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Cop-cadet sex case has precedents

February 29, 2012 5:18 PM

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TRACIE CONE, Associated Press

SANTA MARIA, Calif. (AP) — When an on-duty police officer was shot and killed by a colleague a month ago, residents of this agricultural community north of Santa Barbara were horrified. Outrage grew when they learned the shooting occurred as fellow officers tried to arrest the policeman on suspicion he was having a sexual relationship with a 17-year-old girl in the city's "Police Explorers" program.

But inappropriate relationships between officers and youths in the junior police program aren't all that rare. No organization keeps statistics but an Associated Press examination of news accounts during the 21 years since the Explorers was spun off from the Boy Scouts of America found at least 97 cases involving officers accused of sexual assault on minor girls, and sometimes boys, in the program.

And that's likely a fraction of all such incidents, said Samuel Walker, a University of Nebraska-Omaha criminal justice professor and expert on police misconduct and accountability. Most relationships never become public because a youth is unlikely to report it and even if fellow officers are aware, they're reluctant to do anything.

"More often than not other officers know that something wrong is going on and they don't report it," Walker said. "Police departments are like villages: everybody gossips and everybody knows."

The Explorer program is run by Learning for Life, a subsidiary of Boy Scouts of America that pairs young people 14 to 21 with police mentors who take them on ride-alongs, and teach them to write reports and direct traffic in the hope they'll be inspired to pursue law enforcement careers. It is open to anyone, male or female.

Learning for Life representatives would not speak directly to AP, but answered written questions submitted through a public relations firm. National Director Diane Thornton said mentors, before participating, go through a training program aimed at keeping young people safe. Explorers under 18 can't go on ride-alongs after midnight and should not be used in covert operations or as confidential informants or sources, she said.

In Santa Maria, the department apparently did use an underage Explorer in a covert operation — the alleged female victim. She was part of a sting in January set



enlarge

(AP Photo/The Santa Maria Times, Leah Thompson)

FILE - In this Saturday, Jan. 28, 2012 file photo, Santa Barbara County Sheriff investigators and Santa Maria firefighters stand near the spot where a Santa Maria officer was shot and killed, in Santa Maria, Calif. Police shot and killed a fellow officer when he fired his gun as they tried to take him into custody on suspicion of sexual misconduct with a teenage member of a junior police program, authorities said. It turns out, inappropriate relationships between officers and youths in the junior police program aren't all that unusual. No organization keeps statistics but an Associated Press examination of news accounts during the 21 years since the Explorers was spun off from the Boy Scouts of America found at least 97 cases involving officers accused of sexual assault on minor girls, and sometimes boys, in the program. MAGS OUT; NO SALES

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up to get Officer Alberto Covarrubias to reveal the relationship so officers could make the arrest. He did divulge the information, two sources told The Associated Press, but the arrest went awry when the 29-year-old, married officer resisted and shots were fired.

Thornton said her organization has no record of a 17-year-old girl being in the Santa Maria program at the time of the incident. However, under the organization's guidelines, an applicant can begin participating in the program before application materials are processed, which typically takes several weeks. The local department normally is responsible for forwarding application materials to the organization. It's unclear whether Santa Maria did that because the department has refused to discuss the case.

"I can't talk to you about anything regarding the Explorers at this point," Lt. Rico Flores said. "It's obvious we still have an internal investigation going on, so it's premature to look at anything involving the program and make any changes."

The AP confirmed the girl's participation through two retired Santa Maria officers who have been in close contact with officers involved in the investigation. One of the ex-officers said Wednesday the girl wore her Explorer uniform on the night of the shooting. Both officers spoke only on condition of anonymity.

The shooting has shaken the department. In a recent vote, officers overwhelmingly expressed no confidence in Chief Danny Macagni.

Thornton wrote that each law enforcement agency is responsible for monitoring and establishing policies to "further protect Explorers." She said the organization will work with the Santa Maria department as it evaluates its program.

The San Bernardino County Sheriff's Department in southeast California changed its policies last year after Deputy Nathan Gastineau, 31, was charged with lewd acts upon a child and unlawful sexual intercourse with a 16-year-old Explorer. In August 2011, another deputy, Anthony James Benjamin, 30, agreed to a plea bargain giving him nine months in jail on two counts of oral copulation of a 17-year-old Explorer.

After those incidents, Sheriff Rod Hoops suspended the program for his 216 Explorers. When it resumed there was a 10 p.m. curfew for teens. A limit was established for the number of times an Explorer can ride with the same deputy, and a watch commander now must sign off on all ride-alongs.

"It's a good program," sheriff's spokeswoman Jodi Miller said. "We've got a couple of deputy chiefs who started out as Explorer scouts."

Neither Learning for Life nor the Boy Scouts keep track of sexual abuse cases involving Explorers. Neither do organizations such as The National Center for Missing and Exploited Children or the U.S. Office of Violence Against Women. The University of Nebraska-Omaha did a simple web search in 2003 and found 39 such cases in the media dating to 1995.


Among the places where busts have occurred are Nogales, Ariz., where last year Officer Mariano Garibay received a two-year prison sentence for sex with a 16-year-old Explorer. Also last year, former Burlington, N.C., Officer William Matthew Hill, originally charged with rape, pleaded guilty to two counts of indecent liberties with a minor for incidents with a 14-year-old Explorer. In Brownwood, Texas, in 2007 Sgt. Vince Ariaz, the founder of the local Explorer program, pleaded guilty to reduced charges of sexual assault on a 15-year-old Explorer and was sentenced to three concurrent 20-year terms.


In California, the San Benito County Sheriff's Department suspended its program after rumors surfaced following a camping trip with Explorers and officers to Yosemite National Park. The deputy and the girl under suspicion denied wrongdoing, but three years ago when the officer was accused of spousal rape investigators went back to the former Explorer for corroborating evidence. She admitted an affair and said she had been afraid to speak up at the time.

"Where it hurts is that in law enforcement we are held to a higher standard," said Curtis Hill, who was undersheriff at the time and later served as sheriff. "We're in a position of trust. These young people are looking up to them as examples of a future career path. When you mix in that human condition sometimes these employees forget the higher standard."

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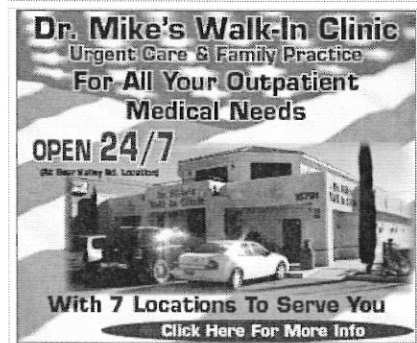
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Andre Pena, a fourth-year Explorer in Clovis, Calif., said he's never seen anything but professional relationships between officers and young people in the program. His experience has inspired him to pursue a criminal justice degree with plans to return to the city's police force after graduation.

"I think the biggest change in me over the years is growing my leadership skills," he said. "When I first joined it was to get an inside look at law enforcement as a possible career choice, and it has strengthened the idea for me."

While everyone acknowledges the rate of abuse is low among the 105,000 young people in the Explorer program each year, for those who are victimized the damage can be lasting.

"You have an under-aged person incapable of making mature decisions who is pressured by someone you've always been told you can rely on. It has a devastating impact," said attorney Dennis Steinman, who successfully sued on behalf of a girl in the Explorer program in Tualatin, Ore., who was sexually abused by four officers. The abuse causes victims to "question their own self-worth, their own sexuality, their own importance in life," he said.

Violations of trust by priests, teachers, coaches and others with authority over children are tragic occurrences that make salacious headlines. But with police it seems especially egregious since they enforce sexual assault laws and should be sensitive to the long-term emotional and psychological harm caused by sexual exploitation, said Ernie Allen, president of the National Center for Missing and Exploited Children.

"When it's a police officer who represents a broader kind of authority, who are you going to tell?" he asked.

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Al Vogler · Top Commenter

Precedents? YES! San Bernardino County, the case of William Abernathie, now believed to be the retired president of the Safety Employees Benefit Association(SEBA). Even though Abernathie was fired as a sheriff, Supervisor Mitzelfelt accepted an endorsement from Abernathie, running on a platform of family values. Ha! Abernathie's firing was reported in the L.A. Times as the result of the rape of an underage female. An Explorer? Mitzelfelt also accepted thousands\$ in campaign dollars from SEBA.

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Phill Dupree · Hesperia, California

There is BAD APPLES in all groups, Intern in Congress, Hospital, Schools, you have the rules, someone will over step them, when they do charge them with the crime and if guilty give them the MAX, they are in a leadership role and must be accountable to a higher standard. They took the job by choice.

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Diana Bollinger

AND WE ARE SUPPOSE TO TAECH OUR KIDS TO TRUST THE POLICE? OKAY WHATEVER

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Mg Sullivan · Top Commenter

wonderful... <|;-/

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Chris Trudel · Top Commenter · Loyola Marymount University

If these types of relationships are not rare, why isn't the entire department being investigated. That is what has happened at the LA school district. Different standards for different public organizations.

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