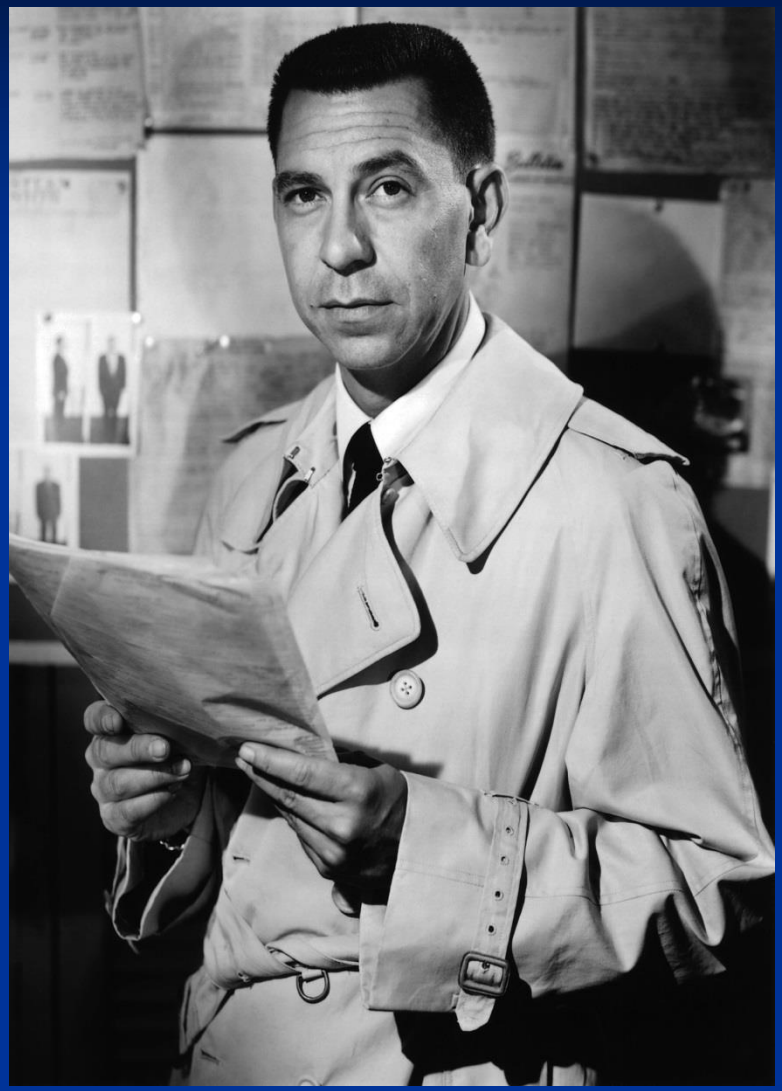


Trauma Informed Response

Getting Beyond
"Just the Facts, Ma'am"

Donna Kelly
Sexual Assault and Domestic Violence
Resource Prosecutor
Utah Prosecution Council
Office of the Attorney General

This project was supported by U.S. Department of Justice, Office on Violence Against Women the Utah Commission on Criminal and Juvenile Justice - **Grant number - 2011-WE-AX-0051** . The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

The Problem Defined

- Victims have a wide range of behaviors
- Victims have bizarre behaviors
- Many behaviors are interpreted as "lying"
- Many behaviors are the result of trauma

Closing argument BEFORE trauma training

The Problem Defined

Traditional Criminal Justice System Response

Vs.

New Medical Research on Trauma

Significant Researchers

Rebecca Campbell,
PhD – NIJ Studies

Russell Strand,
US Military Police School

Rebecca Campbell Research

National Institute of Justice

Study of Sexual Assault cases

Six metropolitan jurisdictions

12 year study period

Rebecca Campbell, Ph.D.
Professor of Psychology, Michigan State University
NIJ

Typical outcome withOUT training on effects of trauma

- The stuff they say makes no sense. So no, I don't always believe them, and yeah, I let them know that.
- Then they say "Never mind, I don't want to do this." OK, fine.
- Noted in report: Complainant refused to cooperate. Case closed.

Campbell Study, 2012

Police Reaction

- "The stuff they say makes no sense."
- "They lie all the time, I can tell."
- "I see them hedge, making it up as they go."
- "No way it's true. No one would act like that if it's true."
- "They can't get their story straight."

Campbell Study 2012

Advocate Reaction

- "It's hard, trying to change what they do to victims. They don't believe them and then victims give up. It happens over and over again."

Campbell Study 2012

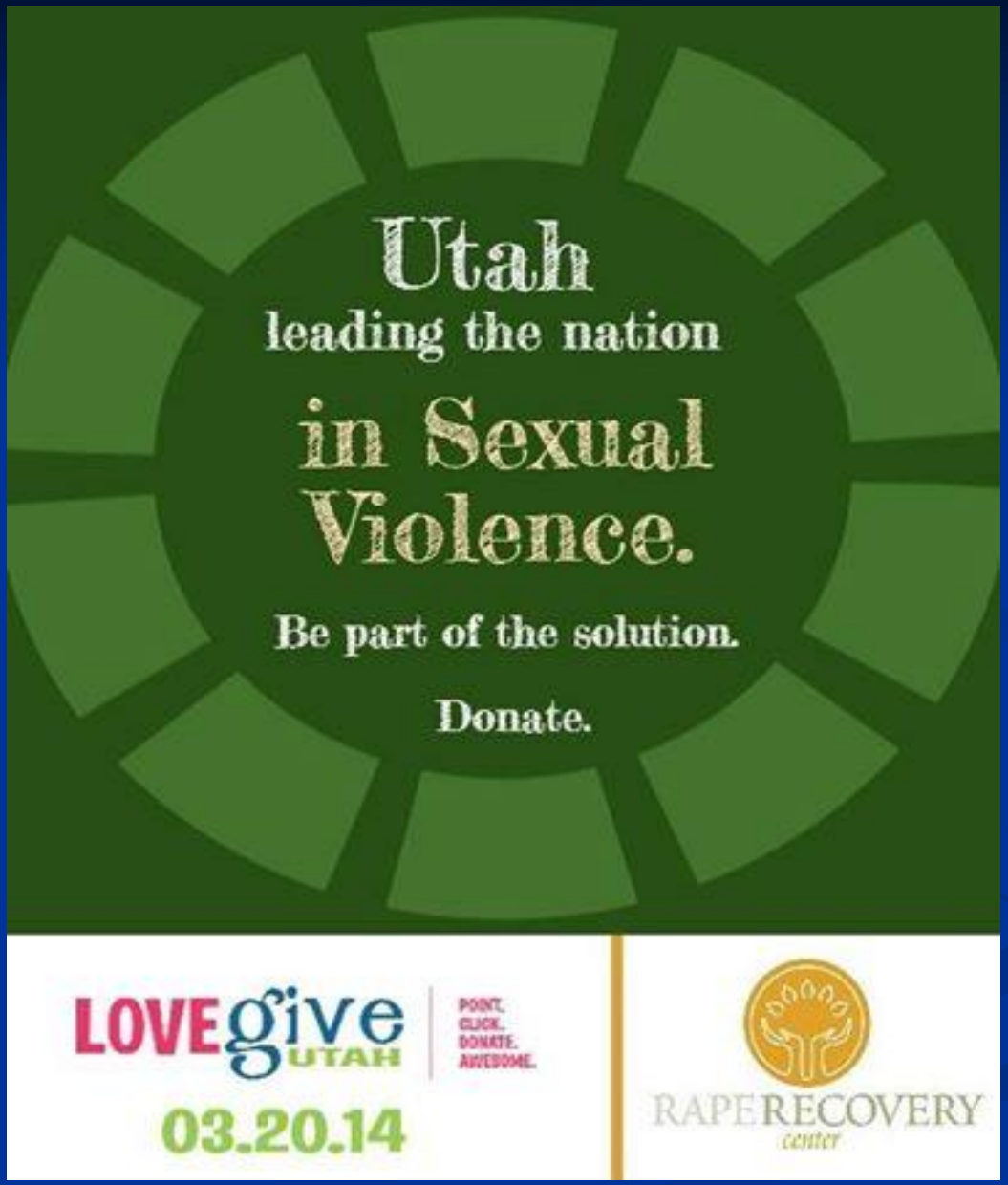
Victim Reaction

- "He didn't believe me and he treated me like s***. Didn't surprise me when he said there wasn't anything to go on to do anything. Didn't surprise me but it still hurt."

Campbell study 2012

Sexual Assault Cases in Utah

- National Institute of Justice Study – published January 2014
  - Salt Lake County chosen as one urban site
- SANE nurse and BYU Nursing Professor, Julie Valentine studied Code R cases from 2003 – 2011 in Salt Lake County
- For every 100 exams:
    - Investigators referred to DA's office:
      - 34 cases
    - Prosecution filed:
      - 6 cases


Utah
leading the nation
in Sexual
Violence.
Be part of the solution.
Donate.
LOVEgive UTAH
POINT. CLICK. DONATE. AWESOME.
03.20.14
RAPE RECOVERY
center

Brain Anatomy 101

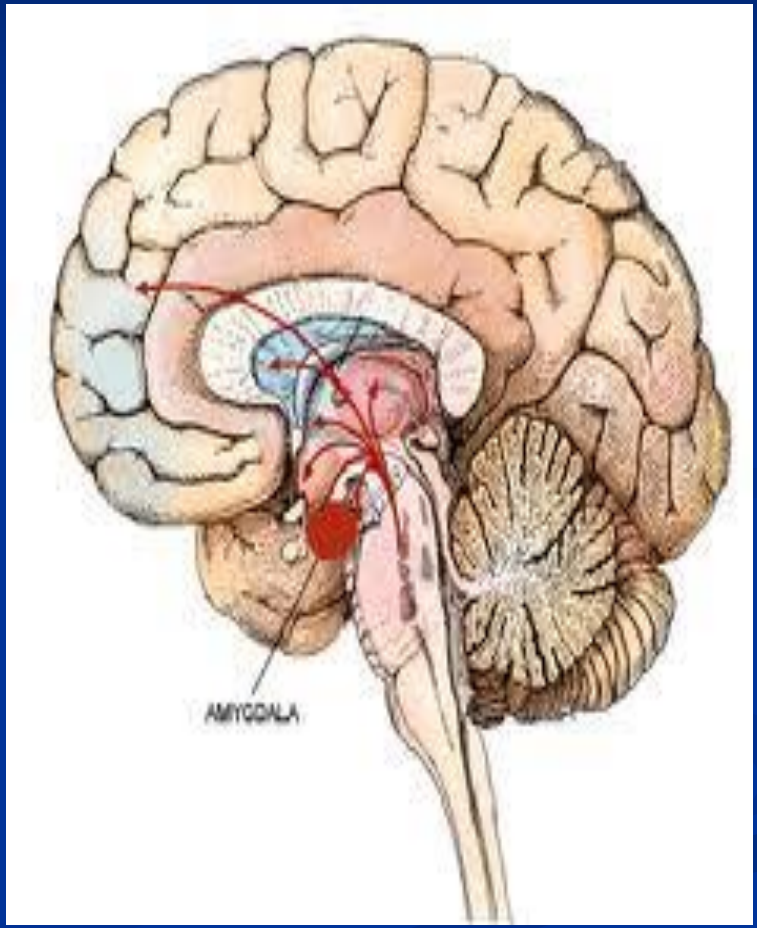
- The human brain experiences events and records memories in two different ways and in two different locations:
- The cortex

a.k.a. The Rational Brain

- The amygdala

a.k.a. The Primitive Brain

a.k.a The Walnut Brain



Rational Brain (Cortex)

- Controls primitive brain in all situations except trauma
- Chooses focus of attention
- Weighs alternatives
- Reflects on choices
- Inhibits habits and automatic responses
- Regulates emotions and thoughts

Primitive Brain (Amygdala)

- In trauma, “turns off” or controls cortex
- Involuntary focus on danger or threat
- Operates on primitive functions only
- Triggers automatic responses; ie., no weighing or problem solving

During Trauma of Assault

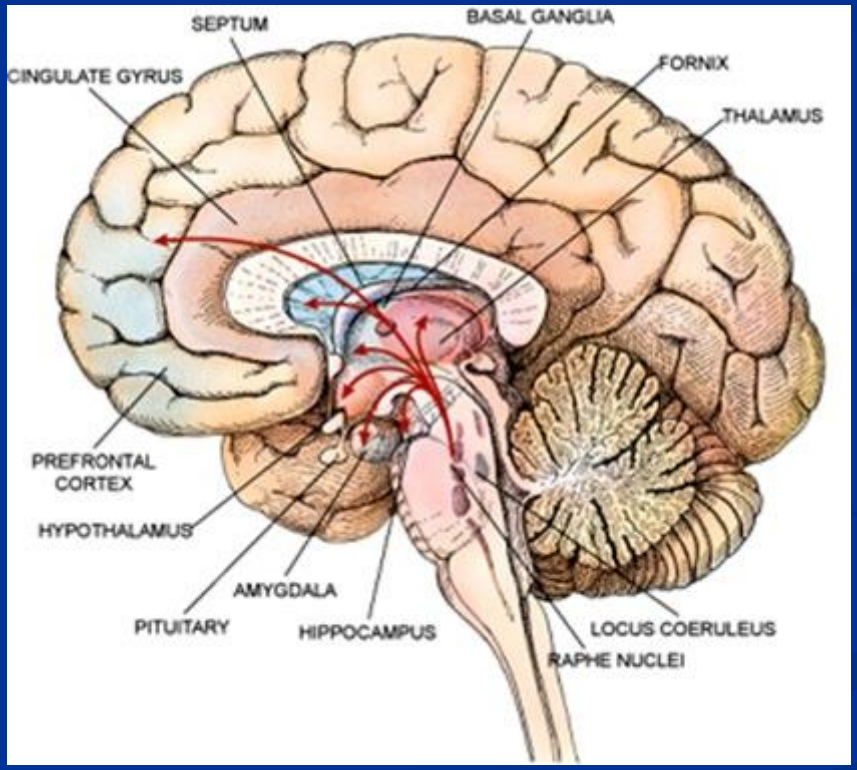
Perpetrator Actions

- Not stressed
- Cortex in control
- Thinking is planned, logical and rational
- Full control of behaviors and actions
- Memories are very orderly, narrative is chronological

Victim Responses

- Terrified, overwhelmed
- Amygdala in control
- Involuntary focus – danger, threats, survival
- Behavior controlled by emotions, reflexes
- Memories fragmented and illogical, not chronological

When you interview a person about a traumatic experience, you are interviewing the primitive brain.



Memory of Assault

The assault experience for victims is remembered in fragments and is infused with intense emotion and recollections of sensations because memories are stored in the primitive brain, a.k.a. amygdala.

"Flashbulb" Memories

Traumatic memories are often called "flashbulb" memories because they are brief and intense - but scattered and incomplete memories.

Are Rape Memories Different?
Journal of Traumatic Stress
Tromp et al, 1995

Effects of Trauma on Memory

- Poorly encoded/remembered
  - Sequence of events
  - Context and consolidation of events
  - Events and details outside of perceived threat
- Well encoded/remembered
  - Details most important to survival
  - Threat of harm (often called "weapon focus")
  - Emotions
  - Sensations (five senses)

Perpetrator Account vs. Victim Account

Which account is more understandable?

Which account is more believable?

hands
on

Officer Involved Shooting Investigations Research

- Critical Incident Amnesia
- "This temporary amnesia will affect both the officer's memory and the officer's ability to write a detailed report."
- After first sleep cycle, officer's memory increases by 50 per cent
- After second sleep cycle, officer's memory increases up to 90 per cent
  - Force Science Institute

Critical Incident Amnesia
Law Enforcement Officers

The brain does not have infinite capacity to observe, so it narrows the focus and ignores the rest.

We can either see the forest or the tree, but not both at the same time.

Force Science Institute, Honig and Lewinski, 2010.

Responses of Body to Trauma

The Real Response:

FREEZE – to assess

then Fight or Flight

IF POSSIBLE

Involuntary Behavior in FREEZE mode: Two Common Types

- 1) Dissociation or "disintegrated experience"
  - Purpose: Brain's method of protecting from overwhelming sensations, emotions
  - Victim may report:
    - "I felt like I was standing in a corner watching."
    - "It was like I went to another place."
    - "I just 'spaced out.'"
    - "It was like I was in a dream or watching a movie."

Involuntary Behavior in FREEZE mode: Two Common Types

- 2) Tonic Immobility
  - Purpose: Preserve life.
  - Caused by perceived inability to escape
  - Usually follows a failed struggle to fight or escape
  - Usually sudden onset; body flooded with hormones (Oxytocin primarily)
  - Pronounced verbal and physical immobility
  - Can last for minutes or hours

Involuntary Behavior in FREEZE mode: Two Common Types

Victim May report:

- "I was frozen."
- "I felt numb."
- "My arms/legs/hands wouldn't move."
- "I tried to scream but I couldn't."

Tonic Immobility

Chicken in Tonic Immobility State

Tonic Immobility

Shark in Tonic Immobility State

Tonic Immobility Research

- 2008 study of Tonic Immobility
- Looked at serious traffic accidents, serious physical assault, sexual assault, close call with death
  - 44 % had significant immobility
  - 11 % had extreme immobility
  - Greatest immobility was from:
    - Sexual assault (60 %)

Bados et al, 2008

Officers' Stress Reactions to Lethal Force Encounters

Fast Motion Time	17%
Slow Motion Time	62%
Diminished Sound	84%
Intensified Sound	17%
Tunnel Vision	79%
Heightened Visual Acuity	71%
Memory Loss	52%
Auto Pilot	74%

-- *Dr Alexis Artwohl*

"Surviving Deadly Force Encounters"

Tonic Immobility Case Study

- Rebecca Campbell research
- College party - 20 year old woman drinking
- Agreed to go back to one of the bedrooms
- Things go farther than she wants – told him to stop
- He didn't
- She froze
- He raped her and then told his friends
- They lined up outside bedroom door and took turns raping her

Tonic Immobility Case Study

- Woman's friends go in and have to "drag" her out
- Victim had rape exam and reported crimes
- Police never got Code R report, never investigated beyond her initial statements
- Police report wrote:
  - "Victim unable to establish all elements of crime. Case closed."
  - "She just laid there, so she must have wanted it. No one wants to have a train pulled on them, so if she laid there and took it, she must have wanted it."

Uninformed Interview From the Victim Perspective

Utah Case – Victim Facebook Posts

- My AWAKE Facebook friends... I'm pretty sure I was RAPED last night... Please HELP …
- I'm surrounded by Utah cops that believe this was MY FAULT... PLEASE HELP...
- I don't know what to do...
- PLEASE S.ME.NE HELP ME... THERE ARE N. FEMALE P.LICE IN UTAH....
- @ the hospital... .Officer (X) won't tell me his first name...

- Out of the hospital... Thank you to everyone that called... I was still under the influence of whatever got slipped in my drink last night... My flight home is at 6... I want to go home...

- Finally heading home, hour and half delay... Spent 45 minutes with Det (Y) and maybe not all Utah police are not total worthless a*******... Just now getting back to all the texts and messages... Thank you guys for the support and positivity you provided this morning and throughout the day... I was all alone and I needed it... Thank you...

- Hello FB family...
- I'd like to say thank you again for the outpouring of support and positive energy I've received from you all... I was pretty terrified and confused when I put it all out on blast on here... Between the act itself and my inability to even think/remember what happened, being alone in a different state (Utah), being treated like a stupid whore by a****** police and having to defend myself without knowing or expecting to, I knew I needed help... I needed as much help from as broad a scope of folks/friends that I could get and this is where I went... So many have asked if there is anything they can do to help and in answer I say just keep sending the positive vibes... Trust me, I can feel them and I appreciate it … Thank you all again...

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If we want to be effective, we MUST interview traumatized victims in a different way

But wait . . . Aren't cops/prosecutors supposed to be objective and independent, not "victim centered?"

Just like in child abuse cases, we need to interview all victims according to THEIR ABILITY.

Victims who have experienced a traumatic event should be interviewed by a person who is aware of the effects of trauma.

Forensic Experiential Trauma Interview (FETI)

- Term "Forensic Experiential Trauma Interview" coined by Russell Strand
- Three principles of FETI:
  - 1) Genuine Empathy
    - "Never treat a victim as a witness to their own crime."
  - 2) Facilitate detailed statement by victim
    - "Help me understand what you are able to tell me about your experience."
  - 3) Shut your mouth, open your ears and listen

Forensic Experiential Trauma Interview (FETI)

Our ability to "sculpt" our presentations

If a victim reports these things, this is *circumstantial evidence* (ie.,"corroboration") that they were traumatized.

Utah Lack of Consent Law

"The victim need do no more than her age and her strength of body and mind make it reasonable for her to do under the circumstances."

State vs. Strudham, 572 P2d 700 (1977)

It is our job to make sure that judges/juries understand that trauma is one of those ***"circumstances"*** *that they must consider.*

Closing argument AFTER trauma training

- West Valley City Police Department Project
- Trauma Informed Protocols
- Trauma Informed Victim Interviews
- NIJ study begins – start date May 1, 2014

We have an impact on victims in 100 per cent of our cases.

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel."

-Maya Angelou

“You can do it.”

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