



## Canzano: The Oregonian's investigation uncovers trail of betrayal for alleged gang rape victim Brenda Tracy

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on December 29, 2014 at 7:02 AM, updated December 29, 2014 at 8:46 PM

I look back now and think, '(Expletive), we could have really done something.'

She was fresh off a nursing shift, so **Brenda Tracy** arrived at her meeting with the president of Oregon State University wearing hospital scrubs, her hair held back by a rubber band.

When **Dr. Edward Ray** appeared in the doorway of a downtown Portland conference room, **he carried a two-page letter** in a plain envelope. It outlined Oregon State's internal investigation into its handling of **her alleged gang rape in 1998 by four men**, including Beavers' football players Calvin Carlyle and Jason Dandridge.

The meeting earlier this month lasted more than an hour. When it was over, Tracy was breathless and numb. Ray would be passionate, expressive and convincing in his rage against sex assault. The university would admit a moral failure. But, ultimately, OSU's "exhaustive" investigation resulted in a polite gesture laced with excuses about fading memories, poor record-keeping and an inability to turn back time.

"I'm stuck with this memory of four men surrounding me, high-fiving as they treated me like garbage," Tracy told Ray. "It just doesn't equate."

The Oregonian first published details of Tracy's account in November. Our own review of the case found that the university community failed Brenda Tracy.

The school never responded after she reported the assault. Pervasive conflicts of interest clouded judgment. The betrayal included hasty and questionable decisions made by local police and the district attorney's office. Evidence was destroyed years before the statute of limitations expired -- despite the strong urging by a deputy district attorney to preserve it.

OSU insiders acknowledged problems in the way sex assaults were reported and handled back then, but no one seemed to care deeply enough about Tracy to do anything about it. Officials involved portrayed a campus administration consumed with fundraising and with protecting its own image as it tiptoed around the controversy.

This is the two-page letter Oregon State president Edward Ray gave to Brenda Tracy. [READ THE FULL LETTER \[PDF\]](#)

Tracy's case, interviews with key participants show, was seen as a potential distraction at a time when budget deficits loomed and enrollment was on the decline. And critical decisions made by people with clout in Corvallis signaled that they wanted the case to just go away.

No one fought for Brenda Tracy.

The four men arrested for sexual assault were never charged.

Tracy was imprisoned instead.

Her sentence: 16 years of confusion and shame.

"I don't know how to feel about all these people not caring," Tracy said. "I don't know what this says about me, or human beings in general."

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Pete Sandrock finished a 22-year run as the district attorney of **Benton County** in December 1999. But last month, as he left for a cycling vacation in New Zealand, he found himself reading The Oregonian's original account of Tracy's nightmare.

"I came upon my name in the story," he said, "and I just let out a, 'Oh s—.'"

Sandrock's office investigated Tracy's June 1998 sex-assault allegation in conjunction with the **Corvallis Police Department**. Sandrock assigned Pam Hediger, one of his deputy district attorneys, to prosecute the case.

The police report was graphic and disturbing. Tracy alleged that she was gang raped by the four men, sodomized and robbed over a seven-hour period. She begged them to stop, according to the report. At another juncture she remembered vomiting, but she said the men just turned her around and continued to assault her.

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The apartment complex in Corvallis where Brenda Tracy was allegedly gang raped in 1998. The photo was taken on Dec. 17, 2014.

Randy L. Rasmussen/The Oregonian

"What those men did to her was depraved," Hediger said in an interview last week.

Carlyle and Dandridge were arrested and booked. So were Michael Ainsworth, a prized high school football recruit, and a junior college football player, Nakia Ware, on probation in California for armed robbery.

During police interviews, the accused men implicated one another. The physical evidence was staggering. Hediger says now that she was certain she could get a conviction against some, if not all, of the men even without Tracy's cooperation. **Jenene Stanley, the nurse who conducted Tracy's exam** at Salem Hospital called it "among the most disturbing sex-assault exams I've ever administered.

"That one stuck with me for years," she said.

This was a slam-dunk prosecution, right?

"Except there's no such thing as a slam dunk when it comes to prosecutions," Sandrock, now 68, said.

Meanwhile, at Oregon State, the administration was paralyzed. Not by the high-profile arrests, but by the fact that

the 24-year-old Tracy had reported the alleged crime to an OSU sexual assault support counselor named JoAnne Dodgeson.

Dodgeson talked with Tracy and later obtained a copy of the police report. The counselor gave the 38-page report to the university's student conduct department, The Oregonian has learned.

Because of that, campus officials had access to every disturbing detail. They'd already seen and read the news accounts. Everyone knew Oregon State had two student athletes under investigation for an alleged sexual assault, but now the university had to do something.

Or decide to do nothing.

"Sex assaults were murky," said Larry Roper, who served 19 years as the vice provost for student affairs. If Tracy's report had escalated to a student-conduct hearing in 1998, it would have been Roper's duty to handle any appeal.

It did not. Roper, on a six-month sabbatical, met in Corvallis on the morning of the 2014 Civil War football game to explain why.

"We had no idea back then how to conduct an investigation," he said. "It was a difficult road. There's no comparison between now and then. There's no point in even trying to draw a straight line -- good luck -- because one doesn't exist."

Tracy was not a student at Oregon State. The alleged assault took place at Carlyle's apartment, 1.1 miles from the nearest edge of campus. Two Beavers football players may have been among the men arrested, but because 11 city blocks of real estate separated the crime scene from the university, Oregon State treated the incident as if it happened on the moon.

"Part of the problem was that our general counsel was getting her direction from the attorney general's office," Roper said. "It wouldn't happen today. We'd expel them both. We were looking for guidance, and there wasn't any."

Caroline Kerl, OSU's general counsel, did not respond to numerous messages left at her residence over the last month by The Oregonian.

Former Oregon Attorney General **Hardy Myers** remembers the high-profile arrests from 16 years ago but could not recall any specific guidance his office may have given Kerl.

"I'm not saying it didn't happen," Myers said. "We consulted all the time. At that time basically the attorney general was acting as the chief lawyer for the university system."

Stephen Crew is the chief litigator for O'Donnell, Clark and Crew, a Portland firm that specializes in sex-assault cases. His firm is best known for winning a record **\$20 million jury verdict against Boy Scouts of America** in a 2010 sex-abuse case.

"It shouldn't matter at all that she wasn't a student," Crew said. "It involved students there. It involved football

players there. Whether or not it's their business doesn't come back to whether it was off campus or on campus.

"It didn't matter then. It doesn't matter now."

The Benton County District Attorney's office and the blossoming enterprise that was the Beavers' athletic department had a close working relationship, according to Sandrock. The Beavers held an annual meeting designed to foster good will.

Over the years, Sandrock said, he and other investigators were summoned to a meeting with Oregon State administrators during the tenures of football coaches Mike Riley, Joe Avezzano, Jerry Pettibone and Dave Kragthorpe. Present for those meetings were upper-level administrators including athletic directors Dee Andros and, later, Mitch Barnhardt. The meetings were presided over by one of the OSU vice presidents and occasionally by the university president, according to Sandrock.

On Oregon State's annual guest list: the district attorney's office, Corvallis Police Department, Benton County Sheriff's Department, Oregon State Police and campus police.

"We'd get together and slap backs, laugh and talk about how we were going to try to work better together," Sandrock said. "We had one season where 10 or 11 of the starting 22 football players ended up under investigation for one crime or another. Finally, one year I stood up at the meeting and said, 'If I catch your assistant coaches contacting a sex-assault victim involving one of your players again I'll have the coach arrested.'"

The room went silent.

Prior to 1998, Sandrock said, he became aware that Oregon State assistant football coaches attempted to talk survivors out of pursuing cases. The practice happened more than once, according to Sandrock, and not just with sex assaults.

"It just seemed to be part of the culture that coaches would do what they could to get their athletes out of trouble," he said.

Attendance at the annual meetings with OSU athletic directors and officials would be discontinued in 2000 by Sandrock's successor in the district attorney's office, Scott Heiser, who thought the meetings were too cozy.

"I love Pete. He was my mentor," Heiser said. "But that's not a practice I wanted to continue. I didn't see value in it."

Tracy said that she was not contacted by anyone on the coaching staff after making her report.

Shortly after the arrests Tracy told police she did receive two death threats. One caller told her that if she cooperated with the investigation he would kill her and her children. She's not sure who threatened her – only that it sounded like an older male's voice and that it intimidated her.

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Lois Krzeszewski, a former Oregon Department of Education employee, served as an adviser to **then-Oregon State President Paul Risser** on the Commission for the Status of Women on Campus. Not long after the arrests, Krzeszewski said, Risser placed her on a subcommittee focused on violence against women.

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In this 1999 file photo, Paul Risser watches an Oregon State football game from the sideline in Corvallis. Risser served as the school's 13th president, from 1996 to 2002. Risser was OSU's president when Brenda Tracy was allegedly gang raped by four men, including Beavers' football players Calvin Carlyle and Jason Dandridge.

Oregonian file photo

"There was a lack of reporting when it came to sex assaults on campus," Krzeszewski said. "We had a real problem, and everyone knew it."

Roper, who oversaw a wide array of student services, agreed.

"I think OSU had a problem with violence against women in 1998," he said. "I feel there is still a problem today."

Tracy couldn't have known, but in 1998 Oregon State was in crisis. Risser had a budget shortfall on the horizon that would require asking the state Legislature for more money. Enrollment, meanwhile, was at an anemic 14,127 in the fall of 1997 – down 12 percent from the start of the decade.

"The biggest driver at that time was to increase enrollment," Roper said.

Krzeszewski said the publicity associated with any university-related sex-assault incident, especially one involving football players, threatened both enrollment and university gift giving.

"We used to watch the helicopters bringing in donors land and take off," Krzeszewski said. "We'd joke, 'There's another bag of money landing.' This entire awful episode directly threatened that."

She said Kerl, Oregon State's general counsel, talked to the subcommittee members before a meeting with athletic director Mitch Barnhardt to discuss sensitivity training for Beavers' football players.

"We were advised not to be hostile (toward Barnhardt), and we were told specifically not to discuss the particulars of Brenda Tracy's case," Krzeszewski said. "We had a problem with domestic violence on campus. We had a problem with interpersonal violence on campus."

"I look back now and think, '(Expletive), we could have really done something.'"

The things Oregon State did do at that time involved buildings.

The Valley Football Center had just been expanded at a cost of more than \$6 million. OSU needed to raise \$2 million more to build Goss Stadium for the baseball program. There was also a \$40 million library expansion planned.

The university was busy cultivating key boosters Al and Pat Reser, who would make a \$5 million donation in June 1999 that resulted in the renaming of what is now Reser Stadium.

"At the time, we were \$4 million in the hole," Krzeszewski said. "This was about fundraising. Athletics owed the university millions. Having Mike Riley as coach was not about winning, it was about fundraising."

When Riley left Oregon State for the NFL after the 1998 season, the Beavers made an even splashier hire, bringing in two-time national champion coach **Dennis Erickson**.

During Erickson's first season the OSU Foundation set a record with \$41.3 million in cash gifts. That mark was eclipsed in Erickson's second season (\$53.8 million in cash gifts), when the Beavers beat Notre Dame in the Fiesta Bowl. A few months later Oregon State announced an \$80 million expansion to Reser Stadium, the most expensive undertaking in university history.

Roper said growing enrollment went beyond academic programs and scholarships. Oregon State knew if it wanted more incoming freshman it had to foster a positive image among high school students and parents.

"Certainly, winning teams in the high profile sports is one of the ways a university can enhance its image among some potential students," Roper said.

By fall 2002, Oregon State's enrollment swelled to 18,789 students, up 33 percent in just five years. In the 16 years since Tracy's police report, OSU's enrollment has more than doubled, reaching a record 30,058 students this fall.

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OSU president Edward Ray.  
File photo

Ray, the current university president, was working at Ohio State when Tracy's alleged assault was reported to campus officials in Corvallis in 1998. He wouldn't speculate whether enrollment and gift giving might have clouded OSU's judgment.

"I have zero information on what people were doing and thinking at Oregon State in 1998 and no one in authority to know anything is around," Ray said.

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Tracy wishes she could go back to 1998 and cooperate fully with prosecutors. She regrets not doing so. A week after she bowed out, Hediger at the DA's office called Tracy's mother once to ask if her daughter had changed her mind, but the efforts stopped there. Tracy said she received no further correspondence from the district attorney.

"There was a strong desire to hold them accountable," Hediger said, "but she was fragile."

So why didn't the district attorney's office push Tracy harder to press charges or even prosecute without her? All the pieces were there. The case just needed a champion. It needed someone with guts. Yet no one emerged.

"We just weren't willing to go that far in a sexual assault, which seemed trauma squared," Sandrock said.

In cases involving domestic violence in 1998, the Benton County DA's office was indeed aggressive and ground breaking. In fact, Sandrock was invited to speak to legislators in California, Pennsylvania and Washington state to

explain how his department earned convictions by compelling reluctant spouses to testify using its subpoena power. The subpoena took the decision out of the victims' hands.

"There were a lot of cases we tried without the victim's assistance," Hediger said. "But in this crime because of how horrendous the crime was and because there were pretty graphic photos of her injuries, if we'd gone forward without her that information would have been provided to the world."

Tracy's response?

"Nobody ever told me I had a strong case. Nobody told me that this was going to be an easy conviction. All I remember hearing was how hard a trial -- or four separate trials -- would be."

Tracy now wishes she'd been compelled to testify.

"I know I could have solved all this by being stronger," Tracy said. I just didn't have it in me. I was just trying to stay alive. But forcing me to testify would have taken all the pressure off me."

Sandrock said: "Hearing that breaks my heart."

Benton County had piles of physical evidence from the crime scene along with the statements from the four men pointing fingers at one another. And the on-call physician during Tracy's rape examination told police he would gladly testify.

"You have to go the distance there," litigator Crew said. "There's DNA. There's a rape kit. There's admissions by football players.

"That case could be tried right now if not for a six-year statute of limitations."

Except that it couldn't.

The Corvallis Police Department and the Benton County Sheriff's Department share an evidence room.

All items, from every investigation, are stacked in the same storage space. The room looks like a giant kitchen pantry.

"We use the space to the best of our ability," Lt. Cord Wood said. "We use space-saver racks. I think it's something that goes along with every community police department. Space is in demand for those kinds of things."

And with the advent of the use of DNA in prosecutions, he said, the statutory requirements for keeping things in evidence is longer.

Investigators in Tracy's case seized five used condoms, carpet fibers, two love-seat cushions, a baggie of marijuana, three white tank-top T-shirts, a bottle of gin, drinking glasses, and a flashlight used in the alleged sex assault.

Those items, along with videotapes, audio tapes and photographs of the apartment, were placed in evidence. Hediger

said when she left her job in the district attorney's office in April 1999, she gave specific instructions that the incriminating audio tapes from the police interviews with the four men be retained in the event Tracy ever changed her mind.

"It would bother me immensely had she ever come forward and found the evidence destroyed," Hediger said.

Corvallis police and the Benton County prosecutor's office first reviewed the evidence in June 2000, according to records obtained by The Oregonian. Sandrock's successor, Heiser, was in charge in the DA's office then. He instructed that the evidence should be retained.

"That (review) was routine procedure," Wood said. "We'd ask, 'Do we still need to keep this or is this something we can get rid of to free up space?' and they'd tell us what to do."

A second review in August 2001 was marked "No action by DA," indicating that no charges were filed. It was designated by Heiser to be thrown away and Corvallis Police destroyed the evidence even though three years remained on the statute of limitations.

Said Wood: "We did exactly what the DA's office directed us to do."

Tracy's case ended there.

Added Sandrock: "That should not have happened to the evidence."

Heiser said he would usually agree that evidence shouldn't be destroyed before the statute of limitations had expired. But, he added, "we had a case where we knew all the perpetrators, had all the evidence and they hadn't charged in 1998.

"We were going to have a hard time getting a jury on board given we had a reluctant witness."

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Brenda Tracy remembers waking up on the morning after her assault. She was naked, lying alone on the living room floor. Her clothes were strewn around the apartment. There were food crumbs, including broken bits of potato chips, stuck to her skin.

#### **Brenda Tracy talks about Oregon State rape allegations**

Brenda Tracy, whose story of gang rape at the hands of OSU football players in 1998 was told by The Oregonian's John Canzano last month, sat down with the sports columnist and radio host for a short video interview after the story was first published. Tracy talked about how her life, and her perspective on her experience 16 years ago, have changed since the story broke, and her wish that by coming forward she can help prevent similar trauma from being inflicted on women today.

"They treated me like I was trash," she said.

All these years later, Tracy is intent on proving herself. She's earned an MBA and works as a nurse. She's successfully raised two sons. And when she arrived in the conference room in downtown Portland, she hoped for peace.

Instead, she felt like she was tied in a knot.



The litigator, Crew, said he's interested in working with Tracy to help get sex-assault laws changed. Oregon's six-year statute of limitations is one of the tightest deadlines in the country for prosecutors to charge rapists. State Sen. Peter Courtney read Tracy's story in The Oregonian last month and is looking at legislation to change the statute of limitations.

"They got away with it," Tracy said. "I wonder how they feel about the fact that in another state I could prosecute today. I wonder if they realize how lucky they are?"

After The Oregonian story appeared, OSU vowed to review the case. Rather than hire an independent investigator, however, officials decided to handle it in-house.

Crew called Oregon State's internal investigation a waste of time.

"You do what Penn State did. You hire an outside investigator to do a third-party investigation of anything else that's happened in the last 16 or 17 years," Crew said. "There's an inherent conflict of interest. I'm not questioning their good faith, but they have a vested interest in the outcome."

OSU President Ray said the university didn't hire an independent consultant to investigate "because the interrogation notes seem very clear to me. Our inquiry was into whether or not we have any recourse to legal action 17 years after the fact."

Oregon State determined it could not sanction Carlyle and Dandridge, even as Ray said he was disgusted with their alleged actions in 1998 and disappointed with OSU's response.

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Oregon State defensive back Calvin Carlyle was 18 when he was named as a suspect.

[File photo](#)

Ray was the chairman of the NCAA executive committee that hammered Penn State for its handling of the Jerry Sandusky scandal. In his meeting with Tracy, he spent 70 minutes unloading on his own university. OSU's president said the university didn't do enough to help her in 1998. He promised that he would never let that be the case now.

"I had prided myself all these years by believing at least I'd done something through the school," said Tracy referencing her decision to report the incident to campus officials. "I'd believed that my case was responsible for preventing other assaults, protecting women on campus, something.

"I trusted they'd follow through."

Ray looked her in the eyes and said Oregon State did not.

"I wish we had," he said.

In 1998, after filing the report of a sexual assault involving two OSU students, Brenda Tracy never received a follow-up call. Not from the crisis counselor. Not from OSU's general counsel. Not from anyone. Now, Tracy had Ray and the university's Title IX Coordinator Angelo Gomez sitting in front of her. The Oregonian attended the meeting at

Tracy's request.

The men apologized.

Profusely. Repeatedly. Passionately.

"You were wronged," Ray said of both the alleged rape and OSU's subsequent handling. "What happened to you was reprehensible and inexcusable, and I'm sorry for that -- period."

Tracy could hardly breathe as Ray gave her the letter containing their findings. Her hands trembled as she read, "Records dating back 16 years -- and without the computer and data systems then as we have now -- are difficult to pursue." The numbness overtook her as the words unfolded on the paper. The letter revealed that OSU's three-week investigation discovered that "Coach Riley and the other individuals recall this case but do not recall specific details."

Tracy remembers every horrible detail of what happened. The feel of the carpet beneath her. The smells in the room. The vomit and condoms. The high fives. Every awful nuance of June 24, 1998, has been a part of her since.

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Oregon State running back Jason Dandridge was 20 when he was identified as a suspect.

File photo

There was an early passage in the letter, too, that hung her up for days: "One thing we learned is that in the late 1990s, the prevailing view nationally was that the law did not allow universities to pursue student conduct actions in the cases of off-campus events that involved a survivor who was not a student of that university."

She thought to herself: *The prevailing view nationally? Did Oregon State really justify its failure to take action by saying this was what everyone else was doing?*

Crew said of the letter: "The passion is there, but the whole thing is one big excuse."

Then came the words Tracy longed for 16 years to hear.

"...sanctions were imposed in this case," the letter stated.

Tracy couldn't believe what she was reading.

The Beavers football players who were arrested? The men she says ignored her cries to stop? The men who seemingly went free while she carried guilt, shame and confusion?

All she knew is that they'd been suspended a single, meaningless season opener in 1998. That rankled her. Now, she was learning they'd been held accountable, after all.

The punishment: Calvin Carlyle and Jason Dandridge were placed on school probation. They had to participate in an educational program. They were told to perform 25 hours of community service.

As she read the words, she began to cry.

"I don't know if I'd feel better," Tracy said, "had Oregon State done nothing at all."

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