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Why we stick to
terrible choices

July 22, 2018
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83° ☀️ **67°**
Cool front ahead, but
plenty of summer left. **B14**

DENIED JUSTICE • SPECIAL REPORT

THE RAPE CASES THAT GO NOWHERE



RENÉE JONES SCHNEIDER • renee.jones@startribune.com

They stepped forward with harrowing stories of being raped, then watched in shock as investigators did little or nothing to pursue their cases. And there are hundreds of them in Minnesota. A Star Tribune examination of more than 1,000 recent sexual assault cases from around the state shows pervasive failings by law enforcement — neglecting to interview witnesses, collect crucial evidence or conduct criminal background checks on suspects. Many cases were never even assigned to an investigator. These women are among many feeling haunted and abandoned, and asking why they are being denied justice.

Special section: Read the first part of the Star Tribune's investigation inside today's newspaper.

Summit turns to scramble for Trump

Starting in Helsinki, week
of major missteps, gaffes.

By ASHLEY PARKER, PHILIP
RUCKER and JOSH DAWSEY
Washington Post

WASHINGTON - Executive
time began early on Thursday,
just after sunrise.

Feeling exasperated and
feisty as he awoke in the White
House residence, President
Donald Trump fired off his
grievances on Twitter about
how the media had been cover-
ing his Helsinki summit. And,
refusing to be cowed, Trump
gave National Security Adviser
John Bolton an order: to sched-
ule a second summit and offi-
cially invite Russian President
Vladimir Putin to visit Wash-
ington.

Bolton sprang into action,
making an overture to the
Kremlin. By midafternoon the
White House announced that
plans were underway for a fall
summit in Washington.

The bulletin landed mid-
way through a remarkably
candid interview of Director
of National Intelligence Dan
Coats at the Aspen Security
Forum that underscored the dis-
connect and tension on Russia
policy between Trump and his
administration. The intelligence
chief made clear that he had no
advance knowledge of the fol-
low-up meeting with Putin.

"That's going to be special,"
Coats said wryly, as the crowd
rallied around him in sympathy
for being left in the dark.

For Trump and his White
House, the days that followed
the Helsinki summit amounted
to an unofficial Walkback
Week — a daily scramble of
corrections and clarifications
from the West Wing.

Just as Trump prepared
to decamp to his New Jersey
See **TRUMP** on A14 ►

Cohen controversy
Trump said former lawyer's
actions "perhaps illegal." **A12**

Trolls on Twitter
Russian operatives very active
ahead of big news day. **A13**

Be it ever so humble, rambler is finally chic

By HANNAH COVINGTON
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Maybe it's the lack of frills,
the run-of-the-mill shape, the
austere lines. Or maybe it's
simply the sheer number of the
low-slung houses, blanketing
the suburban landscape like
hardy ground cover.

But something about ram-
blers often stirs surprise and
even skepticism when preser-
vationists string them together
with the word "historic."

As more ramblers pass the
half-century mark, Minnesota
historians want residents to
know that their simple floor
plans and Pepto Bismol-pink
bathrooms have an important
story to tell. Largely built in
the decades following World
War II, their age now makes

them potentially eligible for
the National Register of His-
toric Places.

"People that own those
homes don't typically think of
them as historic...because they
are not necessarily architectur-
ally unique," said Ginny Way,
a National Register architectural
historian in the State Historic
Preservation Office. Still, she
added, "it's hard to deny the
importance of the largest build-
ing boom in U.S. history."

Some Twin Cities suburbs
have been working in recent
years to raise the profile of
the no-nonsense rambler with
presentations, grant or loan
programs for home remodel-
ing and advice on how to re-
novate them with history and
preservation in mind.

See **RAMBLERS** on A11 ►

CAMPAIGN 2018

POLITICAL ACTION GOES HYPERLOCAL

By JUDY KEEN • judy.keen@startribune.com



DAVID DENNEY • ddenney@startribune.com

Bryce Tache and Kim Hyvarinen protested Friday in
Minneapolis against Trump administration policies.

Nine neighbors gathered in a south Minneapolis
living room on a recent stifling weeknight to sip
cold drinks, munch cookies and talk politics.

Action, not outrage, was the focus of the
two-hour summit: registering voters, calling U.S. sena-
tors about Supreme Court nominee Brett Kavanaugh,
tracking a net neutrality bill.

These residents of Minneapolis' Fulton and Linden Hills
neighborhoods are players in a new, hyperlocal political
phenomenon. Yearning to make a difference and eager
for community connections but not aligned with politi-
cal parties, they are emerging hubs of clout heading into
November's elections, which will determine control of
Congress and the fate of President Donald Trump's agenda.

"It's better than cursing at the TV. Working in a small way
on the local level is the right fit for me," said Chuck Kantor,
70, explaining the group's appeal. His wife, Carol Green-
wald, a 67-year-old retiree, said she joined the group after
being part of the Women's March in St. Paul on Jan. 21, 2017.

She got involved because "the only way I could feel
better was to be active," Greenwald said. "To be hopeful,
I have to do something." See **ACTIVE** on A14 ►

WHEN
RAPE
IS
REPORTED
AND
NOTHING
HAPPENS

Sexual assault cases in the Twin Cities and across Minnesota are being investigated poorly or not at all, leaving many women feeling betrayed by a system they once trusted.

First in a series • Story by Brandon Stahl, Jennifer Bjorhus and MaryJo Webster • Photos by Renée Jones Schneider

Brooke Morath barely saw the man who attacked her. He lunged from the dark early one morning in Minneapolis, blinding her with pepper spray as she scraped snow off her car. Then he tackled her face down onto the frozen ground and raped her. Bleeding, her eyes burning, Morath staggered to a friend’s house and banged on a window for help, pleading for someone to call 911. Over the next few hours, the University of Minnesota pre-med student did everything she could to help investigators. She went to the hospital for a sexual assault exam. To preserve possible evidence, she didn’t shower or wash her clothing. When police officers arrived, she answered their questions calmly. An investigator assured Morath that her case was his top priority. Within days, however, she began to have doubts. She discovered that the police crime alert for her rape listed an inaccurate address. And that officers had missed three nearby businesses while canvassing the neighborhood for surveillance video. Eventually, she said, police stopped returning her calls.

That was two years ago.

Today, Morath has lost hope that police will ever find the man who raped her, and she worries that he is still preying on other women.

“It’s a terrifying, humiliating and defeating feeling,” she said. “It shouldn’t be this hard for a victim.”

It often is. Each year in Minnesota, more than 2,000 women report being raped or sexually assaulted. Hundreds of them discover a crushing fact: They stand little chance of getting justice.

A Star Tribune review of more than 1,000 sexual assault cases, filed around the state in a recent two-year period, reveals chronic errors and investigative failings by Minnesota’s largest law enforcement agencies, including those in Minneapolis and St. Paul.

In almost a quarter of the cases, records show, police never assigned an investigator.

In about one-third of them, the investigator never interviewed the victim.

In half the cases, police failed to interview potential witnesses.

Most of the cases — about 75 percent, including violent rapes by strangers — were never forwarded to prosecutors for criminal charges. Overall, fewer than one in 10 reported sexual assaults produced a conviction, records show.

Victims see it as a stark betrayal. “I still struggle to feel safe,” said Morath, who is now 24. “Not only because I don’t know the identity of my rapist, but because I don’t trust the law enforcement officer assigned to my case.”

The failure to vigorously investigate sexual assaults is endangering women across Minnesota.

The Star Tribune identified more than 50 cases in which the suspect was someone who had been named, charged or even convicted in a prior sexual assault. Yet these men were rarely arrested when they turned up a second or third time in a police report.

Some committed more assaults before police finally caught up to them.

The 1,000 cases obtained so far amount to about half of all the records sought by the Star Tribune from the 20 law enforcement agencies that reported the most sexual assaults in 2015 and 2016, including Moorhead, Duluth and Mankato. Hundreds of records that were requested months ago have yet to be provided. The request to the Minneapolis Police Department, for example, is now more than a year old. It still has not been completed.

The Star Tribune also asked 13 veteran investigators from across the country to review more than 160 of the Minnesota case files. Combined, they

found that police adequately handled just one in five cases.

“If homicides were handled this way, people would be appalled,” said retired Sgt. Elizabeth Donegan, who led sex crimes investigations in Austin, Texas.

In Duluth, a college student reported a rape, then, after hearing nothing for several days, she said she drove to the police station to demand an investigation. She told police there were bloody sheets and a condom at the suspect’s home. Her case was assigned to an investigator, according to Duluth police, but her case file shows no sign that officers ever collected that evidence. Her suspect was never charged.

In Mankato, an 18-year-old woman told police that she had been raped by a 46-year-old man. The suspect told an officer that the sex was consensual, even though the woman was a vulnerable adult who lived in a group home. The police never assigned an investigator, and the case file gives no indica-

tion that police ever searched the man’s apartment or collected evidence. An officer wrote, “At this time there are no further known leads to follow for this case,” and suspended the investigation.

Sgt. Richard Mankewich, a former supervisor for the Orange County, Fla., sex crimes squad, reviewed the file and asked, “Seriously, this is the best they can do?”

In Chisholm, a mental health counselor named Katie Finch reported she was raped by a friend after they ran into each other at a popular downtown bar. She said the officer who took her report told her a detective would follow up. No one ever did. Two years later, after the Star Tribune inquired about her case, she said an officer called, apologized and said her case somehow never made it to an investigator’s desk. It has been reopened.

“I felt like I wasn’t important at all,” she said.

Most of the women who spoke with

the Star Tribune said police rarely gave them updates on their cases. Finch’s is one of at least five cases reopened by police or prosecutors since the Star Tribune began inquiring about them.

Asked to comment on the Star Tribune’s findings, the head of the Minnesota Chiefs of Police Association said they are “not acceptable.”

“I think there’s no doubt that law enforcement and prosecution ... need to look in the mirror and say, ‘what can we do better collectively?’” said Andy Skoogman, the association’s executive director.

Skoogman said the cases show how hard it is to hold rapists accountable, but he added that they also show the need for better police training and standards.

Nate Gove, director of the state board that licenses law enforcement officers, said the Star Tribune’s findings concerned him but “were not surprising, given the complexity of these cases.”

Gove also said most law enforcement agencies lack the time and money to fully investigate every case.

“Would I like to see every case fully investigated?” Gove said. “Yes, of course. But we don’t have the resources for that.”

...

Brooke Morath kept her car at a small parking lot about two blocks from her Dinkytown apartment. She was going to pick up a friend at the Megabus stop when, just after midnight on a Sunday in March 2015, a stranger attacked her.

Minneapolis police responded quickly to the 911 call. Morath recalls Dinkytown being lit up with red and blue flashing lights from squad cars. Officers secured the scene and impounded her car, hoping to find fingerprints or traces of DNA. They searched the icy ground for clues. One officer traced a set of a man’s footprints through the snow.

Taking her to a quiet room in her friend’s house, they questioned her gently, then helped her to an ambulance for a trip to the hospital and a sexual assault exam.

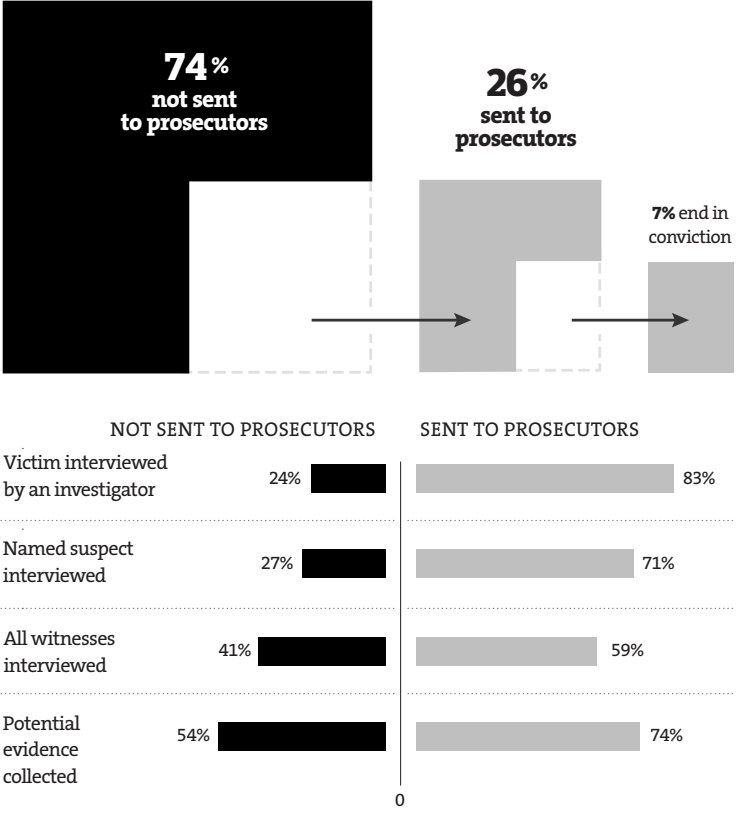
“V1 was crying, shaking and needed assistance standing up,” the officers wrote. “She was bleeding from her nose.”

Later that same day, Morath had a formal interview with the investigator assigned to her case, Sgt. Brian Carlson. She said she answered his questions carefully, but came away feeling that he was just ticking off boxes rather than really listening to her story.

“I was never given the opportunity to provide a complete, uninterrupted narrative,” she said. The interview, she added, felt “interrupted and controlled.”

FAILINGS IN RAPE INVESTIGATIONS

Most sexual assault cases never make it to a prosecutor’s desk, and only a small percentage result in a conviction. A Star Tribune examination of more than 1,000 Minnesota cases revealed that cases were less likely to be prosecuted when police took fewer basic investigative steps.



Source: Star Tribune research



*“It’s a terrifying,
humiliating and defeating
feeling. It shouldn’t be this
hard for a victim.”*

BROOKE MORATH • 24
RAPED IN THIS PARKING LOT

Donegan, the Texas investigator, agreed. She said the transcript read more like an “interrogation” than a victim interview. She singled out one of Carlson’s questions: “Is everything you’ve told me true and accurate?”

That, Donegan said, “tells the victim right off: You might be lying to me.”

Morath soon developed more doubts about the investigation. Carlson told her he had found nothing useful on surveillance videos from the neighborhood, including one from a Target Express she had passed that night. When she questioned this, they discovered he was looking at the wrong time stamp, she said. The correct one shows a hooded man following Morath down the sidewalk.

A few days later, she said, at her request, she and Carlson visited three stores directly across from her building to see whether they had surveillance video showing the same thing.

It was too late. The merchants told her they kept surveillance tapes for only 24 hours, and Morath said police hadn’t asked in time.

After that, Morath said, Carlson’s calls grew less frequent and then stopped. Frustrated by the lack of progress, she took the extraordinary step of beginning her own investigation. Using the Target surveillance video, she calculated the height of her suspect and constructed a more accurate timeline of the night’s events. She researched other assaults in southeast Minneapolis, and eventually came across the case of Daniel Drill-Mellum, a former U student accused in two other rapes.

When Morath saw his mug shot, her heart stopped: He looked like the man who had attacked her.

In January 2016, Carlson called to say they had a suspect and were testing his DNA against evidence from her clothing. The match came back negative, and Morath was crushed. But as Carlson described the suspect, she realized the man and his misconduct bore no resemblance to the man who assaulted her, and she urged Carlson to run a DNA test on Drill-Mellum as well.

A month later, Morath said, Carlson called to say that test was negative.

“That was the last time I heard from him about the investigation,” she said.

Without telling Morath, records show, the Minneapolis police stopped investigating her case.

In late 2017, the Star Tribune obtained a copy of Morath’s police file as part of a broad public-records request for closed sex assault cases. Her name, like those of all the victims in the cases reviewed by the Star Tribune, was blacked out. When Morath contacted the Star Tribune about her case and reviewed her file, she learned new details. She saw that a tipster had reported seeing a man resembling her suspect the day after her rape, but that police never called him back. The report also notes that Carlson requested a DNA lab test for Drill-Mellum, but doesn’t say whether the results ever came back.

Morath grew more curious. In March 2018, three years after her rape, she asked the police for a copy of her file.

To her surprise, she said, an officer told her they had just reopened her case — and wouldn’t let her see her records or a copy of the DNA test.

Carlson retired from the MPD in June after 17 years working in sex crimes.

“I’ve investigated hundreds and hundreds of cases,” he said. “I probably spent more time on this case than I did on any other case I worked.”

Carlson recalled the investigation much the way Morath did but said he would have to consult department records to address Morath’s specific concerns. “We really wanted to get the guy and hold him accountable,” he said.

• • •

Police and prosecutors say sexual assault can be a difficult crime to investigate. It frequently involves friends, acquaintances or drinking, all of which can cloud the question of consent.

“You often have little or no physical evidence. You have most times no eyewitnesses,” said Jeff Schoeberl, an Anoka County detective and president of the Minnesota Sex Crimes Investigators Association. “Can I convince 12 people unanimously to take the victim’s account?”

Few Minnesota law enforcement agencies require the kind of training that would help officers surmount these challenges.

The International Association of Chiefs of Police has developed a lengthy set of best practices for sexual assault investigations. They include assigning all credible reports to a detective, conducting detailed interviews of the victim and any known suspect, and collecting all potential physical evidence. Convictions are much more likely when police take these steps, according to the Star Tribune’s analysis.



ANDREA GRAM • 25 • U RESEARCH ASSISTANT

‘It did just end up hurting me more than vindicating me.’

Gram told police in July 2015 that she had been raped a year earlier by an ex-boyfriend. She saved incriminating e-mails and text messages but said an investigator showed no interest. Police later dropped the case. Gram said she still grows anxious knowing her assailant is free. After seeing his brother on a city bus, she suffered a crippling panic attack.



ALISSA LIEN • 35 • SPECIAL ED TEACHER

‘I still have nightmares of this cop.’

Lien called police to report being raped in her Mankato apartment by a man she met on a dating site. Records show the officer gave the suspect eight days to provide his account, and Lien said police believed his story over hers. She has a recurring dream in which she answers a knock at her door and sees the officer with the suspect behind him holding a shotgun.

Some states now require that officers who investigate sex crimes complete special training, but Minnesota does not. The Minnesota Peace Officer Standards and Training Board, the agency responsible for setting professional standards, requires law enforcement agencies to have clear, written protocols for a wide range of crimes and situations, including domestic violence and school bus altercations. On sexual assault, the board is silent.

Gove, the board’s executive director, said he would need a directive from the Legislature to require statewide standards for sexual assault investigations.

“I’ve not seen the appetite,” Gove said.

Russell Strand, a former investigator with the U.S. Army, said he was “appalled” by 20 cases he reviewed at the Star Tribune’s request.

“Quite frankly, I am getting frustrated reading them because most are so horrible,” said Strand, now a consultant and trainer in Arizona.

In one Minneapolis case, a teenage girl said she was raped during an after-prom party, that other partygoers saw the assault, and that the suspect later contacted her on social media. According to the investigator’s file, police closed the case without interviewing the suspect or issuing a search warrant for his social media accounts.

“It is beyond me why these investigators are working in this unit,” said Donegan, the Texas investigator.

In a July 2015 case, a woman in Minneapolis reported that a stranger had climbed through a second-floor balcony door one night, cut off her bra and underwear, put a knife to her throat and raped her.

Responding officers found shoe prints on the house and a knife in the front yard, and noted that friends had been on the front porch during the attack. Police never identified or interviewed the friends, according to the case file. They closed the case after a DNA test found no match in the state or national offender registry.

“It looks to me like the MPD either lacked the resources or desire to investigate this terrifying stranger rape of a woman in her home,” said retired Rochester detective Elisa Umpierre. “Shameful.”

Minneapolis police declined to comment on its handling of any specific case but released a statement saying:

“We thank the Star Tribune for looking into how law enforcement officers throughout the state respond to reports of sexual assault. It is an important conversation; one the MPD engages in with other law enforcement professionals, social service providers, advocacy groups, and victims on a daily basis. First and foremost, our department’s ethos is centered on the victim, assuring them we do everything in our power to hold another person accountable, in accordance with the law. We are ever mindful that, at any point, information could be provided changing the case investigation for detectives and prosecutors. Consequently, the MPD is very deliberate in recognizing any comments made through the news media could jeopardize future convictions and ... re-victimize a victim.”

• • •

Haweyo Shuriye sat on a stoop, her face bruised and bloody, as she told officers about her attack in October 2015. A man she knew had punched and strangled her until she passed out in a friend’s basement in north Minneapolis. She awoke to find herself naked and the man unzipping his pants.

Her file shows that a detective tried unsuccessfully to call her, then sent a letter saying she should call him within two weeks or he would close the case. Shuriye said she never got a call or a letter; she said she didn’t know her case was closed until she spoke with a reporter.

As far as police were concerned, Shuriye had stopped cooperating with the investigation. That happened in about one-third of the cases reviewed by the Star Tribune; in most of them, the police closed the investigation for lack of cooperation.

Some victims drop out because they fear their attacker. Others say they would rather heal and move on.

But high dropout rates can also signal mistakes by the police, said Anne Munch, a former Colorado prosecutor and consultant to the U.S. Department of Justice. Victims, she said, “can feel that their cases are not being thoroughly investigated ... Or they are made to feel like they are the suspect instead of the victim.”

In January 2016, Sarah Ortega called police in Winona and said her ex-boyfriend had raped her the night before. She said he pushed into her home, yanked her hair so hard that she saw stars, struck her on the head and said, “I know you like it rough.”

Ortega said the officer who took her



KATIE FINCH • 28 • MENTAL HEALTH COUNSELOR

‘I felt like I wasn’t important.’

Finch said she accepted a ride home from a friend she met at a bar in Chisholm. He took her to an apartment where she says he raped her. She filed a police report, giving the suspect’s name and phone number, but heard nothing for two years. This spring, after the Star Tribune inquired, an officer called her, apologized and said police have reopened her case.



MELISSA ‘RABBIT’ MIYASHIRO • 34 • MASSAGE THERAPIST

‘The system is broken.’

After an evening out, Miyashiro allowed a friend to spend the night at her house in Minneapolis because he was too drunk to drive home. She reported that he raped her and said the man admitted to the rape in a phone call that police recorded at her suggestion. Prosecutors declined to take her case, and she said no one told her until she called her detective.



CHERRELLE MCGOWAN • 30 • STAY-AT-HOME MOM

‘I was just lost in the dark.’

After she reported being raped by a man she met online, McGowan said a prosecutor asked whether she worked as a sex escort. Another asked why she took a shower after the rape. “I was scared,” she told them. “I didn’t want his body smell on me.” Police reopened her case following inquiries by the Star Tribune.



HALEIGH ORTMEIER-CLARKE • STUDENT

‘How do you lose a rape kit?’

Ortmeier-Clarke reported being raped by a man who came over to watch a movie after they met on a dating app. She said an officer initially said they couldn’t find her rape kit and another detective accused her of acting provocatively. “I wasn’t wearing a short skirt,” she said. “I wasn’t wearing a see-through blouse. And it wouldn’t have mattered. Because I said no.”

statement asked whether she did like rough sex. Ortega, and a friend who sat with her, both said they felt the officer was casting doubt on her account.

“I felt like I was the one being investigated,” said Ortega, who works at a St. Paul nonprofit and plans to enter graduate school in the fall.

Two officers interviewed the suspect, a student, and wrote that he told them he was carrying a heavy course load and getting good grades. “We encouraged him to focus on that part of his life,” they wrote. “He agreed.” They warned him to stay away from Ortega and forwarded the case to the county prosecutor. The suspect was never charged.

Winona police did not respond to requests for comment.

In November 2016, a St. Paul woman wearing a walking boot and using a cane stopped for a drink after a Minnesota Wild hockey game. As she made her way home, according to her case file, a man dragged her into an alley and raped her as she screamed for help.

The case file shows that a St. Paul investigator interviewed the woman by phone the next day and asked why she hadn’t used her cane to fight the man off. When she said she never thought about it, the officer asked whether she had been drunk.

Asked whether those questions were appropriate, police spokesman Sgt. Mike Ernster said the level of intoxication can help police determine how vulnerable a victim was. “Also,” he said, “investigators want victims to feel empowered and know that hitting the suspect with an object in self-defense would have been appropriate.”

Three months later, the detective left the woman a message saying the lab had found semen in her rape kit and they wanted to test her boyfriend. She never called back. The detective wrote that she couldn’t proceed without the victim’s cooperation.

St. Paul Police Chief Todd Axtell acknowledged recently that his department could improve its handling of sex crimes. In April, following a critical review by Ramsey County Attorney John Choi, Axtell said he would hire two new investigators and send detectives to specialized training. The department is also improving its ability to connect victims with advocates and making new efforts to contact victims who dropped out.

Asked about specific cases reviewed by the Star Tribune, the sex crime unit’s commanding officer, Jim Falkowski, denied that they were mishandled. Falkowski said victims are the department’s top priority, but that sexual assault cases are notoriously difficult to prove.

“We try to serve the victim as best as we possibly can, and sometimes probable cause just does not exist,” he said.

• • •

Police assign an investigator to every murder, but that’s not true with rape.

The Star Tribune identified more than 200 cases statewide in 2015 and 2016 where police never assigned an investigator.

Some departments said they lack the resources to pursue cases with weak evidence and little chance of a conviction. But case after case obtained by the Star Tribune show police choosing not to pursue leads even in cases with named suspects or extreme violence.

Amy Johnson, a mortgage auditor, called the Minneapolis police in the fall of 2015 to report that her daughter had been raped a few weeks earlier. The young woman is a vulnerable adult who suffers from severe anxiety and other mental health conditions. She had gone to the house of a man she was dating, and then to his basement. At first, she said, the sex was consensual, but then it turned violent and he raped her anally. Johnson said an officer at the Second Precinct took down the report and told her an investigator would respond soon.

A week passed. No one called.

Finally, Johnson called the sex crimes unit, where she was directed to Lt. Melissa Chiodo. Johnson said Chiodo told her there wouldn’t be an investigation because the unit didn’t have the manpower.

“Won’t you even talk to him?” Johnson recalled asking.

In the police report, Chiodo wrote that she told Johnson: “We can’t talk to people and scare them. Our job is to conduct an investigation and present the facts to secure charges if possible.”

“It was like she meant nothing to them,” Johnson said.

A Star Tribune examination of public records and victim interviews shows that, just two months earlier, another woman had accused the same man of raping her. She, too, said it happened in his basement.

The week after Johnson spoke with Chiodo, the suspect’s ex-wife obtained a restraining order against him. She also accused him of a violent rape.



EMILY SCHLECHT • 24 • VICTIM ADVOCATE

‘Nobody teaches you how to be a victim.’

Schlecht went to a New Year’s Eve party and woke up 13 hours later in the basement, naked and in such pain that she couldn’t climb the steps. She said that when she asked an officer to have her rape kit tested, he told her that it was just a box with a red piece of evidence tape on it. “I was in there,” she said. “My hope was in there. My dignity was in that box.”



SARAH ORTEGA • 22 • ADVOCACY INTERN

‘I felt ... I never should have reported it.’

Ortega told police that an ex-boyfriend came to her apartment very drunk, yanked her hair so hard that she saw stars, then raped her. She said the police officer investigating her case asked what she had been wearing and why she didn’t scream or fight harder, which led her to question whether the attack was her fault.

Minneapolis police have never connected the three cases, according to records reviewed by the Star Tribune.

• • •

On a Sunday afternoon in August 2016, Melody Walton drove from Albertville, Minn., to the Twin Cities to visit her boyfriend. He had to attend a running clinic that evening, so she went out for a drink at a popular cocktail lounge in northeast Minneapolis.

Walton, who was 23 and training to be an EMT, was sipping a drink and reading “Being Mortal,” Atul Gawande’s book about end-of-life care, when a man sat down beside her. He said he was in town from Florida with a crew that set up concerts. They talked, and he ordered her a few drinks.

When closing time came, Walton told police, she realized she was too drunk to drive. The man offered to drive her car and take her downtown, where she hoped she could sober up at his hotel and wait for her boyfriend.

Once in the car, according to the police report, Walton had misgivings and texted her boyfriend for help. She said she had no intention of having sex with the man. A devout Christian, she planned to remain a virgin until she married her boyfriend.

Walton said she began blacking out in the car and can’t remember going up to the man’s room. She has a clear memory that one of his co-workers walked in after they arrived, and that the suspect yelled at him to get out. At that point, she told police, she begged him to let her leave. Instead, she said, he raped her for more than an hour.

When the man finished, he threw Walton’s clothes at her. She rushed from the room, dialing 911 and taking note of his room number. She ran down 11 flights of stairs and hid in an alley until her boyfriend arrived. They called police and went to the hospital.

When a police officer arrived, Walton said, one of his first questions was: Why were you at the bar drinking alone?

“I felt blamed,” she said. “I felt like he didn’t believe me.”

The police report shows that the officer went back to the hotel, confirmed the suspect’s room number and got his full name. But the report gives no indication that the officer went to the man’s room or tried to interview him. No one from the police got the name of the suspect’s co-worker or talked to him.

Nearly a week went by before a police investigator called Walton to arrange a formal interview. Another month passed before the investigator reached the suspect by phone, according to the police report. He denied that the two had sex and said he let Walton leave his room when she asked.

The case file shows that Walton’s sexual assault exam found semen. When Minneapolis police asked the suspect for a DNA sample, he said he needed to talk with his attorney. After an exchange of several voice mails, the attorney said he would call the investigator back. He never did.

Soon after that, police stopped investigating.

Reviewing the case at the Star Tribune’s request, Strand, the Arizona consultant, and his wife and business partner, Myra Strand, listed a series of missed opportunities: interviewing the co-worker, examining the hotel room and checking the suspect’s criminal background.

“The report seems incomplete. There are significant outstanding leads,” they wrote.

Minneapolis police declined to comment.

Nearly two years later, Walton returned to that hotel room with a Star Tribune photographer.

She stepped to the window and recalled gazing out at the same buildings on the night she was raped. She remembered how woozy she had felt and flashed back to the assault itself, “before it got bad.”

Since that night, Walton has tried to wipe those memories from her mind. She finished her EMT training, got a night-shift ambulance job with Allina Health, and began her studies for a higher certification. She also saw a series of therapists.

But she thinks about the rape every day. She has nightmares and wakes up screaming. After four years with her boyfriend — the man she hoped to marry — the couple broke up, shattered.

She is angry that the man who raped her was never held accountable.

Why didn’t police go into his room? What if an officer had spoken with him that night? What if they had obtained a DNA sample?

“All of the little things that they could have done better,” Walton said, “or could have done at all.”

Staff writer Faiza Mahamud contributed to this report.



WENDY • 28 • HEALTH WORKER

‘Nobody had my back. Nobody protected me.’

Wendy called police in February 2016 to report that her ex-boyfriend broke into her home and raped her. Her case file shows that police never went to her home to collect evidence. The man was never charged, despite previous arrests and convictions for beating and stalking Wendy, who didn’t want her last name published. Police reopened her case after inquiries by the Star Tribune.



FLORKIME PAYE • 29 • EVENT MANAGER

‘I felt like I needed to prove I wasn’t lying.’

Paye reported being raped twice by a man she was dating but says officers never tested the clothing and other evidence that she gave them. Her case file shows that police never called two women she named who might also have been victims. Police called the suspect, but when he refused to talk to them, they closed the case.

MORE FROM THIS SERIES

Hear their stories: View video of women describing the experience of reporting their assaults to the authorities, at startribune.com/deniedjustice.

Follow the podcast: A joint podcast of the Star Tribune and WCCO Radio explores this investigation. Find “Inside the News: Investigating Rape” on iTunes or Google Play. It’s also available at startribune.com/insidethenews.

Share your story: The Star Tribune is continuing to report on law enforcement’s handling of sexual assaults. If you are a survivor who wants to talk about your experience with police or prosecutors, we would like to hear from you. Our reporters will not share your information without your explicit permission. We also are interested in hearing readers’ questions and ideas about areas to pursue. You can reach Jennifer Bjorhus at 612-673-4683 or at jennifer.bjorhus@startribune.com. Brandon Stahl is at 612-673-4626 or brandon.stahl@startribune.com. Both reporters can also be reached using the encrypted messaging app Signal at 612-467-9841.

Coming next: Later this week read the second installment in this series, which reveals what happens when police fail to investigate suspects, even those previously charged with or convicted of sexual assault. Additional stories will be published periodically through the fall.

Get updates: Receive e-mail alerts when new installments in the series are published or a new episode of the Star Tribune/WCCO Radio podcast is available. You can sign up online at startribune.com/deniedjusticeupdates.

HOW WE WROTE THESE STORIES

In 2014, a University of Minnesota undergraduate named Abby Honold was raped at an off-campus apartment by a fellow student. Minneapolis police arrested the suspect, but released him a few days later. It would take a year before an investigator from another police department picked up Honold’s case and helped bring her rapist to justice.

In reporting that story, Star Tribune reporters heard from several law enforcement sources that sexual assault investigations in Minnesota deserved further scrutiny.

Over the past year, the Star Tribune has examined more than 1,000 rape and sexual assault case files from 20 large law enforcement agencies across Minnesota.

Using a public-records request, reporters obtained every rape report from 2015 and 2016 that Minneapolis and St. Paul police departments considered closed. For the other agencies, the Star Tribune examined a random sample from the same years.

A reporter or editor read each of the files, screening out any cases that involved children or incest, were deemed unfounded by police, or that remain under investigation. We logged key details from the cases, such as whether there was physical evidence; whether suspects or witnesses were interviewed, and whether charges were ever filed.

In assessing those case files, the reporters relied on best-practice investigative guidelines developed by the International Association of Chiefs of Police and an advocacy group called End Violence Against Women International. The reporters also attended a two-day law enforcement seminar about investigating sexual assault. We also asked 13 veteran investigators and prosecutors from across the United States to review and comment on more than 160 of the Minnesota cases.

In addition to the case files, reporters and editors examined hundreds of pages of court records and police documents and interviewed more than 100 assault survivors, sex crimes investigators, jurists, women’s advocates and academic researchers. Rape survivors were identified in these stories only if they specifically agreed to the use of their names for publication.

PANEL OF EXPERTS

In reporting this series, the Star Tribune consulted 13 veteran sexual assault investigators across the country:

Justin Boardman: Former sex crimes investigator in Utah; now trains police on best practices for sex assault investigations.

Roger Canaff: Prosecuted sex crimes for a dozen years in Virginia and New York; now a law enforcement consultant and trainer in New York City.

Sgt. (Ret.) Mike Davis: Founding supervisor of the domestic violence unit for the Vancouver, Wash., Police Department.

Sgt. (Ret.) Elizabeth Donegan: Led Austin, Texas, Police Department’s sex crimes unit for a decade; now coordinates testing of the city’s backlog of rape kits.

Julie Germann: Former Olmsted County prosecutor and founder of Finding the Right, which trains police and prosecutors on sex crime investigation.

Catherine Johnson: Sexual assault specialist with the U.S. Marine Corps in North Carolina; national trainer on rape investigations.

Sgt. Richard Mankewich: Oversaw more than 14,000 investigations while supervising the Sex Crimes Squad for the Orange County, Fla., Sheriff’s Office.

Anne Munch: Former prosecutor in Colorado specializing in sexual assault and domestic violence; former consultant to the U.S. Department of Justice.

Kevin Randolph: Former sex crimes investigator for the University of Minnesota Police Department.

Myra Strand: Sociologist specializing in sexual-violence prevention; co-founder of Strand Holistic Innovative Forensic Techniques, an Arizona consulting firm.

Russell Strand: Retired criminal investigator with the U.S. Army; co-founder of Strand Holistic Innovative Forensic Techniques.

Tom Tremblay: Consultant; former public safety commissioner for the state of Vermont and chief of police in Burlington.

Lt. (Ret.) Elisa Umpierre: Handled hundreds of sexual assault cases as an investigator in Rochester, Minn.

BEST PRACTICES

The International Association of Chiefs of Police and leading victim advocate groups have developed a set of best practices for investigating sexual assault. They include:

- Collect all possible physical evidence, including clothing, bedding, cell-phone records and DNA samples.

- Find witnesses who can describe the victim’s and suspect’s behavior before the incident.

- Interview “outcry witnesses” — friends and relatives in whom the victim or suspect might have confided soon after the incident.

- Interview the survivor using trauma-informed techniques, recognizing that a violent assault can affect a person’s memory. Use open-ended questions such as, “What was going through your mind when that happened?”

- Interview known suspects in person and run criminal background checks.

- Because rape survivors often have doubts about proceeding and may be hard to reach, make at least three attempts to contact them.

- Prepare detailed reports using the victim’s own words and documenting everything that officers saw, heard and did to investigate. Prosecutors say thorough reports can make or break a sexual assault case.

- When appropriate, ask the survivor to try a “pretext call,” a monitored phone call or message that allows the suspect to admit wrongdoing.

RESOURCES

If you are a sexual assault survivor in need of assistance, there are many places across Minnesota you can turn to for help:

- Minnesota Coalition Against Sexual Assault: mncasa.org

- Central MN Sexual Assault Center: cmsac.org

- Rape and Abuse Crisis Center of Fargo-Moorhead: raccfm.com

- National Sexual Assault Hotline: **1-800-656-HOPE** (connects the caller to the nearest rape crisis center)

See a complete list online at startribune.com/deniedjustice.



MELODY WALTON • 25 • EMT

‘I felt blamed. I felt like [police] didn’t believe me.’

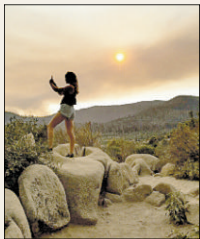
Walton said she was raped in this Minneapolis hotel room by a man she met in a bar. She called 911 immediately, went to the hospital for a sexual assault exam, and gave police the suspect’s room number and the frantic text messages that she had sent her boyfriend. She said one of the first questions a police officer asked was why she was out at a bar alone that night.

TOP NEWS

TRUMP,
E.U. PAUSE
TRADE WAR

Leaders agree to hold off on new tariffs on auto imports, settle on new talks. **A4**

Putin meeting in D.C. on hold
Divisive summit will wait until Mueller probe wraps up. **A4**



Fire closes Yosemite park
Evacuations disappoint the California park's many visitors. **A2**

'The water is coming'
A dam failure in Laos washes away villages. **A10**

First IVF baby turns 40
Louise Brown was first of millions to be conceived outside the body. **A2**

LOCAL NEWS

Minn. bonds score AAA
Two bond ratings agencies give state top marks for financial health. **B1**

Water hazard for Hiawatha
Park Board pumping plan will likely sink Hiawatha's 18-hole course. **B1**

SPORTS

Vikings start training camp
Death of Tony Sparano looms large over the first day back. **C1**

Twins cap sweep of Jays
Six-run 11th completes the three-game sweep. **C1**

BUSINESS

Polaris has healthy Q2
Strong sales, tax breaks propel company to solid results. **D1**

VARIETY

Rainbow collection
Swedish fashion designer brings vibrant show to Mpls. museum. **E1**

HAVE YOU HEARD?

Ducklings by the dozen: A photo of dozens of ducklings on Lake Bemidji has made waves online. **B2**



DENIED JUSTICE • SPECIAL REPORT

REPEAT RAPISTS
SLIP BY POLICE

NOTIFICATION OF RELEASE IN MINNESOTA

RISK LEVEL THREE

In addition to level two notification (schools and daycares as well as establishments and organizations that primarily serve individuals likely to be victimized by the offender), law enforcement may notify other members of the community whom the offender is likely to encounter.

The *Minneapolis Police Department* is available to provide you with useful information on personal safety. The *Minneapolis Police Department* may be reached at (612) 673-3932. To report criminal activity by this offender or any other individual, please call 911.

KEITH EUGENE WASHINGTON

DOB: 06/18/1976

OID: 205461

Race: Black Ethnicity: None Listed
Height: 5'11" Eyes: Brown
Weight: 191 lbs. Hair: Black
Complexion: Medium Brown Build: Medium

Registration statute(s): 609.342

Investigating agency: Minneapolis Police Department

Release date: 05/11/2015



04/09/2014



04/09/2014

Offense: Offender physically assaulted and engaged in sexual contact with victim (adult female). Contact included penetration. Offender was known to victim

When Amber Mansfield told police she was attacked and raped by Keith Washington, they didn't realize he was a convicted rapist and Level Three sex offender. And they never questioned him in the case.

Second in a series • Story by Jennifer Bjorhus, Brandon Stahl and MaryJo Webster
Photos by Renée Jones Schneider • Star Tribune staff

Bruised and terrified, Amber Mansfield sat in a hospital room and described her assault to two Minneapolis police officers.

The man she was seeing had flown into a rage, choked her, beaten her and threatened to kill her. Then he raped her.

Mansfield gave the police his address and his name: Keith Eugene Washington.

A simple background check would have shown that Washington was a convicted rapist with a long criminal record. And it would have shown that the state had designated him a dangerous sex offender.

Police checked none of that, according to the case file. Mansfield's case went nowhere.

Five months later, Washington was charged with attacking two other women in Minneapolis, just hours apart. Both had been choked until they blacked out and were left lying on the ground, partly undressed.

Only then did Minneapolis police check his background and realize they needed to hear Mansfield's account.

Today, three years later, the officer who oversaw the sex crimes unit acknowledges that Mansfield's case was mishandled.

It was hardly the first time that happened in Minnesota. Public records reviewed by the Star Tribune from 2015 and 2016 show dozens of rape cases in which police failed to investigate suspects even though they had been accused of, charged with or convicted of sexual assault in previous incidents — sometimes more than once. In late 2015, a young woman walked into a

Duluth police station with her mother and said that, three months earlier, a friend's boyfriend had raped her on a couch after a party. Court documents show the suspect had pleaded guilty four years earlier in Wisconsin to fourth-degree sexual contact without consent. The Duluth officer noted that and forwarded the case to the department's sex crimes, abuse and neglect unit.

Duluth police said they closed the case for lack of evidence and because the victim declined to proceed. The case file, however, doesn't say she wanted to drop out or indicate that an investigator ever tried to question the suspect.

In October 2016, a Brooklyn Center woman told police she had been raped at a Motel 6 by a man she met on a dating site. Contacted by police, the man said he was innocent. Court records show that he had been convicted of criminal sexual assault in

See **RAPE** on A6 ►

Court says
school
case can
proceed

Minnesota Supreme Court ruling reopens the debate over school segregation.

By ERIN GOLDEN
erin.golden@startribune.com

A lawsuit alleging that Minnesota has failed students by enabling segregation in schools will move forward in the courts, following a decision by the Minnesota Supreme Court on Wednesday.

The 4-2 ruling from the state's high court settles the question that had paused the legal battle over school segregation: whether it was the role of the courts or the Legislature to determine what defines an adequate education. Writing for the majority, Justice Natalie Hudson concluded that the Minnesota Constitution requires the Legislature to provide students with an acceptable education — but that the courts are the right place for someone to question if the Legislature is following through on that responsibility. “We will not shy away from our proper role to provide remedies for violations of fundamental rights merely because education is a complex area,” Hudson wrote. “The judiciary is well equipped to assess whether constitutional requirements

See **SCHOOLS** on A5 ►

Aggravation
alert: I-35W
closing down

By TIM HARLOW
tim.harlow@startribune.com

In what might be the most disruptive freeway closure of the summer — and that is saying a lot this year — the Minnesota Department of Transportation (MnDOT) will shut down a 15-mile stretch of Interstate 35W through the heart of the Twin Cities this weekend.

From 9 p.m. Friday to 5 a.m. Monday, northbound travel won't be allowed between the Crosstown Hwy. 62 in Richfield and Interstate 694 in Arden Hills, except for the stretch from County Road C to Interstate 694. Southbound lanes on I-35W will be closed, too, except from I-694 down to Hwy. 280 and Hwy. 36 and from 46th Street to the Crosstown.

Brace yourself, because the See **CLOSURE** on A5 ►

Mars discovery renews hope for life

By CAROLYN Y. JOHNSON • Washington Post

Using a satellite to peer beneath layers of dust and ice at Mars' south pole, scientists have detected a 12-mile-wide span of briny water, a large, stable reservoir akin to lakes buried beneath the Antarctic ice sheet on Earth.

The long-sought discovery, the largest detection of liquid water on the Red Planet yet, raises the tantalizing possibility of a very cold, very salty niche where life might have once existed — or even persisted.

“This could be, perhaps, the first habitat we find on Mars,” said planetary scientist Roberto Orosei of the National Institute of Astrophysics in Italy, who led the study published in the

journal Science.

To be clear, there's no sign of any actual Martian microbes swimming around, and the environment is not obviously hospitable — the water at the base of the polar cap is estimated to be minus-90 degrees Fahrenheit, far below the typical freezing point of water. Scientists believe the water is kept in liquid form by a salty brine that Orosei and colleagues speculatively describe as a “sludge.”

Scientists aren't even exactly sure what to call the body of water, which they detected by analyzing radar echoes gathered over three

See **MARS** on A5 ►

This NASA photo shows Mars, where a body of liquid water has been detected at the south pole.

◀ **RAPE** from A1

2001 and charged in 2004, though those charges were later dismissed. There is no sign in the file that police examined that record. They sent the case to county prosecutors, who declined to charge him.

In 2016, a young woman going home from Uptown reported being raped, and possibly drugged and trafficked, after getting into what she thought was a ride-sharing car. A Minneapolis police detective wrote that she couldn't reach the victim for an interview and closed the case. Later, DNA results identified the suspect as a felon from Illinois — a man whose DNA had also turned up in a Brooklyn Park rape. The detective spoke with her counterpart in Brooklyn Park, and they agreed to contact one another if there were new developments. But she didn't reopen the case, contact the suspect or try to notify the victim of the DNA results, the file shows.

Minneapolis police reopened her case after inquiries by Star Tribune, but said they couldn't discuss it.

The FBI makes it easy for an officer to conduct quick criminal background checks through the National Crime Information Center database. So does the Minnesota Bureau of Criminal Apprehension, whose criminal history database includes predatory offender status.

But out of more than 1,000 sexual assault cases reviewed by the Star Tribune, police documented conducting a background check just 10 percent of the time.

Justin Boardman, a former police sex crimes investigator in Utah and a nationally known consultant, examined Mansfield's file at the Star Tribune's request. Failing to check a suspect's background is like doing "half an investigation," he said.

• • •

Sitting in her living room in Mora, Minn., her face framed by long brown curls jammed under a baseball cap, Mansfield seems at once street-smart yet vulnerable. Now a 38-year-old single mom, she said she knew Washington growing up in north Minneapolis. She hung out with his brothers, she said, recalling with a smile how they went to all-night skating parties at the Rhythmland Roller Rink in northeast Minneapolis.

Eventually they lost touch.

Washington's adult criminal record begins at 18, with charges that included assault, robbery and drug possession. In 2000, he was convicted of first-degree rape after he repeatedly choked a woman in her home, assaulting her while her children watched.

Mansfield had her own scrapes with the law. By 30, she had convictions for drug possession, receiving stolen property and one for prostitution. Most reflected her own bad choices, she said: "Wrong place, wrong time, wrong people."

When she became pregnant, life changed. Mansfield said she wanted to be a good mother: She got sober and made a new start in Windom, Minn., where her father owned a small house. A few years later she began seeing a therapist for the anxiety and depression that she had battled for years.

One day in 2011 her phone rang. It was Washington, calling from prison. Mansfield said she took his call and found him to be engaging and intelligent. They began exchanging photos and letters, and talked frequently.

Washington got out of prison in May 2015. Authorities designated him a Level 3 sex offender, considered the most dangerous and likely to reoffend, but did not impose supervision because Washington had completed his sentence.

Mansfield's relationship with Washington soon turned romantic. She said she never knew the truth about his rape conviction.

Her ordeal began on a July evening in 2015. In her account to police, Mansfield said she and Washington were standing outside his sister's apartment in north Minneapolis when her cellphone rang. Washington demanded to know who called. When she wouldn't tell him, he smashed her phone, took her car keys, pulled her inside and began beating her. He knocked her to the floor, she said, and placed his hands around her neck.

"This is where you die," she recalled him saying.

When she came to, she said Washington was crying. She begged him to take her to a hospital. He did, but warned her to tell the nurse that she was drunk and had hurt herself falling down. Spooked by the security guards, he made her leave without treatment and took her to his mother's house.

Limping and barely able to swallow, she went into a bedroom and lay down.

It was there, she said, that the rape took place. She lay frozen, too injured to fight and too frightened to scream.

"Nobody's coming to save me," she remembered thinking.

• • •

In early 2015, researchers at Case Western Reserve University in Ohio



AMBER MANSFIELD • 38 • STAY-AT-HOME MOM

‘To them I was probably just some crack whore.’

Amber Mansfield said Minneapolis police didn't believe her when she reported being raped in 2015 by the man she was seeing. A background check would have shown that the suspect was a convicted rapist with a long criminal record. But police didn't check, and the man was charged with assaulting two other Minneapolis women a few months later. He is now in prison.

Hear their stories: View video of women describing the experience of reporting their assaults to the authorities at startribune.com/deniedjustice.

ABOUT THIS SERIES
Justice Denied is a Star Tribune special report examining breakdowns in the way sexual assault is investigated and prosecuted across Minnesota.

July 22: A Star Tribune analysis of more than 1,000 cases found repeated failings in basic police work. Read it at: startribune.com/deniedjustice

Share your story: If you are a survivor who wants to talk about your experience with authorities, we would like to hear from you. Our reporters will not share your information without your explicit permission. Both reporters can also be reached using the encrypted messaging app Signal at 612-467-9841.

Follow the podcast: A joint podcast of the Star Tribune and WCCO Radio explores this investigation. Find "Inside the News: Investigating Rape" on iTunes or Google Play. It's also available at startribune.com/insidethenews.

Get updates: Sign up for e-mail alerts when new stories or podcasts are available at startribune.com/deniedjustdiceupdates.

"If you're a cheetah on the savanna, you're picking off the weak to survive," said Boardman, the consultant. "It's the same with these guys."

• • •


A few days after the incident with Washington, a traumatized Mansfield drove to her sister's house, then picked up her daughter from her grandmother. Her sisters and her mental health case-worker persuaded her to file a police report and go to the hospital.

They were at North Memorial Medical Center when two Minneapolis police officers arrived. Mansfield and her sister said one of the officers treated her disrespectfully, asking what they felt were accusatory questions that made her feel like a criminal, not a victim.


"I wasn't very happy about a lot of things I did in my life, but I also was never ashamed of myself," she said. "It made me a great person in the end. But they kind of stripped me of that that day."

In their report, the officers noted that Mansfield's sister told them Washington had been in prison for criminal sexual conduct, but there is no mention that they checked his history. Reached recently, the officer who wrote the report said he couldn't recall running the background check, even though that would have been normal procedure. They gave Mansfield a blue card with resources for victims and

UP TO
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**No worries over
no starts at QB?**



SPORTS
**No worries over
no starts at QB?**



**MINNESOTA
STATE FAIR**



**MINNESOTA
STATE FAIR**



TASTE
**Beers at fair aim
for thrill-seekers**

INSIDE
100+
PAGES

VARIETY
Macramé makes
macro comeback

BUSINESS
Giant dairy farms
a game-changer


SUNDAY

OPINION
Pay raises are still
not great again

MINNESOTA
Lake town fights
to keep identity

August 12, 2018
startribune.com

StarTribune

90°  **92°**
Few days of heat before
more typical temps. **B14**

DENIED JUSTICE • SPECIAL REPORT

HOW ALCOHOL FOILS RAPE CASES

Third in a series • Story by Brandon Stahl, Jennifer Bjorhus and MaryJo Webster • Photos by Renée Jones Schneider • Star Tribune staff

Joanna Howe woke up in her bed, naked and uncertain how she got there.

Her friend's wedding in October 2016 had been a rare night out for the 40-year-old single mom studying to be a preschool teacher. She planned to have a good time. She took a Lyft ride to the event and recalled telling the bartender, after a couple of beers and glasses of wine, not to worry, she would use the service to get home, too.

Her last memory from the night was unsettling: Trying to pronounce the name of a man standing over her as she was lying down. She wasn't injured, but knew something was wrong. She never slept nude and her apartment door had been left unlocked.

"It was more of an emotional feeling of wrongness," Howe said.

She suspected her Lyft driver had come into her apartment and raped her. She called the Roseville police.

Over the next year Howe confronted a stark reality faced by many women who report being raped in Minnesota: Their already slight chance of getting justice plummets if they were drinking.

Police are less likely to interview witnesses, assign cases to a detective or forward them to a prosecutor for possible criminal charges, according to a Star Tribune analysis of more than 1,000 sexual assault cases from 2015 and 2016.

When cases involving alcohol do reach prosecutors, suspects are much

See **RAPE** on A10 ►

Subd. 7. **Mentally incapacitated.** "Mentally incapacitated" means that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

Subd. 8. **Personal injury.** "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish or pregnancy.

Subd. 9. **Physically helpless.** "Physically helpless" means that a person is (a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor.

Subd. 10. **Position of authority.** "Position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities or person who is charged with any duty or responsibility for the health, welfare, or supervision of a child.

WHEN CONSENT IS IN DOUBT

Minnesota defines rape as sex involving force, coercion, or a victim who is "mentally impaired, mentally incapacitated or physically helpless" and unable to grant consent.

Some prosecutors say the law's wording makes it hard to prove lack of consent.



Scott Benolken paused along what would be part of the "Border-to-Border Touring Route" across northern Minnesota recreational areas.

COOK COUNTY, MINN - His Jeep Wrangler lurched over protruding rocks and wobbled atop potholes on forest back roads as birch and pine scratched at his windows.

Amid the rough ride, Scott Benolken found peace. In the bouncing truck, he could release the stress of the day and bask in the sights — blooming wildflowers, babbling streams and maybe, if he got lucky, a moose.

"It's kind of my meditation," he said.

But too many trucks treading on that overgrown, two-track road could threaten the serenity of the North Woods, a popular

A BUMPY RIDE FOR A ROUTE IN WOODS

Story by PAM LOUWAGIE
Photos by ANTHONY SOUFFLÉ
Star Tribune staff

destination for hikers, campers, anglers and skiers, some fear.

A deep divide over motorized vehicles in the wilderness is erupting anew across parts of Minnesota's vast and beloved recreational northland, all over what at first glance seems small: Putting up signs to mark a route for four-wheel drives that would stretch across more than 900 miles of back roads.

The proposed "Border-to-Border Touring Route" is slated to wind from North Dakota to Lake Superior as soon as 2019. It is designed for drivers of highway-licensed

See **ROUTE** on A13 ►

Air worker stole plane, took it on death ride

By NICK MIROFF and ALEX HORTON • Washington Post

The 29-year-old hijacker was performing midair stunts over Puget Sound, an erratic flight pattern that seemed to mirror the loops and barrel rolls of his radio chatter.

He told the control tower he was "a broken guy" but a lot of people cared about him and he wanted to apologize. He asked the whereabouts of an orca whale and her dead calf. And he wondered — laughing — what would happen if he tried to do a "back flip" with the plane he had stolen from Seattle's main airport.

When the control tower urged him to attempt to land the empty, 76-seat Bombardier Q400 belonging to his employer, Horizon Air, the man — identified by a law enforcement official as Richard Russell — worried about

See **PLANE** on A9 ►

Colleges offer new leg up for adult learners

By MAURA LERNER
maura.lerner@startribune.com

For 11 years, Carmen Alvarez has worked as a medical interpreter at Regions Hospital in St. Paul. And she's learned a thing or two on the job.

So much so that she's been able to earn more than a semester's worth of college credits without going to class.

Alvarez, 51, has received 18 credits from Metropolitan State University — nearly one-sixth of what she needs to graduate — just by demonstrating what she knows from her experience in the working world. She's one of hundreds of students using what's known as "credit for prior learning" to cut the cost and time it takes to earn a college degree on the St. Paul campus.

Now, school officials are

See **CREDIT** on A12 ►

Voting, passions surge ahead of Tuesday's primary

By JUDY KEEN
judy.keen@startribune.com

NORTHFIELD - Adam Favro lopped off a lock of Duane Kaczmarek's hair the other day at Bridge Square Barbers as the two discussed the political discord thriving around them.

"There is that four-letter word — hate, which is really prevalent. The question is how

do you join people together?" said Kaczmarek, 74, a retired tax accountant. Favro, the 27-year-old barber, said, "It is very, very, very split. There are protests here every Saturday."

The fractured and motivated mood of Minnesota voters was evident in dozens of interviews across the state last week, just days ahead of Tuesday's primary election. Many

voters said the stakes are historically high, with state policies on taxes, education and health care on the line — along with the future of Donald Trump's presidency and agenda.

An open governor's race, two U.S. Senate campaigns and multiple competitive U.S. House races make Minnesota a critical battleground.

"Everything is riding on

these midterms and the election coming up in two years," said Michael Ellingson, 28, a father of two from Bayport who works at Lake Elmo Coffee and described himself as a Democratic socialist.

Ellingson is still researching candidates' stands on issues such as health care and the minimum wage. He has voted

See **PRIMARY** on A14 ►

MINNESOTA PRIMARY

Tuesday: Voters choose candidates for the Nov. 6 general election.

Polls: Most locations are open from 7 a.m. to 8 p.m.

New claim: Swanson staffer alleges improper campaign request. **B1**

Taking Fifth: DFLers in Fifth District looking for the upper hand. **B1**

◀**RAPE** from A1
less likely to be charged with a crime or convicted. When a victim is sober, records show, prosecutors charge about 15 percent of the sex assaults. When a victim is intoxicated, that rate drops to 8 percent.

In cases where the victim was drinking, only 1 in 20 sex assaults resulted in a conviction — about half the overall conviction rate for sex assaults.

“That’s just unacceptable,” said Rep. Marion O’Neill, a Maple Lake Republican who sits on the Minnesota House Public Safety Committee, after reviewing the Star Tribune’s findings. “I feel like what I’m looking at are rapists getting a free pass, and I want to know why.”

Minnesota’s laws on drinking and consent may be partly to blame for the problem, prosecutors say. Suspects can claim the sex was consensual unless the victim was “physically helpless” and the perpetrator knew it.

But a bigger reason may be attitudes and beliefs, among law enforcement investigators and society, that make it easier to doubt the credibility of victims.

“I have not ever met a cop who said, ‘I don’t care about sexual assault or sexual violence,’” said Inver Grove Heights Police Chief Paul Schnell. “The problem becomes all the filters that get applied to that.”

If investigators, prosecutors and juries are looking for an ideal set of facts, Schnell added, “it’s going to be very difficult for us to move a case forward because rarely do you have the ideal fact set.”

In Brooklyn Park, a woman reported being raped by an ex-boyfriend after a night of partying two weeks earlier. She showed police a text message from the man that said: “If---d you the other night when you were passed out, a couple of times. I enjoy using you.”

But a detective said he didn’t plan to call the suspect or send the case to prosecutors, writing in his report: “It would be his word against hers about what really happened.”

Heather Vande Kieft was an 18-year-old college freshman having drinks with friends at her St. Paul apartment in 2014. She was drunk and went to bed. Her next memory is of three men she met earlier in the night entering her room. She said that as she drifted in and out of consciousness, one stole her money, another held her down and the third raped her.

“I remember they were all laughing,” she said. “I remember saying no.”

When police arrived, “You could tell they were annoyed to be there,” Vande Kieft said. A few days later, a detective called and met her at her building. Toward the end of the interview, she recalled the investigator telling her, “I bet you regret not being more careful.”

Using a photograph and surveillance video from the apartment building, police identified a suspect. His DNA matched the results from Vande Kieft’s rape exam. According to Vande Kieft’s case file, he was a suspect in an another sexual assault. His criminal record showed three convictions for domestic violence, including a 2013 case where he choked and beat a woman on the back of her head.

According to the case file, the suspect initially lied and said he had no involvement with Vande Kieft. When the investigator told him about the DNA, he said the sex was consensual.

Vande Kieft was told charges wouldn’t be filed. She was never told the suspect’s name.

“I couldn’t believe that criminals were believed over somebody that didn’t even have a speeding ticket,” she said.

St. Paul police said the investigator worked the case “incredibly hard,” and reviewed it again after the Ramsey County Attorney declined to prosecute.

“If the victim had expressed concerns with the way she was treated, the department would have responded and done everything possible to address her needs,” spokesman Mike Ernster said.

• • •

About one third of the sexual assault cases examined by the Star Tribune involve victims who were drinking or using drugs. Often, the victim lacks a clear recollection of what occurred, but is adamant that she would not have consented to sex.

“How could I consent if I don’t remember anything?” said Howe.

Her best friend, Micah Desormeaux, was with her when a Roseville patrol officer arrived at Howe’s apartment.

From the start, Howe and Desormeaux said, they felt the officer did not believe Howe’s account. “He kept saying ‘I just need to be the devil’s advocate,’” Desormeaux recalled.

Howe said the officer asked whether she could have met someone at the reception who then came over. He suggested that perhaps the Lyft driver helped her walk up to her apartment, she said, and asked whether she might have just taken off her clothes while asleep.

“I don’t feel like the officer thought that there was anything to investigate,” Howe said.

The police report in Howe’s case,



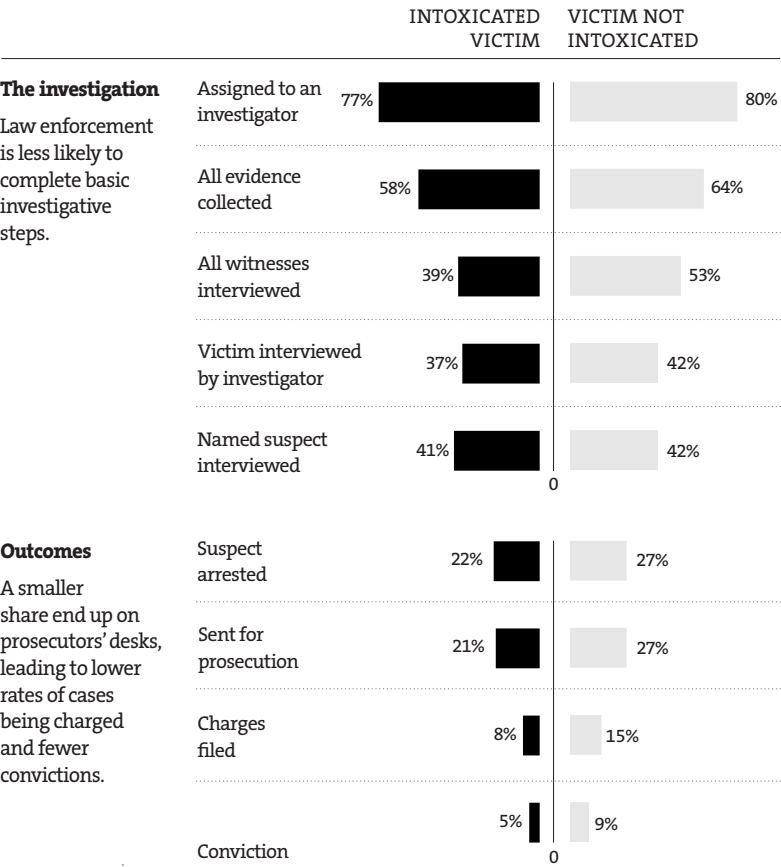
JOANNA HOWE • 40 • GRADUATE STUDENT

‘How could I consent if I don’t remember anything?’

Howe reported being raped by a Lyft driver who took her home after a friend’s wedding in 2016. She was drunk and had no memory of the incident, but the driver later said in a text that they had sex. Police never questioned him, and prosecutors declined to file charges because a jury might not believe she was “physically helpless” under state law and unable to grant consent.

WHEN A VICTIM IS INTOXICATED

Reports of sexual assault involving a victim who was intoxicated at the time of the incident are less likely to be fully investigated and prosecuted than cases with a victim who wasn’t intoxicated, according to a Star Tribune analysis of more than 1,000 police reports from around the state.



Source: Star Tribune research

obtained by the Star Tribune, does not contain a transcript of the interview with Howe. The officer wrote that Howe “admitted” to drinking that night.

The officer collected Howe’s bedding and clothes, then she and Desormeaux drove to the hospital for a rape exam.

Back home, Howe got an e-mail from Lyft, saying her phone had been recovered from her driver’s car. She also found a receipt from her ride home that included a photo of her driver. It was the same man she remembered standing over her.

She called the officer who took her rape report. He met the Lyft driver at a mall parking lot and retrieved the phone, but asked nothing about the alleged rape, according to the case file.

After the officer returned her phone, Howe said, she didn’t hear from police for six months. Roseville police said they attempted to contact her during that time, but acknowledged that they should have tried harder and vowed to improve their victim communication in the future.

• • •

Prosecutors say sexual assault cases where the victim is drunk or high are the most difficult ones to prove.

One obstacle is that juries often blame victims, said Julie Germann, a former Olmsted County prosecutor.

“Juries have an expectation of what a ‘real rape’ looks like. It still looks like the bad guy jumping out of the bushes,” even though most rapes involve acquaintances, Germann said. “When you stray away from that, it’s a hurdle.”

Minnesota’s laws also make it easy for a suspect to claim that the victim



HEATHER VANDE KIEFT • 22 • GRADUATE STUDENT

‘I felt like it was immediately dismissed the second I brought up ... drinking.’

Vande Kieft was a college freshman drinking with friends at her St. Paul apartment building. After she went to bed, she said three men came into her room. She told police one stole her money, another held her down and a third raped her. Her sexual assault exam produced a DNA match, but the suspect said the sex was consensual. Her case was never charged.

agreed to have sex, even if she was blacking out, stumbling drunk or had no memory of consenting.

Ramsey County Attorney John Choi said it would be easier to win prosecutions if Minnesota law specifically said it’s illegal to have sex with a person who was too intoxicated to consent.

Current law, Choi said, requires that “you have situations where somebody is literally, physically unable to communicate that nonconsent. Do you know how narrow that is?”

At least seven states, including Wisconsin, outlaw having intercourse with a person who is too intoxicated to consent. California makes it a crime when a victim cannot consent due to “any intoxicating or anesthetic substance.” Wisconsin prohibits sexual contact “with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent.”

The high bar posed by Minnesota law means police and prosecutors must work intoxication cases even harder to gather evidence that would corroborate a victim’s account. Yet the belief that juries won’t convict when the victim was drunk can deter law enforcement officers from vigorously investigating those cases, Germann said, making it less likely that the rapists will be held accountable.

“When law enforcement sees alcohol, that’s often where a case ends,” said Jude Foster, a program coordinator with the Minnesota Coalition Against Sexual Assault.

That is borne out in hundreds of cases reviewed by the Star Tribune.

In Waseca County, a 19-year-old woman said she called the sheriff to

report that she was sexually assaulted by a friend she was staying with. The deputy asked whether she had been drinking. She said yes. He gave her a ticket for underage consumption, records show.

“I felt defeated,” the woman said.

A 19-year-old woman out drinking with friends told St. Paul police in 2015 that she vomited and drifted in and out of consciousness as she was raped by two men in the group and awoke bleeding the next day. The investigator closed the case without contacting the suspects, according to the police report, saying the men “would have reasonably believed she was acting in a consensual manner.”

A Mankato woman woke up in her bathroom, vomiting. Her last memory from the previous night at a downtown bar was accepting a drink from a stranger who said something about dropping a pill in her glass. A roommate later saw her on the couch at home, with a half-dressed man on top of her. He moved to the floor after she confronted him. When the two women found a used condom in their apartment trash, they called police.

The women provided similar descriptions of the man. So did another friend who had driven the woman and the man home from the bar.

When police met with the suspect, he denied being at the bar or with the woman. He said his roommate could vouch for him, and said he “would think about” providing a DNA sample, according to an officer’s report. Records from the 2016 case show that police never collected the suspect’s DNA, interviewed witnesses at the bar or tested the victim’s rape kit.

Weeks later, police closed the case. Public Safety Director Todd Miller said

ABOUT THIS SERIES

Denied Justice is a Star Tribune special report examining breakdowns in the way sexual assault is investigated and prosecuted across Minnesota. Read the first two installments of the series at startribune.com/deniedjustice.

Hear their stories: View video of women describing the experience of reporting their assaults to the authorities at startribune.com/deniedjustice.

Share your story: If you are a survivor who wants to talk about your experience with authorities, we would like to hear from you. Our reporters will not share your information without your explicit permission. Both reporters can be reached using the encrypted messaging app Signal at 612-467-9841.

Follow the podcast: A joint podcast of the Star Tribune and WCCO Radio explores this investigation. Find “Inside the News: Investigating Rape” on iTunes or Google Play. It’s also available at startribune.com/insidethenews.

Get updates: Sign up for e-mail alerts when new stories or podcasts are available at startribune.com/deniedjusticeupdates.

it was because the woman did not want to go forward. “Sometimes we see cases where a victim is drinking and makes a bad decision and wants to cover it up ... and [they] say, ‘Let’s report this and say it wasn’t my fault,’” Miller said.

Police records give no indication that the victim stopped cooperating, or that investigators believed the report was false. The Star Tribune was unable to locate the woman because data privacy laws require police to redact the names of victims in sex assault cases.

• • •

Howe had all but given up when a Ramsey County advocate assisting her with her case said the results from her rape exam were inconclusive. She set up a meeting with the Roseville police investigator assigned to her case, Jamie Baker.

To stand any chance of getting prosecutors to charge the driver, Baker told Howe that they would have to get him to admit that he had sex with her.

At the police station, Howe said Baker posed as her and texted the driver.

“Are you interested in hooking up again?” Baker typed.

“Perhaps, what do you think?” the driver responded, according to the texts Howe showed the Star Tribune.

“Well what did we do last time?” Baker replied.

The driver texted that Howe seemed “drunk, but you were coherent.”

He wrote that they went to her apartment and he stayed for an “hour or so. We cuddled, and we had ... both ways.”

Howe felt a mix of disgust but also relief. Here was the proof she would need to see him charged with a crime.

Howe said Baker told her police still needed to interview the suspect. The police report shows that Baker tried calling the driver, but his phone wasn’t accepting calls, so she wrote him a letter requesting that he contact her. About a month later, Baker made another entry in the case file: the suspect never responded.

In August 2017, the file says, the Ramsey County Attorney declined to charge the driver. Howe said the prosecutor told her that because the driver texted that she was coherent and that she walked up to the apartment with him, it would be reasonable for a jury to believe that she was not physically helpless.

Howe couldn’t believe it. “There’s no way I could consent,” she said. “But because of the narrow way that laws have been interpreted in Minnesota in cases like mine, I won’t see any justice.”

Howe’s case file shows that police never interviewed witnesses from the wedding, such as the bartender, who could have described how many drinks he gave Howe. They never looked at the driver’s car to see whether Howe vomited on her way home, potentially a sign that she was too intoxicated to consent to sex. Police never tested her bedsheets for DNA. And despite having the suspect’s address, they never questioned him about Howe’s condition that night.

But Choi, the Ramsey County Attorney, said that even if police had gathered that evidence, his office likely would not have brought charges. The driver’s behavior was “absolutely outrageous,” Choi said, “but from a prosecutor’s standpoint, there’s a question as to whether it violates the law.”

Roseville Police spokeswoman Lt. Erika Scheider defended the department’s handling of Howe’s case. She noted that prosecutors never directed Baker to investigate further before declining to file charges in the case.

A Lyft spokeswoman said the driver was fired after Howe contacted the company. “We continue to have absolutely zero tolerance for the behavior described,” the company said in a statement to the Star Tribune.

• • •

Choi said he plans to press the Legislature to change Minnesota’s law on sexual assault to specifically address intoxication and a victim’s ability to grant consent. Hennepin County Attorney Mike Freeman supports such a change. “It puts some of the burden on the defendant,” he said.

University of Colorado professor Aya Gruber, who studies rape laws, agreed that Minnesota’s laws need to be clarified to cover cases where the victim is intoxicated but not passed out.

Yet clearer statutes, on their own, won’t make the cases easy to prove, Gruber said. Even when someone is drunk, she said, there are still times when people can consent to sex but have no memory of it the next day.

Howe said she sometimes still struggles to fill in the blanks of what happened that night. She’s angry that she has been made to feel that she’s to blame for what happened, and troubled that the man involved probably doesn’t know he was a suspect in a criminal case.

“I was raped,” Howe said. “No matter what choices I made, I didn’t choose that.”

Brandon Stahl • 612-673-4626
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DENIED JUSTICE • SPECIAL REPORT

OVERWHELMED BY RAPE CASES

High turnover, thin staffing, poor training plague police investigations of sex assault

Fourth in a series • Story by Jennifer Bjorhus, Brandon Stahl and MaryJo Webster • Photos by Renée Jones Schneider • Star Tribune staff

Bryan Schafer saw the struggle over and over in the Minneapolis Police Department: Too few investigators for too many rape cases, too many victims never getting justice. Then he discovered it was not only a big-city problem. When he became police chief in Hastings five years ago, Schafer learned that most of his officers had little or no training in investigating sexual assaults. Some said they were uncomfortable handling sex crimes and, given a choice, preferred a crime like burglary. An outside review of 86 Hastings sexual assault investigations showed the consequences: Less than one-quarter had resulted in criminal charges. Schafer was shocked.



“You’re dealing with physical evidence, emotion, trauma. This is more than going to a burglary.”
Hastings Police Chief Bryan Schafer

“How can we expect our officers to ... do justice for the victim if they’re not trained to do so?” he said. “This is not like having your TV stolen.” Scant or nonexistent training for police officers who investigate sexual assaults is a chronic problem across Minnesota. Most of the state’s largest law enforcement agencies don’t require it. Neither does the state board that oversees the licensing and training of police officers. Constant turnover and thin ranks compound the problem. In Minneapolis, the police sex crimes unit has had six different supervisors in the past decade, records show. Its six investigators handle twice as many cases as the 12 detectives in homicide. St. Paul’s family and sexual violence unit has
See **RAPE** on A8 ▶

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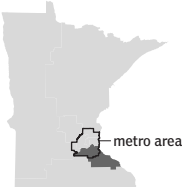
The biggest spending on advertising so far is in the Third, where Dean Phillips is challenging Rep. Erik Paulsen.

State is at the epicenter of battle for control of Congress

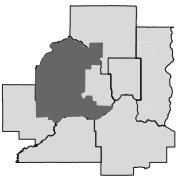
By KELLY SMITH and MAYA RAO • Star Tribune staff

In a TV ad from Democrat Dean Phillips, an actor in a rather convincing Bigfoot costume talks about searching for Republican Rep. Erik Paulsen, whom Democrats criticize as invisible to his constituents. In another, a Republican group allied with Paulsen bashes Phillips for his wealth and his background in the liquor business. Flip the channel: There’s Rep. Jason Lewis, another Republican, promising to be an “independent voice” for Minnesota. His opponent, Democrat Angie Craig, talks about growing up without health care. On it goes, day after day and night after night, a back-to-back barrage of spirited pleas and scorching attacks that won’t let up for six more weeks. During a single break in one local TV news broadcast last week, spots by candidates and their allies accounted for 17 of the 23 total commercials that aired during the program. Millions of dollars are being spent on ads in this battleground state this year, especially in a handful of fierce contests for Congress. The ads are a constant reminder of the extremely high political stakes in Minnesota’s congressional contests in this midterm election. With two Republican incumbents fighting to hold on in the Twin Cities suburbs, and Democrats defending two more rural districts carried in 2016 by President Donald Trump, the national battle for control of Congress runs right through
See **ADS** on A17 ▶

DISTRICT 2



DISTRICT 3



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FBI probes 2nd woman’s accusations

It is unclear if White House will let FBI extend limited inquiry to third accuser.

By SHANE HARRIS, MATT ZAPOTOSKY and TOM HAMBURGER • Washington Post



Kavanaugh awaits results of one more FBI inquiry.

WASHINGTON – The FBI has begun contacting people as part of an additional background investigation of Judge Brett Kavanaugh, including a second woman who alleges that the Supreme Court nominee sexually assaulted her. The bureau has contacted Deborah Ramirez, a Yale University classmate of Kavanaugh’s who alleges that he shoved his genitals in her face at a party where she had been drinking, her attorney said Saturday. “She has agreed to cooperate with their investigation,” Ramirez attorney John Clune said in a statement. “Out of respect for the integrity of the process, we will have no further comment at this time.” President Donald Trump ordered the new background investigation of his nominee

Credibility: There are holes in Kavanaugh’s testimony. **A13**
Women: Many are fervent Kavanaugh supporters. **A15**

Friday under pressure from key members of his party. Late Saturday, Trump said the FBI investigation “will be a blessing in disguise. It will be a good thing.” In brief remarks to reporters before leaving for a rally in West Virginia, the president said he continues to believe Kavanaugh didn’t do anything wrong. “He’s a good
See **KAVANAUGH** on A15 ▶

Outside groups testing teachers’ loyalty to union

By ERIN GOLDEN
erin.golden@startribune.com

Around the time school started this fall, teachers across Minnesota found their mailboxes filling up with postcards printed on glossy paper. One featured a smiling teacher, clutching a stack of papers in front of a classroom, and a question: “Is what’s best for the union really what’s best for you and your classroom?” “Minnesota teachers now have a choice,” read another. “Get the facts. Do what’s best for YOU.”

The state’s public school teachers find themselves at the center of a divisive battle over the future of their labor union, Education Minnesota. In late June, the U.S. Supreme Court ruled that public employees who do not join unions cannot be required to pay for collective bargaining. Since then, the leaders of Education Minnesota — one of the state’s most powerful political forces, with 90,000 members and formidable campaign spending power — has been pushing hard to keep its numbers up.
See **SCHOOLS** on A17 ▶

◀ **RAPE** from A1
had five commanders in the past five years. And not one of the nine investigators who worked in the unit in 2013 is still there now, records show.

Rape victims and their advocates say they are not surprised. Law enforcement agencies that are overworked and undertrained help explain why so few rapists in Minnesota are caught or punished. Stubborn and corrosive myths about rape, they say, shadow many investigations.

“This is not about bad cops,” said Joanne Archambault, a retired San Diego police sergeant who co-founded the nonprofit End Violence Against Women International. “This is a systemic issue. You have a culture, and it starts at the top.”

• • •

Lack of training appears to be a critical factor in hundreds of sexual assault investigations reviewed by the Star Tribune.

In 2016, a young woman told St. Paul police she had been raped by a colleague who drove her home after an evening of drinks with co-workers. She waited nine months to report the incident, the case file shows, but she brought police crucial pieces of evidence: a sexual assault exam performed at a local hospital, plus text messages and e-mail from the accused man admitting he knew how drunk she was that night.

Her case landed on the desk of sex crimes investigator Sgt. David McCabe.

In his 10 years with the St. Paul Police Department, McCabe has taken more than 1,000 hours of law enforcement training, according to personnel records obtained by the Star Tribune. The courses included emergency driving, use of firearms, crowd control and managing homicide scenes.

Investigating a sexual assault? Not one hour.

The case file shows that McCabe never interviewed the woman’s co-workers about the night’s events or sought a search warrant for the man’s cellphone and computer. He never questioned the suspect in person, relying instead on a phone interview.

Ramsey County prosecutors, citing insufficient evidence, rejected the case.

The St. Paul Police Department said McCabe was not available for an interview, but spokesman Steve Linders defended the investigation. He said interviewing co-workers wouldn’t have helped because both parties acknowledged they were all intoxicated, and that the investigator didn’t appear to have probable cause for a search warrant. He said the nine-month reporting delay complicated the case and noted that the county prosecutor had no suggestion for further investigation. “It indicates that the investigator took the steps necessary to determine actually what occurred,” he said.

Whether additional training would have helped is unclear, Linders said, but the department has identified gaps in training and is working hard to address them. In addition, Linders said the department last week assigned a new commander to work exclusively with the sex crimes unit, but he didn’t dispute the high turnover of the past five years.

“We make assignment decisions based on experience, maximizing limited resources and making sure we are able to best meet the needs of both our community and our department,” he said.

A Star Tribune review of more than 1,200 Minnesota sexual assault files found hundreds of other cases in which detectives failed to do basic police work, such as collecting evidence or questioning suspects in person.

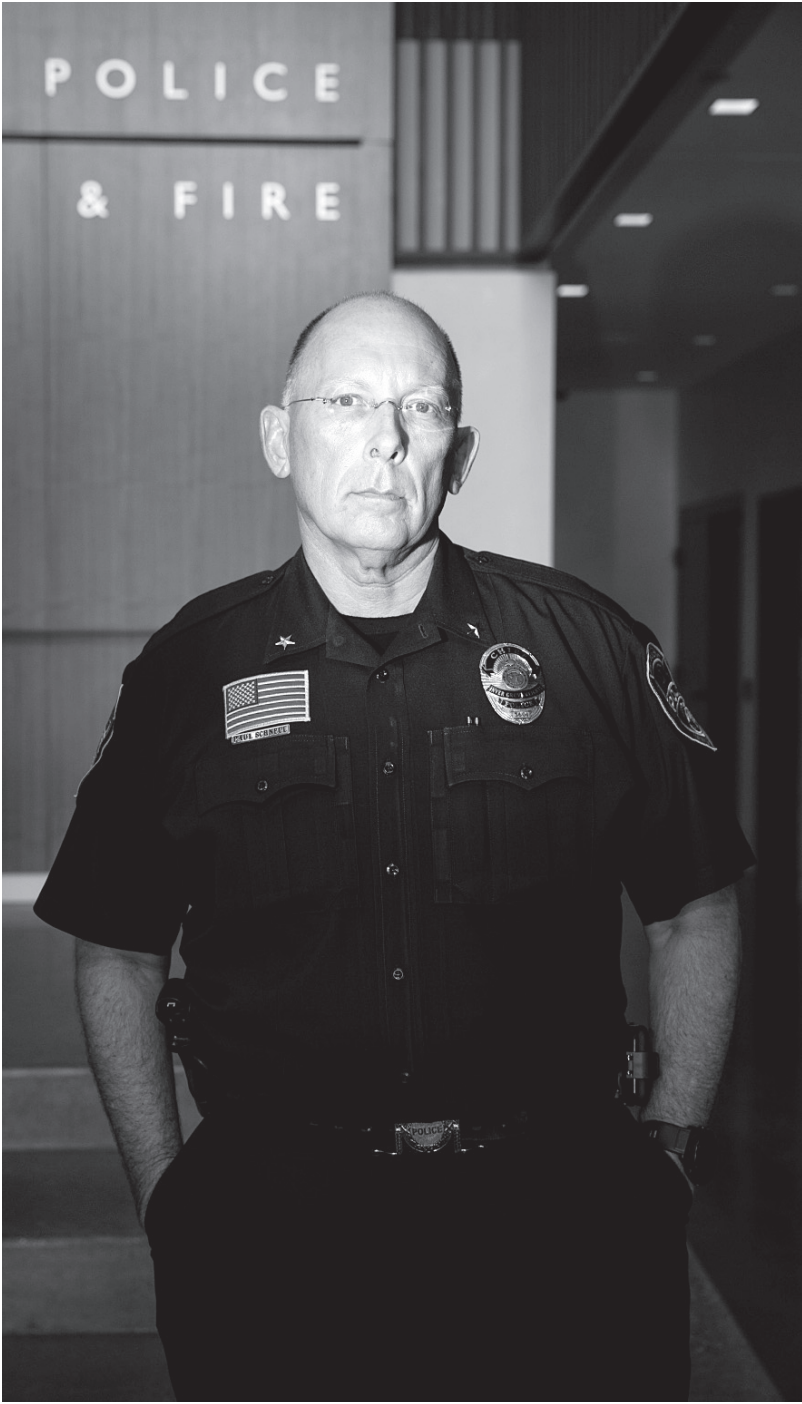
Police officials say training can be costly. Small departments in particular have a hard time fitting classes into packed work schedules and finding officers to cover for missing colleagues, especially when the state already requires training in other subjects, such as firearms use.

But research by law enforcement groups confirms the value of training. When officers have specialized training in sex crimes, victims are less likely to drop out



RETIRED MINNEAPOLIS POLICE LT. MIKE MARTIN

“Sex crimes have not historically been a priority within the police department. ... Murders, shootings, aggravated assaults ... are more likely to be important not only to the community, but also to the politicians.”



INVER GROVE HEIGHTS POLICE CHIEF PAUL SCHNELL

“I know the way law enforcement is trained to investigate crime, and we investigate all crimes the same way. The reality is [that] sexual assault ... is a highly personal crime. We have to really think about investigating these cases differently.”

of investigations and prosecutors are more likely to file charges, according to the Police Executive Research Forum, the profession’s leading policy arm.

Some states, such as New Jersey and Illinois, have adopted broad sexual assault training requirements for all police officers. Massachusetts has long required detectives to take a weeklong course to be certified as sexual assault investigators.

Minnesota requires police officers to hold at least a two-year college degree, but there are no classes devoted to sexual assault at some of the most popular programs, including Hennepin Technical College, Rasmussen College or Alexandria Technical & Community College. A Hennepin Technical College spokeswoman said instructors discuss sexual assault in various courses, such as “Police Report Writing & Interview,” and “Police Response and Human Behavior.”

In Hastings, Schafer sent all of his roughly two dozen officers to specialized training in sex crimes. Every new hire must complete at least three to four hours of outside training in the topic.

That makes Hastings an outlier. Among 20 Minnesota law enforcement agencies surveyed by the Star Tribune, only two — Brooklyn Center and Duluth — require detectives to undergo special training in the handling of sex crimes, and that’s only after they have been assigned to investigate those types of cases.

Smaller departments, too, struggle with staffing and training. Last spring, Ramsey County Attorney John Choi surveyed detectives from six local jurisdictions while reviewing Ramsey County’s handling of sex crimes. Twelve of the 15 detectives said their units were not adequately staffed to do their best work.

Of the 15 detectives, seven had only one course on sexual assault before they began handling investigations. Five had none.

Training records obtained by the Star Tribune from 20 law enforcement agencies indicate that many detectives will take, over the course of their careers, some continuing-education coursework in sexual assault investigations. But records show that the courses can be as brief as a one-hour webinar, and their instructors do not have to be accredited or credentialed by the state.

Minnesota’s police licensing board has approved nearly 50 continuing education classes on sexual assault investigation. But since it began tracking participation two years ago, it has recorded only 29 of the state’s 10,500-plus active peace officers taking one.

Lt. Mike Martin had no experience handling sex crimes when he was assigned to run the sex crimes unit of the Minneapolis Police Department in 2013. He specialized in criminal gangs.

Any doubt Martin may have had about the value of high-quality training vanished after he took his detectives for instruction in a new investigative approach called the Forensic Experiential Trauma Interview (FETI).

In FETI training, officers learn that a trauma such as rape can scramble the victim’s recollection of an event and leave key details obscured. Detectives are taught to use open-ended questions or ask about sensory impressions to help unlock clues from a traumatic incident.

One of Martin’s detectives soon put the training to work.

A woman had reported being raped at gunpoint by a stranger as she left a south Minneapolis bar. There was no DNA match from her sexual assault exam, and she had trouble recalling details because she had been drinking.

The detective asked the woman to recall any unusual sensory impressions during the assault, such as sounds or smells.

“I just keep remembering the smell of newly mown grass,” she told him.

Examining the Uptown alley where the rape happened, detectives found a yard where the grass had indeed been freshly cut. Searching the grass, they found a cellphone that ultimately led them to the suspect and helped win a conviction, Martin said.

See **RAPE** on A9 ▶

◀ **RAPE** from A8
“That sold me on the FETI interviewing,” he said.

• • •

Veteran law enforcement officials and victim advocates warn that training alone won’t produce better investigations. They say police executives must hold investigators accountable, commission outside audits of their work and change police culture.

Inver Grove Heights Police Chief Paul Schnell, who teaches courses on sexual assault, said that he’s struck by the number of officers in his classes who believe most rape reports are false.

“If I go and ask a group of cops what percentage of sexual assault reports are false, they’re going to tell me 60-90 percent,” Schnell said.

Most credible studies put the figure at 5 percent or less.

Laura Goodman, a retired deputy police chief of Brooklyn Center and a former ombudsman for the Minnesota Office of Crime Victims, called the root problem gender bias.

“When you have a culture that there are good victims and bad victims, it’s pretty easy to move to the next level, of not investigating cases,” she said.

As Martin sees it, the problem in Minneapolis was that sexual assaults didn’t command the same attention as other violent crimes. “Nobody calls in saying: ‘Hey, there’s a bunch of rapes occurring on my block, can you fix it?’” Martin said. “These are all the cases nobody talks about.”

Martin also said that running the sex crimes unit was considered a dead-end assignment for command staff in Minneapolis — a posting he got after falling out of favor with the department’s leadership. The unit’s location on a lower floor of City Hall signals its status, he said.

“Homicide gets the windows. Robbery gets the windows. Sex crimes — you get a cubicle and a closet, basically,” he said. “It was like the penalty box.”

Training wasn’t the only problem. Untested rape kits had piled up in the department’s property room to the point that the refrigerators were full. The unit also had no operations manual, a document that would list best practices and protocols for investigations.

And although many of his investigators were very talented, he said, they were drowning in cases. Martin said he reviewed new reports every morning, assigning a detective to every case where it was clear that a crime had been committed. But the huge number of reports and the unit’s size required him to choose carefully, he said, and if he chose wrong, no one above him reviewed the decision.

Martin said he did his best, but after a year in the unit he retired and took a job at the University of Minnesota.

His successor, Lt. Mike Sauro, said he didn’t see the job as a dead end. Sauro, a 40-year veteran who during his career was fired and rehired twice for using excessive force, said sex offenses are heinous crimes and that he enjoyed “locking up bad guys.”

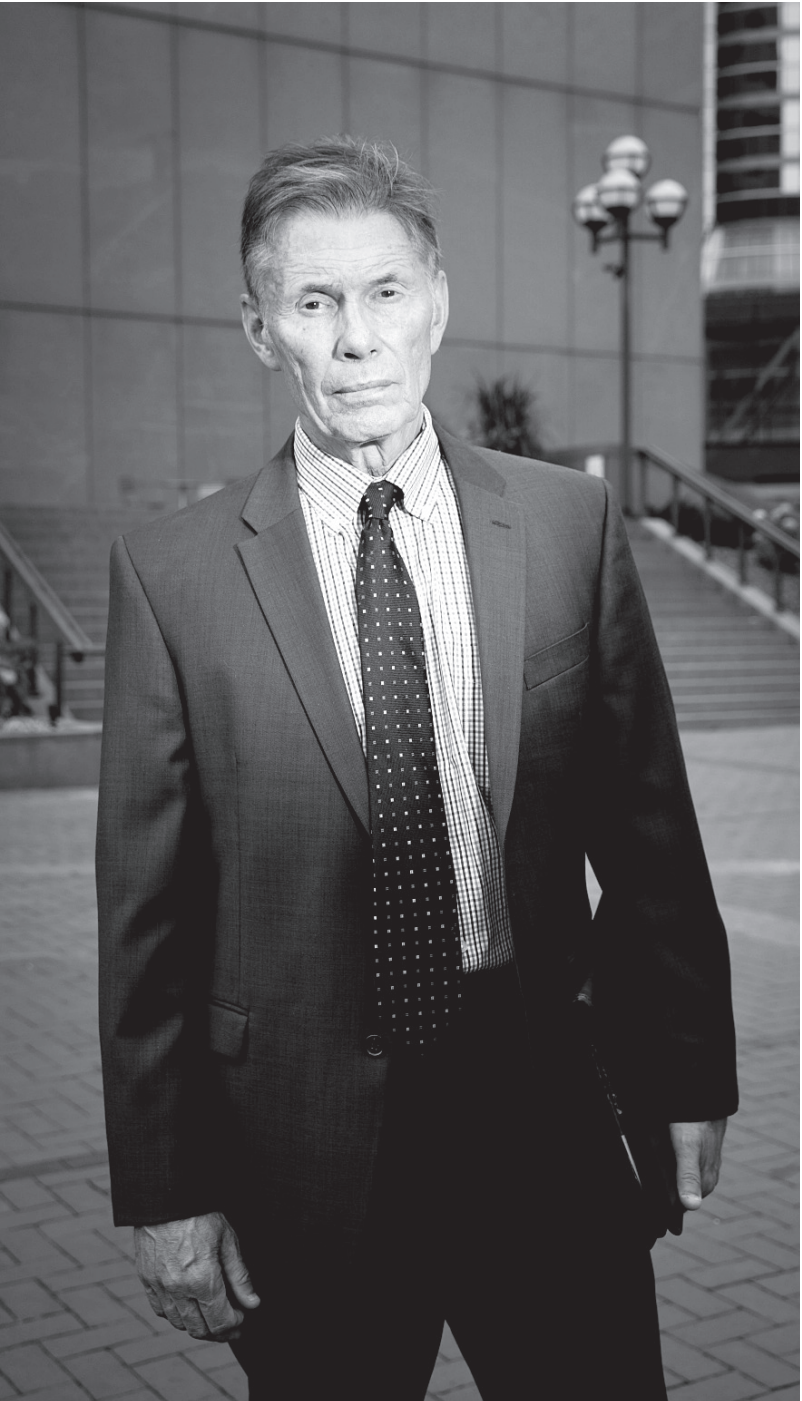
Sauro, who has defended his unit’s handling of sexual assault investigations, said detectives worked cases hard.

Even so, the sheer volume of cases meant that his job amounted to triage, said Sauro and other department veterans. For his part, Sauro wouldn’t assign a case to a detective unless he believed it would succeed at trial.

That wasn’t his only reason for rejecting cases. He acknowledged, for example, that one case probably got set aside because the victim had a criminal history. And if victims make “enough bad decisions,” such as mixing prescription medications with alcohol, he said, there was little he could do to catch the perpetrator.

“If you assigned every case ... the real victims would get no justice,” Sauro said.

Veteran sex crimes investigators say that such sorting, known as “redlining,” can endanger other women. Police files reviewed by the Star Tribune show dozens of rape cases in which police failed to investigate suspects even



RETIRED MINNEAPOLIS POLICE LT. MIKE SAURO

“For whatever reason, police administration thinks it’s appropriate to change the lieutenant every year. It’s a serious crime and it’s complex, and to change the lieutenant every couple years does not do justice to the victims.”



HASTINGS POLICE CHIEF BRYAN SCHAFER

“We wanted to make sure everyone had at least a base level set of skills to deal with sexual assault. ... I think from a patrol officer level, on the front line, I think it’s many times a highly dreaded call because of the comfort level.”

though they had been accused of, charged with or convicted of sexual assault in previous incidents — sometimes more than once.

“Police should not be trying the case on the street corner or at our desk and trying to figure out what a jury will think,” said Mike Davis, a retired detective from the police department in Vancouver, Wash. “That is for a prosecutor.”

Within roughly a year, Sauro too had left the unit — reassigned, then retired.

• • •

Top officials at the Minneapolis Police Department acknowledge problems in its handling of sexual assault cases. They say they are working to address them.

But Deputy Chief Eric Fors, who oversees the investigations bureau that houses the sex crimes unit, disputed the charge that sexual assaults receive lower priority, or that supervising the unit is a doghouse assignment for command staff.

“There could be nothing further from the truth,” Fors said in an interview.

“We want them to get justice. We want to see the right outcome, and we recognize that there have been instances where we haven’t been our best. But ... we’re always moving forward, and our goal is to build the best system that serves them in the best way.”

Last month, department officials announced that they will hire a full-time advocate to guide victims through the complex course of an investigation.

That position had been under consideration for months but was approved only after the Star Tribune published a story in July documenting pervasive breakdowns in sexual assault investigations in Minnesota.

Fors said he also wants to increase the unit’s detective ranks, from six to at least 10, and get FETI training for the detectives who haven’t had it.

After the Star Tribune reported that some three-fourths of sexual assault cases were never forwarded to a prosecutor, Hennepin County Attorney Mike Freeman announced changes too; he plans to station one of his attorneys inside the Minneapolis sex crimes unit to collaborate with detectives and help develop evidence. His office is awaiting county board approval to fill that position.

Separately, but also in response to the Star Tribune’s findings, the state’s Peace Officer Standards and Training (POST) Board, said it will develop a statewide policy for sexual assault investigations, and is considering new training standards for patrol officers and detectives.

• • •

The promised reforms will come too late for some victims.

Last June, a 37-year-old woman from Minnesota’s Iron Range reported being raped in a downtown Minneapolis parking ramp after a Twins game. Mandi, a married mother of two, asked that her surname not be used, but allowed the Star Tribune to review her police file.

She and a girlfriend had driven to the Twin Cities for the game and booked a hotel room for the night. They had a few drinks at the ballpark, and a few more afterward at a nearby bar, Cowboy Jack’s, where they chatted with a group of young men.

That’s where her memory fades, Mandi said in an interview. She said she woke up in a concrete stairwell, pinned to the steps, with one of the men raping her. In intense pain, she tried to push him off, she said. Passersby helped her back to her hotel, where she and her friend called police and went to the hospital for a sexual assault exam.

A few days later, as bruises formed across her body, she got a phone call from Minneapolis police investigator Sgt. Danyelle DeRose.

DeRose had joined the sex crimes unit just two days earlier. In a recording of the conversation obtained by the Star Tribune, DeRose seems to discourage Mandi from pursuing the case, saying

See **RAPE** on A10 ►



MANDI • 37 • STAY-AT-HOME MOM

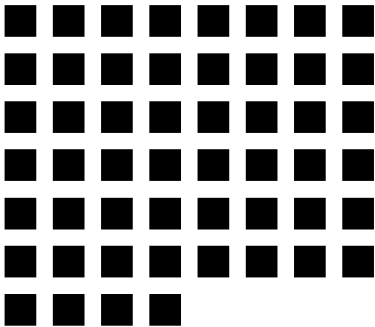
‘I felt like, I’m being accused of something.’

Mandi told Minneapolis police she was raped in a downtown parking ramp by a man she and her friend met in a bar after a Twins game. A detective, new to the sex crimes unit, told her prosecutors were unlikely to pursue the case, even though she had bruises and a sexual assault exam. The suspect told police the sex was consensual, and officers never found surveillance video of the time in question. Prosecutors said there was insufficient evidence to bring charges.

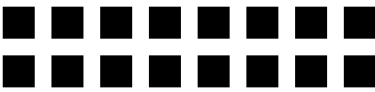
◀ **RAPE** from A9
there wasn’t enough evidence for prosecutors. “At no point did you actually say ‘Stop,’” she said.
When Mandi asks whether her sexual assault exam might show that she had been drugged, DeRose said that wasn’t likely.
“Just to let you know, I’m new to the unit, but the person who’s training me in — in five years has only had one case of drugs in the system,” DeRose said, according to the tape.
Still, Mandi and her husband demanded an investigation.
The case file shows that DeRose telephoned the suspect, who said she had made romantic advances, had led him to the parking ramp and had engaged in consensual sex.
DeRose also contacted the operators of the parking ramps, but employees told her they couldn’t find any surveillance video matching Mandi’s account.
DeRose closed the case, writing that she lacked the evidence to send it to county prosecutors.
Catherine Johnson, a former sex crimes detective in Kansas City, Mo., who now trains federal

agents, said she felt sick as she reviewed the case for the Star Tribune. She noted that the detective appeared not to have pulled the parking ramp surveillance video on her own, never interviewed bartenders at Cowboy Jack’s, and did not question the suspect in person.
“Poor police work,” Johnson said. “I think the majority of what happened ... is a result of poor training.”
Minneapolis police officials declined to discuss an individual case, but said that detectives strive to be straightforward with victims: “These can be very difficult and trying conversations for everyone involved,” the department said. At the same time, it said, the promised changes in its practices “will go a long way toward improving ... service for victims.”
Mandi now realizes she won’t get answers about that night — or about why the police investigation left her feeling accused and unimportant. “It could have been handled better,” she said.
And she is resigned to the fact that her attacker will never be caught.

OVERWHELMED BY CASES
In Minnesota, sex crimes rarely get the same priority or resources as other serious crimes. In 2016 Minneapolis Police’s homicide unit investigated 230 cases. In the same year, its sex crimes unit investigated 412 cases — almost twice as many.



MPD sex crime cases per detective in 2016.



MPD homicide cases per detective in 2016.

ABOUT THIS SERIES
Denied Justice is a Star Tribune special report examining breakdowns in the way sexual assault is investigated and prosecuted across Minnesota. Read the first three installments of the series: startribune.com/deniedjustice.
Hear their stories: View video of women describing the experience of reporting their assaults to the authorities at startribune.com/deniedjustice.
Share your story: If you are a survivor who wants to talk about your experience with authorities, we would like to hear from you. Our reporters will not share your information without your explicit permission. You can reach Jennifer Bjorhus at 612-673-4683 or jennifer.bjorhus@startribune.com. Brandon Stahl is at 612-673-4626 or brandon.stahl@startribune.com. Both reporters can also be reached using the encrypted messaging app Signal at 612-467-9841.
Follow the podcast: A joint podcast of the Star Tribune and WCCO Radio explores this investigation. Find “Inside the News: Investigating Rape” on iTunes or Google Play. It’s also available at startribune.com/insidethenews.
Get updates: Sign up for e-mail alerts when new stories or podcasts are available at startribune.com/deniedjusticeupdates.

Minnesota: Thousands of St. Paulites want city out of the garbage business.

Sports: Nebraska wins first game of the season after defeating Gophers.

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SUNDAY

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56° 34°
Sunny and milder for
most of the week. **B14**

DENIED JUSTICE • SPECIAL REPORT

REJECTED BY THE PROSECUTION



Bradley Traaseth asked authorities multiple times to file charges against the men suspected of raping his daughter, Hannah. He was unsuccessful.

In Minnesota, half of sex assault cases police send to prosecutors never result in charges

Fifth in a series • Story by Brandon Stahl, Jennifer Bjorhus and MaryJo Webster
Photos by Renée Jones Schneider • Star Tribune staff

Hannah Traaseth told the deputies things she had been too afraid and ashamed to tell her father. How she got into the car of a man she had never met before. How he and his friend had taken turns raping her, an experience so violent that she said she later texted a friend, “My body hurts.” Traaseth was 13. The men were 21. Investigators in Wisconsin and Maplewood spent the next 8 months working the case, even though Traaseth, afraid for her safety, initially misled them on how she met the men and where the assault occurred. Still, detectives combed through her text messages and social media accounts to identify possible suspects, and Traaseth soon told them everything. Then they obtained warrants for Facebook accounts, arrested and questioned two men and took samples of their DNA, which matched the samples found on the teenager’s underwear. Police, convinced the evidence was strong enough to charge both men with rape, sent the case to the office of Ramsey County Attorney John Choi in May of 2016. “We generally don’t send cases over unless we think there’s enough evidence,” said David Kvam, a commander at the Maplewood Police Department. Choi’s office declined to charge the men, saying in a letter to the family that the teenager’s “conflicting versions” of what happened that

night made it unlikely they would win at trial. “We strongly believe that no responsible prosecutor in the state of Minnesota would charge this case,” Choi told the Star Tribune. Bradley Traaseth, Hannah’s father, begged Maplewood police to resubmit the case. They did. Five months later, Choi’s office again declined to press charges, citing the same reasons. In total, Choi’s office would review the case four times, each time electing not to charge either of the men. Bradley Traaseth is still furious. “This should be an open-and-shut case,” he said. But most people accused of sexual assault in Minnesota won’t ever face a reckoning in court. In 2016, 481 people were convicted of felony-level sex assaults in Minnesota, the lowest total since 1983, according to data from the Minnesota Sentencing Guidelines Commission. Only 1 in 4 sexual assault cases in Minnesota is ever referred to a county attorney, according to a Star Tribune analysis of more than 1,300 sexual assault cases filed in 2015 and 2016. Prosecutors reject half the cases police send them. They reject cases that include DNA evidence, witnesses, and sometimes even confessions, records show. They rarely ask police to conduct additional investigations, case files show, and in interviews, victims say they are often never told why their assailant won’t be charged with a crime.

See **RAPE** on A10 ►

STAR TRIBUNE/MPR NEWS MINNESOTA POLL

Walz hangs on to small lead over Johnson

Governor’s race tightens but still has sharp divides in gender, age and party.

By J. PATRICK COOLICAN
patrick.coolican@startribune.com

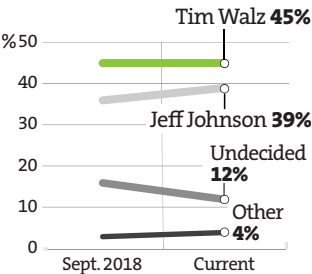
Democrat Tim Walz leads Republican Jeff Johnson in the race for governor with just over two weeks until the election, but the race has tightened in the past month, according to a new Star Tribune/MPR News Minnesota Poll.

Walz won support from 45 percent of voters while Johnson was backed by 39 percent. Johnson’s support ticked up from 36 percent in the September Minnesota Poll, while Walz’s stayed at the same level.

Walz is a congressman from Mankato, and Johnson is a Hennepin County commissioner from Plymouth. The poll found both candidates still have a chance to swing votes their way as they mount final pitches, with 12 percent still undecided and one in seven

GOVERNOR’S RACE

“If the 2018 general election for Minnesota governor were held today, would you vote for . . .”



Source: Star Tribune/MPR News Minnesota Poll, Oct. 15-17, 2018; 800 Minnesota likely voters, +/-3.5 margin of error.

voters recognizing neither candidate. Another 4 percent backed one of two minor-party candidates.

The tightening nature of the race suggests Walz may not be on track for a commanding win. But Johnson would need to swing undecided voters almost entirely his way in the next two weeks to overtake his rival. The poll finds sharp

See **POLL** on A17 ►

Killing shines light on Saudis’ war in Yemen

By DECLAN WALSH
New York Times

HODEIDA, YEMEN — A battle-wagon roars through the gates of a beach villa on Yemen’s Red Sea coast, a luxury property with a 20-foot chandelier and indoor pool, now repurposed as a busy field hospital. Young fighters, drenched in the sweat of the battle, leap from the pickup and hoist a wounded comrade, blood streaming down his face, into the emergency ward.

A piece of shrapnel had sliced his nose and lodged in his right eye. The fighter, a portly young man named Ibrahim Awad, groans. “Please, Hameed,” he calls to a fellow fighter, a glint of panic in his



Saudi journalist Jamal Khashoggi was killed at the Saudi Consulate in Istanbul.

one good eye. “My head feels heavy.”

The Saudi-led war in Yemen has ground on for more than three years, killing thousands of civilians and creating what the United Nations calls the world’s worst humanitarian crisis. But it took the crisis over the killing of dissident Jamal Khashoggi in a Saudi consulate two weeks ago for the world to take notice.

Saudi Arabia’s brash young crown prince, Mohammed bin

See **YEMEN** on A13 ►

Retailers navigate the new world of holiday shopping

By JACKIE CROSBY
jackie.crosby@startribune.com

After a decade of turmoil in the retail industry, many stores are entering the all-important holiday season with strong momentum and customers wanting to spend.

Fueled by record low unemployment and consumer confidence at its highest level in 18 years, the National Retail Federation projects holiday spending to top \$1.1 trillion. “We are ready,” Best Buy CEO Hubert Joly said last week.

The retailers who so far have figured out the balance of in-store and online sales and the complexity of distribution channels to compete with



CEO Hubert Joly said Best Buy is ready for the holiday shopping season rush.

Amazon have the advantage going into the holiday season, analysts say.

“Some retailers — Target and Best Buy among them — have been able to adapt to the new reality,” said Stephen Baker of the market research firm NPD Group. “Companies that missed pieces of those changes are struggling or are going away.”

Think Sears, which filed for Chapter 11 bankruptcy last

See **RETAIL** on A17 ►

◀ **RAPE** from A1

To Hannah Traaseth, not filing charges against the two men in her case confirmed her worst thoughts about herself and that night.

That she deserved it. That it was her fault. That she was worthless.

“I started to see myself as an object,” she said. “One that didn’t matter much.”

Other sex assault victims in Minnesota share that feeling.

In Mankato, three women living at a facility for vulnerable adults in 2015 accused the building caretaker of sexually assaulting them. One of the women uses a wheelchair. Records show the suspect first denied to a detective that he had any sexual contact with the women, then later changed his story to say it happened, but that it was consensual.

Mankato Police sent the case to the Blue Earth County Attorney’s Office hoping for attempted rape charges. Charges were declined, with an attorney writing in the police report that the case could not be proved “beyond a reasonable doubt.”

In Minneapolis, Melissa Miyashiro was certain she had a confession from the man she accused of raping her, and that it would lead to criminal charges.

In a conversation recorded with a detective present, the man admitted more than once that he did not listen to Miyashiro when she told him to stop, according to the police file and audio provided to the Star Tribune.

“I’m falling apart,” she told him early in the call, her voice shaking. “I don’t understand why you didn’t listen to me when I said no.”

“I don’t know either,” he quickly responded, adding “It was completely wrong of me.”

Throughout the nearly eight-minute phone call, she continued to press him as he repeatedly admitted that he couldn’t explain his actions.

“You know without permission it’s rape. It’s what that is,” she said.

“I do,” he replied. “And I’ll never forgive myself for it.”

The Hennepin County Attorney’s Office declined to charge the man. Miyashiro said a victim advocate told her that prosecutors turned down the case because she didn’t fight back or leave the house.

The jury would say: “Why didn’t you leave?” Miyashiro recalled the advocate telling her. “The defense would be able to put grains of doubt in the minds of the jury.”

In a statement, Chief Deputy Hennepin County Attorney David Brown did not specifically say why charges were declined, but said two different reviews of the case “required a thorough evaluation of all the evidence included in this investigation. That included the recorded apology which was not an admission of this crime.”

In an interview shortly after the “Denied Justice” series launched, Hennepin County Attorney Mike Freeman said his office was examining 40 cases from this year that have not been charged; he also vowed to hire more prosecutors to help handle rape cases, and work more closely with law enforcement.

Prosecutors are not required to explain to victims or anyone else why they decide not to file charges in a case. Their communications with police are protected under attorney-client privilege. Many victims who spoke with the Star Tribune about their cases said they never got a chance to discuss the details of their case with prosecutors.

Ramsey County Attorney Choi said prosecutors are bound by an ethical obligation to not charge cases that they don’t believe they can prove beyond a reasonable doubt. The Hannah Traaseth case illustrates that because initial inconsistencies in her story would raise doubts in the mind of jurors, he added.

“Otherwise, we will have a system where prosecutors charge suspects because we merely think they are guilty without the evidence necessary to prove that to be true,” Choi said. “Certainly, prosecutors operating under this type of standard would at times convict the guilty and at times convict the innocent — an outcome none of us would want.”

Prosecutors often refer to the American Bar Association’s ethical standard for filing criminal charges, which says that should occur only if there’s probable cause of a crime and evidence that is “sufficient to support a conviction.” Roger Canaff, who prosecuted rapes for more than a dozen years in New York and Virginia and now trains law enforcement on the topic, said that standard should not be interpreted to mean that charges should be filed only when victory in court is likely.

“Prosecutors need to expand their view of what ‘evidence sufficient to support a conviction’ means,” Canaff said. “It can be the testimony of the victim, if it’s compelling enough.”

To sex crimes investigators, having to repeatedly tell rape victims that their case was rejected can be “demoralizing,” said Andy Skoogman, executive director of the Minnesota Chiefs of Police Association.

“Nothing frustrates a dogged investigator more than getting their case sent back to them,” Skoogman said.

• • •

Dan Drake, a detective in Rogers, Minn., has experienced that frustration.



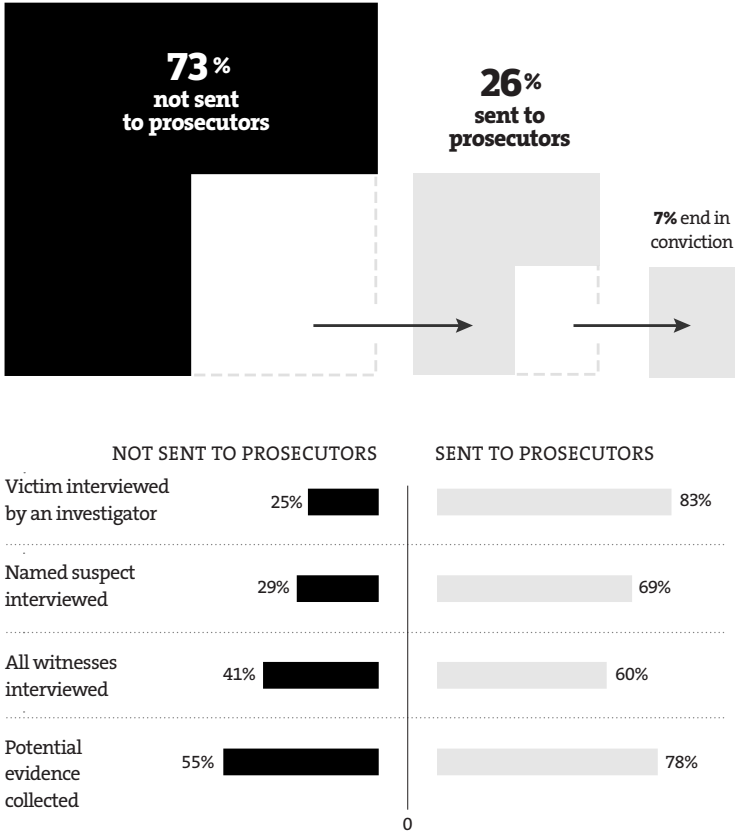
HANNAH TRAASETH • 16 • STUDENT

‘I didn’t deserve what happened to me.’

Traaseth initially misled investigators about some details of the assault against her when she was 13. Police believed her and built a case against the two 21-year-old suspects, but prosecutors declined to file charges. They said they believed a jury would not convict the men because of the inconsistencies, and that the trial would pose a risk to her.

SHORTCOMINGS IN RAPE INVESTIGATIONS

The Star Tribune has now reviewed more than 1,300 sexual assault cases reported in Minnesota in 2015 or 2016. Only 1 in 4 cases was sent to prosecutors for possible criminal charges. In hundreds of instances, police failed to perform basic investigative steps.



Note: The Star Tribune requested all closed/inactive sexual assault cases from Minneapolis and St. Paul police, and a sample of cases from 18 other law enforcement agencies with the most reported sexual assaults. The newspaper is still waiting for all requested cases from Itasca County Sheriff, plus additional files from two other agencies.

ABOUT THIS SERIES

Denied Justice is a Star Tribune special report examining breakdowns in the way sexual assault is investigated and prosecuted across Minnesota. Read the first four installments of the series at startribune.com/deniedjustice.

Hear their stories: View video of women describing the experience of reporting their assaults to the authorities at startribune.com/deniedjustice.

Share your story: If you are a survivor who wants to talk about your experience with authorities, we would like to hear from you. Our reporters will not share your information without your explicit permission. You can reach Jennifer Bjorhus at 612-673-4683 or jennifer.bjorhus@startribune.com. Brandon Stahl is at 612-673-4626 or brandon.stahl@startribune.com. Both reporters can also be reached using the encrypted messaging app Signal at 612-467-9841.

Follow the podcast: A joint podcast of the Star Tribune and WCCO Radio explores this investigation. Find “Inside the News: Investigating Rape” on iTunes or Google Play. It’s also available at startribune.com/insidethenews.

Get updates: Sign up for e-mail alerts when new stories or podcasts are available at startribune.com/deniedjusticeupdates.

Variety: Want a longer, happier life?
Don't be grateful just on Thanksgiving.

Sports: Bears-Vikings showdown has
playoff feel, and playoff implications.

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for holiday travel

SUNDAY

HEALTH
Virtual doctor
will see you now

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StarTribune

33°  **25°**
Cold and a few flurries
through the week. **B14**

Will state be tossup in 2020 election?

Despite DFL sweep, parties
expecting another pitched
battle in Minnesota.

By JUDY KEEN
judy.keen@startribune.com

President Donald Trump is
confident he can defy recent
political history and turn Min-
nesota red in 2020.

He said so in June, telling a
Duluth rally that snagging the
state he came within 44,765
votes of winning would be
“really, really easy” next time.

Trump’s campaign team
considers Minnesota — which
hasn’t voted for a Republican
presidential nominee since
Richard Nixon in 1972 — a
2020 battleground.

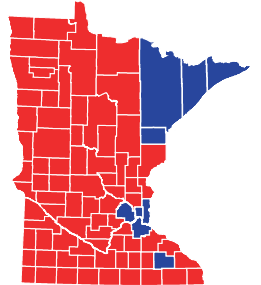
Strategists in both parties
say they might be right, and
some early forecasts put the
state in the tossup column.

“There’s a misperception
of Minnesota as relatively safe
territory” for Democrats, said
Carrie Lucking, manager of
Tim Walz’s winning campaign
for governor, one of a handful
of big wins by Democrats in
the recent midterm elections.
“That is problematic from a
resource perspective” because
the state party will need help
fending off a Trump offensive.

Gregg Peppin, who helped
Republican Jim Hagedorn
win Walz’s U.S. House seat in
southern Minnesota, thinks
the state is in play. The out-
come will depend on “whether
the visceral dislike [of Trump]
motivates people to go to the
polls or a visceral like of him
motivates people,” he said.

U.S. Sen. Amy Klobuchar’s
aspirations could dramati-
cally reshape the next presi-
dential race here. The Min-
nesota Democrat was just
overwhelmingly re-elected to
See **MINNESOTA** on A13 ►

2016 PRESIDENTIAL ELECTION RESULTS



Mapping the shift: A look at
3 presidential elections. **A13**

DENIED JUSTICE • SPECIAL REPORT

A VICTIM HEARD, JUSTICE SERVED



Alesha Erickson found the fortitude to face her rapist at trial in part because an inves-
tigator, an advocate and a prosecutor took her, and her case, seriously from the start.

Sixth in a series • Story by Jennifer Bjorhus, Brandon Stahl and MaryJo Webster
Photos by Renée Jones Schneider • Star Tribune staff

The telephone rang after dinner:
A young woman was at the hos-
pital, bruised and frightened,
saying she had been raped.
Investigator Steve Heinrich
told his family not to wait up.
He headed out the door, into
a case fraught with all the challenges that can
complicate sexual assault investigations: The
victim had a history of drug use and behavioral
problems. She had been drinking with her assail-
ant and had blacked out during the assault. The

suspect insisted the encounter was consensual.
Hundreds of rape cases in Minnesota end
right there, with a victim’s first police report,
according to more than 1,300 case files reviewed
by the Star Tribune. Time after time, documents
show, law enforcement officials say no to vic-
tims who come forward to report an assault.
But this time, a caring cop, a confident pros-
ecutor and a devoted advocate of victimized
women on the Iron Range proved it’s possible
to get justice even in the most difficult cases.
And they started simply by saying yes.
See **RAPE** on A14 ►

\$15 wage campaign heads to Capitol

After success in St. Paul
and Minneapolis, battle
expands to rest of state.

By EMMA NELSON
emma.nelson@startribune.com

After persuading Minne-
apolis and St. Paul to adopt
a \$15 minimum wage, worker
advocates now plan to pres-
sure lawmakers to bestow that
same raise on every minimum-
wage earner in Minnesota.

In a prelude to their broader
ambitions, activists will rally
this week for hundreds of low-
wage workers at Minneapolis-
St. Paul International Airport.

“In other states, victories in
large cities have prompted the
state to pass \$15,” said Celeste
Robinson, lead organizer with
15 Now Minnesota. “What
we’ve seen in California, in
Washington state, is that hav-
ing capital cities, larger eco-
nomic hubs, raise the wage
is one of the best things that
workers can organize around
to push the state toward adopt-
ing a higher minimum wage.”

The midterm elections
boosted support at the Capitol
for a statewide wage increase,
with the DFL winning the
majority in the state House
and the victory of DFL Gov-
elect Tim Walz, who has said
he would sign a \$15 minimum-
wage bill into law.

DFLers who already sup-
port a \$15 minimum wage
said Friday that they’ll likely
introduce legislation on the
minimum wage, as well as
earned sick time and paid
See **WAGE** on A13 ►

Code-named megaplan has city on edge

As fulfillment centers take
root, suburbs fret over traffic.

By HANNAH COVINGTON
hcovington@startribune.com

Jen and Jeff Geisinger knew
the open field across the road
from their Brooklyn Park
neighborhood wouldn’t stay a
pumpkin patch forever.

But they never dreamed of
the project now pitched for
that spot: a four-story, 2.6 mil-
lion-square-foot fulfillment
center that, if approved, could
become the largest industrial
building in the Twin Cities,
nearly half the size of the Mall
of America.

At City Hall, they call it
“Project Hotdish.” At the Geis-
inger house, it’s “The Fulfill-
ment Center That Shall Not Be
Named” — or so reads a label
on the three-ring binder hold-
ing their reams of research on
the project.

Many residents have
ditched the code name and
insist it’s Amazon, which
employs more than 3,000 peo-
ple in Minnesota and whose
local operations are quickly
growing. City leaders and the
developer haven’t named the
Fortune 500 company behind
the proposal, bound by an
agreement not to disclose the
See **HOTDISH** on A13 ►

Trump tours fire-ravaged town, pledges federal help

By JENNA PORTNOY and ANNE
GEARAN • Washington Post

CHICO, CALIF. — President
Donald Trump toured a scene
of surreal devastation on Sat-
urday, picking his way around
burned trees and the hulking
skeletons of automobiles as he
pledged federal resources to
help Californians recover from
the most deadly and destruc-
tive wildfire in state history.

“This is very sad to see,
but we’re all going to work
together,” Trump said after a
walking tour of a burned-out
RV park and housing tract in
Paradise. As he spoke, a thick
haze of smoke hung in the air.
Stone and brick chimneys

— all that remained of some
homes — were visible from
Trump’s motorcade.

The president also criti-
cized forest-management
decisions that he suggested
are at least partly to blame for
the disaster, even though the
fires are considered to be more
related to a record drought,
high winds and a changing
climate. But unlike earlier
comments in which he threat-
ened to withhold federal fund-
ing if changes weren’t made,
Trump provided a reassuring
note. “You’ve got the federal
government” at the ready, he
promised.

Referring to the staggering
See **FIRES** on A11 ►



TOM BRENNER • New York Times

President Donald Trump toured a destroyed neighborhood of
Paradise, Calif., with Gov. Jerry Brown and Mayor Jody Jones.

THE FIRE’S TOLL

The Camp Fire, which
started Nov. 8, has largely
destroyed the northern
town of Paradise, popula-
tion 27,000. Here’s a look
at the details:

- **76 people** killed
- **1,276 people** are
unaccounted for
- **9,800 homes** destroyed
- **52,000 people** displaced
at the height of the fire
- **5,600 fire personnel**
battling the blaze
- **233 square miles**
covered by the fire
- **55 percent** contained

◀**RAPE** from A1

Alesha Erickson is visibly anxious when she opens the door to her cramped apartment in this small town on the edge of U.S. Steel’s vast Minntac mine pits. She has white-blond hair, large eyes like pools of rainwater and a gentle manner that makes her seem far younger than 33.

For much of her life, Erickson has suffered from anxiety so severe that she struggled to make friends or, sometimes, even leave the apartment where two cats are her loyal companions. The disorder emerged in high school, according to her father, who said his daughter has also struggled over the years with drug use and parenting of her two children.

But by 2016 she was making progress. She was driving on her own again and even picked up a job application.

One night that summer she went out with her dad to the town’s annual “Merritt Days” festival, to hear the alt-rock band Sister Hazel. Kevin Erickson, a mechanic and trucker, dotes on his daughter, dropping by her place regularly for lunch and helping her run errands.

At the end of the night, as he dropped her off, they were approached by a man she had seen around her apartment complex. He asked for a light as her dad drove off. Alesha Erickson ran up to her apartment, brought back a lighter and a strawberry-flavored cigar for herself, and worked up the courage to talk to him.

His name was Aaron. He had a bushy mustache. He’d had a fight with his girlfriend and was happy for the company.

For Erickson, making such a connection was a breakthrough.

“I thought I was finally getting a friend. I was excited,” she recalled.

Aaron asked whether she had anything to drink, Erickson said, and so they went up to her apartment. They talked, drank some tequila shots and beer, and played Halo 4 on her Xbox. They even kissed on her couch.

Then, to her surprise, he bit down hard on her breast. Frightened, Erickson cried no, got up and went to the kitchen. Not sure what to do next, she poured another drink.

When they started talking again, she told him she had a disability and lived on public assistance, about \$700 a month.

This enraged him, she recalled, and without warning he struck her in the face, threw her against a wall and began choking her. She thinks the impact knocked her out. The next thing she remembers, according to her police statement, is waking up in her bed, naked, with Aaron raping her as her head banged against the wall. Sobbing, she yelled for him to stop. He struck her in the back. She remembered turning and seeing a smile on his face.

Erickson said she blacked out again, and when she woke up he was gone. His white undershirt was on the floor.

On Monday afternoon Erickson’s father came to check on her. He found her still in bed, red marks on her face and neck. “I knew something was wrong right away,” he said.

They drove to the hospital, where Erickson finally told a doctor that she had been raped. All the while, she was fighting back anxiety and shame. What if police didn’t believe her because she’d been drinking? What if Aaron got mad and came for revenge?

The staff called 911.

When Sheriff’s Deputy Jeremy Belleville arrived, Erickson told him she had been raped by a man she knew only as Aaron. She said he worked at Walmart and lived somewhere in her apartment complex.

Heinrich, the investigator on call that night, arrived at the hospital a little later. Out in the parking lot, Belleville briefed him on Erickson’s account, noting that he had struggled to get much information from her.

They divided up the evening’s work. Belleville would try to find “Aaron.” A Facebook search quickly produced an Aaron McCulloch who worked at the local Walmart. A manager there provided the last address they had for him — the same apartment complex where Erickson lived. A second deputy went to fetch her stained bedsheet, which was about to be washed at her parents’ house.

Heinrich approached Erickson, still in her hospital gown, for a more detailed interview.

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Even in plain clothes, at 6-foot-1 and with a shaved head, Heinrich has a formidable presence. But the 51-year-old investigator is also a father of 10, including seven foster children, some with disabilities. He guesses he has handled about 50 sexual assault cases in his career, though he hasn’t taken much specialized training in adult sex crimes. His specialty is computer forensics and arson, but he’s known for a calm, nonjudgmental interviewing style that sets people at ease.

“He’s always been very caring with



INVESTIGATOR STEVE HEINRICH

“I approach everything as a fact collector. Victims of sexual assault ... you can see that there’s true trauma there. That’s what I was picking up from Alesha. Something had happened to her. Until you get the full story, you choose to believe the victim.”

crime victims,” said Jeanne Olson, a St. Louis County victim’s advocate.

Heinrich told Erickson he was sorry for her ordeal, and they chatted a bit about the street dance. Then he explained that he had to ask her some difficult questions.

“I talked to her almost like she was one of my kids, and she came forward with a lot more information,” Heinrich remembered.

By the time the detective left the hospital he had gleaned a lot of details. When he arrived with the deputies at Erickson’s apartment, everything matched her account, he said. The Xbox was loaded with the video game she had named. The liquor bottles were where she had described them. The suspect’s white tank top was there, too.

Just after 10 that night, Heinrich’s team knocked on McCulloch’s door. Out in the hallway and away from his girlfriend, McCulloch, 24, admitted that he had been in Erickson’s apartment drinking, according to the police report.

But he insisted nothing sexual had happened. Erickson had started acting strangely, he said, and he had left.

“Is there any reason I might find your DNA on her bedsheets?” Heinrich asked.

McCulloch’s head dropped. Then, police and court records show, he whispered that they might find “pre-ejaculate.”

While in custody down at the St. Louis County jail, McCulloch surprised Heinrich by agreeing to talk without an attorney. This time he admitted they tried to have sex, but he said he couldn’t maintain an erection. Erickson was crazy, he said.

Heinrich finished the interview, worked on his report, and then went home.

It was 6:30 a.m. He had to be back on duty at 7.

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In almost every way, the investigation of Erickson’s rape was handled faster and more thoroughly than most sex crimes in Minnesota.

The Star Tribune review of sexual assault reports from 2015 and 2016 found that, in three-fourths of the cases, detectives never visited the scene of the reported crime. In more than half the cases, they didn’t formally interview the victim or question the suspect named in the case.

Only one in four of the cases was ever forwarded to a prosecutor.

Those lapses in basic police work can doom a case, veteran investigators say. Because sexual assault often occurs behind closed doors and with no witnesses, corroborating a victim’s account with physical evidence — even a detail such as the game loaded on an Xbox — is crucial to winning cases.

“There’s no such thing as a he-said, she-said case,” said Carrie Hull, an Oregon police detective and instructor who has won national recognition for her work on rape investigation techniques. “When you say that, what you’re telling me is that you interviewed two people, and that’s it.”

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Heinrich’s report landed on the desk of prosecutor Sharon Chadwick in the

St. Louis County Attorney’s office.

A 56-year old lawyer with clipped gray hair, Chadwick has long handled juvenile delinquencies, child protection and child support cases. But for that one year, Chadwick said, she had transferred to the criminal division to try her hand prosecuting adult felonies.

Chadwick immediately saw the hurdles: The defense would seize on Erickson’s drinking, her past drug use and the fact that she had lost custody of her son and daughter, who are being raised by her parents.

Yet Chadwick felt certain Erickson would strike a jury as a trustworthy witness.

She also knew they could hold McCulloch for only 36 hours without charges. Even though the DNA lab results weren’t back from Erickson’s sexual assault exam, Heinrich’s team had begun gathering crucial evidence and McCulloch had told conflicting stories.

Chadwick charged him with three felonies. It would be the only adult sexual assault case Chadwick would take to a jury trial that year.

“I think I was probably fairly naive,” Chadwick reflected. “I thought it was a slam dunk.”

As Chadwick worked on the case against McCulloch, Jeanne Olson looked after Erickson.

Olson runs the Sexual Assault Program of Northern St. Louis County. At 62, she has become something of an Iron Range institution, cruising the courthouse and police department with a black planner jammed in a worn tote bag, her eyes always hidden behind dark glasses. An old case of Lyme disease



PROSECUTOR SHARON CHADWICK

“Not only did she find the courage to go to trial, she was vindicated by being seen as telling the truth to the jury. She has now been able to move on more with her life and do things that she was not capable of doing beforehand, and in the course of that have a richer existence.”

left her with light sensitivity so extreme that she wears sunglasses even in court and in her dimly lit office above the police department.

Olson took Erickson under her wing, texting her regularly to see how she was holding up, driving her to meetings and referring her to a good therapist. Olson, who speaks with the husky voice of a smoker, calls herself the “nagging advocate,” an ally who reminds victims of their own strength.

“I get fueled by all the bravery I see every day,” she said.

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The trial was set for March 2017, seven months after the incident. Erickson was terrified at the thought of facing McCulloch in a courtroom. Even with Olson’s support, she had fallen back into a state of deep anxiety. She was afraid to leave her apartment and walk down the hall to the laundry room. Her father was washing her clothes and buying her groceries.

“I was scared somebody else could hurt me,” she said. “I hated it.”

On the first day of the trial, when Kevin Erickson drove his daughter to the courthouse, he had to coax her out of the car. But she knew she had to testify, she said, or McCulloch might hurt someone else.

Even today, the echo of her heels clicking down the tile floor of Virginia’s 100-year old courthouse still rings in her head. She gripped a worry stone during her testimony.

Chadwick, too, was nervous. She likes to gird herself for court by humming a favorite movie theme song. For

McCulloch’s trial it was “Danger Zone” from the film “Top Gun.” A colleague played it from his computer.

The trial transcript shows that McCulloch’s lawyer tried to cast the incident as a failed sexual encounter with a lonely, troubled woman. He brought up Erickson’s past drug use, noted that she had spent some of her limited income on tequila, and said her apartment bore no sign of a fight that night.

But Chadwick’s case was strong. Lab tests had found a match between McCulloch’s DNA and semen found in Erickson’s cervix. Heinrich’s team had collected important physical evidence. And Erickson, for all her fears, proved compelling on the witness stand.

The trial ended after five days.

The jury, eight women and four men, parsed every word of the rape charges over two days, according to foreman Justin Champa. They were deadlocked most of the time — 6-6 at one point — with all the men pretty firmly favoring conviction, he said. A few of the women gave virtually no credence to any of Erickson’s testimony, Champa said, but he found the prosecution’s physical evidence compelling.

“In my eyes he was an absolute rapist. The evidence bore that out,” Champa said. The game changer for him, he said, was that DNA from Erickson’s sexual assault exam proved McCulloch had lied to police when he said they didn’t have sex. There was semen everywhere, he said: “His credibility to me was shot.”

Champa, a 41-year-old father who works in construction sales, said he tried to keep jurors focused on the legal elements of first-degree criminal

sexual conduct with force or coercion: Was there intentional penetration without consent; did it cause physical injury or severe mental anguish; and did the defendant use force or coercion?

They got to “yes” on that first charge. They acquitted McCulloch on the second charge, which involved mental impairment or physical helplessness of the victim.

“I’m proud, at least, that we were able to take a rapist off the street,” Champa said. “As a brother, father and a son ... this situation is worst case.”

When the verdict came down Erickson and Olson were ecstatic.

“He’s going to go away and can’t do this again to anyone else,” Erickson said.

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The verdict, like the investigation, made Erickson’s case an outlier. Of the 1,375 Minnesota sex assault cases reviewed by the Star Tribune, just 110 ended in a conviction.

This time, everything worked.

Olson had kept Erickson on board, providing important assistance to the prosecution. About 40 percent of Minnesota sexual assault victims drop out of their case at some point, making it hard for detectives and prosecutors to build a case. Erickson trusted Heinrich because he listened and believed her. His close questioning of McCulloch produced inconsistencies that helped the prosecution, Chadwick said. McCulloch’s insistence that they “sort of” had sex begged credulity, she said, and crucially, it was contradicted by the DNA results.

But in the end, Chadwick said, Erickson’s performance on the witness stand proved critical.

“There was just no guile about her. [She] came across as being a very caring person who ... took responsibility for all the mistakes that she made. I think that made her compelling.”

If anything disappointed Chadwick, it was McCulloch’s eventual prison sentence. Under state guidelines, his conviction called for 144 months in prison, or 12 years. At sentencing, District Judge John DeSanto reduced it to 7½ years, an unusual departure from the sentencing guidelines.

DeSanto outlined his reasoning in a nine-point memo. The first one, Olson said, shocked her:

“The victim ... initiated the sexual contact with the Defendant by inviting him to her apartment for drinks (shots of tequila and beer) and video games on [her] living room couch, during which [she] testified at trial that she voluntarily and consensually engaged in kissing and sexual touching with the Defendant.”

To Olson, it sounded like unvarnished victim-blaming.

“I literally had to put my hand over my mouth because I wanted to stand up and shout,” she said.

In an interview, DeSanto said that blaming Erickson was never his intention.

“I could just not see this [case] as onerous as the typical first-degree criminal sexual conduct ... given the facts as a whole.”

In an e-mail from the state prison at Moose Lake last month, McCulloch insisted he is innocent.

“I am neither a rapist nor a violent drunk,” he wrote.

Because he maintains he is innocent, he hasn’t been allowed into what is otherwise mandated sex offender treatment.

“I have lost everything and have been forcibly removed from my life over a one-night stand,” he wrote.

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For Erickson, the experience proved empowering. She was heard. She was believed — by police, by prosecutors and by jurors.

And it has changed her life. She has moved to a new apartment, continues seeing a therapist and takes Tai Chi classes at the Y to help master her anxiety. She even won a grant to enroll in Mesabi Range College.

Walking through the school’s front doors for the first day of class this fall nearly paralyzed her again, she said, like the day she entered the courthouse to face McCulloch.

Still, she says, “I made it.”

Erickson pulls out a class essay she has just written about the trial and the verdict, “Strength Within Fear,” and reads aloud:

“A wash of relief floods over me, being able to make it through, able to make it through this difficult journey for justice.

“I’m not ashamed for what he did to me. It’s not my fault. Now, I’m finally moving forward with my life. I’m never giving up.”

She pauses at the end, looks up, and smiles.

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ABOUT THIS SERIES

Denied Justice is a Star Tribune special report examining breakdowns in the way sexual assault is investigated and prosecuted across Minnesota:

Part one: Chronic errors, failings plague most rape investigations.

Part two: Police have closed dozens of rape cases without basic investigations.

Part three: Minn. law offers few protections if you are sexually assaulted when drunk.

Part four: High turnover, thin staffing and poor training plague police investigations.

Part five: Half of sexual assault cases that police send to prosecutors never result in charges.

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