



INTERNAL AFFAIRS INVESTIGATION REPORT

Date of Incident: Multiple incidents are alleged between the August 2007 and September 2013. SMSO Internal Affairs Case #: 13-IA-0045

Complainant(s): Sheriff Greg Munks

Location: [REDACTED]
[REDACTED]
[REDACTED]

Complaint: Violation of, but not limited to;

San Mateo County General Order 2-01: Standards of Conduct and Performance

Section 3. General Conduct

F. Employees shall not commit or attempt to commit any act which is a violation of any State, Federal, County or City law, ordinance or regulation. Members also shall not engage in any activity of behavior which will bring discredit upon the San Mateo Sheriff's Office.

L. Employees will, at all times, conduct themselves in a manner that will not bring discredit upon the Sheriff's office of subject the Sheriff's Office, fellow employees or themselves to any criticism, disgrace or public ridicule. Such conduct will be deemed conduct unbecoming an officer. Application will be equal in official and private acts.

Involved Personnel:

Deputy Galen Underwood

Assigned Investigator(s):

Sergeant Scott Kirkpatrick

Personnel Interviewed (POBR - Government Code Sections 3300-3312 Apply):

Deputy Galen Underwood

Witnesses:

The [REDACTED] of Deputy Galen Underwood

Evidence:

1. A copy of Santa Clara County Sheriff's Department Case # 13-268-03810
2. A copy of the Administrative Leave letter
3. Compact discs containing Underwood's statements

Background:

On September 26, 2013, Detectives from the Santa Clara County Sheriff's Office contacted our Office and informed us that Deputy Underwood had been arrested and was in custody in the Santa Clara County Jail. They told us Underwood was in custody on numerous sexual abuse charges (288.S(A) PC/ Continuous sexual abuse of a child, 288A(C)(1) PC/Oral copulation with a person under 14 years of age, 288A(B)(1) PC/Oral copulation with a person under 18 years of age, 288(A) PC/ Lewd or lascivious acts with a child under 14 years of age and 288A(B)(2) PC/ Oral copulation with a person under 16 years of age and 289(H) sexual penetration with a foreign object with the victim under 18 years of age), which resulted from molestation allegations made by [REDACTED] [REDACTED]. These incidents of sexual assault were initially reported to the victim's high school counselor and then later to Child Protective Services and the Santa Clara County Sheriff's Office.

On Thursday, September 26, 2013, Captain John Quinlan and I contacted Deputy Underwood at the Santa Clara County Jail. I served Deputy Underwood with notice that he was temporarily assigned to work at an alternate location pending the outcome of his administrative and criminal matters. I also informed him that because he was in custody, and therefore unable to meet the requirements of an assignment to work in an alternate location the Sheriff's Office considered him Absent without Leave effective September 26, 2013.

On Thursday, November 21, 2013, I served Underwood with a Notice of Administrative Investigation.

Investigation:

The administrative investigation regarding this matter was put on hold pending the completion of the criminal investigation. On November 21, 2013, Lieutenant Robbins and I attended the preliminary hearing regarding the criminal case against Underwood. During the nearly eight hour preliminary hearing, numerous allegations of criminal conduct were made against Deputy Underwood by [REDACTED] [REDACTED].

The first incident the victim recalled occurred when she was in sixth grade. She described in detail arriving home from her first day of school excited to talk about her new class. When she arrived home, Underwood was sitting in a recliner and patted his lap, indicating to her he wanted her to sit there. She sat on his lap and he positioned her so that she was straddling his lap, facing him. She then described how he began moving her back and forth so that their crotches were rubbing against each other. She recalled him telling her, not to tell her [REDACTED] because she would get in trouble, so she never told anyone. She described other incidents where Underwood would watch her in the shower and later he would rub his penis against her naked butt. She stated Underwood would commonly masturbate making her pose in provocative positions while he did. She alleged that eventually the sexual abuse escalated to where she and Underwood

would perform oral sex on each other. She stated these activities happened frequently from the time she was in sixth grade until Underwood's arrest (a period of approximately 5 years). The final incident of sexual abuse took place on September 22, 2013. The incident took place in Underwood's bedroom. The victim could not remember exactly what she was wearing but did recall she was wearing black underwear. During this last incident of abuse Underwood ejaculated. A pair of the victim's black underwear was recovered as part of the criminal investigation and a forensic examination of the underwear identified they had semen on them that belonged to Underwood.

At the conclusion of the preliminary hearing, the Santa Clara County Judge found that there was sufficient evidence to hold Underwood in this case. Additionally, after hearing argument by Underwood's attorney, Charles Smith, the Judge ruled against a reduction in bail. Underwood has remained in custody since his arrest. At the conclusion of court proceedings that day, I served the Notice of Administrative Investigation to Underwood and his attorney.

In February we received the completed investigation from the Santa Clara County Sheriff's Office. The report revealed additional evidence that was not available at the preliminary hearing. Specifically, the report told of additional evidence of criminal conduct by Underwood.

Santa Clara County Detective Roy Leonard wrote in his report #13-268-03810 (dated January 3, 2014), that an examination had been done of Underwood's cell phone. On page 13 of 20 of that report, Detective Leonard wrote, "I saw several images of a young pre-pubescent female between the age of 6 and 9 years of age wearing a bikini and posed in provocative positions. I saw another image of a young female between the approximate age of 13 to 15 years old wearing a training bra looking down at her breast."

Additionally, on page 11 Of 20 of the same police report, Detective Leonard wrote, "On 12/17/13, I spoke to K. Kellogg, Criminalist III, from the Santa Clara County Crime Lab who conducted the examination for this case. He told me SI Underwood's semen was found on VI Doe's black panties. VI Doe's black panties were taken by Deputy Harper the night of the report (9/25/13). Deputy Harper went to the clothes hamper with VI Doe who pointed out her black panties. Deputy Harper noted the black panties were in the clothes hamper with the other siblings clothing."

First Interview of Deputy Galen Underwood:

On Wednesday, April 16, 2014, I scheduled an interview with Underwood and his attorney, Charles Smith, at the Santa Clara County Jail. When I arrived there was a slight delay and I was in the lobby of the jail with Mr. Smith awaiting entry. As we waited, we briefly discussed the case. Mr. Smith seemed very pleased with how the case was proceeding indicating he was confident of successfully defending Underwood. We briefly discussed some of the details of the case but he never mentioned being concerned that Underwood's semen was found in [REDACTED] underwear nor did he mention the photographs that were discovered in his client's cell phone. These critical facts were established later in the investigation. Based on that conversation, I became concerned that I could possibly have information that the criminal investigators had not yet provided to the defense. I decided not to reveal that information without speaking with the Santa Clara County District Attorney's Office first in case I was correct.

I proceeded with a greatly abbreviated interview. Prior to beginning the interview, I advised Underwood of his Miranda Rights, which I read to him from my Sheriff's Office issued Miranda Card. Underwood did not waive his Miranda Rights. I then advised Underwood of the Lybarger Admonition. This interview was digitally recorded by both parties and is paraphrased below.

I asked Deputy Underwood if he was at home on the evening of September 25, 2013. He told me he was. I asked if the Santa Clara County Sheriff's Office was at his residence when he arrived. He said they were. I asked him to explain what happened that evening and why it happened. He told me they were there to investigate a complaint that he had been sexually abusing [REDACTED]. I asked him directly if he committed any of the acts against [REDACTED] that he was being accused of. He said, "I did not." Underwood told me since his arrest he has been in custody at the Santa Clara County Jail. I made the decision at that point to conclude the interview.

Second Interview of Deputy Galen Underwood:

On Wednesday, July 23, 2014, Sergeant Craig Denton and I re-interviewed Deputy Galen Underwood at the Santa Clara County Jail, where he remains in custody. Also present for this interview was Attorney Charles Smith, Underwood's representative.

Prior to beginning the interview, Sergeant Denton advised Underwood of his Miranda Rights, which he read to him from his Sheriff's Office issued Miranda Card. Underwood did not waive his Miranda Rights. Denton then advised Underwood of the Lybarger Admonition. Underwood indicated he understood by saying, "yes" when he was asked. This interview was digitally recorded by both parties and is paraphrased below.

I began the interview by asking Underwood to describe what his relationship with [REDACTED] the victim, was like around the time of his arrest in September 2013. Underwood described the relationship as "not great"...and "I wouldn't say it was good at all. There was a lot of tension going on in the family." Underwood attributed the tension in the family as a result of the family moving approximately a year prior to his arrest. He explained that he had five children. He believed [REDACTED] was the source of much of the contention in the household. He said he and [REDACTED] were constantly correcting [REDACTED] behavior as it related to her siblings.

I then asked Underwood to tell me why he thought [REDACTED] would make allegations about him molesting her. He told us it had to do with the people [REDACTED] was hanging around with at school. He explained that [REDACTED] had been involved in sports at her previous high school, specifically swimming and water polo. When the family moved and she changed schools, she became involved in the same sports at her new high school. As a result of her being on the swimming and water polo teams at her new school, she "got mixed up with one girl in particular, [REDACTED]. Underwood said he did not care for [REDACTED]. He said he didn't like the way she acted and she had an attitude.

Underwood said as time passed, it "came to light" that [REDACTED] and [REDACTED] were more than friends and they were involved in a relationship. Underwood said he was not comfortable with this and added that he did not believe [REDACTED] had noticed. Underwood said [REDACTED] admitted to him that she and [REDACTED] were in a relationship. Underwood said [REDACTED] admitted that she and [REDACTED] had been "having relations". Underwood said [REDACTED] had stayed overnight with [REDACTED] at his house on occasion and he was really concerned about this

since he didn't want his younger children exposed [REDACTED] and [REDACTED] physical relationship.

Underwood said that based on this concern, he told [REDACTED] she could no longer see [REDACTED]. He estimated this conversation occurred sometime in the summer of 2013. Underwood said at some point [REDACTED] told him she had broken up with [REDACTED]. Underwood said as school started in the fall of 2013, he began noticing a significant change in [REDACTED] behavior. He said she was lying a lot about where she was or where she was going. He said this behavior got worse as time passed. He said he tried to reason with [REDACTED] and that [REDACTED] got involved in trying to correct her behavior.

Since this was the first time Underwood had mentioned [REDACTED] being involved, I asked him if he had told her about [REDACTED] relationship with [REDACTED] or if she had figured it out on her own. Underwood said he had not told [REDACTED] about [REDACTED] and [REDACTED] being in a relationship, only that he thought [REDACTED] was a bad influence. Sergeant Denton asked Underwood why [REDACTED] didn't know the specifics about what is going on. Why did his [REDACTED] tell him about the relationship and not her [REDACTED].

Underwood said after he learned of [REDACTED]'s relationship, he decided not to tell [REDACTED] because she is very conservative and religious. He believed it would "crush her". He explained he was more tolerant and understanding than [REDACTED]. Underwood said he got [REDACTED] to help keep [REDACTED] away based on other behavior, like that fact they had caught her in lies.

Sometime in August 2013, Underwood said he got injured at work and was off recovering. He said he was at home all the time and he quickly realized that [REDACTED] was still involved with [REDACTED]. He said, "[REDACTED] I mean that's what she is talking about, just like obsessively almost...to the point it's...there's nobody else in the world. [REDACTED] .."

Underwood said [REDACTED] "hounded him to death" until he ultimately allowed [REDACTED] to go places with [REDACTED] if her parents were with them. He explained he and [REDACTED] were often having arguments. He explained the arguments were about [REDACTED] sexuality and that he could not keep her away from [REDACTED]. He described the arguments as angry, but not out of control.

On Saturday, September 21, 2013 (the Saturday prior to Underwood's arrest) an argument began at the dinner table between Underwood and [REDACTED]. [REDACTED] was present when during the argument, Underwood said something to the effect of I don't like all of the lesbian stuff your involved in. Underwood said this is the first time [REDACTED] became aware of the lesbian relationship between their [REDACTED] and [REDACTED]. Underwood said this made [REDACTED] extremely angry. Underwood described [REDACTED] as, "seethingly (sic) mad" ...she gave him a, "I'm going to fucking kill you kind of look." Underwood said she was so angry that she stopped talking and just stared at him with a "death stare." He said this all occurred at the dinner table. Eventually, [REDACTED] went to her room.

After [REDACTED] left, Underwood said he discussed the situation with [REDACTED]. He admitted that he still did not tell her everything he knew about [REDACTED] and [REDACTED]. Specifically, he said he did not reveal to [REDACTED] that he knew [REDACTED] and [REDACTED] were having a sexual relationship.

Underwood described everything in the home as very tense and contentious after this argument at the dinner table. He said he was barely talking to [REDACTED] at this point. Underwood said he and [REDACTED] had many conversations about what they should do over the next day or so into Sunday. On Sunday, Underwood recalled that [REDACTED] was supposed to go somewhere with a friend. He remembered that specifically, she was supposed to go to Gilroy with this friend to buy some flashcards for her anatomy class.

Underwood said he woke up Sunday morning knowing that he was supposed to be alone in the house if [REDACTED] had stuck with her plan to go shopping. He also knew that [REDACTED] and their younger children would likely be at church as was their routine. Underwood said after he woke up, he called [REDACTED] to see if she had been picked up. He learned from the telephone call that [REDACTED] plans had not materialized and she was home with him. [REDACTED] then asked him if, since her original plans had not worked out, she could ask [REDACTED] to pick her up and take her shopping. Underwood told [REDACTED] he would not give her permission to go shopping with [REDACTED]. After their conversation ended, [REDACTED] came into the bedroom and began arguing with him. He explained he was concerned about [REDACTED] as a new driver taking his [REDACTED] in her car. His [REDACTED] continued to argue until Underwood said he relented and allowed [REDACTED] to go shopping with [REDACTED] and her parents.

Underwood said nothing significant occurred the rest of that day. He said Monday and Tuesday passed with the tension in the house still at a high level. He and [REDACTED] had not been speaking since the argument they had on Sunday.

On Tuesday, September 24, 2013, he, [REDACTED] and [REDACTED] attended a back to school night at [REDACTED] high school. Afterward they all grabbed dinner and did a little bit of shopping before driving home. When they arrived home, Underwood said he saw [REDACTED] inside the residence, speaking with a Santa Clara County Deputy. When they get home, Underwood was separated from everyone else in the family. Several hours passed and he was arrested and booked into jail.

I asked Underwood to explain why, in his opinion, [REDACTED] had accused him of molesting her and why he had been in jail for nearly a year. He told us he believes she made up these allegations against him so that he would no longer be in the way of her seeing [REDACTED]

Sergeant Denton then reviewed the victim's behavior. He confirmed with Underwood that his [REDACTED] was constantly arguing her case to see [REDACTED] that [REDACTED] never ran away, she never attempted to move out, and she continued to ask permission to go places with [REDACTED]. Underwood confirmed that was correct. Sergeant Denton then asked Underwood to explain how or why [REDACTED] would change her behavior so abruptly and leap to such a serious and incredible level of making up allegations of molestation against him.

Underwood said he believed he had made it so difficult for [REDACTED] to see and be with [REDACTED] that she wanted to remove him. He added that he also believes that [REDACTED] manipulated [REDACTED]. He said she is physically intimidating and possibly bullied [REDACTED] into making these allegations. Underwood said [REDACTED] had made similar allegations against her own brother.

Underwood then mentioned he was angry that after he was arrested and the Santa Clara Deputies were still at his residence, one of the deputies told [REDACTED] that [REDACTED] is gay and she wanted to live with her girlfriend, [REDACTED]. Sergeant Denton and I asked him to clarify why that

made him angry, since Underwood had already announced at the dinner table argument with [REDACTED] that she was gay. Underwood said he had never said [REDACTED] [REDACTED] was gay only that [REDACTED] was. He now told us he had never told [REDACTED] [REDACTED] everything he knew about [REDACTED] and his [REDACTED] relationship.

I asked Underwood to give me his opinion as to why [REDACTED] [REDACTED] had never changed her story or recanted the entire allegation. Underwood said she has held to her allegations because she got what she wanted. She is now receiving money from the State of California as a victim of sexual abuse and she no longer has a father getting in the way of her living her life how she wants to.

Underwood added that she also made allegations in the ten months since about [REDACTED] [REDACTED]. We asked him for an example of an allegation she had made regarding [REDACTED] [REDACTED]. She alleged that her [REDACTED] and [REDACTED] tried to talk her out of pursuing the case against Underwood.

I then referred to the police report written by the Santa Clara County Detective Roy Leonard. In his supplemental report, on page 6 of 20 he wrote that Underwood's [REDACTED] said that her [REDACTED] had asked her, "If there was a way to handle it in the family and not involve the courts or jail." Her mom told her that after all the abuse had stopped. The victim replied that it has stopped because Underwood was in jail. Underwood interjected that he knows [REDACTED] [REDACTED] and his [REDACTED] and they would never say that to his [REDACTED].

Note: Later in Detective Leonard's report he documents an interview he had with Underwood's [REDACTED] during which she admitted to the detective that she had asked [REDACTED] [REDACTED] if they could avoid the courts and jail. He asked her specifically about it and she responded, "Yes! I did." (Page # 15 of 20 of Supplemental Report) She went on to say she was also sexually assaulted as a young girl and she would have handled it differently.

Sergeant Denton asked Underwood if he was aware of a conversation in which [REDACTED] [REDACTED] and his [REDACTED] discussed this situation. Underwood said he believed [REDACTED] [REDACTED] had talked to their [REDACTED] on several occasions. Underwood then tried to make a point that his family and [REDACTED] [REDACTED] have tried to talk to [REDACTED] [REDACTED] and offered her counseling which she, according to Underwood, has been unwilling to accept or take part in. In his opinion, this indicates that she is not acting like someone that has been traumatized.

Sergeant Denton then made the point that although Underwood claims the allegations made by [REDACTED] [REDACTED] are preposterous, there are things that indicate that they are not. For example, Underwood described [REDACTED] [REDACTED] as argumentative and stubborn, he never described her as irrational or acting out of control. Through Underwood's own admission, [REDACTED] [REDACTED] continued to try to get permission from her father before she went to her girlfriend. Underwood also stated earlier that [REDACTED] [REDACTED] accompanied him and [REDACTED] [REDACTED] to back to school night on the night he was arrested. Underwood agreed that could be seen as another indication that she was acting rationally.

After presenting this scenario to Underwood, Sergeant Denton asked him to explain how this somewhat rational teenage girl transforms from a normal kid with problems, to a person that concocts unbelievable, super-detailed, chronological accounts of being sexually abused by [REDACTED] [REDACTED]. Sergeant Denton continued that another concerning thing was that Underwood's [REDACTED] did not seem to be exaggerating and did not demonize Underwood in her accusations. She recalled specific details about incidents which in our experience isn't typical of someone who is making up a story.

Underwood replied that [REDACTED] was not as detailed as it seems with her allegations. Many of the allegations were similar. He stated in the preliminary hearing many of her details were incorrect or admitted lies. Underwood stated he believes the allegations made by [REDACTED] were a strategically planned attack that she and her girlfriend planned for a long time.

I asked Underwood to explain the images described in the police report as young girls in bikinis or underwear that were found on his cellular phone. Underwood explained that he was working patrol. While on patrol, he contacted people during probation or parole searches and would search the person's cellular phone. During those searches he would occasionally come across things of interest that he would later look up on his own cell phone. He said, "Those pictures, if they were on there, they came from a site that I had looked up when I was on patrol. That's not like a, um...How do I put this? It's not, it's where people post pictures, if you will. You kinda like maybe, I don't know if Instagram would be. It's not Instagram, but it would be kinda like a..." Sergeant Denton noted that he did not think Instagram would not allow those types of photographs to be posted and shared. Underwood agreed saying, "It's not a big one (website), it's not a big one, it was a, it was a, another one that was listed. It's not a big one, ok, but I saw it a couple of times and it...it doesn't just have to do with a...How do I explain? It doesn't have to do with just ..., like Instagram does. Like one person posts and this and that. No, it was more like a blog site I guess. Maybe is what it turned out to be. Where there's different people can post different...like...but it would be...they would post like, um, porn pictures and stuff like that that they had from other sites that they put onto their page. You following me? So it was just from looking through that and then it was deleted."

Sergeant Denton asked Underwood how pictures from that site got downloaded onto his cell phone. Underwood admitted, "I may have downloaded them. Well, to see them." Sergeant Denton asked Underwood why he would download them if he knew they were children. "They're small pictures on the phone. I downloaded...so... On an iPhone, if you tap, you can download. You bring it up." I don't know that I purposely downloaded, is what I'm trying to say."

We tried to clarify why Underwood was on the site he was trying to describe. He said it was only because he saw it on several people's cell phones when he was working patrol and looked it up to "see what it was." He said he would look it up later since he didn't want to do it while he was patrolling. Out of curiosity, Underwood started looking at the web site and he said, "so I start looking around and I do find some photos...and, downloading them, yeah. My intent was to find out what the hell is going on with this...because it's not like...it's borderline. How do I say it? It's borderline, for like...it's not really, like...it's not like you could say it's like child porn, but you can tell they're younger, but they're clothed, but it's just kind of weird." Sergeant Denton asked if the entire web site was like that. Underwood responded, "No, that's what I'm trying to tell you. No, and then you click on another one, another link and it would be normal, like normal porn I guess, pictures.

Sergeant Denton asked Underwood to describe what he considered normal porn. Underwood said, "A normal one would be like, I mean anything from like normal, you know, adults having sex in a photo, you know what I mean." We asked if Underwood discussed his discovery of this web site with his partners on patrol. Underwood replied they had never discussed the site, but they had discussed cell phone searches.

I then asked Underwood about a pair of [REDACTED] black panties that were seized by detectives in this investigation. I reminded Underwood that [REDACTED] had directed the

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detectives to those particular panties saying she was wearing those panties during the final and most recent instance of molestation. Per the investigator's report, Underwood's semen was found by the crime lab on the crotch area of those panties. I asked Underwood to explain how his semen got onto the crotch area of [REDACTED] [REDACTED] panties. Underwood said, "Transference...transference...laundry transference. If you look at the initial amount in the lab report or whatever that they had, the amount is like one cell, one cell. Which is...I think it was like one to five cells. I don't remember specifically, I don't have it in front of me, but it was a very minute amount, that would not normally be conducive with a discharge during sex or anything like that. It would be more conducive through transference, through laundry or from sitting on something or through anything. The [REDACTED] at that time, for most of the time that we lived there, we only had one TV in the house, ok, which was in our room. And....We had a room that was, I mean it's a good sized bedroom, right, we had a...it's not just a bedroom...we also had like the couch, like a sofa, so it's like a suite, if you will. We had the TV in there. The kids would go in there...sit on the couch, sit on the bed, sit all over the place watching the TV. It could have been transferred through the laundry, it could have been transferred through the bedding, it could have been transferred through the sofa."

Factual Findings:

Deputy Galen Underwood was arrested on September 25, 2013, pursuant to multiple detailed allegations made by [REDACTED] [REDACTED] of on-going sexual abuse. The allegations were investigated by Santa Clara County Detectives and criminal charges were filed.

On November 21, 2013, a preliminary hearing was held in Santa Clara County Superior Court in which the victim testified and detailed the acts of sexual abuse committed by Underwood. The judge, who presided over the preliminary hearing found that there was probable cause to hold Underwood to answer to the charges. Additionally, at this same court appearance, the judge heard a bail reduction argument by Underwood's attorney. After seeing the evidence presented at the time and after hearing the argument by Underwood's attorney, the judge refused to lower Underwood's bail. Underwood has remained in custody since his arrest. (His bail is set at \$2,000,000.00)

In the months since the preliminary hearing, additional physical evidence has surfaced during the investigation. For example, a pair of [REDACTED] [REDACTED] black panties were seized by detectives and later examined at the Santa Clara County Crime Laboratory. Underwood's semen was found by the crime lab on the crotch area of those panties. Also significant is that Underwood's [REDACTED] directed investigators to that particular pair of underwear, telling them she was wearing them during the most recent instance of Underwood sexually assaulting her. When I questioned Underwood asking him to explain how his semen got onto the crotch area of [REDACTED] [REDACTED] panties, he said, "Transference...transference...laundry transference." I find it telling that he didn't question or deny that his semen was on the panties, he only offered an explanation of why it was there. He concluded this part of the interview by saying what a small amount of semen was found on [REDACTED] [REDACTED] panties.

Another significant fact established during this investigation was the presence of sexually inappropriate images on Underwood's cell phone. Santa Clara Detectives found several images of a young pre-pubescent female between the ages of 6 and 9, wearing a bikini and posed in provocative positions. They also noted another image of a young female between the ages of 13 and 15 wearing a training bra looking down at her breast. When I confronted Underwood about

these images on his cell phone, he tried to explain how they were work related. Initially, he said, "I don't know that I purposely downloaded, is what I'm trying to say." He later added, "so I start looking around and I do find some photos...and, downloading the, yeah. My intent was to find out what the hell is going on with this....because, it's not like...It's borderline. How do I say it? It's borderline, for like...it's not really, like...it's not like you could say it's like child porn, but you can tell they're younger, but they're clothed, but it's just kind of weird."

Underwood admitted that the images were downloaded away from work. He also admitted he never discussed the presence of the "site", he referred to, or the images themselves with his partners at work or his supervisor. Based on those facts, I found his assertion that the images on his cell phone were work-related to be false.

It should also be noted that in Detective Leonard's interview of Underwood's [REDACTED] she stated that Underwood would tell her since the sixth grade that most of her friends were lesbians. However, if her friends were Underwood's type, he would encourage [REDACTED] to hang out with them and bring them around the house. The images of young girls found on Underwood's cell phone corroborate the victim's assertion that Underwood had an interest in young girls.

It is also revealing that Underwood's [REDACTED] informed investigators that [REDACTED] had tried to get her to recant her allegations against Underwood. This was ultimately confirmed in an interview with [REDACTED] [REDACTED] admitted in the interview that she had asked [REDACTED] if there was a way they could handle this away from the courts and jails. Upon hearing about this, Underwood interjected that he knew [REDACTED] had several conversations with [REDACTED] trying to get her help or counseling, but [REDACTED] would never try to dissuade [REDACTED] from telling the truth. This story, along with the fact that she never wavered from her allegations against Underwood, greatly enhance the victim's credibility.

Conclusions:

Regarding the violation of:

San Mateo County General Order 2-01: Standards of Conduct and Performance

Section 3. General Conduct

F. Employees shall not commit or attempt to commit any act which is a violation of any State, Federal, County or City law, ordinance or regulation. Members also shall not engage in any activity of behavior which will bring discredit upon the San Mateo Sheriff's Office.

Finding: Sustained

San Mateo County General Order 2-01: Standards of Conduct and Performance

Section 3. General Conduct

L. Employees will, at all times, conduct themselves in a manner that will not bring discredit upon the Sheriff's office of subject the Sheriff's Office, fellow employees or themselves to

any criticism, disgrace or public ridicule. Such conduct will be deemed conduct unbecoming an officer. Application will be equal inofficial and private acts.

Finding: Sustained

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Lieutenant Scott Kirkpatrick
San Mateo County Sheriff's Office