

I WAS FALSELY ACCUSED OF RAPE: ‘VICTIM-CENTERED INVESTIGATIONS’ ARE A TRAVESTY OF JUSTICE

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I was in the middle of my summer class when my phone went off around 11:40 am on Thursday, July 18th, 2013. It was my ex-girlfriend. As I answered, I heard her voice insisting that I admit to perpetrating an incident of sexual misconduct against her. I was puzzled by her request and did not know how to respond.

A few minutes later I received a call from Darrin DeCoster, a Fairfax County, Virginia detective, who revealed the phone call was being recorded. Ordering me to not hang up, he threatened to arrest me on a “slew” of charges if I did not cooperate. As a 20-year-old in college, I was scared beyond imagination.

I was instructed to appear for an interview the next day at the Fairfax County Police Station. Since I was completely innocent, what did I have to fear? I assumed the police would conduct an unbiased investigation of the matter. That was before I heard about “victim-centered” investigations.

The interrogation consisted of repeated attempts to get me to confess to something that I had supposedly done. The detective hinted that the charge had something to do with sexual assault, but he refused to tell me any details. He said that he could work out a deal with me and convince the district attorney to reduce the punishment.

Over and over, I insisted that I was telling the truth and that I never forced my ex-girlfriend to have sex with me. He asked me to take a polygraph test, a challenge that I readily accepted (yet he never followed up). I left the police department that afternoon, confident that the case would be quickly resolved.

My ex-girlfriend said the alleged assault happened in the spring of 2012 while we were both in high school without specifying a date or month. I was stunned to later learn that she claimed that we had never had a romantic relationship.

The detective also interviewed several of her friends. One claimed that he had picked up my ex-girlfriend after the assault during the spring of 2013 – not 2012 — while I was a student at Virginia Tech. The detective was not deterred by the fact that I have never attended Virginia Tech, nor have I ever been to the town of Blacksburg.

On October 3rd, right before one of my history classes at the University of Virginia, I was arrested in front of my peers. I would go on to endure five nights and six days in jail.

An interesting note to add is that the detective was not present at the initial bail hearing despite efforts from the prosecutor to try to reach him. Without the detective present and any information, the judge allowed me to leave jail while I awaited my trial. During the time between my bail hearing and the preliminary hearing, I took and passed a polygraph test, at my own expense, to supplement my growing cache of exculpatory evidence. At my preliminary hearing, I brought over 40,000 documents in the form of emails, text messages, and other social media interactions that proved my ex-girlfriend and I indeed did have a romantic relationship.

The rape and abduction charges were soon dropped and the prosecutor agreed to have all charges expunged. Despite this favorable outcome, I now had to face \$60,000 in attorney's fees, on top of the fact that I lost a semester's worth of school as I was unable to salvage any credits. And nothing could compensate for my suffering during six days in jail.

The police are obligated to conduct their investigative work in an impartial and objective manner. Writing in the *Journal of Criminal Law and Criminology*, Arthur Aubry wrote:

“The ethical investigator will maintain at all times a completely objective attitude and impersonal approach towards his investigative duties and responsibilities; he will concentrate all of his skills and energies towards securing the truth of the matter under investigation.”

In my case, the detective should have asked to view our communications such as our emails and other personal messages, administered polygraph tests to both of us, and interviewed more persons to ensure a balanced investigation. The detective ignored the fact that my ex's story had several major conflicting points and an illogical narrative. Dean Allen Groves from the University of Virginia said he was perplexed by the fact the detective interviewed me in July, waited almost three months to arrest me, and then apparently did not have enough evidence to get past a preliminary hearing on the charges against me.

As I share these experiences, an advocacy group called Start by Believing is pushing for so-called “victim-centered investigations.” Though it is important to be supportive of complainants, the group openly berates criminal justice professionals who believe, “It's not our job to believe victims. It's our job to find out the facts and determine what really happened.” Instead, the group is advancing the notion that “A thorough investigation must therefore begin from a position of Start by Believing,” apparently in contradiction to a bedrock principle of American justice, impartiality and the idea that someone is innocent until proven guilty.

So I ask, is our society truly safer when we have investigators who are willing to put people behind bars on the flimsiest of evidence?

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