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WHITTIER DAILY NEWS

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Woman claims rape by officer

Montebello fighting federal lawsuit

By Ruby Gonzales
Staff Writer

MONTEBELLO — In the early morning hours of Nov. 4, 2006, an officer pulled over a white Honda Accord near Cleveland Avenue and Fifth Street when the driver didn't come to a complete stop.

The driver had been drinking that night with her boyfriend, who was asleep in the back seat. Officer Hugo Flores gave the then-34-year-old woman a ticket. He followed her home.

Two versions exist of what happened next.

Flores told a sheriff's detective the woman came on to him and invited him into her house, where they had sex. The woman alleges he forced her to orally copulate him, raped her and then told her she could consider the ticket gone when he left.

The encounter would lead to the city and Flores being sued in federal court Oct. 5 by the woman for violating her civil rights. She is also alleging assault and battery, false imprisonment, intentional infliction of emotional distress, negligent infliction of emotional distress and negligent hiring, training, supervision and/or retention.

She sued 20 other unidentified people in the Montebello Police Department "responsible for hiring, training, supervising and deciding to retain Flores as a police officer."

The lawsuit is asking for unspecified damages, attorney's fees and expenses.

The city on Oct. 24 hired Eugene Ramirez from the firm Manning and Marder, Kass, Ellrod, Ramirez LLP to handle the case. Ramirez said he hasn't seen the lawsuit.

The lawyer representing the woman, Robert Kitson, wasn't sure if Flores had been served with the lawsuit.

Flores, who city officials said resigned from the department in February, couldn't be reached for comment last week.

Prosecutors decided last month not to file charges against Flores, according to Sandi Gibbons, spokeswoman from the District Attorney's Office.

The District Attorney's Justice System Integrity Division, which investigates police misconduct, reviewed the allegations against Flores. While prosecutors concluded that the officer had a sexual encounter with the woman while on duty, they concluded there was insufficient evidence to prove that the sexual acts were accomplished against the victim's will by means of force, violence, duress or fear of immediate bodily injury.

"The strength of this case turns on the credibility of Jane Doe who has made inconsistent statements, some of which were contradicted by the evidence. ... While it is not unusual for a victim of sexual assault to be unable to identify her assailant, it raises obvious concerns when an alleged victim has made what are shown to be false statements," according to the district attorney's evaluation of the case.

The district attorney's report pointed out as an example that the woman said she wouldn't be able to identify her assailant because he was shining a flashlight in her face the entire time. And when she was not blinded by the light, it was too dark to see.

She was told there was a videotape of the

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LAWSUIT

Woman claims officer raped her

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traffic stop and Flores didn't shine a flashlight in her face. She allegedly did not have a response.

A couple of weeks later, she told them she wouldn't be able to recognize the assailant because she was "too plastered."

Kitson, who represents the woman, said the DA should have filed charges in this case.

"The reasons they stated is not enough to reject," he said. "The fact that conflicting statements exist between Flores and my client should not be reason not to file charges."

He said that the incident was

promptly reported to authorities by his client.

"It's a tragic case," Kitson said.

The woman dialed 9-1-1 at about 4:11 a.m. on Nov. 4 and told the dispatcher she was raped and forced to orally copulate a Montebello police officer about an hour earlier.

The sheriff's Pico Rivera station investigated the woman's allegation. Flores agreed to be interviewed by a detective and initially denied going to the woman's house, according to the DA's report.

He told the detective he didn't think the woman was too impaired to drive but decided to follow her to the border of Montebello and Pico Rivera. As he was driving away, he noticed he still had her identification card clipped onto his citation book. He drove back. He claimed she approached the patrol car, made advances and

invited him in the house.

He accurately described the furniture in the bedroom and its layout to the detective. He said he never pushed her, causing her to fall. He said she pleaded with him to stay. He denied telling her the ticket was "taken care of" but couldn't recall turning it in.

He flushed the condom he used at a toilet in the station.

Her version of events varied.

According to the woman's lawsuit, Flores said it was her lucky day. Instead of arresting her for driving under the influence, he would instead give her a ticket for driving with a suspended license.

She alleges he followed her home on the pretext of watching out for her safety. He allegedly followed her inside the house and sexually assaulted her against her will. She was drunk and unable to resist, she said.

It is against the Montebello

Police Department's policy for an officer to make unwelcomed solicitation of a sexual relationship while on duty or to have sex while on duty.

"It is a violation of policy and could lead to termination," said Capt. Ralph Newcomb. He said the department was in the investigation process when Flores resigned.

Interim City Administrator Randy Narramore said Flores was hired by the Police Department as a community service officer in April 2000. He explained a CSO isn't a regular officer but handles details like directing traffic or taking minor injury reports.

Flores became a police trainee at the police academy in July 2000. He graduated in December 2000 and started working as a Montebello police officer.

Narramore said in February 2005, Flores joined the Pasadena Police Department but returned to

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Montebello police two months later.

Narramore wouldn't say what policy changes, if any, the Police Department made after Flores quit or if similar complaints have been made against the former officer.

"I cannot discuss anything that might impact the case. The city of Montebello takes this seriously,"

Narramore said, adding that the city hired Ramirez. "I am not allowed to talk about the case at all."

Chief Garry Couso-Vasquez said he was told by the city administrator that he cannot speak about the case. He referred calls Ramirez.

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