

Air Force could still take action against ex-SAPRO chief acquitted in groping case

A civilian jury on Nov. 13 acquitted the former chief of the Air Force's Sexual Assault Response and Prevention Office on charges he drunkenly groped a woman outside an Arlington, Va., bar earlier this year. But the trouble might not be over for Lt. Col. Jeffrey Krusinski, whose arrest helped fuel a national debate on the military's handling of sex crimes in the ranks. "We will separately assess the facts and evidence in the case and determine if there are applicable disciplinary or administrative actions that are appropriate," Air Force spokeswoman Lt. Col. Laurel Tingley said in an email a day after the verdict. The military, which had sought to take jurisdiction of the case, could court-martial 42-year-old Krusinski on similar charges. A service member can be tried for the same crime in a military and civilian court. But former Army judge advocate general Greg Rinckey said the Air Force, which will have to balance public outrage with due process, is more likely to issue the beleaguered officer a letter of reprimand. "The Air Force doesn't want the public or the senators to say ... 'You did nothing. You let him go back to work.' They've got to be careful because if they swing too hard the other way, it looks like a witch hunt. It's delicate," Rinckey said. The testimony

During the two-day trial in Arlington, three witnesses testified a drunken Krusinski grabbed their buttocks outside a row of bars early on May 5. Krusinski was only charged in the alleged groping of one woman, a 23-year-old Treasury Department worker who said she struck Krusinski several times in the face after he firmly gripped her backside and asked if she liked it. Police first charged Krusinski with sexual battery. Arlington Commonwealth's Attorney Theo Stamos dropped the count and instead sought an indictment on a charge of assault and battery, which carries the same penalty. Stamos said she based the decision in part on the level of force used in the alleged incident. The complainant tearfully testified she was on her cellphone when Krusinski came up from behind and groped her. "I took steps to confront him, and asked, 'What do you think you are doing?'" she said. "He was taunting me, his hand was too close to my chest. I had to defend myself. I punched him in the face." The woman said she struck Krusinski about three times. Krusinski's defense seized on that testimony, calling to the stand a litany of witnesses to the altercation who said the alleged victim struck Krusinski far more than that. One of those witnesses was Vaughn Coleman, a transsexual who testified Krusinski had also grabbed her buttocks earlier that night and told her: "I have a penis, you have a penis. It's OK. You can come home with me." Coleman testified she saw the complainant hit Krusinski repeatedly for about 15 seconds after Krusinski grabbed her. Afterward, Coleman said, Krusinski appeared apologetic. Another witness to the incident, Rene Miranda, said he was near a window inside Tortoise and Hare Bar when he saw a woman pummel a man with one hand and then another. The man stood there and seemed to nod compliantly, Miranda said. "He seemed to not be totally sober or else he would do something. You see all kinds of things late at night. But that was odd to me." Ray Martin, who tends Freddie's Beach Bar, testified he saw Krusinski's face "awash in blood" after a server frantically said a man was bleeding in the back parking lot. Martin brought Krusinski some wet towels and called an ambulance. Defense attorney Barry Coburn said in closing arguments the alleged victim

“grossly understated” the number of times she struck Krusinski. He also questioned why the woman deleted from her phone the text messages from that night. “At no point did he do anything aggressive. What does that tell you about his disposition?” Coburn said. “If he had done [what he was accused of], would he have reacted with such passivity to being beaten to a pulp?” Coburn suggested that if anything transpired between the woman and his client, Krusinski may have stumbled into her because he was so drunk. Krusinski did not testify. Prosecutor Cari Steele argued the woman’s response was irrelevant to the case. She said the defense witnesses saw what happened only after Krusinski grabbed the woman — and that most had been drinking. “There is no doubt Krusinski grabbed [her] buttocks, squeezed it and asked if she liked it,” Steele said in closing arguments. “There is no doubt he touched her, and there is no doubt that she didn’t like it. She felt totally violated.” A jury of two women and five men deliberated for about one hour and 15 minutes before acquitting Krusinski. The alleged victim was not in the courtroom for the verdict. Jury forewoman Alison Kutchma told Stars and Stripes the jury felt the evidence did not support the charge. Kutchma did not elaborate. Krusinski was at first expressionless when the verdict was read, but within seconds he was smiling and talking with his attorney. He exited the Arlington County courthouse without commenting on the verdict. “I just want to say I love my kids,” Krusinski said. Coburn said the case “has been a completely devastating experience for Lt. Col. Krusinski.” Embarrassment for Air Force

Krusinski’s arrest, which coincided with a Defense Department report that showed a rise in sexual assaults in the military, was an embarrassment to the Air Force. Days afterward, lawmakers grilled Air Force Chief of Staff Gen. Mark Welsh on how a man could be accused of a crime he was supposed to help prevent. “Clearly, there is insufficient training, insufficient understanding, if the man in charge for the Air Force of preventing sexual assaults is being alleged of committing sexual assault this weekend — obviously, there is a failing in training and understanding of what sexual assault is and how corrosive and damaging it is to good order and discipline,” Sen. Kirsten Gillibrand, D-N.Y. Krusinski, an Air Force Academy graduate with two combat deployments, was immediately removed from the position of SAPRO chief, a job he’d held for only two months. A general was put in charge of the office, which was reorganized in the aftermath of the arrest. Stamos, the commonwealth’s attorney, denied the Air Force’s request to take jurisdiction of the case. “If that had happened, it would have been the perfect scenario for Air Force,” Rinckey said. “They could say, ‘We took this seriously.’ I still think there’s going to be ramifications” for Krusinski. “Could the military bring charges against him? It’s a possibility but not a great possibility,” Rinckey said. “His defense [would] likely be, ‘I was acquitted. I wasn’t guilty. It’s a he-said, she-said or it was a misunderstanding, and the only reason you’re hammering me is because of the position I was in.’” A letter of reprimand ultimately could force Krusinski out of the Air Force, Rinckey said, although his retirement is likely to go unscathed. Krusinski has 19 years of military service.