

Sexual Violence Trauma

Understanding trauma and neuroscience has had a great deal of public attention in recent years in high-profile sexual violence trials. When an individual is under threat and their stress response is activated, they temporarily lose executive brain functioning.

This impairs not only planning and decision making but also affects the brain's capacity to organize experience into logical sequences. When an individual is in the midst of a serious threat or assault, brain regions are activated to help them survive the experience, increasing intense responses such as hyperarousal and altered attentional focus, while decreasing activity of brain structures involved in planning and strategizing. These neurological changes are why pilots, mountain climbers, paramedics, and hospital emergency personnel practice emergency procedures over and over again, and they also carefully review checklists of what to do in a crisis. How to handle a crisis situation needs to become automatic for them.

These alterations in decision making and strategizing capacities help explain why asking a sexual assault survivor to account for the decisions they made is not a reasonable request; it can be perceived and experienced as victim blaming. Most people who have experienced a traumatic, overwhelming event are not knowledgeable about the complex brain and body alterations that they experienced. They **may not be able to explain**, even to themselves, their own often confusing and counterintuitive behaviours at the time of the incident or immediately afterwards.¹

Memory and Witness Credibility

Memories formed during a traumatic event may be stored as fragmented pieces that hardly make a coherent image. Speaking of a sexual assault can bring back the terror, helplessness, and fear that the body experienced in the moment. This does not mean that a trauma survivor cannot talk about what happened to them; they often can. However, their stories may be in fragments, unable to capture the whole experience.

The testimony of the person who experienced the sexual assault is of crucial importance during a trial as their testimony is most often the primary or only source of evidence. Yet it is precisely how this testimony is heard, received, and understood, including misunderstood, that causes many of the difficulties in how the criminal justice system processes sexual assault cases.

Many of the misunderstandings continue to arise from still commonly held rape myths, failures to understand common trauma reactions and mistaken assumptions about small and apparent inconsistencies in recall about upsetting and traumatic events. These lead to the mistaken belief that victim-witness testimony lacks credibility or reliability.

Reference

¹ Haskell, L. & Randall, M. (2019). The Impact of Trauma on Adult Sexual Assault Victims. Retrieved from: www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf