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# Spencer lawsuit goes to trial

## Ex-cop says he was conspiracy victim in sex abuse case

By **Stephanie Rice**, Columbian Vancouver city government reporter

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Clyde Ray Spencer in 2009. Attorneys for Spencer, a former Vancouver Police Department officer who spent nearly 20 years in prison for sexually abusing his children — charges that since have been dismissed — will try to prove he was the victim of false arrest and imprisonment, malicious prosecution, deliberate fabrication of evidence and conspiracy. ([Zachary Kaufman \(/staff/zachary-kaufman/\)](#)/The Columbian)

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A former Vancouver Police Department officer who spent nearly 20 years in prison for sexually abusing his children — charges that since have been dismissed — will be in federal court this week facing two former sheriff's detectives who worked to put him behind bars.



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Jury selection was expected to start Tuesday in U.S. District Court in Tacoma.

Clyde Ray Spencer, 65, filed the civil lawsuit in 2011. Through pre-trial motions, claims against other defendants — including Clark County and Spencer's ex-wife — have been dismissed, leaving only former Clark County Sheriff's Office detectives Michael Davidson and Sharon Krause.

Attorneys for Spencer will try to prove he was the victim of false arrest and imprisonment, malicious prosecution, deliberate fabrication of evidence and conspiracy. Davidson and Krause deny all of the allegations.

The county hired outside counsel to represent former employees Davidson and Krause, said Bernard Veljacic, a Clark County deputy prosecutor.

If the jury rules in Spencer's favor, the county may be liable for damages depending on the specific findings, Veljacic explained last week.

He said the county was dismissed as a defendant because Spencer couldn't prove municipal liability. As U.S. District Judge Benjamin Settle wrote in a November 2012 order, Spencer didn't have sufficient facts to "support his allegations that the individual defendants' conduct is part of a policy, practice or custom sanctioned by Clark County, or its Sheriff's or Prosecuting Attorneys' offices."

However, if a jury finds Davidson and Krause violated Spencer's due process rights and were acting within the scope of their duties as CCSO detectives, the county could be ordered to pay damages, Veljacic said.

A specific dollar amount has not been named by Spencer's lead attorney, Kathleen Zellner of Chicago.

The trial is anticipated to last at least 10 days.

Davidson and Krause are represented by Guy Bogdanovich and Jeffrey Freimund, both of Olympia.

## Sentence commuted

In February 1985, Spencer pleaded no contest — which is considered the same as a guilty plea — to sexually abusing his 9-year-old son, 5-year-old daughter and 4-year-old stepson. He later said he was suffering from depression at the time and had been told by his attorney, James Rulli (now a Superior Court judge) that he had no defense.

He was sentenced by former Superior Court Judge Thomas Lodge to two life terms, plus 14 years.

He was released from prison in December 2004 after his sentence was commuted by outgoing Gov. Gary Locke. In the 2004 commutation order, Locke cited several disturbing facts about the investigation — including that investigators withheld results of medical exams that showed no evidence of abuse, despite Krause's claims that the children had been violently, repeatedly raped, and that Davidson, who was Krause's supervisor, had an affair with Spencer's wife.

In 2009, the Court of Appeals vacated Spencer's convictions after finding several holes in his case, including the fact that his two adult children now say the abuse never happened.

The Clark County Prosecutor's Office appealed the decision to the state Supreme Court. In July 2010 a Supreme Court commissioner sided with the Court of Appeals.

In September 2010, Spencer appeared before Superior Court Judge Robert Lewis and withdrew pleas to 11 felony charges.

The prosecutor's office dismissed the charges. John Fairgrieve, now chief deputy prosecuting attorney, said at the time the value of further prosecution was outweighed by the cost of litigation, especially considering Spencer had already spent so much time in prison. Even if he was convicted, the only additional punishment would be a requirement to register as a sex offender, Fairgrieve said.

In 2005, Spencer was the subject of a series in The Columbian, "Reversal of Fortune," which detailed how he went from police officer to prisoner and examined flaws in the case against him. His case was later featured on ABC's "20/20."

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