

## **INTRODUCTION**

We, the members of the Forty Third Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Pennsylvania Crimes Code occurring in Washington County pursuant to Notice of Submission of Investigation No. 58, do hereby make the following findings of fact and recommendation of charges:

## **FINDINGS OF FACT**

The Grand Jury conducted an investigation into allegations that a sexual assault was committed by Dustin Devault (“Devault”), a 48-year-old police officer employed with the Monongahela Police Department. On January 25, 2019, J.C., a female in her early twenties, testified before the Grand Jury. J.C. stated that she met Devault in early June 2018 when Devault stopped her vehicle on Route 88 in Finleyville, Union Township, Washington County at approximately 2:00 a.m. Two other passengers were in J.C.’s vehicle at the time. According to J.C., a younger police officer was with Devault. The reason for the stop was that her vehicle had an inoperable tail light.

J.C. gave Devault consent to search the vehicle. While outside of the vehicle, J.C. and Devault had a conversation about J.C.’s interests in becoming a police officer and enlisting in the military. Devault indicated to J.C. that he could assist her with respect to both endeavors. Devault suggested that they exchange cellular telephone numbers and J.C. agreed. J.C. did not receive a citation in connection with the traffic stop.

A few days later, Devault asked J.C. to meet him at a police sub-station in Finleyville to further discuss the police academy. Devault was on-duty and in uniform during this meeting. J.C. stated that Devault showed her police files and how his computer worked. With respect to the

police files, J.C. had the impression that Devault was showing her information that she was not supposed to see.

Devault asked J.C. what she knew about local drug activity. J.C. disclosed that her cousin was addicted to heroin and that she was trying to help him through his addiction. J.C. recalled that it was either at this meeting or during the traffic stop that she told Devault that she was a lesbian.

About one week later, Devault and J.C. met at J.C.'s suggestion in the parking lot of the Giant Eagle store in Finleyville. J.C.'s cousin accompanied J.C. The purpose of this meeting was for Devault to make suggestions about how her cousin could break his heroin habit. During this meeting, Devault suggested that J.C.'s cousin could work as a confidential informant ("CI") for Devault and make controlled purchases so that Devault could arrest the dealer who was providing drugs to J.C.'s cousin. This plan never became a reality. J.C. stated that there was no sexual innuendo during this meeting.

Devault and J.C. continued to exchange text messages regarding Devault's idea of J.C.'s cousin working as a CI. In late June 2018, a meeting was initiated by Devault. He insisted that J.C. meet him alone. J.C. was under the impression that they were going to discuss ways in which they could convince her cousin to go to a rehabilitation facility.

J.C. met Devault sometime after midnight, in a parking lot across the street from a middle school in Finleyville. Devault arrived in a blue, unmarked Ford Taurus and was in full uniform with his gun and badge. Devault informed her that he was on duty. Devault instructed J.C. to get into the car and she got into the front passenger seat of Devault's vehicle. J.C. stated that they drove around for at least one hour and made small talk. J.C. testified that the conversation mostly consisted of Devault talking about himself, his job, and how he was best friends with the Chief of Police. According to J.C., there were no sexual connotations to the conversation at that point.

Eventually Devault parked the vehicle in a gravel lot near some soccer fields. They both got out and proceeded to the back of the car. According to J.C., initially they simply watched cars pass and tried to guess the type of car it was based upon the headlights. J.C. stated that eventually, however, Devault positioned himself behind her and "bear-hugged" her. He then stated, "You don't know what you do to me." J.C. indicated that she stiffened up and moved away from Devault. She indicated that she did not know what to do. She froze. J.C. testified that her "body just shut down." They returned to the front seat of the police car once the hug ended.

When they returned to the front seat, Devault checked J.C.'s cellular telephone to make sure that J.C. was not recording him. Devault then put his hands underneath J.C.'s sports bra and caressed her breasts. While Devault was touching J.C.'s breasts, Devault asked J.C. if she liked it. J.C. testified that she did not respond to this question, but nudged away. J.C. stated that she did not know what to do because Devault was a police officer.

Devault then placed his hands inside of J.C.'s sweatpants and touched her vagina over her underwear. J.C. stated that Devault continued to ask if she liked it. J.C. testified that she did not say the word "no," but that she did shake her head from side-to-side, and attempted again to nudge away from Devault.

After Devault removed his hands from J.C.'s pants, Devault shoved his tongue down J.C.'s throat. J.C. stated that she did not reciprocate this forced kissing. Devault then began to repeatedly ask J.C. if she would have sex with him in the back of the police vehicle. J.C. characterized Devault as "begging" her to have sex with him. To this, J.C. repeatedly responded "no." After she said "no," J.C. told Devault to drive her back to her car. When asked why she did not call for help, J.C. testified that, "When you are in that situation, you just freeze. You don't know what to

do. He has a gun on him. He is a police officer. And I'm just a female. I just wanted to survive that moment.”

On the way back to her car, Devault performed a traffic stop on a vehicle. J.C. recorded the traffic stop on her cellular telephone in order to memorialize Devault's presence with her that evening. According to J.C., Devault did not issue a citation to the driver. When they returned to J.C.'s vehicle, they both got out of Devault's police car and Devault touched J.C.'s buttocks over and under her clothes “all the way” while she walked to the driver's side of her vehicle. Devault continued to ask J.C. to have sex with him. As J.C. gathered herself together inside of her vehicle, Devault stood outside his vehicle, rubbed his genitals and again asked J.C. to have sex with him. J.C. drove away without responding.

J.C. stated that after she drove away, she received two text messages from Devault, both of which she saved. The first stated: “Nice turn signal” – an apparent reference to J.C. not using a turn signal. The other stated: “Send me a pic.” A screen shot of these messages was shown to the Grand Jury.

J.C. testified that a few hours after the incident, she observed Devault in his police vehicle outside of her house and that he was “watching” her. J.C. stated that a few days later another Monongahela Police Department vehicle was parked outside of her house, but she could not determine the occupant.

On June 13, 2019, Kevin Harris (“Harris”), Chief of Police for the Monongahela Police Department, testified before the Grand Jury. He stated that on January 29, 2019, he was present in a meeting with Devault and Brian Tempest (“Tempest”), the outgoing Chief of Police.

During the meeting, Devault told Harris and Tempest that he had made a mistake and let a female get into the unmarked car with him. He indicated that the purpose was to watch for a car

that was to be bringing drugs into the area. Devault told them that the vehicle never came through the area while the female was in his car, however. Devault then stated that in July 2018, he saw a vehicle at Huffly's Trailers on Route 88. Devault stated that he went over to the vehicle and that the driver (whom he identified as J.C.) told Devault that her boyfriend was on drugs and needed help breaking his drug habit. Devault identified the boyfriend as J.C.'s cousin. In sum, Devault spoke of only two interactions with J.C.: The initial interaction on Route 88 and a second one in which she was allegedly helping Devault identify a drug shipment coming into the area.

Harris testified during his interview of Devault, he advised Devault that he was going to speak with David Marghella, the officer who had been with Devault when Devault first stopped J.C.'s car.

After the meeting with Devault, Harris and Tempest proceeded to their meeting with Marghella, which had been previously scheduled. Harris stated that at the end of the meeting, Marghella told them that Devault had telephoned him and told him to lie about the J.C. stop. Specifically, Devault told him to say that the vehicle was already stopped and that they did not initiate a traffic stop.

The Grand Jury received testimony from David Marghella ("Marghella"). Marghella testified in February 2019, several months before Chief Harris.

Marghella testified that he was in the Monongahela Police Department's marked Ford Explorer when Devault, the driver and senior officer, initiated a "quiet stop" of a vehicle on Route 88 in Union Township in June 2018. Marghella indicated that a "quiet stop" is a situation wherein a police officer stops a vehicle for a traffic violation, but does not notify dispatch of the stop nor notify other officers regarding the stop over the radio. The Grand Jury learned that no police report is generated in connection with a "quiet stop." According to Marghella, the only individuals who

would be aware of a “quiet stop” are the police officers involved in conducting the stop and the individual(s) in the vehicle. Marghella indicated that “quiet stops” were violative of departmental policy because of safety concerns for the officers and the vehicle occupants.

Marghella indicated that the “quiet stop” of the vehicle was for some type of “lighting” violation. The stop ended with no citation, no report and no written warning. Marghella indicated that the vehicle’s driver was a female and that just before the stop was over, Devault and the female shared a hug. (J.C., in her testimony before the grand jury, denied that there was a hug.) Marghella did not witness an exchange of telephone numbers as he was primarily focused on the passengers.

Marghella indicated that the Monongahela Police Department previously had an unmarked blue Ford Taurus, but that it had been decommissioned.

Marghella testified that immediately before his scheduled meeting with Harris and Tempest in January 2019 (and immediately after Devault’s meeting with them), he received a telephone call from Devault. Devault asked Marghella if he remembered the stop involving J.C. Marghella told Devault that he did, in fact, remember the stop. Devault advised Marghella that he did not tell the Chief of Police that he stopped the J.C. vehicle; instead, he had stated that it was already pulled over. Devault then asked Marghella to tell the same lie to the Chief of Police when Marghella was asked about the incident. Based upon the testimony of Harris, the Grand Jury knew that Devault was aware that Marghella was to be interviewed by the Chief of Police about the stop.

When Marghella ultimately had his meeting with the Chief of Police, he advised that Devault had asked him to lie about the nature of the stop with J.C.’s vehicle.