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DA: No sexual abuse charges filed against former community service officer

Federal civil rights case against city to proceed

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Prosecutors have decided against charging a former community service officer with sexually assaulting a second girl while working as a supervisor in the Salinas Police Explorer program.

Officials expressed that position Monday — less than 30 days before a settlement conference in the teenage girl's federal civil rights lawsuit against the city.

Known by the initials "M.R.," the now 16-year-old alleges that former Salinas Police Community Service Officer Scott Callan repeatedly raped and sexually abused her while she was in the Explorer program, starting in 2009, when she was 13.

Her lawsuit came after Callan was sentenced in March 2011 to three years in state prison for sex crimes against a 15-year-old fellow Salinas Police Explorer known as "K.F."

"Mr. Callan violently and repeatedly raped my client," said M.R.'s attorney, Bill Marder. "We believe the city displayed deliberate indifference to the health and welfare of my client while she was in the (Explorer) program."

M.R.'s case, filed in December in federal court, prompted Salinas police detectives to open an investigation, which they forwarded to the Monterey County District Attorney's Office.

"The prosecutor in this case, based on a review of the evidence, elected not to file charges," said Terry Spitz, chief assistant district attorney, adding that the decision came in May. "He came to the conclusion that a jury of 12 people would not be able to unanimously agree that a crime had been committed."

Authorities said M.R. was initially interviewed by Salinas Police and she allegedly told investigators at the time that Callan had not harmed her.

She later recanted her story, saying Callan had indeed subjected her to the same physical abuse he forced upon K.F.

In K.F.'s case, Marder brought a civil rights lawsuit against the city which it settled out of court for \$200,000.

Salinas City Attorney Vanessa Vallarta said the city lacks sufficient information to determine the veracity

of M.R.'s allegations of abuse.

The city does, however, take a clear position regarding her accusations of indifference.

"We denied outright her allegations about the city being deliberately indifferent to her constitutional rights," Vallarta said in a brief statement.

She said the city has asked for and received a judgment that will require Callan to contribute to any judgment or settlement reached in favor of M.R.

Salinas Police Chief Kelly McMillin said that, in the wake of the Callan incident, the Police Explorers will apply Boy Scouts of America-supervision rules while monitoring minor-age children in the program.

According to a BSA website, such protections include the implementation of a policy requiring at least two adults to be present during all activities to minimize the potential for clandestine abuse. BSA policies also prohibit one-on-one contact between adults and youth members.

Additional Facts