



Pima County Sheriff's Department

Detail Incident Report for 020423369

Incident: 020423369

Nature: C14

Location: Foothills Beat 1

Offense Codes: 0201

Received By: Carey,TaliaM

How Received: 911

Agency: PCSD

Responding Officers: Thacker,ThayerT

Responsible Officers: Thacker,ThayerT

Disposition: Cleared-Juve Excpntional Means 05/28/02

When Reported: 20:13:11 04/23/02

Occurred Between: 20:12:54 04/23/02 and 20:12:54 04/23/02

Assigned To:

Detail: SEX

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Case History

Roat,JamesP	SEX	04/25/02	ACA	04/25/02	**/**/**
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NOTICE:

PRIVATE OR CONFIDENTIAL INFORMATION, SUCH AS DATE OF BIRTH, SOCIAL SECURITY NUMBER AND HOME ADDRESS, HAS BEEN REDACTED PURSUANT TO ARIZONA LAW.

NARRATIVE:

RESTRICTED ACCESS--NO PUBLIC DISSEMINATION
POSSIBLE RAPE OF A JUVENILE
PER SERGEANT T. T. THACKER #1135

Initial Case Dictated by T. T. Thacker #1135 in Supp. 1

Victim Rights Information

B [REDACTED] K [REDACTED] Requested Notification
Appointed-Legal Representative (mother)
Barbara B [REDACTED]

Reported by: Deputy P. L. Willson #4737 on 05/07/02

VICTIM NOTIFICATION UPDATE

052002 PER ATTORNEY BOB BARBER, JR, ON BEHALF OF THE VICTIMS, SEND ALL VICTIM NOTIFICATIONS REFERENCE THIS MATTER TO HIS OFFICE. ADDRESS IS:

Radiolog:

REPORTTEES:

Name: B [REDACTED], BARBARA L.

Name: L [REDACTED] JEFFREY D. SR

VICTIMS:

Name: E [REDACTED] K [REDACTED] L.

INVESTIGATIVE LEAD:

Name: B [REDACTED], M [REDACTED] R.

Name: B [REDACTED], T [REDACTED]

Name: P [REDACTED] F [REDACTED] A.

Name: L [REDACTED] D [REDACTED]

EVIDENCE INFORMATION:

Item Number: JR1

Item Type: EVI

Serial Number:

Item:

Brand:

Model:

Color:

Description: AUDIO TAPE:K [REDACTED] B [REDACTED]

Item Number: JR2

Item Type: EVI

Serial Number:

Item:

Brand:

Model:

Color:

Description: AUDIO TAPE:M [REDACTED] E [REDACTED]

SUPPLEMENTAL NARRATIVE:

Initial Case Narrative by T. T. Thacker #1135 on 04/23/02 at 2024 hrs.
Total Dictation Time = 6:53 mins.

On 04/23/02 at approximately 1950 hours, while at the Foothills sub-station, I heard the front doorbell ring. I went to answer the door at the Foothills sub-station and an individual who introduced himself as Jeff L [REDACTED] stated he needed to talk to an officer about something that he believed had happened.

I invited Mr. L [REDACTED] in, introduced myself and had him sit down in the front lobby of the Foothills station. I asked him what he wished to report and Mr. L [REDACTED] related to me the following story.

Mr. L [REDACTED] stated that on Friday, 04/19/02, his daughter, who attends [REDACTED] Junior High School, mentioned to his wife that there was a rumor going around school that a girl name K [REDACTED] B [REDACTED] had been gang raped by several high school students.

Mr. L [REDACTED] said on the next day, 04/20/02, his son D [REDACTED] I [REDACTED] went to a house party at an unknown location. D [REDACTED] attends [REDACTED] High School. D [REDACTED] told his father that while at this house party he had seen a VHS video of four male [REDACTED] Students having sex with a juvenile female. D [REDACTED] told his father that he was certain that the female in the video was K [REDACTED] B [REDACTED]. D [REDACTED] also told his father that he knew the four boys in the video as [REDACTED] Students. Mr. L [REDACTED] did not have the students names.

Mr. L [REDACTED] advised his son told him the four males in the video always associate together and one of them habitually carries a video camera with him. D [REDACTED] said the video appeared to have been taken during daylight hours and from the background of the video he thought it looked like the incident had taken place on the football field at [REDACTED] High School.

I advised Mr. L [REDACTED] that a report would be made of this and it would be forwarded to detectives for further investigation. I also advised Mr. L [REDACTED] that I was certain the detectives would want to speak with him, his son and possibly with his daughter.

I told Mr. L [REDACTED] that care would be taken to protect his identity however if this case developed to the point where there was a prosecution and it went to court his name and his sons name could

become known to any defendants through the discovered process.
Mr. L [REDACTED] said he understood this.

I explained to Mr. L [REDACTED] that due to the seriousness of these allegations it was important that he had been willing to report this to us and that it was greatly appreciated.

Mr. L [REDACTED] stated he understood this and thanked me for my time.

Once again, Mr. L [REDACTED]'s son told him that the four male subjects he observed in the video having sex with the juvenile female were [REDACTED] High School student, three were sophomores and one was a Junior. Mr. L [REDACTED] did not know the names of these boys.

NFI Transcribed by #4805 at 08:10:28 04/24/2002

Copy Forwarded to Sergeant S. G. Pesqueira #672, Crimes Against Children

SUPPLEMENTAL NARRATIVE:

Supplement Dictated By P. L. Willson #4737 on 05/07/02 at 2256 hrs.

Total Dictation Time = 10:45 mins.

Total Narrative Dictation Time = 8:44 mins.

On 05/07/02 at approximately 1820 hours, I responded to *****
Initial case number is 020423369.

Upon my arrival at *****
Barbara B [REDACTED]. Barbara advised that she was the mother of the victim,
K [REDACTED] B [REDACTED]. I also met with the father of the victim identified as
David B [REDACTED]. Barbara advised that on this date at approximately 1000
hours, she was contacted by the principal of her daughter's school.
He advised her that her attendance was needed at the Principal's
Office and that her daughter was a victim of a crime. No further
information was provided to her at the time.

Upon her arrival at the school, Detective J. P. Roat #1175 was
speaking with her daughter in the Principal's Office. During this
time, Barbara was informed that K [REDACTED] was a victim to a sexual
assault which had occurred approximately three weeks earlier.

David B [REDACTED] advised that when they arrived home, K [REDACTED] had provided
him with the names of the subjects involved as suspects to the sexual
assault. He advised that he then attempted to contact Detective
Roach. However, he had not been re-contacted and the time elapsed had
been four to five hours. David also advised that he had further
information on the suspects as to the home address of one of them. He
also had a vehicle description.

I contacted Communications and advised them to page Detective Roat in
reference Case #020423369.

I contacted Sergeant T. T. Thacker #1135, and advised him of my
situation, as David was becoming very irritable, stating that he
wanted me to immediately go and apprehend the four suspects involved.
He stated that if something was not done, he would go out and take
matters into his own hands. He stated he would make contact with the
suspects himself. Sergeant Thacker advised that he would be
contacting Sergeant S. G. Pesqueira #672, and would respond to my
location. During this time, I attempted to reason with David and
advised him that any sort of action he was talking about might hinder
the prosecution and the investigation of the case.

Barbara then advised me that she wanted to provide the address to one of the suspects. I asked K [redacted] for the names of the suspects involved, as I was unaware of the disposition of the case thus far.

K [redacted] provided the names of M [redacted] B [redacted] (ph), T [redacted] (ph) B [redacted], D [redacted] N [redacted], and F [redacted] P [redacted]. Barbara advised that the address of

D [redacted] N [redacted].

K [redacted] advised that the four suspects are regularly seen in a white older model Dynasty bearing handicapped plates. I asked her if the vehicle belonged to one of the four suspects. She advised it did not, because none of the suspects involved were old enough to drive. However, they were known to be friends with the driver of the white Dynasty.

I asked Barbara if they had been provided with victim's rights information at the school, during the interview. She advised that they had not. I provided Barbara with the victim's rights information brochure. At this time, Barbara invoked their rights as a victim on behalf of her daughter.

Sergeant Thacker then arrived to the residence, at which time he provided Barbara and David B [redacted] with information as to the disposition of the case, and the investigation at this point. The B [redacted] were advised by Sergeant Thacker that the investigation was priority, and was continuing the following day.

In the presence of Sergeant Thacker, I once again cautioned David as far as taking matters and action into his own hands. I encouraged him to be patient the following day, and wait for information to be provided to him by Detective Roat.

This concludes my involvement.

NFI Transcribed by #4764 at 08:42:43 05/08/2002

Copy Forwarded to Detective J. P. Roat #1175

SUPPLEMENTAL NARRATIVE:

Supplement Dictated By J. P. Roat #1175 on 05/08/02 at 0913 hrs.
Total Dictation Time = 7:08 mins.

On 05/07/02 at approximately 1030 hours, I responded to [REDACTED]
Junior High School located at *****

Upon arrival, I made contact with the assistant principal and advised her that I needed to speak with one of the students by the name of K [REDACTED] B [REDACTED]. At this time, I signed a form for the school stating that I would take responsibility for the interview that I was conducting with Ms. B [REDACTED].

At this time, they called Ms. B [REDACTED] up to the principal's office where I was able to conduct an interview with her. I asked Ms. B [REDACTED] if she knew why I was there, and she stated she believed she did. She stated she thought I was there due to the fact that some girls were drinking alcohol in the bathroom and they had accused her to be the one that snitched them off. I advised her that that was not the reason I was there, and I was here due to the fact that I had received a report involving her. I advised her that the report that I had received involved something that happened to her and some student from [REDACTED] High School.

At this time, K [REDACTED] became very distraught and began to cry. I then stopped the tape until she was able to compose herself. Once K [REDACTED] had composed herself, I then continued the interview and asked her to tell me what had happened. She stated that approximately four Friday's ago, she was over at her friend's, S [REDACTED] house. She stated that four boys who she knew came over to Samatha's house. She identified the boys as M [REDACTED] B [REDACTED], T [REDACTED] B [REDACTED], F [REDACTED] P [REDACTED] and D [REDACTED] W [REDACTED]; she stated all of the boys were 15 years of age and she knew them from her neighborhood. She stated that the only one that she knew very well was M [REDACTED] and she had known him for the last two or three months. She stated she only knew the others by their names.

She stated at this time, she and the four boys left and went to D [REDACTED]'s house, and went into his room. She stated D [REDACTED]'s sister and two of her friends were at the house, but they were in another part of the house. She stated when they were in D [REDACTED]'s room, they began to play video games, at which time, the boys began to ask her to perform oral sex on them. She stated they continually asked her to do this,

and she continued to tell them no, that she did not want to. She stated they then began telling her that she was a "pussy" and that was the reason she had gone over there in the first place. She stated at this time, she agreed to do it just to make them stop talking about it. She stated she did perform oral sex on T [redacted] and that T [redacted] had also "fingered" her and felt her breasts.

She stated at this time, M [redacted] and D [redacted] had left the room to go outside to play basketball. She stated at this time, M [redacted] and D [redacted] then came back into the room and they were asking her again to perform sexual acts on them. She stated M [redacted] had approached her saying that he wanted to have sex and he had taken all of his clothes off. She stated she had taken her clothes off and had agreed to do it just so they would stop asking, but had changed her mind and pulled her pants back up. She stated she performed oral sex on M [redacted] though.

She said after this, M [redacted] and F [redacted] then left with her and went to [redacted] Elementary School. She stated at this time, they went to the playground area and F [redacted] asked her to perform oral sex on him. She stated she had agreed and M [redacted] had a video camera at this time. She stated she did not see the video camera in the room, but had seen M [redacted] with it at the park. She stated she performed oral sex on F [redacted] and he had ejaculated and part of it went into her mouth.

She stated after this she then went home, and talked to M [redacted] later stating that she wanted the video tape back. She stated M [redacted] told her that the video did not come out. For further information and details on the interview, see the audio tape which I had placed into Evidence at the Sheriff's Administration Building, ***** Highway.

This concludes my involvement at this time.

NFI Transcribed by #4436 at 10:20:38 05/11/2002

SUPPLEMENTAL NARRATIVE:

Supplement Dictated by J. P. Roat #1175 on 05/10/02 at 1437 hrs.
Total Dictation Time = 6:55 mins.

On 05/10/02 at approximately 1047 hours, Deputy C. A. Ruiz #1144 and I responded to ██████████ High School in reference to a follow up for Case #020423369.

At this time we made contact with a juvenile who identified himself as M ██████ B ██████ (DOB *****). During the interview I asked M ██████ if he knew why I was there and he stated he did.

M ██████ then went on to relate about an incident that occurred with an individual named K ██████ B ██████. He stated that he and his friends, T ██████ F ██████ and D ██████ had met up with K ██████ at one of K ██████'s friend's houses, and they had agreed to leave and go to D ██████'s house. He stated while they were at D ██████'s house in D ██████'s bedroom, the conversation turned to sexual matters, and K ██████ brought up the idea of performing sexual acts with the different boys. He said he and D ██████ went outside to play basketball. He was not sure what had occurred while he was gone, but when he came back in K ██████ still had her clothes on. He said that T ██████ did tell him that he should do something with K ██████ but he said he did not want to have any sexual contact with her. He stated that he and F ██████ and K ██████ did leave once D ██████'s father got home. They had snuck out the back window.

He said they had gone to ██████████ since he had asked K ██████ if he could video tape her performing oral sex on F ██████ since she had asked if they wanted it and F ██████ had said yes. He stated that K ██████ stated he could. They did to go to ██████████ where he did video tape K ██████ performing oral sex on F ██████.

He stated that K ██████ had told him that she did not want him to show the video to everyone, but that she had given him permission to show it to a small group of his friends. He said the following Wednesday he had showed the video tape at a subject's house by the name of R ██████. He said R ██████, T ██████, F ██████, D ██████, D ██████, C ██████ and J ██████ were there.

He stated that after this time, the video had been left in R ██████'s vehicle. He said this was a VHS tape that he left there. He stated that the camcorder originally taped it on a 8 MM tape but he had copied the 8 MM tape onto the VHS tape. He said he had taped over the

8 MM tape since it was his brother's and he did not want his brother or anyone else finding out.

He said he had received a phone call from K [REDACTED] saying she wanted the video back. He called D [REDACTED] and asked him to get it from R [REDACTED]'s vehicle for him. He said he then had to go with his father for the weekend and it was not until the following week that he asked D [REDACTED] about the video tape. D [REDACTED] told him that he could not find the video tape and that when they were at D [REDACTED]'s house they had seen pieces of videotape and D [REDACTED] said that might be it.

At this time I then spoke with D [REDACTED] H [REDACTED]. He stated that all the individuals that M [REDACTED] had said had been at his house and they had then left and that nothing had occurred that he knew of at his house. He said there had been a video tape made and he had seen the video showing K [REDACTED] giving oral sex to F [REDACTED]. He stated that he had received a call from M [REDACTED] asking if he could get the video tape from R [REDACTED], which he said he did. He said that he got that on Friday night and he was holding onto the video tape over the weekend. He said he called M [REDACTED]'s house on Saturday and his mom said that he was at his father's house and would be back the following day. He said on Sunday he called M [REDACTED]'s house again and was told that M [REDACTED] was not home yet. He said he became nervous because he did not want to hold on to the video tape, and that he broke it in two and hid it in his backyard in some tires.

At this time D [REDACTED]'s mother showed up at the school, and I advised her of what had occurred, and what D [REDACTED] had told me. She stated that approximately a week to a week and a half ago she had found pieces of videotape all over the yard and she had picked them up and thrown them in the garbage. At this time we asked if we could go and see if that was the same videotape or if the videotape was still where D [REDACTED] had hidden it. She stated we could.

We then responded to their residence. D [REDACTED] attempted to find it in the spot where he had hidden it but he could not. Upon arriving at the residence there were approximately three to five small dogs running about in the back yard. D [REDACTED] said they do like to hide in the tires when it rains and that they would chew up the video tape if they got ahold of it.

For further information on the details and interview with M [REDACTED] see the audiotape which I placed in Evidence at the Sheriff's main

station.

This ends my involvement at this time.

NFI Transcribed by #4690 at 10:10:11 05/15/2002
Reviewed by J. P. Roat #1175 and corrected by #3565 at 12:57:07
05/20/2002

SUPPLEMENTAL NARRATIVE:

Supplement Dictated by J. P. Roat #1175 on 05/24/02 at 1256 hrs.
Total Dictation Time = 2:34 mins.

On 05/21/02, I responded to the Pima County Juvenile Attorney's office where I met with Attorney Clint Stenson. I presented this case to him.

On 05/24/02, at approximately 1100 hours, I received a phone call from Mr. Stenson saying the Juvenile County Attorney's office would not be able to prosecute on this case, due to the fact there was not enough evidence of criminal violation. He went on to state that, due to the fact the statements made by the victim, K [REDACTED] B [REDACTED] in which she stated all the acts were consensual, and that she had not been forced or threatened in any way, I could go ahead and close the case.

I then advised my supervisor, Sergeant S. G. Pesqueira #672, of this and attempted to contact the victim's parents. I left a telephonic message with them, stating the county attorney's office had refused to go forward with any prosecution and my case would be closed, and if they had further questions, to contact me.

This concludes my involvement.

NFI Transcribed by #4515 at 13:09:29 05/25/2002
