

**CONDUCTING TRAUMA-INFORMED INVESTIGATIONS
FOR SEXUAL MISCONDUCT CASES**

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LEARNING OUTCOME

After participating...

...you will be better able to account more completely for the role trauma plays in your investigation process.



■ Agenda

- Overview of the Neurobiological Impact of Trauma
- How Trauma Could Impact Title IX Investigations
- Conducting Trauma-Informed Investigations
- Preparing the Final Investigation Report




■ Trauma Informed Approach


- Check your biases (we all have them)
- Avoid appearing impatient
- Emphasize these points
 - Safe place/comfort
 - Personal support
 - Available services
 - Always remain neutral on the facts
 - Trust and transparency




■ Trauma Informed Approach

- Build rapport immediately
- Provide information to the Party
- Acknowledge the difficult situation
- Provide as many options as possible
- The Process
 - Your role (impartial, neutral, fact-finder)
 - Policy
 - Communication
 - Rapport

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IMPRESSIONS 5

 **CHAT**

**What would happen if we did not
apply trauma-informed training to
our investigations?**

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IMPRESSIONS 6

■ Value of this Approach

1. Avoid unnecessary biased and unfounded conclusions.
2. Understand how trauma impacts the brain and response of a Complainant during an attack.
3. Strategize to get the most complete story from the Complainant.
4. Trauma informed approach does not rely on a timeline in chronological order.



■ Neurobiological Impact of Trauma

- Physical Reaction:
 - Brain detects a threat to the body
 - Trauma triggers chemical reaction which impacts
 - Perception
 - Ability to react
 - Memory (fragmented- can't provide narrative- misinterpreted as lying
 - Each individual reacts differently (highly subjective)



Neurobiological impact of Trauma (cont.)

- Sympathetic
 - “fight,”
 - “flight,”
 - “freeze”
- Focus on survival
- A feeling of dissociation,
often described as an “out of
body” experience



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“Rules of the road”



- Stay in your lane
- Don't put your blinkers on
- Remember your role
- Remain neutral



QUESTIONS



CHAT

What might be some of the range of emotions that a sexual assault survivor may experience?



ONE SIZE DOES
not FIT ALL

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■ Trauma - the possible impact

- Shock
- Denial
- Self-Blame
- Embarrassment
- Fear
- Angry
- Confused
- Degraded
- Humiliated
- Demeanor (lack of emotion, misinterpreted as lying)

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■ Trauma Informed Approach

- Complainants may experience certain responses during and after the assault
- Traumatic memory is fragmented, can't provide narrative - misinterpreted as lying
- Demeanor: lack of emotion or odd or inappropriate affect - misinterpreted as lying or "not being upset"
- Sensory memories may be more detailed



■ Trauma Informed Approach

The trauma informed approach changes the way we respond and investigate, and most importantly the way we interview Complainants.



■ Trauma Informed Approach

- Important to focus on two concepts:
 - What are you able to tell me about your experience?
 - Where would you like to begin?
 - Provide space to allow Complainant to begin where he/she wants.
 - If Complainant has a run-on statement, let it run.
 - Use follow-up questions (non-leading) for example, "You mentioned that you told him/her "no", can you tell me what you were experiencing at the time?"



■ Trauma Informed Approach

- Instead of asking "why", ask about what the Complainant was thinking during the experience
- Ask about memories associated with the senses such as: sight, smells, feelings.
- Avoid "Victim Blaming"
Questions to avoid: Why did you...? Why didn't you...? or ask...



Trauma Informed Approach

- Quote Complainant's exact words on key elements
- Identify Witnesses:
 - Who was there before and after?
 - Who else knows anything about the sexual misconduct?
- Expect fragmented memory

Current Events



■ “Rules of the road”



- Stay in your lane
- Don't put your blinkers on
- Remember your role
- Remain neutral



QUESTIONS

■ Trauma-Informed Approach Wrap up

- Clarify information and details
- Focus on the Respondent
- Ask how the experience has affected the Complainant physically and emotionally
- Ask what has been the most difficult part of the experience
- Ask if there is anything the Complainant cannot forget
- Outline communication expectations



■ Trauma-Informed Investigation Reports

It is important to integrate interview details into the investigation report.



Trauma-Informed Investigation Reports

Documenting the survivors experience:

- What did "no" look like? (absence of yes)
- What did fear feel like? (paint the picture)
- How did that make you feel?
- What did you think was going to happen?
- What was your thought process...?



Trauma-Informed Investigation Reports

Documenting the Complainant's experience

Interviewing for sensory and peripheral details

What did you see, hear, smell, taste, touch

What were your reactions to this experience?

Physically and emotionally

Documenting the psychological after effects of trauma

What has changed / family & friends observations?



■ “Rules of the road”



- Stay in your lane
- Don't put your blinkers on
- Remember your role
- Remain neutral


■ Promoting Fairness in Trauma-Informed Investigations


- Equitable and appropriate to use the trauma informed interview approach with Respondent.
- Opportunity to describe the events as to what the Respondent was able to recall about the event.
- Allow Respondent describe their thought and sensor perception regarding the alleged event.
- Questioned respectfully and professionally, non-judgmental manner

Promoting Fairness in Trauma-Informed Investigations


- Crucial to ask follow-up and clarifying questions to complainant without victim blaming:

Can you please help me understand the contradictory evidence or counter intuitive behavior ?



 **TAKEAWAYS**

- Traumatic event - brain is in survival mode.
- One size does NOT fit all.
- Your words and reactions matter.
– *Revictimization will silence a Complainant.*
- Stay in your lane, don't put your blinkers on, remember your role - remain neutral.
- Apply similar strategy to a Respondent.





QUESTIONS

References

- Strand, Russell, The Forensic Experiential Trauma Interview
- Campbell, Rebecca, Neurobiology of Sexual Assault. National Institute of Justice.
- Salko, Heather A, Tools for Trauma Informed investigations. National Sexual Violence Center.
- Dinse, Jeff-Podcast on Promoting Fairness in Trauma Informed Investigations



EVALUATION

Thank you!

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