For Immediate Release
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DPD Announces Investigation Findings

An investigation into a reported January 10, 2009 sexual assault by the Georgia Bureau of Investigation and reviewed by the Conasauga Judicial Circuit District Attorney’s Office has found no evidence of criminal wrongdoing by the late Dalton Police Department Officer Paul Sparks. The District Attorney’s Office has also concluded that while it is clear that the complainant made false statements to investigators, there’s insufficient evidence to support criminal charges for making false statements to investigators.

At approximately 1:30 AM on January 10, officers from the Dalton Police Department responded to a report of a fight between two females at the Oyster Pub Bar at 2206 Chattanooga Road. One of the females was gone when officers arrived at the scene, but she was later contacted by Officer Paul Sparks when she returned to the bar to pay her bar tab. According to the investigation, Sparks asked for the complainant’s identification which she’d left back in Room 128 at the Guest Inn. Sparks apparently followed her to her room to get the ID, continuing to ask questions about the fight.

At approximately 3:00 AM, two of the complainant’s friends met her at the Guest Inn and reportedly found her crying and upset. After speaking to her, one of these men called 911 at approximately 3:22 AM to report a sexual assault by a Dalton Police Officer. The supervising sergeant on duty was dispatched and responded to the scene at approximately 3:30 AM and began an investigation. The complainant’s friends told the sergeant that the complainant was raped by a Dalton Police Officer, but the complainant only confirmed that they’d had intercourse. Detectives were called to the scene at approximately 3:55 AM. At approximately 4:00 AM, the shift supervisor contacted Officer Sparks and told him to report to the Police Services Center at 301 Jones Street and wait there with another officer. Officer Sparks arrived at 4:14 AM. At approximately 4:25, the complainant left the scene with a female deputy from the Whitfield County Sheriff’s Office, who was the only available female on-duty law enforcement officer, and taken to Hamilton Medical Center to be examined by a Sexual Assault Nurse Examiner (SANE).

While members of the department’s command staff discussed the case and how to proceed in the Criminal Investigation Division wing of the Police Services Center, Officer Sparks excused himself into the bathroom in the Patrol Division wing sometime around 5:30 AM. At approximately 5:40 AM, Officer Sparks used his department-issued Sig 40-caliber hand gun to shoot himself once in the head in a shower stall in the Patrol Division bathroom, killing himself. He was later pronounced dead at Hamilton Medical Center. Investigators

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did not have an opportunity to speak to Officer Sparks about the case, and he had not been provided any details of the allegations.

At this point, assistance was requested from the Georgia Bureau of Investigation, with the Dalton Police Department cooperating in support of the investigation.

Before being examined at Hamilton Medical Center by a SANE nurse, the complainant was interviewed by the nurse. She told the nurse that she had a sexual encounter with Officer Sparks, and that the encounter was completely consensual. During the same pre-exam interview, she said the officer indicated to her that he could take her to jail for her involvement in the fight. In an interview later that morning with agents of the GBI and DPD, the complainant repeated that the encounter was consensual but told investigators that the officer said he could take her to jail and that the other woman in the fight could press charges. She said that the encounter was consensual, stating that at no point did Officer Sparks threaten, command, or force her to have sex and that the officer did not instruct her not to talk about what happened. As part of this examination, the SANE nurse completed a sexual assault kit that was sent to the GBI Crime Lab for analysis.

During the course of several interviews with investigators from the DPD and the GBI, the complainant’s story changed several times, at one point telling investigators that only oral sex was involved, but in these interviews she never changed the fact that the encounter was consensual.

An examination of the sexual assault kit at the GBI Crime Lab indicated the presence of male DNA, but the amount was insufficient to identify whose DNA it was. The crime lab chemist indicated that this could be due to the sample being “old” from a previous sexual encounter, or that the male donor had had a vasectomy at some point, which Officer Sparks had had 22 years ago. Other tests at the GBI Crime Lab, including DNA and hair samples from both the officer and the complainant failed to produce any evidence that a sexual encounter had occurred. The District Attorney’s Office concluded that physical evidence in the case does not prove a sexual encounter happened, but that it also does not preclude a sexual encounter.

The District Attorney’s Office concluded that there is no evidence that Officer Sparks committed a rape, a violation of OCGA 16-6-1 which defines Rape as “carnal knowledge of: (1) a female forcibly and against her will”. While the DA’s Office states that while there may have been an inducement, even by Sparks’ authority as a law enforcement officer, that inducement would be insufficient to be “against her will”.

The District Attorney’s Office also concluded that there is insufficient evidence that Sparks’ actions would have been a violation of OCGA 16-6-5.1: “Sexual Assault Against Persons In Custody”. Section (c)(1) states:
“A person commits sexual assault when such person has supervisory or disciplinary authority over another person and such other person engages in sexual contact with that other person who is:
(A) in custody of the law…”.

While the complainant was not under arrest at any point, the District Attorney concludes that it could be argued she was “in custody of the law”, and therefore any encounter could violate this statute. However, the District Attorney’s Office found that a lack of credibility of the complainant and the crime lab results make it impossible to prove that any encounter actually happened.

The District Attorney’s Office also found insufficient evidence to charge the complainant with violation of OCGA 16-10-20, which makes it a crime to make a false statement to police. While the DA found that it was clear false statements were made, based on the contradictory statements made to investigators, it is impossible to prove which statements are true, if any, and which are false.

“This is a serious case that has permanently altered the lives of everyone involved,” Chief Parker said upon completion of the investigation. “I want citizens to know that we take these kinds of allegations seriously, and will exhaust every resource to get to the truth; the public’s trust is not something we take for granted—we know that it is earned. But I also want our officers to know that we have and will always wait until all the facts are in before making conclusions. We appreciate the assistance of the Georgia Bureau of Investigation and the District Attorney’s Office in this case; their involvement adds considerable weight to the findings. “

The investigation into this incident by both the Georgia Bureau of Investigation and the Dalton Police Department is closed.

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