

Expert Testimony in Sexual Assault Cases

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“Generally, the actions and the appearance of a legitimate rape victim leave little doubt that a crime has been committed. Under such circumstances, the victim is highly agitated, emotionally distraught, often in a state of hysteria and may have sustained injuries, cuts, bruises or wounds. The victim’s clothing is often ripped or torn off as evidence that is was forcibly removed and if the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments are stained or soiled.”

1995 article published by the International Association of Chief's of Police

Juries are still looking for the Hollywood sexual assault scenario.....

- Surprise attack
- No prior contact with the suspect
- Ski mask, weapon
- Immediate report to authorities
- Injury requiring medial attention

Experts used in sexual assault cases

- Medical experts
- Scientific experts
- Mental health experts
 - Psychological issues
 - Behavioral issues
 - Dispelling myths

Experts explain...

- Sexual abuse or assault dynamics
- Characteristics of victims of sexual assault/abuse
- Post-Traumatic Stress Disorder or Acute Stress Disorder

Areas of expert testimony

- Delayed reporting or non-reporting
- Recantation
- Victim self-blame or minimization
- Lack of resistance
- Incomplete/inconsistent memories
- Post-Traumatic Stress Disorder
- “Unusual” victim behavior
- Continued relationship with offender
- Lack of physical injuries

Addressing myths regarding sexual violence

- “Real Rape”
- Rapists are strangers
- Rape involves physical injuries
- Rape involves the use of weapons
- Victim credibility issues
- Rapist credibility issues

Myth

If a person goes to someone’s room or house or goes to a bar, she assumes the risk of sexual assault. If something happens later, she can’t claim that she was raped because she should have know not to go to those places.

Impact of Non-Stranger Rape

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 longer psychological recovery times

Non-Intuitive Responses

- Delaying a report to the police or reporting only under pressure from family or friends

Delayed Reporting

Primary reasons victims don't report:

- Shock, disbelief
- Embarrassment
- Don't define it as rape
- Guilt
- Loss of privacy
- Lack of trust in the criminal justice system

Fears that contribute to delayed reporting

- Fears about the court process
- Fear of confronting the assailant
- Fear of reliving
- Fear of reprisal
- Fear of emotional impact of going through the process

Non-Intuitive Responses

- Failing to recall or deliberately omitting specific details about the assault

Trauma and Memory

- In traumatic situations people forget all or some of the details of what happened.
- Traumatic memories are stored in different parts of the brain which makes access to them different than other kinds of memories

Non-Intuitive Responses.....

- Exhibiting no apparent emotional expression following the assault

Non-Intuitive Responses.....

- Not leaving scene, not calling for help, etc.
- Maintaining a relationship with the perpetrator following the assault

How victims respond to threat of rape

Automatic response

- Fight
- Flight
- Freeze

Strategic Response

Choose not to resist to minimize physical injury and assure survival

Frozen Fright

- Similar to shock
- Victim appears passive, obedient

This is NOT consent

Alcohol and Rape in the Court of Public Opinion

Victim + knowledge that she drank alcohol
= diminished credibility

Offender + knowledge that he drank alcohol
= diminished responsibility

Post Traumatic Stress Disorder

Four major symptoms of rape-related PTSD

1. Intrusive recollections
2. Social withdrawal - psychic numbing
3. Avoidance behaviors and actions
4. Increased physiological arousal

Duration of Psychological Symptoms

PTSD symptoms in a study of 200 rape victims:

2 weeks post-rape	94%
3 months post-rape	47%
1 - 2.5 years post-rape	41%
17 years post-rape	16.5%

Questions

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