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Police defend handling of case

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(Photo: Jeremy Brevard, Jeremy Brevard-USA TODAY Sports)

Tallahassee police issued a timeline Wednesday intended to defend the department's professionalism in its investigation of sexual-battery charges involving Florida State star Jameis Winston.

But the release prompted swift condemnation by Winston's attorney and appeared in conflict with statements previously made by others in the case.

Tallahassee Police Department Interim Chief Tom Coe said in a written statement the timeline was released to "demonstrate TPD's professionalism and the investigative process of a sexual-battery case."

Coe said that although he wanted to respond to questions, the agency couldn't discuss details "that could possibly impact the case."

Winston's lawyer, Tim Jansen of Tallahassee, said he contacted TPD's legal counsel and public-information officer along with Chief Assistant State Attorney Georgia Cappleman, asking that the timeline be removed from the police department's website.

"We are deeply troubled," Jansen said, "that the Tallahassee Police Department is putting on their webpage a timeline of the events in this case, which is an ongoing investigation, which contains some information which violates my clients rights to a fair resolution of his case, including the tainting of a potential jury pool. There is no reason whatsoever for that timeline to be on a public web page at this time."

In the timeline, which does not mention any of the parties by name, TPD said it responded to a sexual-battery complaint referred by Florida State University police Dec. 7, 2012, and took the woman to the hospital for treatment and collection of evidence, including a sexual-assault kit. An investigator interviewed the woman, who did not identify a suspect at the time.

On Jan. 10, the woman called the investigator and identified the suspect — Winston — by name, and TPD and the woman scheduled a time to meet. The next day, her attorney called TPD, the timeline says, and indicated that all future contact would be through her. The meeting with the woman did not happen.

The timeline says that during the week of Jan. 14, a TPD investigator made contact with the suspect to request an interview. On Jan. 23, Jansen told TPD his client declined to be interviewed, the TPD

release says.

From the day TPD responded to the off-campus call until Winston was identified, TPD conducted witness interviews, pursued leads and sought a court order and a search warrant, according to the timeline. TPD also made contact with an assistant state attorney about obtaining cell phone records.

With a named suspect, TPD said it sent “all applicable evidence” to the Florida Department of Law Enforcement for processing on Jan. 15. On Feb. 22 and March 29, results from FDLE’s toxicology analysis were received and relayed to the woman’s attorney.

The *Tallahassee Democrat* does not typically identify victims of sexual abuse.

“The victim’s attorney stated she would review the findings with her client and contact the investigator if she wished to pursue the case further,” TPD said in the timeline, which makes no further mention of any later contact with the attorney or the woman.

On Aug. 27 — some seven months after TPD sent its evidence to state investigators — FDLE provided the analysis of the sexual-assault kit to TPD. An FDLE spokeswoman said it normally takes an average of 90 days for such testing to be completed. The timeline ends with the Aug. 27 entry.

Coe, in his statement, said sexual-battery cases are “some of the most difficult crimes to investigate as they are unique and personal in nature. TPD will continue to work in coordination with the State Attorney’s Office in order to ensure justice is served in this case.”

Democrat questions investigation

TPD issued the timeline and Coe’s statement after the *Tallahassee Democrat* asked for comment for an article questioning whether the agency followed its own investigative procedures in the Winston case.

TPD's standard operating procedures say investigators in sexual-battery cases must "diligently attempt" to contact all victims and witnesses, and "when possible, interview or interrogate the identified suspect(s)."

Investigators also must obtain sworn statements, review all evidence and utilize checklists to assist in a complete investigation. TPD's sexual-assault investigative checklist says any suspects should be identified and located as soon as possible and swabs from the suspect for DNA testing should be collected.

DNA from Winston wasn't collected until Nov. 14, some 10 months after the woman's family said she identified him as her attacker and only after TPD turned the case over to Meggs' office following media inquires for the initial police report. TPD's timeline does not mention DNA.

It's unclear which witnesses TPD interviewed in the early days of its investigation. But Jansen has said two key eyewitnesses who were present during the incident were not interviewed.

"In December 2012 the witnesses were available, and in February, law enforcement chose not to interview them," Jansen told the *Tallahassee Democrat* on Nov. 17. "Their story has not changed."

The family of the woman, also an FSU student, said in a statement last week that TPD Detective Scott Angulo "specifically refused" to collect Winston's DNA or interview Winston's roommate, who she said was a witness.

"Detective Angulo stated that such activity would alert Winston and the matter would go public," the letter said. It went on to ask the question, "If Winston's attorney was aware of the case in February 2013, why didn't Detective Angulo collect DNA evidence, interview Winston and conduct a proper investigation?"

The woman's attorney, Patricia Carroll of Dade City, could not be reached for comment about the release of the timeline.

Decision to come after regular season

Since taking over the case, prosecutors have obtained sworn statements from the two witnesses – which Jansen provided — along with Winston’s DNA and the DNA from one of the witnesses, Jansen said in a news conference last week. In response to a question, Jansen said the two “absolutely” had consensual sex, but the woman’s attorney denied that, saying it was “rape.”

Cappleman said a decision on whether to charge Winston is not expected until the week of Dec. 9. If a decision is postponed beyond next week, it would come after the ACC conference championship on Dec. 7 and the end of balloting for the Heisman Trophy two days later.

FSU has already earned a berth in the ACC championship and a victory in that game will likely send FSU into the national championship game. Winston is considered a favorite to win the Heisman Trophy, college football’s highest individual honor.

Jansen met with Meggs for about 45 minutes on Wednesday to discuss a time frame on a decision in the case. He said he expressed to Meggs his concern that delaying a decision on charges would hurt “Mr. Winston’s reputation, his chance for awards and possibly affect Florida State University’s ability to play for a national championship.”

Meggs said “absolutely nothing” was accomplished by the meeting.

TPD’s standard operating procedures also call for victims to be notified of any “significant changes in the investigative case status.”

Jansen said he was told by TPD officials in February that the case was closed, which Coe disputed, saying the case was deemed “open but inactive” after the woman cut off contact with police and indicated she did not wish to go forward with prosecution at the time.

“I was informed,” Jansen said in the news conference. “I was contacted. That TPD officer told me the case was closed in February 2013, and I’ll be glad to testify to that anywhere.”

The family, in the first of two written public statements issued since news of the Winston investigation broke, said that while Jansen was informed about the progress of the investigation, the family was not. The family assumed until recent media reports that only law enforcement was aware of the case, the letter said. The family also denied the woman ever cut off communications with police.

“The family was shocked to hear that Winston’s attorney was not only aware of the case but had been told by Tallahassee Police Department that the case had been closed in February,” the letter said.

TPD faces criticism

Legal observers questioned the reported sharing of information about the case by TPD investigators with Jansen.

“In my experience it is highly unusual for law enforcement to share sensitive information with the defense without sharing the same with the State Attorney’s Office,” said Tallahassee defense attorney Chuck Hobbs, who has represented FSU football players in the past.

“The occasions that I have seen this happen were in relatively minor cases in which law enforcement early on was skeptical as to whether probable cause existed to proceed further,” he said. “But in a serious case such as sexual battery, where the victim was adamant that an offense occurred, even if said victim is reticent to testify, I have never seen such one-sided communications.”

Attorney Lance Block, who represented the parents of Rachel Hoffman in their civil suit against the city of Tallahassee, also expressed concern. TPD was sharply rebuked in 2008 by a grand jury for its handling of the confidential informant, who was killed during a flawed drug operation. Officers were found to have violated nearly 20 department policies and procedures.

“There is no excuse for a police investigator who keeps the state attorney in the dark while at the same time sharing information from

an ongoing investigation,” Block said. “That is highly disturbing.”

The Winston case came to light the day after another Leon County grand jury met to consider whether TPD used excessive force in the Aug. 10 DUI arrest of Christina West, who suffered broken bones and other injuries when officers subdued her. The grand jury criticized TPD’s handling of the West case, the Hoffman case and an incident in March where TPD went out of its jurisdiction during a burglary investigation and put an officer’s life at risk.

In the West case, the grand jury called for “more strict adherence and compliance to existing training and procedures at TPD.”

When asked whether TPD mishandled the Winston investigation, Meggs replied, “That’s for somebody else to decide. I’m sure when this is all over, they will review their policies — again.”

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