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CITY MANAGER'S OFFICE
MAR 15 2009

**DECLARATION OF
CHINA FORTSON**

I have been an employee of the City of Tacoma for the past twelve years having begun my employment on or about March 5, 1998. During the entirety of my employment with the City of Tacoma, I have been the Domestic Violence Project Specialist through the Human Rights and Human Services Department. I started the program for the City of Tacoma and have been instrumental in writing a job description for myself, part time advocates, and interns. At no time during the twelve years that I have worked for the City of Tacoma can I recall anyone disputing or otherwise questioning the job description of any of the individuals for whom I have written employment responsibilities, duties, and/or obligations.

During my twelve year tenure at the City of Tacoma, I can only remember receiving two complaints. One from an abuser who demanded that I provide his wife's address or otherwise accept service on her behalf. The second complaint was filed on or about May 21, 2008 alledging that I had inappropriately used my position and/or City funds to benefit an individual. The original investigation took place between May 21, 2008 and the issuance of a "preliminary report" dated December 22, 2008. Apparently, unbeknownst to me, that report was never delivered to me nor was I aware of the result of that report until after February 12, 2009.

Without my knowledge and with no notice to me, on or about January 13, 2009 Ray Arellano, Assistant City Manager, remanded the investigation back to the City's

attorney office for further investigation. The "supplemental investigation" and findings were provided to me on or about **February 15, 2009**.

On February 20, 2009 I wrote to the City Manager, the Assistant City Manager, and Risk Analyst Tracy Storwick asking for a formal hearing before the hearings examiner because of the "supplemental investigation" report received on or about February 15, 2009.

The original investigation report dated December 22, 2008 as well as the February 12, 2009 "supplemental " report are defective in many respects. They both contain inaccurate information. They both misstate facts as truths, are clearly full of suspicion, guesswork and assumptions, are highly prejudicial to me personally as well as to the position of Domestic Violence Project Specialist and Domestic Violence Education efforts on the part of the City of Tacoma.

It must be made clear and unequivocal the following:

- 1) At no time was Keisha M. Jackson a "personal friend". She was simply a client.
- 2) I did not under any circumstances improperly use my position as Domestic Violence Project Specialist.
- 3) At no time have I improperly used City property or funds for any purpose in my role as Domestic Violence Project Specialist.
- 4) I have not violated any Code of Ethics as codified in the Tacoma Municipal Code.

KEISHA M. JACKSON VS. KELVIN C. JACKSON
PIERCE COUNTY SUPERIOR COURT
05-3-02569-6

As can be seen from the attached Pierce County Superior Court Civil Docket, Keisha Jackson filed a Petition for Legal Separation on or about **July 29, 2005**. Mr. Jackson defaulted and final orders including a Decree of Legal Separation were entered on **September 16, 2005**.

I first met Keisha Jackson in my role as Domestic Violence Project Specialist in **August of 2006**. That first meeting was brief and for background purposes. I did not meet with her again until **November of 2006**. I became involved in this matter only because there were assertions of domestic violence not only against Mrs. Jackson from Mr. Jackson, but CPS reports involving abuse of the children, a Guardian ad Litem report of Helen Keuper requesting a domestic violence assessment and anger management for Mr. Jackson, and an affidavit from Jesse Binkley, a former landlord who ended up suing Mr. Jackson for monies owed pursuant to the lease agreement and also details on an assault upon him by Mr. Jackson. Keisha Jackson was referred to the City of Tacoma by the Judson Family Justice Center. The very first financial assistance provided to Mrs. Jackson was the purchase of a prepaid cell phone for the use of the minor children in calling or communicating with their father due to phone harassment by Mr. Jackson towards his wife.

Eventually, Mrs. Jackson's attorney, Charles Schmidt, subpoenaed me to testify at trial as to my efforts to assist Mrs. Jackson, my observation of exchanges between

Mr. Jackson and his wife, and my observations of Mr. Jackson's demeanor and attitude. I did in fact testify at trial.

During trial it was discovered that Mr. Jackson had never actually married Keisha Jackson and the Court entered Findings of Fact/Conclusions of Law and a Decree of Invalidity of Marriage as well as a parenting plan and Order of Support with worksheets on June 22, 2007.

Approximately one month after the Court entered final documents in this matter, I received a telephone call and letter regarding Keisha Jackson having moved into the home of Joy E. Mack on or about July 31, 2007. I also received an informational inquiry by Keisha Jackson as to what paperwork needed to be filed to temporarily suspend visitation while she sought to visit her father in Florida who was diagnosed with prostate cancer. I referred her to the Courthouse facilitator, Cindy Leeder, obtained blank forms for her to fill out, and she came and picked up the paperwork. I was not provided nor did I receive nor did I participate in filling out any legal Court documents or pleadings. I did attend one Court hearing, the initial hearing, with Mrs. Jackson regarding this issue I did not receive any copies or notice of the content of any Order signed by the Court.

I subsequently learned through Mrs. Jackson that she had been given permission to leave the State of Washington for a short period of time and under no circumstances was I aware or did I believe that it would be for longer than a "brief" period of time.

On the day before Mrs. Jackson was scheduled to leave for Florida pursuant to the Court order, her van was damaged and she was not able to leave. It is at this time

that she also reported further stalking, harassment of her and the minor children and her roommate was now fearful of Mr. Jackson's conduct.

After attempts to contact several shelters and agencies to provide housing until she could leave for Florida, I authorized the second financial support to Keisha Jackson from the City of Tacoma. It was for a rental car for the purpose of driving to Florida. Unable to find a shelter or housing, I authorized the third financial expenditure on behalf of Keisha Jackson for the purpose of housing her for one night only.

I did receive a telephone call from Keisha Jackson upon her arrival in Florida and was assured that the van had been properly turned in. I did not thereafter hear from Keisha Jackson until **January 2008**.

In **January of 2008** I was first contacted by an attorney for a social service agency in the State of Florida. I was asked to forward a parenting plan and then subsequently was asked to forward a copy of an Order of Contempt. I had been informed by Monica Erving, part time advocate for the City of Tacoma, who works at the Judson Family Law Center that Keisha Jackson had stayed longer than the original Court order provided due to her father's health.

I did not thereafter talk to Keisha Jackson until sometime in late **April 2008** when she was extradited from the State of Florida back to Washington. I then did pay \$250.00 for Keisha Jackson's bail and it was recommended to me by my direct supervisor that I not seek reimbursement for that bail money although several times in the past I have bailed out clients and was reimbursed by the City of Tacoma. I did not make the request

for reimbursement and no City funds were used for that purpose. After Keisha Jackson was released from jail, she contacted my office one other occasion and thereafter Associated Miniseries and Office of Crime Victims, OCVA, took over with assistance to Keisha Jackson.

In **August of 2008**, my immediate supervisor informed me that I could do nothing more for Keisha Jackson. That was well after Associated Miniseries and OCVA had stepped in to take over support services for Mrs. Jackson and her children.

Kelvin Jackson filed a Summons and Petition for Modification of Custody on or about **May 9, 2008**. As can be seen from the Pierce County Superior Court Civil case docket and schedule, there have been considerable hearings and legal matters that have taken place after **April 21, 2008**. I was not involved in any of those hearings; I had no further contact with Keisha Jackson. A final Order on modification appears to have been entered by the Pierce County Superior Court on **January 23, 2009**.

DECEMBER 22, 2008

CONDUCT COMPLAINT INVESTIGATION 08-05-374

Apparently, this investigation was initiated by a letter from the Pierce County Prosecuting Attorney's Office. First, it should be noted that a no time did I ever have any substantive telephone conversation with Mr. Blinn with regard to this case. I simply provided to him copies of the restraining orders as I was asked to do by a Florida Sheriff's Department.

I can only assume that out of sheer ignorance, Mr. Blinn makes a number of statements which he, being a Deputy Prosecuting Attorney, should know to be irresponsible. Those irresponsible and outrageous statements are as follows:

- 1) I do not work as a professional in the criminal justice system. I am a Domestic Violence Advocate. My job is not to be objective but rather to **advocate.**
- 2) Mr. Blinn quotes Mr. Jackson as stating that I spent Thanksgiving with Mrs. Jackson. That is untruthful.
- 3) Mr. Blinn quotes Mr. Jackson as having stated that Mrs. Jackson was residing with "Mrs. Fortson". That statement is untruthful.
- 4) Sergeant Jeremy Snow of the Santa Rosa County Florida Sheriff's Deputy has told me on the phone that he never said anything to Mr. Blinn about my having attempted to "manipulate" law enforcement to enact an Amber Alert. In fact, had Mr. Blinn been concerned about facts, evidence, or the truth, he would have easily discovered that it was Mrs. Jackson's niece who sought the enactment of the Amber Alert. I have personally spoken with Sergeant Jeremy Snow who will testify that he made no such statement to Mr. Blinn. Please see Sergeant Snow's report attached hereto.
- 5) Jacqueline Strong-moss, my immediate supervisor, did not contact Mr. Blinn or initiate contact with him. She responded and returned a

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telephone call he previously had made to her. Apparently, Mr. Blinn is just as ignorant about domestic violence issues and the role of an advocate with my supervisor as he was with me.

Mr. Blinn's accusations and concerns defy the very role of a prosecuting attorney. Mr. Blinn is not concerned at all about facts or evidence. He seems to be overwhelmed by hearsay. The basis of the complaint to begin with is faulty and irresponsible.

My complaint and objections to the initial investigation conducted by Tracy R. Storwick are as follows. I believe Ms. Storwick's conclusions are irresponsible and based upon speculation because they certainly are not based on fact. I would ask you to consider the following:

- 1) Among pertinent and important individuals that would have, should have, and could have been interviewed that were ignored by Ms. Storwick are the following:
 - a. Keisha Jackson
 - b. Monica Earvin
 - c. Associated Miniseries, Rev. David Isom
 - d. Judson Family Justice Center
 - e. Office of Crime Victims, Pearl Gipson
 - f. Tracey Flood, Attorney at Law
 - g. Charles Schmidt, Attorney at Law

- h. Helen Keuper, Guardian ad Litem
 - i. Kelly Theriot Le Blanc, second Guardian ad Litem
- 2) Interviews with most of the above individuals would have in fact been able to provide Tracy R. Storwick with proof and evidence of domestic violence. Bail for Keisha Jackson was \$250.00 not \$2,500.00. That would have been fairly easy to obtain from either Court records or China Fortson, but it was not.
 - 3) No grant monies were used to post Keisha Jackson's bail and Ms. Strong-moss did not indicate that it had been. She only indicated that there was grant monies available for that purpose.
 - 4) Ms. Storwick quotes extensively from an April 25, 2007 confidential Guardian ad Litem report in which the Guardian ad Litem states in reference to a telephone call she received from a child with the assistance of an adult:

"I believe that the adult voice was China Fortson. In a subsequent conversation with Ms. Fortson, she acknowledged that she did, in fact, assist with the call made by Quiymani".

Not only did I absolutely deny it but it is irresponsible for Ms. Storwick to make such a quote when she had the ability to review a subsequent Guardian ad Litem report dated May 23, 2007 in which the Guardian ad Litem retracts her statement and reports to the Court, page 2, line 12, "when I talked to Ms. Fortson on February 22, 2007, she told me that she had not helped Quiymani place a call but acknowledged that there had been occasions were Mrs. Jackson had Quiymani with her when she came into the office...That is why I thought that the call might have been placed from Ms. Fortson's building. When I talked with Ms. Monson on

May 9, 2007, she said that it is possible that she called from her office phone ..."

- 5) Tracy Storwick reports "at no time during my interview with Ms. Fortson did she tell me she assisted Mrs. Jackson in developing a safety plan". What she fails to point out and what could have been easily ascertained is that the safety plan was developed at the Family Justice Center and that I was not the original individual that did the intake. The original intake was done by Dolores Harris in which safety planning was in fact done.
- 6) Apparently Tracy Storwick does not have much experience reading CPS safety plans and her quotes from a safety plan involving a handicap child. It also refers to "children". The name of the social worker is Shannon Ross with the Division of Children and Family Services. Ms. Storwick obviously had this information as she quotes from it but then states that I did not know the name of the social worker. What could be more obvious than the fact cover sheet that was provided to Ms. Storwick?
- 7) Mrs. Storwick tries to make a comment regarding activation fee payment for a mobile phone purchase on behalf of Keisha Jackson. Please note that again she misunderstands the billing. The T-Mobile forms correctly states the purchase of the telephone and the activation fee is for the "minutes" not for actually activating the phone.

- 8) Tracy Flood is not Keisha Jackson's criminal defense attorney. She is a family law attorney. Mrs. Jackson's criminal defense attorney was the Department of Assigned Counsel, more specifically, Helene Chabot.
- 9) I know this may come as a big surprise to Ms. Storwick, but I drive a vehicle that is registered in my husband's name. We have a total of three vehicles. Each of us have a car in our respective names and one jointly. It is not uncommon for the City of Tacoma to pay parking fines for City advocates and Domestic Violence victims, especially when I am in Court and unable to move my car because I am expected to be present with a victim.
- 10) I was not present in the Courtroom when Mrs. Jackson had the Court sign her order authorizing her to leave to visit her ailing father.
- 11) Domestic violence is not always documented. It would seem incredulous to me that anyone who has been through the David Brame and John Muhmmod incident and/or the efforts made by the City of Tacoma to educate its employees regarding domestic violence would end up making such bold and ridiculous statements in any official report about "undocumented" allegations of domestic violence. The truth of the matter is that there is indeed evidence to substantiate concerns from CPS with regard to Mr. Jackson's physical abuse of the children and of his prior assault against a landlord. It is further irresponsible to indicate that Mrs.

Jackson's representations regarding domestic violence were "self serving and the context of a custody dispute".

- 12) There is no evidence whatsoever that I assisted Mrs. Jackson in leaving the State of Washington with her children in direct violation of a Court order. If that evidence does exist, the writer of this initial report of **December 22, 2008** had an obligation to provide it. It was not provided because it does not exist. Further, how could evidence support such a finding as noted above yet the report also provides that "evidence is in conclusive as to whether or not I was aware of the Court's order". The inconsistency is striking.
- 13) Contrary to the statements of Tracy R. Storwick, there is no evidence that I intervened to deny Mr. Jackson from returning the children to the State of Washington. There was no change of custody order in this file at that time.
- 14) I did not, under any circumstances, make unsubstantiated statements regarding Mr. Jackson and his domestic violence history in Pierce County Superior Court. Further, I absolutely did not initiate any Amber Alert in the State of Florida and to state such is irresponsible, arbitrary, and capricious. That Amber Alert was initiated by Mrs. Jackson's niece.
- 15) I did not under any circumstances use City funds in excess of authorized limits to benefit Mrs. Jackson.

I mention all of the above misstatements for the simple reason that it is clear and undeniable that Tracy R. Storwick did not do an adequate job in investigating or reporting. She has done a poor job in relating facts and circumstances and failed to adequately investigate the complaint of Mr. Jackson and/or Deputy Prosecutor Blinn.

If the City of Tacoma is upset about the policy, procedure, or the coordination that takes place between the City of Tacoma Domestic Violence Office and numerous other agencies in this County, their concerns should be addressed through the appropriate channels.

Due to the poor nature of the investigation as evidenced in the **December 22, 2008** initial and/or preliminary report, it stands to reason that the report dated **February 12, 2009** is equally defective.

The **February 12, 2009** report is defective for the following reasons in addition to those outlined and relied upon by Tracy R. Storwick in writing her preliminary report.

Those issues are as follows:

SUPPLEMENTAL INVESTIGATION REPORT

OF FEBRUARY 12, 2009

- 1) I did not under any circumstances knowingly misuse my position with the City of Tacoma or City of Tacoma funds to benefit Keisha Jackson in violation of the City of Tacoma Code of Ethics.
- 2) I did not improperly use City property, equipment, materials, and money, for private convenience or profit.

Again, in picking up the investigation as requested by the Assistant City Manager, Tracy R. Storwick denies the obvious and fails to interview important and appropriate individuals with personal knowledge. Again, Tracy R. Storwick provides inaccurate information in this supplemental report and she certainly is not an accurate historian or fact finder. It should be specifically noted that this supplemental report is defective and improper for the following reasons:

- a) I did not under any circumstances assist Charles Schmidt, Attorney at Law, in drafting any final parenting plan. I am not an attorney I am a legal advocate. Ms. Storwick could easily have ascertained from Charles Schmidt, Attorney at Law, who assisted in drafting that final parenting plan. It was not myself.
- b) In August 2007, Keisha Jackson was residing with Joy E. Mack in Puyallup. A statement from Joy Mack is in the Pierce County Court file and a copy was provided to Tracy Storwick. Again, Tracy R. Storwick is apparently looking at one side of the issues in this matter between Mr. and Mrs. Jackson and either failed initially to reference the August 8, 2007 letter provided to her or has "forgotten it".
- c) Again, Tracy R. Storwick is reporting hearsay statements by Mr. Jackson then supports the position that she takes in this

supplemental report. First, Ms. Storwick has no business as an investigator relying upon hearsay statements or hearsay upon hearsay as evidenced by her report page six line 1 where she quotes Mr. Jackson as reporting in one of his declarations that friends "close to the situation" told him Mrs. Jackson has stated she was moving to Florida. Mrs. Jackson never stated to me that she was moving to Florida only that she was visiting an ill father.

- d) Tracy Storwick misquotes me on page six of her supplemental report as follows:

"I knew we had to get Mrs. Jackson and her children out of Washington because of Mr. Jackson's threats. Even Mrs. Jackson's neighbor told her she would help her leave the State and Associated Miniseries help her with the move".

This is wholly irresponsible and I believe more than negligent in reporting my statement. First, it was important for my assistant to Mrs. Jackson to help her leave the State of Washington for the purpose of visiting her father. The neighbor had even offered to take her to the hotel, not to help her permanently remove herself from the State of Washington. I have no personal knowledge of Associated Miniseries helping Mrs. Jackson move. Associated Miniseries offered to assist in providing and paying for exchanges to occur at the Puyallup Police Department. That did not involve anything about "moving".

There was nothing inconsistent about my statements to Tracy Storwick. It is her inability to put those statements down correctly and further to put everyone's efforts on behalf of Mrs. Jackson in proper context.

- e. Ms. Storwick tries to make an issue out of the van rental in which the explanation for reimbursement is "victim relocation". "Victim relocation" is common and is used in each and every transportation reimbursement for any victim of domestic violence. That has been our practice. When asked twice I repeated to Ms. Storwick that Mrs. Jackson was not relocating. I did not deliberately misrepresent the purpose of the charge. It is consistent with the practice of the Office of Domestic Violence, Human Services Department and has been for many years. I dispute that I told her specifically that others have stepped forward to pay for any of the expenses for Mrs. Jackson. She asked in a general way whether or not anyone else had ever helped Mrs. Jackson and I responded in the affirmative. Associated Miniseries, The Department of Social and Health Services, and The Judson Family Center to the best of my knowledge have all participated in providing assistance to Mrs. Jackson and her family.

It is not uncommon and it has been done on a number of occasions that the City of Tacoma has paid for transportation costs for domestic violence and/or hotel, motel, u-hauls, bus tickets, and supported domestic violence victims.

I have now been provided a copy of Tracy Storwick's notes as well as the notes from Jerry Lee who was present during the last interview between myself and Ms. Storwick. Their own notes contradict the statements of Tracy Storwick in the supplemental report provided to the City's manager and others.

- f. In her findings, page nine, number (4) "evidence supports the finding that Ms. Fortson's assistance with preparation of Court pleadings, telephone calls to Court personnel, and Court appearances regarding Mrs. Jackson's motion to go to Florida to visit her ailing father took place during regular business City hours". That is my job.

She reports in paragraph two that there is evidence supporting a finding that I assisted Mrs. Jackson in leaving the State of Washington to visit her ailing father in Florida by way of drafting, typing, filing, and serving Mrs. Jackson's Motion and Order Shortening time, suspended visitation and declaration etc. Ms. Storwick's own notes indicate that I did not assist her in filling out

any paperwork only in obtaining it. Why is there a need to put such a blatant misrepresentation?

CONCLUSIONS

I did not misuse my position with the City of Tacoma to benefit any individual for personal gain. Secondly, I did not spend City funds in an unlawful manner. The findings by the investigator for the City of Tacoma are largely based upon speculation, guesswork, assumptions, and with a lack of understanding of the Office of the Domestic Violence Project Specialist, the inter governmental and inter agency practice in dealing with victims of domestic violence and the duties and responsibilities of my position.

The findings and the conclusion of the investigation conduct by Tracy Storwick should be immediately overturned.

I declare under the penalty of perjury of the laws of the State of Washington that the above is true and correct.

Signed at Tacoma, Washington this 16 day of March, 2009.


CHINA FORTSON