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June 6, 2016

Ronald L. Davis, Director
U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street, NE
Washington, DC 20530

Chuck Wexler, Executive Director
Police Executive Research Forum
1120 Connecticut Ave. NW
Suite 930
Washington, DC 20036

RE: Victim-Centered Investigations

Dear Mr. Davis and Wexler,

The Center for Prosecutor Integrity works to enhance prosecutorial ethics, curb over-criminalization, and end wrongful convictions. CPI has a particular interest and concern about wrongful convictions of sexual assault.

We are writing today about the publication of *"Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence: A Roundtable Discussion."* We applaud the efforts of Community Oriented Policing Services (COPS) and Police Executive Research Forum (PERF) to bring law enforcement agencies together to find workable solutions to the problems of sexual assault and domestic violence.

The Department of Justice highlighted how the report "aims to enhance the Justice Department's partnership with law enforcement officers who work tirelessly to protect their communities, *advance bias-free policing and uphold the civil rights* of the people they serve." (Emphasis added)

Unfortunately, the report encourages the use of certain investigative procedures that are highly problematic. Specifically, the report commends the use of a so-called "victim-centered approach," which is described as handing "control of the process back to the victim" (p. 9). The report goes so far as to state the complainant has a "right to request certain investigative steps not be conducted" (p. 13). Finally instead of "complainant," the report repeatedly uses the word "victim," a word that presumes a crime has occurred, which is not always the case.

As revealed by its name, "victim-centered" investigations create a fundamental investigative bias against the defendant. Victim-centered investigations violate ethical requirements for impartial investigations,

predispose to wrongful convictions, and may create a new liability risk for cash-strapped law enforcement agencies.

Victim-centered investigations are often justified by a desire to increase reporting by victims of sexual assault. But there is no evidence that more reporting increases the rate of convictions. To the contrary, increasing the number of questionable cases is likely to decrease the conviction rate. The fewer convictions, the less trust. So victim-centered investigations are likely to have negative consequences on future victims of sexual assault.

We agree that trauma-informed interviews, use of victim advocates, and respectful interactions are essential and should be encouraged. But “victim-centered investigations,” which explicitly instruct the officer to believe the complainant, regardless of the circumstances, should be discouraged because of the likely negative results. Victim-centered investigations represent an approach for complainants that is built upon a system of injustice for the accused.

We are now writing to request a meeting to discuss these concerns. We look forward to hearing from you and working together to promote a system of fundamental fairness for all. Because of the urgency of this matter, we hope to hear from you by Friday, June 17.

Sincerely,

Christopher J. Perry, Esq.
Program Director,
Center for Prosecutor Integrity

Richard L. Davis
Former Police Lieutenant,
Brockton (MA) Police Department