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Probe of deputy's alleged sex with inmates seeps into DA's race

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Article Text:

MARTINEZ — The head of the District Attorney's Office sexual assault unit — who is running for DA — was told last week not to participate in the case review of a sheriff's deputy accused of having unlawful sex with two jail inmates.

It is the latest twist in a saga that began last week when Contra Costa Sheriff's Deputy Patrick Morseman was arrested on suspicion of having unlawful consensual sex with two women at the West Contra Costa Detention Facility in Richmond. Days later, this newspaper obtained records showing the deputy was being investigated for alleged forcible rape.

Senior Deputy District Attorney Paul Graves, who announced his candidacy for district attorney last year, was "prepared to file charges" against Morseman when Interim District Attorney Diana Becton reassigned the case to a different attorney, his campaign consultant said. Becton also is running for district attorney.

But Scott Alonso, a spokesman for the District Attorney's Office, contended Graves was never officially given the case.

As head of the office's sex assault and family violence unit, Graves typically handles filing decisions related to rape, child molestation and domestic violence.

"The case was taken from (Graves) in a PR move," said Jamie Fisfis, a campaign consultant for Graves.

Becton's campaign consultant, Toni Broaddus, declined to directly respond, saying she wanted to "stay positive."

Alonso said Chief Deputy Phyllis Redmond, the second in command under Becton, was reviewing the Morseman matter. The move "allows the office to have a complete and fully independent review of the sheriff's office," he said.

Redmond was given the case Tuesday, and it has been listed as "under review" ever since. Meanwhile, both of Morseman's alleged victims have retained attorneys from the Los Angeles firm West Coast Trial Lawyers and are expected to file legal claims against the county within weeks.

On April 5, this newspaper broke the news that Morseman was arrested. A spokesman for the sheriff's investigators said Morseman violated a 1994 law that criminalizes all "consensual" sex between jail staff and inmates.

That same day, a \$1,675 donation from the campaign to re-elect Sheriff David Livingston went into Graves' election campaign. It is unknown whether the donation was made that day, or if that's simply when the transaction cleared.

"I think we're out there doing our fundraising with integrity and we are checking for conflicts of interest," Broaddus said when asked about the donation to Graves. "We don't have any comment on how the other campaigns are conducting their business."

Graves has strong support among local law enforcement groups, and employees from virtually every police department in the county have donated to his campaign. Livingston had not donated in the previous 15 months that the Graves campaign has been accepting donations. Graves' campaign held a fundraiser on March 29.

Days after Morseman was arrested, it was discovered that a detective with the sheriff's office wrote an affidavit stating there was probable cause to believe the deputy had committed "multiple violations" of rape under color of authority and oral copulation with threats by a public official.

The sheriff's office, where Morseman has been employed since 2015, headed the investigation. The office could have asked for third-party investigators to take over — as often happens when police are investigating one of their own — but declined to do so, Alonso said.

Graves announced his candidacy last year, before former District Attorney Mark Peterson resigned the same day he was charged with 13 felonies related to illegal spending from his campaign account.

Livingston wasn't tight-lipped about opposing the appointment of Becton, a retired judge, to the position of interim district attorney. The day county supervisors appointed her last year, he strongly urged them not to because she allegedly plagiarized several sections of her application.

Campaign donations between agencies and the people or offices that independently review them are not uncommon. Fremont's police union donated \$10,000 to Alameda County District Attorney Nancy O'Malley's campaign while her office investigated the actions of three officers involved in the fatal shootings of two people last year.

Matthew Guichard, the attorney who oversees the independent review of officer-involved shootings and fatal incidents, donated the maximum amount, \$1,675 to Sheriff Livingston's re-election campaign on Nov. 12, 2017.

Cheryl Sudduth, an active member of the American Civil Liberties Union and the Contra Costa Racial Justice Coalition, spoke out against what she considers a violation of public trust in this case.

"(The sheriff) should be just as outraged as I am," Sudduth said. "To say it was consensual? No. You cannot consent when you have someone in this situation.

Sudduth also criticized the timing of the donation to Livingston's campaign, saying it gave the appearance of "intending to affect the outcome" of the case.

In a county Public Protection Committee meeting on Thursday, community members criticized the sheriff's office for alleging the incident was consensual. Advocates called for more oversight of the Morseman case.

"The victims will be treated as victims and we'll be looking at this with an independent eye," Becton said at the meeting.

Supervisors **John Gioia** and Federal Glover expressed concern over the practice of the sheriff's office investigating its own employees.

“When a member of law enforcement is accused of a crime, there should be an independent investigation outside of this agency,” Gioia said.

In circumstances where a sheriff’s deputy allegedly commits a crime, the sheriff’s office has the option to hand over the investigation to the District Attorney’s Office.

“As I said in other incidents, it’s important to maintain public confidence in law enforcement... people will have different opinions in how impartial the sheriff’s office is, but what gets past that is having another agency conduct the investigation,” Gioia said.

The sheriff’s office posts logs of all its arrests. Morseman’s arrest information did not appear in a publicly released report.

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