

## Why Don't Cops Believe Rape Victims? Brain Science Explains.

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### Why Don't Cops Believe Rape Victims?

Brain science helps explain the problem—and solve it.



*A number of recent studies on neurobiology and trauma have led to a fundamental shift in the way a growing number of experts view rape investigations. Photo by John Roman/Thinkstock*

When Tom Tremblay started working for the police department of Burlington, Vt., 30 years ago, he discovered that many of his fellow cops rarely believed a rape victim. This was true time after time, in dozens of cases.

Tremblay could see why they were doubtful once he started interviewing the victims himself. The victims, most of them women, often had trouble recalling an attack or couldn't give a chronological account of it. Some expressed no emotion.

Others smiled or laughed as they described being assaulted. "Unlike any other crime I responded to in my career, there was always this thought that a rape report was a false report," says Tremblay, who was an investigator in Burlington's sex crimes unit. "I was always bothered by the fact there was this shroud of doubt."

Tremblay felt sex assault victims were telling the truth, and data supports his instincts: Only an estimated 2 to 8 percent of rape accusations are false, according to a survey of the literature published by the National Center for the Prosecution of Violence Against Women. Tremblay also knew the victims felt as if they were being treated like suspects, and it affected the choices they made. Surveyed about why they didn't want to pursue a report, most victims said they worried that no one would believe them.

This is rape culture in action. It puts the burden of proving innocence on the victim, and from Steubenville, Ohio, to Notre Dame and beyond, we've seen it poison cases and destroy lives. But science is telling us that our suspicions of victims, the ones that seem like common sense, are flat-out baseless. A number of recent studies on neurobiology and trauma show that the ways in which the brain processes harrowing events accounts for victim behavior that often confounds cops, prosecutors, and juries.

These findings have led to a fundamental shift in the way experts who grasp the new science view the investigation of rape cases—and led them to a better method for interviewing victims. The problem is that the country's 18,000 law enforcement agencies haven't been converted. Or at least, most aren't yet receiving the training to improve their

own interview procedures. The exception, it turns out, is the military. Despite its many failings in sexual assault cases, it has actually been at the vanguard of translating the new research into practical tools for investigating rape.

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In the past decade, neurobiology has evolved to explain *why* victims respond in ways that make it seem like they could be lying, even when they're not. Using imaging technology, scientists can identify which parts of the brain are activated when a person contemplates a traumatic memory such as sexual assault. The brain's prefrontal cortex—which is key to decision-making and memory—often becomes temporarily impaired. The amygdala, known to encode emotional experiences, begins to dominate, triggering the release of stress hormones and helping to record particular fragments of sensory information. Victims can also experience tonic immobility—a sensation of being frozen in place—or a dissociative state. These types of withdrawal result from extreme fear yet often make it appear as if the victim did not resist the assault.

This is why, experts say, sexual assault victims often can't give a linear account of an attack and instead focus on visceral sensory details like the smell of cologne or the sound of voices in the hallway. "That's simply because their brain has encoded it in this fragmented way," says David Lisak, a clinical psychologist and forensic consultant who trains civilian and military law enforcement to understand victim and offender behavior.

Lisak and Tremblay, also a consultant, teach an open-ended, narrative approach that elicits sensory details and allows a victim to describe the assault in her own words. This means asking questions about what she smelled, felt, or heard as a way of delicately gathering evidence that may corroborate her account. If, for example, she correctly identifies the rapist's cologne, Lisak says, that's a sign she can provide accurate recollections. He remembers a case in which the victim's initial memory of her assault was cloudy, but when asked about sounds, she recalled hearing the assailant walking in her apartment. That triggered another memory of him talking on the phone to a car mechanic. She had enough details of the conversation to allow the police to find the mechanic, who confirmed that he spoke to the assailant.

In contrast, police officers with no specialized training often antagonize victims as they zero in on discrepancies. It's understandable: Cops learn to interview victims based on interrogation practices, which emphasize establishing a timeline and key facts. But what may seem like good police work, Lisak says, can lead a detective to press victims in a way that yields misleading or false information, as they prematurely try to piece together fragmented memories.

Cops must also learn that trauma influences victims in ways law enforcement won't necessarily understand. One notorious example is victims' flat affect. This always puzzled senior officer Holly Whillock, a 13-year veteran of the Houston Police Department. She expected victims to be enraged or visibly anguished, but instead they spoke coolly, without emotion.

While Whillock thought the muted response might be the result of trauma, she also knew it would be a weakness in court. Defense attorneys question detectives on a victim's bearing,

often asking: "How could she have been raped if she didn't react when you asked her about the assault?" It's a simple way to destroy a victim's credibility—unless a cop can explain why a victim's lack of affect is a normal response following a traumatic experience. It can actually support the victim's account, says Dr. Rebecca Campbell, a professor of ecological-community psychology at Michigan State University who recently trained the Houston Police Department.

X In the military, as I've written about before, many detectives and agents from each branch now take a regular two-week interviewing and investigation course. There is a modest national effort afoot to bring this kind of training to local law enforcement. The International Association of Chiefs of Police, a membership organization of 21,000 departments nationwide, plans to provide training in 20 cities over the next three years with a \$450,000 grant from the federal Office on Violence Against Women. But at the moment, police departments only receive training when someone—a rape-crisis worker, the department chief, a prosecutor—learns about the new techniques and finds a way to bring in an expert.

Retraining is hard work, but it can make the difference between prosecuting a case and closing it. For Tremblay, the proof of this is anecdotal but compelling. One officer who he trained recently told him: "I knew this was a truthful report, and I couldn't prove it. I'm now going to reopen it using these strategies."

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