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



- 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





CHAT

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



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 narrativemisinterpreted 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





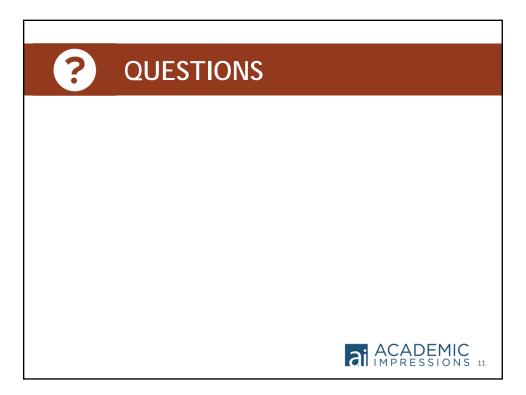


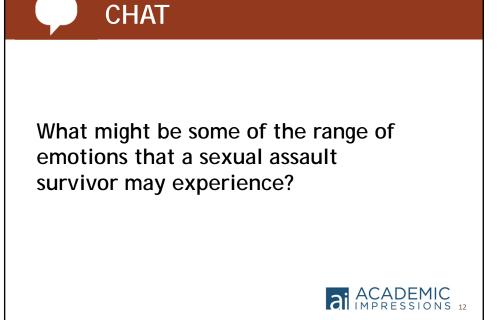
"Rules of the road"



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









ONE SIZE DOES not FIT ALL



Trauma - the possible impact

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



- 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.



- 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...



- 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 ACADEMIC MPRESSIONS 20

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? 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?



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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.





References

- Strand, Russell, The Forensic Experiential Trauma Interview
- Campbell, Rebecca, Neurobiology of Sexual Assault. National Institute of Justice.
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