When Two Worlds Collide:
How Military and Civilian Law Enforcement Cooperation Can Lead to a Successful Prosecution

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End Violence Against Women
International Conference on Sexual Assault, Intimate Partner Violence and Increasing Access
San Diego, California
April 22 – 25, 2019

Case Details

• Date: Saturday morning - February 25, 2012
• Location: Days Inn Motel - 3105 N IH 35 SVRD NB Room #230, Austin, Texas
• Victim – 21 year-old University of Texas student
• Suspects - Three males in their late 20's to early 30's

Initial Report

• Comes into APD via third party, (Victim’s Aunt)
• Responding patrol officer’s initial report:
  • Victim reports being highly intoxicated – fragmented memory of event.
  • Does recall vaginal and oral penetration, possibly anal – without consent.
  • Remembers throwing up during assault.
  • Reports being in and out of consciousness throughout the assault.
  • Never consented to sexual contact with these suspects.
• Victim gives vague details of her attackers.
  • 3 black males, one possibly named Rufus, one with a large gold chain around his neck.
• Victim recalls location of assault to be a hotel around 32nd street and IH 35, and the hotel room had 2 queen beds.
• Victim recalls room number may be room 228 or 230.

Initial Patrol Response

• Patrol – established the victim took a cab home. Where the cab picked her up and the name and contact information for the driver.
• Initial patrol officer contacts detective – S.A.F.E. approved and instructions given to patrol officers.
• Initial patrol officer transports victim to hospital – drives by hotel and established the geographic crime scene is either room 228 or 230.

Initial Patrol Response (Cont.)

• Second patrol officer goes to the hotel and contacts management.
  • Determines there was only one black male who rented a room the previous night and it was room #230.
  • Determines Perris L. Dumas is the B/M who rented room #230.
  • Determines Dumas was with another B/M and they arrived at the hotel in a beige or white Cadillac.
  • Determines there may be video of suspect(s) checking in.
  • Determines there may be video of suspects and victim just before the assault.
Investigators Initial Response

- Lead Investigator, Crumrine, goes to hospital to interview victim.
- Second Investigator, Romero, goes to geographic crime scene.
  - Determines the room he rented has already been cleaned, (patrol officers photograph anyway).
  - Views hotel camera footage and determines what video needs to be preserved and collected.
  - Collects video at a later date.

Initial Victim Interview (Hospital)

- Introduced investigator to victim, allows for opportunity to build rapport with victim.
- Established the elements of the crime.
  - Sexual contact that was not consented to.
  - Impaired to the point was unable to consent.
- Help to determine how many crime scenes and what evidence needs to be collected if possible.

Initial Victim Interview (Hospital) Cont.

- Informs victim about the process and where we go from here.
- Introduces victim to the rights & services available to her.
  - Pseudonym
  - SafePlace
  - Counseling
  - Medical services
  - Crime Victims Compensation
Day's Inn
3105 N.
IH 35

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Suspect Checking Into Motel

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Video of Suspects and Victim Going to Room

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In-Depth or Formal Victim Interview

- February 29, 2012 – 4 days post assault
- Narcotics Detective phone call.
  - Victim is a major drug dealer!
  - Victim is an Escort!
  - Victim is not credible!

In-Depth or Formal Victim Interview (Cont.)

- Victim and friend go to Austin’s entertainment district after dinner & drinks.
- Suspects approach victim while waiting outside of a nightclub called Shakespeare’s.
- Realizing the state of victims’ impairment, her friend, removes the victim from the suspects by walking across the street to a new location. (Blind Pig)
- Friend leaves victim for a minute – victim goes missing.

In-Depth or Formal Victim Interview (Cont.)

- Suspects remove victim from Sixth Street and take her to a hotel room.
- Over the course of several hours the suspects rape the victim, orally and vaginally, possibly anally.
- Victim is unable to resist the assault or consent to sexual contact due to the level of her impairment.
In Texas – Sexual Assault is W/O Consent

• The other person has not consented and the actor knows the other person is unconscious or physically unable to resist.
  • Vomited in bathroom.
  • Vomit in her hair.
  • “She’s throwing up, she’s throwing up, let her throw up”.
  • “I was thrown on the bed like a dog”.
  • “I recall being put in a bunch of positions throughout the night, I felt like I was a Marionette, because other people were controlling me”.

Must Ask Victim

• Are you a drug dealer?
  • NO! Sold cocaine before but is not doing that anymore.

• Are you an Escort?
  • “Never had sex for money, gifts or anything that would suggest she prostituted, she was adamant about this point!”

Status of Case

• Reasonably sure of at least one suspect’s identity.
• Video from hotel suggests impairment.
• Allegation from LE that victim is a drug dealer, escort and has no credibility.
• Unknown if victim’s account is credible.
• Unknown if S.A.F.E. contains any useful evidence.
• Even if semen or DNA present will it answer the question about impairment and consent?
• How do we prove?
  • Victim has not consented and the actor(s), (three US Army Staff Sergeants), knew the other person, (victim), is/was unconscious or physically unable to resist.
Major Break in Case

• Call from Victim (March 1, 2012)
  • “Suspect called me last night!”
• Pretext Phone call?
  • Yes
• Victim calls back later that day.
  • CAN’T DO IT!!
• Victim trusted detective and counselor.
• Pretext at 9pm?
Critical Juncture

• March 5, 2012
• Victim calls wants to stop the investigation.
• Worried about past mistakes coming to light.
• Worried parents and friends will find out about the drugs and escorting.
• Worried she will get trashed in court.
• Worried suspects will get away with it.
• What would be your response to the victim be at this point?

Moving Forward

• Expressed to the victim we don’t know if we can even bring charges forward at this point.
• Still in the middle of the investigation.
• Promise that upon completion of investigation, if the case develops enough probable cause to charge someone.
• We will contact her and verify she wants to proceed.
• Only then will we file charges.

Moving Forward (Cont.)

• Can you talk to my parents?
• Don’t release toxicology results!
• I want my Spanx!!
• Spoke to parents – signed permission.
  • Be non-judgmental.
  • Be supportive.
Status of Case

• Know identity of one suspect.
• Video paints picture of impairment; shows victim being separated from her friend(s) – (extremely vulnerable).
• Allegation from LE that victim is drug dealer and sex worker.
  • No evidence to suggest any of this was in play in the case.

Status of Case (Cont.)

• Victim’s account very credible.
• Unknown if S.A.F.E. contained any useful evidence.
  • Even if semen or DNA present will it answer the question about impairment and consent?
• Pretext phone call established in the suspect’s own words that he knew victim was physically unable to resist.

Perris Lamars Dumas

29 Year-Old Staff Sergeant U.S. Army
Identity of Other Suspects

• March 27, 2012
  • *Bring US Army CID on board*
  • Hope to determine who the other two suspects
  • Assist with learning more about Dumas.
  • More/different recourses to help solve case.
  • Hold onto Dumas.

Critical Juncture #2

• May 17, 2012 – Receive Toxicology Report from D.P.S.
  • THC, and amphetamines detected in urine.
• May 24, 2012 – Received initial forensic report back showing semen present on the vaginal swabs.
  • No semen detected on the anal swabs.

Called Dumas (May 24, 2012)

• Denies knowledge of case.
• Won’t confirm if he came to Austin or was with victim.
• Refuses to admit he knows identity of other two suspects.
• States he knows nothing about a sex crime.
December 2012 (10 Months Into Inv.)

- Still don’t know who other two suspects are.
- Staff case with District Attorney.
- Contact victim and ask if she wants to file charges.
- Arrest Dumas at Ft. Hood.
- Attempt to interview him.

Second Break in Case: Dumas Interview (Ft. Hood)

- Initially denied:
  - He had any sexual contact with victim.
  - The victim was in any way impaired.
  - He knew Marcus Davis.
  - If Davis had any contact sexual contact with the victim.
  - He knew Slack had sexual contact with the victim.

Dumas Interview (Cont.)

- Confronted with the pretext phone call.
- Admitted he forced his penis into victim’s mouth.
- Admitted the victim was too impaired to consent.
  - Admitted he forced his way into bathroom to check on victim.
  - Admitted victim vomited.
- Admitted to knowing and working with Slack.
- Admitted to knowing and working with Marcus Davis.
  - They live across the street from each other.
Dumas Interview (Cont.)

- Interview of Dumas yields:
  - Marcus Davis (Neighbor)
  - Timothy Slack
    - White Cadillac.
    - Birthday - February 24, 1980

Marcus Davis & Timothy Slack

- Marcus Davis (California)
  - Military brought back to Texas since on TDY.
  - Executed buccal search warrant on Davis when he was brought back to Ft. Hood.

- Timothy Slack (Oklahoma)
  - Coordinated with local Detective in Lawton Police Department to write and execute a buccal search warrant on Slack.
  - Coordinated transport of that evidence back to Austin.

Marcus Davis & Timothy Slack (Cont.)

- March 11, 2013 (DNA results)
  - The partial DNA profile from the sperm fraction from the vaginal swab is consistent with a mixture.
  - Marcus Davis and Timothy Slack cannot be excluded as contributors to this mixture.

- March 12, 2013
  - Filed arrest warrants for Marcus Davis and Timothy Slack.

- March 13, 2013
  - Marcus Davis arrested at Ft. Hood Texas, and Timothy Slack arrested at Ft. Sill Oklahoma.
Case Transferred to Military

- Travis County DA – Suggests U.S. Army may be better suited to prosecute the case.
- Army Special Victim Prosecutor Review of Case.
  - Summer 2013
- Army is interested in prosecuting the case after SVP review.
- Consultation with Civilian Investigator & Victim.
- Army coordination with Civilian Assistant District Attorney for Jurisdiction.
  - August 22, 2013
- Case transferred to U.S. Army
Army’s Case

• Coordination to move all co-accused under same unit to minimize requirements for victim testimony
• Required Commander consent
• Staff Sergeant Dumas located at Ft Hood, TX
• Staff Sergeant Davis located at Ft Hood, TX
• Staff Sergeant Slack now located at Ft Sill, OK

• Strategy
  • Ensure efficiency and consistency of prosecution
  • Minimize impact on victim
  • Transferring all evidence to Army control

Army Case Preparation

• Charging Decision
  • Conspiracy, Attempted Forcible Sodomy, Forcible Sodomy, Aggravated Sexual Assault (x3), Indecent Act
  • Keeping Victim Engaged
    • Building/maintaining relationship/trust with victim
    • Keeping victim informed & managing expectations
    • Leveraging relationship w/ Det. Crumrine
  • Building relationships w/ civilian witnesses
  • Interviewing drug detectives
  • Coordinating Charging of Suspects
  • Forcing Defense into consolidated Preliminary Hearing

Charge I: Attempted Forcible Sodomy

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 80

The Specification: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, attempt to forcibly sodomize Ms. XXXX XXXXX, in that the said Staff Sergeant Dumas caused the tip of a penis to be pressed against Ms. XXXX XXXXX’s anus by force and without the consent of Ms. XXXX XXXXX.
Charge II: Conspiracy

- **CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 81.**
- The Specification: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, conspire with Staff Sergeant Timothy Slack and Staff Sergeant Marcus Davis to commit offenses under the Uniform Code of Military Justice, to wit: Aggravated Sexual Assault and an Indecent Act under Article 120, UCMJ, and Forcible Sodomy under Article 125, UCMJ, and in order to effect the object of the conspiracy the said Staff Sergeant Dumas, Staff Sergeant Slack, and Staff Sergeant Davis did drive Ms. XXXX XXXXX to a motel room, observe her vomit, remove articles of her clothing, and penetrate Ms. XXXX XXXXX's vulva, mouth, and anus with their penises, while Ms. XXXX XXXXX was substantially incapacitated.

Charge III: Agg. Sexual Assault & Indecent Act

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 120.

Specification 1: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, engage in a sexual act with Ms. XXXX XXXXX, to wit: penetration of her vulva by Staff Sergeant Timothy Slack’s penis, while she was substantially incapacitated.

Specification 2: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, engage in a sexual act with Ms. XXXX XXXXX, to wit: penetration of her vulva by Staff Sergeant Marcus Davis’s penis, while she was substantially incapacitated.

Specification 3: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, engage in sexual contact with Ms. XXXX XXXXX, to wit: penetration of her mouth with his penis, while she was substantially incapacitated.

Specification 4: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, wrongfully commit indecent conduct, to wit: penetrated the vulva of Ms. XXXX XXXXX with his penis while Staff Sergeant Timothy Slack and Staff Sergeant Marcus Davis were in the same room and observed him.

Charge III: Forcible Sodomy

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 125.

The Specification: In that Staff Sergeant Perris L. Dumas, U.S. Army, did, at or near Austin, Texas, between on or about 24 February 2012 and on or about 25 February 2012, wrongfully commit sodomy with Ms. XXXX XXXXX by force and without the consent of the said Ms. XXXX XXXXX.
Army Trial Strategy

- Order of Suspects’ trials
  - Dismissal of 2 cases to control order of trials
- Prepare for attack on victim’s past
  - Motions to exclude/minimize information on drugs, escorting, and prior sex assault reports
  - Motion to Suppress Dumas Statement to Crumrine
- Protect victim as much as possible
  - Keeping victim engaged despite attack on character
- Prep civilian witnesses for a military courts-martial

Army Trial Strategy (Cont.)

- Preparing strategy for each Defense team
- Theme and Theory of the Case
  - Alcohol, Agreement, Admissions, Analysis
- Voir Dire Themes
  - Understand investigative tactics
  - Drug use bias
  - Credibility issues
  - Victim behavior
  - Alcohol and Incapable of Consenting

Army Trial Strategy (Cont.)

- Presenting case to Military Panel vs. Civilian Jury
- Expert witness to explain behavior
  - Rape myths
  - Common victim behavior in sexual assaults
- Combating “Good Soldier Defense”
Trial Results

- Staff Sergeant Dumas
  - Convicted of Indecent Act
  - Sentence: Reduction in Rank (2 ranks), Reprimand

- Staff Sergeant Davis
  - Convicted of three counts of Agg. Sexual Assault, Indecent Act
  - Sentence: 6 months confinement, Bad Conduct Discharge

- Staff Sergeant Slack
  - Convicted of Conspiracy, Agg. Sexual Assault, Indecent Act
  - Sentence: Reprimand, 3 months confinement, Bad Conduct Discharge

Lessons Learned

- Myths and biases of Law Enforcement involved
  - Narcotics detectives prior involvement with victim jaded their belief of victim’s account.
  - Junior investigators dismissed victim’s credibility based solely upon victim’s previous involvement not based upon the evidence in the case.
  - Some in LE misinterpreted victim’s hesitancy to continue as the victim was not being completely truthful.
  - Some in LE failed to fully understand the law in regards to victims ability to consent.

Lessons Learned (Cont.)

- Obtain as much electronic evidence as possible
  - Video from bars victim visited
  - Video from restaurants victim visited prior to 6th street
  - Social media post
  - Credit card receipts from bars/restaurants
  - Never interviewed cab driver who picked victim up
    - Did they have video?
    - Could they describe how she presented?
    - What she said?
Lessons Learned (Cont.)

- Don’t rely on cell phones as your only avenue to solve your case.
- Know the limitations of cell phone historical data.
- Start with preservation letters.
- Follow up with cell phone or internet providers when you serve legal process.
- Document, document, document!

Lessons Learned (Cont.)

- Listen to and explore all parts of the victim’s account.
  - Money taken from purse.
  - Location of victim and friend before the assault and what can that tell you.
  - Trudy’s Mexican Martini’s. (2)
- Educate criminal justice professionals to help dispel myths and biases.
- Challenge their bias.

Lessons Learned (Cont.)

- Advocacy is imperative!
  - At the initial report.
  - At the hospital.
  - When conducting follow up or formal interview.
  - When conducting pretext communications.
  - Throughout the entire law enforcement investigation, up to and throughout the trial.
Lessons Learned (Cont.)

• **Building trust and rapport is critical!!!!!!!**
• Explain each step of the process.
• Be honest and open about any challenges of the case and how to overcome those challenges.
• The victim only continued in the process because of the trust she built with the advocates, officers, investigators and prosecutors.