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Testimony for September 8, 2010 Pennsylvania House Judiciary Committee re: House Bill 2255

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Intimate violence, more than any other crime, is misunderstood and interpreted in false paradigms created by myths, media, and projected expectations of human behavior. In my years of experience, I have evaluated and/or treated hundreds of victims of assault of all ages and likely over a thousand sexual offenders. I have been qualified as an expert in evaluation of sexual offenders and victims in criminal and family court cases. My expertise results from over 20 years of experience with victims and 16 years of experience with offenders, as well as hundreds of hours of training and education. I have been used as an expert across the nation to educate prosecutors, judges, law enforcement, and juries about the behavior of offenders and victims. However, in my own state, I have not been able to assist in the prosecution of the violent crimes that impact so many.

From the inception of a sexual assault, the sexual offender has multiple advantages that allow most to succeed. The crime is vastly underreported, difficult to prosecute, and generally leaves little evidence. There are rarely witnesses to the crime, resulting in others to refer to the crime as a "he said/she said," unlike other crimes. The offender uses the basic foundations of community – like trust, kindness, hope, and prosocial behavior – exploitively. And finally, because of the offender's "non-intuitive" behavior, that offender is allowed to use the audience/community and the victim him or herself to succeed in the offense. The offender has the upper hand in a sexual assault and the misunderstanding, confusion, and misinterpretations of the offender's behavior by others all serve to solidify that advantage.

Areas of Testimony

The use of experts to explain victim and offender behavior is critical to facilitating proper understanding of the dynamics of intimate violence and its aftermath. Despite efforts of the sexual assault awareness movement to educate the public about domestic violence and sexual assault, research continues to reveal that jury biases, misinformation, faulty expectations, and myths abound and impact the observers' assessment of victim credibility and offender culpability. Cases are ruined and people, including children, are endangered, resulting in offenders' acquittals, return to offenders' care and access, and further traumatization of the victim. Research demonstrates that juries hold racial and gender biases, and, in fact, that women jurors doubt victims more vehemently than male.

I believe there are three salient areas that experts can provide to build a foundation of information that juries and judges can use to evaluate cases better: education about rape myths and biases, information about victim behaviors including counterintuitive behaviors, and information about the methods of sexual offenders.

Rape myths and biases of the "audience"

There are three necessary components to every successful sexual assault. There is the offender, the victim, and the audience, meaning the society or people outside of the assault. It is very important to understand that society is loaded with myths, misinformation, and misunderstandings about rape, sex offenders, and victims. Some of the myths that should be addressed include:

- "Real rapists" are strangers that are physically violent;
- "Real victims" act a certain, predictable way that "proves" she is telling the truth (this would include immediate reporting and avoidance of the offender);
- Women lie about being raped frequently;
- "Bad" women bring on rape or deserved to be raped;
- Rapists/sex offenders are not nice or look or act a certain way;
- There is clear physical evidence when someone is raped; and
- Rape is about sex.

Generally, people carry these ideas and use them as a template to evaluate whether or not we believe a victim. I want to address some of these myths and problem expectations. In doing so, I will present facts about sexual assault, including issues about non-stranger assault, reporting statistics, presence of "evidence," and use of substances during assaults (victims and perpetrators).

About the Victim

Studies show that society, including law enforcement, have strong expectations of how a victim "should" act if she is a "real" victim. Some of these expectations include:

- Immediate reporting;
- Righteous anger or other emotional displays;
- Avoidance of the perpetrator and/or acted upon fear of perpetrator after the offense;
- Consistent details and intact memory;
- Gender role expected behavior before, during, and after assault.

However, research and clinical experience demonstrate that there is no way to predict how a victim will react after an assault and that there is a wide array of factors that influence a victim's behavior. In fact, outside the context of an assault, many victim behaviors would be considered normal. People avoid talking about or facing the unpleasant. People who are fired may initially cope by pretending they are on vacation. Examples of this "non-intuitive" behavior abound outside the context of an assault. Experts can present to the jury information regarding these issues and what can or cannot be expected following a sexual assault. An expert can address the issues of immediate and delayed reporting, including the factors that impact reporting of sexual assault, address the relationship between the victim and perpetrator(s) and what is common in a non-stranger rape case, and explain the effect of the factors of fear, dependency, denial of victim, and trauma bonding. A victim's view of law enforcement and the law enforcement perspective on victim credibility can impact disclosure and post-assault behavior. Also, an expert can educate the jury on victim coping strategies and the factors that affect how a victim deals with the assault.

Understanding the Offender

The most critical thing to understanding a sexual offense is not evaluating the credibility of the victim or explaining the victim's behavior, it is **understanding offenders and offense behavior**. Losing an offender focus is the most common mistake we – the audience – make. Experts can elucidate for the jury the methods and manipulations of sexual offenders – how the offender controls and tricks the victim and the audience. Offenders use the rape myths, misinformation, and biases to hide their offenses. Offenders count on expectations and presumptions about a victim to hide the offense and make great efforts to manipulate the victim into acting a particular way that assists in the camouflage of the assault. For instance, an offender who assaults children can make children like him and want to be with him, completely challenging the bias observers has that if someone is being abused, he will run from his offender.

An expert can explain how an offender chooses, manipulates, and exploits his/her victims. This would include assessing and exploiting vulnerabilities of the victim, isolating the victim, creating dependency and vulnerability of the victim, and presenting himself in contrast to the victim. An expert can provide education on the motivation for sexual offending and the general pathways to sexual assault, namely sexual deviant and character traits of the offender.

People must be able to understand that offenders purposely choose particular victims, can build relationships with them that cloud or camouflage the assault, and will use the victim's weaknesses or problems to focus on the "badness" of the victim while promoting himself as helpful, nice, or acceptable. The jury or judge needs to understand how the relationship with the victim hides and confuses the assault and how offenders choose particular victims. An expert can provide examples that will hopefully assist the jury in understanding how the concepts work in "real life."

Most importantly, an expert can explain how an offender impacts the context of the victim and context of the assault. Offenders convince their victims they liked it, consented, were confused or misunderstood intentions, overreacted, asked for it, or other things that confuse and silence the victim. Sexual assault in an interpersonal relationship, like marriage, can be completely manipulated by how the offender presents the "truth" about the assault, the victim, and himself.

I believe strongly, and have witnessed the impact myself, in the effectiveness of expert testimony in intimate violence cases. I think, simply, the fact that Pennsylvania is in the minority of states that fails to use expert testimony speaks to established strength and utility of the use of experts. It is time for us to utilize the tools we have to educate and illuminate the work of the offenders, as they are able to use any tool they have to facilitate their abuse of others.



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Dr. Valliere is a licensed psychologist and has her doctorate in Clinical Psychology from the Graduate School of Applied and Professional Psychology of Rutgers University. She has 23 years experience in the field and has worked in individual and group treatment with violent offenders and their victims, including domestic violence offenders, sexual offenders and victims, violent offenders, and substance abusers. She is currently the owner and director of two outpatient treatment centers -- Valliere & Counseling Associates, an outpatient treatment center for mental health, domestic violence, and victim issues and Forensic Treatment Services, an outpatient violent offender treatment program. Her program treats Federal, State, and County Offenders as well as those incarcerated at the County Prison and patients at the State Hospital. She also serves on the Pennsylvania Sexual Offender Assessment Board and has been reappointed three times. She has published on the treatment of sexual offenders and presented on the same at national and local sexual offender conferences. She has trained Pennsylvania State Parole agents on the Supervision of the Violent Offenders, presented on sexual offenders for the National Center for the Prosecution of Violence Against Women, trained judges, state police officers, and polygraphers, and been a guest presenter at many forensic and violence related conferences. She is recognized as an expert in a number of states and trained nationally and internationally.