

A coordinated team response to assault survivors: understanding survivor behavioral responses



Campus Webinar Series
Tuesday, March 30, 2010

Campus Program Staff

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March Agenda

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- I. CALCASA Announcements
- II. Technical Instructions
- III. Roger Canaff's Presentation
- IV. Q&A

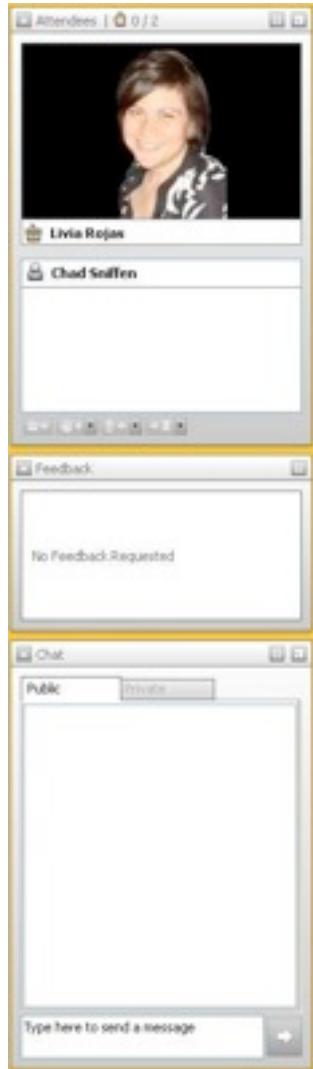
Announcements

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- Next Campus Webinar:
Tuesday, April 27th, 2010 @ 11.00 a.m. PST
- Webinar materials on CALCASA.org/campus
- Summer TTI June 16-17, 2010 in Las Vegas, NV

How to use the Technology

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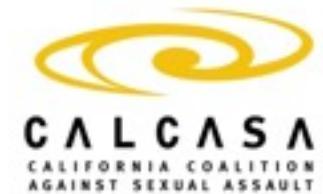
Raise Hand

Q & A

Text Chat

PowerPoint Slides

Chatting on iLinc



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Is it common to hear on campus that there is an expected universal response for survivors of sexual assault?

Use chat to answer

March Webinar

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A coordinated community team response to assault survivors: understanding survivor behavioral response

*Roger Canaff, HQE
U.S. Department of the Army*

Counterintuitive Behavior

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- Any behavior on the part of a victim of sexual violence that often seems inexplicable to judges, juries, members of the public, etc.
- Can occur before, during or after the incident
- Sometimes impacted by the effect of **trauma** on memory formation
- Can call for the assistance of Counterintuitive Behavioral Experts (CBEs)

Counterintuitive Behavior

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- Many assume that sexual assault victims all react similarly
 - Cry out, immediately report, resist forcefully, etc
- Experts know and studies confirm that there are no predictable, appropriate, or ‘always seen’ responses to sexual violence
- Different victims in different circumstances form and process memory differently under stress, during trauma, or while intoxicated

Examples of CIB

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- Despite rape myths, many victims:
 - Don't forcefully resist or cry out during the assault
 - Don't immediately report, and often delay for days, weeks or months
 - Don't discuss assault facts or testify in an emotional, traumatized way
 - Do sometimes initiate or respond to post-attack communication from their attacker
 - Do sometimes withhold facts or lie regarding peripheral details

What cases involve CIB?

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- Any case can involve a response on the part of the victim that is counterintuitive, but particularly sex assault cases involving:
 - Intimate partners
 - Non-strangers (friends, co-workers, fellow students, etc)
 - Intra-familial sexual assault or exploitation (children, family members)
 - Individuals in uneven or prohibited relationships (supervisor and employee, etc)

Where does CIB come from?

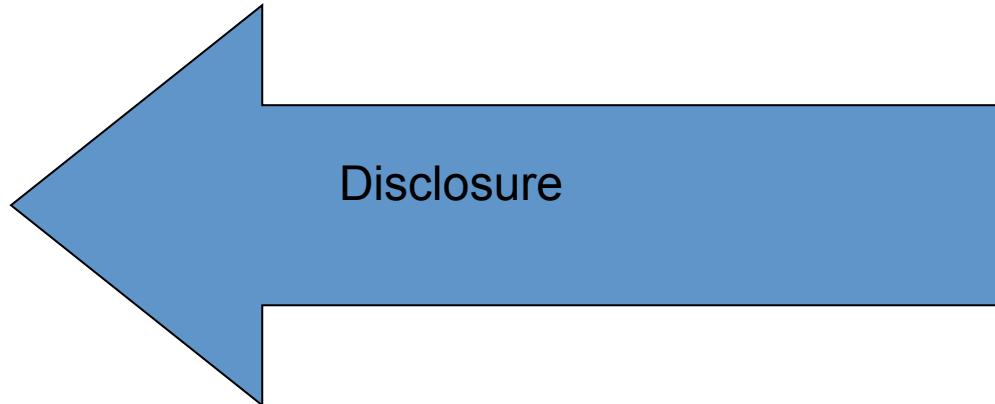
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- The need to establish safety and control **first**
- The desire (sometimes) to increase their credibility by leaving out or lying about anything that might cast doubt on their account of events
- The fact that some victims do not process the event immediately for what it is, and often question whether they've been victimized at all
- The effect of trauma on memory formation and recall
- Self blame and self doubt in the wake of the assault

Disclosure, Self-Blame and the Relationship to the Rapist



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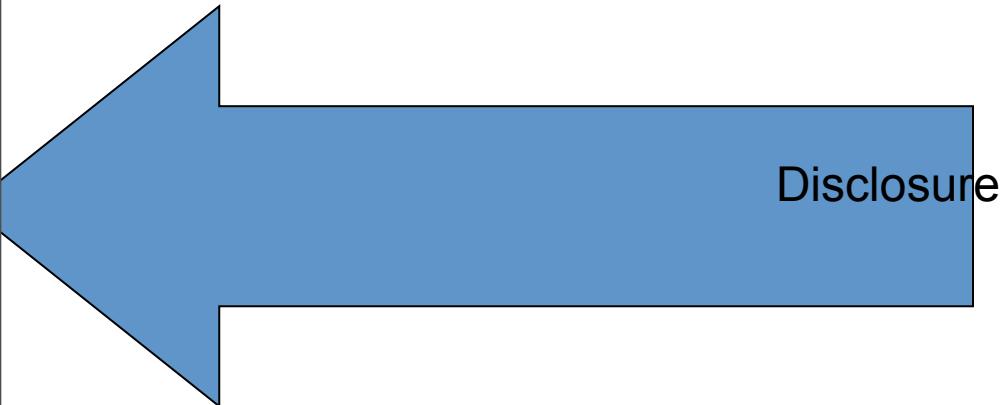


Stranger Nonstranger Intimate Partner

Disclosure, Self-Blame and the Relationship to the Rapist



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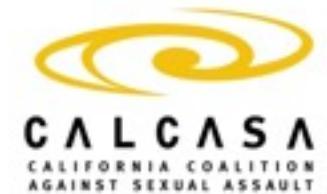


Stranger

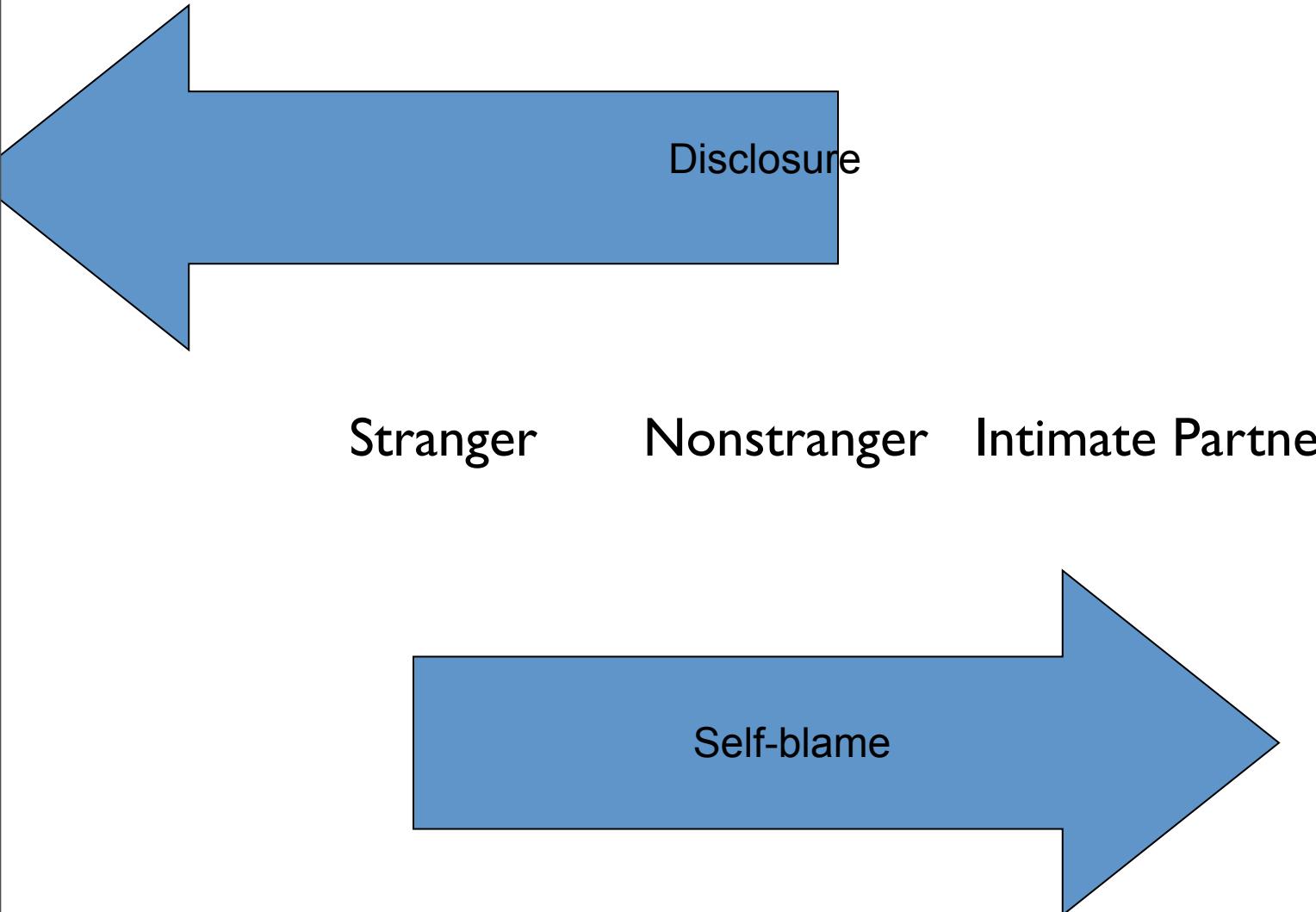
Nonstranger

Intimate Partner

Disclosure, Self-Blame and the Relationship to the Rapist



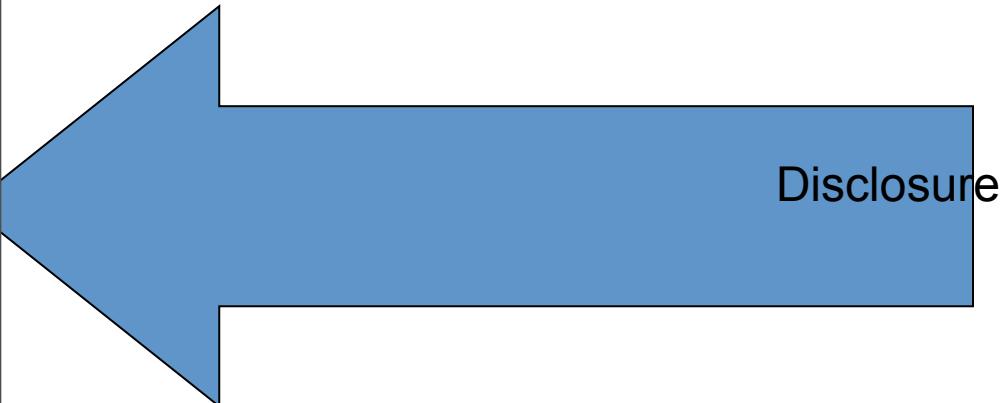
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Disclosure, Self-Blame and the Relationship to the Rapist



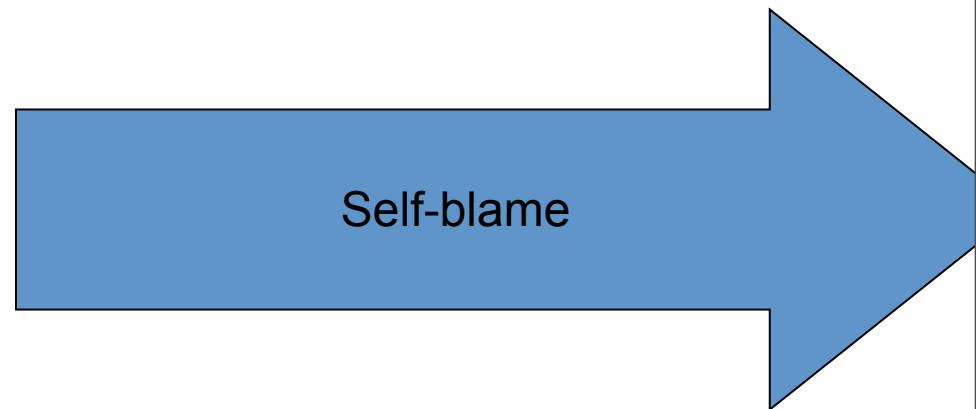
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Stranger

Nonstranger

Intimate Partner



Addressing CIB: With the Victim

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- “First, do no harm.” Understand and be patient with the dynamics that are often associated with sexual violence
- Build a rapport with victims; establish trust and encourage truth telling at all stages
- When asking about behavior that could be CIB, ask carefully, non-judgmentally, and explain the reason for the question
- Utilize advocates to help!

There are no “bad” facts - only challenging ones

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- Do not seek to hide, ‘whitewash’ or in any way bury challenging facts. Rather, seek to **understand** and **explain** them to the panel
- Almost all facts, when properly understood, can benefit your theme and theory of the case
- When stuck, consult with Counterintuitive Behavior Experts and consider having them testify

Who are CBEs?

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- Counterintuitive Behavior Experts can come from a wide variety of disciplines, but usually have backgrounds in psychology, social work and/or victim advocacy
- CBEs can educate juries or simply inform ADA's as to why the victim's behavior is not necessarily indicative of a false report
- No formal education required though usually present

Other possible CBEs

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- Victim Advocates
 - Usually have the perfect knowledge background given their experience and insight
 - Can be seen as biased by some juries when they are called as expert witnesses
- Sexual Assault Nurse Examiners (SANEs)
 - Often have experience with the same dynamics, particularly in the context of the physical examination
 - Should be used in a way that does not threaten objectivity, must be qualified carefully

Simply consult or call on as expert?

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- The general rule is “consult often, call only when necessary”
- Usually, a careful, crafted direct exam of the victim can bring out and explain all CIB
- Drive home in closing all that was brought out on direct, and show how it fits your theme and theory
- Takes time, prep and assistance of advocates

Pros and cons of calling on experts

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- Experts can explain CIB, especially if the victim is not strong, not able to adequately explain her behavior (even with solid prep), or uncooperative
- But: Experts can be challenged on how they associate CIB with valid complaints any more than with invalid complaints
- A government's expert invites a defense expert- can confuse the jury

If calling on CB Expert

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- It's almost always better practice to call someone who has not examined or interviewed the victim, but rather someone with general knowledge of the dynamics
 - Prevents charges of bias borne of sympathy or familiarity with the specific victim
 - Avoids charges of bolstering as the expert cannot opine as to the victim's (or any witness') truthfulness

Memory, Trauma & CIB

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- Victims may not recall significant parts of an assault, when most would imagine that the memory would be unforgettable
- Victims may remember things differently as the investigation continues, prompting suspicions of lying
- Victims will often remember more details as time passes, especially if intoxicants were involved

Prevent further CIB

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- A well supported, fairly and compassionately treated victim will make the most compelling witness
- Make sure that everyone in the system is treating your victim with dignity, respect and competence
- Failing to do so will affect how the victim prepares for trial and appears on the stand
- The right thing to do is also the right thing for the case!

References & resources

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References & resources

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Q&A

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Webinar evaluation

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Complete the webinar evaluation!

The link to the webinar evaluation was emailed to participants. Please complete the evaluation to inform the Campus Program in developing future webinars.

Acknowledgements

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Roger Canaff

Webinar participants

U.S. Department of Justice,
Office on Violence Against Women

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