

Factors Influencing Retraumatization Amongst Sexual Assault Victims

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Introduction

Victims of intimate partner violence face retraumatization when reporting their crime. The intention of this study was to analyze victims experience with the criminal justice system from a trauma informed lens. Themes and recommendations were developed in response to victims needs and the subsequent impacts set out in Haskell and Randell's (2019) report. The research question that this paper sought to answer is: what are the factors influencing retraumatization amongst sexual assault victims when reporting to the criminal justice system?

Background

Retraumatization as a result of the Criminal Justice System (CJS) is most prevalent in cases of intimate partner violence, specifically, sexual assault. When victims develop the courage to take legal action against their abuser, they are often faced with disbelief, victim-blaming, and disempowerment. Whether it be police interviews or court processes, the journey to justice is regarded as an uphill battle. Emerging neurobiological studies have placed an emphasis on trauma informed practice as they disprove the effectiveness of certain police techniques or court proceedings (Haskell & Randall). Boyd (2011, p.5) refers to the interactions between the CJS and victims as "the second rape"; therefore, this study will examine beneficial alternatives to the presently employed standards and practices.

Methods

The methodology used for this study was a qualitative comparative analysis. The collection of literature focused on primary studies of sexual assault victims surrounding their experience with the criminal justice system, both police and courts. Research was gathered using the Justice Institute of British Columbia library and Google Scholar. The study conducted by Haskell and Randall (2019), 'The Impact of Trauma on Adult Sexual Assault Victims', served as a framework to compare all other literature reviewed in this report. Trauma Informed Practice served as lens to examine victims experiences with the criminal justice system. Themes were identified from the data to illuminate the shared experiences of victims. The discussions section reviews the data around trauma informed practice and how it can mitigate revictimization when reporting sexual assault.

Results/Findings

Police interviews were identified as a precursor to retraumatization. The shared experiences of victims in police interviews can be summarized into three distinct points: (1) Non-belief, (2) victim blaming, (3) dismissive behaviour. Victims expressed that the police interviews mirrored the unequal power and control that they had experienced in their abusive relationship or attack (Lorenz et al., 2019). Interviews with the police were reportedly less of a safe space to report their attack and more of a disguised interrogation to prove validity.

Court was identified as a source of revictimization in two specific ways: (1) the court process, (2) the outcomes of trial. Defence attorneys were identified as the cause of significant distress since many victims in the study were discredited for not having an accurate recollection of the events. 85% of defence lawyers were viewed as insensitive and other court players like police or crown attorneys shared similar findings (Regehr et al., 2012). 70.3% of victims indicated the outcome

of court processes were destructive (Regehr et al., 2012). The study found that one-third of the reported cases resulted in the offender being sentenced to jail; however, the majority of victims (82.6%) felt unsatisfied with the length (Regehr et al., 2012).

Following what is best described as broken expectations with the justice system, unsupported respondents turned to alcohol and drugs as a coping mechanism (McQueen et al., 2021). Those who had reported not being believed by the police also indicated higher rates of drug use and binge drinking (Conroy & Cotter, 2017). Police who lack trauma informed practice when taking victim statements or interviews perpetuate these negative influences on victims.

Discussion

Based on the shared experiences of victims, trauma informed practice in the criminal justice system would benefit survivors in a variety of ways. The brain's defence circuitry during a traumatic event or when under perceived threat, a neurobiological 'freeze' occurs and sensory information is blocked out. Discrediting victims based on recollection is both unethical and impractical. Trauma informed practice in both police interviews and courts can promote long term recovery and memory retention. Forensic Experimental Trauma Interviews (FETI) have seen success in decreasing victimization and promotes collaboration. Specialized training for lawyers, counsel, and judges on the neurobiology of trauma would help increase victim's confidence and create a safe place within the criminal justice system.

Conclusions

Trauma informed practice has been situated in victim services and long-term counselling for decades yet the criminal justice system's resistance to reform furthers the neglect of survivors. To advance this field, the results of a trauma informed system need to be further analyzed in it's practice and implementation. Research should continue to prioritize the victims' perception in survey studies and interviews. Haskell and Randell's (2019) report should be the basis of all specialized training and iterations of a trauma informed approach to criminal justice.

References

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