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**BACKGROUND**

I was retained by the City of West Linn’s attorney to review concerns identified by certain individuals regarding the manner in which the City’s Police Department (WLPD) investigated allegations of sexual misconduct, abuse and assault by a former physician practicing within the City limits, David Farley. Specifically, I was asked to review policies 339 and 615 to determine whether the City’s policies were followed. I emphasize that I have not practiced criminal law and this report makes no conclusions as to the sufficiency of the criminal case against Farley. I am engaging in this review from a civil employment law perspective (in other words, employee compliance with policy). To the extent that I raised questions with Chief Mahuna about some issues, such as the concerns about whether WLPD acted appropriately in attempting to secure a warrant for Farley’s phone or computer, I defer to Chief Mahuna’s background, experience and expertise in criminal law.

As part of this process, I interviewed six witnesses who had been patients of Farley, West Linn employees Tony Christensen, Chief Peter Mahuna and former Clackamas County Victim Advocates Roxanne Miller and Kristi Smith. All witnesses were asked to keep our conversation confidential and were admonished that they were protected from retaliation for speaking to me in good faith on the subjects we discussed. I informed all witnesses I could not keep our conversation confidential as I needed to make a report to the City’s attorney. All interviews were recorded except where a witness declined. I note that although the statements of the witnesses are related in this report, by agreement with their attorneys, I do not disclose the names of the former patients of Farley in this report, nor do I make any identifying documents exhibits to this report.

I met with the City on December 13, 2023 to go over my findings. I was asked whether Christensen’s interviews improved between the beginning of the investigation and the end of the

interviews of all Jane Does. Generally, I believed this was true. However, I had not done an in-depth review of interview recordings, comparing them to what was in the police reports after the first four interviews of Jane Does 1-4. Therefore, I decided to analyze the last four interviews to determine whether there was substantive improvement in the interviews. This report includes that updated analysis. Conclusion #2 on page 33 was updated to take this further analysis into account.

I was asked subsequently to clarify that my conclusions were related only the WLPD employees and to clarify two other points relating to victim's advocates and the numbers of women bringing forth claims. Other than these clarifications, no other changes were made.

## **SCOPE/ALLEGATIONS**

A number of individuals who were former patients of Farley are represented by two firms, the D'Amore Law Group and Manly Stewart Finaldi (hereinafter "D'Amore/MSF firms").<sup>1</sup> Their attorneys wrote a letter to Oregon Attorney General Ellen Rosenblum alleging incompetence and negligence in how Christensen and WLPD investigated their concerns (Exhibit 1). Specifically, I was asked to review whether Christensen and WLPD violated WLPD policies 615 and 340 (currently 339) pertaining to General Conduct and Sexual Assault Investigations.<sup>2</sup> I was also asked to answer the specific questions in the "Specific Questions Presented" section of this report.

## **POLICIES<sup>3</sup>**

### **Policy 339 – General Conduct (formerly Policy 340)**

Policy 339 contains a number of conduct standards, violation of which could lead to discipline. Largely, they include intentional behavior which is not necessarily pertinent here. However, there is one provision which could apply: 339.5.7 Efficiency (this provision is unchanged between former policy 340 and current policy 339). That subsection lists causes of discipline for WLPD members to include:

“(a) Neglect of duty.

“(b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.”

### **Policy 615 – Sexual Assault Investigations**

The second policy I was asked to review and measure conduct against is policy 615, Sexual Assault Investigations. Pertinent portions of that policy include:

“615.1 PURPOSE AND SCOPE

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<sup>1</sup> There are at least 73 individuals represented by the D'Amore/MSF firms, and many more who are not currently represented. I have reviewed the cases for 43 individuals for whom I was provided releases by the D'Amore/MSF firms and for whom WLPD had files. All individuals' identities have been kept confidential by agreement between myself, the City and the D'Amore/MSF firms.

<sup>2</sup> Exhibit 1 is an appeal to Attorney General Rosenblum to reopen the criminal investigation into Farley and includes allegations about Clackamas County District Attorney's Office and WLPD. I have been retained by WLPD only, and nothing in this report should be construed to comment on the Clackamas County District Attorney's Office. Furthermore, Exhibit 1 alleges the criminal investigation was improperly performed, which is not within my scope.

<sup>3</sup> <https://westlinnoregon.gov/police/mission-statement>.

“The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

“\*\*\*.

#### “615.2 POLICY

“It is the policy of the West Linn Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

#### “615.3 QUALIFIED INVESTIGATORS

“Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

“(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

“(b) Conduct follow-up interviews and investigation.

“(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

“(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

“(e) Provide referrals to therapy services, victim advocates and support for the victim.

“(f) Participate in or coordinate with the SART [Sexual Assault Response Team<sup>4</sup>] or other multidisciplinary investigative teams as applicable (ORS 147.401).

“\*\*\*.

#### “615.5 VICTIM INTERVIEWS

“The primary considerations in sexual assault investigations, which begin with the initial call to LOCOM [911 communication center], should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

“Whenever possible, a member of the SART or a VA should be included in the initial victim interviews.

“\*\*\*.

“Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

“\*\*\*.

#### 615.10 TRAINING

“Subject to available resources, periodic training should be provided to:

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<sup>4</sup> Neither the City of West Linn nor Clackamas County have a Sexual Assault Response Team.

“(a) Members who are first responders. Training should include:

“1. Initial response to sexual assaults.

“2. Legal issues.

“3. Victim advocacy.

“4. Victim’s response to trauma.

“(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

“1. Interviewing sexual assault victims.

“2. SART.

“3. Medical and legal aspects of sexual assault investigations.

“4. Serial crimes investigations.

“5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

“6. Techniques for communicating with victims to minimize trauma.”

## **BACKGROUND**

### **1. The Oregon Medical Board Investigation & Survivor Complaints to West Linn Police Department**

On June 16, 2020, the Oregon Medical Board (OMB) opened an investigation because multiple current and former patients of former doctor David Farley, formerly of West Linn, Oregon, filed complaints about Farley’s practices and behaviors. Those complaints included but were not limited to improper touching and penetration under the guise of legitimate medical procedures, taking pictures of the genitals of children and women, ungloved pelvic and breast exams, breaking the hymen of underage and other young women without an appropriate medical reason, non-consensual and painful membrane sweeps of pregnant women and other behaviors.

Farley’s medical license was suspended by mutual agreement with the OMB on August 6, 2020 and he surrendered his license on September 22, 2020, which was approved by the OMB at its October 1-2, 2020 meeting (Exhibit 2, pages 21-22 and Exhibits 3 and 4, page 7).

The OMB’s investigator was Jason Carruth. Carruth wrote an investigation report which he shared with Detective Tony Christensen of West Linn Police Department (WLPD) on September 1, 2020 (Exhibit 2).

Carruth began communicating with Christensen more than two months prior to sharing this report. A records request to the Oregon Medical Board revealed the following email correspondence between WLPD, Christensen and Carruth:

- On June 19, 2020, just three days after opening the investigation on Farley, Carruth emailed WLPD asking if WLPD was aware of allegations “related to potential child pornography” and “Dr. David Farley” and asked to be connected with a detective assigned to the matter (Exhibit 5, page 5).
- An administrative person responded to this email and linked Christensen with Carruth. Carruth followed up on June 22, 2020:

“With this new information we wanted to make sure that this fella was not already on your radar regarding any child pornography investigation so that we did not impact any other agencies active investigation. *As you can imagine, this type of study is completely out of bounds* [referring to Farley taking pictures of children’s genitalia] *and would certainly create concern regarding any electronic evidence he may have of child pornography.*”

“Ultimately, we are a licensing board and while we have subpoena authority we do not have warrant authority. Once he knows we are looking at him for this behavior I fear any evidence he may have that would be useful in a criminal investigation will certainly disappear. Thank you in advance for any help you can provide” (Exhibit 5, page 4) (emphasis supplied).

- On or around June 30, 2020, Christensen and Carruth met in person (Exhibit 5, page 2).
- On September 1, 2020, Carruth sent Christensen a copy of the OMB report along with this email:

“Just a heads up regarding that doctor I had spoken to you about. We emergently suspended his license pending the outcome of the investigation as his behavior was way outside what is appropriate. Unfortunately once word got out that he was under investigation we have been slammed with patients coming forward reporting years of sexual abuse by the doc. Some of the stories are pretty amazing from taking photographs, doing ungloved pelvic exams, conducting pelvic exams at his home off the record and teaching teenagers how to sexually stimulate themselves, among others. You may get contacted by these gals wanting to make reports.

“Also, the doc has since packed his family and left the state and is now in Idaho staying with his daughter. I imagine as things start getting more out in the public there will be many more women wanting to make reports” (Exhibit 5, page 1).

## 2. WLPD’s Investigation structure

The first four witnesses reported to WLPD on September 1, 2020 (see detail below about those interviews). Former Detective Anthony Christensen, now retired, took those first four reports.

Christensen told me that after the first four survivors were interviewed on September 1 and 2, 2020, he spoke to Scott Healy in the CCDA’s office. Christensen asked for help and was assigned resources from the CCDA, Gladstone Police Department and Tualatin Police Department. Personnel included Sergeant Gradwahl and Officer Adam Simms from WLPD; Detective Matt Messina from Tualatin Police Department (Messina is now a Deputy Sheriff with Clackamas County); Gladstone Police Detective Tony Fich, and CCDA investigators John Krummenacker, Jill Chapman and Jay Pentheny.

In addition, Christensen said he reached out to the Children’s Center for help in forensically interviewing children who had been Farley’s patients. Ultimately, Christensen said CCDA assigned Deputy District Attorneys Sarah Dumont, Matt Semritc and Brian Censoni to the case. Finally, Christensen said Dr. Mark Nichols from OHSU was engaged as a medical expert.

Based on the documents WLPD provided me about the investigation, Christensen interviewed four survivors on September 1 and 2, 2020, then the next witness for whom I have records was not interviewed until October 28, 2020. I note WLPD has case files for 56 other reports by Farley’s former patients for which I do not have either releases or the records and do not know the dates of their interviews (see, Appendix A).

I note there were no email communications between Christensen or anyone else at WLPD and the CCDA until the end of October, 2020, based on the information WLPD provided to me. Based on the records, it is not clear there was any activity after September 2, 2020 until the end of October, 2020<sup>5</sup>, after which the following steps were taken:

Date	Description of activity	Exhibit
9/1/20	Interview of Jane Does 2 and 3, case numbers 20-████ and 20-████	Appendix A
9/2/20	Interviews of Jane Does 1 and 4, case numbers 20-████ and 20-████	Appendix A
10/27/20	Chris Owens, Clackamas County Chief Deputy District Attorney (DDA) offered Christensen the assistance of DDAs Dumont and Semritc so Christensen can reach out for assistance during his investigation.	6
10/28/20	Christensen forwarded the OMB reports to the Clackamas County District Attorney's (CCDA) office.	
10/28/20	Interviews of Jane Does 16 and 55, case numbers 20-████ and 20-████	Appendix A
10/29/20	Interview of Jane Doe 45, case number 20-████	Appendix A
11/3/20	Christensen and three other WLPD staff met with CCDA Investigator Krummenacker about the Farley case.	7
11/4/20	Simms served a preservation of evidence letter on the West Linn Family Health Clinic (WLFHC).	8
11/5/20	Interview of Jane Doe 24, case number 20-████	Appendix A
11/6/20	Interview of Jane Does 6 and 25, case number 20-████ and 20-████	Appendix A
11/9/20	Interview of Jane Doe 26, case number 20-████	Appendix A
11/10/20	Interview of Jane Doe 27, case number 20-████	Appendix A
11/24/20	Interview of Jane Doe 30, case number 20-████	Appendix A
11/25/20	The Idaho Sheriff's Office called Christensen because they had received a tip about a sexual predator trying to get work in a school locally.	9
11/30/20	Interview of Jane Doe 36, case number 20-████	Appendix A
12/1/20	Interview of Jane Doe 23, case number 20-████	Appendix A
12/2/20	Interview of Jane Doe 31, case number 20-████	Appendix A
12/3/20	Interview of Jane Doe 32, case number 20-████	Appendix A
11/9/20 & 12/3/20	Interview of Jane Doe 28, case number 20-████	Appendix A
12/4/20	Interview of Jane Doe 18, case number 20-████	Appendix A
12/7/20	Interview of Jane Doe 34, case number 20-████	Appendix A

<sup>5</sup> It is possible steps were taken which are not documented in the information I was provided. Furthermore, Christensen told me he was admonished by the CCDA not to interview Farley because Farley was represented. It also appears that there were negotiations between the CCDA and the attorney for the WLFHC on making staff and providers available for interviews.

Date	Description of activity	Exhibit
12/8/20	Interview of Jane Doe 35, case number 20-██████	Appendix A
12/9/20	CCDA Investigator Krummenacker asked for detectives from the major crimes team (MCT) to assist with 22-25 more interviews. Krummenacker's email says that Christensen, Simms and Gradwahl have interviewed 50 people at this point and need help finishing the interviews while they start gathering evidence to support the case.  On the same day, Detective Messina from Tualatin Police Department, CCDA Investigators Jay Pentheny, Jill Chapman and John Krummenacker were added to Christensen's team.	10
12/9/20	Interview of Jane Does 22 and 33, case numbers 20-██████ and 20-██████	Appendix A
12/10/20	Interview of Jane Doe 19, case number 20-██████	Appendix A
12/11/20	First interview of former WLFHC clinic staff, a former MA who left WLFHC in 2005. This former staff member reached out directly to WLPD. Interview of Jane Doe 40, case number 20-██████	11
12/15/20	Christensen asked Carruth of the OMB for transcripts of Farley's interview, which were shared with him and which Christensen forwarded to the CCDA on December 18, 2020.	12
12/15/20	Interview of Jane Does 21 and 37, case numbers 20-██████ and 20-██████	Appendix A
12/16/20	Interview of Jane Does 38 and 39, case number 20-██████ and 20-██████	Appendix A
12/17/20	Interview of Jane Doe 29, case number 20-██████	Appendix A
12/18/20	Interview of Jane Doe 20 and 41, case numbers 20-██████ and 20-██████	Appendix A
12/21/20	Interview of Jane Doe 42, case number 20-██████	Appendix A
12/22/20	Interview of Jane Doe 43, case number 20-██████	Appendix A
1/15/21	Interview of Jane Doe 46, case number 21-██████	Appendix A
1/21/21	Interview of Jane Doe 47, case number 21-██████	Appendix A
1/27/21	Interview of Jane Doe 48, case number 21-██████	Appendix A
2/3/21	Interview of Jane Doe 49, case number 21-██████	Appendix A
2/18/21	Christensen asked Carruth for provider names from WLFHC.	13
2/26/21	Interview of Jane Doe 17, case number 21-██████	Appendix A
3/18/21	Thumb drive of documents delivered to Mark Nichols, MD, the medical expert retained by CCDA.	14
3-18-21	Interview of Jane Doe 50, case number 21-██████	Appendix A
4/7/21	CCDA Semrite reached out to the attorney for WLFHC seeing interviews of clinic employees.	15
5/5/21	Interview of Jane Doe 51, case number 21-██████	Appendix A
6/14/21	CCDA Dumont email with an update on the status of the case, noting that Christensen had about half of the medical records in his	16

Date	Description of activity	Exhibit
	possession, a new victim had been interviewed at the Children’s Center and WLFHC had a new criminal attorney.	
7/28/21	Christensen & Simms interviewed two WLFHC employees.	17
8/24/21	Christensen and Simms interviewed two additional WLFHC employees.	18
9/2/21	A member of the public purchased a second hand computer which had been owned by Farley and offered to give it to Christensen.	19
9/22/21	Christensen interviewed four providers and two staff at WLFHC.	20
10/1/21	Interview of Jane Doe 52, case number 21- [REDACTED]	Appendix A
12/22/21	Interview of Jane Doe 5, case number 21- [REDACTED]	Appendix A
2/9/22	Clackamas County Sheriff’s Office completed its Computer Forensics Report on Farley’s hard drive.	21
4/7/22	Grand Jury process begins. There are numerous emails seeing witnesses, reports, information between Christensen, WLPD and CCDA for the next several months.	22
9/3/22	Grand Jury issued a “not true” bill	23

Christensen told me he did not interview Farley because he was told by CCDA Sarah Dumont not to try to talk to any represented party. Ultimately, Christensen did speak to all the employees and providers at the WLFHC offices.

Christensen said that once they received Farley’s old hard drive (because of a call from a member of the public who had purchased it second hand in 2021) and had it forensically examined, they discovered no sexual pictures of children or women on it. This did not occur until 2022 (see above timeline at 2/9/22). However, WLFHC staff were aware that Farley was taking pictures of children’s and women’s genitalia.

### 3. Information Available to me

West Linn (and not other law enforcement agencies involved in this matter) asked me to review their policies and whether the investigation met the standards of their policies. Therefore, I only reviewed those cases for which WLPD was responsible.

In addition, I was given access only to those cases for which there was a signed release of information from the reporting party. The D’Amore/MSF firms represent a significant number of Farley’s former patients in litigation against Farley. The firms provided me with 73 releases from its clients. Of that number, WLPD had records for 43 and provided me with recordings and redacted police reports for them. I note that the D’Amore/MSF firms told me there were nine additional

Jane Does who said they attempted to contact Christensen/WLPD or even were interviewed by Christensen but for whom WLPD did not have any case files (see, Appendix A).<sup>6</sup>

Based on a redacted list WLPD provided to me of all its criminal cases associated with the Farley investigation, there were 56 additional files for which the Manly firm could not provide releases and which WLPD did not release to me. In other words, WLPD alone had 99 separate reports from victims about Farley.

In addition, the Manly firm allowed me to interview six of its clients, who are identified in this report as Jane Does 1-6.<sup>7</sup>

I note that Jane Does 1-4 told me they had conversations with Jason Carruth, the OMB investigator. According to Jane Does 1-4, Carruth told them several things about Christensen, including that Christensen told Carruth, "I don't think there is a case here" before even interviewing any of the victims. Jane Does 1-4 said Carruth told them that Christensen didn't want to do anything, which is why Carruth alerted the FBI about the matter (see, Exhibit 24).

When Jane Doe 4 told Carruth that she believed Christensen was unprofessional, Jane Doe 4 told me Carruth said to her that this didn't surprise him at all because when Carruth spoke to Christensen, he acted like he wanted nothing to do with the case and told Carruth, there is nothing there.

According to Jane Does 1 and 2, Carruth told them he had the impression that Christensen did not want to be bothered with this case.

I requested to interview OMB investigator Jason Carruth. Through its attorney, OMB declined to allow me to interview Carruth (Exhibit 25).

#### **4. Particular Relevant Aspects of the Witnesses' Backgrounds**

Five of the six witnesses I interviewed were either raised in the Mormon faith or were currently practicing Mormons. Four of the witnesses explained some aspects of their upbringing which is relevant to this matter.

These witnesses explained that Mormon girls are not raised to be knowledgeable about their bodies or their sexual/reproductive systems and health. They are not typically sexually active until marriage. Furthermore, many of the women were referred to Farley through their religious community or Farley was personally acquainted with and/or close to their own family members. Many of the witnesses were delivered by Farley when they were born, saw Farley as their doctor from a young age or he was recommended by people they trusted.

More than one witness had never had another doctor aside from Farley, and until they saw another physician, they did not realize how inappropriate his behavior with them was (this was also true of Jane Doe 6, who was not a member of the Mormon community). For example, Farley started doing

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<sup>6</sup> The Manly firm does not represent all the individuals who made reports to WLPD and could not provide me with releases for all those reporters. There were other releases the Manly firm provided to me for which WLPD did not have files. This could have been because some of those women were interviewed by other jurisdictions, did not make complaints at the time or were among those the Manly firm said attempted unsuccessfully to report to WLPD (see, page 17).

<sup>7</sup> Jane Does 1-4 were not comfortable with separate interviews and I was permitted to interview them together, not separately. I recognize this is not optimal with respect to interviewing techniques. However, I have verified the information given to me by these witnesses through examination of evidence (interview recordings, police reports, emails, journal entries written at the time) and I am satisfied that Jane Does 1-4 are credible reporters.

pelvic exams on Jane Doe 2 – ungloved – when she was 13, sometimes up to 4 or 5 per year. Until Jane Doe 2 went to another doctor as an adult, she did not know this was inappropriate.

These factors combined to create a situation where young, innocent girls who are raised to trust a doctor within their religious community reasonably could have barriers to being able to discern in a sophisticated and informed manner what was appropriate and what was not during their examinations. Some of these witnesses even had a mother present during the examinations; however, more often than not, their mothers were in a similar situation, raised in the Mormon Church, having had Farley as their doctor for years and also not having the information and experience to discern what was appropriate and what was not. I also note that a number of the police reports stated the witnesses' perceptions that Farley placed his body between their parent and the witness, blocking the parents' view. A number of witnesses also stated in their interviews that Farley manipulated them as young girls to tell their mothers they did not want their mothers in the exam room with them.

For these reasons, the witnesses pointed out that it was even more important for them to have been questioned by a skilled investigator, well trained in sexual assault and abuse.

For example, Jane Doe 3 told me that she was unsure as to whether Farley's treatment of her was abuse simply because she had no experience or knowledge of how gynecological exams should be conducted. She said she downplayed her experience when Christensen interviewed her and minimized the things Farley did. Jane Doe 3 said Christensen asked her if anything unusual happened in her exams with Farley. However, she did not know what was unusual and what was not.

## 5. Witness Experiences with Christensen

### *a. Discrepancies between police reports and interview recordings*

#### i. Jane Doe 1

Based on the criminal case interview recording, Jane Doe 1 began seeing Farley as an adult. Jane Doe 1 brought literature from the American Cancer Society on pelvic exams and PAP smears. She showed Christensen the literature she brought, which included diagrams of the examinations. Jane Doe 1 described a "pelvic examination" in which Farley inserted his ungloved fingers into her vagina and began moving them in a manner which resulted in Jane Doe 1 becoming sexually stimulated, which she found deeply disturbing and upsetting. Jane Doe 1 blamed herself for this at the time, not realizing that what Farley did was improper. Based on a review of the report and the recording of the interview, the report does not mention:

Farley sought Jane Doe 1 out and persuaded her to transfer to him from another doctor at the WLFHC, Dr. [REDACTED].

- When Jane Doe 1 described Farley as moving his ungloved fingers in her vagina, Christensen did not ask any questions about the incident or to describe the movements of his fingers or how many fingers he used.
- The report describes a conversation between Jane Doe 1 and Farley during which Farley attempted to persuade Jane Doe 1 to have a skin tag on her labia corrected. The report described Farley as touching her labia and said that Farley pressured Jane Doe 1 to let him fix the skin tag despite her telling him she did not wish the skin tag to be removed. However, the report does not make clear that the entire argument occurred while Jane Doe

1 was naked, on the exam table in the stirrups with her legs spread while Farley was fingering her labia.

- The report does not clarify that the reason Jane Doe 1 felt something was wrong with her for being sexually stimulated was because she took responsibility for the stimulation. She did not realize at the time that Farley apparently intentionally stimulated her. Christensen did not ask questions to follow up on the stimulation during the interview.
- Jane Doe 1 told Christensen about seeing a friend of hers leaving WLFHC as “high as a kite” after being medicated by Farley. The report does not mention this. I note that some women reported that they believed Farley was drugging them while they were alone with him in the exam room due to the very strong reactions they had to pain medications and even local anesthetics.<sup>8</sup>
- Jane Doe 1 told Christensen Farley texted her and she retained those text messages. Christensen did not note this in the report nor ask for a copy.
- Jane Doe 1 told Christensen that Farley called her in the evening on his personal cell phone to tell her to come in for another PAP smear. This is not in the report.
- Jane Doe 1 told Christensen that she had a pelvic exam and PAP smear every year, which is also not in the report.

ii. Jane Doe 2

Jane Doe 2 was interviewed on September 1, 2020 without a Victim’s Advocate present.

Based on the interview recording, Jane Doe 2 saw Farley approximately 30 times between the ages of 15 to 18. During that time, Farley gave Jane Doe 2 at least 8 inappropriate, ungloved pelvic and breast examinations using the excuse that she had stomach issues.<sup>9</sup> He also penetrated her rectally, telling her he was “just feeling around,” again with the excuse that she had stomach issues. He asked her detailed questions about her sex life and insisted on performing a hymenectomy with his hands and without anesthesia. One of the ways Farley persuaded Jane Doe 2 to submit to this procedure was by specifically mentioning the name of a friend of hers and telling Jane Doe 2 he had done this procedure for her friend (i.e., potentially violating medical privacy laws).

Christensen told Jane Doe 2 that, being male, he had not experienced female exams and so did not know how to ask questions. He mentioned his ignorance at another point in the interview. As an example of his lack of knowledge, Christensen asked Jane Doe 2 if Farley penetrated her during the pelvic exams, asking Jane Doe 2 if she knew what digital penetration was.<sup>10</sup>

The written report concerning Jane Doe 2 does not mention:

- That Farley would approach Jane Doe 2 at church and “pet” her arms and back when he asked her to come by his office for an exam. Instead, the report says Farley “touch[ed]” her arm. These touchings and invitations to Farley’s office occurred when Jane Doe 2 was underage. The report does not mention that Jane Doe 2 and her friends “ran” when they

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<sup>8</sup> For example, one reporter stated that she typically needed extra Novocain at the dentist’s office but that she was incapacitated by a local anesthetic Farley gave her and she did not remember what occurred when she was in the room with him.

<sup>9</sup> This was a common theme among the police reports I read: Farley would vaginally penetrate a female patient who presented for asthma or examine the genitals of girls who just needed a sports physical.

<sup>10</sup> A pelvic exam is digital penetration while the provider palpates the abdomen to assess reproductive organs.

saw Farley coming or that he “cornered” them, which would have made it clear that he pursued them.

- Jane Doe 2 told Christensen three times during her recorded interview, that she “squirmed” or was “squirming” when Farley gave inserted his ungloved finger(s) into her vagina. This is not mentioned in the report. Jane Doe 2 explained to me that Farley was sexually stimulating her. In the recording, Jane Doe 2 slightly emphasizes the word “squirming” with her voice, especially the last time she used that word. Christensen did not ask her why she would be squirming on the exam table. He did not ask her questions about how Farley digitally penetrated her, what movements Farley made or how many fingers he put in Jane Doe 2’s vagina. Christensen passed over all three uses of the word, “squirming,” asking no questions.
- Farley asked Jane Doe 2’s mother to leave the room and extensively questioned her about her sexual activity, again when she was underage (this was before he performed the hymenectomy and knew Jane Doe 2 had not yet engaged in sexual intercourse). Jane Doe 2 told Christensen on the recording that Farley asked very detailed questions about where her boyfriend’s hands touched her on her body and where her hands touched her boyfriend on his body.<sup>11</sup> Jane Doe 2 told Christensen that Farley asked Jane Doe 2 whether she was sexually active multiple times, rephrasing the question over and over, encouraging her to disclose more, telling her that it was okay because her mother was out of the room. None of this is in the police report.
- Christensen did not ask if Jane Doe 2 was in stirrups during these pelvic examinations or Farley just had her laying on the exam table with his fingers in her vagina.<sup>12</sup>
- Christensen reported that Jane Doe 2 was a member of the LDS faith. This is not true. It is true she was raised in the LDS church, but she was not currently a member of that faith community.

Jane Doe 2 told me Christensen never asked her the detailed questions that should have been asked so that the full story of her abuse at Farley’s hands could be told. Jane Doe 2 also said she never felt safe enough in Christensen’s interview to go into details about the abuse.

### iii. Jane Doe 3

Jane Doe 3 was interviewed on September 1, 202 without a Victim’s Advocate present.

The police report Christensen wrote after Jane Doe 3’s interview is generally accurate with one exception: Christensen did not mention that Jane Doe 3 was aware that Farley texted young girls in the church community on his personal cell phone.

Although Christensen mentioned in the report that Jane Doe 3 said she did not find out until later how often pelvic exams should be done, the report leaves out the context of Farley being her first gynecological provider and the disadvantage she faced being a member of the LDS church and

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<sup>11</sup> According to the American College of Obstetricians and Gynecologists’ formal ethics opinion, number 796 (January 2020), questions like this are improper.

<sup>12</sup> Another woman, Jane Doe 17 reported that Farley would have her lay naked on the table with a gown over her starting at age 13, then insert his fingers into her vagina and thrust them in and out up to 30 times, deeply enough to hurt. Jane Doe 2 was never asked if this was done to her when she was of similar age, although it is possible given Jane Doe 2’s explanation to me that Farley was inserting his fingers into her vagina and sexually stimulating her (which was why she was squirming).

unsophisticated or even naive about her body and health care for women versus his status as a doctor and established member of her church.

It is true that Jane Doe 3 said she was not aware that anything was out of the ordinary which is what was stated in the report, but it is also true that she emphasized several times that she would not know what was or was not out of the ordinary during that interview. Furthermore, Jane Doe 3 referred to her own experience as “mild” which might have been explored in a supportive way to make sure she was not minimizing her experience or taking responsibility for what was done to her, as women who are sexually abused sometimes do.

In addition, Christensen did not follow up with specific detailed questions of Jane Doe 3 about the pelvic exams she did receive – approximately 14 over a 9 or 10 year period. Christensen did not ask her if Farley inserted his fingers in a certain way, if he sexually stimulated her, if he performed breast exams and if so, what those were like (in detail). Christensen did not ask about photographs, or whether Farley, who also saw Jane Doe 3’s children, had engaged in any inappropriate behavior with the children. I note this recognizing that Christensen was aware some months previously that Farley was taking pictures of the genitalia of children.

Christensen asked Jane Doe 3 what was “not normal” about her examinations, even after she told him she would have no knowledge of what was normal or standard protocol. Jane Doe 3 also told me she had text messages between herself and Farley which Christensen did not request.

#### iv. Jane Doe 4

Jane Doe 4 started seeing Farley as an adult, during her third pregnancy. Jane Doe 4 was an LPN in California and had medical knowledge. During her pregnancy, she was in discomfort and asked Farley to sweep her membranes. This is a process in which the physician places the tip of a finger inside the cervix and loosens the amniotic sac from the uterus. It is painful and can cause labor to start. Farley invited Jane Doe 4 to his home to do this procedure. Farley’s wife was there and led Jane Doe 4 to a back bedroom and laid a towel down on the bed. Jane Doe 4 stripped from the waist down and Farley entered, performed the sweep and once he was finished with the sweep he did not remove his hand from her vagina. He did something which caused her pain and she flinched. Once she flinched, she said he began “feeling around” with his hand in her vagina, keeping it there for some time and telling her she had an unstable pelvis. In other words, Jane Doe 4 might have been suggesting that Farley caused her pain on purpose for an excuse to keep his hand inside her. However, Christensen did not explore this.<sup>13</sup>

Although a high-level description of the issues Jane Doe 4 communicated to Christensen are in the police report, Jane Doe 4 believed Christensen did not sufficiently grasp what was wrong with what Farley did to describe the incidents in detail. Jane Doe 4 told Christensen about the time he left his hand inside her after a membrane sweep (described in the previous paragraph), and although this was in the report, Christensen asked no questions (again) about how many fingers, what kinds of movements, etc.

In addition, Jane Doe 4 told Christensen about how Farley felt her breast with his ungloved hand when she saw Farley for her son’s two-week post-partum visit. She was in the act of breast feeding her son who was gulping milk (and had been breast feeding for the last two weeks since his birth) when Farley asked her if her milk was in. She said yes. Despite her affirmative statement that her

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<sup>13</sup> Multiple women described situations in the police reports which could be understood to show that Farley was causing them pain or telling them they had problems so there was an excuse to bring them in for more vaginal penetration.

son was feeding, the fact that he was two weeks old and had to have been eating for the last two weeks, Farley used this as an excuse to feel Jane Doe 4's breast and lay his ear on her bare breast. The report relies on Jane Doe 4's recollection of what she thought at the time, which was that it was odd and socially awkward. However, the report does not point out that Farley did not ask permission to touch her and that there was no medical necessity as the child had already been feeding for two weeks.

Jane Doe 4 had a physical in 2018 after having had a PAP smear in 2017. The nurse gave her a drape and told her to disrobe. When Jane Doe 4 said she would not be doing a PAP smear, Jane Doe 4 told Christensen in the interview that the nurse's face fell, and the nurse told her she would have to talk to Farley about that. It is not noted in the report that the nurse's face fell and that she was also implying that Jane Doe 4 had to have a PAP smear (which could suggest that the staff was more aware than they were willing to admit of Farley's behavior). Even though Jane Doe 4 is a nurse, Farley manipulated her by telling her how he didn't want her to have cancer and not be able to detect it due to missing an annual PAP smear. According to Jane Doe 4, Farley told her he'd lost a patient to cervical cancer and he didn't want that to happen to her, which frightened her into acquiescing to the pelvic exam and PAP smear. This was a story repeated in other interviews by other witnesses.

Jane Doe 4 described how Farley created a pool of victims by giving out his cell phone and allowing patients to text him at any time. Jane Doe 4 said that if one of her children was ill, she could reach out and get immediate response. Jane Doe 4 said Farley made her think he cared about her and her family, so that when he did inappropriate things, she was more likely to minimize what he did in the greater context of how helpful he made himself.

Christensen asked Jane Doe 4 what a speculum was; she explained this to him.<sup>14</sup> Christensen did not ask about photographs, or whether Farley, who also saw Jane Doe 3's children, had engaged in any inappropriate behavior with the children. I note this recognizing that Christensen was aware some months previously that Farley was taking pictures of the genitalia of children.

#### v. Jane Doe 6

Jane Doe 6 told Christensen that the only time she ever had a chaperone in the room was a year prior to their interview. The police report states that she "always" had a chaperone in the room.

Jane Doe 6 told Christensen that Farley examined her infant daughter's vagina with his ungloved hand by opening the vagina and looking inside (ostensibly because of an under developed labia for which Farley prescribed a cream). The report states that Farley examined her daughter's vagina, but not that he opened it and looked in it.

Jane Doe 6 said she told Christensen that a subsequent doctor informed her that Farley's treatment of her daughter's labia had not been medical protocol since before Jane Doe 6's current doctor was in medical school. This does not appear in the report. Jane Doe 6 said this to Christensen when she came to WLPD to sign a release for her medical reports.

I note that Christensen asked more questions in this interview, which occurred November 6, 2020, than he did with Jane Does 1-4. For example, he asked Jane Doe 6 if Farley palpated her abdomen during her pelvic exams, showing an enhanced knowledge of gynecological examinations.

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<sup>14</sup> A speculum is a tool inserted into the vagina during a PAP smear to broaden the opening and allow for cell samples to be taken from the cervix to check for cervical cancer.

### *b. Missing recordings*

Jane Doe 3 told me she remembered more after being interviewed by a skilled questioner and followed up with Christensen for another interview via telephone. According to Jane Doe 3, Christensen recorded this telephonic interview. Jane Doe 3 noted that this interview was missing from her criminal file.

According to the file provided by WLPD, there is one interview of Jane Doe 3 on September 1, 2020. Thereafter, Jane Doe 3 emailed Christensen, telling him she had recalled more abuse on November 5, 2020 (Exhibit 26). Christensen emailed Jane Doe 3 on November 11, 2020, thanking her for a follow up call (Exhibit 26). Based on this email interaction, it is more likely than not that Jane Doe 3 was interviewed by Christensen via telephone between November 5 and 11, 2020.

I asked WLPD to provide the recording of the second interview and they were unable to locate either the recording or the follow up police report. In addition, there is no reference to the follow up interview in the police report relating to Jane Doe 3. Typically, I note in my review of the police reports that when there is a follow up interaction with a witness, the police report has notes about that interaction. For example, in Jane Doe 3's police report, there are notes about medical records being downloaded in 2021.

Jane Doe 1 also told me she called Christensen to share more information after her first interview. Jane Doe 1 sent Christensen an email on September 30, 2020 telling him she had more information about her case to share (Exhibit 27). According to Jane Doe 1, Christensen performed the follow up interview via telephone and recorded it. Again, there is no second recording in her file. Again, I asked WLPD and they did not have a second recording of Jane Doe 1 nor any follow up police report.

### *c. Witness Interactions with Christensen*

All of the witnesses I was able to interview told me they experienced Christensen as not understanding what they were saying, making dismissive remarks such as, "well this isn't 'Law and Order.'" Based on my review of the interview recordings, he asked almost no follow up questions of the first four witnesses, Jane Does 1-4. These witnesses told me they were extremely uneasy in the environment disclosing such intimate details they had never disclosed to anyone else, whether to their husbands or to a therapist.

After these witnesses were questioned by an interviewer who was trained in sexual abuse and could ask the proper forensic questions, they noted a dramatic difference between Christensen's questions and the questions of the forensic interviewer.

As an example, Jane Doe 2 told me that she told Christensen that she realized she had been sexually abused when she went to another doctor who was "floored" that she had had so many pelvic exams so young. Jane Doe 2 said Christensen did not follow up with her about this.

Jane Doe 1 kept journal notes and said she had an entries about her experience with Christensen. Jane Doe 1 wrote on October 10, 2020 that the detective "over our case doesn't seem to care about the case very much" (Exhibit 28). On October 18, 2020, Jane Doe 1 wrote that she had contacted Christensen on October 7, and Christensen was patronizing and treated her like she was bothering him. On November 11, 2020, Jane Doe 1 expressed her disappointment that the images of women's and children's genitalia had not been preserved and the law enforcement personnel had allowed Farley time to destroy it. Jane Doe 1 had the strong sense that nothing was being done and

the claims were not being taken seriously, so she wrote in her journal that she would be going public in the next week or so to try and put pressure on the police to investigate the case.

Jane Doe 1 also wrote in her journal about how other survivors told her they did not feel as though they were supported by the police (Exhibit 29).

Jane Doe 4 told me she experienced Christensen as combative after her interview because she followed up with him. Jane Doe 4 told me Christensen became flustered and angry as though she was “bugging him.” Jane Doe 4 said he became combative when they asked questions about whether things had been done and began to talk down to her, telling her to “back off” and “let me do my job.” Jane Doe 1 told me she had a similar experience. Jane Doe 1 said she got the impression that Christensen was displeased because she was asking too many questions.

Jane Does 1-4 experienced Christensen as treating them as though they were an inconvenience, without sympathy. They recalled both Christensen and Miller telling them it would be “a difficult thing to prove because he’s [Farley] a doctor” and “don’t get your hopes up.”

*d. Other experiences raised by the attorney for the women*

Courtney Thom, an attorney with the MSF firm, provided me with information about how a number of former patients of David Farley said they were treated by WLPD. I did not interview these women, but I did follow up on the concerns Thom raised by listening to the interview recordings and/or reviewing the reports where I had access to them.

- i. Women who called Christensen and/or WLPD to file complaints either on behalf of themselves or their daughters and never received any follow up and never reported their abuse.

First, according to Thom, there were quite a few women who said they called WLPD and tried to file complaints and who never received any follow up either for themselves or on behalf of their daughters:

According to Thom, Jane Does 7, 8, 9, 10 and 11 left at least one and sometimes multiple voice mails for Christensen on his phone and never heard back. According to Thom, Jane Does 7-11 have never been able to report sexual abuse of either themselves or their daughters by Farley.

I have a release from Jane Does 7-11 to review their criminal files and requested those files from WLPD. WLPD told me they had no files for Jane Does 7-11.

- ii. Women who were interviewed by Christensen and/or WLPD and received no follow up interview despite calling back with more information.

Jane Does 12, 13, 14 and 15 were interviewed by Christensen and he told them he would follow up but never did, according to Thom. According to Thom, Jane Doe 14 called back several times with more information and never heard back from Christensen.

I have releases for Jane Does 12-15 to review their criminal files and requested those files from WLPD. WLPD told me they have no files for Jane Does 12-15, despite their statement that they were actually interviewed by Christensen.

- iii. Women who were interviewed, for whom there are case files and who reported unprofessional conduct.

Thom provided information about the following women who were interviewed and for whom there is a criminal file. I was able to get copies of the interview recordings and the redacted police reports for these individuals.

- According to Thom, Jane Doe 16, case number 20-█████ was interviewed by Christensen soon after her father passed away in traumatic circumstances. After the interview, she recollected more information and called WLPD and Christensen several times to report what she recalled and never received any follow up.

I have a release from Jane Doe 16 to review her criminal file and requested that file from WLPD. Typically, when there is further contact with an individual, it is noted in the body of the report. For example, there were some reports where the woman had been interviewed subsequently. Almost all the police reports had follow up notes from various times subsequent to the initial interview, for example when medical records were downloaded and attached to the file so they would be identifiable as relating to the criminal case file.

According to the police report for file # 20-█████, Jane Doe 16 was interviewed on October 28, 2020 by Christensen and Victim's Advocate Miller at the Tualatin Police Department. Thereafter, Jane Doe 16's medical release was uploaded to a secure portal for her medical records on July 8, 2021 and her medical records were downloaded on July 14, 2021. Additional records were downloaded on July 24, 2021. There is no indication of a follow up interview with or calls from Jane Doe 16.

- Jane Doe 17, case number 21-█████, was interviewed on February 26, 2021. According to Thom, Christensen asked her why she talked to civil attorney before she spoke to police and also said that it would be up to the DA to decide if what Farley did was abuse or "him just being creepy."

Jane Doe 17 was interviewed by telephone by Todd Gradwahl without a Victim's Advocate. I listened to the recording of Gradwahl's interview of Jane Doe 17.

At approximately 16:30 (minutes:seconds) in the recording, Gradwahl said to Jane Doe 17, "\*\*\* Getting a hold of this now, did you read something, are you part of the civil suit or anything?" Jane Doe 17 told Gradwahl that her father told her about the articles on Farley. Jane Doe 17 said she read the article and started doing research. Jane Doe 17 told Gradwahl that she was part of the civil suit.

Gradwahl then asked her, "with the civil attorney up here in Portland or California?" He went on, "Manly or something." Then Gradwahl said, "yeah and that has no bearing, I'm just kind of -- because some people found out about it a year ago or a long time ago, and then we just heard from you so I didn't know if you had just recently... I mean, that's - finding out just Wednesday so that's pretty sudden that you just found all this sounds like." She said, "Its been a long week." Gradwahl told her, "Yeah, I'm sorry."

A little later in the interview Gradwahl asked Jane Doe 17 at 18:05, "\*\*\* did you talk to anybody else about these visits like back then or did you at that point think that those were just all normal -- and I'm not saying they were normal or weren't. I'm just gathering facts here because the medical profession -- there's people that are going to review this and attorneys and everybody to determine you know where things land, but at the time when these were going on did you discuss these with your mom, like hey is this normal?"

Other than this comment about the “attorneys and everybody to determine \*\*\* where things land,” Gradwahl did not say it was up to the DA to determine if it was abuse or Farley being “creepy” on the recorded interview.

I note that Jane Doe 17 mistakenly recalls that Christensen interviewed her, but she was actually interviewed by Gradwahl. She did not meet him in person but was interviewed over the telephone and it would not be unusual for a person to forget the specific name of the interviewer.

I recognize that it is entirely possible there were comments made before or after the recording began and the comments Jane Doe 17 recalls were made but not during the recorded portion of the interview. It is also possible that Jane Doe 17 was shaken by having to recount the truly terrible things that happened to her, even though her tone was even and balanced throughout the interview. It would not be unusual for someone to maintain an outward façade of calm while being in turmoil inwardly in these kinds of circumstances. In other words, it is possible the statements were made off the recording and it is also possible that Jane Doe 17 misremembered what Gradwahl said.

- Jane Doe 18, case number 20-██████, was interviewed on December 4, 2020. According to Thom, Christensen downplayed her abuse and never followed up for another interview despite saying he would.

Jane Doe 18 was interviewed by Adam Simms by phone, not by Christensen. Again, there was no victim’s advocate present for the call. Based on my evaluation of Simms’ manner towards Jane Doe 18, I do not believe he was downplaying what happened to her. I also believe he was not overly kind or empathetic. In fact, his tone was business-like, somewhat brusque and he interrupted her several times as she was trying to talk. Simms had a “just the facts” demeanor in this interview. It is understandable that someone would feel put off by this manner when trying to talk about very intimate matters with a stranger.

- Jane Doe 19, case number 20-██████, was interviewed December 10, 2020 by Christensen with victim’s advocate Miller present. According to Thom, Christensen said, “well, he moved” while discussing whether Farley continued to be a threat. According to Thom, Jane Doe 19 questioned this statement, pointing out that the safety of women and children in his current community was still an issue. According to Thom, after Jane Doe 19 questioned Christensen in this manner, he did not follow up with her at all.

I listened to the recording of Jane Doe 19’s interview. The reported conversation did not occur on the interview recording I have. It may have occurred after the recording was ended. According to the police report in case number 20-██████ Jane Doe 19 was not reinterviewed. The only follow up reflected in the report is the subsequent receipt of her medical records.

- Jane Doe 20, case number 20-██████, was interviewed December 18, 2020. According to Thom, WLPD did not follow up for almost a month after her call to report abuse.

In the recording, Jane Doe 20, who was interviewed by Detective Fich from Gladstone PD via telephone with no victim’s advocate and with her husband on the telephone, mentions that she learned of the allegations against Farley on November 14, 2020. If she called when she learned of the allegations, her interview occurred just over a month after she learned of the allegations.

- Jane Doe 21, case number 20-█████ was interviewed December 15, 2020. According to Thom, throughout her interview with Christensen, he kept saying, “Farley is a doctor, so how do you know this is abuse?”

Jane Doe 21 was interviewed in person by Detective Messina (then of Tualatin Police Department), Todd Gradwahl with victim’s advocate Smith present. I listened to the recording. Although Messina’s training record shows he did take a 16 hour course on trauma informed interviewing in sexual abuse cases, his demeanor was similar to the demeanor of all the other interviewers (Christensen, Gradwahl, Simms, Fich, Pentheny, etc.), in that he was brusque and business like, but professional.

Messina said at 3:15 in the recording:

“So, we’re going to ask you these questions about your exams with him. We can’t give you answers, so we just want you to provide detail for us. We aren’t trying to put you on the spot, understand that. We just want you to supply as much as you can remember if you can. If you’ve had experience with past doctors and Dr. Farley, and if you recognize anything that was different between the two. What was different, how it was different. Points during the exams, were there people in the room with you at the time, who it was, those kind of descriptions you can give to us.”

Again at 7:30, Messina asked Jane Doe 21 to compare Farley’s exams to other exams she might have had. In the recording I listened to, no one said, “how do you know this is abuse?” Messina’s questions were aimed at comparing what Farley did to what other doctors have done to help him understand the differences between what Farley did and what other doctors do in pelvic examinations, perhaps because he did not know or perhaps because he had other reasons for asking. I did not believe he was trying to imply that what Farley did was not abuse. However, his manner, as mentioned, was brusque, to the point, not empathetic and unlikely to have put Jane Doe 21 at ease to discuss a highly personal and intimate event.

- Jane Doe 22, case number 20-█████, was interviewed December 10, 2020. According to Thom, after her initial interview, Christensen never followed up with her and she never heard anything further.

I reviewed Jane Doe 22’s police report. It shows an initial telephone interview by Adam Simms on December 10, 2020 with no victim’s advocate present. The only follow up noted in the report is when WLPD served a subpoena on WLFHC for Jane Doe 22’s medical records on November 3, 2021 and received them on November 22, 2021. The Clackamas County Grand Jury gave Simms permission to open them and file them in Jane Doe’s case number on November 23, 2021. There was no notation of any other follow up directly with Jane Doe 22.

- Jane Doe 23, case number 20-█████, was interviewed on December 1, 2020. According to Thom, Jane Doe 23 followed up with Christensen to discuss her daughter’s experience but Christensen told her he had no desire to meet with her daughter and no one ever followed up. Jane Doe 23’s daughter’s experience remains unreported.

According to the police report, Jane Doe 23 was interviewed by Simms and Christensen in the presence of victim’s advocate Miller. According to the report, Jane Doe 23 told Simms and Christensen that Farley performed well-child exams of her three daughters (the oldest of whom was 13 in 2020) and that at every exam, he “would inspect” their vaginas by opening their labia with ungloved hands and looking at it.

At the time of the interview on December 1, 2020, Jane Doe 23 was “stressed” about her children having to go through interviews at the Children’s Place and reliving what happened to them. However, Jane Doe 23 followed up with Simms via email on December 6, 2020 and told him her older daughter was willing to be interviewed. Simms told her he would check with Christensen and get back to her on December 6, 2020. On December 8, 2020, Simms emailed Jane Doe 23 and told her they did not wish to interview her daughter but that they might revisit that decision in the future.

There are no notes in Jane Doe 23’s police report that she was contacted again asking her to bring her daughter in or noting that a separate criminal case had been opened and was connected to Jane Doe 23’s case (as sometimes was done when family members were interviewed and had separate case numbers).

- Jane Doe 30, case number 20-8380, was interviewed on November 24, 2020. According to Thom, Christensen told Jane Doe 30 that a membrane sweep was a valid procedure.

I listened to the recording of this interview and Christensen did not make a comment that a membrane sweep was a valid procedure on the recording. Christensen told Jane Doe 30 that her statement was consistent with other victims and that the DAs are going to have to make the decision about prosecution.

## 6. Analysis of the last four interviews performed by the City

On December 13, 2023, I met with the City and was asked whether there was improvement in the interviews over the course of the investigation. My general sense was that there was; however, I had not performed a detailed analysis of later interviews comparable to the analysis of the first four interviews of Jane Does 1-4 (see, section 5.a.).

The last four interviews to which I have access (i.e., they were done by the City of West Linn and I had releases to obtain the recordings and police reports) were of Jane Does 5, 50, 51 and 52.

### a. Jane Doe 52

Jane Doe 52 was interviewed on October 1, 2021 by Christensen with Miller present. This was 13 months after Jane Does 1-4 were interviewed. It is clear from the recording that Christensen, who interviewed Jane Doe 52, has a list of questions that he going through, as he asks her about a series of possible experiences. In addition, by this time, Christensen understands what a pelvic exam is, along with some of the other procedures they discuss. Nevertheless, there are some discrepancies which I find important.

Jane Doe 52 told Christensen that she had “been made to feel uncomfortable” but she had never wanted to make a complaint until her experiences in labor and delivery with her first child. However, in the report, Christensen wrote that Jane Doe 52 told him that she wasn’t surprised by the revelations about Farley, but did not mention that she said she, too, had been made to feel uncomfortable.

Jane Doe 52 came to talk to Christensen specifically because Farley had performed a procedure on her which he never discussed with her and she never consented to. Farley had persuaded Jane Doe 52 to undergo a hymenectomy when she was about to get married, but what he actually did was cut her perineum and perform an episiotomy on her which caused complications and hemorrhaging when she gave birth some years later. According to Jane Doe 52 in the recording, her current doctor (who apparently also filed a medical board complaint against Farley over this) told her that

what Farley did moved his actions from bad medicine into the realm of a criminal assault because he performed an unconsented and undisclosed procedure on her. Christensen's report mentions this.

Jane Doe 52 told Christensen that she was medicated during this procedure and she was "out of it." Other women described being medicated to the point of incapacitation while alone with Farley. However, Christensen did not follow up on this to see if Jane Doe 52 recalled anything or was at all conscious.

Christensen never asked Jane Doe 52 if Farley performed ungloved pelvic and pap smear examinations on her.

Jane Doe 52 said that Farley was "feeling around in there" when he performed pelvic exams on her. Christensen did not ask her what she meant by this. For example, Farley might have been sexually stimulating her, as he did with other victims.

Jane Doe 52 mentions "comments" that Farley made more than once, but Christensen did not ask if there was anything other than "that feels good."

Towards the end of her interview, Jane Doe 52 told Christensen that she wished she would have listened to her woman's intuition about Farley and not disregarded it because she had been correct.

Coupled with her comments about being made to feel uncomfortable, about Farley "feeling around in there" during pelvic exams and this comment about intuition, I believe Christensen could have asked questions about what she meant. It is possible there was no more to add, but those three comments which were not followed up on suggest there might have been.<sup>15</sup>

b. Jane Doe 5

Jane Doe 5 was interviewed by Christensen on December 22, 2021. I interviewed Jane Doe 5 but she did not point out specific discrepancies between the police report and things she did not say in the interview because Christensen did not allow her to. However, in reading the report and comparing it to the recording, I found some discrepancies.

First, although the report mentions that Jane Doe 5 has a family history of breast cancer and that Farley gave her excessive breast exams, the report fails to link these two things. It merely states them in two different sentences. However, what Jane Doe 5 said was that Farley knew about this history and took advantage of it by using that history to give her excessive ungloved breast exams.

Jane Doe 5 was a teenager when Farley asked her questions about what she and her boyfriend did sexually. Christensen did put this in the report, showing that he had possibly learned that these types of questions were improper since interviewing Jane Doe 2, but he did not ask for specifics about what Farley asked her.

In the section of the report describing her experience being photographed nude by Farley, Jane Doe 5 told Christensen that Farley took pictures of her breasts and talked about how "round" they were. Farley's description of her breasts is not in the report.

After the experience of being photographed by Farley, Jane Doe 5 had an ungloved pelvic exam. This is not in the report.

When Jane Doe 5 was in college in Idaho, she texted Farley about pain due to her IUD. This is in the report. Farley attempted to persuade her to meet him at another doctor's office in Idaho. This

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<sup>15</sup> I did not interview Jane Doe 52 nor did her attorney provide any summary of her experience to suggest there was more to her experience with Farley.

is also in the report. When it turned out Farley was not able to secure a medical office location to meet, Jane Doe 5 told Christensen that Farley was fishing to try to get her to meet him somewhere else. This is not in the report.

c. Jane Doe 51

Jane Doe 51 was interviewed by Christensen and Simms with Miller present on May 5, 2021.

Jane Doe 51 reported both on an incident concerning herself and concerning her oldest child, who was 9 years old at the time. Jane Doe 51 has three other children. Jane Doe 51 told Christensen that Farley insisted on examining and touching her 9 year old daughters vagina/vulva (without wearing gloves). He did this while all three siblings were in the room. This is described in the police report.

Christensen did not ask if there were any concerning incidents with Farley and the other children. After this incident, the other children might not have continued to see Farley, but that was not clarified in the report.

Christensen asked Jane Doe 51 if there was anything unusual about her pelvic exams and she told him she wouldn't know. Christensen did not ask follow up questions to explore this.

Jane Doe 51 said Farley contacted her via cell phone, but he never contacted he husband via cell phone even though her husband had been a patient longer. The part about the husband not being contacted via cell phone is not in the report.

Jane Doe 51 also told Christensen that she is a survivor of childhood sexual abuse and Farley knew that. This is not in the report.

d. Jane Doe 50

Jane Doe 50 was interviewed on March 18, 2021 by Gradwahl via telephone. There was no victim's advocate present.

There were two things I found significant in the recording which were not in the report. First, an issue which goes to possible grooming, which was that when Jane Doe 50 went through a difficult divorce, Farley made a point to call her and ask how she and her girls were doing.

Second, Jane Doe 50 told Gradwahl that Farley made it very easy for her to obtain intoxicating prescription medications. This is in the report. She also told him that her daughters went to Farley directly for prescriptions and that Farley prescribed Adderall for them even though they did not have ADHD. Her oldest daughter became hooked on Adderall. The part about her daughters becoming hooked on drugs and going to Farley directly for prescriptions is not in the report.

It appears from the recorded interview that Jane Doe 50's daughters went to Farley for unchaperoned visits; Jane Doe 50 mentioned in the recording that her youngest had a lot of "supposed feminine issues" which have "all of a sudden" improved since not seeing Farley. This is also not in the report. At the time the report was taken, both of Jane Doe 50's daughters were adults and it is possible Gradwahl was only focusing on Jane Doe 50.

Gradwahl had a list of questions and went through them with Jane Doe 50, including some questions Christensen did not ask, such as a question about whether Farley used heat lamps.

## 7. Christensen's training

Detective Christensen was hired by WLPD in 2019, after an almost 20-year career in law enforcement (Exhibit 30, page 1). Christensen had no formal training in sexual assault investigations

until September 2, 2021, when he took a two-hour class in “Sexual Assault Forensic Evidence Collection” (Exhibit 30, page 3). Christensen’s transcript shows that he took a class in Child Abuse Investigations in 1992, and then again in January 2021, the latter of which focused on pediatric trauma (Exhibit 30, pages 3, 19). Christensen’s transcript shows he also took a one-and-a-half-hour class on responding to people in crisis in April 2021 (Exhibit 30, page 3). Based on Christensen’s transcript, Christensen did not have the training that Policy 615.10 states that a qualified investigator “should” have.

I note that Christensen told me he had worked sexual assault cases in his career, and that when he went through Detective’s Academy in the early 2000s, there was a class on sexual assault.

*a. Information publicly available on the internet*

Even if Christensen was not specifically trained in sexual assault investigations, there was information publicly available on the internet about doctors who have sexually abused patients. In 2018, George Tyndall was indicted for, among other things, ungloved vaginal penetration of students at USC and taking pictures of their genitals<sup>16</sup>; Farley was accused of similar conduct.

In 2016, Larry Nassar was indicted for unnecessary pelvic examinations and sexualized touching during examinations, including of children by using his position of authority to coerce his patients (over 250 of them) to allow him to digitally penetrate them – ungloved - under the guise of legitimate medical procedures.<sup>17</sup> Farley was accused of similar conduct towards over 100 women.

The American College of Obstetricians and Gynecologists issued a formal ethics opinion, number 796, in January 2020 with which (in relevant part) defines sexual impropriety in gynecological or obstetric exams:<sup>18</sup>

“Sexual impropriety may comprise behavior, gestures, or expressions that are seductive, sexually suggestive, disrespectful of patient privacy, or sexually demeaning to a patient that may include, but are not limited to, the following:

“\*\*\*

“Performing an intimate examination or consultation without clinical justification or appropriate consent.

“\*\*\*

“Examination or touching of genital mucosal areas without the use of gloves.

“\*\*\*

“Requesting details of sexual history or sexual likes or dislikes when not clinically indicated for the type of examination or consultation.”

Furthermore, the same ethics opinion defines sexual violation (in relevant part) as:

“Sexual violation may include physical sexual contact between a physician and patient, whether or not initiated by the patient, and engaging in any conduct with a patient that is sexual or may be reasonably interpreted as sexual, including but not limited to the following:

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<sup>16</sup> <https://customsitesmedia.usc.edu/wp-content/uploads/sites/545/2019/05/20201402/2019-05-23-143-1-Ex.-1.pdf>

<sup>17</sup> <https://www.indystar.com/story/news/2018/01/25/heres-what-larry-nassar-actually-did-his-patients/1065165001/>

<sup>18</sup> <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2020/01/sexual-misconduct>.

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“Touching breasts, genitals, or any sexualized body part for any purpose other than appropriate examination or treatment, or when the patient has refused or has withdrawn consent.”

Despite this readily available information, which I located with a simple google search and despite having been forewarned over two months earlier by Carruth that the gynecological examinations Farley was performing were inappropriate (Exhibit 5), in the early interviews, Christensen does not know what a pelvic examination is or what its purpose is (he asks if it includes digital penetration)<sup>19</sup> or what a PAP smear<sup>20</sup> is for or what tools are used during that examination<sup>21</sup>. All of this information is available with a simple google search. The information in footnotes 19-21 appeared within the top three hits when I googled “pelvic exam,” “PAP smear” and “How is a PAP smear done?”

I also note that in listening to later interviews, the interviewers were more educated and better organized. Several of the interviewers in later recordings referred to having a list of questions and went through the questions with the witness. This could have been a result of retaining Nichols as a medical expert.

*b. Despite misses, there was still substantial information of Farley's misconduct in the reports I reviewed*

There was information contained within the 43 police reports I reviewed which showed that these women alleged:

- Farley engaged in behaviors designed to manipulate women and girls into trusting him. He gave them his personal cell number. He responded to them at all hours. He prescribed them medications without exams. In short, he made himself indispensable.
- Ungloved pelvic and breast examinations including on girls as young as 12.
- Farley persuaded mothers to allow him to photograph the genitalia of their children on his personal iPhone, claiming he was doing a study of child development.
- Farley persuaded young unsophisticated women (19 or 20 and sometimes a little older) to allow him to photograph their breasts and genitalia on his personal iPhone claiming he was doing a study of sexual reproductive organs.
- Use of Farley's position as a doctor to intimidate/persuade women that they needed pelvic examinations because they were at risk for cervical cancer.
- Farley told some that they had HPV and needed more frequent pelvic examinations without providing evidence of a positive HPV test.
- In a few cases, women stated they had been given so much pain medication that they were not aware what was happening while they were in the exam room alone with Farley.
- In some cases, a description of a “pelvic” examination during which Farley had the woman or young girl, sometimes as young as 12, lie on the examination table (i.e., no stirrups), nude

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<sup>19</sup> See, e.g., <https://www.mayoclinic.org/tests-procedures/pelvic-exam/about/pac-20385135> for a clear and detailed explanation of what a pelvic exam should entail by the Mayo Clinic.

<sup>20</sup> See, e.g., <https://www.mayoclinic.org/tests-procedures/pap-smear/about/pac-20394841>.

<sup>21</sup> See, e.g., <https://my.clevelandclinic.org/health/diagnostics/4267-pap-smear>.

under a gown and insert his finger into their vagina. According to one police report, he had the teenager lie on the table in this manner and then he placed his ungloved fingers in the patient's vagina, thrusting his fingers in and out so deeply it was painful to her, and repeating this motion up to 20 or 30 times.

- Farley placed girls as young as 12 or 13 on birth control pills and then justified pelvic exams based on their use of birth control pills. Some teenagers received 2-6 pelvic exams per year from Farley.
- Farley touched the labia, vaginas and other areas of genitalia in girls as young as 1 year old without medical justification (he claimed he was checking their development or the growth of pubic hair in older children) including opening the vagina of a three year old and inserting his ungloved finger.
- When the patient's mother was in the room, Farley positioned his body to shield what he was doing from view. Many women said Farley had persuaded them to tell their mothers they did not wish their mothers to be in the examination room with them (when these women were teenagers or younger). Since he was a doctor, in their faith community, friends with their families or even had delivered them, they trusted him and did as he asked, telling their mothers they did not wish them to stay in the room. I note that many of the women told the investigators that their mothers had also seen Farley for years or almost exclusively and did not know his examinations were improper, either.
- Jane Doe 23 brought in a copy of a letter from Farley dated in 2019 in which he emphatically denied performing ungloved examinations, showing he knew it was improper.

In other words, despite misses in the initial interviews, overall, the police reports stated allegations about Farley which accused him of engaging in conduct similar to Nassar and Tyndall (who were prosecuted under the laws of other jurisdictions). Generally, therefore, WLPD complied with policy 339/340 in the sense that the reports accurately reflected information in recordings (other than the substantiated missing recordings and the first four police reports with the discrepancies described above).

## **SPECIFIC QUESTIONS PRESENTED**

1. Did Detective Christensen violate WLPD Policy 615 regarding sexual assault investigations when conducting interviews of the Farley victims?

WLPD violated several sections of WLPD Policy 615 during many of the interviews. Christensen was heading this investigation, but he reported to Chief Mahuna, who does have experience in sexual assault investigations and Christensen's activities were also directed to a greater and lesser degree by the CCDA's office.

WLPD policy 615 explicitly acknowledges that sexual assault cases have "unique aspects" and particular "effects" on the victims. For this reason, the policy states that WLPD will "strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community."

The method for ensuring that WLPD minimizes trauma on victims is to ensure that the cases are investigated by "qualified investigators" (section 615.3). Qualified investigators are defined as individuals who "should" have "*specialized training in and familiarity with* interview techniques and the medical and legal issues that are specific to sexual assault investigations" (emphasis

supplied). Christensen did not have any specialized training in interview techniques and the medical and legal issues that are specific to sexual assault investigations.

Christensen did tell me he had been involved in sexual assault investigations in his career. This may be so, but it is clear from the interview recordings I listened to on September 1 and 2, 2020 that Christensen was uninformed. The policy provides that investigators should have **training in and familiarity with** the legal and medical issues relating to sexual assault investigations, not one or the other. Based on the initial interviews conducted on September 1 and 2, 2020, Christensen was utterly unaware of what the medical or legal issues were regarding how sexual abuse could occur during a gynecological examination.

Policy 615.3 (e) provides that qualified investigators will provide “referrals to therapy services, victim advocates and support for the victim.”

Christensen (and others) did not supply victim’s advocates to 17 of the 43 reporting parties whose files I reviewed based on the police reports and recordings. I note that it is possible that victim’s advocates were offered off the recordings and this is not noted in the police reports. In one of those cases where a victim’s advocate was not supplied, the individual gave permission to move ahead with the interview and this was noted in the report.

Policy 615.5 states that a victim’s advocate should be supplied “whenever possible” and that victims should be apprised of applicable victim’s rights provisions. Christensen told me he did not provide the Victim’s Rights pamphlet to Jane Does 2 and 3, but thought they were provided to all other victims through the victim’s advocates.

Christensen was not trained in sexual assault or abuse cases or in trauma informed interviewing. Policy 615.10 provides that “subject to available resources” training should be provided on initial response to sexual assaults, legal issues, victim advocacy and the victim’s response to trauma. Policy 615 generally provides that these investigations are done by “qualified investigators,” who are trained in addition on interviewing sexual assault victims, the sexual assault response team (SART) and medical and legal aspects of sexual assault investigations.

I have already noted that Christensen did not ask questions about whether Farley sexually stimulated Jane Doe 2; he also did not ask questions of any women about how many fingers or what kinds of movements Farley used. During these first four interviews, Christensen asked virtually no follow up questions.

My review of the first four interviews (Jane Does 1-4) supports their impression of Christensen that he was uncomfortable with and uninformed about the medical and legal issues. He did not understand that a pelvic exam is essentially nothing more than digital penetration and asked Jane Doe 2 if her pelvic exam included digital penetration. He expressed his lack of knowledge several times during the interviews either by saying he did not know how gynecological exams should go or asking very basic questions such as, what is a speculum? Christensen was not a “qualified investigator” with respect to these first interviews.

## 2. Did Detective Christensen’s treatment of the victims during interviews violate WLPD Policy 340 regarding standards of conduct?

Policy 339 contains a number of conduct standards, violation of which could lead to discipline. Largely, they list prohibited intentional behavior which is not pertinent here. However, there is one provision which could apply: 339.5.7 Efficiency. That subsection requires WLPD members to engage in their duties as to engage in satisfactory work performance.

“(a) Neglect of duty.

“(b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.”

There are nine Jane Does who state they were either interviewed by Christensen or they attempted to be interviewed by Christensen and for which there are no WLPD files. If Christensen lost these files or failed to follow up with these Jane Does, that could be neglect of duty.

I have previously found that there were at least two follow up interviews of Jane Does 1 and 3 which are either documented or referred to in emails for which WLPD has no recorded interviews nor follow up police reports.

Still other women stated that they attempted to follow up and provide more information after their first (documented) interview and received no follow up (e.g., Jane Doe 19).

At least with respect to the follow up interviews of Jane Does 1 and 3, I find Christensen or someone else at WLPD mislaid or lost those files.

### **3. Did the victims interviewed by Detective Christensen request that a female support person accompany each of them in the interview room?**

The first four witnesses, Jane Does 1-4 went together to WLPD on September 1, 2020 for a prearranged appointment accompanied by the husband of Jane Doe 4. Christensen did not have a victim's advocate present, although the interviews had been arranged in advance.

According to Jane Doe 1, she emailed and called WLPD seeking an appointment for 2-3 weeks before she received a response from Christensen, although she said he was on vacation for part of that time. Jane Doe 1 was sure she confirmed the appointment via voicemail left for Christensen at 5:30 am on September 1, 2020 (the day of the appointment). Another witness, Jane Doe 2, flew in for the appointment from another state on August 31, 2020, leaving on September 2, 2020, supporting the witnesses' statements that the September 1, 2020 appointment with the first four witnesses (Jane Does 1-4) was arranged in advance.

Nevertheless, Christensen did not secure a Victim's Advocate for these meetings as required by policy 615 and none was made available that day to Jane Does 1-4.

Jane Does 1-4 credibly stated that they asked for a Victim's Advocate and Christensen told them there was none available. They also credibly stated that they asked for a female police officer and were told no one was available. Jane Does 1-4 asked for either a therapist or another woman in the meeting, telling Christensen they had been sexually abused by a man and they were not comfortable being on their own with him. All of these witnesses heard this question being asked and the answers Christensen gave. Jane Doe 4 recalls Jane Doe 1 telling Christensen they had a right to someone with them and Christensen responding that he could call the DA's office to ask for guidance. They told me that their impression was that he was simply unaware he had to have someone there.

Christensen told me that the policy does not “require” a victim's advocate but only states that one should be there. He admitted he had no one available on September 1, 2020 and said he did not think about asking a victim's advocate to attend.

Christensen denied that Jane Does 1-4 asked for a victim's advocate and said if they had asked, he would have stopped the interview and arranged for someone.

Christensen did recall that on September 1, 2020, one of the interviewees (Jane Doe 2), asked for the husband of Jane Doe 4 to be with her in the room for support.

The first two witnesses were interviewed on September 1, 2020 without a Victim's Advocate. Because of this, they asked to have a support person in the room with them, the husband of Jane Doe 4. The fact that Jane Doe 2 asked for the husband of Jane Doe 4 to be in the room while they were interviewed as a support person corroborates their statement to me that they wished to have a victim's advocate in the room with them.

Furthermore, I note that 17 of the 43 cases provided for me by WLPD did not have Victim's Advocates present during the interviews of the survivors (although in one of those cases, a note was made on the police report that a Victim's Advocate was not available and an offer was made to reschedule the meeting, which the victim declined). I listened to several of the recordings where no Victim's Advocate was present and there were no offers to reschedule or have a Victim's Advocate during the recordings I listened to. I conclude that having a Victim's Advocate present during interviews was not a practice in this matter, assuming Victim's Advocates were not offered off the record and this was not documented in the police reports.

After the first two interviews, Christensen told me he realized he needed a victim's advocate to be present, so he cancelled the remaining interviews with Jane Does 1 and 4 and asked them to come back the next day. Jane Does 1 and 4 were interviewed on September 2, 2020 in the presence of victim's advocate Miller.

When I interviewed him, Christensen told me that other than the first two interviews, there was only one other where there was no victim's advocate but this individual was interviewed at her (female) attorney's office. Christensen said that even if some interviews were conducted via phone or Skype, he tried to get all of them a victim's advocate. He told me he thought there were only three individuals who were interviewed without a victim's advocate. As noted above, based on the records I reviewed, 17 out of the 43 files I reviewed did not reflect that victim's advocates were provided to the women, largely in telephonic interviews. Christensen's memory was not correct on this point.

**Finding:** Jane Does 1-4 educated themselves on their rights prior to their interviews with Christensen. They arrived at the appointments with binders filled with their medical records, standards on gynecological care by various creditable sources (e.g., a statement by the America Cancer Society on how often a PAP smear should be performed). I believe it is logical that they would have likewise been aware they could ask for and should have available a Victim's Advocate. I credit their statement that they did ask for a Victim's Advocate.

I find that Jane Does 1-4 did ask for a Victim's Advocate on September 1, 2020 and were told none was available. Jane Does 2 and 3 were interviewed without a Victim's Advocate despite their clear request. Christensen did not secure a Victim's Advocate for these meetings as required by policy 615 and none was made available on September 1, 2020 to Witnesses 1-4. Christensen did secure a Victim's Advocate for the interviews of Jane Does 1 and 4 on September 2, 2020, but he had to send them home on September 1, making them return on September 2 for their interviews.

**4. If the victims interviewed by Detective Christensen did request that a female support person accompany each of them in the interview room, did Detective Christensen deny this request?**

Christensen denied the request of Jane Does 1-4 for a Victim's Advocate on September 1, 2020, telling them that none was available.

5. If a such a request was made by the victims, and Detective Christensen refused the request, why did Detective Christensen deny the request that a female support person accompany each of them in the interview room?

This request was made and Christensen told them none was available. None was available because Christensen did not arrange for one in advance despite having advance notice of the interview and the topic.

6. Did the victims interviewed by Detective Christensen request that a female officer attend the interviews?

This request was made and Christensen either did not recall it or he told them there was none available (which is what he said to me when I asked him this).

7. If the victims did request that a female officer attend the interviews, did Detective Christensen deny the request?

Christensen told the victims that no female officer was available.

8. If the victims requested that a female officer attend the interviews, and Detective Christensen refused the requests, why did Detective Christensen deny the requests?

Christensen told me there were only two female officers at WLPD and both were on patrol at the time. There was no one available to support the victims because Christensen did not make arrangements for this in advance.

9. To the extent Detective Christensen requested that some of the victims leave and return the next day for their interviews, why did Detective Christensen make this request?

According to Jane Does 1-4, Christensen told them “this is a lot for me” and asked them to come back the next day. They recalled Christensen telling them his daughter was the age of one of them and he found the stories hard to hear. Christensen told me he sent them home because he realized he needed to have a victim’s advocate present for the interviews.

The impact on Jane Does 1 and 4 was to exacerbate their anxiety. They had to go home, then come back, when they told me it had already taken a great deal of courage for them to go into the police department in the first place. One of the women had flown in from another state and was grateful that she was able to be interviewed on September 1, 2020, but disappointed that Christensen was so unprepared for the meeting.

10. Did an advocate tell victims that Detective Christensen was “slimy” and that it made the advocate “sick to her stomach?” If so, what specifically caused the advocate to make these comments?

Jane Doe 5 told me Smith called her and made these statements. Jane Doe 5 reported to WLPD about Farley’s abuse of her in an interview with Christensen and Victim’s Advocate Smith on December 22, 2021. Jane Doe 5 was emotional in my interview of her. I listened to Jane Doe 5’s interview with Christensen on December 22, 2021. She was emotionally upset, breaking down crying throughout most of the interview and her voice expressed anxiety and high emotion even when she was not crying while she recounted what Farley did to her, to include ungloved pelvic and breast examinations starting at age 15, Farley giving her Xanax or anesthetic during exams, which incapacitated her (Christensen did not follow up on this), that Farley made unprofessional

comments about her body, that when she was 19, Farley persuaded her to allow him to take photographs of her breasts and vagina by telling her he was doing a study. Farley placed her against a wall, taking pictures of her nude body. Farley laid her on the exam table, opened her legs, used his fingers to open her vagina and took pictures all on his iPhone.

Throughout the interview, Christensen's tone is business like and professional but he offers her no breaks or support (nor does Smith) while she is crying. At the end of the interview, he said to her he understood this was hard to talk to strangers about said he would turn off the recorder so he could explain something; and the recording ends. According to Jane Doe 5, she was sobbing at the conference table and Christensen just got up and walked out.

In addition, at the beginning of the interview, Jane Doe 5 expressed fear about reporting, stating that Farley had been one of her father's best friends. She expressed concerns about repercussions for making her report.

Smith did not have a specific memory of Jane Doe 5. However, Smith recalled one interview with a victim who was very upset and whom Smith called after the interview to make sure she was okay. Smith told me that she did not recall Christensen getting up and walking out of the interview room and leaving the victim sobbing, but she did recall walking out with one person who had been distraught during the interview.

Smith said she did tell all the victims that she was sorry they had to go through the law enforcement interview process and talk to people about things that were so personal and so traumatizing. Smith said she does believe that the system is flawed and she said that to victims.

Smith did not blame the people (law enforcement personnel) but said the system is terrible for survivors. Smith said she did not believe Christensen or other law enforcement personnel who interviewed the victims in this case were themselves at fault. Rather, her point was that the way the justice system works can be traumatizing and terrifying for sexual abuse and sexual assault victims.

Smith said when she was the victim's advocate, she talked to the victims before the interview recordings were started. She gave them information and her card and said she "set the trauma informed lens." Then, once the recorder went off, the interviewer would remind the victim that the victim's advocate would be in touch and the person to be in contact with moving forward. Smith said she would follow up with the women, but she didn't have the time or resources to follow up as much as she would have liked to.

Smith said the detective doing the interview is not allowed to show support and could not give feedback during or after the interviews. Smith said the way the law enforcement personnel asked the questions was different from the way she would but she said the way Christensen and others asked questions did not vary much from interview to interview.

However, the victim's advocates could be and were overtly supportive, according to Smith. Smith said she would tell the victims that they were brave and that the process "sucks" because talking to anyone about these kinds of violations of their bodies "sucks." Smith pointed out that recalling the horrific details is traumatizing for the victims and she did what she could to support them.

Having explained all of this, Smith did recall the situation where she called someone to follow up after an interview because the person did not feel good about the interview. Smith recalled that this particular person was having a very hard time with Christensen's questions.

Smith followed up with the woman and told her she saw how uncomfortable the interview was for Smith. Smith said it was likely she would have said, "slimy" and "sick to her stomach" and "a pit in

her stomach,” but said it was not about Christensen or anything he did; it was the fact that this woman had gone through what she went through and now had to relive the trauma. Smith said she might have been reflecting back the woman’s language, but her point was to agree that the justice system is not set up to support survivors. Smith said she would not have said a person was “slimy” but might have reflected back the survivor’s statements to support her and her own statements were directed at how horrible it is for someone to have to recount these difficult experiences.

**Finding:** It is likely that Smith was Jane Doe 5’s advocate and likely that she did say the things Jane Doe 5 recalls. However, Smith said she was reflecting back to Jane Doe 5, not intending for these remarks to be interpreted as being critical of any person, but rather about the way sex abuse victims are treated in general by the justice system.

**11. Did the advocates believe Detective Christensen conducted himself appropriately during the interviews? If not, specifically how do the advocates believe Detective Christensen acted inappropriately?**

Smith and Miller were the two advocates who attended most of the interviews with the victims. Both Smith and Miller said that Christensen was professional in all the interviews.

Miller told me she participated in some 50 interviews including phone interviews. Miller said there was nothing wrong with what Christensen did in the interviews. Miller recalled Christensen telling the victims that he had no experience in these cases and that he relied on Miller to let him know if he forgot something.

Miller said Christensen’s demeanor and professionalism were within the boundaries of what happens in these types of interviews based on her 18 years of experience as a victim’s advocate.

Miller sat in on interviews with Gradwahl, Pentheny, Simms and a couple others whose names she could not remember. Miller said she had no concerns about any of the interviewers she witnessed.

Miller felt Christensen was competent and sensitive. Miller said some of the other interviewers had more experience than Christensen but she thought all were sensitive and made every person feel as though they were believed and the investigation team would do their best.

Miller said Christensen never said anything about the case being hard to prove because Farley was a doctor. Miller said she was up front with everyone before the interviews started to make sure they understood that these cases are very difficult to prove because she wanted their expectations to be realistic. Miller said it is possible they talked about the case being difficult because Farley was a doctor, but they emphasized to the victims that they weren’t the decision makers, and just explained what the next steps were and that it was up to the prosecutors.

Miller said she never heard from any victim that the interviews were poorly handled. Miller said she participated in follow up interviews and calls to some of the victims and no one expressed to her that they felt Christensen had handled things poorly or that they had been treated poorly by Christensen.

Smith participated in interviews with Christensen and other investigators. Smith said she had no concerns about how anyone behaved. Smith said neither the questioning nor the demeanor of the detectives including Christensen were “off base.” Smith said they asked open ended questions and let people share their stories. In particular, Smith did not believe Christensen was insensitive.

Smith recalled that there were follow up questions about medical procedures that men don’t undergo, so Smith explained the procedures.

As noted above, many of Smith's conversations with the victims concerned how the system worked. Smith said she explained to them what they could expect next, and she told them it would be a long process that can be hard on people.

Smith recalled that many of the survivors talked about wanting more female investigators, and how well The Children's Center, which offers forensic interviewing for young people worked. These women expressed disappointment that there wasn't something like that for adult women. They also gave Smith feedback about the system in general and how it worked, including that the grand jury should have been able to hear evidence which might not meet the criteria to be a crime. They gave Smith feedback about Christensen's inexperience in handling cases like this one and they expressed a wish that there was more attention to their needs by a female.

**Finding:** Smith and Miller believed all the law enforcement personnel were professional during the interviews. Based on the recordings I personally listened to, I did not discern unprofessional behavior on the part of the law enforcement personnel. It is entirely reasonable that this law enforcement demeanor could have been interpreted as intimidating, off putting or viewed as insensitive by individuals who are unused to the justice system and who found themselves in the position of needing to describe sexual abuse at the hands of someone they trusted.

## **CONCLUSIONS**

1. Policy 615 states sexual assault and abuse investigations should be done by "qualified investigators." Christensen did not have the training described by WLPD policy 615.
2. Policy 615 also states a qualified investigator should be familiar with the medical and legal standards involved. Prior to interviewing Jane Does 1-4, Christensen apparently did nothing to educate himself about the medical and legal issues involved despite meeting with Carruth and having received the OMB report in advance. Christensen did not know what a speculum or a pelvic examination was. However, Christensen, was more educated in later interviews and had a series of questions he asked the witnesses.
3. Policy 615 provides that a Victim's Advocate should be present. Based on the records, 17 of the 43 cases I reviewed were conducted without a Victim's Advocate present, although in one of those interviews the interviewer offered to reschedule for a time when the Victim's Advocate could be present. I note that it is possible victim's advocates were offered outside of the recorded interview and no notes were made of this in the police reports.
4. Policy 339 (340) requires basic competence in job performance, which would include adequately maintaining files. I find that recorded follow up interviews of Jane Does 1 and 3 took place and that they are missing from their files, contrary to policy 339 (a) and (b). According to the attorney for the women, there were numerous others who tried to be interviewed but were not spoken to, and numerous women who say they attempted to follow up but were unsuccessful. I cannot say if this is so, but if it is, failure to follow up with these women would also be problematic pursuant to this policy.
5. The women I interviewed told me about specific discrepancies between their recorded interviews with Christensen and the written police report. They were correct about the discrepancies. Based on the interview recordings and police reports of the last four victims interviewed (to which I had access), the interviews did improve although there were still some items which were not included in the reports which could have been relevant. Overall, however, I find that the interviews improved in that the interviewers had a list of questions to follow and mainly did follow them, and it appeared from later interviews that the

interviewers understood what “pelvic exams”, “PAP smears” and the various instruments were.

6. Some of the witnesses told me they were treated callously by Christensen. I listened to about a dozen of the interviews conducted in this case conducted by Christensen and other interviewers. Although the law enforcement personnel who interviewed these women were business like, sometimes interrupting, and brusque, they did not cross the line of being unprofessional. In my opinion, Christensen’s demeanor did not meet the standards of policy 615 which provides that trauma informed interviewing techniques should be used.

Jane Doe 5 in particular was clearly distraught throughout the entire interview with Christensen. Christensen did nothing to put her at ease, offer her a break or make the process in any way easier. This was a young woman who had known Farley since her birth (Farley delivered her). He was friendly with her family, in particular her father and grandfather. They were in the same church. Farley used this relationship to manipulate this young woman into allowing him to take pictures of her breasts and vagina – with his fingers stretching her vagina wider – on his personal cell phone when she was 19. In the interview I listened to, nothing was said to comfort her as she told this story, crying.

7. The women I interviewed are correct that, despite knowing that Farley had pictures of the genitalia of children (described as child pornography by the OMB investigator) on his personal cell phone and/or computer in June of 2020, the WLPD Detective did not secure these items from Farley. Mahuna explained to me that the information WLPD had in June 2020 and even later, without more (and even possibly with a complainant), would not have been enough information to secure a warrant to seize the property. As a result, I do not find that the failure to seize that property violated policy 339 (340).