City accuses victim of panty bribery

Former San Diego police Officer Anthony Arevalos, accused of groping several women he had stopped on suspicion of DUI listens to testimony during his preliminary hearing in downtown San Diego County Superior Court. (Howard Lipin)

By **Greg Moran** · **Contact Reporter**

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Update: City takes back bribery allegation

Once called courageous by San Diego's police chief, the woman who first accused former San Diego Police Officer Anthony Arevalos of sexual misconduct is now being accused of bribery by lawyers defending the city in a federal lawsuit.

In court papers filed for a pretrial hearing, the city says the woman offered Arevalos her underwear as a bribe in order to get out of a drunken-driving charge in 2011.

That's a dramatic turnabout by the city. Chief William Lansdowne called the woman "very courageous" for reporting Arevalos and cooperating with investigators when Arevalos was arrested three days after the March 8, 2011, incident.

The woman, identified only as "Jane Doe" in her civil-rights lawsuit against the city, was stopped by Arevalos in the Gaslamp for drunken driving. She testified at his trial that he asked her what she would be willing to do to make the DUI arrest go away, and he suggested she give him her panties.

The two went to a bathroom inside a nearby 7-Eleven where she removed her underwear, she testified, and Arevalos touched her before allowing her to dress.

Arevalos, currently serving his sentence at the state prison in Corcoran, did not take the stand at the trial.

The city's position, outlined in legal papers filed two months ago seeking to have the woman's lawsuit dismissed, paints a different picture.

"Plaintiff bribed Officer Arevalos with her panties to get out of the DUI," the filing says. "Both plaintiff and Arevalos agreed to consummate the bribe in a nearby 7-Eleven in the Gaslamp."

Browne Greene, a lawyer for Jane Doe, said the city's position is hard to believe.

"After she comes forward to report she's been assaulted, they proclaim her a hero," he said. "And now, in federal court, they call her a briber."

A spokesman for San Diego City Attorney Jan Goldsmith said in a written statement that the Jane Doe case is different from a dozen other claims filed by other women over Arevalos's conduct that the office has settled.

"Unlike the other cases, this one remaining case has evidence that the plaintiff actually negotiated over avoiding a DUI," the statement said. "Regardless of outrage from plaintiff's lawyer seeking a payday, if we have to try a case our trial lawyers present the jury with the truth."

The woman was not arrested for bribery or drunken driving. Citing the ongoing lawsuit and Arevalos's appeal of his criminal conviction, a spokeswoman for District Attorney Bonnie Dumanis declined to comment on whether prosecutors ever considered a bribery charge against the woman.

Jane Doe is the last of a dozen women who have sued the city or filed legal claims alleging they were subjected to sexual harassment or assault by Arevalos when he was an officer. So far the city has paid out some $2.3 million in claims.

Dan Gilleon, a lawyer who represented several women in those claims, said the city's statements accusing the woman could backfire with a jury.

"It's offensive the city would be doing this right now," he said. "In these sexual assault, sexual harassment cases the last option you want to take is to blame the victim."

Arevalos's trial lawyer, Gretchen Von Helms, said Tuesday that the woman testified that she wanted to get out of the DUI charge. The city interprets that as offering a bribe, she said.

The federal lawsuit has become increasingly contentious as it moves closer to a trial, which will probably occur later this year. Settlement discussions have not yet panned out. [See City Attorney's statement.]

In the two years since it was filed lawyers for the woman have built a case arguing that Arevalos was part of a larger culture of misconduct inside the department. The lawsuit is seeking a federal judge to appoint an independent monitor to oversee how the department handles complaints from citizens about officer misconduct.

The city says no such monitor is needed.

Arevalos was convicted of sexual battery, bribery and other charges and sentenced to eight years in prison. He's now seeking a new trial based on evidence discovered after the trial during the Jane Doe civil case that his lawyers say San Diego police should have turned over before the trial, but never did as the law requires.

A hearing on that issue is now set for Feb. 7 in front of Superior Court Judge Jeffrey Fraser, who presided over the trial. Jane Doe has been ordered to appear to testify about the notes, as well as the lead investigator for San Diego police.