

Charlottesville Police Department's Investigation into an Alleged Sexual Assault as depicted in Rolling Stone Magazine Article dated November 19, 2014

On November 19, 2014 an article appeared in Rolling Stone magazine depicting a violent sexual assault of a University of Virginia student identified as "Jackie."

That same day, University of Virginia President Teresa Sullivan requested that the Charlottesville Police Department initiate an investigation in an effort to confirm or dispel the incident as graphically described in the article.

Having exhausted all investigative leads, our investigation concludes that there is no substantive basis to support the account alleged in the Rolling Stone article. Therefore, our investigation will remain suspended until such time as "Jackie" wishes to cooperate with investigators or other evidence comes to our attention to warrant further investigation.

Investigation

Although "Jackie's" story was told by Ms. Erdely in the Rolling Stone article, investigators were never afforded the opportunity to interview "Jackie".

In addition, federal laws governing privacy and protection of certain records in the possession of academic institutions obstructed our ability to access records that may have been relevant to our investigation.

Nonetheless, our investigation revealed that Dean Nicole Eramo first learned from "Jackie" of an allegation of sexual assault on May 20, 2013. This disclosure came after "Jackie" was referred to the Dean because of poor grades. The disclosure was specifically that she went to a party at an unknown fraternity on Madison Lane and was sexually assaulted.

"Jackie's" disclosure to Dean Eramo did provide some information that depicted a sexual act, but that information is inconsistent with the details that are reported in the Rolling Stone Magazine article of November 19, 2014.

Dean Eramo provided "Jackie" with the options available per UVA protocol in place at that time.

On April 21, 2014, "Jackie" again met with Dean Eramo and reported a physical assault that was alleged to have occurred on April 6, 2014 on the University Corner in the vicinity of Elliewood Avenue.

According to "Jackie" she was struck in the face by a glass bottle. She further advised that her roommate at the time, a nursing student, assisted her in removing glass from her ("Jackie's") face.

In a subsequent interview by investigators, "Jackie's" roommate denied ever removing glass from "Jackie's" face. Further, she described "Jackie's" injury as an abrasion consistent with having fallen.

According to "Jackie" she stood in the parking garage on Elliewood Avenue and called her mother. Yet, a subsequent search of phone records which we believe to be "Jackie's" failed to yield any evidence that

such a call was made. In fact, no calls were made from April 5, 2014 from 8 p.m. to April 6, 2014 at 4 a.m.

Further, a search of the police department's Computer Aided Dispatch records revealed that an officer responded to an unrelated call for service at 9 Elliewood Avenue, adjacent to the garage where "Jackie" was alleged to have made the phone call. The officer was on location for several minutes and would have likely been visible to "Jackie" had she been at that location during that same time frame

During the course of her April 21, 2014 meeting with Dean Eramo, "Jackie" disclosed for the first time that she had been sexually assaulted at the Phi Psi fraternity house. "Jackie" advised Dean Eramo that she wanted her report to remain anonymous.

The Charlottesville Police Department first became aware of "Jackie's" allegations on April 22, 2014, when an officer met with "Jackie" in the company of Dean Eramo and a University of Virginia police officer.

During the course of that meeting, "Jackie" reported being verbally abused by four males on the University Corner earlier in the month. She further reported being followed by these subjects as one called out her name.

According to "Jackie", when she turned in the direction of the person who had called out to her, she was struck by an unknown object. She did not provide a detailed description of the subject to the officer, nor did she think she would recognize him if she were to see him again.

"Jackie" further told the officer that she had photographs of the injury that she could provide if needed. The officer does not recall observing any injuries on "Jackie's" face at the time of the interview. Investigators reviewed a photograph of "Jackie" believed to have been taken during the week of April 11, 2014. The injury depicted in the photograph has the appearance of swelling above the right eye and an apparent abrasion on the upper cheek. In the opinion of the investigator, it did not appear consistent with being struck by a blunt object.

In her meeting with the officers and Dean Eramo, "Jackie" further disclosed to that she had been sexually assaulted at the Phi Kappa Psi house in 2012. She stated that she reported it to the Dean's office, but not the police. She feared retaliation from the fraternity if she followed through with a criminal investigation.

At the time of this disclosure, "Jackie" refused to provide any specific details regarding the alleged sexual assault.

On May 1, 2014, Detective Jake Via met with "Jackie" in the presence of Dean Eramo regarding both the alleged physical assault on the Corner and the allegation of sexual assault in 2012. "Jackie" maintained that she did not want to proceed with any investigation of the physical assault, nor did she provide any disclosure as to the facts of the alleged sexual assault.

Detective Via advised “Jackie” that her allegations would be fully investigated if she changed her mind and wished to pursue an investigation. Detective Via had no further contact with “Jackie” until early December 2014.

As previously stated, on November 19, 2014, University of Virginia President Teresa Sullivan requested that the Charlottesville Police Department launch a criminal investigation into the details of the Rolling Stone article.

Believing “Jackie” to be the person that he had spoken to in April of 2014, Detective Via called her and left a message offering both police and victim/witness support and assistance.

On November 20, 2014, Detective Via again attempted contact with “Jackie”. This time “Jackie” responded and agreed to meet after the Thanksgiving break.

On December 2, 2014, “Jackie” came to the Charlottesville Police Department headquarters accompanied by University Dean Laurie Casteen and legal counsel from the Legal Aid and Justice Center. While there “Jackie” declined, through legal counsel, to provide a statement or answer any questions.

Since that time, despite numerous attempts to gain her cooperation, “Jackie” has provided no information whatsoever to investigators.

In an effort to access certain records pertaining to “Jackie” that would aid in our investigation, efforts were made through her legal counsel to obtain her written consent. Those efforts, too, were met with negative results.

The University of Virginia provided investigators access to relevant members of the Office of the Dean of Students who had knowledge of “Jackie’s” previous contacts with their office, along with redacted copies of documents that reflect Dean Eramo’s previous meetings with “Jackie”; specifically those documents referencing the sexual assault, physical assault, and an anonymous sexual assault report.

None of the documents we were given or had access to revealed any facts similar to what was disclosed in the Rolling Stone article.

In order that investigators have the ability to identify members of the Phi Kappa Psi fraternity that may have information regarding this matter, an attorney on behalf of the fraternity provided investigators with a membership roster. Investigators were also provided with lease agreements and bank records dating back to 2012.

During the course of the investigation, Investigators interviewed nine (9) of the fourteen (14) brothers who were living at the Phi Kappa Psi fraternity house in September of 2012 when the sexual assault is alleged to have occurred.

None of those persons interviewed admitted to knowing “Jackie”, or being involved in a sexual assault on September 28, 2012.

Furthermore, none of them admitted to having any knowledge of a sexual assault occurring in the fraternity house at any time when they were present.

In addition, a questionnaire was created and sent to fraternity members. Nineteen (19) responses were returned. None of the respondents admitted to knowing "Jackie", nor did they reveal any knowledge of a sexual assault having occurred at the fraternity house on September 28, 2012.

The investigation further revealed no evidence of a party having taken place at the fraternity house on September 28, 2012. However, investigators did learn that there had been a "formal" at Phi Kappa Psi's sister sorority, Delta Gamma that evening. Several of the fraternity members attended the event.

During the course of our investigation, investigators came into possession of a photograph that was time stamped September 28, 2012, 11:33 p.m. The photograph depicts the interior of the Phi Kappa Psi fraternity house. Present in the photograph is a male holding two chairs while standing in the main room. He is oriented to the side of the room closest to the stairs and side door. The photograph does not reveal any indication of a large party or gathering of people.

A review of the bank records for the Phi Kappa Psi fraternity did not reveal any expenditures on or around September 28, 2012 that would reflect purchases for a party or large gathering.

While, the Inter-Fraternity Counsel does not maintain records of scheduled events at fraternities from 2012, a review of "What's Greek This Week" from September 24-30, 2012 did not reveal any publicized event for the Phi Kappa Psi fraternity on September 28, 2012.

The police department's Computer Aided Dispatch records also fail to indicate any calls for service to 159 Madison Lane on September 28, 2012 from 7 p.m. to September 29, 2012 at 5 a.m.

In short, we cannot find any basis of fact to conclude that there was any event at the Phi Kappa Psi Fraternity house on the evening of September 28, 2012.

Investigators also had occasion to interview two of "Jackie's" friends, both of whom gave interviews to national media correspondents.

Both males report being told by Jackie that she was going out on the evening of September 28, 2012 with a person known as Haven Monahan. Neither had ever met Haven Monahan, but report previously text messaging with a person whom they believed him to be.

In their interview with investigators, they both contradict "Jackie's" version of events in reference to where they met subsequent to the alleged sexual assault, her physical condition at the time they met, the time of day during which the meeting took place, the description of the assault, and their reactions to what they were allegedly told by "Jackie". It should be noted that what "Jackie" is alleged to have described to these two witnesses is consistent with what was previously told to Dean Eramo and is inconsistent with the facts included in the Rolling Stone Magazine article.

In an effort to further track down Haven Monahan, investigators reviewed the student listing for 2012, and found no one by that name.

In addition, investigators conducted multiple internet searches using LINX, TLO, Pinger, Twitter, Facebook, and Google. No one having the name Haven Monahan was discovered.

Several attempts were made to identify Monahan through a phone number that surfaced during the investigation. The number was listed with Bandwith.com. The carrier was Google voice. A court order was sent to Google with negative results.

During the course of our investigation, a photograph was discovered that was believed to depict the person of Haven Monahan.

Investigators were able to locate this subject who declined interview. His name was not Haven Monahan, nor was it "Drew".

Through legal counsel, the subject did proffer that he does not know "Jackie", nor was he in the City of Charlottesville on September 28, 2012.

The membership roster for the Phi Kappa Psi fraternity was reviewed for the name of Haven Monahan, and was also met with negative results.

Supervisors employed at the University Aquatic and Fitness center were also interviewed by investigators regarding whether anyone by the name of Haven Monahan or "Drew" were ever employed as a lifeguard at the pool. None of those interviewed recalled such an employee.

Further, a review of the employee roster failed to yield the name Haven Monahan or "Drew".

All the male subjects on the employee roster were contacted by phone or email. Of those that replied, no one admitted to being the person described as "Drew" in the article, nor did they claim ever having a relationship with "Jackie".

Another male subject was identified during the course of our investigation. This subject was both a member of a fraternity (**not Phi Kappa Psi**) and worked at the Aquatic and Fitness Center at the same time as "Jackie". This individual cooperated fully with investigators in the presence of legal counsel to include providing copies of his work schedule and financial records which may have been relevant to a dinner date that "Jackie" had with her alleged offender at the Boars Head Inn on the evening of September 28, 2012.

Investigators turned their attention to the fraternity house in which this subject was a member in September 2006. They were provided the names of six (6) members who were living at the house at the time of this alleged incident; five (5) of the six (6) provided interviews. None of them knew "Jackie", admitted to any involvement in a sexual assault having occurred on September 28, 2012, nor did they see or hear anything about a sexual assault occurring in the fraternity house at the time they lived there.

Investigation revealed that on September 28, 2012, this fraternity had a cook out for perspective members, and a themed event on September 29, 2012. Both of these functions were listed on the social calendar.

The membership of this fraternity was reviewed and failed to yield the names of Haven Monahan and "Drew". Furthermore, the interior lay-out of the house itself is inconsistent with the description inside the fraternity in which the alleged assault was reported in the magazine to have taken place.

In her meeting with Dean Eramo, "Jackie" indicated that there were two other sexual assaults that had taken place in 2010 and 2014 at the Phi Kappa Psi fraternity house. No victims have reported those incidents to the Charlottesville Police Department, nor have any witnesses come forward to report such an incident.

If anyone has information pertaining to either of these alleged incidents, they are strongly encouraged to contact the Charlottesville Police Department.

Conclusion

Based on the information known to investigators at this time, we find no substantive basis of fact to conclude that an incident occurred that is consistent with the facts as described in the November 19, 2014, Rolling Stone Magazine article.

The department's investigation cannot rule out that something may have happened to "Jackie" somewhere and at some time on the evening of September 28, 2012. Yet, without additional evidence we are simply unable to reach a definitive conclusion.

This investigation remains open, yet suspended in the event additional evidence should come to light.