

Former prostitute sues ex-officer, state

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FOR THE RECORD: Timothy Carlson, a former officer with the Special Investigations Division of the Department of Public Safety, was incorrectly identified in this story as a former New Mexico State Police officer. Carlson was a certified law enforcement officer, according to SID, but State Police spokesman Emmanuel Gutierrez said Carlson has never been a New Mexico State Police officer. Incorrect information about his position is included in a civil lawsuit filed against him by a former prostitute alleging civil rights violations.

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A woman who describes herself as a former prostitute is suing a former officer with the Special Investigations Division of the Department of Public Safety she claims forced her to perform sex acts while displaying his badge and gun.

The lawsuit filed by a woman identified only as "S.B." also alleges Timothy Carlson, 35, should never have been hired by the state Department of Public Safety because of rape allegations against him when he was a military police officer at Fort Lewis Army Base in Washington state.

Carlson was arrested in March 2012 by the Albuquerque Police Department on charges that included extortion, demanding or receiving a bribe by a public officer, criminal sexual penetration, criminal sexual contact and ethics law violations. The charges, which involved the same woman who has filed the lawsuit, were dismissed while the District Attorney's Office in Albuquerque reviews the file for possible indictment. Kayla Anderson, a spokeswoman for District Attorney Kari Brandenburg, said Friday the case is still under review.



Timothy Carlson says prostitute consented to sexual encounter

Carlson, who was fired, disputes the allegations in the lawsuit.

The lawsuit filed by S.B. claims violations by Carlson under state and federal law, including due process and the Americans With Disabilities Act because of her post-traumatic stress disorder stemming from trauma as a teen. Shannon Kennedy, attorney for S.B., says her client is no longer a prostitute.

The lawsuit also names as defendants the state Department of Public Safety and a "John Doe" psychologist, contending the state should have known about the rape allegations against Carlson when he was a military officer. The New Mexico department should not have hired him because he "displays antisocial personality traits."

"Carlson was not qualified to be an officer, let alone an SID (Special Investigations Division)

officer,” the lawsuit claims.

In Carlson’s answer, filed Dec. 24, he admits being charged with rape in Washington but notes that those charges were dismissed. He denies that he would not have passed a psychological exam or that he displays anti-social personality traits. Carlson also says her claims are barred “due to her consent” to the sexual encounter.

The civil lawsuit was filed in state district court in Santa Fe. The state defendants moved the case to federal court. In court documents, they deny Carlson was acting within the scope of his duties. They say he did receive a competent psychological screening.

In an unusual twist, the Department of Public Safety has filed a cross-claim against Carlson based on the assertion that the “alleged rapes and coerced sexual encounters were outside the course and scope of Carlson’s employment and outside the scope of his official duties,” and DPS therefore is not liable for any settlement or judgment against Carlson in the case.

According to a sworn affidavit filed with the criminal complaint, two uniformed APD gang officers were working near Moon and Central when they saw a man in a dark Ford truck stop and pick up a woman standing on the corner.

As the officers stopped the pickup truck, the driver engaged strobe lights on his rear tail lights similar to those used in undercover vehicles, the affidavit says. The driver, who wore a badge and a duty weapon, identified himself as an on-duty SID officer on his way to work.

The man said the female passenger was his cousin, and the woman told them the same thing until the APD officers asked her to get out of the vehicle. At that point, she said she was not his cousin and that they had met previously. The two gang officers then had to leave to help another gang officer chase a vehicle.

The civil lawsuit says S.B. was a prostitute in 2011 and 2012 to support her drug addiction, which resulted from PTSD. Scientific studies show prostitutes suffer from PTSD more severely than that of Vietnam War veterans, and that nearly two-thirds of prostitutes suffer from it, unrelated to their nationality, gender or location of their workplace, the lawsuit says.

It contends the state discriminated against S.B. on the basis of her disability by failing to provide adequate protection for citizens like her.

In his answer, Carlson denies forcing her to have sex, although he says she once asked him about his gun.

DPS also has been targeted in a separate lawsuit related to Carlson.

Former State Police officer Jeremy Romero contends in that suit that he was fired after he tried to alert supervisors about Carlson’s alleged activities. Romero had spotted Carlson and the prostitute in an unmarked patrol car in Albuquerque, according to that complaint.