grabbing her breast after pulling her blanket back to see her naked. She felt he had taken advantage of the situation. [REDACTED] said [REDACTED] felt the officer might have come back after he was off duty but he was wearing his full uniform.

[REDACTED] told [REDACTED] she should report this behavior. She said [REDACTED] wrestled with the idea of reporting this for fear of retaliation. She felt she might have come on to him and was glad she was home safe. [REDACTED] said she and [REDACTED] turned to JR's the following evening and the bartender told them the police had been called because [REDACTED] was so intoxicated. [REDACTED] didn't remember getting any details from the bartender like a description of the officer or anything like that. [REDACTED] said she didn't bring up anything else about the incident with [REDACTED]. She said [REDACTED] didn't seem to want to talk about it. She indicated [REDACTED] had just lost her mother recently and she had a strained relationship with her ex-husband especially since she started drinking again. She said [REDACTED] really didn't want the attention she felt this incident would bring her. She said [REDACTED] experienced a range of emotion regarding this incident. She was scared and angry at times. [REDACTED] said if it would have been her, the results might have been very different and she would have probably shot him.

[REDACTED] said she could not think of any additional information to tell regarding this incident. [REDACTED] said she believed [REDACTED]. She said [REDACTED] was truly scared. She said she felt this officer's behavior was predatory and she doubted this had been his first time for doing something like this. She said she was glad the police department was taking this matter seriously.

Interviews where indirect information was gathered were burned to a compact disk in a wav. file format. This disk will be kept as part of the investigative file. Contained on the disk are recordings with [REDACTED] and [REDACTED]

December 17, 2013, Tuesday --

Sgt. Gabbard received a phone call from Sgt. Jason French. Sgt. French stated he had just spoken with [REDACTED]. [REDACTED] told him he just saw former Fayetteville Police dispatcher, [REDACTED] while having lunch at the [REDACTED] on N. College Ave. [REDACTED] reportedly told [REDACTED] she had to tell him something. [REDACTED] told Sgt. French he was told by [REDACTED] former Fayetteville Police officer, [REDACTED] and sexually assaulted her earlier this year. French requested we respond to [REDACTED] to meet with [REDACTED]

Sgt. Tim Franklin and I did respond to [REDACTED] on this date. We met with [REDACTED] and learned firsthand what he was told by [REDACTED]. We then made contact with [REDACTED] and asked to speak with her. She sat down with us and relayed details of the complaint. She stated over the summer while she was still employed by the Fayetteville Police Department, she was sexually assaulted by [REDACTED]. This incident was documented in the form of a criminal complaint by [REDACTED]. Sgt. Franklin and I met with Lt. Jamie Fields to inform her of the development. She contacted the Criminal Investigation Division for an immediate investigation.

Sgt. Franklin and I learned during our conversation with [REDACTED] she told Cpl. David Nguyen about the assault and asked him not to say anything. She stated she also told former Fayetteville Police dispatcher, [REDACTED] and [REDACTED].

Lt. Fields assigned Sgt. Franklin and I to investigate that aspect of the report. She advised us she wanted to know more about why Cpl. Nguyen decided not to tell anyone about the alleged sexual assault of a coworker by another coworker. Office of Professional Standards case #13-0008c was assigned as a separate investigation.

Nguyen FOI

Investigation Summary

On October 26, 2013, [REDACTED] responded to JR's Lightbulb Club at 19 North Block Avenue for a report of an intoxicated female passed out on the bar. During their interaction in the club, he and another officer made a physical arrest of [REDACTED] who was intoxicated to the point she was unable to care for herself. After the other officer, [REDACTED] left his company, [REDACTED] deliberately turned off his Digital Mobile Video Camera (DMVR), and he engaged in conversation with [REDACTED]. He then reengaged his DMVR and transported [REDACTED] to her home at [REDACTED]. Upon his arrival, he physically turned off his DMVR again prior to removing [REDACTED] from his patrol vehicle. He remained at [REDACTED] apartment for 26 minutes.


On November 10, 2013, [REDACTED] reported to [REDACTED] that she was sexually assaulted in her apartment at [REDACTED] by a police officer who identified himself as "Donald". Prior to speaking with [REDACTED] pointed [REDACTED] out in the back parking lot of Jose's at 324 West Dickson Street to [REDACTED] as the officer who assaulted her.


Sergeants Gabbard and Franklin were assigned [REDACTED] complaint through the Office of Professional Standards (OPS) for investigation on November 13, 2013. [REDACTED] reported to us the sexual assault in her apartment occurred on October 26, 2013, just prior to 4:39 AM, and she provided time stamped evidence to substantiate her complaint. Through investigation, we determined [REDACTED] returned to the area of Tourmaline Way and parked twice after delivering [REDACTED] to her apartment; the first time between 01:55 AM and 2:01 AM, and the second time between 4:05 AM to 4:34 AM, when [REDACTED] parked in front of [REDACTED] apartment building.

COPY of 1/6/14

Office of Professional Standards

MEMORANDUM

TO: Captain Jamie Fields 

FROM: Sergeant Tim Franklin 

DATE: December 20, 2013

SUBJECT: OPS 13-0008C (Fields vs. Nguyen)

Investigative Summary:

Lieutenant Jamie Fields filed this Office of Professional Standards (OPS) complaint against Corporal David Nguyen and assigned the case to me for investigation on Friday December 20, 2013.

Lieutenant Fields' complaint is based on a recent OPS case involving former [REDACTED]. After [REDACTED] was separated from the City of Fayetteville Police Department employment a Fayetteville Police Department former dispatcher [REDACTED] filed a criminal police report. In this police report [REDACTED] stated while she was employed with the City of Fayetteville and working at the police department in the Central Dispatch Center (CDC), she was assaulted by [REDACTED]. In the course of this investigation it was revealed by [REDACTED] that she had told Fayetteville Police Corporal David Nguyen about the assault. [REDACTED] stated she asked Nguyen not to tell anyone and he did not. Lt. Fields complaint is a result of Nguyen's failure to report this possible criminal act involving a sworn police officer.

The following department policies and procedures will be applied in this investigation.

Integrity 1.1.1 section C: "The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency."

Disciplinary Matters & Award Procedures section 26.1.1 (A)(4)(c): Personnel shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by: (c) The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

Details:

Friday, December 20, 2013:

11:00am

On Friday, December 20, 2013, I received OPS 13-0008c file from Lieutenant Jamie Fields for investigation. Sgt. Shannon Gabbard was assigned to assist me in this investigation as needed. Upon receipt of this assignment I reviewed video of the criminal investigations interviews with Nguyen and [REDACTED]. In the interview [REDACTED] told criminal investigators she told Nguyen and asked him not to tell anyone. [REDACTED] relayed [REDACTED] came over to her residence after he obtained her phone number and initiated some uninvited text messages via her cellular phone [REDACTED] stated [REDACTED] assaulted her in the driveway of her residence and she went over to Nguyen's residence afterwards and told him what happened.

5:22pm

At approximately 5:22 pm, Sgt. Gabbard and I interviewed Corporal David Nguyen in my office at the Fayetteville Police Department, concerning this complaint. Nguyen was given his investigative warning which will be maintained in this file. This interview started at 5:22pm. Nguyen was allowed to read the complaint filed by Lt. Fields. Corporal Nguyen cooperated in the criminal investigation of [REDACTED] and was interviewed as a witness. This allowed Nguyen to have a fair knowledge of the events and circumstances surrounding this investigation.

Nguyen explained the following [REDACTED] and he became friends while [REDACTED] was employed at the police department. Eventually their friendship developed into a mutual intimate relationship around St. Patrick's Day of 2013. [REDACTED] was in the process of possibly ending her marriage and she and Nguyen had a relationship that was known to many colleagues. Nguyen says sometime in late April or early June of 2013, he and [REDACTED] ended their dating relationship, but continued to be close friends. Nguyen says he never knew of [REDACTED] and [REDACTED] being friends. Nguyen stated he could not be precise about the date or the exact events that transpired. Nguyen believed the time frame was in the summer months, after April but before October. Nguyen recalled he had completed his shift on duty as an early unit working 6:00am to 6:00pm and while in the locker room [REDACTED] came in and was talking with him. [REDACTED] told Nguyen [REDACTED] was outside talking with [REDACTED] Nguyen relayed that he and [REDACTED] were not in a relationship any longer and they were just friends. Nguyen said he changed clothes and prepared to go to the gym to workout. When he went outside he spoke briefly with [REDACTED] and [REDACTED] and then went to the gym. Nguyen says the best he can recall [REDACTED] and [REDACTED] were talking about tattoos. Nguyen did not notice anything unusual about the conversation. Nguyen says the first time he was aware that [REDACTED] relayed any concern about [REDACTED] was when she told him that [REDACTED] had started texting her on her cellular

phone. [REDACTED] thought it was odd since she had not given [REDACTED] her phone number. Nguyen told her he could have easily looked it up in the police computer and got the phone number. Eventually she told Nguyen that [REDACTED] stopped by her home and she did not give him her address. Once again Nguyen said that he could look it up in the police computer. [REDACTED] then told Nguyen that while at her house [REDACTED] hugged her and put his hands down her pants then tried to take her pants off. Nguyen was having difficulty recalling the circumstances in which [REDACTED] relayed the events to him. Nguyen says he believes this was a face to face conversation because he recalls [REDACTED] was shaking and was afraid that [REDACTED] might come back to her house. Nguyen said [REDACTED] relayed a general story of the events without specifics and he did not ask for any details. He says she never mentioned that [REDACTED] penetrated her vagina and she did not relay he tried to touch her on any other body parts or tried to kiss her. [REDACTED] did not elaborate but Nguyen assumes that it was a hug and things got out of hand by [REDACTED]. [REDACTED] did tell Nguyen that she told [REDACTED] "No." Nguyen said [REDACTED] repeatedly asked him not to tell anyone and not to do anything and pleaded with him not to say anything. Nguyen said he didn't know why he didn't tell anyone in spite of [REDACTED] pleas not to.

In an attempt to narrow down when [REDACTED] relayed this information to him, Nguyen surmised that it was possible the night of the assault that [REDACTED] came to his house and told him. Nguyen knows if it was not the night in question it was very close to the time of the incident. He remembers it was the sole purpose for [REDACTED] contacting him to relay what had taken place. Nguyen has since changed cellular phones and did not have any of the text messages that he could refer to document the date and times. When asked about [REDACTED] credibility, Nguyen said that [REDACTED] is an honest person and he believed something happened. Nguyen stated that he believed a criminal act of assault at the very least had taken place based on [REDACTED] account of the events. [REDACTED] did not relay there was any penetration or contact with her private parts. Once again Nguyen said [REDACTED] begged and plead for him not to tell anyone, because she did not believe anyone would believe her. [REDACTED] relayed that there was issues with her in dispatch and she felt she would not be believed.

Nguyen says he believes [REDACTED] told him out of trust and their friendship. Nguyen said he told [REDACTED] that it needed to be reported, but she said no. He tried to comfort her and she told him she did not want anything done. When asked how often they talked about this incident, Nguyen said they never talked about the incident again. However [REDACTED] would relay awkward incidents of her seeing [REDACTED] in dispatch. At no other time did [REDACTED] relay specific details of the incident. She only said, "He put his hands down my pants and tried to take my pants off." [REDACTED] never told Nguyen she was hurt and never went into any full details. [REDACTED] never relayed seeing [REDACTED] anywhere near her home again. Nguyen was asked "What were you thinking?" He said he valued the friendship and he knew she would be mad and upset with him. He was concerned about any kind of tension with the department or coworkers. He said he considered talking to [REDACTED] and she asked him not to confront [REDACTED]. Nguyen said "I have before teeter tottered on telling someone." He said when [REDACTED] was separated from the department he called [REDACTED] and told her over the phone and it sounded like she was relieved and emotional.

Nguyen said he wished he would have said something regardless of her pleas not to. Nguyen said he never thought it would be this serious. He said if he knew the full details he would have told someone. Nguyen said he did not know if the encounter between [REDACTED] and [REDACTED] was mutual, because [REDACTED] is a very open person and can start a conversation anytime with anyone. Nguyen said [REDACTED] told him she left the department because she did not fit and her original aim was to work the night shift. Once it was decided she was going to be assigned to the afternoon shift she quit [REDACTED] never relayed to him that [REDACTED] was a factor in her decision to leave the department. [REDACTED] never relayed any excessive stress or panic attacks over [REDACTED] as a decision to leave the department. [REDACTED] did feel no one liked her in dispatch and she felt they were out to get her.

Nguyen was unaware that [REDACTED] had relayed the story about [REDACTED] to anyone else. Nguyen said he was focused on what [REDACTED] was asking of him and he knows it was wrong not to tell anyone about the incident. During the interview Nguyen had difficulty expressing or recalling exact events. It was apparent that he now knows the seriousness of the incident and he has been thinking very hard to recall events. Nguyen presented as remorseful and concerned about the consequences he may face.

Saturday, December 21, 2013:

5:20pm

On this date Sgt. Gabbard contacted [REDACTED] and requested an interview. Stengle requested that we meet her at Arsaga's Coffee Shop on Crossover. We met with [REDACTED] and spoke in general details with her and expressed our concern for her well-being and thanked her for having the courage to come forward with her allegations. We explained that we were investigating the aspect of Corporal Nguyen not reporting [REDACTED] actions to a supervisor. It was explained to [REDACTED] this is a separate investigation and we as police officers strive to help those that are injured in any way. [REDACTED] said she had spoken with a family member that was in law enforcement and she suspected an investigation might be forthcoming. The environment we were in was too loud to conduct a recorded interview with [REDACTED] and she did not have time to come to the police department on this date. An interview was arranged for Sunday December 22, 2013, at the police department at 2:00pm.

Sunday, December 22, 2013:

1:50pm

On this date [REDACTED] arrived at the police department at approximately 1:50pm, [REDACTED] was interviewed by this investigator concerning this investigation. [REDACTED] was interviewed in the Criminal Investigation Division since it was closed and no officers had access to the area. This was done to protect her privacy. Once again I explained to [REDACTED] this was an internal investigation concerning Corporal Nguyen's failure to report the

assault involving her and former [REDACTED]. [REDACTED] advised she understood and agreed to talk with me.

[REDACTED] explained the date that [REDACTED] assaulted her was determined to be July 8, 2013, in the early morning hours. [REDACTED] said after the assault she went inside and started to get emotional about what had just occurred. [REDACTED] said she sent Nguyen a text message on her cellular phone and asked if she could come over. [REDACTED] says she was just friends with Nguyen at this time and they were no longer in a relationship. [REDACTED] estimated the time of her text to Nguyen was between 1:00am to 2:00am in the morning. She said Nguyen responded in the affirmative that she could come over. Once [REDACTED] arrived Nguyen let her inside and they went to his bedroom. [REDACTED] believes she woke Nguyen up because he got back in bed. [REDACTED] said she initially sat on the side of the bed with her back to Nguyen. She then laid down in the bed next to Nguyen and started telling him about the incident with [REDACTED]. [REDACTED] said she told Nguyen [REDACTED] stopped by her house while she was outside and took her phone. She said she told him he placed her in a bear hug and put his hands down her pants. She says she was shaking and Nguyen put his arms around her and tried to calm her down. [REDACTED] says she did not go in full details and gave Nguyen a basic story about what occurred with [REDACTED]. [REDACTED] says she did not tell Nguyen that [REDACTED] had penetrated her, but she was crying hard and was emotional. She says Nguyen did not have any reaction except to console her. In response to this Nguyen told [REDACTED] that [REDACTED] had made a comment to him in the locker room about [REDACTED] hitting on [REDACTED]. [REDACTED] says [REDACTED] spoke to her in the parking lot of the police department on the same day of the assault. [REDACTED] says she asked Nguyen not to say anything and she felt no one would believe her, because she was separated from her husband and had dated Nguyen. [REDACTED] went on to say that she was concerned that she might lose her job and would not be able to take care of her family. [REDACTED] says she asked Nguyen maybe twice not to tell anyone. She says shortly thereafter Nguyen fell asleep and she then went to sleep. The next morning she noticed [REDACTED] had continued to text her. Nguyen encouraged her to screen print the text messages, which she did. [REDACTED] later did a factory wipe of her cellular phone and lost the images. [REDACTED] says Nguyen and her never had any other conversations about the assault. [REDACTED] says she would sometimes drop hints or make comments about interactions with [REDACTED] while working. [REDACTED] says she never told Nguyen not to say anything again. [REDACTED] said she got upset with Nguyen once he posted a picture on Facebook of the Fayetteville Police Honor Guard. The photograph contained [REDACTED] and Nguyen standing next to each other. [REDACTED] says this upset her and she scolded Nguyen about displaying the image after knowing what [REDACTED] had done to her. Nguyen's response was that he was proud of his honor guard team and he did not take the photograph down. [REDACTED] says Nguyen never strongly encouraged her to come forward.

[REDACTED] later told her husband what had happened between her and [REDACTED]. [REDACTED] said she told him in September when she decided to quit her job. [REDACTED] says she begged her husband not to come forward and they continued to talk about it. She also confided in former dispatcher [REDACTED]. [REDACTED] said she did not tell [REDACTED] any specific details. [REDACTED] encouraged her to come forward and tell someone and he threatened to

confront [REDACTED] [REDACTED] says she convinced [REDACTED] not to tell anyone and not to confront [REDACTED]

[REDACTED] said she felt Nguyen did not take her seriously when she told him about the incident with [REDACTED]. She said she used Nguyen's reaction to the situation to gauge what she would do about it. She said she told an off duty officer (Nguyen) about it and he didn't take it serious so she felt that no one would take it serious as if it was not that big of a deal. [REDACTED] openly said this is how she felt and she did not ask Nguyen if he believed her. When asked why she believes Nguyen did not come forward she said she believed he was respecting her wishes as a friend, and somewhat "preserving himself" because [REDACTED] was over at her home at that hour, and his concern about how others at the department would look at him considering the circumstances.

When asked why Nguyen called her immediately once [REDACTED] was separated from the department, [REDACTED] replied, because "He knew I was afraid of [REDACTED]" Nguyen told her she did not have to worry about [REDACTED] anymore. He told her there was an investigation about a female at The Cliffs and he did not know the details but he was not working with the department. [REDACTED] said she cried and she realized she needed to tell someone else about the incident. [REDACTED] says she does not want anything bad to happen to Nguyen but she said "It's bigger than us now."

Conclusion

On December 20, 2013, Office of Professional Standards Lieutenant Jamie Fields' filed a formal complaint against Corporal David Nguyen based on a recent OPS case involving former [REDACTED]. After [REDACTED] was separated from the City of Fayetteville Police Department, former City of Fayetteville employee [REDACTED] filed a criminal police report. In this police report [REDACTED] stated while she was employed with the City of Fayetteville working at the police department as a dispatcher, she was assaulted by [REDACTED] at her home. In the course of this investigation it was revealed by [REDACTED] she had told Fayetteville Police Corporal David Nguyen about the assault. [REDACTED] stated she asked Nguyen not to tell anyone and he did not. Lt. Fields' complaint is a result of Nguyen's failure to report this possible criminal act involving a sworn police officer.

Based on the statements, documents and facts of this investigation, it has not been disputed by either Corporal Nguyen or [REDACTED] that she relayed she was a victim of a criminal act to Corporal David Nguyen. [REDACTED] admittedly told Nguyen about this incident at approximately 2:00am at his home after waking him from sleeping. She also did not give him any specific details and Nguyen did not ask for any details. [REDACTED] says she began to make sarcastic comments to Nguyen about [REDACTED] and them working together. [REDACTED] did not ask Nguyen to report the incident and he did not offer to report the incident.

During Corporal Nguyen's interview he was very remorseful. In light of all the events and incidents surrounding former [REDACTED] Nguyen fully understands the magnitude and the subsequent blemish on the integrity and the public confidence in this agency.

Corporal Nguyen was placed in a situation he will probably face again in his law enforcement career. This situation of loyalty to a friend verses his sworn oath. In the framework of the various dynamics surrounding this incident involving Nguyen and [REDACTED] relationship, it is apparent Nguyen's decision not to report [REDACTED] as a personal one that has an effect of his professional career.

Throughout the investigation Corporal Nguyen has been respectful and cordial when dealing with investigators. As one of Nguyen's supervisors, I can attest that we have not experienced any problems with his work performance. Nguyen said he deemed [REDACTED] to be credible and therefore he should have reported the incident to a supervisor openly or even anonymously.

I find Lieutenant Fields' complaint against Corporal Nguyen to be:

Integrity 1.1.1 section C: "The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency."

SUSTAINED

Disciplinary Matters & Award Procedures section 26.1.1(A)(4)(c):
Personnel shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by: (c)
The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

SUSTAINED

FAYETTEVILLE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS

INVESTIGATIVE WARNING

I am advising you that you are being questioned as part of an official investigation of the Fayetteville Police Department. This investigation will attempt to determine whether your actions or the actions of others were improper according to department Policies, Procedures, and Rules, or Fayetteville Civil Service Rules and Regulations.

You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You have a right to have an attorney present at your own expense to advise you. You are entitled to all rights and privileges guaranteed by the laws and Constitution of this state and of the United States, including the right to not be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions related to the performance of your official duties or fitness for duty, you will be subject to department and/or Civil Service regulations concerning failure to obey a direct order, which could result in your dismissal from the Fayetteville Police Department.

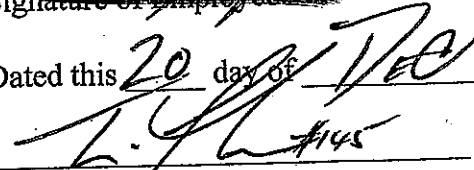
If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements may be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

By my signature affixed below, I certify that I have read the above Investigation Warning and fully understand the implication of its content.

Dated this 20 day of Dec, 2013 Time: 5:22pm


Signature of Employee

Dated this 20 day of Dec, 2013 Time: 5:22pm


Signature of Witness

**FAYETTEVILLE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

CASE #: 2013-0008c

DATE/TIME OF INTERVIEW: 12-20-2013 @ 5:26 PM

CONDUCTING INTERVIEW: Sergeant Tim Franklin #145
Sergeant Shannon Gabbard #132

DATE/TIME TRANSCRIBED: 12-30-2013 @ 2:45 PM

TRANSCRIBED BY: [REDACTED]

The following is a transcribed copy of a tape recorded interview conducted with CORPORAL DAVID NGUYEN #295 in Sergeant Franklin's office.

KEY: Sergeant Tim Franklin = TF
Sergeant Shannon Gabbard = SG
Corporal David Nguyen = DN

TF: Okay first of all Nguyen, you're aware I'm recording this conversation?

DN: Yes sir.

TF: You have been given your Investigative Warning – is that correct?

DN: Yes, the form I signed?

TF: Yes, yes. And you read it – you understand it – do you have any questions about the form?

DN: No.

TF: You've also been given a copy to read of this complaint filed on behalf of Lieutenant Fields, an Administrative OPS complaint file – you've read that form as well?

DN: Yes.

TF: Do you understand the form?

DN: Yes.

TF: Do you have any questions concerning it?

DN: No not at this time.

TF: Alright Dave, we'll just get straight to it. On Tuesday of this week Sergeant Gabbard and I had spoken with [REDACTED]. In the course of that conversation she related an incident involving a former officer of the Fayetteville Police Department, [REDACTED]. First of all, do you know [REDACTED]?

DN: Yes.

TF: Do you know former [REDACTED]?

DN: Yes.

TF: In the course of the interview with [REDACTED] a complaint was made on a criminal allegation of a sexual assault involving [REDACTED] as a victim and [REDACTED] as a suspect. In the course of talking to investigators [REDACTED] stated that you were aware that she had been assaulted and that is the basis for this complaint.

DN: Correct.

TF: Lieutenant Fields filed the complaint basically stating that you know you knew a criminal act had occurred or employee misconduct had occurred and failed to report it.

DN: Correct.

TF: Alright. So let's go back to 2013 – early part of 2013. Do you know when [REDACTED] came to work at the Police Department – on or about or when you guys became friends maybe?

DN: I knew exactly – well the week of the – when we started talking and became friends it was the week of Saint Patrick's Day . . .

TF: Okay.

DN: . . . is when we started talking.

TF: March of 2013?

DN: Yes.

TF: Okay. Did you know her prior to joining the Police Department – Dispatch?

DN: No.

TF: So you met her during March of 2013 – I guess eventually yawl's friendship developed a little fonder and you guys got a little closer.

DN: Correct.

TF: During the course of that friendship you guys were pretty tight – spent a lot of time together?

DN: Fair yeah – fair amount of time.

TF: Did she ever relay that she was friends with [REDACTED]?

DN: No.

TF: Did you believe that she was friends with [REDACTED]?

DN: I'd never seen them talk or interact or anything like that.

TF: Okay – alright. So over the course of time and I don't know if you know the exact date but eventually there was a time when you guys

kinda – your relationship went different ways – became friends more than personal.

DN: Correct.

TF: On or about what time did you guys' relationship kinda just go back to friendship?

DN: I was trying to look back at my best guesstimate – guesstimation would be either late late May or early early June – if anything mid June.

TF: Okay – alright. And that's just being conservative trying to guess at a time?

DN: Yeah.

TF: Okay. So when is it that you heard something about [REDACTED] corresponding with her or talking with her?

DN: I can't – I can't narrow down the timeframe – uh like I mentioned before she – she told me and again I can't remember if it was through text or in person or on the phone but she mentioned that he started texting her.

TF: Let's back up a little bit. So on the date in question I mean you've talked to criminal investigators and things like that so let's go back on the date in question just re-visit everything – tell me what happened – what you recall.

SG: You're working – Okay? - . . .

DN: Okay.

SG: . . . and you're about ready to get off work . . .

DN: Okay.

TF: Just take it from there.

DN: This would be the first time I would – I've seen [REDACTED] interact with [REDACTED].

TF: Okay.

DN: ... which is on the east side of our Police Department in the parking – basically in an actual parking spot ...

TF: Okay.

DN: ... close to six – just a hair after six PM I was getting undressed ...

TF: And you were early unit working six to six?

DN: Correct.

TF: He's an early unit working six to six PM?

DN: At the time I believe he was an early unit.

TF: Okay.

DN: I don't think they were doing the rotation at that time.

TF: Okay.

DN: Uh, as I was changing I think it was [REDACTED] or [REDACTED] approached me in the locker room and he said, hey [REDACTED] is talking to your woman out there – end quote – and uh I told him – I just said, okay we're not together anymore but you know it's no big deal and he just said, oh okay just thought I'd let you know ...

TF: Okay.

DN: ... so shortly after that I finished changing – I walked outside – out the back door – the south – sorry – east – east back door – walk out there and I see uh [REDACTED] at the time and [REDACTED] talking in the road like I mentioned.

TF: He's on duty?

DN: He's in uniform and uh I believe by the time I get done and dressed it's usually 6:05-ish give or take so uh they're talking up there and I walk up there to them – talk to them for a little bit and then said, I've got to go to the gym so I'll see you guys later and . . .

TF: Did you hear anything about their conversation or what they were talking about?

DN: I want to say they were talking about tattoos but I don't – I don't really remember.

TF: Okay.

SG: Was he in uniform?

DN: Yes he was.

SG: She's in plain clothes – do you remember how she was dressed?

DN: Jeans and probably a t-shirt.

SG: Okay. Was he sitting in a police car or is he standing next to her or how . . .

DN: They were both standing uh, he was outside of the police car standing in front of the police car.

SG: Were they standing close or far apart or what was the distance for their conversation?

DN: Uh, about – a little bit further than arm length apart.

SG: Okay – alright. Did there appear to be any uncomfortableness noticing [REDACTED] or [REDACTED] in their conversation?

DN: Uh, when I walked out there briefly and the short time I talked to them I didn't notice anything weird or anything out of the ordinary – uh it seems like they were both having a – you know a smiling happy

type conversation – it wasn't you know – it wasn't any type of distress or anything . . .

SG: Like awkwardness when you walked up or anything like that – just carried on as normal?

DN: Uh, no – when he mentioned – when uh, [REDACTED] [REDACTED] whichever, mentioned he was talking to her or hey [REDACTED] is talking to your woman . . .

SG: Yeah.

DN: . . . I just told him, yeah we're not together – we're friends – everything's good, so when I go up there it wasn't awkward – I just approached them – talked to them really briefly and uh – you guys know me – I'm pretty tight on my gym schedule so I talked to them briefly – I've got to go . . .

SG: Okay.

DN: . . . and then I left.

SG: And I think what I was getting at on the awkwardness side it's no so much the way you felt – but anything you noticed on her part – his part – anything.

DN: I understand. And like I didn't see anything right off – I think that that was maybe the first time that they started talking or something. .

SG: Okay.

DN: . . .but I didn't see anything – any awkwardness right off the bat no I didn't.

SG: Try to stay in the moment and think about what you did – you went to the gym . . .

DN: Okay.

SG: ... Okay?- did you go home after that probably?

DN: Yeah.

SG: Okay. Do you believe that there was a conversation that took place between you and [REDACTED] that day about what had just happened or what you had just seen with that conversation with [REDACTED] - can you tell us a little bit more about next conversations with her?

DN: I don't remember - I don't know - it doesn't strike a - it's not ringing any bells or anything that we had a conversation specifically about that incident.

SG: Okay. About being there - being outside or ...

DN: Yeah.

SG: What was that?

DN: No I said I don't remember.

SG: Oh you don't remember - okay.

DN: I don't remember - like I said, nothing ringing a bell that I had a conversation with uh [REDACTED] about that interaction outside.

TF: In you all's friend - relationship there would be no reason for her to feel she had to justify standing there talking to him to you?

DN: I - I don't think so - she uh - she's never said anything about having to justify.

TF: No I mean thinking oh I don't want you to think I'm messing with [REDACTED] - I was just talking to him - she don't come to you and just start explaining things?

DN: Uh-uh (negative).

TF: Okay - alright. So when is the next time you talk to [REDACTED]

DN: We – I mean even from the uh I'm sure I talked to her while I was at the gym through text uh throughout the night.

TF: Is that kinda how you all do – just kinda text back and forth?

DN: Yeah all day – in the evening.

TF: Even after you all just became friends . . .

DN: Uh-huh (affirmative).

TF: . . . still just kinda back and forth?

DN: Uh-huh (affirmative).

TF: Okay. So eventually when does she relate to you there's a problem with [REDACTED]

DN: Well I remember what she told me – I just don't remember the timeframe.

TF: Okay. Let's start with what did she tell you?

DN: That uh – that he just started texting her . . .

TF: Okay.

DN: . . . and she kinda felt that that was weird because she had never gave – gave him the number – her number – and I told her, it's easy to look up in the 400 or something. I'm not sure that's how he looked it up and then uh . . .

TF: She text you telling you hey I'm getting text?

DN: I think she text me or she told me in person like that whole – the whole interaction I don't remember it - . . .

TF: Okay.

DN: . . . I don't remember if she told me in person because uh, she'd come out or come over and hang out or we'll go bike ride or go uh grab something to eat so there's – you know there's verbal – there's texts – there's – rarely we have phone calls but it's either text or face to face conversations.

TF: So she tells you she's receiving random texts from him – what's she saying next?

DN: Uh, . . . just that he's texting her – uh, I don't remember if there's more but she mentioned that uh he stopped by the house and she also felt that that was weird because she never gave the address.

TF: You think you got that across text?

DN: I – I think so – I really don't know – like I say we – we do a lot of texting but we also do face to face.

TF: Alright. Well just tell me what do you know – what do you remember her saying.

DN: That he came over and I told – or she was like, didn't know how he got the address but I came back to being able to look it up conversation and uh she said that they were just hanging out and uh that he tried to hug her and then grabbed her by the hips . . .

TF: When you say hug her – face to face - her back to his front or what?

DN: If she elaborated then I don't remember.

TF: Okay. Go ahead – he tried to hug her.

DN: Yeah and then she said that he uh tried to put his hands down her pants and then tried to take her pants off.

TF: Okay. Just that simple or . . .

DN: Yeah.

TF: . . . did she elaborate?

DN: She didn't elaborate a whole lot.

TF: I mean you feel those are the exact words she used – tried to hug her – put his hands down her pants and tried to take her pants off?

DN: I can't say exact but it's pretty close.

TF: I mean was she telling you a story – was she like, well we were standing there talking and he grabs me and hugs me – I mean did she go step by step or are you paraphrasing what she said?

DN: It's more paraphrasing cause I don't remember the exact wording that she put.

TF: Okay – alright. Go ahead. So he tries to take her pants off. What did she say?

DN: And that was it and uh, . . .

TF: Does he try to kiss her?

DN: I don't remember if she said that or not.

TF: Okay.

SG: What type of emotion did you get from her when she's explaining this to you – what sense do you get from her?

DN: From her?

SG: Uh-huh (affirmative). Angry – upset?

DN: How I'm feeling?

SG: How was she reacting to you – you know her – how's she coming across to you – is she upset about what he's done to her – is she mad – is she scared – what kind of emotions are you getting from her?

DN: Uh, she – this is why I feel like she told me in person cause I remember she was uh kinda shaking when she told me – she was scared – when she said that uh, about reporting you know she was afraid they won't believe her.

TF: Who is they?

DN: Anyone in general . . .

TF: Okay.

DN: . . . someone had told her about that and uh, she's more like uh, - she was afraid – I remember – the one thing I remember most is when she said that she's afraid that he's going to come back uh but uh, . . .

TF: Back to her house?

DN: . . . yes come back to her house for whatever reason – uh, I think she told me that uh, her husband was also afraid that he was going to come back.

TF: This was some time afterwards though?

DN: That particular conversation was after – I don't believe that conversation was immediately after.

TF: Give me a – do you have a month in which this approximately occurred?

DN: I don't.

TF: Do you remember if it was warm?

DN: My best guess is it was warm because she was outside and uh she sits outside.

TF: Was it close to any holiday – Memorial Day – 4th of July – Easter?

DN: I don't know – uh, like – I knew what I was doing for 4th of July but I don't remember what it happened around – I don't . . .

TF: You don't remember if it was the 4th or after the 4th?

DN: I can't – I just – I just know that it was – I just know it was uh when we broke up – obviously around the area when we – the time we broke up to October – I know that's not really narrowing it down but I know for a fact it was before October.

TF: Okay. So she's afraid he's going to come back?

DN: Uh-huh (affirmative).

TF: What does she tell you about – I mean when she tells you this story did she tell you he actually penetrated her or grabbed her breast – her vagina – anything – what?

DN: She never mentioned about him trying to grab her breast or touching her down there – the extent of the touching was him putting his hands down her pants.

TF: Where at down her pants?

DN: She didn't say – she . . .

TF: She just said he put his hands down her pants?

DN: Uh-huh (affirmative) and tried to take her pants off.

TF: And how did you get to believe – okay so trying to take the pants off – what does that mean to you – I mean try to unbutton them – trying to pull them down – what – how does she . . .

DN: To me if – if she explains it that way knowing her because she wears tight jeans that it'd be like in the front area cause he would have to unbutton it.

TF: But she didn't elaborate on how he was trying to take the pants down?

DN: Not to me.

TF: Okay. What does she tell you after that?

DN: That – I'm trying to think – that's it – I don't remember – I don't remember what – with the exception of just being afraid and uh she told me a bunch of times not to tell anyone – not to do anything – not to tell anyone.

TF: Why did you believe that was the best course of action not to tell anyone?

DN: I don't know – I uh, at the time I you know I had concerns for her and uh, just did what she uh – she was pleading to me about.

TF: So in the encounter did she relay it to be a forceful grab or playful hug or – I mean to what extent did this go?

DN: She didn't elaborate – to me it felt like uh, me thinking but without any evidence to support it but to me it felt like just a normal hug and then it went – went out of hand but she never elaborated so I don't know.

TF: Did she talk about she couldn't get away from him or she tried to pull away from him – did she say anything like that?

DN: What I think – I think she said that uh he was holding her – I remember – I think I remember – I think I remember her saying at least no one time to him – she told me that she said no to him.

TF: Okay. Do you believe – how close to this incident was it that she told you? You said you remember her shaking so it was in close proximity to the timeframe in which it actually occurred?

DN: I believe it was really close if not that – that evening – uh . . . the only reason – the only reason she'd be coming over and telling me that that late is if I didn't work the next day.

TF: And you believe she told you that at your house?

DN: I – I think so.

TF: And no big deal for her to leave home with her husband at home and go out in the evening time – that’s no big deal for them?

DN: No uh . . she uh – I don’t think she ever tells him all the time what she’s doing.

TF: When she leaves the house?

DN: Yeah sometimes she’ll leave.

SG: Dave do you get all this information at once or do you kinda get pieces of it through text, hey this guy’s texting me – then, oh well now he’s come over and then, oh now he’s done this at a later date you find out that he’s actually touched her and grabbed her and stuff like that – is that how it happens or is it all – did you learn all of it at once?

DN: I – I don’t remember either – I feel like it was in pieces cause I feel like – I feel like she told me that he started texting her – I said, well okay – and then she said that uh he stopped by and then there was a short break and then she told me everything else – that’s what I feel like happened but I – I really don’t remember . . .

SG: Okay.

DN: . . . I’ve switched phones since – I don’t have any saved text messages or anything like that if it went through text.

SG: Has she been believable with you in past dealings – did you believe her on this date and can you tell us why she was believable to you if you did?

DN: Uh, I don’t have – or she’s never expressed – you know I guess lied – she hasn’t lied to me – I haven’t caught her in any lies – uh she’s been pretty open with me with uh about you know daily conversations and uh, she mentioned a particular story where uh her husband confronted her about me and she told me that she tried to lie but couldn’t lie and ended up telling him . . .

SG: Okay.

DN: . . . so you know that – that to me gives me a sense that she’s – it’s hard for her to lie.

SG: So you believe she’s a pretty honest person?

DN: Uh-huh (affirmative).

TF: So when she told you this story do you believe her?

DN: I believe – I believe it happened or I believe at least something happened – I mean I believe he started texting her and coming over but I don’t know [REDACTED].

TF: When she told you what had happened did you think he had committed a criminal act?

DN: Based on what she said yes.

TF: What criminal act did you think he had committed?

DN: At the least assault – uh cause she didn’t tell me that he touched her or grabbed her – grabbed her breast or anything.

TF: Why didn’t you tell anybody?

DN: Because she begged and pleaded with me not to tell anyone.

TF: Well tell me – when you say she begged and pleaded what was she saying – I mean what did she think the consequences was going to be with something like that – I mean what was her reason for not wanting anyone to know?

DN: I mean she was scared – she told me that no one was going to believe her – she was scared and . . .

TF: Was that because she was new?

DN: Uh she was having a hard – from – I don’t know what the timeframe was but she was having a hard time fitting in . . .

TF: With the girls in Dispatch?

DN: . . . with the people in Dispatch – uh, I don't – I don't think she had issues with officers but I knew she had issues with Dispatch – some of the people in Dispatch.

TF: She was concerned that they wouldn't believe her?

DN: No I think she was just concerned that people . . .

TF: Nobody. How many times did you all have this conversation of her telling you – okay so you eventually you get the whole story of him grabbing her and trying to take her pants off – is there another time you all are sitting around talking that she mentions it again?

DN: She doesn't mention the story again but she mentions like while she was still working here, and he would come into Dispatch – she did say that was kind of awkward.

SG: Dave why do you think she told you?

DN: Because she trusts me – because we – we've been dating – I don't know why she told me.

SG: What kind of feedback do you remember that you had for her?

DN: Uh, besides trying to – trying to comfort her and making sure it's okay – I mean uh I tried to tell her that it needs to be reported and something needs to be done about it but again she kept saying just – I don't want anything done – don't tell anyone, so . . .

TF: Did you eventually think she was going to come forward?

DN: You know if – if – knowing what happened would have made her – would have made her come forth probably.

TF: This conversation between you and her – this was the main event – it wasn't something in passing – I mean she came to you with this because of this incident – not because she was coming over for dinner

or something like that and decided, oh by the way [REDACTED] came by – I mean . . .

DN: Uh, she may have come over for that sole purpose uh but it wasn't just, oh by the way – it wasn't anything like that I don't feel like – I knew she came over for a sole purpose . . .

TF: Was to tell you about this.

DN: . . . but I don't know if we had recently planned to hang out or anything like that but it wasn't oh by the way.

TF: Have you all talked about this since she left here – did you all talk about it?

DN: I don't think we did – we haven't talked about it in a long time.

TF: Since it happening and that first time of her telling you did she talk about it again with you?

DN: She only talks about just being awkward.

TF: Around here? But she never relayed or you know told you the story a second time and this time gave more details or anything like that?

DN: No.

TF: No other time did she you know elaborate and say he actually hurt me or injured me or anything like that?

DN: She never went into any full details – the gist of what I know is he put his hands down – down her pants – my pants and he tried to take my pants off.

TF: Okay. I mean what are you thinking – what did you think if you were to tell somebody what did you think would happen or what did you think would – she'd be mad with you or I mean . . .

DN: A couple of things – I mean uh yeah she'll be mad and upset with me – uh . . .

TF: Did you value that friendship that much?

DN: I value the friendship – granted I don't value it to lose my job over it but I do value my friendship with her. Uh, also any kind of – you know aside from her any kind of uh – uh tension or anything with the – well the department or co-workers.

TF: Did you think somebody would take [REDACTED] side over hers and just think you made something up or something or . . .

DN: I – I don't know – basically after she told me and that brief you know few days after that we – we stopped talking about it.

TF: It wasn't brought up again?

DN: It was never brought up again.

SG: Did you and [REDACTED] ever have a conversation about this?

DN: No.

SG: Did you consider that?

DN: Yeah and . . . probably wouldn't go pretty but uh I do remember her telling me not to tell him and not to confront him.

TF: Did you think that was odd that she told you not to confront him?

DN: I don't think that that was odd no.

TF: Okay.

SG: So there's a violation of a trust issue with her that you're weighing and you're also weighing well I feel like something's happened here that I – did you go through that process and weighing and balancing things and the violation of trust with her versus a need to tell somebody about a fellow police officer that's done something inappropriate like that?

DN: You know uh when – when I first heard about it it was just – it was the whole – you know she told me not to tell anyone – not to tell anyone – don't – I don't want you to do anything – uh, you know I had before titter tottered and think I need to tell someone but she doesn't want me to tell anyone.

TF: Did you tell it to anybody at all?

DN: Not one person.

TF: But when [REDACTED] left you immediately thought I'm going to call her and tell her?

DN: Yeah I did.

TF: And what was her reaction?

DN: Uh, . . . I can't tell – I know I called her and so I didn't see her facial expression or anything – it sounded like – it sounded like she was shaking but she was – it was that she has a big sense of relief – I can hear her voice shaking and so I don't know if she was crying and trying to hide it but that's what I remember hearing.

TF: So this is an emotional deal for her?

DN: It seems like it.

TF: At any point did you contemplate well I'm just going to have to betray her trust – I've got to let somebody know this guy . . .

DN: Well actually this was on – on Monday – yeah it was on Monday and it was not on my mind because I had other things on my mind – ie the test, so . . .

TF: Did she ever tell you any other time she seen [REDACTED] around her house or anything like that?

DN: No she hasn't mentioned anything about seeing any future occurrences or anything – the last one was the one where uh she was assaulted uh and then any other occasions was before she quit was at

work when he'd come into Dispatch and makes her feel uncomfortable.

TF: Did she say he tried to text her anymore or anything like that?

DN: I don't – I don't remember – I want to say he text her at least another time and she – I don't know if she told me about it and then I told her not to text him back or – that I don't remember – I feel like he did but I don't remember.

SG: Dave do you remember part of the reason of not saying something and her urging you not to say something was because of her mending her relationship with her husband – was that a factor in this or not?

DN: She never mentioned anything about that.

SG: Okay.

TF: So basically just because she said not to you thought – were you concerned that if you came forward she wouldn't admit it or something?

DN: I don't know what my concerns are – if I would have said something – besides you know her being upset that she's telling me not to tell and I went and said something and then getting her you know intertwined into all of this when she made me not want to at the time.

SG: Dave let me ask you this – I learn something from just about everything I get involved in – looking back with your hindsight that you have now what would you have done differently here that you didn't do?

DN: I really wish I would have said something regardless of – regardless of what uh she begged and pleaded for – uh, you know I knew – I knew – I know what was the right thing to do – now I do.

TF: Did you think it was maybe not as serious as it turned out to be?

DN: Yeah I didn't think – yeah I didn't think it would be like this – uh you know.

TF: And she didn't tell you all the details?

DN: Uh-uh (negative).

TF: Did she tell you there was any penetration when he put his hand inside her pants?

DN: Uh-uh (negative).

TF: At any point did she ever say there was any penetration?

DN: No – all she said was he put his hand down my pants.

TF: If she had told you there was penetration what would you have done?

DN: I probably would have taken it a step further I guess – I don't – I don't know what I would have done. I guess – I mean knowing now yeah I would have told someone – I just didn't think it was as severe as obviously it's gotten to this point so . . .

TF: But you didn't think she was just bringing drama to try to get you to be more careful – I mean care about her more or anything like that?

DN: No – I don't . . .

TF: You felt she was pretty honest and creditable?

DN: Uh, well with uh with – seeing them talk and up front here yeah it's possible.

SG: Did you truly believe all the encounters with [REDACTED] and with [REDACTED] were uninvited?

DN: That I don't – I don't know – I don't know if during their texting – when he first texted her I don't know if she invited him over or not – she never mentioned – she never mentioned that she invited him over or that she didn't.

TF: Did you think that was a possibility that she invited him over?

DN: It's a possibility.

TF: Why do you think that's a possibility?

DN: Just – I don't have any reason to back it up – I mean she is – she didn't have a problem meeting people – uh . . .

TF: Is she pretty flirtatious or just open and kinda . . .

DN: I think she's more – I think she's more open than flirtatious.

TF: More open and welcoming type person?

DN: I think so.

TF: Okay.

DN: Uh I don't . . .

TF: Makes friends easy?

DN: Yeah – uh she mentioned – she mentioned going out and uh just being able to – she met someone and then started talking uh . . .

TF: So she's good in any room – she'll start a conversation with anybody?

DN: She can – I think she has that personality.

SG: David why do you believe she left the Fayetteville Police Department?

DN: I gonna say what she told me – I mean she didn't fit – uh that her original aim was for night shift and that got screwed and it was interfering with her – with her kids and uh just the fact that she – she feels that she doesn't fit in.

SG: Okay.

TF: Did she ever tell you she was leaving because of what [REDACTED] had did to her or anything like that?

- DN:** That – she never brought that across or I never got that vibe from her. When she told me she was quitting I automatically thought that was because she didn't fit – she didn't – it was all fine until they told her you're going to afternoon shift – uh it got worse basically from that point on and with the – with the – I guess you can say with the drama between some of the dispatchers.
- TF:** So at no time did she keep saying she was stressing out over what happened with [REDACTED] or anything like that – I mean she's not saying oh I can't be around this guy – this guy's just – did she ever relay anything like that to you?
- DN:** Like I mentioned the only time that she would say anything is when uh – when he'll come into Dispatch uh she feels really awkward . . .
- TF:** Okay.
- DN:** . . . she doesn't – I don't remember her saying anything about panic attack or anxiety attack or anything like that – I don't remember her saying that.
- TF:** So more over to you she said she was leaving because they were putting her on afternoon shift and she wanted nights?
- DN:** Well that wasn't – that wasn't it – I mean it's the fact that – she feels that no one likes her in Dispatch uh . . .
- TF:** She's kind of one of these people that's got to be accepted – wants to be in the group or . . .
- DN:** No she's not that type of girl – uh she doesn't care what people think which is weird.
- TF:** Why was that a factor then that no one liked her?
- DN:** Well no she just expressed that you know no one likes her uh, that they seem to you know out against her uh the whole – the whole – I don't know if you guys are aware of [REDACTED] – with [REDACTED] and uh – she just – she didn't like the job – she didn't like – she also didn't like

some of the dispatchers too for just – some of them are – some of them are bossy – some of them are just uh you know according to what she told me she was doing the right thing and someone else would yell at her – stuff like that.

TF: So is that why they didn't put her on nights because [REDACTED] was on nights?

DN: That's what I think – uh. . .

TF: Is that what she thought too?

DN: I think so because uh – this is all like from third person and forth person or whatnot but I guess uh from what I heard [REDACTED] expressed to uh [REDACTED] that uh about the issues between me and [REDACTED] and he didn't – he didn't like it – he didn't want – he didn't want that and that she didn't get along with anyone on nights so they put her on afternoons which wasn't her main goal of moving here or coming over here.

TF: Okay.

SG: Do you know from her directly or from any other sources of anyone else she disclosed the [REDACTED] incident to?

DN: Well uh I thought it was just me but you guys told me [REDACTED] knows so that was it.

TF: And that's the only two people you know of?

DN: Uh-huh (affirmative).

TF: Did she tell her husband?

DN: I think she told me that he came over and she – that it was awkward but I don't know – I don't know if she told him what all had happened but I think the husband or from what I understand I think he knew that he had stopped by at least.

TF: Is there anything I haven't asked you that you think is important that you might want to add to this?

DN: I'm sure there is – I just can't think of it.

TF: Is there any questions you have?

DN: Uh what's the next step?

TF: We'll type up the facts and statements and information that we've received and we forward it up the chain – we don't recommend discipline or get involved in any discipline or any one or another – we just go through the policy book and look to see what policies apply if any and forward it on from there and the Chief – the administration as a whole makes the determination and the Chief having the final word.

SG: And I want to encourage you this – this is your two folks that are here for you supervisors – we encourage you if you ever have anything this come up again you come to us – let us make those decisions.

TF: We'll put it on us – it don't have to be on you.

SG: Absolutely.

TF: That's what we get paid for – that's what we take it for – we can have it anonymously and run with it from there . . .

DN: Yeah.

TF: . . . but we own it.

DN: Uh . . .

TF: You alright?

DN: . . . yeah I definitely wish that things were different – things happened really different but uh I guess my two cents is – yeah definitely since Monday – I was actually more stressed about this than my test, so – but I knew what I did was wrong my not reporting it but at the time I

was focused on her and her telling me not to tell anyone – she didn't want anything – didn't want any involvement or anything in it so . . .

SG: That's a problem – we try to fix things on our own and sometimes you know you're limited just by what you can imagine the ways we know to fix it are and we're – if you share things sometimes collectively we can come up with some solutions that don't jeopardize your trust you know so . . .

TF: Alright.

SG: Serg.

TF: You know this is an Office Of Professional Standards interview so please do not discuss it with anyone – I know there will be a lot of talk about [REDACTED] and there's about to be some more information about it put out but as far as this goes this aspect of it you've read the complaint – do not discuss that portion at all if anybody comes to you with any questions, concerns or rumors or anything like that you direct them to myself or Gabbard or Captain Fields or anybody in administration.

DN: Okay.

TF: Alright.

The interview with Corporal David Nguyen concluded at 6:08 PM.

**FAYETTEVILLE POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

CASE #: 2013-0008c

DATE/TIME OF INTERVIEW: 12-22-2013 @ 1:53 PM

CONDUCTING INTERVIEW: Sergeant Tim Franklin #145

DATE/TIME TRANSCRIBED: 12-30-2013 @ 9:30 AM

TRANSCRIBED BY: [REDACTED]

The following is a transcribed copy of a tape recorded interview conducted with [REDACTED]

KEY: Sergeant Tim Franklin = TF
[REDACTED]

TF: Alright [REDACTED] first of all are you aware I'm recording this conversation?

[REDACTED] Yes.

TF: And you came up here to the Police Department at my request after talking to you on yesterday?

[REDACTED] Yes.

TF: Alright. We've talked about this a little bit and yesterday we met with you but we were at Arsaga's and it was a little bit loud so we didn't record it. I just wanted to touch base with you again. As I explained to you yesterday I'm not investigating the criminal aspect of this at all - I'm doing an internal concerning your relationship or I'm sorry - your conversation with Corporal David Nguyen concerning an incident that occurred between you and [REDACTED]

You relayed some details to Corporal Nguyen off-duty in a private setting that later came to light that may have should have been mentioned to law enforcement prior to and that's what we need to discuss here today. Okay?

██████████ Alright.

TF: Do you have any questions about that?

██████████ Nope.

TF: Alright. So I don't want to particularly go into any specific details about what occurred between you and ██████████ however I want to talk about your conversation with Nguyen. I think we have determined that the date was July the 8th early hours morning somewhere between midnight and . . .

██████████ Uh-huh (affirmative).

TF: to be fair. So during that timeframe there was an incident when on-duty ██████████s stopped at your residence while you were outside and assaulted you.

██████████ Yes.

TF: After he leaves what did you do?

██████████ After he leaves I go inside my house – I go into my bedroom at the master bedroom which is in the back and I start kinda getting emotional and shaken up and so I text you know Corporal Nguyen – David, he was my friend at the time . . .

TF: Uh-huh (affirmative).

██████████ . . . and uh, asked him if it was okay if I came over – I didn't tell him why or anything – at that time I just said, can I come over.

TF: What time do you think this might have been?

Uh, it's going to be super late or early in the morning – somewhere one – two in the morning.

TF: Is that odd – I mean . . .

No, we . . .

TF: . . . should he have been alarmed that oh my she's calling me at this hour?

No, we would sometimes text any time . . .

TF: Okay. So just . . .

. . . because just the weird hours that we work.

TF: . . . the fact of you texting him at that hour that shouldn't have thrown up any red flags?

Well I think it should have thrown up some flags because I didn't say anything – I just said, can I come over . . .

TF: Okay.

. . . cause normally it wouldn't be just like coming over at that hour – just come over.

TF: So but at this point and time you guys were still friends . . .

Yeah, we were . . .

TF: . . . but weren't in a relationship any longer?

Correct.

TF: And prior to this you guys had been in a relationship?

We had been in a relationship.

TF: And that dissolved sometime in April maybe?

█ Yeah – early April I believe.

TF: Okay – alright – go ahead. So you text him and he . . .

█ I text him and so he says yeah come over – uh so I go over there and uh he's got an alarm system so he lets me in – uh, and then we go into his room.

TF: Was he asleep do you think when you texted him?

█ I can't be certain but uh, I would assume that he probably was asleep . . .

TF: Okay.

█ . . . and that I had woken him up – I don't remember – I mean it's been a long time . . .

TF: Sure.

█ . . . but uh I assume that he had been sleeping but uh he answered so I figured he was awake enough you know where I could at least talk. So we go in his room and uh I don't say anything right off but then you know . . .

TF: Did he get back in bed – he sat on the bed?

█ Yeah he gets back in bed and I you know sit down beside him uh, where I kinda turn – you know I turn my back and laid down in the bed with him you know cause I'm just kinda shaking and that's when I just kinda tell him what happened and . . .

TF: And what did you exactly say to him?

█ I told him that uh █ had stopped by the house and he had uh taken my phone and I told him the basic of it – I didn't go into full you know length detail because I was still kind of shaken up uh, you know he took my phone and went through all my stuff and that he had placed me in a bear hug and put his hands down my pants and I

said that he didn't do it once he did it twice uh and I was really upset about it – I mean I was shaking – David put his arms around me because I was shaking so much – uh he was trying to kinda calm me down and that's when he had related a story about how uh, [REDACTED] had passed me and [REDACTED] was talking uh and [REDACTED] went into the locker room and David was in there and [REDACTED] had made a comment about how [REDACTED] was hitting on his girl.

TF: Do you think that was the same day?

[REDACTED] It was the same day . . .

TF: Okay.

[REDACTED] . . . I know for sure it was

TF: Okay.

[REDACTED] . . . and uh Nguyen had said, she's not my girl you know we're just friends and that's when David came out and started talking to us as well – you know that's when he had told me that happened . . .

TF: Okay.

[REDACTED] . . . and so and then . . .

TF: Him saying that to you what did you think – he was saying like, are you guys involved – are . . .

[REDACTED] No, I felt like he was just saying that it was weird . . .

TF: Okay.

[REDACTED] . . . you know like he was kinda like oh well that's weird because . . .

TF: Earlier today . . .

[REDACTED] . . . earlier you know somebody had made this comment about you know seeing you guys talking and you know – I think he was just kinda processing it all . . .

TF: Okay.

[REDACTED] ... I don't know.

TF: So when you say you just gave a general description of what occurred did you tell him just like you just told me or ...

[REDACTED] Well it was more in detail.

TF: Alright tell me what you said to him – to what extent.

[REDACTED] I said – I laid down beside him and I said you know I was sitting outside eating my Wendy's when you know [REDACTED] showed up and you know he took my phone and then after some time you know when I got up to go inside Stiles [REDACTED] his hands – like placed me in a bear hug and he put his hands down my pants and that he didn't do it once but he did it twice.

TF: And did Nguyen ask you to elaborate or describe it?

[REDACTED] No cause I was crying really hard and I was really upset and you know I told him how [REDACTED] had felt around and how he was grabbing me ...

TF: Uh-huh (affirmative).

[REDACTED] ...when he had his hands down my pants.

TF: Did you relay to Nguyen that there was any penetration or anything like that?

[REDACTED] No.

TF: Did you believe he thought there might have been or anything like that?

[REDACTED] He didn't seem to have any reaction except just to seem to console me.

TF: Okay. I mean what did you tell him after that?

[REDACTED] After that we just went to sleep.

TF: He didn't talk to you about reporting it or anything?

[REDACTED] No he never mentioned anything about reporting it.

TF: Did you tell him at that time you didn't want him to say anything?

[REDACTED] Yeah I told him that I didn't want to make a report because I was in fear that you know I'd lose my job and that it would – you know I didn't think anybody would believe me you know because I kinda uh you know with all the stuff going on with you know I dated David and I was separated from my husband you know I thought that it would make me look like it was my fault – I felt like you know it would make it look like I – I don't know – I just didn't think anybody was going to believe me and I thought I was going to lose my job over it and I was the only one supporting my entire family – paying the house bills and everything and so I was just scared.

TF: And this is the kind of stuff you told David?

[REDACTED] Yeah I told him that night also.

TF: And what did he say – did he try to tell you you know you can report it you won't lose your job?

[REDACTED] No he didn't say any of that.

TF: Okay. What did he say if anything?

[REDACTED] He just – he didn't really say anything.

TF: Did you make him promise that he wouldn't tell anybody or begged him not to or just say, no don't say nothing?

[REDACTED] I just said, please don't say anything to anybody because you know I don't want to lose my job or anything.

TF: How many times do you think you told him that?

██████ Uh once or twice.

TF: Okay. But it wasn't on and on – please please please don't tell nobody or anything like that?

██████ No.

TF: So after you relay this – you guys fall asleep – you wake up the next morning?

██████ Uh-huh (affirmative).

TF: What happens then – you talk about it again?

██████ I look at my phone and I see that ██████ had continued texting me throughout the night . . .

TF: Okay.

██████ . . .and I say to David – I'm like hey look at my phone – I was like he kept texting me and that's whenever David said, hey you should screen print those you know and save them in case something comes up where you might need to you know show them to somebody or use them and so I mean that's whenever I screen printed them on my phone uh . . .

TF: What did you do with them?

██████ I kept them saved in my phone until . . .

TF: The same phone?

██████ In the same phone yeah.

TF: And you don't have that phone anymore?

██████ I have the phone but I was going to give the phone to my husband and it had been you know like a month or so later and I factory wiped it because I had forgot they were in there cause I had you know had my

accident – had been out of work for a month or so and [REDACTED] was complaining he wanted a Smart Phone you know and . . .

TF: Was that an I Phone – did you have a Cloud or anything?

[REDACTED] No it was an Android.

TF: Okay. So when is the next time after that that you and Nguyen talk about this – I mean after you talk about saving the screen shots or whatever?

[REDACTED] Well I don't recall us ever like really having any big conversation about it – it was just one of those things that I would kinda drop every once in a while you know like . . .

TF: When you say drop what do you mean?

[REDACTED] Well like you know like at work I thought of something and felt uncomfortable I'd be like oh I saw or I had to talk to [REDACTED] today or something and of he saw – like the next day – okay – I'm sorry . . .

TF: That's okay.

[REDACTED] . . . it's all over the place . . .

TF: That's fine.

[REDACTED] . . . but the next day uh I think it was the next day or sometime shortly after uh David had told me how [REDACTED] had came up to him and started talking to him and I think it was the next day but he said that he felt weird about it – you know because after the incident and everything uh you know he was like, oh he's just such a creeper or whatever and that's when he told me he deleted them out of the phone and everything – his own phone because he thought he was a creep now.

TF: But I mean do you tell him again anytime after that – I still don't want you to say anything or anything like that?

[REDACTED] No, I never said that – it was just that one night . . .

TF: Okay.

... and you know every once in a while I would just be like – if I – like if something at work happened where I saw him and it just kind of like upset me you know uh I would say again like just that it was upsetting to me or whatever but no I would never say don't say anything though and ...

TF: Did he ever say, I think I'm going to tell somebody or I need to talk to him or confront him or anything like that?

No. And there was one time when he posted a Facebook picture of or he re-shared a picture of uh himself and [redacted] and a couple other officers uh in the honor guard ...

TF: Uh-huh (affirmative).

... they had just taken their group photo and uh I had texted him and I said, how can you share that picture on Facebook you're standing right next to him – I mean you know that he – what he did to me and he shoved his hands down my pants and all this stuff and you know I was very upset with him and confronted him about that picture and uh he didn't take it down – you know I took that as a – kind of like a – he didn't really care.

TF: What was his response – I mean did he say, oh ...

He said that he was just proud of his honor guard ...

TF: Okay.

... it didn't have anything to do with him, but it was just you know that's his work and he's worked hard for it and you know ...

TF: At any point and time did he come back and say you really need to go and talk to somebody?

No he never told me that I needed to talk to anybody.

TF: Did he ever say he was going to go and talk to somebody?

██████████ No he never said he was going to talk to anybody.

TF: Besides Nguyen did you tell anyone else?

██████████ Not until uh I told my ██████████

TF: Okay. He tried to encourage you as well?

██████████ And my ██████████ – the night I told him he said you have to do something about this and he freaked out and he was like, I'm going to go do something about this.

TF: How long ago was that?

██████████ That was in September.

TF: Okay. Did he ever call anybody?

██████████ No cause I did beg my ██████████ not to say anything.

TF: And you weren't working here then were you?

██████████ I was – that was whenever I was trying to – like my ██████████ didn't want me to quit because he knew that I worked really hard to get this job and I had been working you know and I really liked being a dispatcher and I you know I had just worked really hard for it and put a lot of time and effort into it and he knew that you know I would be disappointed if I did quit my job but to relay why I really didn't want to work here anymore you know is why I ended up telling him cause I didn't want anybody to know cause I was embarrassed.

TF: So after you tell your ██████████ why is it that he doesn't come forward?

██████████ Because I begged him not to . . .

TF: Okay.

... and he told me that you know I really needed to think about it and really needed to you know it's something that we would continue to talk about until maybe I could come forward and talk about it to somebody else.

TF: And you talked to [REDACTED]

[REDACTED] Uh-huh (affirmative).

TF: And what did you tell him?

[REDACTED] I told him that [REDACTED] had come over and uh the same thing I pretty much told Nguyen and I didn't – you know I didn't say that he penetrated me – I just said that he stuck his hands down my pants and felt around ...

TF: Okay.

[REDACTED] ... uh, I didn't really like share any details with anybody cause it's gross – uh ...

TF: Did you ask [REDACTED] not to say anything?

[REDACTED] Uh, I don't recall if I asked him not to say anything but he told me I needed to say something – he was the first or the second person that really like was trying to get me to say something – you know he kept saying you need to – at first he was like, I'm going to say something and he said there was several times that he almost said something but that he you know was trying to respect me and he wanted me to come forward and he said, it's for you and your [REDACTED] to come forward and ...

TF: You say he was the second person – who was the first person?

[REDACTED] well I mean like ...

TF: Oh your [REDACTED]

[REDACTED] Yeah – [REDACTED] and uh him were the two people that were just like you have to do something about this – that's whenever you know like

when I told my [REDACTED] that was when I felt like you know I needed to – it started playing in my head more and you know and I just kinda started opening up and blurting it out to some people like at work you know.

TF: When was that – I mean how long ago was that?

[REDACTED] I'm not sure – it was like two months ago I guess . . .

TF: Okay.

[REDACTED] . . . cause they kept calling me a cop at work and it was getting – it was irritating me . . .

TF: Yeah.

[REDACTED] . . . because you know of the situation and that was like – this is why I don't want you to call me cop because it makes me upset . . .

TF: Uh-huh (affirmative).

[REDACTED] . . . you know and uh yeah.

TF: And that's at [REDACTED]

[REDACTED] Yeah that was at [REDACTED]

TF: Okay. So was there anything else that happened to you that you confided in David that he didn't tell or anything like that?

[REDACTED] Anything else with David?

TF: I mean did anybody else do anything immoral – improper to you or anything like that?

[REDACTED] In the time that I've known him?

TF: No I mean – have you relayed anything to David as a police officer that you thought he might have should have said something about?

[REDACTED] I mean just that.

TF: Okay – that’s what I meant.

[REDACTED] Yeah – like I mean – yeah he was a good friend at the time but like at the same time I was kinda hoping that he would – you know like I was kinda giving his reaction to the situation to kinda gauge what I would do about it – you know like if I was telling an off-duty officer the situation and he didn’t seem to take it very serious I didn’t think that anybody would you know it didn’t seem like it was that big of a deal to him and he knew how upset it made me and so I kinda felt like that – I almost felt like he kind of didn’t believe me or like nobody believed like how – if my friend’s not really . . .

TF: Was that your opinion that you didn’t think he really believed you?

[REDACTED] I wouldn’t say that he didn’t believe me I just felt like he – I felt like he kind of just wasn’t taking me serious or something.

TF: Did you think he thought there might have been some underlying deal between you and **[REDACTED]** or something?

[REDACTED] No I don’t think so because I never talked about **[REDACTED]** – I had never shown interest in **[REDACTED]** – I had never talked to him outside of work before that day.

TF: Okay. So basically him not reporting it what do you believe is the reason why he didn’t report it – just cause you asked him not to or what?

[REDACTED] I mean just to be like completely honest like I think he was kind of preserving himself in the fact that maybe I was over there late or uh and that he was respecting my wishes as a friend you know I think there was a multitude of things that you know he – the reason he didn’t want to you know – I think that he was trying to be a friend to me and respect that – you know I was worried or concerned uh but he’s also very big on uh his own image and he doesn’t want people you know to look bad at him – I don’t know . . .

TF: So . . .

... if he was trying to be ...

TF: ... let me summarize here and I'm not sure – I don't want to put words in your mouth but what you're saying is basically you believe that he was trying to protect what you said not to tell anybody as a friend ...

Uh-huh (affirmative).

TF: ... and respect your privacy as well as if he came forward then the circumstances turned different people would look at him different or something?

Yeah I kinda think it was part of his self preservation you know for his own respect at work – I don't know – but I mean that's just my opinion – I don't know.

TF: And that's what I asked you for is your opinion.

Yeah.

TF: Okay – alright. And so basically and see if I got all this correct. You know the night – the morning it occurred when [redacted] came over was the same morning you went over to Nguyen's residence?

Yeah it was immediately after.

TF: You related this to Nguyen – how long of a conversation was it – once you went there between you getting there – telling him this and you all falling asleep?

Probably I would say somewhere between twenty and thirty minutes.

TF: So you guys were pretty tired already?

Yeah – I mean it was late and I know I was freaked out and went out.

TF: Do you think he fell asleep first or you fell asleep first?

[REDACTED] I'm sure he fell asleep first – I can guarantee you.

TF: Alright. So you wake up the next morning – you see your phone . . .

[REDACTED] Yeah.

TF: . . . and you tell him, oh look he's text me some more – he encourages you to save some of them – you do but later get rid of that phone – you guys do not have another in depth conversation about it and even the first conversation is kinda generalities – not really specific – you don't relay that there's penetration but over the course of time you kinda relay every time you have an encounter with [REDACTED] to him – he never tells you you should go forward or he's going to go forward or anything like that – is that . . .

[REDACTED] That's correct.

TF: Okay. What is it that prompted him to immediately call you when he found out [REDACTED] was separated from the department?

[REDACTED] He knew I was afraid of [REDACTED]

TF: So you had relayed that you had . . .

[REDACTED] Yeah.

TF: . . . a lot of concerns about him?

[REDACTED] Yeah he knew I was afraid of [REDACTED]

TF: So he called you and what was that conversation like?

[REDACTED] Uh, he called me or he texted me when I was at work and I hadn't seen it because work is you know always really busy and I can't look at my phone but when I was about to leave work he – there was a text message that said, call me as soon as you can and so I was like, you know . . .

TF: You all hadn't been texting much?

Not really – not really – our friendship is kinda degraded like since then uh we don't really talk as much but uh and then so you know I was kinda like I wonder what this is about and so I go out in the back behind uh in the little smoke area and uh I call him and he's like hey I just wanted to let you know that uh [REDACTED] has been released from the department – he's been – uh there's something to do with you know a female in the Cliffs and there's been an investigation – he was like, I'm not really sure all the details but I just wanted you to know that it's done – you don't have to worry about it anymore.

TF: And what did you tell him or what . . .

And I said, thank you for telling me – I said, I will – I do feel better about that you know and it means a lot that you called me and you know told me this and but that I was kind of upset – I started crying on the phone because I was upset there was somebody that had been hurt and I – I said, uh – you know I relayed that to him – I said, so you're telling me that there is a victim and somebody else has been hurt and he said, yeah – he said, but I want you to know he's not an officer anymore and that he's no longer with us and stuff like that.

TF: Okay.

And then I couldn't sleep that night.

TF: And did you talk to him again since then?

Uh, I didn't talk to him again until uh the next day which was when I saw [REDACTED] come through the line and you know cause like the whole night that night it was – like I went home and started talking to [REDACTED] and I was like, you know I've got to do – you know it's bugging me – you know I kept – and for like the last week you know I'd see like off duty officers come through and [REDACTED] came through like twice and when I saw him you know I'd kinda get shaky because I just wanted to say something you know – uh, it's been on the back of my mind for the entire time . . .

TF: Sure.

[REDACTED] ... and any time I had a moment with anybody that was official I just
– you know ...

TF: Couldn't get it out?

[REDACTED] ... wanted to I just couldn't cause ...

TF: Okay.

[REDACTED] ... whatever.

TF: That's fine. Alright. The night that [REDACTED] assaulted you was your
[REDACTED] actually home?

[REDACTED] Yeah he was home.

TF: You didn't tell him that night?

[REDACTED] No ...

TF: Okay.

[REDACTED] ... I didn't tell him until September.

TF: Okay – alright. Anything I haven't asked you that you want to tell
me about this or that you think I need to know?

[REDACTED] I don't think so – I just – I mean I don't want – I mean obviously I
don't want anything bad to happen to David uh but I mean I feel like
it's above both of us – you know I think that now that somebody's
gotten hurt that didn't necessarily have to like somebody's gone
through something that you know really sticks with me and I just
wish – I don't know ...

TF: Okay.

[REDACTED] ... that's all.

TF: At any point and time when you guys were corresponding – talking – hanging out did you ever say anything to him like, I can't believe you never even really told nobody or anything like that?

[REDACTED] No.

TF: Okay – alright. Do you have any questions of me?

[REDACTED] No. I'm sorry that I rambled.

TF: You did just fine.

The interview with **[REDACTED]** concluded at 2:18 PM.

CRIMINAL INVESTIGATION INTERVIEW (CIVIL SERVICE)
(SUBMITTED BY ATTORNEY FOR HEARING THAT
FAYETTEVILLE POLICE DEPARTMENT **WAS CANCELED**)

100-A West Rock Street
Fayetteville, Arkansas 72702
479-587-3555

CASE#: 2013-107203

DATE/TIME OF INTERVIEW: December 18, 2013 @ 08:15 am

OFFICER CONDUCTING INTERVIEW: Detective Daniel Robbins, Sgt. Swanfeld

REFERENCE: Sexual Assault 2nd

DATE/TIME TRANSCRIBED: December 19, 2013 @ 09:20 am

TRANSCRIBED BY: [REDACTED]

The following is a transcribed copy of a tape-recorded interview conducted with

KEY:

DR: Daniel Robbins

DS: Dominic Swanfeld
[REDACTED]

DS: Alright [REDACTED] tell me what brings you here.

[REDACTED] Uh... like from the beginning like seeing Dawson yesterday?

DS: Yeah.

[REDACTED] Okay. Uh... well it was something that had been bothering me obviously since it happened but I just kind of tried to not... you know, just kind of move on. But uh... yesterday I had gotten a call from Cpl Nguyen telling me that [REDACTED] had been released from the police department and that I didn't really have anything to worry about anymore. You know, uh... and I kind of asked why, was there someone else that had been hurt.

DS: Sure.

And he said we don't know the details but I just wanted you to know that. So I couldn't really sleep or anything, you know thinking that somebody else might have been hurt and I saw Dawson yesterday. When I worked with them, I just kind of trusted him. I knew that he... I don't know always did his job you know.

DS: Uh huh...

You know never seemed to... seem flaky or anything and uh, I just kind of blurted it out to him. He kind of took it from there.

DS: What did you blurt out to him?

I blurted out that uh, that when [REDACTED] had showed up at my house after he'd been texting me and uh, after taking my phone, he had put me in a bear hug and put his hands down my pants.

DS: Okay.

And not only once but twice and it was in my driveway. He was in uniform and in his police car. Uh... but I had never talked to him outside of work except for that day... earlier in the day. I had been up to the police department waiting to submit a time sheet and it was about six o'clock-ish and I was leaving. I ran into him outside and he knew I had a GI Joe tattoo and so that's how he started talking to me. It was like... "hey, let me see your tattoo" or whatever and so I showed him. It is on my hip, on my right hip.

DS: Okay.

And uh, he said I have one too and he showed me his on his arm. I was like oh, cool and we just talked about tattoos and GI Joe's for a little bit and Nguyen came out and joined us in the conversation about tattoos because he also has a GI Joe tattoo. After I left, uh, I remember seeing [REDACTED] parked in the police lot and I go this way. Like here's the police department and the parking garage and I pulled and I take a left and he's sitting here like looking at me as I leave and you know I just kept ignoring him.

DS: Sure.

You know I was just like... oh just going to work.

DS: Sure.

But then I started getting texts from a number that I didn't know. I was like... oh, and by the conversation I had known that it was him because he had mentioned you know what I had just been talking about, which was the tattoos and riding bikes or whatever. I don't remember exactly what the text were... it was casual though. I knew that he had text like [REDACTED] and that. I had heard he was a nice person and he was married and everything so I wasn't too concerned at the time because we're co-workers.

DS: Yeah, sure.

And you talk to other people... but so the texts stopped for a little bit and then came back up later and like "hey, what are you doing" and I was like trying to find something to eat... you know and I wasn't sure what I wanted to eat and I said either Wendy's or McDonalds or something. He mentioned Wendy's so I got Wendy's you know... he said the chickens fresh and I was like alright. So I got a chicken sandwich and a frosty and I went home. I frequently would eat in my driveway after work or just in the evening. My husband and I were separated at the time but we still lived in the same house and so it was kind of my space you know.

DS: Got you.

My husband slept on the couch and I hung out in the driveway or my bedroom. I don't remember exactly what text came you know to it but then he pulled up to my house. I was like okay that's kind of weird but... whatever, we'd been talking and maybe you're in the area whatever. I'm still giving him the benefit of the doubt you know. I mean I had some red flags but... he's a police officer and you guys are watched and everything. So then he gets out and he sits down beside me in my driveway and uh, he's parked... here's my home and he's parked over here on the east side I guess of my house, closest to [REDACTED] I can only see the rear of his car but he gets out and sits down beside me. I had been messing on my phone and he takes my phone from me. So he starts looking through my phone and I say no, give it back you know, I have personal stuff in there and I don't want you to look through my phone because I don't want him looking through my phone.

DS: Sure.

So he continues and he's like... oh... you know starts making like ooh interesting, I'm trying to grab it from him like physically take it from him at this point. I really don't want him in my phone.

DS: Sure.

I had nude pictures of myself and I didn't want him to see them.

DS: Sure.

Like at all. And so eventually he gives it back after he seems like he's done with it. I'm like okay, well I'm going to go ahead and go inside now. You know cause by then I was starting to get kind of uneasy.

DS: Yeah.

Because I see he's being forceful and uh, so I stand up and then he stands up and then I'm like alright, well bye and then he just grabs me. The first time he grabs me from behind and puts me in a bear hug and then he puts his hands down my pants. He's trying to graze around and grabs and uh... he's inside of my panties also.

DS: Okay.

But mostly he's just grabbing my butt and my thighs at that time. And uh, like I wanted to do something but I kind of was frozen 'cause like he was in uniform and you know had his gun and everything.

DS: Sure.

I was like... I mean I taught women self-defense at the University...(crying)

DS: Take a breath... it's okay.

But yeah... and uh, so anyways after he was done at that point uh... I was like okay hey, my husband's inside and you know I dated David right, you know and he was like oh, no I didn't know and his grasp kind of let go a little bit. I was like you know, my neighbors might see you too. I'm trying to like use anything to kind of make him just go away. And then I'm looking around to see if any lights are on or anybody's outside to yell or something but nobody

was out there. And then after that as I'm facing him, he grabs me again and so its forward facing to him and now he's like it was kind of like he's going in for his last you know... I don't know what but he grabs me again and he puts his hands in the front part. He doesn't make penetration but grazes it you know and grabs around a little more, moans and stuff and then let's go. At that point I'm just shaking and I'm like... alright, bye. You know it's like I don't even remember what was said after that to each other.

DS: Uh, huh.

I just remember like going inside and leaving and I go over to Cpl Nguyen's house where I tell him what happened and start crying and tell him everything. I'm just like don't say anything because I need my job and like I was the only one taking care of my kids. I was afraid I would lose my job and then wouldn't be able to pay my mortgage.

DS: Sure, I understand.

And so that was that and it just never came up. Oh, and then he huh... throughout the night he had started texting me again wanting me to send him pictures or to meet up again. Like that was like... I'm like did you think I enjoyed that, you know.

DS: Sure.

Uh... so there were probably about four more but I didn't respond to those. Like after he had left, I didn't respond again because I knew that he wasn't just being a normal person. He was being a creeper. And earlier in that day, I you know I had asked him or I had said something about... because I had never given him my phone number. He's like oh... I do my research and I researched you.

DS: Did you ask him how he got your phone number?

I didn't ask him how he got my number but he said that he had googled me and researched me on the internet and he's like I know, you know all about you. I was like well... there's not much to know.

DS: What day was this? You have a credit card statement here...

From my credit card statement from Wendy's, it shows that it was 7/8/13 but...

DS: July 8th?

Yeah, July 8th of this year but I believe it was a Sunday so I don't know if that is when it was processed over at the...

DS: When is July 8th, is that a Monday?

July 8th is a Monday and it shows that it was processed at 23:59 and so I don't know if that's when it was processed. I could have sworn it was on a Sunday and so I don't know if there was a way to find that out more clear.

DS: So we're thinking...

If it was 7/7 or 7/8.

DS: Okay, so the day is 7/7 most likely.

But it was on my day off so it was either Sunday or Monday because I wasn't working that day.

DS: Credit card shows Monday. It's common that they process them you know the next morning.

Yeah, yeah exactly.

DS: Okay, is that for us?

Yeah.

DS: Okay that's great. What time was this about, do you remember?

I want to say it was like about eleven.

DS: Eleven at night in the driveway situation?

In the driveway situation and I first encountered him around six because David was leaving work and [REDACTED] was going on to work.

DS: Okay, so it was... they were outside in their cars getting ready...

It was like uh, right outside where I don't know like where all of the cars are parked.

DS: Was he an early unit... [REDACTED]?

Yeah, he was.

DS: And David was early unit too?

He was an early unit.

DS: Did he use David's car?

I'm not sure. But... I think he was waiting on a vehicle. So it might have been the vehicle after...

DS: Okay so around six o'clock when he makes his original contact. Had you had any phone contact previously with [REDACTED]?

No. The only contact I had with him ever was in dispatch related to work.

DS: Okay, so never outside of work.

And never out after that, ever.

DS: So that day mostly like Sunday the 7th was the only time you ever had any dealings with him?

Yeah.

DS: You never went out with him?

No, never.

DS: Just trying to make sure...

And he's not even my type of person I would ever even be interested in, at all.

DS: Okay.

At all. I would never... uh... and there was something else. Oh yea, because I had to face him at work for an incident like he couldn't find the football field, the high school football field for a drunk person. So uh, he kind of gave me a little bit of a hard time and so he came into dispatch and uh, [REDACTED] had me go face to face with him and explain to him why I couldn't explain where the football field was to him. Shortly after that I had a bit of a panic attack and quit like two days later.

DS: Okay, so the football field situation, that was after this occurred?

Yeah, this was like in September.

DS: Okay, so you had some conflict over the radio?

It was... I had dispatched him to a backup drunk person. One of the Resource Officers was at a football game and he needed some help and he couldn't get there to the high school football field.

DS: Yeah, so he came in and you were basically told to work it out with him?

Yeah, I was told to explain to him why I couldn't explain to him how to get to the football field.

DS: How did he react to that?

Just smug, like he kind of was just had a smile and was laughing at me and like making fun of me.

DS: And that brought on some panic attacks?

Yeah and then I... you know I started shaking and I was like... 'cause he's in his uniform and I'm face to face with him at work and I am being told to work something out with him and was just... you know, they didn't know. It's not their fault but still, I felt like he was testing what he could get away with you know. And then I guess it was November 22nd I think is the date that I have... I was at Wal-Mart Neighborhood Market on Crossover...

DS: What day was this?

I believe it was November 22nd, or yeah, the 22nd and it was about 4:55 is what the Redbox receipt shows. Uh... I was getting a movie with my [REDACTED] and we're standing at the Redbox and [REDACTED] walks in with his [REDACTED]. He makes eye contact with me and I feel like he starts laughing at me. You know he's like laughing being extra jovial when he sees me with my [REDACTED] out in public. I just look at him and kind of glare at him so he knows I don't approve...

DS: Sure.

But then he just seems to laugh louder and then I get nervous and start shaking again. [REDACTED] still wants to go get [REDACTED] apples so I still have to go be mom you know but I'm scared and so I just go as quick as we can and I leave, you know.

DS: Okay.

Yeah, I think those are all the main incidents.

DS: Okay, let's back up a minute. Your telephone that you had at that time, do you still have that phone?

I do but I wiped it because I was going to give it to my husband.

DS: Okay.

So... it sucks because I had even taken pictures, you know like screen prints of it because I was going to report it but I kept getting scared.

DS: Okay.

And so I wiped the phone and lost all of those pictures.

DS: Do you have on line billing?

I do.

DS: Will you be able to access that for us to be able to show, you know of his texts coming in and texts going out?

[REDACTED] I'm trying to get that with Verizon right now.

DS: Okay.

[REDACTED] I talked with them yesterday at the store and they told me I needed to go with customer service on the phone and do it. I had trouble getting through to them last night and so I was going to try today after work. Because on line, it only goes back a certain time period and so it doesn't show that date. It's past the 30,60, or 90 day but yeah, I'm going to try and get that because it'll show the date and...

DS: What's the phone number?

[REDACTED] The phone number of that phone was ([REDACTED]) [REDACTED]

DS: Do you have the same number?

[REDACTED] No, I changed it because I didn't want anybody having my phone number.

DS: Okay.

[REDACTED] I didn't want...

DS: Alright, but you have the same service.

[REDACTED] Yeah.

DS: Okay. Alright, yeah if you'll check into that and let us know and if not, we can get those records as well okay. So you meet up with him, you go to Wendy's, you don't see him... you show up at your house and he shows up. You guys are sitting outside... where are you sitting at?

[REDACTED] In the driveway close to the street.

DS: Leaning against the car?

[REDACTED] No, just in the driveway.

DS: Just sitting on the ground?

[REDACTED] Just sitting on the ground.

DS: He's just sitting on the ground.

[REDACTED] Yeah it was really awkward and I was like why are you sitting down because...

DS: He's in uniform.

[REDACTED] He's in uniform and it was so awkward like how he like sat down because he's like a turtle you know rolled back almost.

DS: Okay. So this altercation the first time when he gives you this bear hug, he's in front of you?

[REDACTED] Yeah.

DS: Or behind you.

[REDACTED] He was behind me.

DS: Okay, so he's behind you.

[REDACTED] Uh, huh...

DS: He's kind of got you in a bear hug is what you said?

[REDACTED] Yeah because I turned around to start walking and I was like you know, I'll see you later.

DS: And his hands at that point go where?

[REDACTED] Go down...

DS: Be descriptive as you can.

[REDACTED] They go, they slide...

DS: You're not going to offend us.

[REDACTED] I know. They slide down... and I was wearing shorts and he's like down into the side and he goes under the underwear and he just starts grabbing my thighs and then my butt and just kind of squeezes around. I don't remember exactly because I kind of just you know...

DS: Sure.

[REDACTED] I don't know.

DS: He clearly grabbed your butt.

[REDACTED] Yeah he grabbed my butt and he was moaning and grinding and pulled me into him.

DS: He was grinding into you?

[REDACTED] Yeah.

DS: Okay, could you feel an erection or anything like that?

[REDACTED] It was all hard behind me. I felt all of his weapons against my back.

DS: Sure. Okay so you separate from him.

[REDACTED] Yes.

DS: And then you try to cut off the conversation I guess.

[REDACTED] Yeah. Because that's when I was saying... oh my neighbors, they're going to see you and my husband's inside you know.

DS: Was your husband inside?

[REDACTED] Yeah, he was.

DS: Did you ever tell him about this?

[REDACTED] I told him when I quit.

DS: Okay.

█ And he's really pissed.

DS: Okay. Now the second grabbing incident...

█ Uh, huh...

DS: Explain that to me.

█ It happened very shortly after, like very quickly.

DS: Okay.

█ Because I think he saw that I was like trying to leave. He grabs me like a hug almost and pulls me in you know, from... it's hard to... but then slides it down and then he goes underneath the back and touches my vagina from the backside and then just swipes his hand back and forth.

DS: But he didn't insert his finger...

█ No he didn't insert his fingers.

DS: He clearly touched your vagina?

█ Yes underneath the underwear and everything.

DS: Okay. What's the address that this was at?

█ ██████████ in ██████████.

DR: I'm sorry what was that?

█ ██████████

DS: Had he ever been in your house before?

█ No, not that I know of.

DS: Okay.

[REDACTED] No, I've never seen him or had him over.

DS: And this is about eleven-ish?

[REDACTED] I assume, I believe it was bout eleven. I could be a little off but...

DS: Okay. This happens, where did you go from there. Did you go to David's house?

[REDACTED] I go inside first.

DS: Okay.

[REDACTED] And then I go straight to David's. I think, I think I call him or text him and I say can I come over and then I unload on him.

DS: Okay. At this point you're separated from your husband. Are you still dating David?

[REDACTED] No. We weren't dating, we were just friends.

DS: Okay. Did you guys date at all?

[REDACTED] Yes.

DS: Obviously you're separated and whatever and you guys are... you and your husband are separated but living in the same home.

[REDACTED] Uh, huh, yeah because he didn't have a job.

DS: Okay, I understand, that's fine, it's your business, no problem.

[REDACTED] Yeah.

DS: You were dating David but you were no longer dating David at this point?

[REDACTED] No.

DS: Okay, that night you told David.

I told David what had happened. I went over there and I told him everything that happened.

DS: Just what you told me pretty much?

Yeah exactly what I told you. And then, and then he had told me that uh... I think it was Dawson, that had came on and he said hey that's so weird because when Dawson came into the shower room or whatever, he was like [REDACTED] is out there hitting on your girl. Nguyen was like, she's not my girl and so...

DS: Who else did you tell?

[CO-WORKER]
I told [REDACTED] just recently.

DS: How long ago was that?

Um... it was at least before the Wal-Mart incident because I had texted him right after I freaked out about the situation. He's the only one pretty much besides my husband that was like you need to report this. Like he wouldn't stop bugging me about it.

[CO-WORKER]
DS: [REDACTED]?

Yeah.

DS: Okay.

He wouldn't quit.

DS: So this Wal-Mart or the... what was the day of the Redbox incident?

It was November 22nd.

DS: November 22nd was the Redbox incident. So you would have told [REDACTED] about this early November?

It was before, yeah I suppose so.

DS: September maybe or October I mean?

Uh... Maybe October, I'm not really sure. I mean he might have it in his phone still whenever we started talking again.

DS: Okay. Did you guys text a lot?

Yeah.

DS: Okay.

We were friends back when I worked at [REDACTED].

DS: Okay

Dispatch

[CO-WORKER]

DS: So [REDACTED] and David and your husband are the only people you told besides...

and then work. I told people at work.

DS: Here.

[other employer]

Uh... no. At the [REDACTED] because police were showing up and so...

DS: Sure, sure.

I told my friend [REDACTED] about it when we were running one day.

DS: [REDACTED], how do you spell that?

DS: That's cool.

I guess. It's kind of a weird name.

DS: [REDACTED]

[REDACTED], yeah.

DR: Is that a girl?

[REDACTED] Yeah, it's a girl.

DS: So how have you been doing emotionally I mean?

[REDACTED] Uh... well, I was raped when I was 16 or 17 by co-workers... by two men that were older than me. They were in their 20's and I tried to report it then to my manager and stuff and they told me I was crazy and everything and I believed it.

DS: Sure.

[REDACTED] Back then and so it kind of brought up a lot of uh... that being the whole like work environment again. I think that is why it was so hard to report it too. I don't know...

DS: [REDACTED] didn't know about this right?

[REDACTED] [SUPERVISOR]

[REDACTED] No, [REDACTED] didn't know about it. I don't think she would have done that if she knew, you know. But, I don't know. I didn't want to really quit or anything. I really liked working here. I just didn't feel like I was suited to be safe on the radio if I was having anxiety especially to one of the officers.

DS: Okay, so obviously you know he's no longer here.

[REDACTED] Yeah, I did find out.

DS: What did you hear about that? What did you hear?

[REDACTED] I just heard something about possibly a female. I don't know anything about it except for the [REDACTED], a female and that nobody was hurt. So that's all I know.

DS: David told you that?

[REDACTED] No. Gabbard told me that yesterday.

DS: It's kind of common knowledge around here so it's no big deal.

[REDACTED] Yeah.

DS: Everybody knows about it and David is correct, he's no longer working here and we have an active criminal investigation involving him on that matter.

[REDACTED] Yeah. That kind of is what... because I had talked to one of the girls at work. She was like 16 and she you know, she was like this could happen to somebody else, you have to report it. And then when I heard that it may have happened to somebody else I felt really obligated even if it sucked for me, you know, to say something and I feel really bad that I didn't say anything sooner.

DS: I appreciate you saying something.

[REDACTED] I didn't think you guys would believe me.

DS: We take this serious, okay and we're taking it serious. That's why I wanted you in here as soon as you could be, okay.

[REDACTED] I know, I know and I couldn't sleep last night.

DS: Do you feel a little relieved?

[REDACTED] Yeah.

DS: Okay.

[REDACTED] But I'm kind of scared though.

DS: What are you scared about?

[REDACTED] Of him. I don't know... afraid of being hurt by him if I see him.

DS: Okay. Well I'll tell you this. He's got no law enforcement authority. He doesn't have his firearm. He's got police powers nomore. He knows that he's the subject of our investigation and I think the last thing he wants to do is make things worse for himself.

Yeah.

DS: That would involve reaching out to you. He's probably not going to talk to us about this. But you know, it's... I've got no reason to not believe you. You obviously reported this and you actually told people about this before this all happened with him, so...

Yeah.

DS: There's some history there. Detective Robbins do you have any questions you have sir?

DR: I wrote some stuff down but you went back over it and brought it all up. I can't really think of anything. You didn't... I can't think of anything.

DS: Let us step out for a minute okay and we'll be right back.

DS: I'm not going to B.S. you. You're very credible and we have no reason to believe you, not believe you. Sorry, you're like what! Again I appreciate you coming in. There are a few other questions we have. So it's about six o'clock or around that time, you go to Wendy's.

No.

DS: Okay, good tell me.

No. I am not sure, I don't remember exactly what I done between you know, six and eleven.

DS: Okay good.

I am not sure what I did between then. I even looked at my bank statements to see if I had any other charges.

DS: But you don't remember obviously.

I don't remember what I did between then. I saw him at six. I left and then he started texting me and I go to Wendy's at eleven. That's when I get my food, that's when I go home and sat on the driveway and that's whenever he comes over.

DR: Were you actually in your vehicle?

[REDACTED] When?

DR: When you're eating?

[REDACTED] No I was in the driveway.

DR: You're actually sitting in the driveway.

[REDACTED] I'm sitting in the driveway.

DR: I didn't know if you got out whenever he pulled up.

[REDACTED] No, I was sitting in the driveway. I always sit in the driveway at night and eat my food, eat ice cream... just whatever.

DS: He just shows up or did he tell you hey, I'm stopping by?

[REDACTED] I don't remember exactly. He had... like when he showed up he was like... had mentioned he was going to ask me to go to a church parking lot and I thought that was really weird.

DS: Yeah.

[REDACTED] Like meeting in a church parking lot. I was thinking about it last night that that's kind of scary like if it would have been a lot worse. I would have never met him in a church parking lot first of all but...

DR: Can you just draw me a diagram of kind of how your place is laid out and where the car was and where you saw his vehicle.

DS: She may be an artist...

[REDACTED] Not... my house kind of goes like this.

DR: Do you know, is your process... done, are you finished speaking with Gabbard and Franklin who you've been speaking with?

I spoke with them yesterday.

DR: Okay. Was there like a photo line-up or anything like that?

No. I have a tree...

DR: I don't guess that would be necessary. She knows exactly who he is, first name last name. Do you know his first name and last name?

[REDACTED], badge # [REDACTED]?

DR: That's [REDACTED] and we may have a problem...

No... [REDACTED]..

DR: [REDACTED]?

[REDACTED], that's what it was. I couldn't remember.

DS: You probably know them better than we do.

This is the police car...

DR: Did he say anything to you as far as don't say anything, don't tell anybody or any kind of threats or anything like that?

No. There were no threats. I think he knew... I feel like he knew I was in a position really not to say anything, just how work was kind of shaky as it was. I don't know if he knew that much and I don't know what he knew. But because I was a dispatcher, like he knew I had kids because he seen me at Harps before. I did see him one day in plain clothes, he saw me with my [REDACTED] kids. I don't even remember what day that is. But he just walked by and smiled at my kids and I'm like don't smile at my kids. I got really defensive I know that. My car is here...

DR: And how long have you been employed at the time that this occurred?

I started in January so it would be seven months.

DR: Okay. Was things going pretty smooth up until that point?

With work?

DR: Yeah.

I mean other than going through a rigorous training... yeah I mean it was hard.

DR: Were you having any anxiety attacks prior to that?

No, no. I mean it was just normal work stress I think. I mean it was harder because I was in the process of divorce and all this stupid personal stuff.

DR: Sure.

It was stressful but I wasn't... it wasn't that. I wasn't having panic attacks.

Me... is the X and then O is him.

DS: Where was his car parked at?

His car is right here.

DS: What street is that? Show me how the street runs.

This is going to be [REDACTED] and this is going to be...

DS: Is that [REDACTED] or [REDACTED]?

[REDACTED], sorry... [REDACTED]'s right here.

DS: Okay.

DR: You say you've got some self-defense training and you do some instructing on that?

Yeah at the University with the University Police Department.

DS: RAD?

I do their RAD class.

DR: Okay.

Yeah, I taught for like a year.

DS: So he would have come in here or here, whatever.

Yeah. I don't remember which way he came in but I'm pretty sure this was the butt of his car. Yeah, he was parked right here by the tree and there's a house there.

DS: How long do you think he was there?

30 minutes.

DS: Okay.

I don't know, maybe less. It wasn't very long but it seemed long enough.

DS: Did you guys kiss at all?

No.

DS: I'm just asking.

No, that's fine it's just gross to think of.

DS: Okay, sorry.

No, that's alright. There was no kissing.

DS: Now you told David about it obviously and you asked him not to say anything.

Yeah. I said don't say anything because I don't want to lose my job. I'm afraid to lose my job.

DS: Sure.

Secretly I kind of wanted him to say something you know.

DS: Sure, obviously.

Obviously... I think, thinking back on it now, I think I needed somebody to push me kind of like [REDACTED] pushing me. You know and... I don't know... because it's scary. [Co-worker]

DS: Are you upset at David at all?

Am I upset at him, no. I'm not upset over that or anything else.

DS: Just curious. Listen we are going to talk to him too, okay. What I'm going to ask is that you don't discuss anything with him right now about this. I'll be talking to him today and getting him up here today and just talk to him and say hey, just to establish that she did tell me about it.

I did tell him I made a report yesterday.

DS: Oh no, that's fine, that's fine.

His first response was oh now I'm going to be in trouble.

DS: He knows you made a report...

I just wanted to tell you.

DS: Yeah I know, I appreciate it. Thank you. That is the map there okay?

Yeah.

DS: Detective Robbins you want to take a look at this with me. This is your house here, this is your car... what's this here?

That's the rest of the house.

DS: Is it "L" shaped?

Yeah it's like a weird shape and that's the garage.

DS: This is her, this is the officer, this is his police car right here... and you're sitting here...

And it pretty much happened that way to. Like he grabbed me like this way first. I think he just kind of grabbed me like that.

DR: You all are standing up at this point.

At this point, yeah we're standing up. I stand up and I go to kind of leave. I think I was talking to him and being like yeah... you know there's people around, like after that first time. There's a window here, the house sits here and there's a big old window right here and she always has her light on and her window drapes are always open.

DS: Okay.

So I looked there for kind of like desperately... please be there and it wasn't and her lights were off.

DS: At least run him off.

Yeah... but...

DS: Anything else you can think of?

DR: Did you husband, did he ever see you all out there?

No, it was all new to him when I told him what happened.

DS: Okay. When did you tell him about it?

I told him in September, whenever... because he didn't want me to quit here. It got increasingly hard to come to work but like before work I would just start getting really worked up. I said look, I don't want to go to work and this is one reason why and he was like okay quit. I wish you would have told me sooner and I would have had you quit a lot sooner or do something. It was like September that I quit. It was the week of Bikes Blues.

DR: What is his name, your husband?

[REDACTED], same last name.

DR: Is that [REDACTED]?

[REDACTED]...

DR: ... [REDACTED]?

[REDACTED] Yeah.

DR: What's his phone number?

[REDACTED] It's [REDACTED] [REDACTED] [REDACTED]. [SUPERVISOR]

DS: Do you think [REDACTED] or he initiated this...

[REDACTED] I don't know, I'm not sure.

DR: Initiated what?

DS: The one on one situation. Was it at his request to sit down with the dispatcher.

[REDACTED] We didn't sit down, it was like in the middle of dispatch but they like, they pulled me over away from my work station.

DR: How did that go whenever you approached him? Did you all talk about it or?

[REDACTED] Did who talk about it?

DR: You and [REDACTED].

[REDACTED] When that happened, I just started shaking a whole bunch and sweating and felt like throwing up and I told him "Why the fuck don't you know where the Fayetteville High School football field is. You're a police officer". I think that's all that I said and walked off.

DS: I was just curious.

[REDACTED] I just gave him a lot of attitude.

DR: Rightly so. **[SUPERVISOR]**

DS: I don't see [REDACTED] requesting him to come to dispatch. Do you see what I'm saying?

DR: Yeah. Are you familiar with this process at all?

[REDACTED] No.

DR: Okay. It's a criminal investigation so you know, potentially this could...it could go to trial you know. You may have to testify in court.

[REDACTED] Uh huh...

DR: I'm not trying to scare you, I'm trying to prepare you.

[REDACTED] Yeah.

DR: I think you'd do fine. You seem like you are very composed and I know this is hard for you to come forward.

[REDACTED] I wanted to throw up driving.

DR: I'm glad you did it.

DS: Me too.

DR: You know, he'll have an attorney. And it may not ever go to trial, we don't know.

[REDACTED] Yeah.

DR: But there is going to be questions brought up you know. They always try to paint their victims, witnesses, in a bad light.

[REDACTED] That's another reason I didn't want to because I'm not exactly the most straight line... you know.

DR: Uh,huh. I can see them bringing this up as a question. Well you say yourself that you're trained in self-defense, why didn't you fight off your attacker at the time.

And I would say that in my training even, I say that you have to do what you can to survive through the situation and he had guns and... a gun and a taser.

DR: Very good.

So...

DS: Very good answer.

That's what I did and that's what I chose to do.

DR: Okay.

I have to remind myself...

DS: Well listen, I'm going to make sure you have my number. If anything comes up, okay, you give me a call. I'm giving you my work cell phone number alright. If something comes up and you see him out and about or if he reaches out to you, I need to be notified ASAP.

Oh I will, I will. Like I told my husband last night, like it's done and I don't care what I have to do now. It's out and like I was so scared. I'm so scared but I feel like so much better. I don't feel like it's this big thing like on my shoulders like making me feel horrible about myself.

DS: Sure.

I mean I still feel gross but like, I don't know not so gross. Because I always like, when I worked at the University I like had girls come to me that were like "I've been raped" and I was like pushed them to do it like to report it and here I am, months later, you know.

DR: Is this something that you feel like you need to seek a protection order on him, some kind of protection order until this goes through the judicial process?

I mean I couldn't sleep last night because I was... I kept reminding myself it was silly but I kept waking up scared that he was like coming through my door.

DS: Keep in mind that at this point, I'd say it is very, very, very highly likely that he even knows.

That's what I was telling myself too.

DS: That this has been reported, okay.

Yeah.

DS: He doesn't know this has been reported and at some point he will.

Yeah.

DS: And we will be sure to let you know that he's going to know.

And that's kind of when I think I'll be scared. I think right now he's probably scared.

DR: He has friends at this department.

Yeah.

DR: So... I'm sure it's going to get back to him. It's not going to be too long.

Well... it wouldn't hurt to have the temporary order. It might help me sleep at night if anything else.

DR: We uh... we're generating a report and we'll take care of the paperwork end but you have to have that to be able to seek your protection order. That all goes through the Washington County Prosecutor's Office.

Okay.

DS: Why don't we just kind of think about that a little bit okay? I think we still have a little bit of time before he knows about it. There's not many people at this point that knows about it but in the next 24 to 48 hours...

I know how it is, I mean stuff starts talking... and especially in dispatch. I mean once one person in dispatch knows, everybody knows everything.

DS: Sure.

Unfortunately.

DS: Okay. We will be in touch with you shortly and touch base with you.

Okay.

DR: Take care. I think I've got your phone number.

DS: [REDACTED]

Yeah.

DS: Alright [REDACTED] thank you so much for coming in.

I appreciate it.

DS: Again we will reiterate to you that we are here for you and we're taking this serious.

Okay.

DS: And uh our goal is to get to the bottom of it and that's where we're heading.

Okay.

DR: Do you need a minute?

I think I'm okay. I got this.

DR: This will conclude our interview at 08:58 am.