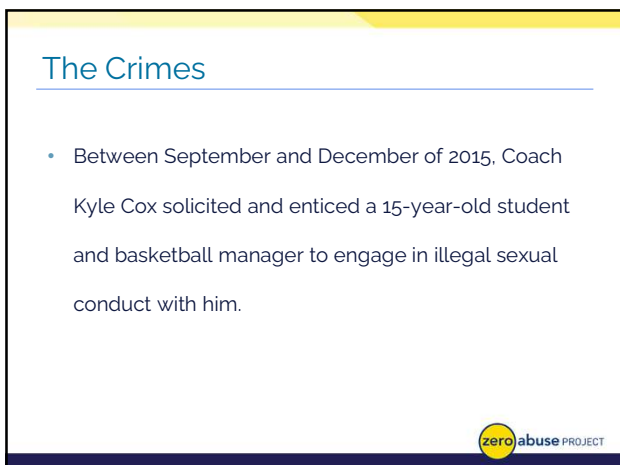




1



2



3

The Players

- Who was Minor Victim 1
 - High school sophomore – 15 years old
 - Chemistry student in Cox's class
 - Became a basketball team manager with 2 friends



4

The Conduct

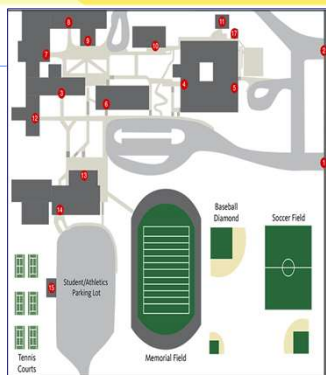
- Initial contact / communication, per Child Victim 1
 - Victim began texting with Cox in mid- September 2015 when he was her Chemistry teacher.
 - He started asking her weird questions and "things escalated from there".
 - He followed her on Instagram
 - When they started texting the conversations made her feel uneasy, and it was unexpected.
 - Mostly "normal" conversations about basketball, Chemistry, and school.
 - Then it would turn sexual.



5

The Conduct

- The plan: meet up for sexual contact
 - Meeting up in a closed off gym area after a game
 - Victim did not show up
 - Found text messages to corroborate



6

The Conduct

- Interception: Nov. 28, 2015
 - Minor Victim 1's dad finds messages



7

Kyle Cox

- Sexting while his wife was in labor
- Photo of baby
- Sex at house was supposed to occur while wife was with her family at Christmas



8

The Conduct

- The Confrontation
 - Dad vs. Victim
 - 12/13/2015



9

Disclosure

- December 13, 2015
 - Disclosure on a Sunday afternoon (beginning of finals week)
 - Dad sets meeting with the school
 - Dad retains attorney affiliated with school



10

The Evidence

- The Evidence
 - Sexually explicit images
 - Chat conversations between Cox and Minor Victim 1
 - Minor Victim 1 admissions



11

Initial Meeting with the School

- December 14, 2015: Dad and his attorney go to school (Monday 1330 hrs)
 - Bring evidence of a federal and state crime
 - Child pornography
 - Sexually explicit communications
 - Online sexual enticement
 - School headmaster and school attorney view the evidence
 - School attorney takes possession of the child pornography and online solicitations
 - Plan to meet with Cox the next day



12

The Night Shift

- December 14-15, 2015: Overnight Messages and Phone Calls
 - Do we make a report?
 - What do we say publicly?
 - To parents of students?
 - How to deal with victim family?



13

Someone's going to jail . . . Right???



14

Lesson 1

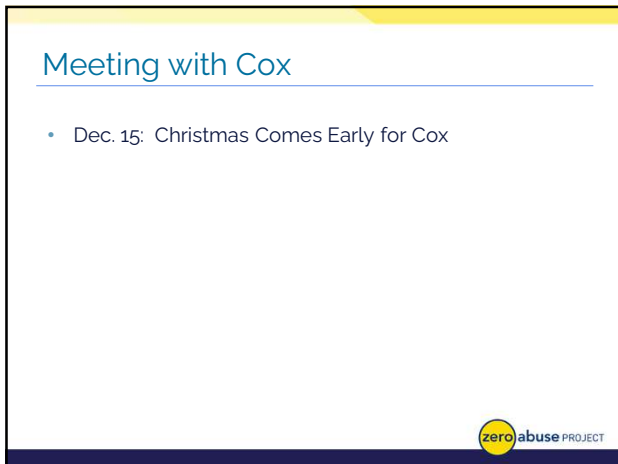
- The difference between what should happen and what did happen



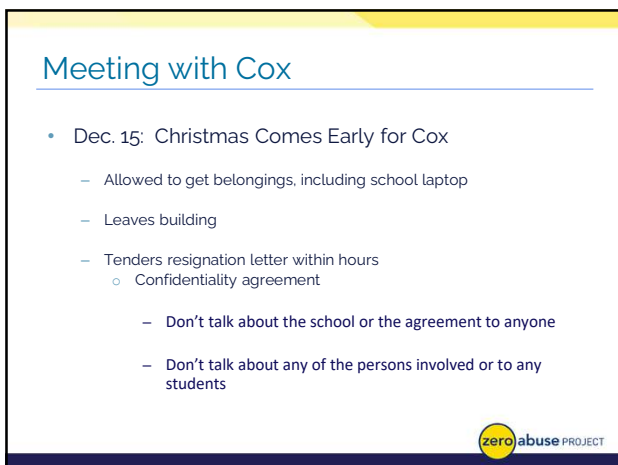
15



16



17



18

What Cox thought

- When Cox left the school, he believed that, with a resignation, this chapter would be closed.
- Time to find a new job.
 - Dec. 16, 2015: "The nice thing is that I can get any job in the state. I've positioned myself to be marketable."



19

If charges had not been filed, would you be coaching now?



20

Indiana State Law

Indiana Code 31-33-5-4. Immediate oral report to department of child services or law enforcement agency

Current as of: 2016 | Check for updates | Other versions

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

- (1) the department; or
- (2) the local law enforcement agency. As added by P.L.1-1997, SEC.16.

Repealed by P.L.2005, SEC.103. Effective date: 2005-06-01, 03-01



21

Attempts to "Control the Narrative"

- Reason for resignation
 - "Dear Parents, I write to inform you that Boys Varsity Basketball Coach Kyle Cox has tendered his resignation and is no longer employed at Park Tudor. While I recognize that you may have questions, it is our policy not to comment on employee personnel matters. We are pleased to announce that Jim Melton has been named the interim Boys Varsity Basketball Coach. Sincerely, Matthew"
- Team meeting
- Confidentiality agreement



22

And where is our evidence?



23

And where is our evidence?

- School's Attorney's office
 - Discussion about returning it to the victim and concerns about destruction of evidence
 - Reproduction of child pornography by attorney
 - Couriered back to victim's dad



24

"What did you think about your chances of being criminally prosecuted?"



25

Ensuring silence

- Confidentiality agreement
 - 12/16/15: School wants Child Victim and family to sign confidentiality agreement
 - Pursuant to agreement, victim and family can talk to NO ONE. No LE exceptions.
- Family: Are there other victims?
 - Concern about victim's dad being contacted by former complainant



26

If "confidentiality" could be summed up in a meme



27

The Leaks

- WORST KEPT SECRET!!
- School appointed counselor
 - 12/22/15: Report to DCS
- Kids are talking
 - Text messaging / chat groups
- Victim is talking



28

The Leaks

- 12/15/2015 to 1/7/2016: Cox messaging student manager
 - "I can't spend any energy on her anymore. The school gave me no support when I tried to plead she was mentally unstable. ... It will come back on her"
 - "Just ask her if it's making her feel better to slander me."
 - "What is said by her needs to be chalked up to slander. Plain and simple."
 - "I would turn my head if you messed her up."



29

Investigation

- January 7, 2016:
 - Search warrants served
 - School
 - Victim residence
 - Suspect residence



30

Investigation

- Attorney
 - Attorney has evidence
 - IT officers duplicated it
- Computer evidence
 - And printouts



31

Investigation

- Property seized:
 - Victim's Laptop
 - Ability to tell that laptop had a thumb drive connected
 - Victim's phone
 - Evidence recovered from cloud
 - Able to piece together messages with images / videos



32

Tug of War

- State Crimes
 - Penalty of 1-6 years
 - No mandatory minimum
- Federal Crimes
 - Penalty range: **5 years to life**



33

Turning of the Tide: Complaint

- February 5, 2016
 - Coercion / Enticement
Complaint filed in federal court
 - Pre-trial detention in a work release facility



34

Turning of the Tide: Change of Position by School

- February 2016: Park Tudor Changes Its Tune
 - School retained new counsel, including former federal Judge
 - Cooperation
 - Witness interviews
 - Document turnover
 - But . . . Attempts to run parallel investigation



35

Turning of the Tides: Cox Proffer

- **Proffer Goal: How?**
 - Seduction mechanism
 - Enabling by School
- **Proffer Goal: Who else?**
 - Ability to learn of 4 other "love interests"
 - Corroborate



36

Turning of the Tides: Cox Proffer

- **Proffer Goal: School response**
 - Learned about the school's role in covering up the crimes
 - He thought everyone there had his back
 - This was mutually advantageous for both parties until it wasn't
 - then the school decided to protect itself



37

Turning of the Tides: Federal Prison

- July 29, 2016: 1 Count of Coercion / Enticement
 - 14 years in federal prison
 - 15 years of Supervised Release
 - Recorded Statement for use in training
 - Ordered to pay \$5K Special Assessment



38

Cox's Legacy: Cultural Change

- *Cox's Legacy*



39

Remember, what normally happens?

- What usually happens in an authority-figure abuse case where the victim is a teen (girl)?
 - The child is vilified and portrayed as a temptress
 - The authority figure becomes a martyr who just made a mistake under the lure of this girl.



40

Cultural Change: Make the School Accountable

- **Make the School Accountable**
 - USAO got their internal emails (waiver of privilege)
 - Pressure on victim's family to sign confidentiality agreements prohibiting communication – even with law enforcement
 - Internal discussions about day-to-day response, media



41

Cultural Change: Make the School Accountable

- Nov. 2016: Deferred Prosecution Agreement



42

Park Tudor Admissions

- Knew of duty to report immediately but delayed for about 24 hours
- The Head of School directed another employee to make the report without giving her complete information about the evidence, including that attorney possessed sexually explicit images of Minor Victim 1
- The Head of School was present when the erroneous DCS report was made and did not correct errors



43

Park Tudor Admissions

- Park Tudor Head of School made false and misleading statements to a detective, failing to disclose that he was present during the erroneous DCS report and that he had firsthand knowledge of the existence of the sexually explicit images and messages



44

Make the School Accountable

- Per the Deferred Prosecution Agreement
 - Compliance Monitoring
 - Policies and Procedures
 - Independent Oversight



45

Cultural Change: Confidentiality Agreements

"Confidentiality agreements between schools and adult educators when the school knows the adult harmed a child in some way should not be allowed," said Shelley Haymaker, an attorney and director of a Hamilton County program that represents children in the child welfare system. "This does not protect a child. This protects an adult who should know better and a school who should be livid that a child in their custody and care was harmed by an adult that the school put their trust in. How is this not obstruction of justice?"



46

Cultural Change: Words Matter

- Complaint is about what the defendant did
 - Not about bad judgment
 - Not about what the child did
- This is NOT
 - Sexting
 - "Inappropriate relationship"
 - "Had sexual intercourse"
 - A "Seduction" or "rendezvous"



47

The *need* for Cultural Change: Punishment

Cox has his own reasons for agreeing to meet. He recites from memory four recent cases involving Central Indiana educators accused of sexually exploiting students. And he asks if they've received sentences matching his own 14-year stretch in federal prison.

Cox's point: His sentence was excessive and the judicial system didn't treat him fairly.

But later, in response to a question about what prompts a trained professional to exploit a student, Cox cites the biblical story of Samson and Delilah. In the story, Samson, a talented but troubled warrior, is tempted into sin by Delilah's schemes.

"It keeps beating at you and beating at you," Cox says. "That temptation keeps beating at you."



48

Cultural Change: Communication Methods

- Communication between students / athletes and adult personnel
 - No texting or social media
 - Group messages only
 - Zero tolerance for violations



49

Me, every time
someone asks,
"but why can't a
teacher text a
student?"



50

Take care of your kids . . .

"there isnt a 'we' tht has to deal wit everything..
its me.!" - A



51



52
