



End Violence Against Women International  
(EVAWI)

# A Brief History of EVAWI and Start by Believing

## And Other Victim-Centered, Trauma-Informed Approaches

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## Introduction

### End Violence Against Women International (EVAWI)

EVAWI's mission is to inspire and educate those who respond to gender-based violence, equipping them with the knowledge and tools they need to support victims and hold perpetrators accountable. Since EVAWI was founded in 2003,<sup>1</sup> we have provided training and technical assistance to tens of thousands of professionals around the world. EVAWI also prepares in-depth materials to support professionals in their training and reforms.

Our organization champions multi-faceted, cross-disciplinary training for professionals in the criminal justice system and allied fields, including: law enforcement, prosecutors, judges, corrections personnel, victim advocates, health care providers, and employees from a wide range of governmental agencies, faith-based organizations, social services, and higher education. In addition, EVAWI promotes multidisciplinary collaboration, to strengthen criminal justice and community responses, making our communities safer.

### Start by Believing

In 2011, EVAWI launched “Start by Believing,” a public awareness and action campaign designed to increase awareness of sexual assault and improve societal responses to victim disclosures. Drawing from the psychological literature on attitude formation and behavioral change, the campaign is designed to narrowly target a single behavior among professionals and the public: Responding to a disclosure of sexual assault victimization with an initial orientation of belief, rather than doubt, blame, or shame.

The inspiration for the campaign was based on research and professional experiences showing that – unlike other crimes – disclosures of sexual assault victimization are generally seen as “false until proven true,” and victims are viewed with skepticism until they can prove they are “legitimate” victims and their experience counts as “real rape.”

Communities and agencies that embrace the Start by Believing philosophy can use a variety of EVAWI-created materials to develop their own campaigns and local initiatives. This includes a national slideshow and a research-based presentation to provide background, and Start by Believing posters, postcards, bookmarks, brochures, and other campaign materials. Agencies can also use EVAWI's substantive training and technical assistance materials to guide reforms in policies, procedures, and protocols.

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<sup>1</sup> Joanne Archambault founded End Violence Against Women International (EVAWI) in 2003, upon retiring from the San Diego Police Department (SDPD) after almost 23 years in law enforcement. During her last 10 years with SDPD, she supervised the Sex Crimes Unit which had 13 detectives and was responsible for investigating approximately 1,000 felony sexual assaults each year. Throughout her career, she observed a critical need for training law enforcement in how to properly investigate sexual assault and domestic violence. Resources were available for professionals in health care, victim advocacy, and social services, but not for criminal justice practitioners who desperately needed training and support to improve their investigation and prosecution of these crimes – where the facts and evidence warrant.



The purpose of this document is to explain the need for Start by Believing and other victim-centered and trauma-informed approaches, based on the barriers sexual assault victims have long faced when they disclose to loved ones and when they report the crime or reach out for services. These problems have constituted large-scale failures, and therefore the efforts to fix them have also been on a national scale. We turn our attention next to the research documenting these failures, and the movement to reform our systems to become victim-centered and trauma-informed. Start by Believing is best understood within the historical and cultural context of these larger movements.

## Research Basis for Start by Believing

Based on decades of research, there is no question that sexual violence is pervasive,<sup>2</sup> and it is devastating to victims, their loved ones, and the community at large.<sup>3</sup> Yet most sexual assault victims do not report the crime or seek services. Research suggests that only 5-20% of victims report their sexual assault to law enforcement,<sup>4</sup> and less than half seek medical care or obtain a medical forensic exam.<sup>5</sup> Estimates range from 16% to 60% for the percentage who use mental health services; this varies significantly across racial/ethnic groups and other populations and communities.<sup>6</sup> When victims do reach out or report the crime, it is often after a delay of days, weeks, months, or even years.<sup>7</sup>

## Reducing Barriers

There are many reasons victims do not report sexual assault to law enforcement, or do so only after a delay. The National Violence Against Women Survey (NVAWS) asked a sample of female rape victims who did not report the crime to police to explain why not, and their answers were primarily related to the fear of how others will respond:

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<sup>2</sup> Three, large-scale national research studies have sought to determine the incidence, prevalence, and characteristics of sexual assault: The National Intimate Partner and Sexual Violence Survey (NISVS), the National Violence Against Women Survey (NVAWS), and the National Women's Study (NWS), also known as the Rape in America Study. Together, the findings converge on the conclusion that sexual assault is very common, with approximately 13-18% of adult women and 1-3% of adult men in the U.S victimized during their lifetime. However, the definition of sexual assault varied across these three studies. The NISVS defined rape as including completed forced penetration, attempted forced penetration, and completed alcohol/drug facilitated penetration (Black et al., 2011). Both the NWS and the NVAWS included only forcible rape, involving sexual penetration, lack of consent, and the use or threat of force (Kilpatrick, Edmunds, & Seymour, 1992; Tjaden & Thoennes, 2000, 2006).

<sup>3</sup> Sexual assault victims suffer a variety of negative outcomes, including Post Traumatic Stress Disorder (PTSD), depression, drug and alcohol abuse, suicidal behavior, and chronic health problems (Kilpatrick & Acierno, 2003; Koss, Bailey, Yuan, Herrera, & Lichter, 2003; for review, see Campbell, 2008).

<sup>4</sup> Fisher et al., 2000; Frazier et al., 1994; Kilpatrick et al., 1992; Kilpatrick et al., 2007; Tjaden & Thoennes, 2000

<sup>5</sup> Estimates range from 19-40% for the percentage of victims who seek medical care following their sexual assault (for review, see Campbell, 2008; also Kilpatrick et al., 2007; Zinzow et al., 2012). Of those who report their sexual assault to law enforcement, approximately half (44-55%) have a medical forensic examination (McEwan, 2011; Peterson et al., 2010).

<sup>6</sup> For a review of this research, please see Campbell (2008).

<sup>7</sup> In the National Women's Study, for example, only one-quarter of the sexual assault victims who reported the crime did so within 24 hours (Kilpatrick et al., 1992).



- Fear of perpetrator (22%)
- Too embarrassed / ashamed (18%)
- Do not view it as a crime (18%)
- Law enforcement will not do anything (13%)
- Fear police will not believe / or blame them (12%)<sup>8</sup>

Other studies support similar conclusions. For example, the National Study on Drug-Facilitated, Incapacitated, and Forcible Rape found that “major barriers to reporting” included: “not wanting others to know about the rape, fear of retaliation, perceptions of insufficient evidence, uncertainty about how to report, and uncertainty about whether a crime was committed or whether harm was intended.” At least one-third of the sexual assault victims in the study also feared mistreatment by the criminal justice system.<sup>9</sup>

Even if they do report their sexual assault to law enforcement, additional factors prevent many victims from remaining engaged with the investigative process. As many as one-third to one-half of all sexual assault victims withdraw their participation from the law enforcement investigation at some point – and this is especially likely when the victim and offender know each other.<sup>10</sup> Again, this is often because of how others respond:

*Too often and too accurately, victims delay or avoid reporting the crime because the perpetrator has convinced them that no one else will believe or care.<sup>11</sup>*

## Improving Responses

Research also documents that negative responses to a sexual assault disclosure can create an additional, measurable, and decidedly harmful effect on victims – over and above the trauma of the sexual assault itself.<sup>12</sup> This harm compounds as the number of negative reactions increases. Indeed, receiving a negative reaction to a sexual assault disclosure can be worse than no reaction at all, in terms of the impact on sexual assault victims. In other words, victims are better off telling no one at all about their sexual assault, than telling someone and receiving a negative reaction of doubt or blame.<sup>13</sup>

<sup>8</sup> The final report on the NVAWS was written by Black et al. (2011).

<sup>9</sup> This report was authored by Kilpatrick et al. (2007); the quotes appear on pages 2-3.

<sup>10</sup> Frazier et al., 1994; Spohn, Rodriguez, & Koss, 2008; Tellis & Spohn, 2008

<sup>11</sup> Garcia & Henderson, 2010, p. 4

<sup>12</sup> Negative social reactions have a detrimental impact on sexual assault victims, including increased psychological symptomology such as post-traumatic stress, delayed recovery, and poorer perceived health (Campbell, Ahrens et al., 2001; Filipas & Ullman, 2001; Ullman, 1999; Ullman & Filipas, 2001).

<sup>13</sup> What are these negative reactions? From informal support providers, this can include being blamed or patronized (Campbell, Ahrens et al., 2001). It can also include being doubted, stigmatized, or shamed. From formal support providers such as police, negative reactions can take the form of being discouraged from reporting or questioned about what they were wearing, their prior sexual history, or whether they “responded sexually” to the assault (for review, see Campbell, 2008). From health care providers, negative

Negative reactions can also decrease the likelihood that victims will report their sexual assault to law enforcement or access community services. This means that offenders remain unaccountable, victims are left with unresolved trauma, and law enforcement is unaware of the full range of sexual violence being perpetrated in their communities. This, in turn, impacts the safety of the public they are sworn to protect and serve.

Perhaps most important, it means that perpetrators are free to sexually assault again. And statistics show that they don't just attack once. Many re-offend, often multiple times.<sup>14</sup> It's a frightening equation: One failed response can mean many additional victims. Start by Believing was designed to reverse this cycle, by improving responses and helping victims overcome the many barriers to reporting and service utilization.

## Increasing Access

While most victims of sexual assault do not report the crime to law enforcement, or access community services, most *do* reach out informally for help from friends or family members.<sup>15</sup> When these individuals respond positively, by providing the victim with emotional support, information, and help with tangible needs, this can assist with victim recovery.<sup>16</sup> Two key elements of this response are *having someone to talk to* and *being believed*. Victims who are believed and encouraged to talk about their experiences – and who view these responses positively – have fewer physical and psychological symptoms than victims who do not receive such reactions or view them as negative.<sup>17</sup>

Friends and family members also play a critical role in determining whether victims will report their sexual assault crime or access community services.<sup>18</sup> In particular, social support networks have been described as the “bridge between survivors and the criminal justice system.”<sup>19</sup> Researchers have described how this process unfolds, based on the findings of one study of rape survivors who reported to police:

*Rape survivors contacted on average two to three informal (e.g., friend, family) or formal supports (e.g., hotline) before making a report. Their support people believed them, offered emotional support, validated their experience as rape,*

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reactions can include treatment that is experienced by victims as “cold, impersonal, and detached” (Campbell, 2008). At the prosecution stage, negative reactions can include being provided inadequate information or preparation and being forced to “go through a punishing process of reliving the assault and defending their characters” (Koss & Achilles, 2008; cited in Campbell, 2008, p. 704).

<sup>14</sup> For research on re-perpetration, please see Lisak and Miller (2002) and McWhorter et al. (2009).

<sup>15</sup> Estimates range from 58-94% for the percentage of sexual assault victims who disclose to informal support people such as friends and family members (Filipas & Ullman, 2001; Starzynski, Ullman, Filipas, & Townsend, 2005). However, the number of adolescent victims who reach out for help may be lower than for adults (Campbell et al., 2011).

<sup>16</sup> Campbell, Ahrens, Sefl, Wasco, & Barnes, 2001; Filipas and Ullman, 2001; Patterson, 2011; Ullman, 1996, 1999; Ullman & Filipas, 2001

<sup>17</sup> Campbell, Ahrens et al., 2001

<sup>18</sup> For review, please see Ullman (2010); also Feldman-Summers & Norris, 1984; Ruch et al., 2000.

<sup>19</sup> Patterson & Campbell, 2010, p. 202



*and encouraged them to report. In some cases, the support systems offered the survivors hope that they could seek justice through prosecution.*<sup>20</sup>

Once victims report to law enforcement, other doors open as well. Reporting victims are far more likely to receive medical care,<sup>21</sup> including a medical forensic examination. They may also have access to Crime Victim Compensation for financial losses resulting from the sexual assault. In fact, the very process of reporting may have a direct positive impact, by helping victims regain a sense of control and personal autonomy.<sup>22</sup> However, this is only likely if the process is seen as professional and compassionate.

Start by Believing was designed to encourage exactly this type of supportive response. By improving the response of both professionals and the public, our goal is to reduce barriers to reporting sexual assault and increase victim access to community services.

## Law Enforcement Responses

Yet Start by Believing is not just an awareness campaign for professionals and the public. It is also a philosophy to guide systemic reforms in the criminal justice and community response systems. An explicit goal is to improve law enforcement investigations and criminal prosecutions, where the facts and evidence warrant.

## Historic Failures

The need for systemic change is demonstrated by investigative journalists and non-profit research and advocacy organizations that have documented profound failures in the law enforcement response to sexual assault.<sup>23</sup> These failures have prompted the Civil Rights Division of the U.S. Department of Justice to conduct investigations into the policies and practices of individual police departments, in communities as diverse as New Orleans, Missoula, and Baltimore.<sup>24</sup> They have also been discussed by the U.S. Senate Judiciary Committee, in a Congressional hearing that bore the title, *Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases*.<sup>25</sup>

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<sup>20</sup> Patterson & Campbell, 2010, p. 197

<sup>21</sup> Rennison, 2002

<sup>22</sup> Garcia & Henderson, 1999

<sup>23</sup> Amnesty International, 2007; Dissell, 2009; Human Rights Watch, 2009, 2012, 2013; Krakauer, 2015; Police Executive Research Forum, 2012; Stevick & Hefley, 2011; Walters, 2012; Women's Law Project, 2013

<sup>24</sup> For more information, please see the website for the [Special Litigation Section of the U.S. Department of Justice, Civil Rights Division](#).

<sup>25</sup> Senate Judiciary Committee, 2010



Law enforcement inaction is even sparking litigation by sexual assault victims who contend that these failures constitute a form of institutional gender bias.<sup>26</sup>

These failures partly explain the very high rate of attrition for sexual assault cases in the U.S. criminal justice system. As previously noted, most sexual assaults are not reported to law enforcement. Yet even when they are, very few result in an investigation, prosecution, conviction, and incarceration of the perpetrator:

*Of 100 forcible rapes that are committed, approximately 5-20 will be reported, 0.4 to 5.4 will be prosecuted, and 0.2 to 5.2 will result in a conviction. Only 0.2 to 2.9 will yield a felony conviction. Then an estimated 0.2 to 2.8 will result in incarceration of the perpetrator, with 0.1 to 1.9 in prison and 0.1 to 0.9 in jail.*<sup>27</sup>

Beyond the numbers, failure is also reflected in the reactions of doubt, blame, and hostility that victims often face when they report their sexual assault or reach out for help. Often referred to as “secondary victimization” such mistreatment is experienced by up to half of sexual assault victims reporting the crime to law enforcement,<sup>28</sup> and it can have significant negative effects on the well-being of sexual assault victims.<sup>29</sup> Victims are often extremely distressed when professionals respond by doubting the legitimacy of their report, failing to take it seriously, and/or blaming them for “causing” the sexual assault. Such responses are associated with a higher level of post traumatic symptoms, and they are especially common in cases of non-stranger sexual assault – where the victim and suspect know each other to some degree.

## Evidence is Untested or Destroyed

Failure is also reflected in the travesty of evidence that remains untested or is destroyed. In July 2015, *USA Today* published the results of an “exclusive nationwide count,” which indicated that hundreds of thousands of sexual assault kits were being stored by law enforcement without ever being submitted for analysis.<sup>30</sup> This article capped off 16 years of media coverage, which grew as journalists revealed that city after city faced the same

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<sup>26</sup> See, for example, the class action lawsuit, *DeJenay Beckwith on her Own Behalf and Others Similarly Situated v. City of Houston, et al.*, which was filed on September 24, 2017, in the U.S. District Court for the Southern District of Texas, Houston Division. In that case, the plaintiff argued that the systematic failures of the City of Houston and the Houston Police Department to properly investigate sexual assault reports and test forensic evidence resulted in the perpetrator being free to sexually assault her when he could have been apprehended years earlier had they tested evidence from other rapes that would have identified him as the suspect. Plaintiffs argued that this failure constitutes a violation of the Texas and U.S. Constitutions as well as the laws of Texas. Although this case was dismissed at the district court level, the plaintiffs have appealed this dismissal and the case is pending in the U.S. Court of Appeals for the Fifth Circuit.

<sup>27</sup> Lonsway & Archambault, 2012, p. 157

<sup>28</sup> Patterson, 2010

<sup>29</sup> For a review, see Campbell et al. (1999) and Campbell et al. (2001)

<sup>30</sup> Reilly, 2015



problem. Cities like New York,<sup>31</sup> Los Angeles,<sup>32</sup> Detroit,<sup>33</sup> Houston,<sup>34</sup> Cleveland,<sup>35</sup> had thousands – if not tens of thousands – of kits that had not been submitted for testing. In Memphis, where the count totaled more than 12,000, victims filed a class action lawsuit in 2014.<sup>36</sup>

In the eyes of the public, each kit was a missed opportunity for justice – another survivor failed by the system, another rapist free to re-perpetrate. Then on November 29, 2018, CNN released a stunning series revealing how law enforcement agencies have often destroyed evidence before the statute of limitations expired or there was no time limit to prosecute.<sup>37</sup> In many cases, the investigations were “flawed and incomplete.” Yet now, “the evidence is gone. It can never be used to lock up a rapist or set free the wrongfully convicted” (*Destroyed*, 2018)

When victims of sexual assault are not believed – based on stereotypic assumptions, doubts, and other misconceptions – their reports are too easily dismissed without ever being investigated or testing the available evidence. The larger and more complex problem is therefore not untested or even destroyed evidence; it is the failure to thoroughly investigate and prosecute sexual assault cases reported every day.

## Unwarranted Skepticism

Part of the problem is that law enforcement officers have typically received very limited training in how to investigate sexual assault cases and interview victims.<sup>38</sup> Even for specialized sex crimes investigators, the amount and quality of training varies, with about half receiving no specialized training at all.<sup>39</sup> This is true despite the fact that sexual assault cases are among the most difficult for law enforcement to investigate.

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<sup>31</sup> Bashford, 2012

<sup>32</sup> Human Rights Watch, 2009

<sup>33</sup> Campbell et al., 2015

<sup>34</sup> Ritter, 2016

<sup>35</sup> Dissell, 2016

<sup>36</sup> Broders, 2017

<sup>37</sup> To reach their conclusions, “CNN examined thousands of records from sources that included federal and local law enforcement agencies, courts and The National Registry of Exonerations. In addition, reporters interviewed and consulted more than 50 experts in policing, law, forensic science and trauma. The goal was to determine whether rape kits were improperly destroyed, where and why.” *Destroyed*, by Ashley Fantz, Sergio Hernandez & Sonam Vashi for *CNN Investigates*, November 29, 2018. See also: [How CNN reported on rape kit destruction](#), by Sergio Hernandez, Sonam Vashi & Ashley Fantz for *CNN Investigates*, November 29, 2018.

<sup>38</sup> In one study sponsored by the National Institute of Justice (NIJ), a sample of specialized sex crimes detectives reported that the amount of time spent on this topic during basic academy training was “negligible” (Schwartz, 2010, p. 11). Once on the department, officers remain unlikely to get more than an hour or two of additional training on this topic, if any (Kinney et al., 2007; Lord & Rassel, 2000). Moreover, the training they do receive tends to be “mechanical” in nature, focused on issues such as “which forms to fill out, departmental filing systems, the nature of the state law, when to make an arrest under department policy, preparing a case for the prosecutor, etc. (Schwartz, 2010, p. 12).

<sup>39</sup> Schwartz, 2010

Yet beyond a lack of training, this problem is also caused by the fundamental skepticism that police and the public have toward sexual assault victims and their reports. This attitude was clearly documented in an investigation conducted by the U.S. Department of Justice (DOJ), Civil Rights Division, into the policies and practices of the New Orleans Police Department (NOPD). In that report, DOJ investigators concluded that NOPD's response and investigation of many sexual assault reports "clearly reflected a focus on and effort to, from the outset, 'prove an allegation is false.'"<sup>40</sup>

Similarly, the DOJ investigation of the Baltimore City Police Department (BPD) concluded that BPD detectives had an "undue skepticism" of sexual assault reports. In interviews, detectives "asked questions suggesting that they discredit the reports of victims who delayed in reporting the assault to the police," and interrogated women about their motives for reporting ("Why are you messing that guy's life up?").<sup>41</sup> DOJ's report also cited an email exchange between a BPD officer and prosecutor that "openly expressed their contempt for and disbelief of a woman who reported a sexual assault:"

*The prosecutor wrote that 'this case is crazy. . . I am not excited about charging it. This victim seems like a conniving little whore. (pardon my language).'; the BPD officer replied, 'Lmao! I feel the same.'*<sup>42</sup>

## Negative Beliefs and Stereotypes

These attitudes are not confined to law enforcement agencies being investigated by the U.S. Department of Justice. In Detroit, research funded by the National Institute of Justice (NIJ), documented how "negative beliefs and stereotypes about victims... adversely affected the quality of the investigation, and therefore SAK [sexual assault kit] submission."<sup>43</sup> One of these negative beliefs is the assumption that anyone reporting a sexual assault is actually engaged in prostitution/sex work. This is reflected in "frequent references to 'deals gone bad.'"<sup>44</sup> An excerpt from a patrol report illustrates this point:

*I THINK SOMETHING HAPPENED TO THE COMPL [COMPLAINANT], HOWEVER, WHETHER SHE WAS RAPED, OR IF THE DEAL WENT BAD IS YET TO BE KNOWN ... THIS CASE SHOULD BE CLOSED IF SHE DOESN'T MAKE ANY CONTACT W/US. SHE DID HAVE SCRATCHES ON HER NECK AND THROAT AREA ...*<sup>45</sup>

<sup>40</sup> U.S. Department of Justice, Civil Rights Division, Investigation of the New Orleans Police Department, 2011, p. 46

<sup>41</sup> U.S. Department of Justice, Civil Rights Division, Investigation of the Baltimore City Police Department, 2016, p. 122

<sup>42</sup> U.S. Department of Justice, Civil Rights Division, Investigation of the Baltimore City Police Department, 2016, p. 122

<sup>43</sup> Campbell et al., 2015, p. 109

<sup>44</sup> Campbell et al., 2015, p. 109

<sup>45</sup> Campbell et al., 2015, p. 112



Another common stereotype is that adolescents fabricate reports of rape to cover up for their own “bad” behavior. Again, an excerpted report illustrates this point:

*REC CASE, COMPL AND HER MOTHER CAME TO SEX CRIMES. COMPL GAVE A FALSE STATEMENT ABOUT BEING RAPED, SHE SAYS SHE WAS ABDUCTED BY TWO BLACK MALES THEN TAKEN TO A VACAT BURNED OUT DWELLING AND THEN WAS FORCED TO LYE DOWN AND SEXUALLY ASSAULTED. THE COMPL WHILE AT SEX CRIMES, NEVER HAD CHANGED HER CLOTHES. HER CLOTHES WERE VERY CLEAN FOR BEING IN A BURNED OUT DWELLING LAYING DOWN. THE COMPL ALSO SAYS SHE WAS TIED UP AFTER THE RAPE BUT SET HERSELF FREE AFTER PERPS LEFT. COMPL HAS NO ROPE MARKS ON HER WRISTS. COMPL WAS SUPPOSED TO BE HOME AT 7:00P BUT DIDN'T ARRIVE UNTIL 8:30P. THIC CASE IS CLOSED MI/UTEEC<sup>46</sup>*

Although the case was closed based on the conclusion that they were “unable to establish the elements of the crime” (UTEEC), there appeared to be no attempt to conduct an investigation which would include identifying the crime scene(s), possible suspects, and potential witnesses.

Reports with a known suspect were a third common source of skepticism. In interviews, one investigator expressed the common sentiment that it is “impossible to prove lack of consent,” and another questioned whether such reports were simply about regret:

*I don't have time to deal with ... wake-up and regret. You did what you did. That's that. It's not a crime and don't take up our time with it.<sup>47</sup>*

This type of attitude may explain why victims of non-stranger sexual assault experience higher rates of secondary victimization, as reflected in more post traumatic symptoms.<sup>48</sup>

## Prosecution for Filing a “False Report”

Yet one of the most egregious examples of a failed law enforcement response is when sexual assault victims are arrested for filing a false report or obstruction of justice. The following cases offer compelling examples of what can happen when law enforcement starts with an attitude of skepticism and doubt as opposed to an orientation of belief:

The case of 18-year old “Marie” [not her real name], took place in Lynnwood, Washington and was meticulously documented in a Pulitzer Prize-winning article written by T. Christian Miller and Ken Armstrong, called *An Unbelievable Story of Rape*.<sup>49</sup> In August 2008, an intruder entered Marie’s house, tied her wrists with her own shoelaces, gagged her with her own underpants, held a knife to her throat, and raped her. Afterward, the rapist took photos

<sup>46</sup> Campbell et al., 2015, p. 114

<sup>47</sup> Campbell et al., 2015, p. 115

<sup>48</sup> Campbell et al., 1999; Campbell et al., 2001

<sup>49</sup> [Miller & Armstrong, 2015](#)



of her bound and gagged with her learner's permit on her chest. Despite evidence of abrasions to her wrists and vagina, and scuff-marks on her patio fence, the case detectives believed she was lying and ultimately charged her with filing a false report. After relentless interrogation by the detectives, Marie gave up and wrote a statement indicating that she made up the story, yet once she returned home, she contacted the police to rescind her "recantation." Nonetheless, she was subsequently prosecuted and agreed to a plea deal where she was fined \$500, sent to counseling for lying, and placed on supervised probation. Two years later, in 2010, a man named Marc O'Leary was arrested in Colorado for a series of rapes, and the photo of Marie was found on his computer. In 2011, O'Leary was convicted of 28 counts of rape and other associated felonies, and is now serving a 327 ½ year prison sentence, the longest allowable in Colorado.

In July 2004, 19-year Sara Reedy was working at a convenience store, where she was robbed and sexually assaulted at gunpoint. After the assault, she ran to a neighboring business, and an employee called 911. Reedy had a medical forensic examination, but the doctor, responding officers, and detective all believed she was lying. The detective never investigated Reedy's sexual assault and robbery, even when he was assigned another case with a very similar fact pattern three months later. In fact, the two assaults were the only two rapes reported in the jurisdiction that year. Instead, Reedy was prosecuted for theft, receipt of stolen property, and filing a false report. She spent five days in jail, despite being five months pregnant at the time. If the evidence from her exam had been analyzed, it might have identified the perpetrator before he went on to sexually assault numerous other women. Months later, Wilbur Cyrus Brown was arrested when he attacked another convenience store clerk, tying her up, dousing her with lighter fluid, and threatening to set her on fire before police arrived. After his arrest, Brown confessed to 11 attacks across the state, including Reedy's. Only then were the charges against Reedy dropped.<sup>50</sup>

In September 1997, a woman named Patty – who is legally blind – was awakened by a stranger, and raped and sodomized at knifepoint. A forensic examiner documented two lacerations on Patty's left cheek, one on her neck, and another on her finger that required stitches. Also documented was a bruise on Patty's thigh and an abrasion on her anus. Later when Patty was brushing her hair, a clump fell out, and Patty remembered that the rapist had grabbed her head and pulled it down toward his groin during the sexual assault. Patty reported the crime to law enforcement, and it was clear from the outset that the detective assigned to her case did not believe her. She was subjected to a grueling interrogation, where she was provided false information and she eventually "confessed" to filing a false report. Patty's criminal defense attorney requested that the untested evidence from the sexual assault case be submitted to the state crime laboratory for analysis. When the results came back with a foreign DNA profile from biological material found on her bedsheet, the charge against Patty was dropped. Incredulously, her report of sexual assault was still not investigated. Finally, in 2001 – almost four years after the rape – the DNA profile obtained from the sheet matched to that of a convicted sex

<sup>50</sup> Lancaster Online, 2007; Senate Judiciary Committee, 2010



offender named Joseph Bong, who was subsequently convicted and sentenced to 50 years imprisonment.<sup>51</sup>

Again, the root of the problem is the fundamental attitude of skepticism that sexual assault victims often face – a skepticism that is not equivalent to other types of crime. Although victims may not be truthful about specific aspects of the sexual assault, obscure facts and circumstances, or fail to disclose all the details of events before, during, and after the sexual assault, this is not necessarily evidence that the report itself is false. From a Start by Believing orientation, all reports of sexual assault should initially be approached from the position that they have merit – and then thorough, professional and evidence-based investigations should be undertaken to make final case determinations. Start by Believing does not mean that investigators also Start by Believing that any individual is guilty of a crime before completing their investigation.

## Approaches to Reform

### “Victim-Centered” Approach

None of these problems are new, nor are they totally unique to sexual assault. In the field of human trafficking, professionals have sought to address similar challenges by creating a “victim-centered” approach to criminal investigations and prosecutions. There are many definitions for the term; this one is from the U.S. Department of Justice, [Office for Victims of Crime, Training and Technical Assistance Center \(OVC TTAC\)](#):

*This approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.*

*A victim-centered approach seeks to minimize traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.*

In their definition of a victim-centered approach, the [U.S. Department of Homeland Security](#) emphasizes the implications for a criminal justice *investigation and prosecution*, again in reference to human trafficking cases:

*A victim-centered approach to investigation and prosecution is essential to accomplishing our law enforcement mission. Victims who can tell their story and testify as a witness are key to successful human trafficking investigations and prosecutions. When encountering a potential victim, it is important to remember that victims may not be comfortable coming forward and working with law enforcement. They need help to feel stable, safe and secure.*

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<sup>51</sup> Leuders, 2006





Sexual assault is frequently a component of human trafficking cases,<sup>52</sup> so the migration of the term from that field to this one is not coincidental. The term also reflects our research-based understanding of what makes a sexual assault investigation successful; much of the success rests on the quality of the victim interview, which in turn depends on the level of rapport, trust, and support established between investigator and victim.

## Elements of Success

Specifically, researchers have identified two elements that must come together for a sexual assault case to have a chance of successful investigation and prosecution when warranted. First, there must be a thorough, evidence-based investigation. Second, the victim must be willing and able to participate in the criminal justice process.<sup>53</sup> This often requires ensuring they have support:

*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>54</sup>*

Success also requires a victim-centered approach to the interview. This is illustrated in in-depth interviews conducted with 20 sexual assault victims; results revealed that cases were more likely to be prosecuted when the detective took time to build rapport with the victim, making sure the victim felt safe in the environment, and then asking questions at a pace that was comfortable for the victim and responsive to their distress. Many of the women whose cases were prosecuted “described their detectives’ style of questioning as gentle by encouraging them to ‘tell more’ instead of ‘demanding’ answers.”<sup>55</sup> Victims also described positive reactions to the feeling that they were believed by the detective interviewing them, either because the detective explicitly said so or because it was clear from the level of investigative effort being expended.

In other words, the way in which detectives interview victims can have an impact – not only on the quality of information that is gained, but also on the likelihood of a thorough investigation and successful prosecution when warranted. In addition, the study highlights that it is not just the interview that matters; the amount of investigative effort communicates whether the victim is at the center of the process.

## Victim-Centered Principles

In 2002, the Oregon Attorney General’s Office, Sexual Assault Task Force published a handbook for Sexual Assault Response Teams (SARTs). In it, they outlined the following principles on achieving a victim-centered response to sexual assault:

<sup>52</sup> For review, please see the National Sexual Violence Resource Center (2012)

<sup>53</sup> Campbell, Bybee, Ford, & Patterson, 2009

<sup>54</sup> Campbell, Bybee, Ford, & Patterson, 2009, p. 121

<sup>55</sup> Patterson, 2011, p. 1358



- The rights of sexual assault victims should be recognized, supported and enforced.
- The safety and welfare of the victim is always the top priority.
- Cases are investigated impartially and thoroughly.
- Offenders are apprehended and held accountable.
- Cases are aggressively prosecuted in a timely fashion.
- The decision to prosecute cases should not be unduly influenced by prevailing myths or stereotypes about sexual assault.
- Evaluate the case for possible prosecution considering both the merits and possible community impact of the case and not solely the likelihood of conviction.
- Sexual assault victims are kept informed and up-to-date of every step in the proceeding.
- Sexual assault victims are given the opportunity to express a preference for what they would like to see happen.
- Information that is shared will be shared in ways to protect the privacy and confidentiality of the survivor.
- The cultural, physical, mental and language needs of sexual assault victims will be carefully considered and addressed in each element of the response.
- Coordination between agencies is high. Collaboration and professionalism is the expected norm.<sup>56</sup>

The handbook goes on to emphasize how and why these victim-centered principles can improve the investigation and prosecution of sexual assault cases:

*Not only does a disempowering and uncaring response add to the trauma of the victim, it also loses the cooperation of the very person the system is working to help. In many instances, victims have critical information that is lost as a result of alienation and lack of trust. Sometimes, even if a case is “won” by a conviction the trauma to the victim has been increased due to her experiences with members of the response. When we shift our viewpoint to a victim-centered response, system personnel seek ways to remove the barriers to the participation of the victim. In turn, this participation improves both the investigation and prosecution of the case and contributes to the victim’s healing (p. 12).*

## “Trauma-Informed” Responses

On the heels of the victim-centered approach to sexual assault investigation and prosecution, practitioners have also increasingly advocated for responses that are “trauma-informed.” This movement is inspired by research in the field of neuroscience.

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<sup>56</sup> Oregon Attorney General’s Sexual Assault Task Force (2002)





Neuroscientific research has been helpful in explaining behaviors victims frequently exhibit before, during, and after a sexual assault. Without this understanding, many of these behaviors “make no sense” to responding professionals, and they can cause them to doubt the victim’s credibility and the legitimacy of their report. For example, if law enforcement professionals and others do not know anything about various traumatic responses to sexual assault, such as dissociation, tonic immobility, or collapsed immobility, they might wonder why a victim did not resist the assault – and question whether the sexual acts were consensual. Similarly, if they don’t understand the functioning of the brain’s hippocampus and the distinction between top-down versus bottom-up attention, they might question why the victim can’t remember what seems like basic or crucial details about the assault. If they don’t understand that the hippocampus often lapses into a fragmented or refractory mode after an initial super-encoding (or “flashbulb”) mode, it won’t make sense when a victim is able to recall a great deal about the initial moments of the sexual assault, but very little about “what happened next.”<sup>57</sup> This can be illustrated with a few case examples.

Consider Julie M., a university student whose sexual assault was included in a report published by Human Rights Watch. She was “forced to perform oral sex by a stranger,” and then “went to the hospital the next day and reported to the police.” However, when police asked her to describe the assailant, she was unable to describe him in any detail. Julie M. felt like the police did not believe her, in part because she could not provide a specific description. Her case was subsequently closed.<sup>58</sup>

Or the case of Jane Doe, also described in the Human Rights Watch report, who was sexually assaulted by a stranger after going out with friends. When she could not remember the name of the bar, the police reportedly questioned whether the report was legitimate. “How can you not remember? How can we believe you?”<sup>59</sup>

Then there is the victim who described how her report was handled by the detective assigned to her case. When she remembered a detail the day after originally reporting her sexual assault, she called the detective to share the information. However, this raised such suspicion with the detective, the victim hesitated to offer any more information that came to mind. The detective expressed this doubt rather explicitly: “Well, you didn’t say anything about this yesterday, and you’re bringing this up now?”<sup>60</sup>

## Training for Law Enforcement

As policymakers and the public have focused their attention on the low rates of reporting, investigation, prosecution, and conviction for sexual assault, it has become increasingly clear that a critical step in creating change is to improve the way victims are interviewed.

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<sup>57</sup> This paragraph is adapted from EVAWI’s Training Bulletin, entitled [Understanding the Neurobiology of Trauma and Implications for Interviewing Victims](#) (November 2016).

<sup>58</sup> Human Rights Watch, 2013, p. 132

<sup>59</sup> Human Rights Watch, 2013, p. 132

<sup>60</sup> Personal communication between Joanne Archambault and Jane Doe

Better interviews result in more thorough investigations that can effectively exclude suspects where appropriate, gather evidence to establish probable cause, and support referrals for prosecution with a better chance to hold more offenders accountable. Training in neurobiology has been helpful in supporting this effort.

To illustrate, the International Association of Chiefs of Police (IACP) provides training for law enforcement on [Trauma Informed Sexual Assault Investigation](#). This training is designed to apply the “lens of trauma” to law enforcement response and investigation to strengthen the response to survivors while simultaneously holding offenders more accountable. Specifically, objectives of the program are to:

- Describe how specific experiences impact victim trauma, memory, reactions and behavior and how officer interpretation of this behavior impacts sexual assault investigations.
- Explain how key decisions made by law enforcement impact the progression of a sexual assault investigation.
- Understand that victim disclosure often occurs in pieces over time and identify strategies for working with victims to facilitate trust and communication.
- Employ strategies that postpone judgment regarding the validity of a case until a thorough investigation is completed.
- Identify investigative methods and techniques that focus on offender behavior.
- Conduct victim interviews and document sexual assault cases utilizing physical, psychological and sensory evidence to effectively build a strong case.
- Recognize potential sources of officer bias and ways to mitigate its impact on reports.
- Make case coding and clearing decisions based on analysis of evidence identified through a thorough investigation.

Ultimately, better interviews are essential to improve law enforcement investigations and criminal prosecutions, in sexual assaults as well as other cases involving traumatized victims and witnesses. Just as fingerprints and DNA transformed the way crimes are investigated, an understanding of neuroscience and the impact of trauma can transform the way sexual assault victims are interviewed and cases are investigated. The goal is to become truly trauma informed in our practices.<sup>61</sup>

## Creating Change

At this point, victim-centered and trauma-informed principles have been incorporated in a wide variety of training programs and reform efforts. Some, like the IACP training on

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<sup>61</sup> Again, this paragraph is adapted from EVAWI’s Training Bulletin, entitled [Understanding the Neurobiology of Trauma and Implications for Interviewing Victims](#) (November 2016).



*Trauma Informed Sexual Assault Investigation* are explicitly labeled as such. Others apply the principles regardless of whether or not they carry such monikers. This includes revolutionary approaches to sexual assault victim interviews, game-changing provisions in the Violence Against Women Act that provide sexual assault victims with the right to a medical forensic examination without reporting to law enforcement (often referred to as the “forensic compliance” provisions), and the national movement to expand options for sexual assault victims to provide information to law enforcement (e.g., anonymous reporting, non-investigative reporting, and EVAWI’s online program Seek Then Speak).

Start by Believing can be included on this list.

Fortunately, there is reason to believe that these training programs and reforms can be effective. Empirical evidence suggests that training can improve police attitudes and responses toward sexual assault victims.<sup>62</sup> In particular, the training on neuroscience seems to be particularly impactful. Time and time again, we hear law enforcement professionals describe how this information helped them to better understand victim responses and behaviors, and to view their interactions in a radically different way.

For example, in January 2018, EVAWI hosted a training in Phoenix, Arizona entitled, *Start by Believing: Train the Trainer*. As part of the program, we provided training both on the neurobiology of sexual assault as well as the Start by Believing philosophy. A police detective who attended the program noted the following in his conference evaluation:

*After 27 years of law enforcement, I had my ‘aha moment’ with the SBB [Start by Believing] concept and Neurobiology of Trauma.*

Similarly, when EVAWI first published our Training Bulletin, [Understanding the Neurobiology of Trauma and Implications for Interviewing Victims](#), we received a great deal of positive feedback. However, most compelling were the comments from law enforcement describing an epiphany in their understanding. For example, a Police Academy Administrator at a State Peace Officers Standards and Training (POST) agency said:

*I spent about 10 years of my law enforcement career as a criminal investigator and I want to tell you that I wish your article was available then as I find it a most valuable tool containing knowledge that every law enforcement officer should be trained in.*

It remains one of the most frequently accessed resources from our website to this day.

Clearly, professionals, agencies, and communities across the country are working to become more victim-centered and trauma-informed in their responses. Many have adopted Start by Believing as a part of this effort. Our goal is to support this work with training materials and programs that “flip the script,” on the negative responses sexual assault victims have historically received. We strive to ease the way for victims to report the crime or seek help, without automatically being dismissed or doubted.

<sup>62</sup> Kinney et al., 2007; Lonsway et al., 2001



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