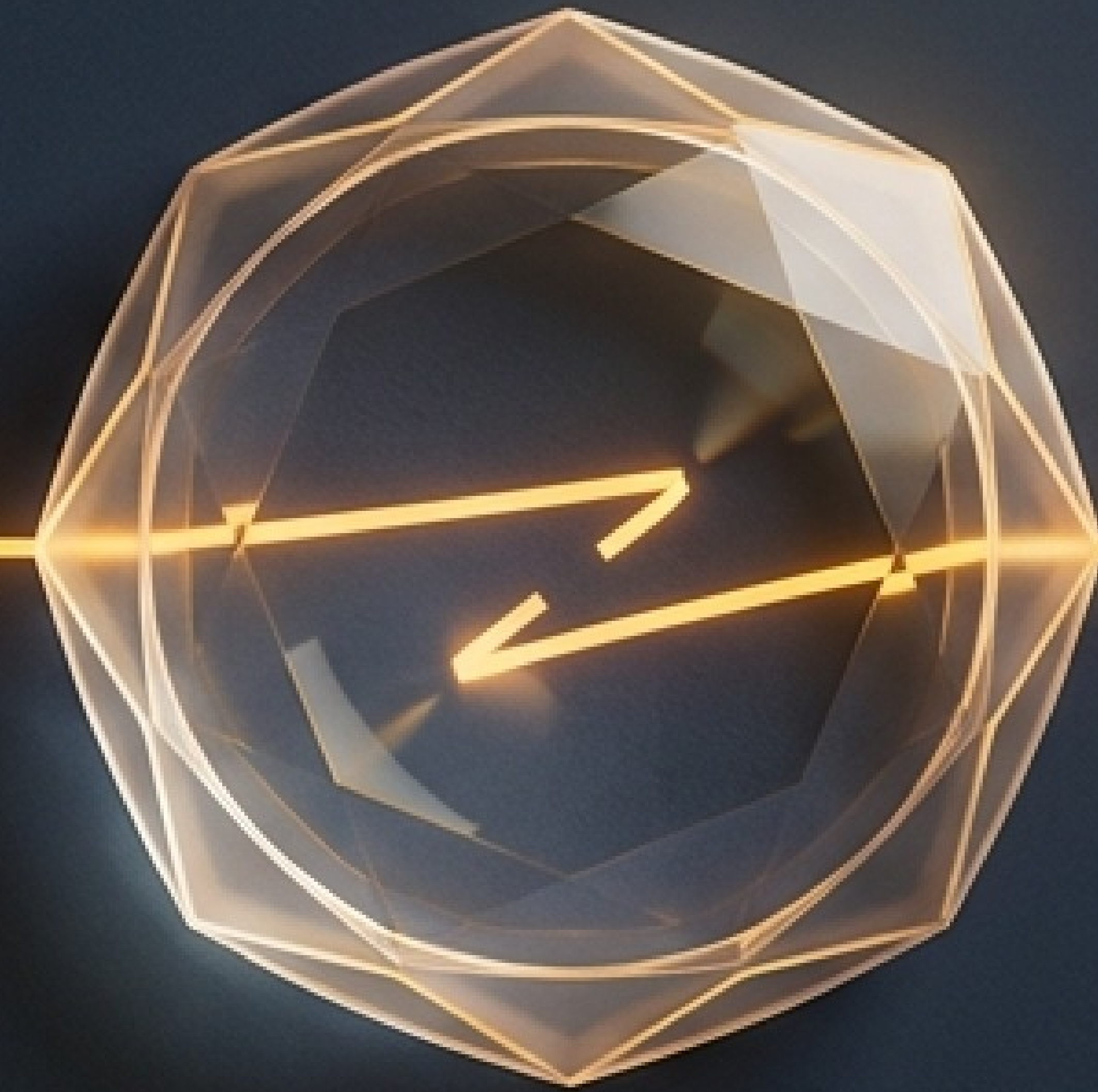


The “Wrong” Victim

Restoring Chronology to
Sexual Abuse Investigations

By Eric Sanders

A diagnostic framework for legal, HR,
and institutional decisionmakers.



We Have Been Trained Better Than This



DOJ 2024 Guidance

Trauma alters recall and demeanor.



Fanflik 2007 Research

Counterintuitive behavior is simply adaptive.



Shadow Corroboration

Legal actors are not immune to cultural expectations.



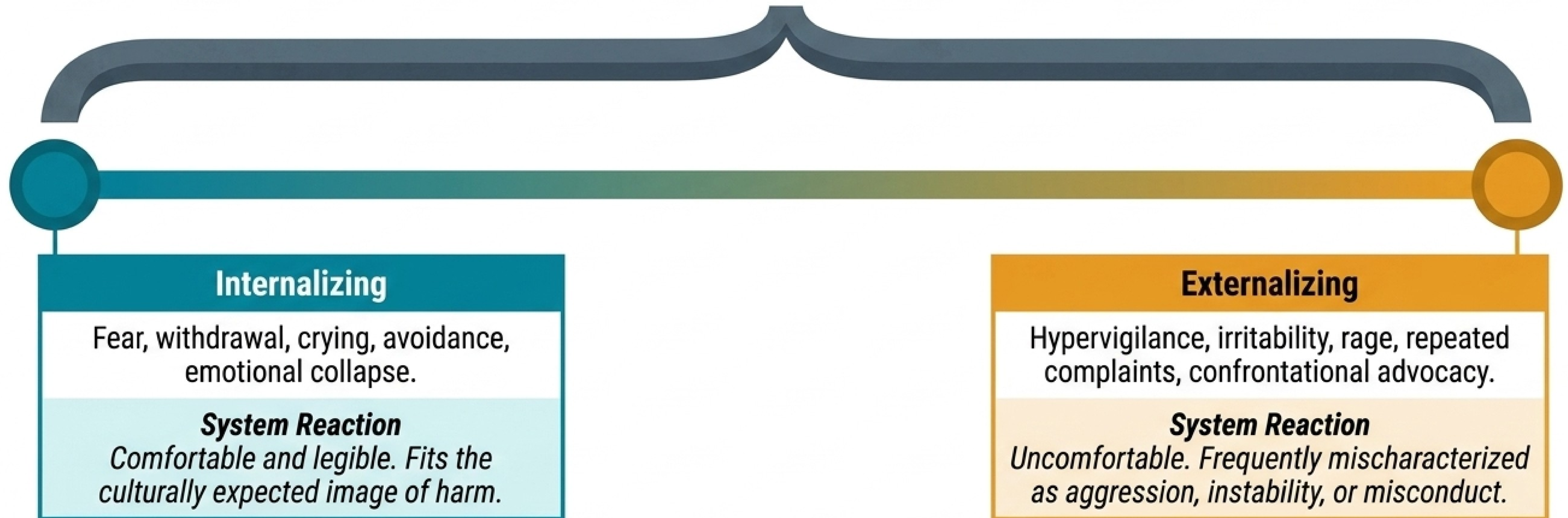
Despite decades of trauma-informed training, decisionmakers repeatedly revert to behavioral shortcuts. When objective evidence is scarce, we stop asking "Did this happen?" and start asking "Did they act how a victim should?"

The Double Bind of Behavioral Expectations



Trauma Responses Exist on a Continuum, Not a Hierarchy

Valid Adaptive Responses



The legal system historically recognizes internalizing responses. However, a victim who moves to externalizing responses does not cease to be a victim—they simply cease to resemble the passive script institutions are prepared to recognize.

The Central Error is Causal Inversion

The Chronological Reality (Reading Forward)



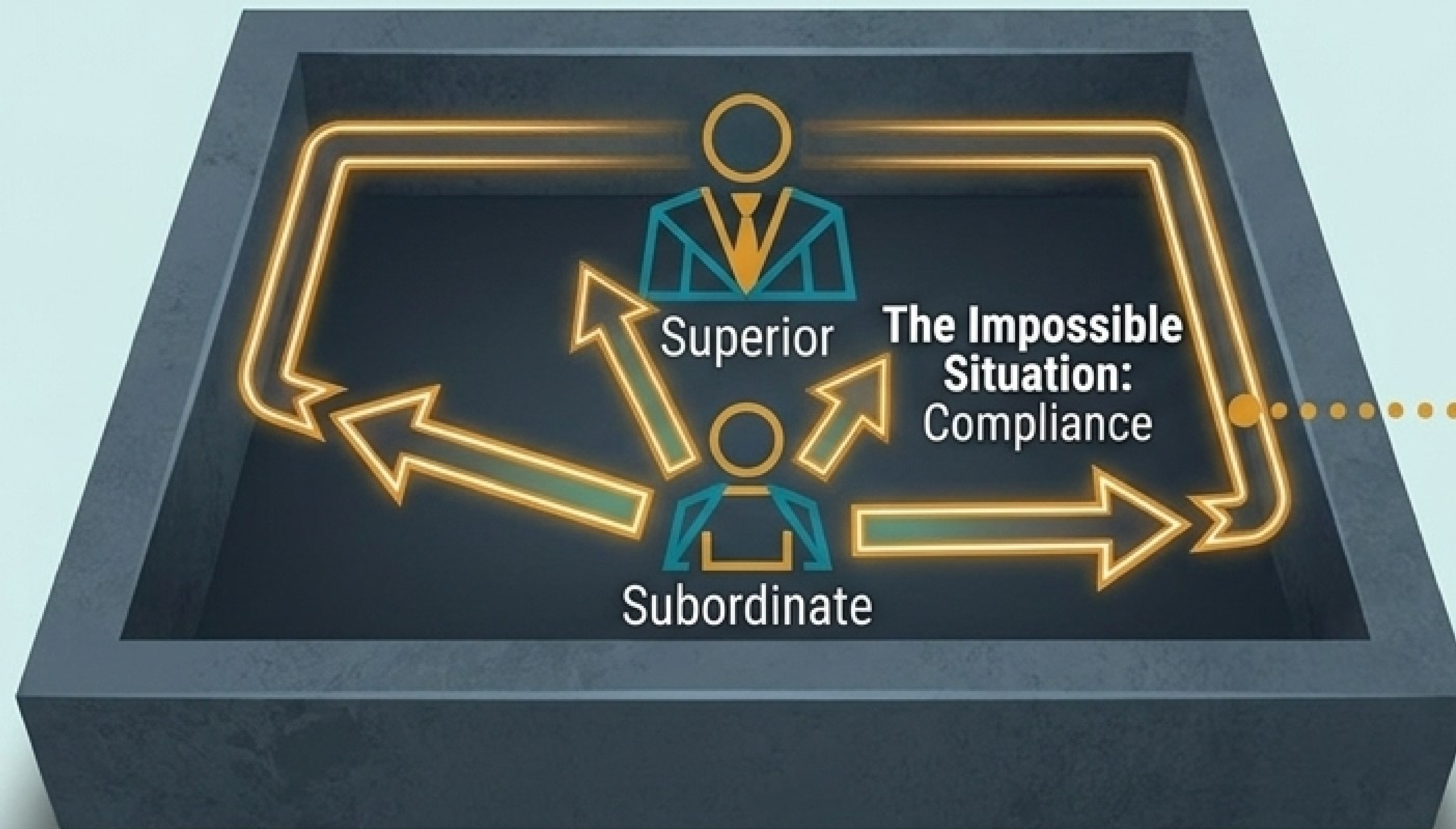
The Investigative Error (Reading Backward)



Later hostility, dysregulation, or public accusation is routinely treated as retroactive evidence that the original abuse never occurred. The system uses the downstream consequence to erase the upstream cause.

Hierarchy Changes the Range of Available Choices

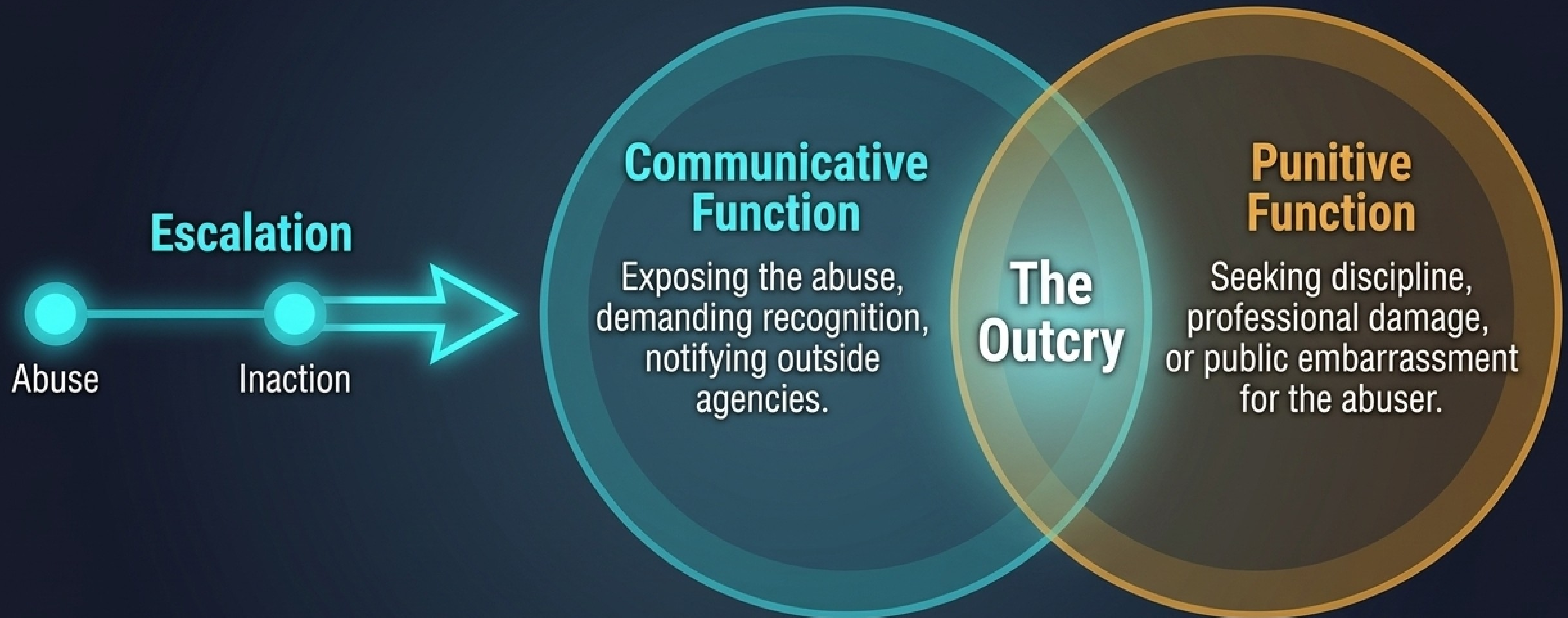
The Power/Dependency Structure: Control over assignments, evaluations, reputation, and employment.



A subordinate may maintain cordial communication or attend social events because open rejection carries perceived professional ruin.

Power disparity does not automatically presume coercion, but it definitively proves that continued association cannot be treated as self-executing evidence of consent.

A Single Act Can Function as Both Outcry and Retaliation



Traditional outcry expects a quiet report to a trusted authority. But when formal channels fail, outcry can become accusatory and punitive. The presence of a punitive objective does not strip the conduct of its expressive, communicative content.

Institutional Betrayal is an Evidentiary Feedback Loop



When the Victim Becomes the Investigation

The Original Abuse Allegation

The factual analysis of the alleged sexual misconduct fades into the background.

The Victim's Reaction

Investigators begin examining the tone the victim used, the frequency of their communications, and the reputational damage they caused.

The alleged abuser assumes the role of complainant. The administrative record fills with documentation of the victim's "disruption." The documentary imbalance itself fundamentally warps the credibility assessment.

Chronology Determines the Meaning of Hostility

Scenario A: Hostility as Bias



If a documented campaign against the accused exists prior to the alleged event, it supplies an independent motive to fabricate.

Scenario B: Hostility as Reaction



A desire for revenge that develops after institutional inaction or retaliatory isolation is entirely compatible with genuine victimization.

The language of revenge implies motive, but motive must be chronologically mapped.
Did the revenge inspire the allegation, or did the abuse inspire the revenge?

The Causal Inversion Diagnostic Matrix

The Stereotype	The Chronological Reality
Anger & Hostility Anger means vindictiveness or fabrication.	Anger is often downstream of institutional inaction or retaliation .
Delayed Reporting Prompt reporting is normal; delay implies recent invention.	Delay reflects a strategic calculation of safety when the abuser controls employment or housing .
Continued Contact Affectionate or cordial messages prove the conduct was welcome.	Contact is often an attempt to appease power, avoid retaliation, or restore normalcy .
Punitive Motive Wanting the accused fired or ruined negates victimization.	A victim can genuinely be abused and simultaneously want the abuser to suffer professional consequences .

Credibility Analysis Must Be Evidence-Based, Not Aesthetic

Aesthetic - Discard

Judging emotional polish, restraint, and likability.

Treating a calm demeanor by the accused as truthfulness.

Expecting behavioral symmetry from the victim.

Evidence-Based - Enforce

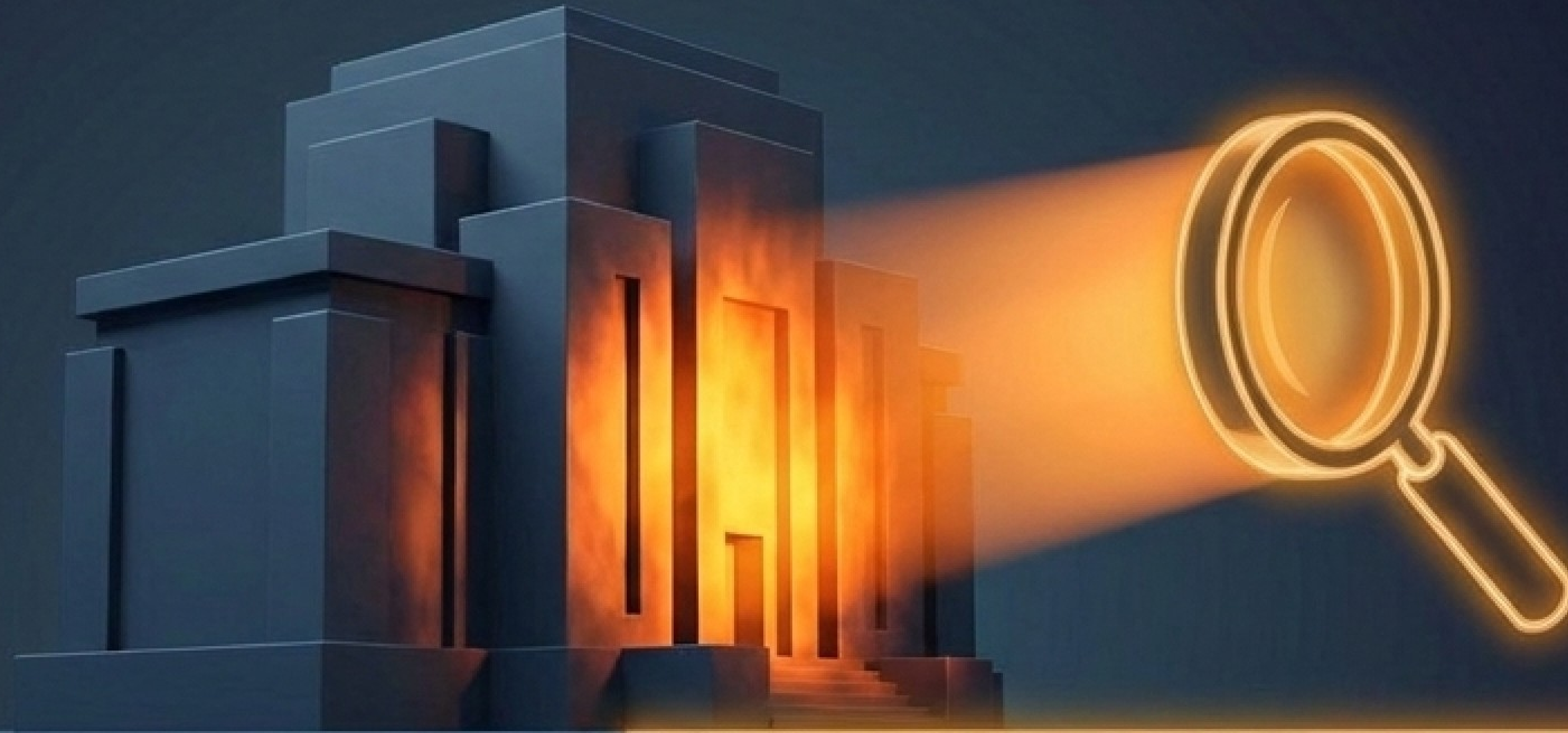
Contradictions: Do contemporaneous records materially contradict the core factual event?

Corroboration: Work records, location data, shifts in behavior, third-party disclosures.

Pre-existing Motive: Identifying documented bias that predates the alleged abuse.

Victim status does not excuse independent misconduct or policy violations, but later misconduct does not retroactively rewrite the truth of the earlier event.

The Trap Is Ours, Not Theirs



Core Synthesis

The central institutional failure is not that victims are unpredictable. Human behavior is inherently.

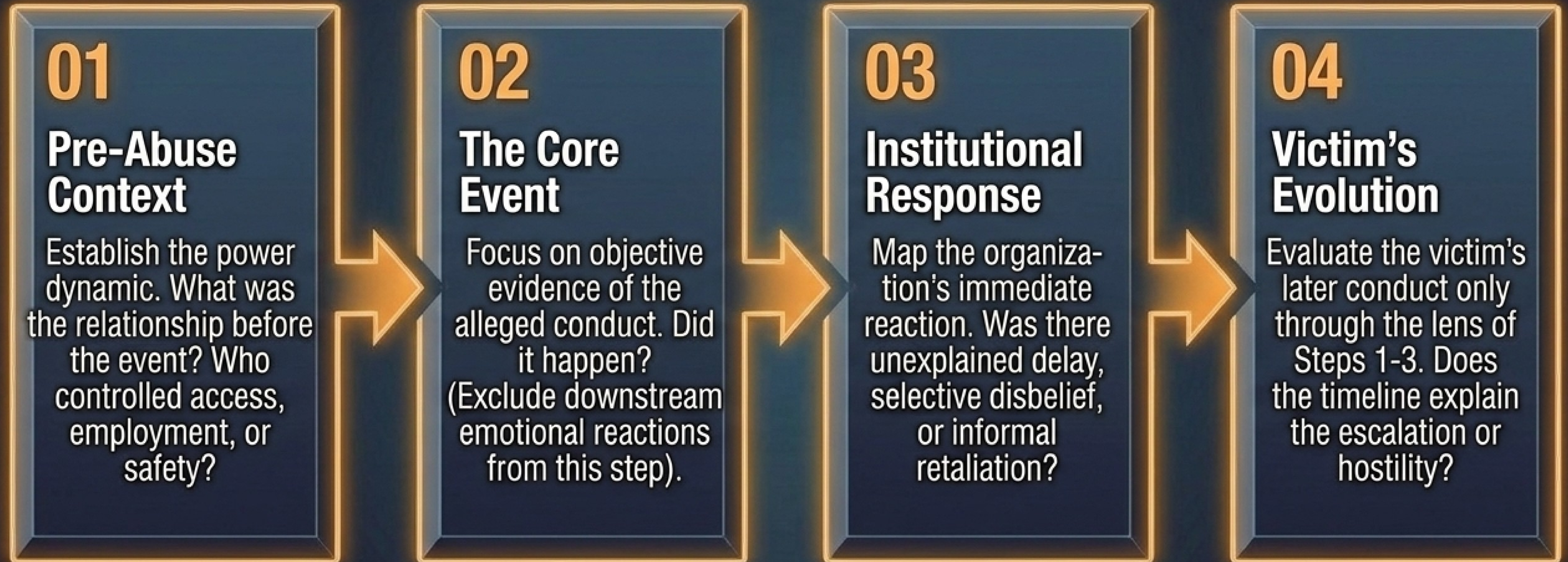
The failure is that courts, employers, and investigators repeatedly treat unpredictability as suspicious only when the subject is sexual abuse.

Takeaway

We begin with an imagined, perfect behavioral model, and then mistake any departure from it for evidence of a lie.

The burden belongs to the decisionmaker to abandon the script and analyze the evidence.

The Chronological Fact-Finding Framework



Final Thought

The **burden** belongs to the decisionmaker. Abandon the script. **Analyze the evidence.**