

APPENDIX N:

POWERPOINT SLIDES ON RAPE VICTIM IMPACT

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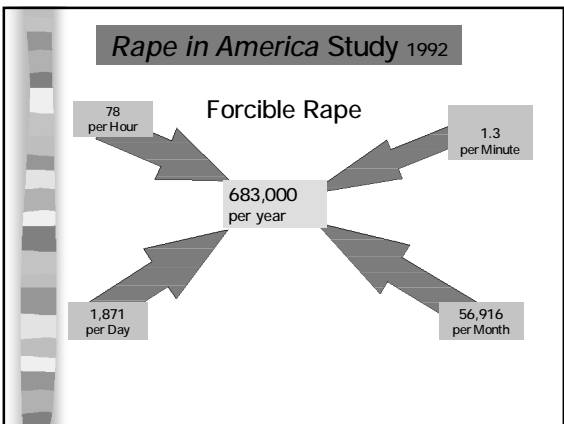
**The Impact on the Victim in
Non-Stranger and Stranger
Sexual Assault Cases**

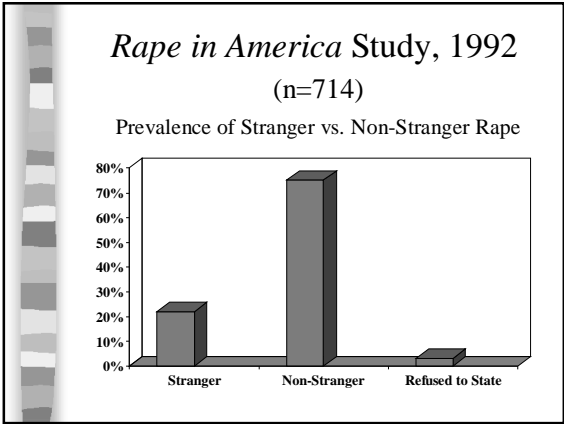
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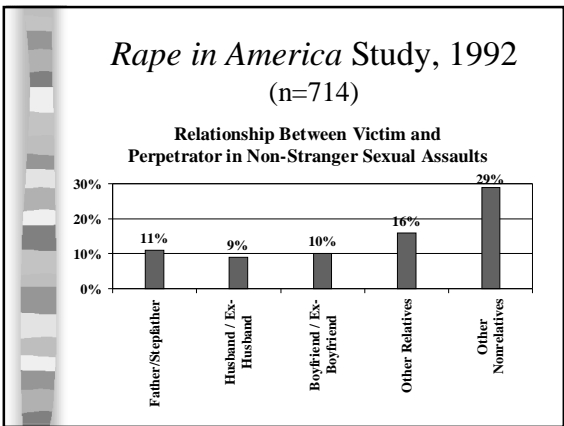
**Sexual Assault Issues and
Impact on the Victim**

Objectives:

- Examine prevalence of sexual assault
- Understand the psychological, sociological and neurobiological impact of trauma on the victim
- Learn how to minimize retraumatization of victim while protecting defendant's rights
- Review judges' recommendations on applying material







Impact of Non-Stranger Sexual Assault

Compared to stranger rape, non-stranger rape victims:

- § Delay disclosure
- § Have higher levels of guilt and self-blame
- § Feel less worthy of help and support
- § Have more difficulty trusting self and others
- § Have longer psychological recovery times

Expectations vs. Reality in Victims' Behavior

Expectations:

- Ø Immediate reporting
- Ø Total recall
- Ø Evidence of resistance
- Ø Preserves evidence

Reality:

- Ø Delayed reporting
- Ø Incomplete recall or dissociation
- Ø Frozen fright or strategic decision to comply to avoid injury/death
- Ø Discards evidence

Delayed Reporting

Beth Israel Hospital Rape Crisis Intervention Program Study:

1,000 Victims

Stranger rape: 90% reported in less than 24 hours

Non-stranger rape: 90% reported in 1 week or more

Delayed reporting to hospitals and/or police is much greater in non-stranger rape than stranger rape

Why Victims Delay Reporting

- » Confusion about definition of rape
- » Denial and suppression of emotions
- » Psychogenic amnesia
- » Fear of retaliation
- » Confusion about physical response



Why Victims Delay Reporting

- § Fear of being disbelieved or blamed
- § Fear of loss of privacy
- § Fear of the criminal justice system
- § Embarrassment, humiliation & shame
- § Cultural, racial, ethnic, language factors

Factors Influencing Response to Victimization

- § Prior trauma history
- § Life situation and other stressors
- § Cultural issues
- § Personality style; psychological and biological vulnerability
- § Coping skills
- § Support system; responses from others

Issues for Male Victims

- n Greater likelihood of physical injury
- n Sense of loss of manhood
- n More likely to “act out” trauma
- n Shame
- n Homophobia




Mental Health Implications of Sexual Assault

Compared to women who have never been sexually assaulted, a victim is:

- ü 3 times as likely to have major depression
- ü 4 times as likely to contemplate suicide
- ü 13 times as likely to attempt suicide
(13% of sexual assault victims attempt suicide)
- ü More likely to abuse drugs and alcohol

The Stress-Trauma Continuum

- n Normal
- n Situational
- n Traumatic



Posttraumatic Stress Disorder

DSM-IV (TR) American Psychiatric Association
1994

Exposure to Traumatic Event →

- § Intrusion (re-experiencing trauma) e.g., intrusive thoughts, nightmares
- § Constriction (avoidance) e.g., inability to recall aspects, loss of interest in activities
- § Hyperarousal e.g., trouble sleeping, irritability

Counterintuitive Victim Response

Psychological Factors:

- n Delayed reporting or failure to report
- n Concern for the suspect (cultural factors)
- n Continuing or reinitiating contact with suspect



Counterintuitive Victim Response

Neurobiological Factors:

- n Responses to “triggers”
- n Flat affect; void of emotion
- n The “freeze” response
- n Incomplete memory



Victim Fears About the Court Process

- n Influenced by other victims’ court experiences and media
- n Negative responses from police, lawyers, judges
- n Poor conviction rates for rapists
- n Trial delays



Victim Fears About the Court Process

- n Anxiety about seeing the assailant
- n Fear of reliving the sexual assault
- n Confidentiality issues for victims
 - § Related to: medical and psychological records
- n Fear of emotional stress of trial process
- n Fear of loss of privacy

Recommendations from Past Judicial Training Participants

Pre-Trial

- § Minimize number of times a complainant needs to come to court
- § Setting bail
- § Motions hearings (especially rape shield)



Recommendations from Past Judicial Training Participants

Pre-Trial

- § Encourage accelerated trial schedule
- § Avoid scheduling trial on anniversary date
- § Create private waiting areas for victims
- § Respect privilege rules regarding records
- § Scrutinize subpoenas for complainant for preliminary hearing

Recommendations from Past Judicial Training Participants

Trial

- n Voir Dire questions
- n Sensitivity to jurors during voir dire
- n Use surnames only
- n Proper use of demonstrations or reenactments
- n Allow victim to leave stand during delays
- n Allow recesses when necessary



Recommendations from Past Judicial Training Participants

Trial

- n Do not permit cameras in the courtroom
- n Permit rape crisis counselors in the courtroom
- n Permit expert witness testimony to educate jury about PTSD and counterintuitive behaviors
- n Control treatment of witnesses (e.g., sarcasm, intimidation)

Recommendations from Past Judicial Training Participants

Sentencing

- n Treat non-stranger rape as "real rape" in sentencing
- n Acknowledge the impact of the sexual assault on the victim
- n Set sentences to match the gravity of the crime
- n Invite victims to sentencing
- n Encourage victim impact statements



Recommendations from Past Judicial Training Participants

Sentencing

- n Sentence adolescent and young-adult rapists with appropriate severity
- n Allow expert testimony about the victim's psychological injury
- n Recognize that psychological injuries may actually cause physical injuries (e.g., neurobiological damage)



Victim Impact Conclusions

- n Every rape is a "real rape"
- n Understand victim behavior in the context of psychological and neurobiological trauma
- n Non-stranger sexual assault is most common and can be more psychologically injurious than stranger sexual assault

Victim Impact Conclusions

- n Judicial process can affect victim recovery and willingness to report
- n Judges can play a major role in ameliorating consequences of rape



Thank you, Judges, for all that
you do for your community!