

**INVESTIGATION REPORT FOR ST LOUIS COMMUNITY COLLEGE  
RELATING TO 4/18/13 ATTACK ON MERAMEC CAMPUS**

**AUGUST 15, 2013**

Prepared By:

Jeffrey T. Demerath, Esq.

Armstrong Teasdale LLP

7700 Forsyth Blvd., Suite 1800

St. Louis, MO 63105-1847

Tel.: (314) 621-5070

[jdemerath@armstrongteasdale.com](mailto:jdemerath@armstrongteasdale.com)

Presented To:

The Board of Trustees of St. Louis Community College

## **I. Background**

The investigation arose out of the attack of Blythe Grupe in a women's bathroom at the Meramec Campus of St. Louis Community College ("STLCC") on April 18, 2013 ("the assault"). After the attack, the Board of Trustees of St. Louis Community College ("the Board") had serious concerns regarding the manner in which the arrest was handled and charges sought initially as well as related events which followed. In the aftermath of the assault, the Board retained Armstrong Teasdale LLP to perform an investigation.

Specific areas of concern included: (1) the facts and timeline regarding the assault and the events that followed; (2) whether Jevon Mallory had any history of problems at STLCC; (3) why the police released Mr. Mallory after a short period of time after apprehending him; (4) how Mr. Mallory came to be back on campus on April 23, 2013; (5) when the campus was notified of the attack and the reason for the delay in the notice; and (6) when responsible parties within STLCC knew about the assault, what they did in response to that information, and their respective role in the mishandling of the assault.

It was decided that the inquiry would be conducted on the behalf of Armstrong Teasdale by Jeffrey T. Demerath, a partner with almost forty (40) years of experience in the area of criminal prosecution, defense and compliance, beginning with seven (7) years as an Assistant U.S. Attorney in the District of Columbia. Mr. Demerath had conducted numerous internal investigations for public and private companies due to concerns arising out of a broad range of accusations and allegations.

Working with Mr. Demerath would be Amy Lorenz-Moser, also a partner at Armstrong Teasdale, with 13 years of experience in civil litigation and pre-suit investigations. Additionally, Lorenz-Moser has a longstanding pro bono practice advocating on behalf of women and girls who have been victims of rape and abuse. She has received numerous awards and recognitions

for her work on behalf of victims of domestic abuse incarcerated for defending themselves against their abusers, including Missouri Lawyer's Weekly's highest honor, Lawyer of the Year, as well as the American Bar Association's Pro Bono Publico Award.

## **II. Conduct of Investigation**

The investigation commenced with Armstrong Teasdale gathering thousands of emails, reports and other documents relating to Jevon Mallory and the assault. These voluminous documents were assimilated, reviewed and analyzed by Mr. Demerath, Ms. Lorenz-Moser, and others at Armstrong Teasdale. In addition, cell and office phone records of those persons under scrutiny were examined. Counsel also examined the materials from the Meramec Police Department, including the police report and supporting statements.

Counsel then proceeded to interview approximately twenty-five (25) STLCC witnesses, including but not limited to Chancellor Myrtle Dorsey, former Meramec Campus President George Wasson, Meramec Campus Vice President of Student Affairs Linden Crawford, District Chief of Police Robert Stewart, Campus Chief of Police Paul Banta, and District Director of Public Information and Marketing Delancy Smith. Aurora Hill, the part-time faculty member who apprehended Mr. Mallory, saving Grupe, was also interviewed. Counsel further spoke to personnel from the St. Louis County Prosecuting Attorney's Office, the Kirkwood Police Department (including the Chief) and students at Meramec as well as parents of students. Counsel attempted to contact Blythe Grupe regarding the assault but was ultimately unable to secure an interview. She did, however, make a statement to the police which was reviewed.

In addition, Armstrong Teasdale retained as a consultant a distinguished retired St. Louis City Police detective who advised the attorneys on proper police procedures, including, but not limited to, obtaining arrest warrants under Missouri law, as well as numerous issues that arose during the investigation and which related to police practice and procedures.

Counsel also reviewed several years of incident reports from the Meramec campus to determine if there had been any other similar incidents of violence on the campus that had been similarly mishandled. The only other serious incident was a fight involving a group of people on campus that resulted in several municipal ordinance violations. However, no other significant incidents were located that were problematic as the incident at hand.

### **III. Results of Investigation**

The mischaracterization and mishandling by STLCC of the April 18, 2013 assault on Blythe Grupe was due to a system-wide failure of campus and district law-enforcement, administration, and communications, which resulted in an unnecessary threat to the campus from an individual who should have remained in custody rather than being allowed to roam free after the commission of a major felony. A secondary, but equally important cause of the mishandling of the assault was a lack in leadership and management from key personnel at the district and campus levels. Detailed findings are as follows:

**a. History and prior incidents involving Mallory:** During the course of the investigation, Jevon Mallory's history at STLCC was investigated. Mallory was briefly at the Forest Park campus in 2012, and later was a student at the Meramec Campus in 2013. While Mallory resided in North County, he was attending school in a different location at the time of this incident. However, the fact that Mallory was enrolled at two different campuses in successive years or that his residence is in the North County area is not unusual as STLCC has an open enrollment policy. Students are permitted to enroll in whatever campus they prefer or in multiple campuses, and the campuses often offer different classes or programs at different times. Thus, there was nothing unusual about the fact that Mallory was enrolled at the Meramec Campus on the day of the assault, even though he resided closer to other campuses.

During Mallory's attendance at STLCC, prior incidents involving Jevon Mallory were uncovered which were not investigated or handled adequately or appropriately by the Behavioral Intervention Team ("BIT") given the circumstances. The BIT is an interdisciplinary team with representatives from the police department, student affairs, and other areas of administration. The purpose of the team is to investigate and act upon reports of student behavior which may violate College policies or procedures, or reports of behaviors which may present a danger to that student or others. Linden Crawford, as Campus Vice President of Student Affairs, was head of the BIT. Campus Chief Banta was also a member of the BIT and handled portions of the previous BIT investigations regarding Mallory. The handling of these incidents also revealed procedural inadequacies in the handling of certain types of reports of student behavior. Because of federal regulations regarding the privacy of student records, specifically the Family Education Rights and Privacy Act ("FERPA"), Counsel is unable to publically provide any further information regarding these other incidents. Counsel's recommended procedure and policy changes, however, are based in part on the findings from this portion of the investigation.

**b. Timeline of Events:** Based on the approximately 25 witness interviews, emails, reports, phone records, and other documents, the timeline of events that occurred is as follows:

It should be initially noted that the Meramec Campus Police Department has complete control and jurisdiction over crimes committed on the campus. It has the power to arrest, obtain warrants, etc. as does any other municipal or city police department. It does not have a holding cell, so prisoners may be temporarily housed at Kirkwood Police Department, which also lets the Meramec officers fingerprint its prisoners as Meramec does not have that capability. But in all other respects, it performs like any other independent police department.

***Prior to 2013:*** Upon information received from Chief Banta after the assault, as a juvenile in high school, Mallory allegedly attacked a teacher and was certified to be charged as an adult. We have also seen similar media reports regarding this prior incident. We were unable to confirm this information from other sources due to the fact that juvenile arrest and disposition records are not available to the public absent lawful process.

***The Day of the Assault, Thursday, April 18, 2013:***

~7:50am By 7:50am, Mallory was on campus. Mallory waited in the library for 10 minutes, and then headed to the Communications South Building. Mallory later relates to a sexual harassment and assault investigator that when he went onto campus that day he was agitated and knew that someone was going to get hurt.

~8:00am Mallory attempted to strangle Blythe Grupe in the bathroom. He waited in a bathroom stall in a ladies room in the Communication South Building. When Ms. Grupe exited her stall to wash her hands, Mallory came up behind her and started strangling her in a choke hold. The two individuals did not know each other, making this act of violence random in nature.

Ms. Grupe began to scream, and then the screaming stopped. Grupe later told police that Mallory placed his free hand over her mouth and her nose in an apparent attempt to stop her from screaming. Grupe also stated that the entire time she was being choked, Mallory was talking to her in a calm voice. Her cries were heard by her English Composition Professor, Aurora Hill, who was busy teaching her class. Upon hearing Ms. Grupe's screams, Hill noticed that Ms. Grupe was missing from class and went running towards the source of the screams. When Hill reached the bathroom, she realized that someone was being attacked inside. In that moment, she did not know whether the attacker was armed, or what personal risks she might be taking by entering the bathroom. In disregard of any risks to herself, Hill charged into the bathroom to save her student.

Upon entering the bathroom, Hill verbally confronted Mallory about the attack, and then she grabbed Mallory, separated him from Ms. Grupe and dragged him from the bathroom while holding him and calling for the police. Meramec Campus Police Officers Rick Seal and Ed Ucinski were already in an adjoining communication building to address another unrelated minor incident. They arrived on the scene immediately upon hearing Ms. Hill scream for the police. The police had not heard Ms. Grupe's screams.

Blythe Grupe had red marks around her neck and a scratch on her face. She was obviously traumatized by the event, which apparently continues to the present. She refused medical attention. Grupe later gave a statement to the police in which she stated that she felt that her attacker's purpose was to kill her.

Aurora Hill tells the police that she believes that Mallory was trying to rape Grupe, which she puts into a statement the following day (4/19). Hill assumed this was an attempted rape because a man was in the women's restroom. She did not see anything of a sexual nature actually occurring at the time she interrupted the attack.

~8:26am An e-mail went out to Andrew Langrehr, Meramec Campus VP Academic Affairs, Wasson and Crawford from Vernon Kays, Meramec Campus Dean of Communications and Mathematics, alerting them about the assault. Kays had been in his office when Banta had called to briefly advise him of the incident.

- ~9:05am George Wasson asked Linden Crawford to do a summary of any prior BIT incidents involving Mr. Mallory at STLCC in conjunction with the investigation. Crawford failed to include in the summary key factual details regarding Mr. Mallory’s history at STLCC.
- ~9:05am Chief Banta called Chief Stewart to inform him about the assault, and to discuss how to handle it. At the time, Banta is not at the Meramec station or on school premises—he was then blocked in his neighborhood by emergency equipment. Stewart ordered Banta to call the St. Louis County warrant prosecutor to see how the prosecutor wanted to handle the situation.
- ~8-9am Banta calls Wasson to let him know about the assault.
- ~9:30am Banta calls Crawford to let her know about the assault. Crawford stated she believed Banta told her that Mallory would remain in jail for some time and thus the campus police were handling the problem.
- ~morning After learning about the assault, Wasson nonetheless leaves for a conference in California without advising any superior of this assault, specifically the Chancellor, who was already at the same conference in California. He assumed Chief Stewart would have informed the Chancellor of the assault.
- Confusion exists among the participants as to who was Acting Campus President at the time of Wasson’s departure. Nobody takes a key role in issuing a campus alert.
- Early-mid am At this early stage, this assault was thought to be a possible attempted rape. Banta is told by Patricia Henderson (District Senior Manager of Employment) to call Beverly Bevineau-Lewis so Bevineau-Lewis can conduct an investigation pursuant to the STLCC’s sexual harassment policy, which is defined as including sexual assault. The sexual harassment and sexual assault investigations are combined under Ms. Henderson and conducted by the same investigators. The involvement of Bevineau-Lewis was not only appropriate under the policy as written, in this case it turned out to be fortuitous because later the critical statement of intent by Mallory was obtained by the sexual harassment investigator as opposed to the police.
- 8:30am-12pm Mallory is booked at Meramec, interviewed by police and interviewed by Beverly Bevineau-Lewis. Meramec police interview Mallory, after he is read his rights. He gives a statement saying that he attacked Ms. Grupe to “vent his rage.” Ms. Bevineau-Lewis obtains a statement from Mallory regarding his intent in attacking Blythe – he states that he “wanted to withdraw her from life” and that when he came to the campus that morning he knew he would hurt someone. Ms. Bevineau-Lewis advises police officers of the statement, including Banta. He is then taken to Kirkwood Police Department.
- Chief Banta calls the St. Louis County Prosecutor who was acting that day as the Duty Officer for warrant applications. Chief Banta described the assault and they discussed options. The prosecutor and Banta have differing recollections of this

conversation, however, all parties agree that Chief Banta never told the prosecutor about the statement from Mallory regarding his intent to “withdraw her from life.” The prosecutor maintains she told Banta to bring Mallory down that same day to be evaluated for an “in-custody” warrant (as she felt that he offense was a serious felony assault even without knowledge yet of the intent to kill), which Banta denies. The prosecutor also asked Banta to call her back to schedule a meeting with her later that day to discuss a possible “in-custody” warrant – the return call from Banta never occurred. In addition, Banta’s description of the offense to the prosecutor as recalled by her and conveyed to the actual facts determined in the investigation, was understated and erroneous and attempted to convey the assault as a minor incident. This was consistent with the manner in which Banta described the assault to others. Just one example is that the prosecutor recalls Banta stated that Mallory merely “knocked down” the victim. The prosecutor nonetheless wanted to personally review the facts in her office that day because, as a long-time prosecutor of sex crimes, she knew that an attack by a man in a woman’s restroom had more sinister connotations than were presented to her by Banta. The prosecutor also told counsel that if she had known of the “withdraw her from life” statement, a warrant for Assault in the 1<sup>st</sup> degree was extremely likely to have been issued.

~12:30 Mallory was released from custody on instructions of Chief Banta, and told not to return to the campus (some 2 - 3 hours after he was advised of Mallory’s intent to kill the victim). He had not called the prosecutor back with the critical statement of intent which he knew by that time. Banta’s decision in this regard was erroneous and unwise.

Pursuant to college practice, Mallory also was told by the police to make an appointment to meet with Lin Crawford to discuss his future status at the STLCC. Mallory called to make the appointment and was given an appointment by Crawford’s secretary to return to campus on April 23 at 9:30 am to meet with Crawford at her office. At the time the practice was to use in-person meetings for expulsion. This practice of in-person meetings for expulsion has now been changed.

~2:00pm Wasson emailed Crawford and Banta and suggested Mallory should be expelled and that a notification should be sent out to the campus. Wasson stated he was not aware until later of Mallory’s intent admission. No notice was sent out to the campus at this time.

2:30pm Beverly Bevineau-Lewis spoke with Crawford and told her about the interview Bevineau-Lewis conducted that morning and the statement as to Mallory’s intent that she obtained.

~4:00pm Crawford spoke directly to Banta regarding Mallory’s ‘withdraw her from life’ statement and asked that the statement be placed in the police report.

~5:00pm Crawford requested a completed police report from Banta, but was told it was not yet complete. Banta indicated to Crawford that Mallory’s statement ‘should’ be in the report, a statement which seemed equivocal to Crawford and concerned her.



6:19pm Crawford emailed Officer Seal (who was preparing the police report) and copied Banta, alerting him directly of Mallory's statement and mentioning that Banta is aware of it as well. Apparently, the inclusion in the police report of Mallory's admission of intent was due to Crawford's e-mail as opposed to instruction by Banta to his officer to do so.

***Period between the Assault and Mallory's Second Appearance on Campus:***

*Friday, April 19, 2013:*

10.50 am For the first time since the 9:05am call the morning of the assault, Stewart and Banta spoke at 10:50am on Friday. Stewart told us that Banta told him that the prosecutor refused to issue an in-custody warrant and that the prosecutor told Banta to apply for the warrant in the normal course, which could take weeks to obtain (none of which was accurate according to the prosecutor). Stewart advised us he was satisfied with that course of action. In addition, the two chiefs did not discuss any need for a campus warning, notwithstanding that Banta's version of the facts necessarily meant Mallory would have been released before the twenty-four (24) hour hold period ran its course. Apparently, Banta did not at this time tell his superior of Mallory's intent to kill his victim, as he failed to do with others.

It should be noted that Banta mistakenly believed that a completed police report was necessary for an "in-custody" warrant. Stewart concurred with Banta on this point and also advised us that an "in-custody" warrant could only be obtained in the case of a homicide. Both beliefs were wrong according to the Prosecutor.

Both Chiefs employed these erroneous justifications for the early release of Mallory and failure to pursue an in-custody warrant before Mallory was released to others in the next few weeks. In addition, Stewart told us that even if he felt Banta (or any other campus chief under his supervision) was wrong on this or other issues, he would let the campus chief pursue matters and issues on his campus without interference by District Chief Stewart.

Stewart also told counsel that in the Friday morning conversation, Banta told him that the Prosecutor told Banta that the crime was only Assault 3d, a misdemeanor. After Stewart became aware of Mallory's admission of intent when he received the completed police report later in the day, he knew (or should have known) that the charge was properly Assault 1<sup>st</sup> as it was accompanied with intent to kill (as Mallory was eventually charged). Yet due to his policy of letting his campus chiefs proceed on their own, albeit erroneously and even if the campus may have been exposed to danger with Mallory not in custody, Stewart did nothing and allowed the decision to stand not to talk again with the Prosecutor until the following Tuesday.

Stewart did agree that Banta should have brought the intent to kill statement to the Prosecutor's attention on the 18<sup>th</sup> and that that this could have made a difference in her direction. Of course, even without knowledge of the statement, the prosecutor told us she requested that Banta bring Mallory into her office on

Thursday for “in-custody” warrant consideration. It is obvious that in all probability, had she then known of his “withdraw her from life” statement, Mallory would have been promptly been charged with Assault 1<sup>st</sup> – but only if Banta acted promptly as he should have.

Afternoon      Officer Seal completed the police report which included the reference to the “withdraw her from life” statement. Chief Stewart became aware of Mallory’s intent to kill on Friday when he read the report but nonetheless failed to discuss with Banta whether the Prosecutor was aware of the statement and if they should re-contact the Prosecutor about obtaining warrant before the weekend.

5 pm             Around 5 pm, the Meramec public information department received a call from a reporter, who was referred to the communications department by the police department switch board. This marks the first time any communications employee learned about the assault.

5:34 pm         Around 5:34pm, Banta called Crawford about a reporter from the Post-Dispatch contacting him.

Evening         After having been contacted by the campus public information department, Smith called Stewart and mentioned getting the word out about the assault. Smith claims Stewart agreed to call the Chancellor that evening. Stewart denies this conversation occurred, and claimed it was not necessary to notify the Chancellor as she was in California with George Wasson. Stewart incorrectly assumed that Wasson had informed the Chancellor of the assault. Smith incorrectly assumed that Stewart had called the Chancellor. In fact, Stewart told us he felt the Chancellor did not need to be told of the assault because she “was out of town.” In reality, none of these individuals contacted the Chancellor on this day or over the ensuing weekend. Neither individual initiated a campus-wide alert.

During the course of the interviews of the 25 witnesses, it was communicated by several people that they had difficulty communicating with the Chancellor and difficulty reaching her.

Sometime in the evening, Crawford alerted Banta of the request by Aurora Hill for a police presence and a notification of the assault that happened the day before.

The weekend, Saturday and Sunday, April 20 and 21, 2013

No alert is sent to campus over the weekend. Chief Stewart and Chief Banta both explained that no alert (Clery or otherwise) was required because Mallory had been apprehended, even though he was released four hours later. When confronted with the release, they both offered to us that he had been told not to return to campus, not a wise decision given Mallory’s history. Also, Banta, in the next few days, placed extra patrols around campus as he felt Mallory might return - a position inconsistent with his statement to us that he did not believe Mallory was a danger to return to campus. Finally, Stewart conceded that if he had been on the “leadership team”, he probably would have ordered a campus or Clery

alert. Counsel submits that if anyone should be assertive and exhibiting leadership as to issues of safety at this time, it should have been District Chief of Police Stewart.

Monday, April 22, 2013

At some point on Monday, Crawford met with Ms. Grupe to reassure and comfort her, and to offer counseling.

1:14 pm Wasson sent the Chancellor an email “updating” her on the assault. This email represents the first documented communication with the Chancellor regarding the assault. The Chancellor later told us that she did not remember ever seeing or reading this email. Wasson stated the Chancellor had been too busy for him to contact after he arrived in California even though they were at the same conference and had at least one face-to-face meeting there.

Afternoon Banta emailed Stewart telling him about pursuing the warrant because the Post-Dispatch was on the story.

4:20 pm Stewart emailed Chancellor Dorsey apprising her of the assault. The Chancellor says she did not read it until the following day – Tuesday, April 23, 2013. The Stewart e-mail attached the police report of the assault which described in detail the seriousness nature of the assault including Mallory’s intent to kill Grupe which was again not read by the Chancellor until Tuesday.

4:20 pm Phone records indicate that Smith called the Chancellor twice. Apparently both were bad connections and dropped calls.

5:16 pm The Chancellor emailed Wasson alerting him to an upcoming evening news story on the 4/18 assault.

5:17 pm Rebecca Garrison (assistant for the Board of Trustees), sent the Trustees an email on behalf of the Chancellor informing them about the 4/18 assault.

5:21 pm Chancellor Dorsey sent her assistant an email saying to alert the STLCC General Counsel about the assault.

7:35 pm Smith emailed the Chancellor (with references to his earlier calls) and states that he was eager to see local news reports on the assault and that he believed Garrison has sent the Board a briefing on it.

9:17 pm Wasson emailed the Chancellor and included a link to the STL online report on the assault.

Tuesday, April 23, 2013

### ***The Day of Mallory’s Second Appearance on Campus***

It is important to note is that throughout this period, both Banta and then Stewart described in conversations with campus personnel and the public that there were

“no injuries” to Grupe. In fact, she suffered redness around her neck where she was strangled, a scratch on her cheek and untold emotional trauma. This characterization of “no injuries” was both inaccurate and insensitive.

- 6:32am The Chancellor received a Google alert about the 4/18 assault.
- 6:38am Officer Seal emailed Lt. Schwerb stating that Banta wanted the warrant application to be pushed through ASAP in light of media coverage.
- ~early morning Mallory came to campus approximately 2 hours earlier than his scheduled appointment with Crawford. Police apprehend him between 7:30am and 8:00am in the same building near the same area as the initial attack on Grupe. Ms. Crawford’s office was in a different building. This day was the first session of Ms. Grupe’s class since the attack. Ucinski was already in the vicinity due to the request for police presence at the class. Ucinski arrested Mallory for trespassing.
- 9:30am The scheduled time for Mallory’s appointment with Crawford. After Mallory’s arrest at Communications South Building for trespassing, Crawford met with Mallory (along with Banta) and expelled Mallory. At one point Chief Banta, incredibly, suggested that perhaps the police would take Mallory to a bus stop as an option because Banta stated to Crawford that his department did not have the manpower to take Mallory to Mallory’s home by police car. On Crawford’s outraged insistence, Banta elected not to do that. Rather, the police took Mallory straight to the Kirkwood Police Department, after which he is taken to the St. Louis County Prosecutor’s office for processing on a charge of Assault in the First Degree.
- 9:40am The Chancellor emailed Smith and requested that he keep her posted about the developing news stories.
- ~afternoon Wasson sent out emails (ranging from 1pm to 3pm) stating that he felt a notification to campus was necessary.
- 2:30pm Five days after the assault on Grupe, Wasson sent out a campus-wide email notifying all at Meramec. This was the first campus alert. It also was approximately some six (6) hours after Mallory had returned to the scene of the assault.
- 5:21pm Smith sent out a campus-wide email notifying the campus about the assault that occurred on 4/18.

Wednesday, April 24, 2013:

Chancellor Dorsey and George Wasson returned to St. Louis from the conference in California, six days after the assault in which a student attempted to murder another student at Meramec. (No one in a position of authority or responsibility has talked to the parents of the victim to apologize.)

Friday, April 26, 2013:

Wasson resigned as President of Meramec.

Chancellor Dorsey holds a news conference and apologizes for the way in which the assault was handled.

#### **IV. Conclusions and Observations**

##### **SLCC Personnel Generally**

- The investigators feel it is critical to note that while they have presented a number of findings and conclusions which are critical of certain individuals both at the District and Meramec campus levels, there were many additional persons who were interviewed who are long-standing, loyal and outstanding employees. These individuals were very upset at the mishandling of the assault of Blythe Grupe. They were unanimous in their desire that the District learn from the mistakes we have located and work diligently to assist leadership in striving to create a better and safer district in which the omissions and commissions of the past will not be repeated.

##### **Meramec Campus and District Police Departments**

- The campus and district police chiefs lack knowledge of basic police procedures.
- The district chief expressed his policy of not intervening in campus police cases, even when said intervention may have been necessary to prevent mistakes in both judgment and procedure.
- The Chief of the Meramec Campus Police mischaracterized and mishandled the assault and, thereby, confused and delayed poorly prepared administration and communications staff at the campus and at the district from issuing campus-wide safety alerts.
- The Meramec Campus Police Chief downplayed the injuries suffered by the assaulted student and withheld vital information about the assailant's self-described intent from the St. Louis County Prosecutor as well as others both on the campus and off. The District Chief failed to correct these errors when he learned of them.
- On the day of the attack, the Campus police chief did not follow the St. Louis County prosecutor's instructions about seeking an "in-custody" warrant. In spite of the potential danger to the victim and others, the campus police chief released the assailant with a verbal warning not to return to campus of extremely questionable efficacy.
- Even if he misunderstood the directions of the prosecutor, the Meramec Chief did not thereafter call her back to inform her of the most critical evidence in

the case, which would have still allowed sufficient time to obtain a warrant before the 24-hour period lapsed.

- Instructed separately to report to the vice president of student affairs at Meramec five (5) days following the assault, the assailant instead returned to the scene of the crime hours before the appointment with student affairs. While he was apprehended at that point, he was taken to the student affairs office rather than removed from campus and taken to processing.
- The Meramec Campus Chief of Police, with the concurrence of the District chief, did not seek a warrant from the prosecutor until five (5) days after the assault under circumstances wherein it appeared probable that a warrant for a serious felony could have been obtained on the day of the attack, if only they had followed the prosecutor's advice and/or had conveyed accurate information as to the critical evidence in the case on April 18 or the day thereafter.

### **Administration**

- Despite the fact that one Meramec administrator (Crawford) knew of the gravity of the assault by Thursday evening, campus administrators would not start reacting appropriately until Monday morning. Rather than taking responsibility and seizing control of the situation, they delayed taking action.
- The campus as well as district administrators at the highest level, even though not being fully advised of the assault and its seriousness until after it occurred, nonetheless failed to display prompt and comprehensive initiative to deal with the ramifications and consequences of the attack in the days after their notice. More would reasonably have been expected of the campus and district leaders in this critical time.
- The Meramec Behavioral Intervention Team, primarily through Crawford and Banta, failed to fully investigate and appropriately handle prior BIT incidents regarding Mallory.

### **Communications**

- The communications functions at both the campus and district levels did not attempt to take responsibility or advocate strongly for a campus wide alert or to focus the administrators' attention of the communications needs of the students, faculty and staff.

## **V. Recommendations Regarding Policies and Procedures.**

In light of the factual findings above, as well as factual findings which could not be made public due to federal privacy laws, Armstrong Teasdale LLP makes the following recommendations regarding policies and procedures at St. Louis Community College:

1. General Conclusions from Investigation Regarding Policies and Procedures
  - a. There is no consistency in the policies and procedures throughout the manuals. There needs to be one consistent procedure applicable to a situation.
  - b. There is poor integration and delineation of responsibilities between the District Emergency Plan and the Campus Emergency Plan. People at the Meramec Campus sometimes thought things were being handled at the District level, while District employees thought those same things were being handled at the Campus level. There needs to be a single integrated plan, or at least harmonization of these plans.
  - c. There appears to be insufficient training for key personnel regarding the procedures that would be applicable to a situation like this one. Multiple people were unclear on who they were supposed to be communicating with in a crisis situation such as this, and were unfamiliar with the policies as they applied to this situation.
  - d. There are too many different manuals and other policies potentially applicable in this situation, and none are very specific regarding something of this nature. These procedures need to be streamlined so there is a single procedure and place to go for information in a crisis.
  - e. There is a lack of policy and procedure in some key areas where policies need to be developed. These include: (1) a written policy and guidelines for the BIT process, (2) a specific policy addressing what should happen when a student makes a threat of violence against the campus or other students; (3) when the communications department should be informed about a crime on campus; and (4) a specific written policy addressing the Clery Act, when Clery notices are required and who is responsible for sending them, and when it may be appropriate to send out a notice even if it is not required by Clery.
  - f. Revision of the sexual harassment policy needs to be considered regarding sexual assaults vs. other types of harassment. During several points in the process, individuals expressed to the investigators that they did not understand the presence of the sexual harassment investigator, and interpreted her presence as the College not understanding the serious nature of the assault that had occurred. The investigator was present because the same policy exists for investigation of sexual harassment and sexual assaults. It was assumed by circumstances, perhaps incorrectly, that this was an attempted rape. Because of the criminal, medical, evidentiary, and other unique circumstances present in a sexual assault, a separate policy should apply.
2. The BIT process needs to be formalized and revised.
  - a. There needs to be a written BIT policy.

- b. Clearer guidelines must be developed about what is a BIT issue and what should be treated as a criminal issue and investigated by the police.
  - c. The roles of BIT leader and the chief disciplinarian should be separate people due to the potentially conflicting nature of the roles. The BIT is often trying to keep students in school, while the disciplinarian is deciding whether to throw them out of school.
  - d. Written procedures and training should be provided for investigation of BIT incidents.
  - e. The BIT team should have access to an outside mental health professional.
  - f. There must be better communication and integration of the BIT system between campuses.
  - g. The Board should evaluate and seek legal counsel on the appropriateness and legality of criminal background checks as part of the BIT process if there is a concern for violent behavior.
3. Discipline changes
- a. The Board should investigate whether additional interim discipline measures should be put in place, such as interim suspension, probation, and mandatory counseling or evaluation as a condition of continued enrollment.
  - b. Clearer guidelines must be developed for when expulsion should be mandatory.
  - c. The position of Vice President of Student Affairs should receive additional training as to the concept of behavior intervention training and ideally the holder of the position should have experience in the area.
4. Training for police: The Meramec Police Force should be trained in some key areas:
- a. Interrogation: the police did not get much of a statement from Mr. Mallory. However, the sexual harassment investigator got the most probative statements in the entire case. The police need to reevaluate their interrogation techniques and perhaps receive additional training on interrogation.
  - b. Warrant procedure: There are different procedures for custodial and non-custodial warrants. The police here seemed to have a fundamental misunderstanding of how the warrant process works, and the differences between those two types of warrants. The police would benefit from training in that area.



- c. Victim interaction: There were some reports that Ms. Grupe and her family were very upset with the way they were treated by a member of the police force. The police may benefit from additional training on how to better interact with victims in a respectful and sensitive manner.
  - d. The District Chief needs to take a more direct supervisory role of the Campus Chiefs.
  - e. The College should investigate the possibility of having local municipal law enforcement cover the campus as opposed to having its own police force.
- 5. In light of this attack, the Board should consider having a security consulting firm evaluate the campus's general security.
  - 6. Public relations announcements should be cleared by a lawyer if talking about legal issues.
  - 7. The campus should investigate having better victim services and counseling available immediately after an incident such as this.
  - 8. Aurora Hill needs to be recognized for her act of heroism. She saved Blythe Grupe from being strangled by a man who intended to kill her. And Ms. Hill saved Ms. Grupe's life with full knowledge of the fact that Ms. Hill may have faced a substantial threat to her own life upon entering that bathroom on April 18, 2013. The College should make every effort to honor Aurora Hill's courageous and selfless act.

This report does not contain recommendations which may have been made regarding

individual personnel, or legal advice that has been rendered to the board subject to attorney-client and work-product privilege.

Respectfully submitted

**ARMSTRONG TEASDALE LLP**

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Jeffrey T. Demerath  
7700 Forsyth Blvd., Suite 1800  
St. Louis, MO 63105-1847  
(314) 621-5070