

## Victim guilt following experiences of sexualised trauma: investigation and interview considerations

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Some people who are victims, or witnesses, of serious crimes are traumatised by the experience. Many, if not most, traumatised individuals feel guilty about some aspect of what has occurred. In this article I will outline the psychological purpose of post-trauma guilt; and I will surmise the impact that guilt is likely to have on victim disclosure, and potentially on the accuracy of the account. I will offer some suggestions as to how investigators and interviewers might seek to use this understanding to inform both the investigation and the interview with traumatised witnesses. Throughout this article my focus will be victims of serious sexual offences, however the concepts presented here are relevant to any traumatised witness.

### **The foundation of post-trauma guilt**

Most human beings are delusional. I imagine you are no different. We delude ourselves into believing that our world is a 'safe enough' place for us to go about our day to day existence in a relatively anxiety free way. Without such delusions life would be unbearably frightening and we would exist in a constant state of heightened anxiety, fear and dread; we may even become psychotic.

We each know that bad things happen: people are physically assaulted, murdered, raped, injured in road traffic incidents and harmed in a multitude of other ways. We know these things occur and we defend against the harsh reality by deluding ourselves into believing that they won't happen to us, or to the people we love: not today, not now. The world, we tell ourselves, is predictable enough or, at the very least, our response to bad things happening is predictable.

Most people if contemplating what they would do if somebody tried to rape them, would contend that they would scream, struggle, fight or run; with a significant number proclaiming that they would have to be dead before they would permit such a violation. To my knowledge, however, the majority of people who are raped are not dead, and indeed most victims of rape are not physically injured in any significant way. The discrepancy between what people believe they would do under such a threat situation and the corresponding reality, creates many challenges for the investigation and prosecution of rape – most of which are outside of the parameters of the present article – victim-guilt is one such challenge.

Post-trauma guilt is created thus: an individual experiences a serious threat to their integrity. Such an experience will shatter most people's delusions and force them to recognise that the world is not a safe and predictable place. Additionally, it is likely the person's reaction to the threat (especially a sexual threat) was not as predicted (i.e. they are much less likely to fight, struggle, run and/or scream than they imagined).

The prospect is bleak for any individual whose delusions of security are shattered. How can they continue knowing how unpredictable and dangerous existence is? A small percentage of people may retreat into psychosis, the rest have to find a way of reinstating their delusions. To my knowledge, the only (non-dissociative) way of doing that is to find some aspect of the incident to which self-blame can be ascribed. A rape victim may berate herself for having worn certain clothing, for having agreed to walk alone with a man, for rejecting her partner's sexual advances or for not having struggled more; or he may feel responsible for not having recognised the intentions of his attacker sooner, for having frozen with fear and/or horror or for having an erection and/or ejaculating during the assault.

The guilt victims' of trauma experience is often very painful, yet it is preferable to the unbearable anxiety that lack of delusions would represent. Guilt reinstates those essential delusions. For this function alone it is necessary and, arguably, psychologically healthy following any severe trauma. If the individual can ascribe some responsibility to him/herself then this horrific happening was not an 'act of random bad luck' (a concept that human beings cannot tolerate as it creates unendurable levels of anxiety) it was something that could have been predicted and should have been predicted. As such the world is again considered to be a safe, and predictable, enough place – it is the victim him/herself who is left feeling that they are not safe, nor predictable, within that world.

### **Guilt and shame**

The post-trauma guilt that victims of serious sexual offences experience is likely to concern a conscious or non-conscious choice made by the victim that they now regret and wish they could erase (e.g. if only I hadn't had so much to drink, accepted a lift from him, gone in for coffee...). Guilt is different to shame in that feelings of guilt attack *what the victim did or did not do*, whereas shame attacks *who the victim is*. This basic distinction is important to make since "I *did* bad" is infinitely more tolerable than "I *am* bad"; and where corrective action is not possible the former is likely to develop into the latter.

Raine (1998) contends that rape, by definition, is a situation that renders corrective action impossible. Essentially I agree with Raine, however just because corrective action is not possible does not mean that traumatised victims will not attempt it.

### Implications for disclosure

Victim guilt has inevitable implications for disclosure to the police, not least of which is that guilt is likely to silence many victims and prevent them from making a complaint.

Victims who do report will need to find a way to ‘manage’ the guilt. A significant number simply express their guilt within the disclosure. A female rape victim might say, for example, “He asked me to go in for coffee, and *like an idiot* I went”; equally a victim of male rape might say “I froze, I just let him do it. I can’t believe I did that. I should have fought him off”. This is by far the most preferable option from an investigative point of view. Especially where the investigator is able to recognise the expression of guilt for what it is: potentially important information that this victim is presenting in a way consistent with having just experienced trauma.

Some victims, however, do not express their guilt directly. Some try to conceal their guilt. Arguably this could be seen as an attempt by the victim at the ‘corrective action’ necessary to alleviate guilt and prevent the onset of shame. In my experience although attempts to conceal guilt may yield short term gains, in terms of temporary guilt alleviation, in the longer term the victim is likely to feel additional guilt and, as a result, shame will be compounded further.

There are two generic ways in which a victim might attempt to conceal their guilt: they may omit information from their disclosure, or they may modify information within their disclosure (popularly referred to as ‘lying’).

Before I address each of these possibilities it is important for me to first draw your attention to the aspect of the incident that is most likely to cause the victim to feel guilty. Fig. 1, below, is a diagrammatic representation of the timeframe concerning a complaint of rape.



Fig. 1

It is my contention that, for the majority of victims, guilt and self-blame are attached to their 'pre-incident' choices (e.g. I should not have agreed to walk alone with him), with some of the guilt being focused on the victim's response to the incident itself, i.e. what their body did or did not do in response to the threat (e.g. I should have struggled or tried to run). See fig. 2.



Fig. 2

If guilt is most likely to be concentrated on the victim's (conscious and non-conscious) pre-incident choices, it follows that if the disclosure contains omissions and/or untruths they too will concern the circumstances leading up to the incident.

It is important to note that gaps, inaccuracies and inconsistencies in the account of a victim of rape or serious sexual assault will frequently result from the trauma itself, more specifically the way the brain processes information under such a threat situation (Cozolino, 2002; LeDoux, 1996; Siegel, 1999). I discuss these issues more fully elsewhere (see Lodrick, 2007).

For the purposes of the current article, I will distinguish trauma-induced memory issues from omissions and untruths intended to conceal, and alleviate, feelings of guilt, in that the latter are likely to focus on the actions of the victim him or herself in the pre-incident phase.

*Example one:* A male victim may omit to tell investigators that he had been 'chatting' to his attacker, via the internet, a few days before their initial meeting resulted in the rape. He may imply that their meeting was one of chance, because his guilt is focused on the fact that he had deliberately gone out to meet a man who had then violated him.

*Example two:* A woman may tell police that she left the nightclub alone, intending to get a taxi straight home, and that she met her attacker outside the club. Witnesses and/or cctv may evidence that she left the club in the company of a man. Her guilt at having done so underpins the lie.

Such omissions or untruths are complex psychological defences against the intolerable anxiety that the victim would suffer if they had not reinstated their delusions by ascribing guilt to their actions, they do not necessarily indicate that the complaint itself is false.

It goes without saying that when an investigation uncovers such inconsistencies in a victim's account their credibility is brought into question. This is understandable, yet where the issues relate to the pre-incident phase it is possible that a more supportive interview structure could have been avoided the inaccuracies and exclusions.

### **Interview considerations**

In order to address the potential issue of victim guilt resulting in deliberate omissions and/or untruths, I suggest that consideration is given to the way in which the interview is structured. Currently many such interviews encourage the victim to talk about the whole day<sup>1</sup> within which the incident took place. This means that the victim will be expected to disclose the aspect of their experience that they are most likely to feel guilt and responsibility for (pre-incident) at the outset of the interview, when rapport between interviewer and interviewee is likely to be at its weakest<sup>2</sup>.

I suggest a different interview structure whereby the incident itself is the initial focus of the interview. The witness is encouraged to give a free narrative account of the incident, which is then explored, expanded and clarified, through skilled and appropriate questioning by the interviewer. After the incident itself has been disclosed the pre-incident information can be sought, this may comprise the latter part of the same interview or perhaps be the subject of a separate interview.

The benefit of this interview structure, with regard to the post-trauma guilt, is twofold. Firstly, the victim hears him/herself speak out loud what has happened to them, positively impacting on post trauma issues such as denial and avoidance, and thus reinforcing that they have been wronged/violated/raped/assaulted. Secondly, the rapport is maximised before the victim is required to talk about the aspect of their experience that generates feelings of guilt and, as a result, is most difficult to disclose. It is expected that this structure will reduce the likelihood of the victim deliberately omitting from, or falsifying, their account of the pre-incident phase.

My recommendation, with regard to interview structure, is consistent with recently distributed ACPO guidance (ACPO, 2010) which provides advice on visually recorded

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<sup>1</sup> If not the whole day then, at least a timeframe that includes the 'pre-incident phase'.

<sup>2</sup> In my experience robust rapport is built when a victim discloses their experience and the interviewer receives that disclosure appropriately and professionally.

interview structure; the ACPO advice will be reflected in the anticipated revision to *Achieving Best Evidence (ABE)* (Office for Criminal Justice Reform, 2007).

### **Summary**

In this article I have outlined the link between traumatic experience and feelings of guilt and shame. I have reasoned that the guilt ascribed to pre-incident behaviour may result in deliberate omissions and/or untruths which are intended to alleviate guilt and avoid shame. In order to avoid these, an interview structure is suggested that initially focuses on the incident itself and addresses the pre-incident phase later.

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