



SACRAMENTO POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY

GO# SA 2016-149553 INFORMATION REPORT  
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7000-58 SEX ASSAULT/EXP/ACTIVITY I RPT

Related Text Page(s)

Document: 04 OBSERVATIONS

Author: 3537 - BROWN, J 0891

Subject: RBT82, OFCR BROWN #891

Related date/time: May-26-2016 (Thu.) 1000

On 05/20/2016, I (Officer Brown #891) was assigned to McClatchy High School (3066 Freeport Blvd) as the SRO (School Resource Officer). I was in a marked police vehicle and in full police uniform, both clearly displaying the emblem of the Sacramento Police Department. My unit identifier was RBT82, and I observed the following in summary:

At approximately 1130 hours, I was contacted by Assistant Principal Matt Schlager regarding an incident that occurred over the weekend involving multiple McClatchy students. Mr Schlager advised he was approached by a student who informed him of a party that occurred last Friday (May 20) where there were rumors of a girl being raped. This particular student did not attend the party, but heard about it through other friends and students. The student in question was JUV-COMP #1

Apparently this all occurred 5 days ago and no one, especially the alleged victim, has reported the incident, although it happened off campus at a non school event. To ensure she wasn't a victim of a crime of this nature, I contacted JUV-COMP #1's classroom and had her sent down to my office so I could speak with her.

I spoke with JUV-COMP #1 in my office where she did advise she went to a party last Friday and got extremely intoxicated. JUV-COMP #1 stated she can only remember leaving the party with her friends and going to another student's house after the original party they attended got shut down. Once at the other house, JUV-COMP #1 advised she continued to drink alcohol and that's all she remembers. When she woke up, she stated her vaginal area was a little sore, as if she had sex. She also remembers seeing a condom or condom wrapper on the floor in the room she woke up in.

When if she remembers having sex, JUV-COMP #1 claimed she didn't remember. She has heard the rumors that she had sex with 2 boys and knows who she was with during the night of May 20. JUV-COMP #1 says she was hanging out with JUV-SUB #4, JUV-SUB #5, JUV-SUB #6, JUV-SUB #2 and JUV-SUB #1. The boys/students who may have had sex with her were JUV-SUB #1 and JUV-SUB #2.

I had JUV-SUB #2 brought to my office so I could speak to him about the



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incident. Under Miranda, JUV-SUB #2 admitted to having sex with JUV-COMP #1. JUV-SUB #2 advised it was consensual sex and that his friend JUV-SUB #1 also had consensual sex with JUV-COMP #1 as well.

JUV-SUB #2 advised they all (JUV-SUB #6, JUV-COMP #1, & JUV-SUB #1) went to a house party hosted by another student [REDACTED] for his [REDACTED] birthday. The flyer for the party read, "BYOB/W" which means Bring Your Own Beer/Weed. The flyer also read "girls free & guys \$5" written with a marker on each cheek of a girls buttocks.

According to JUV-SUB #2, the party for [REDACTED] was interrupted when a bunch of people that didn't appear to be invited showed up. A couple of the subjects apparently were armed with guns and were using them to scare the guest. JUV-SUB #2, JUV-SUB #1, JUV-SUB #6, and JUV-COMP #1 ended up leaving before things got out of control. They all walked to a nearby park and continued drinking alcohol, a mix of Arizona Iced-Tea and Bacardi that JUV-SUB #6 brought.

After spending some time at the park, the group decided to go to another friends house and hang out. Once at the friends (JUV-SUB #3) house, they met up with two other students JUV-SUB #4 and JUV-SUB #5. The group of students, all minors, continued drinking alcoholic beverages at JUV-SUB #3 house. JUV-SUB #3 parents were not home and there were no adults present at the time of the event.

Between leaving [REDACTED]'s party, hanging out at the park, and going to JUV-SUB #3 house, JUV-SUB #2 advised he overheard JUV-COMP #1 saying things like "I like JUV-SUB #1" and that she "wanted to hook up with him." Upon entering JUV-SUB #3 house, the four of them (JUV-SUB #2, JUV-SUB #1, JUV-SUB #6, and JUV-COMP #1) went upstairs into a bedroom to be alone.

While inside the bedroom, the four of them began drinking more alcoholic beverages and talking. The talking soon turned into touching and rubbing on each other. JUV-SUB #2 says he was on the floor with JUV-SUB #6 touching, rubbing, and kissing on her while JUV-SUB #1 was on the bed doing the same thing with JUV-COMP #1.

I remember JUV-COMP #1 telling JUV-SUB #1, "Are you going to fuck me already?" I knew she liked JUV-SUB #1 because I heard her earlier saying she wanted to do stuff with him. JUV-COMP #1 and JUV-SUB #1 then began having sex on the bed while JUV-SUB #6 and I were making out on the floor in the same room. JUV-SUB #2 would've been having sex with JUV-SUB #6 but she was on her period at the time so she took her shirt and bra off and let him feel on her breast. JUV-SUB #6 also gave JUV-SUB #2 blow job (oral sex) during this time.



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At some point, JUV-SUB #6 had to use the restroom and when she came back, the two girls decided to switch partners according to JUV-SUB #2. JUV-SUB #1 then got off the bed and received oral sex from JUV-SUB #6 while JUV-SUB #2 had consensual sex with JUV-COMP #1. JUV-SUB #2 advised he and JUV-SUB #1 both used a condom while having sex with JUV-COMP #1.

According to JUV-SUB #2, JUV-COMP #1 had been drinking just like all of them but was coherent and fully alert. After they completed all the sexual acts and got dressed is when he noticed JUV-COMP #1 said she was feeling sick from the alcohol. Moments later, she vomited and that's JUV-SUB #2 called JUV-SUB #6, JUV-SUB #4, and JUV-SUB #5 to help her walk to the bathroom. JUV-SUB #2 claims everything he, JUV-SUB #6, JUV-COMP #1, and JUV-SUB #1 did in the bedroom was consensual and that nobody raped JUV-COMP #1.

After speaking with JUV-SUB #2, I had JUV-SUB #6 brought to my office to speak with her about the incident. JUV-SUB #6 advised she and JUV-COMP #1 are best friends and that she was the only other girl in the room when everything happened. JUV-SUB #6 says she remembers JUV-COMP #1 telling her earlier that night that she didn't mind doing anything with the boys, meaning JUV-SUB #2 and JUV-SUB #1.

Her story is similar to JUV-SUB #2's in the sense that she admits to being involved sexually. JUV-SUB #6 says that she was on her period that night and only allowed JUV-SUB #2 to touch and feel on her because of that. She also admits to giving oral sex to JUV-SUB #2 but denies doing anything with JUV-SUB #1.

JUV-SUB #6 also stated that JUV-COMP #1 and JUV-SUB #1 did have sex together and that she allowed JUV-SUB #2 to have sex with her as well when JUV-SUB #1 was done. According to JUV-SUB #6, JUV-COMP #1 was under the influence of alcohol, but wasn't drunk or out of it. JUV-SUB #6 did what she did sexually with JUV-SUB #2 and JUV-COMP #1 had consensual sex with both of them.

JUV-COMP #1 is her best friend and stated she would not let them rape her. JUV-COMP #1 made a conscious effort to have sex with JUV-SUB #1 and JUV-SUB #2 individually. JUV-SUB #6 advised she was in the bedroom the whole time and that anything that happened was because JUV-COMP #1 wanted it to happen.

Afterwards, JUV-COMP #1 did throw up a bit on the bed and she, JUV-SUB #4 and JUV-SUB #5 had to clean off the bed. Even when she helped her clean up and put her pants back on, JUV-SUB #6 says that JUV-COMP #1 was sort of laughing and positioned her body to allow her to pull her pants up.

I sent JUV-SUB #6 back to class and spoke to JUV-SUB #1 next. JUV-SUB #1's



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statement was brief but yet consistent with that of JUV-SUB #2 and JUV-SUB #6. JUV-SUB #1 stated that JUV-COMP #1 asked her if she wanted to "fuck" (have sex), in which JUV-SUB #1 happily agreed to. JUV-COMP #1 first gave JUV-SUB #1 oral sex before engaging in sex (penis to vagina).

While they were having sex on the bed, JUV-SUB #6 and JUV-SUB #2 were messing around (touching, rubbing, oral sex, etc). All but real sex because everyone knew that JUV-SUB #6 was on her period. JUV-SUB #2 and I slept downstairs and that was it. I remember JUV-COMP #1 saying when she woke up, "I can't believe we did this with [REDACTED]." JUV-SUB #2 and I are [REDACTED] and JUV-SUB #6 and JUV-COMP #1 are [REDACTED].

JUV-SUB #6 and JUV-SUB #4 were the other two girls/students who were at JUV-SUB #3 residence during the time of the event according to JUV-SUB #6, JUV-SUB #2, JUV-COMP #1, and JUV-SUB #1. I spoke with JUV-SUB #5 next to see what she remembers about the incident. JUV-SUB #5 advised she was drinking an alcoholic mix of Hennessy and Red Bull that night and got became really drunk as the night went on.

She stated that she and JUV-SUB #4 were not in the bedroom with JUV-SUB #6, JUV-COMP #1, JUV-SUB #1 and JUV-SUB #2 during the incident but was aware of what they were doing. All four of them were drinking and wanted to be alone in the bedroom, so it was obvious what they wanted to do. JUV-SUB #5 remembers someone asking her to help clean up the bedroom because JUV-COMP #1 vomited. She say she and JUV-SUB #4 entered the room and saw JUV-COMP #1 sitting up on the bed covering herself with a blanket.

JUV-COMP #1 was coherent and seemed to be able to function fine. She wasn't upset or crying or anything. You could tell she was tipsy from the alcohol but was still functional, otherwise we would've gone in and helped. She and JUV-SUB #4 helped her put her pants back on, cleaned up a little, then left her alone to rest by herself.

JUV-SUB #5 doesn't remember much else about the incident as she was pretty intoxicated and ended up passing out herself. They all went to bed around 3 or 4 in the morning before waking up around 7:30 am and leaving. She does recall JUV-COMP #1 mentioning she was sore when she woke up. She also remembers seeing a condom wrapper on the floor of the bedroom JUV-COMP #1 was sleeping in.

I spoke to JUV-SUB #4 next who advised she was hanging out with JUV-SUB #5 most of the night at JUV-SUB #3 residence. Unlike the other students at house, JUV-SUB #4 advised she was only smoking marijuana and not consuming alcoholic beverages. While they were hanging out, she stated that JUV-SUB #6



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JUV-COMP #1, JUV-SUB #1, and JUV-SUB #2 went into a bedroom together and closed the door.

Like JUV-SUB #5, JUV-SUB #4 knew what they were up to once they went into the bedroom together. While inside the bedroom, JUV-SUB #4 recalls hearing moaning and other bedroom noises, as if they were having sex. She didn't know who the noises were coming from though.

At some point, JUV-SUB #1 and JUV-SUB #6 left the bedroom and it was just JUV-SUB #2 and JUV-COMP #1. She remembers JUV-SUB #2 coming out of the bedroom saying that JUV-COMP #1 was sick. JUV-SUB #4 and JUV-SUB #5 then came in to check on her and noticed she was half naked, but covering herself with a blanket. She still seemed with it but you can also tell she was intoxicated.

JUV-SUB #5 and I helped clean up the mess and put JUV-COMP #1's pants back on. We also helped her to the bathroom, then she went back to the bedroom and went to sleep. I wasn't in the bedroom when all this happened but I overheard JUV-SUB #1 and JUV-SUB #2 talking about what they did.

I heard them saying that JUV-SUB #6 gave JUV-SUB #1 a blow job (oral sex) while JUV-SUB #2 was having sex with JUV-COMP #1, then they would switch. JUV-SUB #4 advised she also overheard JUV-SUB #1 and JUV-SUB #2 saying that they "twin towered" JUV-COMP #1, meaning while one of them was having sex with her from the back (doggy style), the other was getting a blow job (oral sex).

JUV-SUB #8 sounded like she wanted to do stuff with JUV-SUB #1 but because she was on her period, she couldn't. I never heard anyone yelling for help or saw JUV-COMP #1 crying or anything. JUV-SUB #6 is one of her close friends so I wouldn't think she let anything bad happen to her.

After speaking with the students who participated or who were present at JUV-SUB #3 residence, I contacted SACA (Sexual Assault/Child Abuse) supervisor Sgt Kohles and advised him of the circumstances surrounding the incident. Based on the information I relayed to him, he felt there was no need for an evidentiary exam and one would not be authorized by the Sacramento Police Dept due to the fact both JUV-SUB #1 and JUV-SUB #2 admitted to having sex with JUV-COMP #1. It's no longer a matter of who had sex with JUV-COMP #1, but whether or not it was consensual.

Sgt Kohles also advised that since JUV-SUB #1 and JUV-SUB #2 claim they had consensual sex with JUV-COMP #1, and the fact that JUV-COMP #1 has no recollection of the event besides just drinking alcohol and waking up sore, we can't charge them with rape or any other sexual crime at this point. JUV-COMP #1's best friend JUV-SUB #8 also corroborates their story and was the only other female



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present at the time of the incident, in which she participated in.  
JUV-SUB #4 and JUV-SUB #5 also claim that JUVCOMP#1 appeared to still be coherent enough to make rational decisions at the time they saw her.

I contacted JUVCOMP#1's mother and advised her of the conclusion of my investigation, as she responded to the school upon hearing about what happened. She informed that at this time, an incident report would be taken to document the what took place but no arrest would be made at this time.

Sgt Taylor (26M80) was also advised for the circumstances surrounding the event, to include my conversation with Sgt Kohles.