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Former Clallam Sheriff"s Department deputies won"t be charged

ANDREW BINION
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SEATTLE -- Two former Clallam County Sheriff's deputies accused of misconduct will not face criminal charges.

Brian Moran, chief criminal prosecutor for the state Attorney General's Office in Seattle, said Thursday that he had reviewed three inch-thick internal investigations and decided not to pursue criminal charges against former Detective Sgt. David John Fontenot and former Deputy Anthony Dwane Hayden.

"Many of these cases come down to not whether there was inappropriate behavior, but whether a crime occurred and we could prove it beyond a reasonable doubt," Moran said, noting that it is possible crimes did occur.

In November, the Clallam County Sheriff's Department released two investigative reports detailing allegations of sexual harassment, mishandling of evidence and false swearing against Fontenot.

Fontenot resigned before the reports were released.

At the same time, the department released an investigative report of allegations that Hayden conducted an extramarital affair on county time and used his county-issued cell phone excessively for personal use.

Hayden was fired from his position and has not appealed to be reinstated, Sheriff Joe Martin said.

Clallam County Prosecuting Attorney Deborah Kelly forwarded the investigative reports to the state Attorney General's Office for review to avoid the appearance of a conflict of interest.

Kelly's husband is Clallam County Sheriff's Sgt. Don Kelly.

Investigations `thorough'

Moran praised the investigations conducted by Portland, Ore.-based labor lawyer Jill Dinse as "thorough," but noted that because those interviewed were compelled to answer questions, the reports could not be used against them in court.

Also, to prosecute Fontenot and Hayden, they would likely have to be called to testify