



SAKI
SEXUAL ASSAULT
KIT INITIATIVE
Reform. Accountability. Justice.



Duane Ballard Prosecution in Albany Georgia

Presented by the Georgia Criminal Justice Coordinating Council

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Georgia Rape Kit Backlog



- AJC published “Locked Away” an article documenting 1,500 sexual assault kits (SAKs) at Grady hospital
- Fulton County DA’s office took possession of SAKs and submitted to GBI’s Crime Lab
- CJCC received DANY grant (District Attorneys Office of NY)
 - 1.9 million grant to test SAKS



DANY Grant



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- 1.9 million grant to test SAKS
- Forklift Approach (method of testing all untested kits), testing only

SAKs cannot be eliminated from testing due to:

- Statute of limitations expiration
- Perceived weakness in case
- Nature of the victim/suspect relationship
- Victim cooperation (after the initial report)
- Previous adjudication; or prior forensic testing



Senate Bill 304



Georgia Legislature passes SB 304

- Law enforcement must take possession of SAKs within 96 hours
- Law enforcement must submit SAKS to GBI within 30 days
- If a forensic medical exam was performed prior to July 1, 2016, law enforcement must take possession of evidence and submit it to GBI by 8/31/2016 (2,421 SAKS submitted)
- GBI Forensic Science Division must issue an annual report re: SAKS awaiting testing to Governor's office and state legislature beginning December 1, 2016



Sexual Assault Kit Work Group



Criminal Justice Coordinating Council forms a multi-disciplinary Sexual Assault Kit Work Group consisting of: LE, DA, victim advocates, GBI Crime lab personnel, and medical forensic providers.

Purpose:

- to identify best practices for cold case investigations and prosecution
- to develop victim notification policies that are victim-centered, trauma-informed, and consistent with current research
- to identify training opportunities for service providers performing victim notification and investigations



April 2017

- CJCC Applies for SAKI Grant funding to provide resources for prosecution and investigation of cases resulting from DANY grant testing
- SAKI is a Bureau of Justice Assistance grant that had three primary objectives:
 1. To support jurisdictional reform of approaches to sexual assault cases resulting from evidence found in sexual assault kits (SAKs) that have never been submitted to a crime lab;
 2. SAK testing and prevention of high numbers of unsubmitted SAKS in the future; and
 3. To support the investigation and prosecution of cases for which SAKs were previously unsubmitted using a collaborative, victim centered approach.

GA SAKI Team



Prosecutors: Lee Williams, Agatha Romanowski, Trina Griffiths

Investigators: Crispin Henry, Lisa Bishop, Keith Blander, David Procter (ret.)

Advocates: Leigh Wiles, Julie Varnado, Rita Davis-Cannon (T.D.A. from P.A.C.)

Support: Amy Hutsell, Emma Wulff, and Jay Eisner



Backlog Cleared



Numbers as of July 2020:

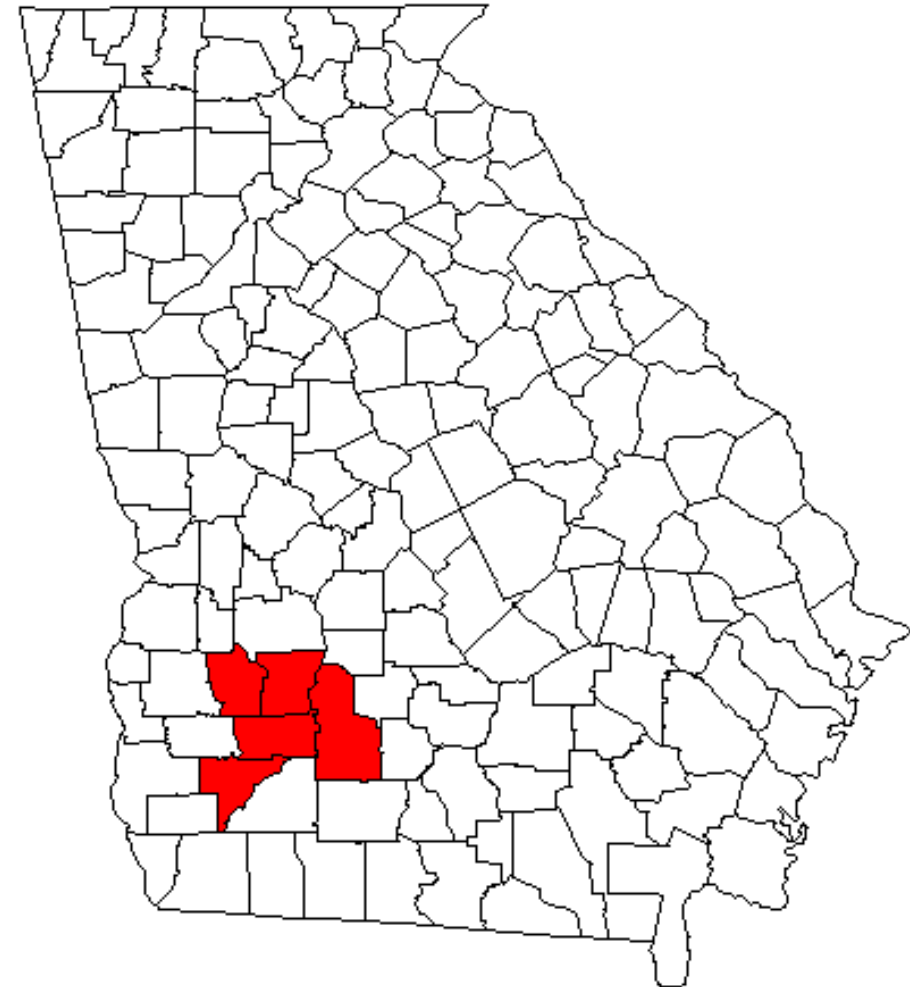
- Approximately 3,476 SAKs tested
- Approximately 1,294 CODIS-eligible profiles
- Approximately 508 CODIS Hits
- *(Including 4 hits from 2016 submissions for a serial offender in the Albany Georgia area)*



Albany, Georgia



- Albany is within Dougherty County in SW Georgia
- Albany's population in 2022 is 69,000 people (a 10% decrease from 2010)
- Albany's poverty rate in 2010 was 27% (Ga. 18%, U.S. 15.1%)
- Albany's poverty rate in 2022 was 28.5% (Ga. 14%, U.S. 11.6%)
- Albany's racial breakdown is 75% Black, 21% White



Serial Rapist

- Nine sexual assaults linked to Duane Ballard in the Albany area from 2004 to 2017
- 5 cases investigated by the City of Albany Police Department
- 3 cases investigated by the Dougherty County Police Department
- 1 case investigated by the Sumter County Sheriff's Office



Ballard's Modus Operandi



- Targeted women who were walking along the roadway.
- In 8 of 9 cases, Ballard stopped and offered a ride.
 - K. reported being forced into the car; others accepted the ride.
- In 8 of 9 cases, Ballard initially followed the requested route but then drove them to a secluded wooded area.
 - K. reported she was taken behind a church.
- Ballard threatened victims with a box cutter or similar knife and then sexually assaulted them.
 - With K., he used a handgun instead of a knife.

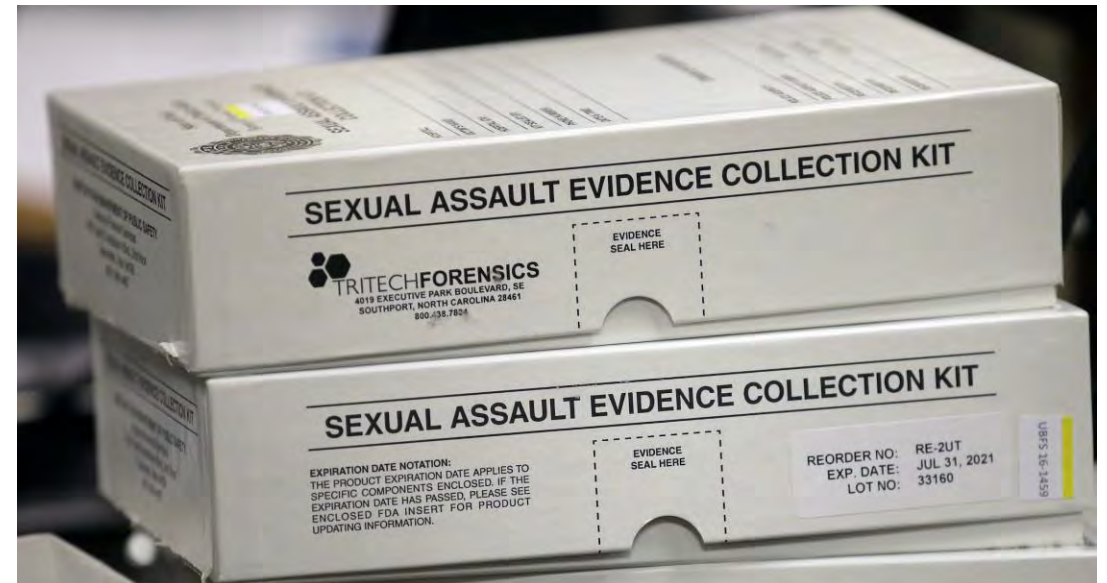
2004 through 2012



- The first 4 cases (5 victims) from 2004 through 2012 showed minimal evidence of thorough or ongoing investigations.
- All five victims in these cases chose to complete S.A.K.'s, but only K.D.'s was submitted to GBI Crime Lab for processing. She is the only white victim.
- There was no contact with victims after the initial investigation.
- No evidence the investigating agencies shared information or recognized similarities in their cases.
- 2007 CODIS match on K.D.'s assault produced no response from Investigating Agency.

Senate Bill 304

- SB 304 resulted in four kits from the 2004 through 2012 cases being submitted to GBI Crime Lab in 2016.
 - All four of these kits resulted in CODIS matches to Ballard, in addition to the previous 2007 match from the 3rd assault
 - The sixth match came from the case in 2016 that occurred months after SB 304; likely only submitted because of SB 304



First Arrest

- In June 2017, the Albany Police Department arrested Duane Ballard for raping M.R.
 - Investigators linked Ballard to other assaults.
 - They issued a press release to the media.
 - No SAKI involvement at this point.

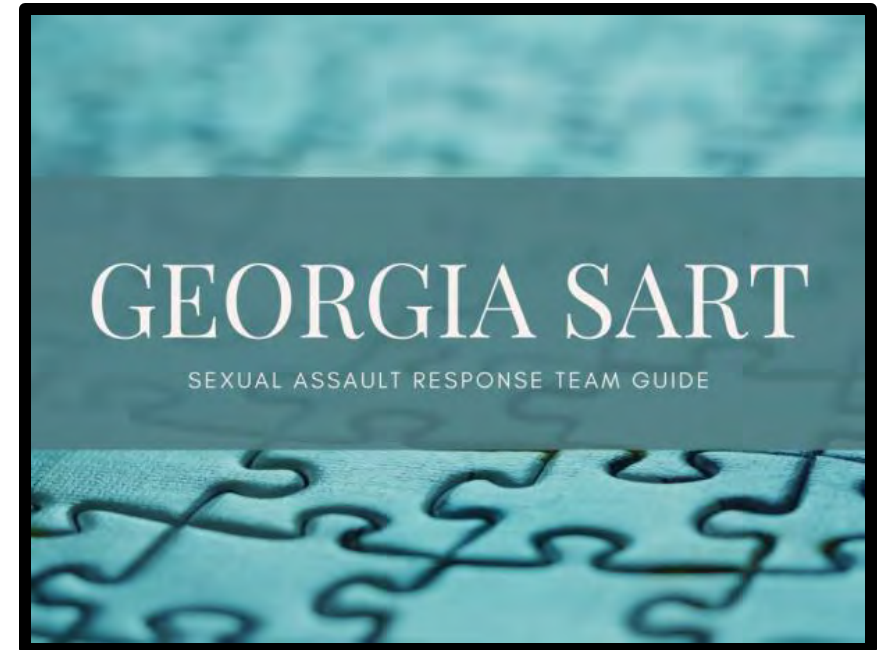


GA SART Project/ SAKI Task Force



The O.V.W. funded CJCC to Improve Criminal Justice Response to Domestic Violence, Stalking, and Sexual Assault.

- This Georgia SART project conducted interactive scenario training across the state.
- These efforts served to jumpstart multidisciplinary Sexual Assault Response Teams for several judicial circuits.
- The Albany SART Team periodically meets to review progress on sexual assault cases.
 - They did so many times on Ballard's cases.



Georgia SAKI involvement



- Prosecuting Attorney's Council of Georgia (PAC) Executive Director notified all 49 District Attorneys in Georgia about the SAKI program.
- In 2019 Lee identified the circuits with the highest number of cold cases and contacted their District Attorneys. In response, Lee received an invitation to attend the Dougherty Judicial District SART meetings.
- Meetings hosted by the local Sexual Assault Center (The Lilypad) to review Sexual Assaults and Child Molestation cases.
- S/A Center Director observed that there never seemed to be any urgency to working rape or child molestation cases.

How were victim contacts developed?



- In 2019 when the SART discussed the Ballard cases, it was proposed to only move forward with the 2017 cases and **drop all others**.
- This was because investigators could not reach the victims in the other cases at the phone numbers listed on the initial reports from 2004 to 2012.
- Lee offered SAKI assistance in locating victims.
- A SAKI investigator identified current contact numbers for **all victims within 2 days** from his desk.

2 days? How?



- Investigator Crispin Henry started by using modern public records database tools to find contact information for victims.
- If victim information was not productive, he worked through speaking to 2nd and 3rd levels of contacts and family.
- "I just don't quit; every victim can be found."
- These tools are subscription-based and apparently beyond the budgetary means of the local law enforcement agencies.
 - Ga. SAKI worked to help the local agencies gain access.

SART Response: Advocacy



- The District Attorney agreed/requested we assist with the case
- Victim Contact Protocol
 - The first contact/phone call is made jointly by an investigator and a victim advocate. Identify only as District Attorney's Office members, not S.V.U. or SAKI.
 - Provide no details to any family or contacts other than: "the person is not in trouble, just possibly a witness in a case we are looking into."
 - On first contact use an indirect approach: "Were you a victim of crime in the jurisdiction?"
 - The crime is not discussed beyond identifying who they are; then immediately connecting them with the victim advocate.



SART Response: Advocacy cont.



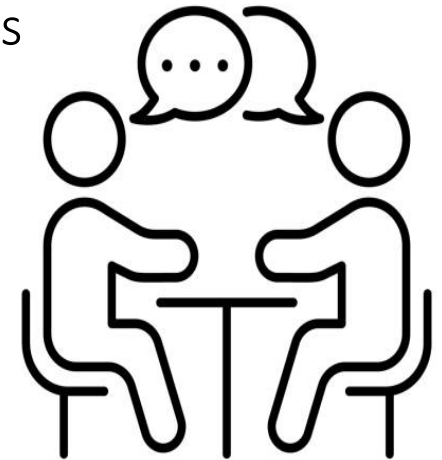
- This avoids plunging them right back into trauma by asking if "they were a victim of a sexual assault."
- Allows them to steer the conversation in case they are not comfortable or other people are around.
- First Contact.
 - The conversation focused on introductions and understanding victims' needs and concerns.
 - The second series of calls was to check on victims, advise them of our site visit, and schedule meetings.
 - Initial response: 4 victims readily consented to meet; three consented but were less comfortable, and two declined to meet.



SART Response: Advocacy cont.



- First In- Person Meeting
 - We made preliminary site visits to connect with District Attorney's Office and the local Sexual Assault Center.
 - Then late in 2019, the team went to Albany for the first in-person meetings with the victims.
 - The same people who made first contact by phone and had continued relationships went to pick up each victim.
 - We met them where and when the victims needed; conducted several interviews late in the evening to accommodate work and school schedules.
 - The Lily Pad made their center available for meeting with victims and continued to provide their support throughout the entire case progression.



Interviews



- The team only discussed details of the assault when meeting in-person with the victim.
 - Lee and the advocate conducted the interviews as a team.
 - The first in-person meeting focused on needs and building trust. Questions about assault minimum needed to develop the indictment.
 - This meeting was the first time L.L. disclosed that Ballard sexually assaulted her. The initial report only disclosed a robbery.
- Support room and advocate for victims after interview.
 - Several were very upset after speaking about their assault.
 - Advocates provided support in a separate private room.

Case Progress



- The team only discussed details of the assault when meeting in-person with the victim.
 - Lee and the advocate conducted the interviews as a team.
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Now It's Covid



- Trials suspended due to Covid from February 2021 till March 2022.
- Lee checked in periodically; told in September of 2021 the A.D.A. stated no assistance was needed, offered again in December 2021.
- Newly assigned A.D.A directed to be prepared to bring the case to trial when courts reopened.
- Newly assigned A.D.A's employment terminated.

Restart



- The case was specially set for trial on 3/28/22.
- District Attorney's Office contacted us the 1st week of February 2022;
- The District Attorney's Office requested that we handle the complete work-up for trial, but they would prosecute the case during trial.
- The District Attorney advised he would try the case personally; "you get the case ready, and I will try it."

Changes



- The Judge reset the case to August 2022.
- The District Attorney suffered a stroke.
- In April 2022, the Dougherty County D.A. made requests to P.A.C. that Georgia SAKI tries the case; they will provide logistical support only.
- The first site visit of the year is for Lee to take possession of the case file.
- Team site visit in April; we sorted through the entire case file to begin compiling master witness and evidence lists.

Retraumatization



- On the first of March in 2022, the District Attorney's Office mailed subpoenas to all the victims.
- A.J. and then I.J. called Crispin very upset; they advised this is the first they have heard from anyone in nearly 2 years.
 - Testament to our efforts that their first point of contact was our team, even though we were only assisting.
- We determined there had been no contact by the system-based advocates during the pandemic.

Mitigation Attempts



- Crispin and Lee contacted all the victims to try and mitigate the harm done.
- B.M. and K.D. would not return our calls. K.D. communicated by email the betrayal she felt.
 - “You brought up this traumatic incident, then abandoned me, only to want to bring it up again.”
- K.D. instructed us never to contact her again.

Tikkun Olam



- Multiple site visits during 2022.
 - To rebuild trust with victims.
 - To strengthen ties with the District Attorney's Office, especially their Victim/Witness unit.
 - To strengthen partnerships with local resources to meet victim needs.
 - To continue working up the case.

Trial Approaching

- Trial Date now set for 10/4/2022. Preparation continues:
 - 7 victims testifying about 6 separate incidents
 - Almost thirty witnesses subpoenaed
 - Covering 13 years; 2004 - 2017
 - Multiple investigating agencies



Trial Approaching cont.

- Efforts had two main lines of focus:
 - Trial plan, order of proof, resolution of all witnesses and subpoena issues
 - Victim travel logistics, support, and preparation
- Team members constantly flowed between the two areas of focus depending on availability, skillset, and relationships.
- As trial approached, we had daily virtual meetings to facilitate communication.



Trial



- The trial began on October 4th.
- Seven victims testified; in chronological order of when the assaults occurred.
- Sarah Pederson, the statewide SANE Coordinator for the CJCC, testified on sexual assault forensic examinations. 2 SANEs also testified.
- Four Georgia Bureau of Investigation employees testified on D.N.A. evidence.
- Expert witness Paul Freeman testified on the neurobiology of trauma.



Trial 2



- Victim testimony was effective and emotionally exhausting.
 - Victims were picked up for court by people they trusted
 - Advocates of the victim's choice stayed beside them in the courtroom
- The trial lasted 6 days; went to the jury on 10/11/2022.
- The Entire Lily Pad and Liberty House staff came out for closing/ sending to the jury.
 - They packed the courtroom on the victim's side. The pews on the defendant's side were empty.
 - **The jury returned verdicts the next day...**

What is a SANE?



A registered nurse who has completed didactic training and a preceptorship which enables them to provide comprehensive care to the sexual assault patient which entails documentation of the assault, perform necessary medical exams, testing and treatment, collect crucial time sensitive evidence, maintains chain of custody for all evidence, and provides expert testimony in court.

The Role of the SANE in SART/MDT



“The application of nursing science to public or legal proceedings, and the application of forensic health care in the scientific investigation of trauma and/or death related to abuse, violence, criminal activity, liability, and accidents.” (IAFN)

- Independent, neutral, and objective community resource (fact/expert) that is skilled in the medical and forensic considerations and care of patient presenting with sexual assault victimization.
- Specialized medical evaluation and treatment services are available to all SA/CAC clients and are coordinated as part of the MDT/SART.



SANE Testimony



SANE Testimony



SANE Testimony





The Verdict

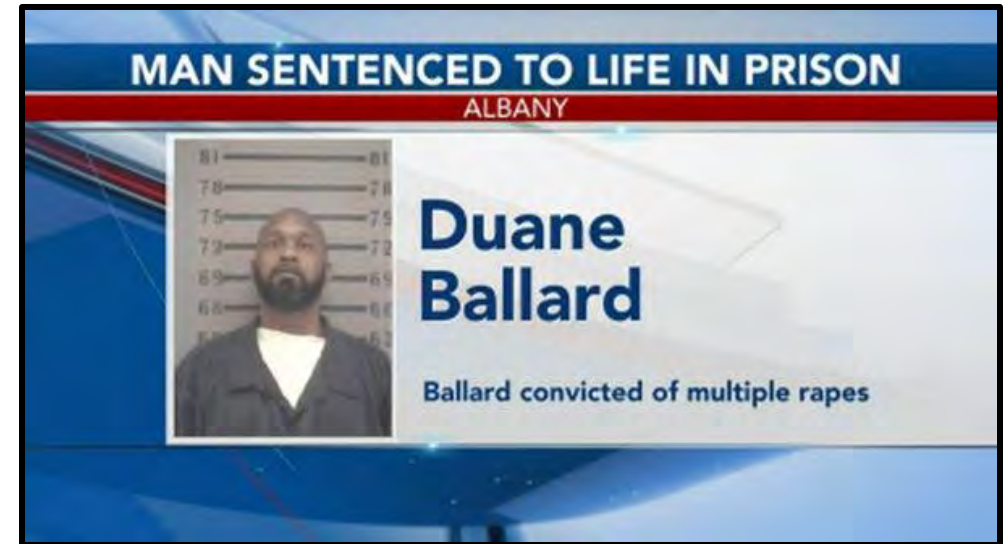
Verdict

- Duane Ballard guilty on the following:
 - 6 counts of Rape
 - 1 count of Attempted Rape
 - 1 count of Child Molestation
 - 1 count of Attempted Aggravated Sodomy
 - 7 counts of Aggravated Assault



Sentencing

- 2 victims chose to be present in court for sentencing
- 3 provided victim impact statements to the Court
 - These 3 asked members of Ga. SAKI team to read their statements aloud in court
- On 11/28/2022, Judge Denise Marshall sentenced Duane Ballard to **Life in Prison without any possibility of parole plus 100 years.**



Victim Impact



- A.J. firmly believes her testimony is responsible for conviction, a strong sense of resolution, and enhanced self-esteem. She often states she "has messed up a lot in life (due to M.H. issues), but now I have done something good, putting him away forever."
- She was the first to testify and an effective witness. She set the stage for the rest of the trial. She maintains contact with an advocate but is not interested in counseling.

Victim Impact cont.



- I.J. showed a dramatic change in demeanor, she seemed very empowered by testifying.
 - I.J. was a victim of domestic violence mired in a dangerous situation in another state. We provided safety planning and direct assistance in extricating her and her 4 children from the dangerous environment.
 - We facilitated her travel with small children from out of state to Albany. SAKI Coordinator shared a birthday party with Isha's youngest daughter.
 - We connected I.J. with Liberty House Domestic Violence Center, which provided a full range of services to assist her in relocating her family. We interceded with her employer during the transition time when she could not work.

Victim Impact cont.



- We provided appropriate advocacy for I.J. during unrelated criminal justice proceedings.
- Her family had never believed her about the assault, and we were able to help her with validation and strengthen her relationship with her grandmother.
- She maintains contact with the advocate and has had some interaction with counseling. She recently completed training and is now a certified medical assistant.

Victim Impact cont.



- S.P. was very engaged with the team and the trial.
 - She convinced I.J. that the SAKI team had her best interests at heart, resulting in I.J. deciding to participate in the trial after 3 years of steadfastly declining.
 - S.P. came every day of the trial to support other victims who testified.
 - She says that, eventually, she would like to involve herself in public speaking about her experience.

Victim Impact cont.



- S.P. has been very engaged in individual and group therapy. Another member of her group drove over 200 miles to support her on the first day of the trial.
- She has struggled post-trial but continues therapy and maintains contact with the advocate.
- K.D; this experience retraumatized her, and we were unable to offer any support.
 - K.D. declined to testify; we dissuaded D.A. from attaching to compel testimony.

Victim Impact cont.



- Testifying was difficult for L.M. and she still fears Ballard.
 - Her emotional state is fragile; she had two instances before the trial and two since when she was suicidal. We expedited mobile crisis response each time.
 - She can work regularly and maintains contact with the advocate. She has made sporadic contact with a therapist but not regular sessions.
- L.L. is proud that she was able to testify in court.
 - The experience gave her the courage to share the incident with her life partner, which improved their relationship.
 - She maintains contact with the advocate and attends counseling regularly.

Victim Impact cont.



- M.R. expressed appreciation for the support provided and the closure she found from her testimony, but there did not seem to be any immediate global impact on her life.
- She is not interested in counseling. She keeps sporadic contact with the advocate.
- M.C. testifying effectively in court helped immensely in her self-confidence.
 - She said she can focus better and is now attending adult literacy classes with the goal of obtaining her G.E.D.
 - She maintains a close relationship with the advocate and attends counseling regularly.

Victim-Centered Approach Principles



- Effect of trauma is global; so too must be our interventions
- There is no substitute for legwork and Boots on the Ground
- Holistic view of victim support; getting jobs, keeping jobs, housing assistance, counseling on-site and follow-up, post-trial visits, whatever it takes, get every partner engaged
- Multiple site visits to build relationships with victims, D.A employees, non-profits, and even the hotel (one victim got a job there)

Victim-Centered Approach Highlights



- Through partnerships with community-based advocates, we provided assistance ranging from more common (though still vital):
 - Food and housing assistance
 - Individual and group counseling
 - Practical needs, including a wheelchair and a refrigerator
- To less common needs, such as helping one victim connect to a missing persons unit to locate her elderly father. She was able to visit him before he passed away.

Victim-Centered Approach Principles



- **Preparation for trial to lessen anxiety**
 - We secured an empty courtroom for victims to experience.
 - Victims spent extensive time with the Prosecutor to build trust.
 - We provided court-appropriate clothing for those that wanted it.
- **Providing free trauma-informed counseling to the victims**
 - One victim had severe depression, and we were able to contact emergency mental health services when she reached out to the advocate and investigator because she was suicidal.
 - We interceded with employers when court or trauma interfered with work.
 - Always flexible on when, where, and how.

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Victim-Centered Approach Principles cont.



- **Support for 2 victims at risk for domestic violence**
 - We provided safety planning and direct assistance in extricating a victim and her 4 children from a dangerous environment in another state.
 - We connected 2 victims to the Albany Domestic Violence Center, Liberty House.
 - They provided comprehensive services to assist victims in relocating away from their abuser/stalker.



Victim-Centered Approach Principles cont.



- We provided customized travel to meet victims' needs, especially for victims traveling from out of state.
 - Step-by-step itinerary, respecting that the fear associated with testifying makes everything else more difficult
 - Arranging for special assistance at Airport Gates for victims with small children or PTSD
 - No matter how difficult it was to do, we respected one victim's wishes when she told us to cease contact.



Victim-Centered Approach Principles cont.



- **Support Continued after Trial Verdict**

- Recognition that a guilty verdict does not wipe away the global effects of trauma, especially when compounded by system failures and lack of needed support.
- Advocate continued contact and support for those that wanted it.
- Continued providing free counseling and other assistance.
- Trip to Albany 3 months after trial to meet with victims.



Modeling Best Practices



- Communication/ Coordination between non-profits and prosecution team.
- Demonstrated tenacity in pursuing case despite obstacles.
- SAKI modeled respectful treatment of victims.
- Showed partners the value of a victim-centered approach; our engagement in the victim's life made them more comfortable opening up to us. In turn we could provide more responsive services and victims became more active in case prosecution; DA's office also saw this.
- Showed community that the case does not end after prosecution- must keep up with victims after.
- Reminded SAKI TF members how important it is to be victim-centered.

Quotes



- "The Georgia SAKI Task Force was there for me every step of the way and gave me the courage to face my attacker." -S.P.
- "No one ever believed me until y'all; now I have a whole team believing me... **I have never felt so cared about!**" - L.L.
- On finding a victim; **"I don't ever give up"** – Crispin
- On a difference of opinion with a government official about approaches to serving victims; **"They matter. THEY MATTER. THEY MATTER!"** – Jay
- **"We all know why the kits sat for so long with no testing, for the same reason he (Ballard) picked these victims. They were marginalized, he assumed, they assumed, no one would care about these women. Prove them wrong!"**--Lee's closing arguments to the jury

Contact Information



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