

CRIME SCENE ANALYSIS

Date of Report

July 7, 2021

Forensic Examiner

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Case

Oregon v. Kiah Loy Lawson, Case 19CR00852
Complaint of Sexual abuse / Sodomy of with minor - September 27, 2013

PURPOSE

The purpose of this report is to provide *Crime Scene Analysis* results related to the complaint of sexual assault made against *Kiah Loy Lawson* (Asian Male / DOB 07/12/89). The complainant in this case is *Matteo Salvatore Gangale* (White Male / DOB 2/10/98). Mr. Gangale was a minor at the time of the reported incident (15YO), which occurred in Room 556 of the Valley River Inn, located at 1000 Valley River Way, in Eugene, Oregon - on the evening of September 27, 2013. Mr. Lawson is charged with both sodomy and sexual abuse of a minor under the age of 16. Mr. Lawson's intimate partner, Terry Bean (White Male / DOB 8/23/48), was also present and has also been charged.

Crime Scene Analysis requires consideration of the complete forensic investigation, to include forensic victimology and the subsequent examination of available physical and behavioral evidence (e.g, crime reconstruction and modus operandi). As with any forensic examination, crime scene analysis also requires an evaluation of the nature and quality of the underlying forensic investigation, in order to reliably establish *evidence integrity*¹. This establishes the limits of any scientific reconstructions and related theory development, while also identifying areas where further investigation and forensic assessment may be needed.

MATERIALS EXAMINED

This examiner agreed to analyze this case for Attorney Julio Vidrio of Dallas, Oregon in November of 2020. Subsequently, this examiner began to receive discovery material relating to the case from Mr. Halttunens office. Upon request, this examiner was provided with more than 6,000 pages of discovery along with the transcript of the original trial involving Mr. Lawson. This examination relies upon at least the following materials included in the discovery provided:

1. Law enforcement investigative reports;
2. Law enforcement interviews, both recordings and transcripts;
3. Phone records, logs, and analyses;
4. Related forensic evidence receipts, reports and analyses;
5. Location and room photos re: The Valley River Inn;
6. Related receipts from The Valley River Inn;
7. Grindr profile detail re: Matteo Gangale;
8. Related legal filings;
9. Transcripts from the 2019 trial.

¹ *Evidence integrity* refers to the reliability and court-worthiness of any evidence that has been collected. It is demonstrated by adherence to basic protocols associated with establishing a reliable chain of custody, the protection of physical evidence while it is in custody, and its competent testing and interpretation by qualified forensic personnel. It also refers to any failure to collect, protect, and/ or test essential items of evidence. In a scientific examination, evidence integrity may not be assumed — rather it must be established. Otherwise reliable interpretations are not possible. See Bay (2008) and Gardenier (2011).

I. HISTORY

Establishing complainant history in cases of alleged sexual assault is an investigative and forensic requirement. It comes from evidence collected by law enforcement in the form of witness interviews - both preliminary and follow-up; and also from the essential history requirements for conducting sex crimes investigations and SANE examinations (NIJ, 2004; OR SATF², 2012; US DOJ, 2018). Collecting history from the complainant, as well as related information from collateral sources (e.g., friends, family members, other witnesses), is necessary to ensure that the most complete and accurate information is relied upon when making forensic determinations (NIJ, 2004; pp.83–84 & US DOJ, 2018). Specifically, a complete medical, sexual history, and psychosocial is required to provide the basis for any decisions and interpretations made during the sexual assault examination, as well as to establish physical descriptions and transmittable infections that may be of investigative relevance.

Taking complainant medical / forensic history and psychosocial history can also lead to information regarding other incidents and offenders. This is important when a prior history or context of victimization is suspected or becomes evident (e.g., direct reports of prior abuse, scars and aging injury, substance abuse, and / or extreme promiscuity or sexual acuity at a young age). This history is also used to determine complainant vulnerability. It can establish whether complainant is in any particular risk group, requiring special needs. It can also help to ensure that the complainant receives the proper medical and mental health care, to include follow-up. As stated in NIJ (2004, p.8), forensic examiners must “avoid basing decisions about whether to collect evidence on a patient’s characteristics or circumstances (e.g., the patient has used illegal drugs).” The general purposes of investigating, documenting, and responding to victim history are well established and explained in OR SATF (2019; Section I):

Attorney General's Sexual Assault Task Force – Medical Forensic Committee		Triage & Medical Guidelines for Sexual Assault Evaluation	
I. GENERAL INFORMATION			
<u>Purpose of Exam</u>			
Medical/Forensic		1. Identify and treat injuries 2. Evaluate and treat medical conditions 3. Assess risk of pregnancy and sexually transmitted infections 4. Provide prophylaxis for sexually transmitted infections and emergency contraception, when indicated 5. Document history of assault 6. Document medical findings 7. Collect forensic evidence	
Social/Psychological		1. Respond to patient's immediate mental health needs 2. Respond to patient's family's immediate emotional needs and concerns 3. Assess patient safety 4. Explain reporting process, Crime Victims Compensation, Sexual Assault Victims' Emergency (SAVE) Fund and resources for advocacy and counseling	
Report/Refer		1. Refer for follow-up medical care 2. Refer for advocacy or counseling 3. In the case of minors report to Oregon Department of Human Services (DHS) and/or law enforcement agency (LEA) ASAP 4. If report is mandated, report to LEA in the jurisdiction where the crime occurred (See section "Mandated Reporting" below)	

² The State of Oregon Attorney General’s Sexual Assault Task Force – Medical Forensic Committee (SATF, 2019) references U.S. Dept. of Justice (2008). A National Protocol for Sexual Assault Medical Forensic Examinations (Adults/Adolescents). Washington, DC: Office on Violence Against Women. The update of that protocol is US DOJ (2018), which is referenced in this report as best scientific practice.

Taking this extensive history is mandatory to ensure collection and protection of vital evidence, as well as to protect victim health, safety, and rights; it is not optional.

Failure to investigate, document, and respond to evidence developed in victim history can occur because the examiner is either uncomfortable with, or preferential towards, their patient's complaint. In cases of extreme bias, there may even be attempts to suppress or conceal such evidence by failing to conduct the investigation at all. This is professionally negligent, and in a forensic context can amount to witness vouching³. It also leaves the vulnerable exposed to continued and ongoing harm — for failure to identify medical or contextual issues (e.g. abusive relationships, conditions or environments), and failure to provide medical follow-up. This is especially true in cases involving minors who are suspected of being sexually exploited.

Therefore, each complainant must undergo the same level of examination and documentation—there can be no exceptions. In particular, the forensic examiner must comprehend and acknowledge the importance of this contextual history to the integrity of their examinations, interpretations, and subsequent court testimony (see Jamerson and Turvey, 2013; OR SATF, 2019; and US DOJ, 2018). Findings offered in the absence of contextual history are considered unreliable, from a scientific perspective.

Despite the fact that the complainant in this case was an underage homosexual male, and therefore vulnerable by definition, there is no record to indicate that a proper medical or sexual history has been collected to date. This to include photos of identifying physical characteristics; current medical conditions and medications, and their side-effects; documentation relating to the presence or absence of physical limitations; mental health history; and any history of sexual abuse.

Another important contextual variable is that this report involves allegations of drug and alcohol abuse in association with the charged crimes. This places the complaint in the realm of a potential Drug-Facilitated Sexual Assault, which requires its own separate set of protocols and considerations. See OR SATF (2019): “Addendum 1: Drug Facilitated Sexual Assault Guidelines”. These guidelines were not attended in this case.

This overall failure to investigate and document complainant history in accordance with The State of Oregon Protocols, and NIJ Protocols representing best scientific practice, represent investigative and forensic *negligence*⁴. It also demonstrates a lack of interest

³ “The rule against vouching prohibits a witness from making a direct comment, or one that is tantamount to a direct comment, on another witness’s credibility.” *State v. Beauvais*, 357 Or 524, 545, 354 P3d 680 (2015). By failing to document historical facts and evidence that might cause doubts about the accuracy or reliability of a complaint, the credibility of a witness is shielded from scrutiny. It is tantamount to promoting the unverified assumption of credibility.

⁴ *Negligence* refers to the failure to follow basic practice standards and protocols, resulting in a breach of a professional’s duty of care. It can imply negligent action, as well as the failure to act. This is especially true when the duty to take action is clearly outlined by established policies and protocols.

in the physical evidence, the complainants health and safety, and the complainants rights in terms of their context of vulnerability.

II. INVESTIGATIVE RED FLAGS

For more than 20 years, the literature relating to sexual assault investigation has identified a number of investigative red flags for false reporting. As explained in Savino, Turvey, and Coronado (2017; pp.215-216; and pp.312-318): “It is important to remember that these red flags are not conclusive evidence that a false report of sexual assault has been made. They should be used as a guide. Their existence suggests that further investigation is needed. Until any red flags have been explained, no conclusion about the merits of the complaint may be formed either way.” In other words, they evidence a lack of verification regarding any related case theories that have been developed.

The following investigative red flags are evident in this case. They suggest contexts and potential motives that require investigative attention and resolution in order to achieve a reliable understanding of the facts and evidence in this case:

1. *False Contextual Affirmations / Grindr account:* Mr. Gangale first met Mr. Lawson through the dating app *Grindr*. This dating app is specifically for gay, bi, trans, and queer people, as specified on its website. Usage requires a deliberate registration process, referred to as a legally binding agreement in the terms and conditions, in which the user must affirm that they are at least 18 years of age. Mr. Gangale legally affirmed that he was 18 years old when he created his Grindr profile. This demonstrates the desire to deceive Grindr in order to use their app. Contextually, it also evidences extreme vulnerability.
2. *False Contextual Affirmations / Law Enforcement:* Mr. Gangale admitted to law enforcement that his legally binding agreement, made with the Grindr contract for use of services, was a deliberate lie. He also admitted to operating his profile under at least one false name, and to communicating with approximately 30-40 other men for sexual purposes while using the app. In other words, he confessed to law enforcement that he not only lied about his age in a legal contract, he continued to perpetuate that lie many times over in order to engage in sexual conversations and activity with other older men (this is the stated and explicit purpose of Grindr, according to Mr. Gangale). This demonstrates the desire to deceive older men on the Grindr app in order to facilitate sexual encounters. Contextually, it also evidences extreme vulnerability.
3. *False Contextual Affirmations / Contemporaneous:* During his interview with Det. Myers, Mr. Gangale confessed to telling both Mr. Lawson and Mr. Bean that he was at least 18 years of age at various points prior to and during their time associated

with the Valley River Inn. This is consistent with his online dating profile⁵. This demonstrates the desire to deceive Mr. Lawson and Mr. Bean regarding his actual status as a minor. Contextually, it also evidences extreme vulnerability.

4. *The initiation of the report, or pressure to report, came from someone other than the complainant themselves:* Mr. Gangale, was not the *outcry witness* in this case⁶. The initial allegations of illegal sexual activity with a minor came to law enforcement from the defendant, Kiah Lawson. Mr. Lawson reported events at the hotel to law enforcement while accompanied by his attorney, Jeffrey Dickey. The report was made on June 3, 2014, and was recorded by Det. J. Myers of the Portland Police Bureau. This evidences a lack of desire on the part of Mr. Gangale to report any of the events that occurred at The Valley River Inn to law enforcement.
5. *Jealousy or a recent break-up:* The outcry report described above was made to law enforcement in the context of an acrimonious break-up that occurred between Kiah Lawson and his wealthier, more prominent intimate partner, Terry Bean. This evidences a contextual motive for providing false or misleading information to law enforcement.
6. *Significant delay in reporting:* The initial report of illegal sexual activity was made to law enforcement by Kiah Lawson on June 3, 2014. This was almost 9 months after the alleged incident being reported. Over the same period of time and for a period of time afterwards, Matteo Gangale did not want to report the alleged incident to law enforcement at all. Rather, he sought to evade law enforcement efforts to interview him. This evidences a lack of desire on the part of Mr. Gangale to report any of the events that occurred at The Valley River Inn to law enforcement. Contextually, this also evidences the extreme vulnerability of Mr. Gangale.
7. *Coerced to report by a parent or guardian:* As already mentioned, Mr. Gangale evaded Det. Myers' initial attempts to contact him for an interview. He was living and working in California at the time, and even went so far as to change his cell phone number immediately after Det. Myers made first contact. Even when Det. Myers asked why he changed his phone, Mr. Gangale stated "I didn't want to get into trouble". It was not until the issue of potential financial compensation was raised by Det. Myers with Mr. Gangale's parents that Mr. Gangale agreed to meet and be interviewed. This evidences a contextual motive for providing false or misleading information to law enforcement. Contextually, this also evidences the extreme vulnerability of Mr. Gangale.

⁵ Mr. Gangale communicated multiple conflicting reports of his age. The seriousness of these other communications and reports is unclear because of their context.

⁶ In the context of sexual assault, and for legal purposes, an *outcry witness* is the person who initially hears allegations made by a complainant. If this person is a mandated reporter, they are legally required to inform law enforcement.

8. *Uncertainty & Inconsistency*: In his interview with Det. Myers, the complainant does not answer questions regarding the specifics of his conversations with the defendant(s); specific sexual activity; or even descriptions of the room with any certainty. His answers are equivocal and noncommittal⁷. Ultimately, Det. Myers feeds him the answers to create the illusion of certainty, repeatedly violating the Michigan Protocols (Michigan, 2017). This uncertainty is not consistent with the extreme behavior being discussed (anal and oral sex with two complete strangers in a hotel room), in the context of the complainant's age and reported sexual inexperience. The suggestion that these events would not be remembered in this context is problematic at best.
9. *Drug/Alcohol use*: Drug and alcohol use, and abuse, can cause mental infirmity. This is true whether or not a prescription medication is involved; and whether or not the use is excessive. Drug use affects perception, memory, and overall cognitive reliability. This is why it is important to establish exactly what drugs someone is taking along with the dosage, and how much alcohol they have consumed. In this case, Mr. Gangale reported that both drugs and alcohol were being consumed in the room with Mr. Lawson and Mr. Bean at the Valley River Inn. Contextually, this suggests a potential effect on memory and perception, and further evidences the extreme vulnerability of Mr. Gangale.
10. *Focus on Financial Gain / Settlement Agreement*: Initially, Mr. Gangale sought and achieved an out of court settlement agreement with Terry Bean (aka, a civil compromise) for more than \$200,000.00. This legal agreement was to be paid to Mr. Gangale, in lieu of Mr. Gangale pursuing a criminal complaint of sexual assault. However, Mr. Gangale eventually learned that his civil attorney, Lori Deveny, had apparently stolen most of that settlement. As described in *M.S.G. v. Bean* (2019): "In June 2015, Plaintiff's attorney, Lori Deveny, advised Plaintiff and his guardian to enter into a "Confidential Settlement Agreement, Release, Civil Compromise and Covenant Not To Sue" ("Civil Compromise"). Compl. ¶ 7, Ex. A. That agreement: (1) "forbade [Plaintiff] from testifying in any criminal proceeding against [Defendant] related to the events of September 27, 2013"; (2) "forbade [Plaintiff] from ever asserting or testifying that [Defendant] engaged or attempted to engage in criminal and/or unlawful activity related to the events of September 27, 2013"; and (3) "required [Plaintiff] to release [Defendant] of all criminal conduct[] by [Defendant] that was known and unknown to [Plaintiff]." Compl. ¶ 8. Plaintiff alleges that only his guardian signed the agreement and that Deveny forged Plaintiff's signature on the agreement." Contextually, this evidences a contextual motive for providing false or misleading information, and further evidences the extreme vulnerability of Mr. Gangale.

⁷ The complainant does not specifically remember the type of sex that occurred, whether lubrication was used, the positions involved, or where ejaculation occurred. This would be relevant to forensic investigative efforts, and vagueness could indicate a desire to hamper those efforts.

11. *Focus on Financial Gain / Lawsuit*: There is a multi-million dollar lawsuit pending in relation to this case.

Each of these red flags indicates an area that requires further investigative attention by law enforcement, in order to explain or understand its impact on case theories. Such investigative efforts necessarily lead to the corroboration and verification of reliable statements. The failure to identify and follow-up on these red flags evidence a lack of interest in the physical evidence, the complainants health and safety, and the complainants rights in terms of their context of vulnerability.

III. INVESTIGATIVE ASSESSMENT

In cases of alleged sexual assault the forensic investigation consists of at least the following essential pillars: *the complainant's statement; the complainant's sexual assault exam; the crime scene evidence; the suspect's statement; and the suspect's sexual assault examination* (Savino and Turvey, 2013).

After reviewing law enforcement's attendance to these pillars in, the following conclusions are warranted — from both a scientific and forensic perspective:

A. The Complainant's Statement

As discussed, the complainant in this case is *Matteo Gangale*. His recorded statement to Det. Myers is problematic for a variety of reasons, as suggested in the prior section.

First, it was not given by choice. Rather, it was given only after he was confronted repeatedly by law enforcement — an inherently intimidating context. Mr. Gangale evaded Det. Myers' initial attempts to contact him for an interview. He was living and working in California at the time, and even went so far as to change his cell phone number immediately after Det. Myers made first contact.

Second, this statement is made in context of a financial inducement. Once the possibility of potential financial compensation was raised by Det. Myers with Mr. Gangale's parents, Mr. Gangale agreed to meet and be interviewed. This financial context became a primary focus for Mr. Ganglae, as mentioned in the prior section.

Third, the statement contains numerous vagaries, inconsistencies, and confessions to potential criminal activity. Mr. Gangale is equivocal and uncertain on key issues. When this is evident, Det. Myers has no difficulty feeding him the information and answers he wants in the questions being asked. This tactic essentially poisons the reliability of the interview, making it unusable for forensic purposes. It is also in direct violation of the Michigan Protocols (Michigan, 2017).

Finally, all statements made by all witnesses must be investigated before they can be relied upon to make case related decisions. This means that they must be checked against the objective evidence and other statements in order for them to be externally

validated. It is not scientifically or forensically acceptable to take any statement at face value, and without such validation efforts. As explained in the Michigan Protocols (2017, p.1): “Forensic interviews are hypothesis testing rather than hypothesis confirming”.

Given the context and lack of validation, the statement of Matteo Gangale is unsuitable for use in scientific reconstruction efforts. It is also in violation of best scientific practices for interviewing child victims of sexual assault, as set forth in *The Forensic Interviewing Protocol*, 4th ed. (Michigan, 2017).

B. Sexual Assault Exam / Complainant

There is no evidence that the complaint was examined by a sexual assault nurse examiner. As already mentioned, there is subsequently no record to indicate that a proper medical, sexual, or psychosocial history was collected - to include photos of identifying physical characteristics; current medications and their side-effects; or documentation relating to the presence or absence of physical limitations and medical conditions. Such examinations are also necessary to investigate whether there is a history of sexual abuse prior to the reported incident, which is made necessary by the complainants context and evidence of extreme sexual behavior at such a young age.

This failure represents investigative and forensic *negligence*, and demonstrates a lack of interest in comparing physical evidence to witness statements, as well as in the complainant's health, safety, rights, and evident vulnerability.

C. The Scene Evidence

Due to the fact that the complaint was placed on the record approximately 9 months after the alleged incident, no contemporaneous scene processing took place. Law enforcement eventually took photos of the room and rendered a diagram. However, almost no physical evidence was collected that could be examined or tested in relation to alleged activities.

Consequently, no physical evidence exists from the evening in question to provide the basis for reliable scientific conclusions about the occurrence of any sexual activity, let alone additional illegal activity, let alone who might have been present or directly involved.

D. Sexual Assault Exam / Suspect

There is no evidence that the suspects in this case were examined by a sexual assault nurse examiner. As this suggests, there is subsequently no record to indicate that a proper medical or sexual history was collected - to include photos of identifying physical characteristics; current medications and their side-effects; or documentation relating to the presence or absence of physical limitations and medical conditions. Again, this failure represents investigative and forensic *negligence*, and demonstrates a lack of interest in comparing physical evidence to witness statements.

E. The Suspect's Statement

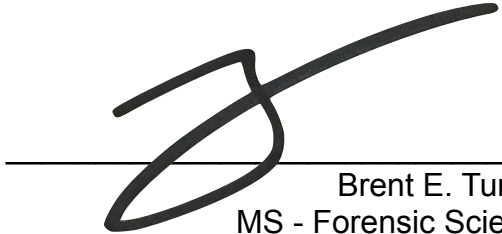
The defendant, Kiah Lawson, made a voluntary statement to law enforcement. At the time of this statement, both his lawyer and a victim advocate were present. Similar to the statement made by Matteo Gangale, it also contained vagaries and inconsistencies intended to implicate Mr. Bean while admitting no wrong-doing. And it was given in the same context of potential financial gain, as well as personal grief.

This investigation is ultimately characterized by the negligent failure to collect vital physical evidence; the apparent suppression of complainant history; and the disregard for national and state protocols related to crime scene investigations, witness interviews, and child sexual assault investigations. The overall result is a lack of reliable evidence across the board, by any measurable investigative or scientific standard.

IV. CONCLUSIONS

The facts and circumstances evident in this case demonstrate an absence of reliable physical evidence upon which to form reliable forensic conclusions. They also demonstrate extensive pending investigative and forensic obligations on the part of law enforcement, as well as broad violations of established policies, procedures, and protocols. Under these circumstances, and in the absence of reliable evidence, it is not possible to accurately reconstruct events on the evening of the alleged assault — given the collapse of the investigative and forensic pillars required to support such findings.

Should new evidence become available, this examiner would necessarily reconsider any of the related findings in this report.



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