Belief Based Sexual Assault Investigations
Implementation and Impact on Police Culture
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Nebraska Tourism Slogan

HONESTLY, IT’S NOT FOR EVERYONE.

Colorado. Honestly, it’s pot for everyone.
The Sower

This is real. I’m not kidding. I have one on my car.

Thankfully, the plate numbers and letters often obscure the Sower’s grain bag.
We do have some cool options

And you can’t beat the sunsets

Lincoln, Nebraska
- College town—University of Nebraska
- Population 284,000 + 25,000 students
- Lincoln Police Department—328 sworn
2009—Captain of Criminal Investigations Unit

“Hey, they wanna do an audit. You’re volunteered for it.”

Recommendation from Audit

We have to get sexual assault investigators to adopt a belief based approach to their work.

Cornerstones of sexual assault investigation

• Project belief
• Maintain objectivity
• Assess at the end
Projecting Belief

- It’s about your behavior
- Not your conclusions
- Open and empathetic
- Avoid conclusions during investigation

It can be a tough sell...

- Changing police culture brings a certain analogy to mind.

Understanding why it’s a tough sell

- Cops get lied to...a lot.
- Desire to punish liars.
- Acceptance of the impact of trauma on crime victims
- Cops like cases that get cleared by arrest.
- Victim reluctance (not unique, but pervasive)
- Frustration with social dynamics
Culture Change—a few things to consider...

Easy/Hard to Change?

Easy/Hard to Change?

The Long Haul
- You have to be in it for the long haul—persistence over time.
- You won’t “convert” everyone.
- This can’t be accomplished solely by policy, memos, e-mails.

Belief based investigations—making the case for it to cops
- 1. Victims already have the deck stacked against them.
- 2. Why it makes logical sense.
- 3. Personalizing the message.
- 4. What if you’re wrong to doubt?
Theme #1: Victims already have the deck stacked against them.

- Why do victims fear they won't be believed?
- Cultural bias

Why did the writers think that scene would be funny?

It plays off the belief that “crying rape” is a common tactic to solve problems.
Theme #2—Logical Sense

Crime Victims
- What’s different about sexual assault victims compared to other crimes—robbery, burglary, auto theft?

Sexual Assault Victims
- A victim’s perceptions fuel their decisions about participation in the criminal justice system.
- The majority of sexual assault victims choose not to report.
- The minority of victims that do report have a poor chance at holding the perpetrator accountable. (18%)
Eighteen Percent

Robbery—37.5%
Felony assault—63%

Part of the explanation for the low clearance rate is victim disengagement.

Victims who feel they are not believed are less inclined to stay involved with the case.

Treating the victim right creates more opportunities to hold suspects accountable.

- Sexual assault reports in Lincoln, Nebraska.
- Before — 117 cases annually
- After belief based training — 167 annually
- Of course, you have to explain why this is a good thing.

#MeToo movement leads to more rape reports, Lincoln police chief says

Sexual assault reports
The Lincoln Police Department has seen an increase in the number of sexual assaults reported more than a year after they occurred. Here's a look at the number of rape reports filed during certain years, plus how many cases were resolved:

- 2009 — 97 cases, seven declined
- 2010 — 117 cases, 11 declined
- 2011 — 143 cases, 23 declined
- 2012 — 146 cases, 20 declined
- 2013 through May 23 — 128 cases, 56 declined
The Serial Offender Environment

- Low clearance rates = low offender accountability
- Lack of consequences = lack of deterrent
- Which all adds up to a friendly environment for serial offenders to operate in.

If we don’t retain victim participation . . .

- We can’t clear cases
- We can’t arrest bad guys
- We will be perceived as doing a poor job
- It’s about the things we already want

Theme #3: What if it was your daughter?

- Personalizing the issue.
- *If that ever happened to my __________, that’s who I would want to work the case.*
Imagine someone that was important to you was raped. . .

What would they do?

- Would they report it? Would they tell you?
- Would they be traumatized?
- Would they be ashamed?
- Would they be afraid of what happens next if they do report?
- Would they be able to tell the story over and over again the same way?

Knowing what you know about how rape is investigated in your jurisdiction. . .

. . . would you advise your loved one to report?
Now imagine how you would want them to be treated by police.

That’s belief based investigations.

Theme 4: What if you’re wrong not to believe her?

So you think she might be lying.

Every experienced cop has a story.
The victim you didn’t believe. . .

. . . and you were wrong.
Jury finds Armon Dixon guilty of sexual assault, robbery

If your approach is belief based
• You treat every victim with empathy and belief and
• You never have to worry about getting it wrong or
• The cases where you never got the evidence to tip the scale.
How do you change culture in a police agency?

- Write it down
- Policy doesn't change culture
- Lack of policy can be interpreted as the "flavor of the month"

Belief Based SOP

- "This concept is based on the premise that victims that feel their story is believed provide more and better information. Fear of not being believed is a primary inhibitor to reporting this type of crime and if a victim perceives that they are not believed, they are far more likely to withdraw from the process or provide inaccurate information in an attempt to make the report more believable. Investigators must project an air of belief and refrain from making subjective judgments about the victim's demeanor or story.

Reduce the number of people that need to change.

- Specialization
- Unrealistic and can be counterproductive not to specialize.
- Sexual assault is different
Train early and often.
- Training on belief based investigations before their first victim interaction.
- Early indoctrination
- Good and bad examples of belief based interactions.
- Explain why and focus on the moral imperative. Cops want to do the right thing.

Training
- Veterans may need more training, especially when the idea is first introduced.
- Outside schools need to be screened.
- Report writing component involving the language of disbelief.

Refresher training/messages
Train in small doses on related topics:
- Victim interviewing
- Trauma informed interviewing
- Report writing
- Case management
Stay on point, say the words

- Keep the phrase “belief based” in the conversation at every opportunity.
- No exceptions.
- Frame the issue in the larger context of changing social attitudes toward sexual assault. (Rape in the military, VAWA, OVW)

Case management

- Case management needs to focus attention on the **quality of the victim interaction**.
- Clearances are still a goal but how the case was worked needs review, feedback, and rewards.

Case reviews

- Victim interviews—demonstrated empathy, belief, trauma informed, thoroughness, and balanced investigative needs with victim respect, retention, and satisfaction.
- Quality of ongoing interactions with victim.
- Consider tracking victim retention.
- Report writing—objective facts, no subjective opinions about victim credibility
Link it to performance reviews

- Specific language in performance criterion
- Narrative performance reviews need to address problems and praise and reinforce good performance
- Success needs to be redefined to include how a case is worked, not just clearance statistics

The ways belief is communicated

- The words you use.
- The questions you ask.
- Your face.
- Your reports.

The words you use.

- I'm sorry ____________.
- I'm glad ____________.
- I'm going to ____________.
- I can't promise you anything but ______.
- Call me if ________.
The words you use.

- Warnings or cautions against lying.
- Exploring problematic issues:
  “This is something that could come up in court, so let’s talk more about it.”
  “I’m concerned about how this might affect the case.”

What does a belief based investigator say when they find out they were lied to?

“Damn. Okay, now why do you suppose...?”

What does an investigator without belief based training say when they find out they were lied to?

“Ah-hah!”
The questions you ask.
- Is there anything that would make you more comfortable?
- Tell me what happened in your own words.
- What were you thinking or feeling at that time?
- Avoid questions that start with why.

Your reports.
- Alleged victim
- Appropriate reaction
- Victim claimed, admitted
- Refuses to cooperate
- Victim's story
- Questionable
- Victim
- Objective observation
- Victim said
- Victim would prefer not to pursue the case at this time
- Victim's account

Your Face
Don’t let them see your cheat sheet!
Is Belief Based Investigations just an act?

- Maybe for some, but for many it’s a state of mind, a fundamental approach, and simply the right thing to do.
- It’s about understanding and empathizing with the victim experience.
- It’s about getting over yourself and seeing the big picture.

Sustainability

- Plan for leadership changes
- Policy
- Training
- Collaboration
- Change is the only constant

2018

- Came out of retirement to conduct belief-based training for LPD
- Prompted by concerns of slippage
- New investigator interview—the veterans mentored new people in a belief based approach without their CO’s prompting
2019

- Leadership recognized ongoing training need.
- Ongoing frustration with filing decisions, linked to cycling of prosecutors on the sex assault docket.
- Training prosecutors, investigators, advocates in a team approach.
- Relationship building.
- Re-emphasize the value of positive victim experiences as an outcome.
- Jury pool education.