



End Violence Against Women International  
(EVAWI)

# Start by Believing: Participation of Criminal Justice Professionals

Kimberly A. Lonsway, PhD  
Sergeant Joanne Archambault (Ret.)

September 2016  
Updated September 2020

## **Public Domain Notice**

Unless something is excerpted directly from a copyrighted source, all the material in this document is in the public domain and may be reproduced or copied without specifically requesting permission from End Violence Against Women International (EVAWI) or the authors. Any direct quotes or excerpts should be properly cited, however. No one may reproduce or distribute this material *for a fee* without the specific, written authorization of End Violence Against Women International (EVAWI).

## **Electronic Access**

The publication may be downloaded from End Violence Against Women International's [Resource Library](#).

## **Recommended Citation**

Lonsway, K.A., Archambault, J. (2020). *Start by Believing Participation of Criminal Justice Professionals*. End Violence Against Women International.



## Authors

**Dr. Kimberly A. Lonsway** has served as the Director of Research for EVAWI since 2004. Her research focuses on sexual violence and the criminal justice and community response system. She has written over 60 published articles, book chapters, technical reports, government reports, and commissioned documents – in addition to numerous training modules, bulletins, and other resources. She has volunteered for over fifteen years as a victim advocate and in 2012, she was awarded the first – ever Volunteer of the Decade Award from the Sexual Assault Recovery and Prevention (SARP) Center in San Luis Obispo, CA. She earned her PhD in the Department of Psychology at the University of Illinois, Urbana – Champaign.



**Sgt. Joanne Archambault** (Retired, San Diego Police Department) is the Chief Executive Officer for EVAWI. In 2003 prior to founding EVAWI, Sgt. Archambault worked for the San Diego Police Department for almost 23 years, in a wide variety of assignments. During the last 10 years of her service, she supervised the Sex Crimes Unit, which had 13 detectives and was responsible for investigating approximately 1,000 felony sexual assaults each year. Sgt. Archambault has provided training for tens of thousands of practitioners, policymakers and others – both across the country and around the world. She has been instrumental in creating system – level change through individual contacts, as well as policy initiatives and recommendations for best practice.



In 2011, we launched the Start by Believing Campaign to change the way society responds to sexual assault. It is based on decades of research documenting that disclosures by sexual assault victims often elicit responses of doubt and blame, rather than compassion and support. These negative reactions have a number of detrimental effects on victims, and their harmful impact compounds as the number of negative reactions increases.<sup>1</sup> Indeed, research documents that negative reactions are worse than no reaction at all, in terms of their impact on sexual assault victims.<sup>2</sup> They can even increase a survivor's risk of sexual assault revictimization in the future.<sup>3</sup>

Negative reactions also decrease the likelihood that victims will report their sexual assault to police or access other community services.<sup>4</sup>

One of the primary reasons for this is

because victims fear how others will respond,<sup>5</sup> and this fear is very well grounded, as professionals as well as loved ones often do react in harmful ways.<sup>6</sup>

*I told my high school's police officer and he said it didn't matter because I dated him so no one would believe me... he said don't even bother to press charges. I consented to sex while we were dating so it's my fault.*

<sup>1</sup> Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical, and mental health systems. *American Psychologist*, 68, 702–717.

Ullman, S.E. (2010). *Talking About Sexual Assault: Society's Response to Survivors*. Washington, DC: American Psychological Association.

<sup>2</sup> Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287–302.

<sup>3</sup> Mason, G.E., Ullman, S., Long, S.E., Long, L., & Starzynski, L. (2009). Social support and risk of sexual assault revictimization. *Journal of Community Psychology*, 37 (1), 58–72.

<sup>4</sup> Ahrens, C. (2006). Being silenced: The impact of negative social reactions on the disclosure of rape. *American Journal of Community Psychology*, 38, 263–274.

Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20, 55–68.

Campbell, R., Bybee, D., Ford, J.K., & Patterson, D. (2009). *Systems change analysis of SANE programs: Identifying the mediating mechanisms of criminal justice system impact*. Washington, DC: US Department of Justice, National Institute of Justice (NCJ 226498).

<sup>5</sup> Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.E. (1992). *Rape in America: A report to the nation*. Arlington, VA: National Crime Victims Center.

<sup>6</sup> Campbell, R. (2005). *What really happened?* A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20, 55–68.

Campbell, R. & Raja, S. (2005). The sexual assault and secondary victimization of female veterans: Help-seeking experiences with military and civilian service systems. *Psychology of Women Quarterly*, 29, 97–106.

Greeson, M.R., Campbell, R., & Fehler-Cabral, G. (2016). 'Nobody deserves this:' Adolescent sexual assault victims' perceptions of disbelief and victim blame from police. *Journal of Community Psychology*, 44 (1), 90–110.

Patterson, D. (2011). The impact of detectives' manner of questioning on rape victims' disclosure. *Violence Against Women*, 17(11), 1349–1373.

Even when sexual assault victims report to law enforcement, one-third to one-half will withdraw from the criminal justice process at some point.<sup>7</sup> This helps to explain why less than 2% of forcible rapes result in an investigation, prosecution, conviction, and incarceration.<sup>8</sup> Clearly, negative reactions – and the fear of negative reactions – help to create the striking pattern of attrition currently seen for sexual assault cases within the criminal justice system. This is why we launched the Start by Believing Campaign.

## Start by Believing

While the campaign has now been adopted by hundreds of communities, across the country and around the world, questions have been raised regarding its appropriateness for criminal justice agencies. Some have questioned whether participation in the campaign might compromise the ability of police and prosecutors to remain objective, potentially opening them up to attacks by defense counsel and/or losing cases at trial.



Austin Police Department, TX

These are legitimate questions, stemming from our shared concern that sexual assault cases must be investigated and prosecuted based on the evidence.

It is therefore critical to emphasize that our goal with this campaign is not to “railroad” suspects, by encouraging preordained conclusions, or investigations conducted only to confirm an initial hypothesis. Confirmation bias is a real phenomenon, where human beings – including criminal justice professionals – tend to seek evidence that confirms pre-existing ideas and avoids or discredits evidence challenging these ideas.<sup>9</sup>

Yet the reality is this: When it comes to sexual assault, confirmation bias has long influenced the response of criminal justice professionals in the opposite direction. This is often described as “implicit bias,” and ample evidence suggests that it affects the investigation and prosecution of crime just as it influences responses by the public.<sup>10</sup>

<sup>7</sup> Frazier, P., Candell, S., Arikian, N., & Tofteland, A. (1994). Rape survivors and the legal system. In M. Costanzo and S. Oskamp (Eds.), *Violence and the Law (Chapter 6, pp. 135–158)*. Newbury Park, CA: Sage.  
Spohn, C., Rodriguez, N. & Koss, M. (2008, November). *The ‘Victim Declined to Prosecute’: Accounting for Lack of Cooperation in Sexual Assault Cases*. Paper presented at the annual meeting of the American Society of Criminology, St. Louis, MO.

Tellis, K.M. & Spohn, C. (2008). The sexual stratification hypothesis revisited: Testing assumptions about simple versus aggravate rape. *Journal of Criminal Justice*, 36, 252–261.

<sup>8</sup> Lonsway, K.A. & Archambault, J. (2012). The ‘justice gap’ for sexual assault cases: Future directions for research and reform. *Violence Against Women*, 18 (2), 145–168.

<sup>9</sup> Nickerson, R.S. (1998). Confirmation bias: A ubiquitous phenomenon in many guises. *Review of General Psychology*, 2 (2), 175–220.

<sup>10</sup> Gove, T.G. (2011). Implicit bias and law enforcement. *The Police Chief*, 78 (10), 44–56.

## Implicit Bias and Criminal Justice Responses

The profound impact of implicit bias is highlighted in guidance published by the US Department of Justice (DOJ) in 2015 entitled, [\*Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence\*](#).<sup>11</sup> This DOJ guidance clearly calls on law enforcement agencies to eliminate such bias:

*In recent years, the criminal justice community has begun to examine compelling social science research that suggests ‘implicit biases are predilections held by all [people] that operate largely outside of one’s awareness.’ A collaboration of researchers at several major universities has found that implicit biases are pervasive, people are often unaware of their implicit biases and implicit biases can predict behavior.*

*It is important for law enforcement to recognize the prevalence of implicit bias and to consider how both explicit and implicit bias might impact the law enforcement response to crimes involving sexual assault and domestic violence.*<sup>12</sup>

Decades of research support this conclusion, by demonstrating that sexual assault reports are often doubted and victims are often blamed for “bringing it on themselves.”<sup>13</sup> And while confirmation bias suggests that criminal justice professionals may only seek evidence to support this judgment, most cases never even make it that far. Instead, skepticism of the report is all too often “confirmed” with responses and behaviors of victims, which are seen as evidence that they are lying. This is implicit bias in action.

Implicit bias may therefore help to explain the pattern of criminal justice outcomes described as the “justice gap,” where 5 – 20% of forcible rapes are reported to law enforcement, 0.4 – 5.4%

*I reported the assault to the local police and when I was being interviewed the investigator asked me if I really wanted to ruin this guy’s life over ‘one night of fun?’*

<sup>11</sup> US Department of Justice (2015). *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*.

<sup>12</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 8.

<sup>13</sup> Burt, M.R. (1980). Cultural myth and supports for rape. *Journal of Personality and Social Psychology*, 38, 217–230.

Forbes, G.B., Adams–Curtis, L.E., & White, K.B. (2004). First– and second–generation measures of sexism, rape myths and related beliefs, and hostility toward women. *Violence Against Women*, 10 (3), 236–261.

Gerger, H., Kley, H., Bohner, G., Siebler, F. (2007). The acceptance of modern myths about sexual aggression scale: Development and validation in German and English. *Aggressive Behavior*, 33, 422–440.

Lonsway, K.A., & Fitzgerald, L.F. (1994). Rape myths: In review. *Psychology of Women Quarterly*, 18, 133–164.

Payne, D.L., Lonsway, K.A., & Fitzgerald, L.F. (1999). Rape myth acceptance: Exploration of its structure and its measurement using the Illinois Rape Myth Acceptance Scale. *Journal of Research in Personality*, 33, 27–68.

are prosecuted, 0.2 – 2.8% yield a conviction, and 0.1 – 1.9% result in incarceration.<sup>14</sup> It may also explain why city after city has come under fire for having hundreds if not thousands of sexual assault evidence kits piled up in police property rooms, never submitted for testing and never used to advance an investigation, prosecution, or exoneration.<sup>15</sup> In fact, the primary problem has never been that sexual assault evidence kits are not being tested – the more significant problem is that sexual assault cases are not even investigated, primarily because victims are not believed.

This is why the message of Start by Believing is appropriate for criminal justice agencies, just as it is for the public – because case outcomes will only change when police and prosecutors start from the presumption that a sexual assault report has merit, and then follow the evidence through the course of a fair, impartial, and thorough investigation. This does not mean they believe everything victims say, or that they pursue corroborative evidence more vigorously than exculpatory evidence. It does not mean, “Always believe victims.” It simply reflects the basic logic of why we refer it as a “crime report” and why we collect information and evidence from “victims” and “witnesses.” If there was no starting presumption that a crime report had merit, no investigation would be conducted at all.

---

<sup>14</sup> Lonsway, K.A. & Archambault, J. (2012). The ‘justice gap’ for sexual assault cases: Future directions for research and reform. *Violence Against Women*, 18 (2), 145–168.

<sup>15</sup> Reilly, S. (2015, July 16). [Tens of thousands of rape kits go untested across USA: Exclusive nationwide count by USA Today reveals abandoned rape evidence](#). *USA Today*.

Amnesty International (2007). [Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA](#). New York: Amnesty International.

Dissell, R. (2009, November 16). [Cleveland woman says she fought, fled Anthony Sowell in 2008 attack but authorities didn’t believe her](#). *The Plain Dealer*, Cleveland, OH.

Human Rights Watch (2009). [Testing Justice: The Rape Kit Backlog in Los Angeles City and County](#). New York, NY: Human Rights Watch.

Human Rights Watch (2010). [“I Used to Think the Law Would Protect Me:” Illinois’ Failure to Test Rape Kits](#). New York, NY: Human Rights Watch.

Human Rights Watch (2013). [Capitol Offense: Police Mishandling of Sexual Assault Cases in the District of Columbia](#). New York, NY: Human Rights Watch.

Krakauer, J.R. (2015). *Missoula: Rape and the Justice System in a College Town*. New York: Doubleday.

Senate Judiciary Committee (2010). [Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases](#). Subcommittee on Crime and Drugs, September 14, 2010.

Stevick, E. & Hefley, D. (2011, November 4). [Rape wasn’t a lie Lynnwood Police now say](#). Everett, WA: *The Herald*.

Walters, J., (2012, December 15). [Sara Reedy, the rape victim accused of lying and jailed by US police, wins \\$1.5m payout](#). New York: *The Guardian*.



Oklahoma Chiefs of Police Association

## Thorough Investigation as Due Process

In fact, a thorough investigation is the only way to achieve due process, because it is the only way to include or exclude suspects, hold perpetrators accountable, and exonerate the wrongfully convicted. If no investigation is conducted, the report simply remains a question mark, with no basis for a legitimate conclusion. We are against bias of any kind during the criminal justice process, and we believe that the position of Start by Believing is not different in any fundamental way from any other crime. Only the explicit statement is new, signaling that the old way of doing business is no more.



Donald O'Green,  
Wyoming County District Attorney, NY

This starting orientation also reflects the unique dynamics of sexual assault, and the growing recognition that trauma significantly impacts victim behavior and memory. Specifically, victim interviews are more likely to be successful when they are conducted with an expression of genuine empathy and an awareness that memories may not “make sense” at first. The process of piecing together a coherent recollection of sexual assault takes a great deal of time, patience, compassion, and support.

As documented in research conducted by Dr. Rebecca Campbell and colleagues, two elements must come together for a sexual assault case to have a chance for criminal prosecution. First, there has to be a thorough, evidence-based investigation. Second, the victim has to be willing and able to participate in the criminal justice process:

*Our interviews with both survivors and police revealed that victims can give more detailed statements to law enforcement, remember more*



*information, and can otherwise engage more fully with the investigation when they are not so traumatized and have adequate support.*<sup>16</sup>

This may be especially true for adolescent victims, because the support of responding professionals, as well as friends and family members, largely determines whether they will become engaged, and remain engaged, with the criminal justice system.<sup>17</sup>

When victims are approached from the perspective that they are lying, they will often be unable – or unwilling – to provide the type of information needed for law enforcement to successfully investigate the case. Even a “neutral” stance will often be insufficient to establish the trust and rapport victims need to share memories that are confusing, painful, or humiliating. The DOJ guidance thus illustrates how investigators might set the stage to ask victims difficult questions, for example about their drug or alcohol use:

*I know that this question is difficult to answer and I want you to know I am only asking you this question to get a clear picture of what you’ve experienced. I am very sorry about what has happened to you and I do not think that you are responsible for what happened. Any questions I may ask about alcohol or drug use by you or the offender I’m only asking to understand what happened.*<sup>18</sup>



*“Let your children know that we start by believing.” Lando Voyles, Pinal County Attorney, AZ*

## Existing Policy Guidance

None of these arguments are new. In fact, they have been reflected in policy and training materials for decades. To illustrate, the [Sexual Assault Response Policy and Training Content Guidelines](#) published by the International Association of Chiefs of Police states that, “No officer or investigator should ever assume that a complaint is false,” and that officers should begin by expressing “sympathy and an interest in the victim’s well-being” as well as supplying victims with contact information for resources such as victim advocacy. The interview should then proceed by asking victims “what they are able to report or remember about their experience,” including how they



*Chief John King, Provo Police Department, UT*

<sup>16</sup> Campbell, R., Bybee, D., Ford, J.K., & Patterson, D. (2009). *Systems change analysis of SANE programs: Identifying the mediating mechanisms of criminal justice system impact*. Washington, DC: US Department of Justice, National Institute of Justice (NCJ 226498) (p. 121).

<sup>17</sup> Campbell, R., Greeson, M., Bybee, Deborah, I., Kennedy, A., & Patterson, D. (2011). *Adolescent sexual assault victims’ experiences with SANE–SARTs and the criminal justice system*. Washington, DC: US Department of Justice, National Institute of Justice (NCJ 23446).

<sup>18</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 14.

“felt during the incident.”<sup>19</sup> These are standard interviewing practices for law enforcement, but they clearly operate from a starting presumption that the report has merit. Officers are not advised to express sympathy *only after the report has been corroborated*, or to ask victims what they remember experiencing, *if the incident really happened*. In other words, national policy guidance implicitly states that officers should Start by Believing.

This presumption is even more explicit in the DOJ guidance. When it was released in 2015, US Attorney General Loretta Lynch stated that the guidance is designed to “help state, local, and tribal authorities more fairly and effectively address allegations of domestic violence and sexual assault.”<sup>20</sup> The guidance itself then explains:

*Explicit and implicit biases, including stereotypes about gender roles, sexual assault, and domestic violence, are embedded in our culture and can affect people in all different professions. With respect to policing, these biases may affect law enforcement officers’ perceptions of sexual assault and domestic violence incidents and prevent them from effectively handling allegations of these crimes.*<sup>21</sup>

The guidance goes on to describe specific practices that could constitute bias:

*Gender bias, whether explicit or implicit, conscious or unconscious, may include police officers misclassifying or underreporting sexual assault or domestic violence cases, or inappropriately concluding that sexual assault cases are unfounded; failing to test sexual assault kits; [and] interrogating rather than interviewing victims and witnesses.*

*In the sexual assault and domestic violence context, if gender bias influences the initial response to, or investigation of the alleged crime, it may compromise law enforcement’s ability to ascertain the facts, determine whether the incident is a crime, and develop a case that supports effective prosecution and holds the perpetrator accountable.*<sup>22</sup>



Travis County Sheriff's Office, TX

<sup>19</sup> International Association of Chiefs of Police (2015). [Sexual Assault Response Policy and Training Content Guidelines](#). (p. 6, p. 25, p. 25).

<sup>20</sup> Comments by Attorney General Loretta E. Lynch in a press release issued by the US Department of Justice, Office of Public Affairs on Tuesday, December 15, 2015, entitled: *Justice Department Issues Guidance on Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*.

<sup>21</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 7.

<sup>22</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 3.

Case examples are then provided to illustrate how this might play out in reality:

*A woman who has been known to engage in prostitution flags down a police officer who frequently patrols her neighborhood. She reports to the officer that she was just raped. The police officer on duty writes down her statement, but, when he returns to the police station, he immediately classifies the complaint as ‘unfounded,’ and takes no further action, because of the woman’s sexual and criminal history.<sup>23</sup>*

*A tall man, in good physical condition and with no visible injuries, goes to the local police precinct and reports that his boyfriend, with whom he lives, has been sending him threatening text and voice messages over the past several weeks, and that, the night before, his boyfriend had assaulted him. The responding officer looks at the man skeptically and tells him that he’s not sure that he can take a report based on the situation. The officer tells the man to think carefully about whether he has a crime to report and to come back another day if he still believes he needs assistance.<sup>24</sup>*

Eliminating gender bias is central to increasing reporting rates, holding more offenders accountable, and preventing additional crimes. The bulk of the DOJ guidance thus translates this principle into law enforcement practices such as the following:

*Officers should not make statements or engage in acts that indicate to the victim that they doubt the victim’s credibility, or that otherwise exhibit any bias towards the victim based on gender.*

*Such statements and judgements could include: stereotyped assumptions about the truth of a reported assault (e.g., that women are likely to report “regretted sex” as rape, that transgender women and men are unlikely to be raped, that people engaged in prostitution cannot be raped, or that certain ethnicities or races are more “promiscuous”); automatically believing the alleged assailant’s claim that the sex was consensual; or subtly, or even blatantly, causing the victim to recant the allegation of sexual assault by blaming the victim for being assaulted or for making unwise or dangerous choices.<sup>25</sup>*

In other words, to avoid expressing gender bias during the course of a sexual assault investigation, law enforcement officers and investigators should Start by Believing.

<sup>23</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 11.

<sup>24</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 10.

<sup>25</sup> US Department of Justice (2015), *Identifying and Preventing Gender Bias*, p. 14.

*I am a law enforcement officer and had the opportunity to attend the EVAWI conference in April. I saw the 'Start by Believing' campaign and got a bracelet. A week after returning from the conference I was assigned a sexual assault case that from the beginning the responding officer didn't believe. I looked at my bracelet and decided I was going to 'Start by Believing.' During my interview with the victim every time there were things that were strange or didn't make sense I would look at my bracelet and BELIEVE! I obtained an indictment on the offender and the case is awaiting trial. I 'Start by Believing!!'*

*Police Investigator*

## Not Necessarily "I Believe You"

The intention of the campaign is to encourage individuals to start from an orientation of believing, but this does not necessarily mean saying the exact words, "I believe you." For criminal justice professionals, it could simply mean using phrases like, "I'm sorry this happened to you." The important issue is not the exact words that are used, but the fact that victims are treated with compassion and respect, and their reports are handled professionally and fairly – instead of communicating the message (either explicitly or implicitly) that they are not believed and their report will not be taken seriously.



*Southern Utah University Police*

This is a commonsense argument, but it is also supported with research. In a 2011 study, Dr. Debra Patterson demonstrated that the way law enforcement investigators interview victims can have an impact – not only on the way victims feel – but also on the quality of information gained, and even the likelihood of prosecution. Based on in-depth interviews with 20 female sexual assault victims, analysis revealed that cases were more likely to be prosecuted when the detective took time to build rapport with the victim, making sure she felt safe in the interview and then asking questions at a pace that was comfortable for the victim and responsive to her distress.<sup>26</sup>

In fact, many of the women in the study whose cases were prosecuted described the style of questioning by detectives "as gentle by encouraging them to 'tell more,' instead of 'demanding' answers."<sup>27</sup> Victims also described positive reactions to the feeling that they were believed by the detective interviewing them, either because the detective

<sup>26</sup> While this study was conducted with only female victims, it is reasonable to believe that the conclusions would also apply for male victims as well. The question remains for future research.

<sup>27</sup> Patterson, D. (2011). The impact of detectives' manner of questioning on rape victims' disclosure. *Violence Against Women*, 17 (11), 1349–1373 (p. 1358).

explicitly said so or because it was clear from the level of investigative effort being expended. As one victim described:

*The detectives, they believed me; they never said, I believe you. But just their work ethic and how they handled themselves and how they talked to me and treated me is you can tell ... they just made me feel so good and that I was doing the right thing, and I mean to me there was no doubt that they ever thought for a minute that I was lying, never for a minute.<sup>28</sup>*

## Medical Forensic Examiners

This leads to the separate but related question of whether Start by Believing is an appropriate message for health care providers, particularly those who conduct medical forensic examinations. Not only is the message equally appropriate for these



*Mercy Medical Center Forensic Nurses,  
Baltimore, MD*

professionals, it is the way they do business in every patient encounter. When a patient tells her doctor that her stomach hurts, the doctor will begin from that assumption – while remaining open to alternative possibilities. Similarly, when a patient says he was sexually assaulted, treatment and services will begin from that starting presumption. In fact, it is not the role of a health care provider to make a determination

regarding whether or not a patient has been sexually assaulted. That is a legal question. The health care provider's role is simply to provide testing, treatment and services, which can include forensic evidence collection when requested. If the health care provider is later called to testify in court, their conclusion will simply be to determine whether that evidence is or is not “consistent” or “congruent” with the history given by the patient.

## Focus on the “Bigger Picture”

Before concluding, it is worth returning to the bigger picture, to understand concerns relating to the possibility that an officer, investigator or prosecutor may be challenged in court based on their participation in a Start by Believing campaign.

It is important to remember that just because this allegation is made does not mean it is true. It is not sufficient to simply offer a sweeping statement that someone is biased because they participated in a Start by Believing Campaign. Can the claim be supported with any actual evidence of concrete steps that were taken – or not taken – as a result? Were there specific leads that an officer failed to pursue? Was a potential witness not interviewed? Was an evidence sample not collected? Was a particular piece of

<sup>28</sup> Patterson, D. (2011). The impact of detectives' manner of questioning on rape victims' disclosure. *Violence Against Women*, 17 (11), 1349–1373 (p. 1360).

information or evidence ignored by the investigator, or withheld from the defense by a prosecutor? The response to any such claim of bias will involve demonstrating that the investigation or prosecution was conducted following best practices. Police and prosecutors should stand their ground, explaining the procedures followed during the investigation and prosecution, and showing how these reflect their professional obligations and ethics.

## Rising to the Challenge

Allegations of bias are not new, and they are not unique to this campaign. Investigators and prosecutors have long had to defend against claims of bias, even for actions as benign as saying to a sexual assault victim: “I’m sorry this happened to you.” Just as we have learned how to explain the rationale for such simple expressions of human compassion, so too can we explain this campaign so jurors can understand it.

We believe that police and prosecutors do not need to “throw up their hands,” just because a defense attorney raises a challenge based on the Start by Believing Campaign, or any other aspect of a sexual assault investigation or prosecution. That is their job, and in fact their ethical responsibility. It does not mean they will win the argument. In fact, we believe this is a debate worth having, because people can take different stands on this campaign, while working toward the same goal of improving our responses to sexual assault.



Chief John Mino,  
Orlando Police Department, FL

This is why we continue to work to provide criminal justice professionals with the strategies and tools they need to defend against such challenges of bias. This training bulletin, as well as others listed at the end of this bulletin, are intended to provide language and arguments that can be used to outline the purpose of the campaign and explain the rationale for criminal justice participation.

## Creating Real Change

We also need to remember that this concern pertains to the tiny fraction of sexual assault cases that actually make it to trial. The purpose of this campaign is to open the doors for the vast majority of sexual assault victims who are too afraid to report the crime and participate in the criminal justice process. They know the defense attacks they face might delve into the deepest and darkest corners of their lives, potentially revealing some of their most intimate, painful, and humiliating experiences. Start by Believing is for them.

Victims of sexual assault have long feared that their report will be viewed with suspicion and they will be treated as liars. Those fears are unfortunately very well grounded. All too often the responses of professionals and the public have been based on common

myths and misconceptions, rather than the realistic dynamics of sexual assault. All too often victims have been interrogated rather than interviewed. It is time to do things differently. As the old saying goes, “You have to see it to believe it.” Yet the opposite can also be true. When it comes to sexual assault, “You have to believe it to see it.”

## Want to Learn More?

For more information, please visit the [Start by Believing website](#). Of particular relevance are the [Frequently Asked Question](#) page and the [Resources](#) page. We also offer several training bulletins, both on [EVAWI's website](#) and the [Start by Believing website](#).

## Start by Believing to Improve Response to Sexual Assault & Prevent Gender Bias

In this [Training Bulletin](#), prosecution expert Herb Tanner delves into questions that have been raised with the philosophy of Start by Believing, and other victim-centered and trauma-informed approaches. In particular, he addresses one specific manner of attack: Defense cross-examination aimed at exposing the law enforcement investigation of a sexual assault as biased.

## Interviews with Victims vs. Suspects: Start by Believing and the Question of Bias

In this [Training Bulletin](#), we document examples of this historical bias and examine a few measures that have been taken to help ameliorate it. In particular, we focus on the Start by Believing philosophy and examine its relevance for victim and suspect interviews. Our goal is to inform criminal justice professionals and others about what this philosophy does – and does not – say about how to approach sexual assault cases, including interviews with victims, suspects, and witnesses. Ultimately, we emphasize that Start by Believing is an approach to conducting thorough, professional, and unbiased investigations.

## Improving Responses to Sexual Assault Disclosures

In this [Training Bulletin](#), we review the research literature on sexual assault disclosures and the responses survivors receive from both informal and formal support providers. We also examine public awareness campaigns designed to prevent sexual assault and improve responses to survivors. This includes outlining the rationale for our Start by Believing campaign and describing preliminary evidence for its positive impact. The ultimate goal is to improve responses to sexual assault victims around the world.

## The Investigating Officer's Direct Exam

In this [Training Bulletin](#), Prosecution Expert Herb Tanner begins with the basics of direct examination, examining the function of the basic direct in a sexual assault trial. Following that, he goes beyond the basic direct to explore how the investigating officer's trauma-informed investigation lends weight to the victim's testimony. Building on the first two parts, he the discusses the strategy of offering the investigating officer's testimony

as an expert witness. Finally, he explores the possibility of how robust an investigation can be when it is free, root and branch, from gender bias.

## References

Ahrens, C. (2006). Being silenced: The impact of negative social reactions on the disclosure of rape. *American Journal of Community Psychology, 38*, 263–274.

Amnesty International (2007). [Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA](#). New York: Amnesty International.

Burt, M.R. (1980). Cultural myth and supports for rape. *Journal of Personality and Social Psychology, 38*, 217–230.

Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims, 16*, 287–302.

Campbell, R., Bybee, D., Ford, J.K., & Patterson, D. (2009). *Systems change analysis of SANE programs: Identifying the mediating mechanisms of criminal justice system impact*. Washington, DC: US Department of Justice, National Institute of Justice (NCJ 226498).

Campbell, R., Greeson, M., Bybee, Deborah, I., Kennedy, A., & Patterson, D. (2011). *Adolescent sexual assault victims' experiences with SANE–SARTs and the criminal justice system*. Washington, DC: US Department of Justice, National Institute of Justice (NCJ 23446).

Campbell, R. & Raja, S. (2005). The sexual assault and secondary victimization of female veterans: Help-seeking experiences with military and civilian service systems. *Psychology of Women Quarterly, 29*, 97–106.

Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical, and mental health systems. *American Psychologist, 68*, 702–717.

Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims, 20*, 55–68.

Dissell, R. (2009, November 16). [Cleveland woman says she fought, fled Anthony Sowell in 2008 attack but authorities didn't believe her](#). *The Plain Dealer*, Cleveland, OH.

Forbes, G.B., Adams–Curtis, L.E., & White, K.B. (2004). First- and second-generation measures of sexism, rape myths and related beliefs, and hostility toward women. *Violence Against Women, 10* (3), 236–261.



Frazier, P., Candell, S., Arikian, N., & Tofteland, A. (1994). Rape survivors and the legal system. In M. Costanzo and S. Oskamp (Eds.), *Violence and the Law (Chapter 6, pp. 135–158)*. Newbury Park, CA: Sage.

Gerger, H., Kley, H., Bohner, G., Siebler, F. (2007). The acceptance of modern myths about sexual aggression scale: Development and validation in German and English. *Aggressive Behavior, 33*, 422–440.

Gove, T.G. (2011). Implicit bias and law enforcement. *The Police Chief, 78 (10)*, 44–56.

Greeson, M.R., Campbell, R., & Fehler–Cabral, G. (2016). ‘Nobody deserves this:’ Adolescent sexual assault victims’ perceptions of disbelief and victim blame from police. *Journal of Community Psychology, 44 (1)*, 90–110.

Human Rights Watch (2013). [Capitol Offense: Police Mishandling of Sexual Assault Cases in the District of Columbia](#). New York, NY: Human Rights Watch.

Human Rights Watch (2010). [“I Used to Think the Law Would Protect Me:” Illinois’ Failure to Test Rape Kits](#). New York, NY: Human Rights Watch.

Human Rights Watch (2009). [Testing Justice: The Rape Kit Backlog in Los Angeles City and County](#). New York, NY: Human Rights Watch.

International Association of Chiefs of Police (2015). [Sexual Assault Response Policy and Training Content Guidelines](#). (p. 6, p. 25, p. 25).

Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.E. (1992). *Rape in America: A report to the nation*. Arlington, VA: National Crime Victims Center.

Krakauer, J.R. (2015). *Missoula: Rape and the Justice System in a College Town*. New York: Doubleday.

Lonsway, K.A. & Archambault, J. (2012). The ‘justice gap’ for sexual assault cases: Future directions for research and reform. *Violence Against Women, 18 (2)*, 145–168.

Lonsway, K.A., & Fitzgerald, L.F. (1994). Rape myths: In review. *Psychology of Women Quarterly, 18*, 133–164.

Mason, G.E., Ullman, S., Long, S.E., Long, L., & Starzynski, L. (2009). Social support and risk of sexual assault revictimization. *Journal of Community Psychology, 37 (1)*, 58–72.

Nickerson, R.S. (1998). Confirmation bias: A ubiquitous phenomenon in many guises. *Review of General Psychology, 2 (2)*, 175–220.

Patterson, D. (2011). The impact of detectives’ manner of questioning on rape victims’ disclosure. *Violence Against Women, 17(11)*, 1349–1373.

Payne, D.L., Lonsway, K.A., & Fitzgerald, L.F. (1999). Rape myth acceptance: Exploration of its structure and its measurement using the Illinois Rape Myth Acceptance Scale. *Journal of Research in Personality*, 33, 27–68.

Reilly, S. (2015, July 16). [Tens of thousands of rape kits go untested across USA: Exclusive nationwide count by USA Today reveals abandoned rape evidence.](#) *USA Today*.

Senate Judiciary Committee (2010). [Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases.](#) Subcommittee on Crime and Drugs, September 14, 2010.

Spohn, C., Rodriguez, N. & Koss, M. (2008, November). *The ‘Victim Declined to Prosecute’: Accounting for Lack of Cooperation in Sexual Assault Cases.* Paper presented at the annual meeting of the American Society of Criminology, St. Louis, MO.

Stevick, E. & Hefley, D. (2011, November 4). [Rape wasn't a lie Lynnwood Police now say.](#) Everett, WA: *The Herald*.

Tellis, K.M. & Spohn, C. (2008). The sexual stratification hypothesis revisited: Testing assumptions about simple versus aggravate rape. *Journal of Criminal Justice*, 36, 252–261.

Ullman, S.E. (2010). *Talking About Sexual Assault: Society's Response to Survivors.* Washington, DC: American Psychological Association.

US Department of Justice (2015). *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.*

Walters, J., (2012, December 15). [Sara Reedy, the rape victim accused of lying and jailed by US police, wins \\$1.5m payout.](#) New York: *The Guardian*.