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Prosecutors: Ex-Hayward cop intimidated witness in Livermore child molestation case

By Erin Ivie eivie@bayareanewsgroup.com

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PLEASANTON -- An ex-Hayward police officer charged with sexually abusing four young girls at a Livermore after-school program now faces charges of intimidating a witness he described in recorded jailhouse conversations as having the power to "give the case wings."

Prosecutors said at a court hearing Wednesday that Richard Scott McLeod, 38, enlisted friends and family to reach out to witnesses in the child molestation case in an attempt to dissuade them from providing information to investigators. They added that during recorded jailhouse conversations with friends, McLeod identified one witness as a particular threat to the case: a former co-worker at the after-school program whom he believed would "give the case wings."

Prosecutors also accused McLeod of attempting to hide this communication, at times covering the jailhouse phone receiver and supplementing the conversation with body language and nonverbal gestures. It was after these recorded conversations, they said, that McLeod's wife and another female friend reached out to the witness and made direct attempts to keep him from talking to investigators.

While McLeod's attorney argued that his wife ran into the witness by chance in downtown Livermore, prosecutors said that there were multiple phone calls involved in their efforts to keep him quiet.

An amended complaint was drafted in response, listing 16 counts of lewd acts with a child and one count of dissuading a witness from prosecuting a crime.

McLeod on Wednesday stood before Judge Christine Maruza, his hair long grown out from the bald, clean-shaven appearance he maintained as a Hayward police officer. The six-year veteran of the department, who resigned following his Sept. 28 arrest, stared ahead silently with chains around his waist and ankles as defense attorney Eileen Burke vehemently denied district attorneys' claims.

"This is a gross misstatement about what has occurred," said Burke, who argued that all attempts to reach out to witnesses were part of the defense's attempt to build a case.



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Richard Scott McLeod was arrested Sept 28, 2013 in connection with an investigation involving sexual abuse of a minor. (Livermore Police Department)

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By Joshua Melvin

Crowdynews

"This witness is not a complete stranger," she added. "He is practically a best friend."

Prosecutors argued the conversations threatened the witness enough to call authorities, and a protective order was issued prohibiting McLeod or his family from contacting the man.

They also brought to light recent contact with two alleged victims before his arrest, which included unsolicited text messages the women, now adults, received out of the blue years after the alleged abuse.

According to prosecutors, McLeod sent a text to one victim asking her about a car she was seen driving, and referenced a conversation from years earlier when he helped her get a job. A second victim received texts offering gas money and a shopping trip if she'd visit him in an Anaheim hotel room.

Burke turned to the courtroom and asked all those present in support of McLeod to stand and make themselves known. A total of 16 people rose to their feet, more than half the audience present for all cases.

She added that dozens of community members sent testaments of character to Maruza, who acknowledged the flood of support and said she read "each and every one of the letters."

"These letters have come from people young and old, and speak not only to his ties to the community, but to his protection of the public," Burke said.

Burke asked Maruza to consider terms to lower the man's bail, which would allow him to return to his family while calming fears about threats to public safety. Options, she suggested, included house arrest or a GPS ankle bracelet.

"Does that monitor his phone activity?" Maruza inquired. "Because that's what I'm concerned about."

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