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**DA'S CHARGING DECISION**

DA Case # 364474

Suspect/defendant: **Tony Daniel Klein**

Charges: **Sexual Abuse in The First Degree**

Date of Incident: **11/14/2017**

Victim(s):

Officer: Chad Drew

Agency Case Number: OSP 17-416241



The DA's Office will not prosecute due to the following concerns:

The Defendant was a nurse at Coffee Creek Correctional Facility. Between May and September of 2017 eleven female inmates reported sexual contact with the Defendant. Some of the sexual contact was reported as unwanted and some of it was reported as consensual. Sexual contact ranged from inappropriate comments and touching to sexual intercourse. There were also allegations that the defendant had exposed himself. All allegations were investigated. The initial reporting victim [REDACTED] reported that she had had consensual sexual intercourse with the defendant while visiting the medical unit. She reported that she had contracted a sexually transmitted infection via the defendant and heard that he had had sexual contact with other inmates. [REDACTED] kept the underwear she was wearing during sexual intercourse, as well as a written log of every time she and the defendant had intercourse [REDACTED] identified several other inmates that she believed could assist in the investigation. All of the inmates identified were interviewed.

Throughout the course of the interviews it was learned from other inmates that [REDACTED] had bragged about how she was going to extort money from the Department of Corrections for the sexual contact she had. [REDACTED] told fellow inmates that she had previously "gotten paid" for sexual contact she had with an employee during a previous visit to Coffee Creek. Upon review, it was learned that [REDACTED] has, in fact, previously sued the Dept. of Corrections and received a settlement in 2012 after she reported sexual contact with staff

Some of the other inmates and alleged victims interviewed reported that they too had had sexual contact, heard comments, or been touched inappropriately by the Defendant. Various inmates described the Defendant's penis as large, medium, and small. It was also described as circumcised and uncircumcised.

Other inmates made clear that they believed and had heard that this was an elaborate set-up by several inmates and they did not wish to be a part of it. A letter was intercepted from one inmate to her husband that detailed the plan of some of the inmates to extort money from the Department of Corrections. Another inmate reported that one of the alleged victims had told her she was making false allegations against the Defendant because she had missed out on the money last time she was incarcerated and was going to "get up on it this time."

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When the Defendant was contacted he denied the allegations and said he also believed he was being set up so that the inmates could collect money. [redacted] underwear was tested for DNA but no male DNA was detected.

We will not proceed with charges at this time. When taken as a whole, the allegations are unsupported. While it may be true that some of these inmates did, in fact, engage in sexual activity with the Defendant, the information we have is too unreliable to present to a jury. It appears clear that there would be a great deal of evidence to support the defense that these allegations were false attempts at extorting money from the Department of Corrections.

Date of Decision: August 27, 2018

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Rayney Meisel, Deputy District Attorney