

University of San Diego
 Department of Public Safety
OFFICER'S NARRATIVE
 Narrative

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) Officer's Statement	DATE 04/12/07	DAY OF WEEK Thur	TIME 0840
LOCATION OF INCIDENT (OR ADDRESS) 5998 Alcalá Park /	CITY San Diego	BEAT P-1	DISTRICT USD

OFFICER'S STATEMENT:

On 04/12/07 at 0840hrs, I received a call from Asst. Dean Wilson, who received a call from Brooder advising that the initial drug panel confirmation test came back negative for any substances in her system. Asst. Dean Wilson told me that Brooder advised her that she is going to get a hair follicle test completed also and will let us know the out come from that test.

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) Statement of Douglas Wacker	DATE 04/12/07	DAY OF WEEK Thur	TIME 1033
LOCATION OF INCIDENT (OR ADDRESS) 5998 Alcalá Park /	CITY San Diego	BEAT P-1	DISTRICT USD

OFFICER'S STATEMENT:

On 04-12-07 at 1033hrs, Wacker came to the Public Safety office. I advised Wacker the reason for my contact with him was to inquire and obtain his statement of the events that occurred on 04/03-04/07 in New Orleans. Wacker asked me what I was investigating. I advised Wacker that I was investigating a complaint made against him because of some possible inappropriate actions of his that occurred while he was in New Orleans along with several other USD School of Law students. Wacker told me that he felt uncomfortable and was not prepared to give me a statement and declined to do so. At this time I ended our conversation, but advised Wacker he may want to contact Asst. Dean Wilson and possibly give her a statement since he did not want to speak with me. I also advised Wacker that Student Affairs is aware of the situation and maybe contacting him also.

Before leaving, I offered Wacker the services of the counseling center and told him he could call Public Safety anytime if he needed a counselor to talk with. Wacker declined any services. I also gave Wacker my business card and told him to call me if he has any question or wanted to provide a statement at a later date.

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) 261(a)(3)PC Rape by Intoxication or Controlled Substance	DATE 04/03-04-07	DAY OF WEEK Tue-Wed	TIME 2200-1000
	LOCATION OF INCIDENT (OR ADDRESS) Royal St. Charles Hotel 135 St. Charles Ave		DISTRICT USD
	CITY New Orleans	BEAT P-1	

SYNOPSIS:

Jessica Brooder (USD ID 3062547) and Elizabeth Easley (USD ID 3061986) both possibly ingested a "date rape drug" that was put into their drinks by Douglas Wacker (USD ID 3061393) while they were all in New Orleans. Wacker also possibly raped Brooder while she was under the influence of the "date rape drug" and possibly attempted to rape Easley also.

ORIGIN:

On 04-11-07 at 1515hrs, I was dispatched to the Counseling Center inside of Serra Hall to take a report of a possible rape that occurred off campus in New Orleans involving USD School of Law students.

INVESTIGATION:

On arrival, I made contact with Brooder and took her statement. During the contact I asked Brooder if she wanted San Diego Police to take a report for possible prosecution, but Brooder declined to involve San Diego Police. Since Brooder was already speaking with a counselor I just advised her if she needed to speak to a counselor after hours, she could call Public Safety and we could call the on duty counselor for her. I also gave Brooder my business card and told her to call me if she has any question or additional information to give.

On 04-11-07 at 1600hrs, I took a statement from Easley who was with Brooder in the counseling center. I also advised Easley she could call Public Safety if she wanted to speak to a counselor after hours. Easley also advised me that she did not want to involve San Diego Police for this incident. I gave my business card to Easley and advised her to contact me if she has any question or additional information.

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On 04-11-07 at 1630hrs, I took a statement from Baker who was with Brooder and Easley in the counseling center. I also advised Baker she could contact Public Safety if she needed to speak to a counselor after hours. I gave Baker my business card and advised her to contact me if she has any question or additional information.

On 04-11-07 at 1730hrs, I attempted to contact Wacker but he did not answer so I left him a message to contact me. On 04-11-07 at 1830hrs, Wacker returned my call and said he would meet with me after his class on 04-12-07.

On 04-11-07 at 1740hrs, I contacted SDPD Sex Crimes Unit and spoke to Det. Webb. I gave Det. Webb the details and she advised me to continue with our report and if the victim wants to report something to SDPD they will make contact with her at that time.

BACKGROUND:

21 USD School of Law students were in New Orleans as part of a "Student Hurricane Network" group. USD donated money to the students to help them with the cost of the trip but the trip was not a USD sanctioned event. No faculty or staff from USD was present on this trip.

STATEMENTS of Jessica Brooder (Victim):

Brooder essentially told me the following:

Brooder told me that on 04/03/07 at about 2200hrs, she and a few other USD School of Law student (Easley, Rebecca Baker USD ID 3061418, Wacker and a few others) went out to dinner in New Orleans. Brooder said that she had 2 glasses of wine with dinner. Brooder stated that the group walked to a Jazz Club after dinner and saw a person singing. Brooder told me that the singer picked Baker out of the crowd to help him pick up tips. Brooder said that everyone was having a good time and taking pictures. Brooder stated that the group then walked to a night club/bar to dance. Brooder told me that on the way to the night club/bar, she had a "hand grenade" (alcoholic drink) and drank it on the way to the night club/bar. Brooder said she remembers going into the night club and walking up to the bar to order a drink. Brooder stated she did not remember what she ordered or what she had to drink. Brooder told me she remembers dancing with Baker and a few other girls in a group. Brooder said she did remember drinking a shot of some kind of alcoholic beverage that the waitress was bringing around to everyone. Brooder stated she was told by Easley that Wacker had bought them drinks, but she

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does not remember that. Brooder told me she does not remember anything after drinking the shot the waitress was bringing around to everyone. Brooder said that the last thing she remembers was being in the hotel room with Easley and Baker. Brooder stated she remembers Easley and Baker looking very upset and wanting to call her boyfriend, Justin. Brooder told me she could not remember why they wanted to call Justin or what she had said or did earlier. Brooder said that she was on her period that day and had a tampon on. Brooder stated that when she was in the hotel room she did not have any vaginal pain, but because she was on her period she could not tell if her vaginal area had any extra areas that were bleeding. Brooder told me that she initially thought she was "super hung over" and her whole body was trembling. Brooder said she felt funny and everything seemed fuzzy the next day. Brooder stated she did speak with Wacker early the next day to find out what had happened the previous night. Brooder told me that Wacker said they had only kissed and nothing else happened. Brooder said she felt really bad about even kissing Wacker because she has a boyfriend. Brooder stated she did not change her tampon out until later in the day because she did not want to think about the situation or that something worse had happened. Brooder told me she wanted to leave New Orleans immediately and booked the earliest flight she could get at leaving at 1600hrs. Brooder said while she was at the airport, she decided to change her tampon. Brooder stated she noticed that her tampon was pushed deep inside of her. Brooder told me that is when she realized, Wacker had raped her because there is no other way her tampon would have been pushed so far inside of her. Brooder said it took 20 minutes to pull the tampon out because it was pushed so far up and because it was very painful.

Brooder said she has been very emotional over this entire incident and has not attended any of her classes. Brooder stated that she has met with Assistant Dean Carrie Wilson and Janet Madden of the Law School to brief them of her situation. Brooder told me she has been staying with her boyfriend and mother because she does not want to be alone. Brooder said her boyfriend's mother works for a drug and alcohol testing center and was able to get her in for a drug panel confirmation test on 04/06/07, which tests for "date rape drugs" as well as drugs.

STATEMENT OF Elizabeth Easley (Victim/Witness):

Easley essentially told me the following:

Easley said that a group of USD Law School students (Brooder, Baker, Wacker and a few others) went out for dinner in New Orleans around 2200hrs on 04/03/07. Easley stated that they all walked to a Jazz Club after dinner and bought "hand grenades" on the way. Easley told me when

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they arrived to the Jazz Club, she went to the restroom and the rest of the group went to the bar. Easley said when she came out from the restroom; she met the group at the bar. Easley stated that she is not sure how many drinks they all had, but she did remember buying Brooder a drink from the bar. Easley told me she remembers everyone drinking a shot of something because it was only a dollar. Easley said the group left a short time later and walked down Bourbon St. Easley stated that they all heard some good music coming from a club and they all went inside. Easley told me she remembered leaving her bar tab open at the Jazz Club and walked back to take care of it. Easley said she came back to the club and started dancing with everyone from the group. Easley stated she remembered several guys trying to "pick-up" her friends on the dance floor so she had to step in and pull her friends away. Easley told me that sometime during the night Wacker had asked her and Brooder if they wanted something to drink. Easley said Wacker returned with a Vodka Tonic for Brooder and a Vodka/Cranberry for her. Easley stated she felt very dizzy after drinking the Vodka/Cranberry that Wacker bought her. Easley told me she stopped drinking alcohol at that point and only had water the rest of the night. Easley said at this time things become very fuzzy. Easley stated the next thing she remembered is being in the restroom with Brooder because Brooder was throwing up and she was holding her hair. Easley told me that after leaving the restroom, she only has flashes of the next events. Easley stated the next flash memory she had was being in the club then in their hotel lobby looking at Brooder in the face. Easley told me the next flash she had was lying on a bed with Brooder and a guy kneeling or sitting between them. Easley said she couldn't make out who the guy was. Easley stated her next flash was being in a bed with a guy straddling her. Easley told me she could not make out who it was only that it was a guy. Easley said her next flash is seeing both Brooder and Wacker naked and Wacker lowering himself on top of Brooder. Easley stated she could not tell if they were kissing or what was going on. Easley told me she kind of woke up and looked around the room to see who else was there. Easley said she got up and noticed she was only wearing her underwear. Easley stated she found her pants and said something like "I can't do this" and left the room. Easley told me said the room number was 1008. Easley said the next flash she had was talking to Baker in there room which was on the 7th floor. Easley stated she remembered Baker asking her where Brooder was and to go get her. Easley told me she had a flash memory and was standing in front of room 1008 pounding on the door until Wacker answered the door. Easley said Wacker was only wearing boxers and Brooder was naked on the bed. Easley stated she put on Brooder's cloths and got her out of the room. Easley told me she has a faint memory of sitting on the bed asking Wacker what had happened because Brooder wanted to know.

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Easley said Wacker would not talk to her and she said something like "I can't believe I stuck up for you" then ran out of the room. Easley stated she did not know why she even made a statement like that to him. Easley told me the next flash memory she had was rubbing the back of Brooder in their hotel room singing to her. Easley said she did not think Wacker had any sexual intercourse with her because her underwear was still on and it has been a while since she had sex with her long distance boyfriend and she would have know if something like that would have happened. Easley stated she was feeling the same symptoms as Brooder and was thinking of having the same kind of test as Brooder conducted. Easley told me she did not have any memory, but when she talked to Wacker later in the week, he told her that he only kissed them and felt them up. Easley also said that Wacker's room was very close to their room on the 7th floor and he had purchased a second room (1008) after bringing the two back to the hotel after being out all night.

STATEMENT OF Rebecca Baker (Witness):
Baker essentially told me the following:

Baker said that a group of people went out to eat then went dancing at a club. Baker stated that they were all there for about 4 hours. Baker told me she wanted to leave and another male from the group said he would walk back to the hotel with her. Baker said Brooder and Easley said they wanted to stay and Wacker said he would stay with them. Baker stated she told Wacker to make sure they all got back to the hotel safe. Baker told me that she was in her room sleeping when Easley came through the door around 0345hrs. Baker said she thought Easley was initially laughing, but then realized she was crying and on the phone with her boyfriend. Baker stated that she asked Easley where Brooder was. Baker told me that Easley seemed out of it and told her that she was in a room with Wacker and he was kissing her and she said she couldn't do this and ran out of the room. Baker said she asked Easley where Brooder was. Baker stated Easley told her that Brooder was having sex with Wacker in his room. Baker told me that she told Easley to go get Brooder and bring her back to the room. Baker said a few minutes later Easley and Brooder returned to the room with Baker. Baker stated that Brooder was not making any sense when she was talking. Baker told me Brooder had no idea what had happened and she wanted to call her boyfriend Justin. Baker said the next she tried to wake up Brooder but she was still out of it and feel back to sleep.

Baker said that the entire time everyone was together for dinner and dancing, Wacker seemed to

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be acting normal. Becker stated that he had been drinking, but he did not seem to be drunk.

EVIDENCE:

Copies of text messages. Transcribed voice mail message.

INJURIES:

No apparent injuries on Brooder or Easley.

PROPERTY DAMAGE:

None

FOLLOW-UP:

None

RELATED REPORTS:

None

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CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) Officer's Statement/Voice Mail	DATE 04/11/07	DAY OF WEEK Wed	TIME 1200
LOCATION OF INCIDENT (OR ADDRESS) 5998 Alcalá Park	CITY San Diego	BEAT P-1	DISTRICT USD

OFFICER'S STATEMENT:

The following is a transcribed message from Jessica Brooder's voice mail on her cell phone left by Douglas Wacker on 04/11/07 at 1200hrs.

"Hi Jess, it's Doug. Uh, just calling to see if everything is all right. Uh, I haven't seen you in class. If you could just give me a call back at 858-401-9392 I would appreciate it. Thanks, bye."

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