Why Should We Care About the Science? Understanding the Impact of Sexual Assault on Victim Responses, Behaviors, and Memories

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Learning Objectives

- Explore how behavior and memory processes can be impacted during a traumatic event.
- Apply this knowledge to set realistic expectations for the behaviors, responses, and memories of sexual assault victims.
- Improve information gathering for thorough, evidence-based case determinations.

Traditional Victim Interviews

What is Trauma?

- An event that combines fear, horror, or terror with actual or perceived loss of control.
  - Often life-changing event
  - Negative, sometimes lifelong consequences
  - Used to only have experiential definition
  - Now have neuroscience to explain what happens
  - However still subjective event, varies by person

What Else is Going On?

- Dynamics of sexual assault / partner violence
  - Internal Influence – victims may feel ashamed...
  - External Influence – victims may feel pressure...
  - System Influence – victims may not feel supported...
  - Socio-cultural Influence – victims may be reluctant...

The Brain During a Traumatic Event
**Neurobiology – Prefrontal Cortex**

- Prefrontal cortex:
  - Logical thinking and planning
  - Controlling attention
  - Integrating memories into "stories"

*Impaired during stress or trauma*

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**Neurobiology – Amygdala**

- Amygdala:
  - Monitors for threat
  - Activates survival responses
  - Mostly automatic

*Takes control when prefrontal cortex is impaired*

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**Neurobiology – Hippocampus**

- Hippocampus:
  - Where conscious memory is processed
  - Encodes memory data with context and time
  - Organizes memory into logical structures

*Can produce "flashbulb memories" during trauma*

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"Neurobiology of Trauma"

During a traumatic event: Rational part of the brain is impaired; Memory processes are significantly impacted; Reflex and habit responses are automatically initiated.

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**Possible Reflex Responses**

- **Brief freeze response** - threat is detected, movement stops, brain quickly assesses options
- **Tonic immobility** – body goes rigid, not able to move or speak
- **Collapsed immobility** – body goes limp, may faint or pass out
- **Dissociation** – disconnection from physical and emotional experience, may be on "autopilot"
Social conditioning – including how girls/women respond differently than boys/men

Learned responses – including responses to dominance/aggression and social hierarchy

Learned responses to past abuse / child abuse

Automatic responses do not “go away”

Central details – experiences that are given attention / emotional significance by the brain

Peripheral details – experiences that receive little or no attention by the brain
Sensory Memories

- Traumatic memories first organized in memory on perceptual / sensory level
  - For some, recalling the sensations may be the only way to describe the traumatic event initially
  - Narrative account may emerge over time as they try to understand and explain what happened

Time Sequence and Context

- Trauma and stress impact our ability to encode:
  - Time-sequence information
  - Contextual information

Impact of Alcohol or Drugs

Alcohol Interferes with Encoding

- Impairs encoding of context details (time, place, physical scene, events in sequence)
  - Other drugs can also impair encoding, but the specific mechanisms will vary

Theory to Practice

- How can understanding the neurobiology of trauma improve our interviewing skills?
  - More realistic expectations
  - More perceptive listening
  - More effective information-gathering

The investigation only begins to come together AFTER the detailed, comprehensive victim interview.
Building the Investigation

Successful Interview Techniques

- Ask open-ended questions
  - What are you able to tell me about...
  - Can you tell me more about...
  - What were you thinking/feeling when...

- Listen: Listen: Listen: Listen: Listen: Listen
  - Pause after the victim’s response
  - Do not interrupt

Successful Interview Techniques

- Asking about sensory memories:
  - What are you able to remember seeing...
  - What are you able to remember hearing...
  - What are you able to remember smelling...
  - What are you able to remember tasting...
  - What sensations are you able to remember feeling...

- Avoid “why” questions
  - “Why” questions often shut victims down because they challenge what a person did or did not do (implies it was not the “right” thing)
  - E.g., do NOT ask victims: Why didn’t you scream / run / fight back / call the police?

Victim Interview

Suspect Interview
People speak more freely when they feel:
- They are being listened to
- The listener can tolerate what they have to say
- They are being understood
- The listener can imagine it to be true
- People have to feel safe ... before they are able to share their experience

Start by acknowledging the person’s trauma / pain
- Helps interviewer develop genuine empathy
- Establishes trust, rapport, a sense of safety
- 8 out of 10 sexual assault victims never report. I know it took a lot of courage for you to call the police and I’m really glad you did.
- I’m really sorry this happened to you.

Advise victims to report EVERYTHING they are able to remember
- Some people hold back information because they don’t know what might be important
- Or, because there is something they regret, are ashamed of, afraid of, etc.
- Ask the victim not to edit anything, stress truthfulness even with very difficult information
- Investigator’s job to determine what is important

Do not ask victims to “start at the beginning”
- Let them communicate physical and emotional experiences before, during, and after the assault
- Do not expect victims to provide information chronologically or in any meaningful order
- Sequential narrative may come later, after the initial memories are brought to the surface

Recognize what information victim can and cannot realistically provide
- Also consider relevance of information
- How long did he have his penis in your vagina?
- What time was it when he woke you up?
- Where was his hand when he did that?

Capitalize on what victims are ABLE to remember:
- What are you able to remember about what happened?
- What are you able to tell me about what happened?

The word “able” signals that the investigator recognizes memory retrieval and disclosure can be challenging.
Successful Interview Techniques

- Continue using open-ended prompts to elicit more information:
  - Can you tell me more about [that]...
  - What are you able to tell me about [that]...

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Successful Interview Techniques

- Victims may be unable or very reluctant to disclose most difficult aspects of experience
  - Most difficult aspect likely to be a central detail
  - Traditional interview asks about peripheral information less likely to be important (How tall was he? What time was it? Where was his hand?)

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Successful Interview Techniques

- Ask about sensory memories
  - Helps re-create entire context of the event
  - Helps understand actions / inactions of the victim before, during, and after the assault
  - Can help jurors relate to experience
  - Signals to the victim that their experience is relevant, including sensations and emotions

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Successful Interview Techniques

- To get an answer to “why,” ask:
  - What were you thinking / feeling during this experience?
  - Response will likely answer the “why”
    - I thought he was going to kill me.
    - It’s like I couldn’t move my body at all.
    - I couldn’t understand what was happening.

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Successful Interview Techniques

- Document the types of information victims CAN provide you about traumatic event
  - Sensory, emotional experiences
  - Fragmented, disconnected memories
  - Central details that were focus of attention
  - Experience of automatic survival responses
  - Habitual thoughts or behaviors

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Successful Interview Techniques

- Also document physical and sensory experiences consistent with trauma response
  - Shortness of breath, increased heart rate, muscle rigidity or pain, light-headedness, nausea, trembling,
Developing Interview Skills

- Requires interviewers to develop the capacity to hear about trauma
  - Does not come easily or all at once
  - Must be willing to extend empathy into very difficult areas of human behavior
  - Practice, practice, practice

Concluding the Interview

- Address any concerns for safety
- Obtain phone number and address of where victim is staying if not returning home

Concluding the Interview

- Ask the victim to write down any new information recalled after the interview
  - Consider having the victim write down thoughts and feelings about the assault (journaling)
- Create a positive last impression
  - If victim is unsure/unable to participate, advise that you and your Department are available when they are ready to take the next step

Concluding the Interview

- Provide victim with:
  - Incident number or case number
  - Reporting officer’s name and badge or ID #
  - Phone number for investigative unit or person responsible for follow-up investigation
  - Written information about victim’s rights (e.g., confidentiality, anonymity, victim advocacy)
  - Referrals for community resources for support

EVAWI Resources

https://evawintl.org/

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OnLine Training Institute (OLTI)

On EVAWI website: https://evawintl.org/olti/

OLTI Module: Victim Interviews

On EVAWI website: https://evawintl.org/olti/

Webinars: Victim Interviews

- Neurobiology of Sexual Assault (2-part series)
- Effective Victim Interviewing
- Trauma Informed Interviewing – Turning Understanding Into Outcomes
- After the Interview – Now the Work Begins: Corroborating Evidence and Case Review

On EVAWI website: https://evawintl.org/past-webinars/

Training Bulletins

Resource Library

In EVAWI Resource Library: https://evawintl.org/resource-library/
Online Resources

Save the Date
April 19-22, 2022

International Conference on Sexual Assault, Domestic Violence, and Reimagining Justice
Hilton San Francisco Union Square
San Francisco, California

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Start by Believing

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