

TRAUMA
INFORMED
INTERVIEWING IN
SEXUAL ASSAULT
INVESTIGATIONS

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 JUSTICE 3D

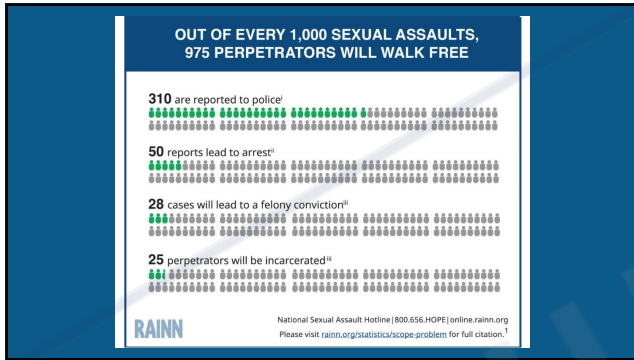
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WHY ARE WE HERE??

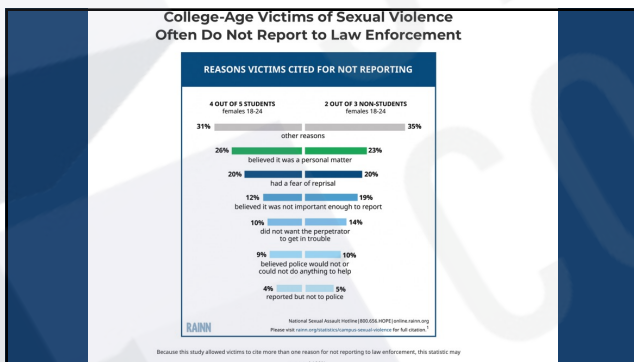
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OUT OF EVERY 1,000 SEXUAL ASSAULTS,
975 PERPETRATORS WILL WALK FREE

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INTERNAL INFLUENCES

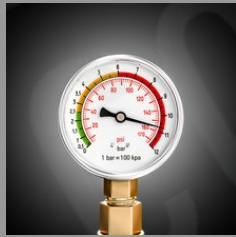
- Embarrassed and ashamed
- Self-blame
- Alcohol and drug use
- Fear of not being believed
- Ignorance of the law



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EXTERNAL INFLUENCES

- Pressure from:
 - family
 - friends
- Pressure of hiding behaviors:
 - drugs, sexual history, etc.



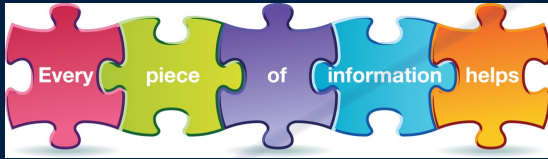
Who will know? believe? judge?

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SOCIAL INFLUENCERS

- Shunned or ostracized by their community
- Distrust of law enforcement
- Marginalized populations
- Uncomfortable with specific acts committed during the assault

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TRAUMA-INFORMED INTERVIEWING

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"ASK THE RIGHT
QUESTIONS...CREATE
THE RIGHT SPACE"

Dr. James Hopper

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SUCCESSFUL
DISCLOSURE

ACCURATE , DETAILED MEMORY
RETRIEVAL

ATMOSPHERE OF SAFETY AND
TRUST TO ALLOW FOR SHARING

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VICTIM INTERVIEW

Rule # 1



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HISTORICAL APPROACH

Interrogation style interviews
Poor communication
Lengthy investigations
Polygraph
Non-belief



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HISTORICAL APPROACH



Methods inconsistent with:

- *how memories are encoded and stored*
- *how memories are retrieved*
- *realizing how the interview can impair retrieval*

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TRADITIONAL METHODS

- Chronological in focus
- Closed-ended, specific questions
- Incorrect tone & demeanor
- Approach to questioning
- Focused on elements - not experiences
- Expect to remember every detail

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THE HISTORICAL POLICING CULTURE

Lack of training & "Old warhorses"

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WHAT IF WE MISUNDERSTAND TRAUMA?

- Victim-blame
- Disengagement
- Bias created or supported
- Self-fulfilling prophecy
- Long-term effects on victim healing

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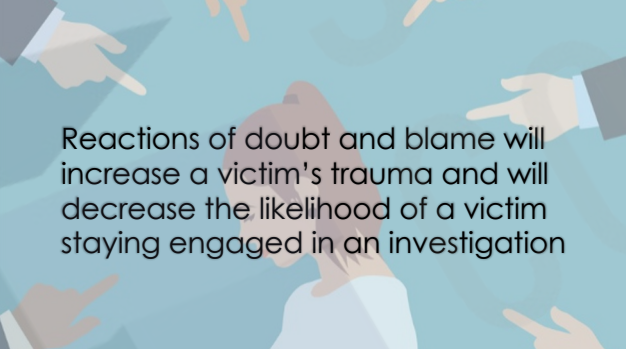


THE CYCLE OF SUSPICION

- Law Enforcement does not believe the victim due to _____
- This misplaced suspicion is communicated to the victim
- Can lead victim to become uncooperative
- By "creating" a non-cooperative victim LE perpetuates the myth that most victims are uncooperative
- Adds to myths around false reports

EVAWI OLTJ False Reports. Lonsway Archambault, Berkowitz (2019)

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Reactions of doubt and blame will increase a victim's trauma and will decrease the likelihood of a victim staying engaged in an investigation

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CYCLE OF SYMPATHY FOR THE SUSPECT

- Suspect appears credible
- Respectable, likeable
- Even has a credible story on the surface
- Doesn't look like a rapist...he looks like me

EVAWI OLTJ False Reports. Lonsway, Archambault, Berkowitz (2019)



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How do biases hurt our cases?

- Prosecutors were over 5xs more likely to file charges if there were no questions about the victim's moral character.
- 2.5xs more likely to file charges if the victim did not engage in any "risky" behavior at the time of the assault.
- 4xs more likely to file charges if the victim reported to the police within an hour of the assault.
- 2019 study – 3249 cases from 6 jurisdictions – only 1.5% resulted in a trial

(Spears & Spohn, 1997)
Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S. (2019)
Melissa S. Morabito, Linda M. Williams, April Pattavina

22

Trauma Informed:

- Commit to not re-traumatizing victims
- Recognize the impact of trauma on victims
- Apply this training/knowledge to guide effective responses



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TRAUMA INFORMED INTERVIEWING MEANS ...



Informed of the scientific research on trauma and memory



Aware of the unique dynamics of sexual assault



Creating an environment where victims feel comfortable and safe enough to share

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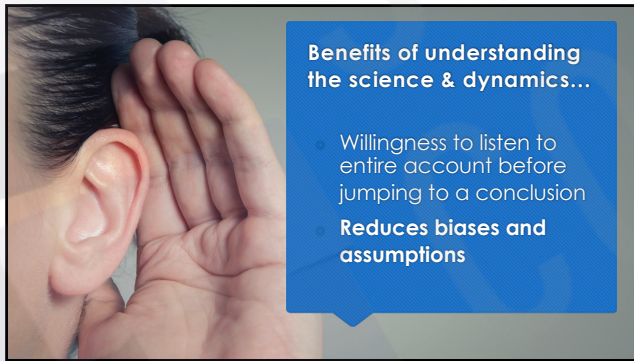
Benefits of understanding the science & dynamics...

- Realistic expectations of how people respond during a sexual assault
- Habits & reflexes– trauma can impair decision making
- Understanding how memories are encoded and retrieved
- Perceptive listening** - ex. "I froze" "My mind was blank" "I was out of my body"

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Benefits of understanding the science & dynamics...

- Willingness to listen to entire account before jumping to a conclusion
- Reduces biases and assumptions**



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Stress impairs
retrieval

Atmosphere
matters

27

More comfortable & safe the victim feels during the interview

Less stressed they will be

More detailed memories can be recalled and shared

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Building Atmosphere

Advocate Comfort Time Trust

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HOW DOES IT BENEFIT SURVIVORS TO HAVE AN ADVOCATE INVOLVED?

30

Concerned with the global impact on a victim's life

Helps identify immediate concerns

Assists with ongoing concerns

Works long-term to help victim move to "new " normal

31

RESEARCH TELLS US...

- survivors consistently rate advocates as supportive and informative*
- survivors who worked with advocates experienced less distress after contacting the legal and medical systems*

EVAWI, (2019) Breaking Barriers: The Role of Community Based and System-Based Advocates citing Wasco et al. (2004)

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ADVOCATES ARE BRIDGE BUILDERS

33



WHAT FEARS OF THE "SYSTEM" DO VICTIMS SHARE?

- What if I used alcohol/drugs?
- What if I ... adaptive behaviors
- Will my friends and family be interviewed?
- Who else will find out about this?
- What is the process like?

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RESEARCH SHOWS US...



survivors were more likely to have a police report taken when an advocate involved

59% vs. 41%

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ADVOCATES SHOULD BE INVOLVED...

as early as possible

as much as possible

for as long as possible

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ADVOCATES AS A SUCCESSFUL PART OF THE INTERVIEW...

Monitor the victim's well-being

- Offer emotional and verbal support
- May help relax and calm the victim during the interview and investigative process

Clarifying Questions

- Would you like the interviewer to explain that again?
- Would you mind explaining that question for Sarah? It might help her if she understood why you need to ask that question...
- Checks and balances on the trauma informed interview process

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During the interview process

- *Remain neutral*
- *Don't ask questions or comment on answers during interview*
- *Are there exceptions?*
- *Decide on a signal when a victim appears to need a break*



38

What if the victim asks for a support person ... other than the advocate?

39

- Might help the victim provide better information
- Some states protect the victim's right to have their own support person other than advocate
- Set the ground rules

40

Ground rules – shared with support person and victim

- There for the emotional support of the victim during the interview process
- NOT there to ask or answer questions during the interview process (this can be done at the end)
- Should not take notes or record any part of the victim interview process

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Ground rules – shared with support person and victim

- Can't interfere with the interview, for example by insisting on telling the interviewer what happened, rather than having the victim do so
- May not express doubt or blame about aspects of the victim's account
- Will not express antagonistic feelings toward the interviewer

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Not everyone can stay...

- Exclude anyone who may be a witness
- Discourage parents, spouses, intimate partners

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Comfort

- Victim must feel safe
- Private
- Free from distractions



44

Can the victim pick the location?

- Equipment considerations
- Privacy
- Safety

45

UNDERSTANDING SAFETY

Victims feel:

- Hypervigilant
- Fear and shame
- Embarrassment
- Anger and uncertainty

46

VICTIMS MAY BE HYPER-SENSITIVE TO PERCEIVED CUES AND REACTIONS COMING FROM INTERVIEWERS –

BE AWARE

47

TIME

- Recognize that these interviews can be lengthy
- Address possible distractions so the victim can be completely “present”



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Build Trust

Good interviewers do it intuitively

- Patience
- Compassion
- Flexibility

But more than anything else...

50

EMPATHY

The Right Person

Can you teach empathy?

- Empathy is not sympathy
- Empathy is the ability to understand and **SHARE** the feelings of another.

51



Empathy:
Multi-dimensional

- Understanding the perspective of the interviewee
- Appreciate the emotions and stress of the interviewee
- Able to communicate this to the interviewee

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Empathy

Cognitive Empathy
"Intellectually taking the role or perspective of another person"
(Gladstein, 1983)



Affective Empathy
"Responding with the same emotion to another person's emotions"
(Gladstein, 1983)




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Empathetic emotions

- Allows the interviewer to recognize and label emotions
- Another step in developing cooperation



54

Empathy unlocks:

- Trust
- Feelings of being understood
- Safety



55

"You" Statements	How are YOU feeling?
	Is there anything YOU need to feel more comfortable?
	May I call YOU by your first name?
	Where would YOU like to do this interview?
	Do YOU have any questions?
	Do YOU have any concerns?

56

"We" Messages	We are going to take time to talk about what happened.
	We will review all the information together.
	We will discuss all aspects of the case as it progresses.
	We will go over all the options available.

57

Things NOT to say

Everything is going to be alright.

Don't cry

Time heals all wounds

I know exactly how you feel

It could have been worse

Just try to get on with your life

58



Preparing for the detailed interview

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TRAUMA INFORMED INTERVIEW ELEMENTS

Effective Victim Interviewing...
Lonsway, Archambault, 2021

- Sincere efforts to establish safety, trust, rapport, and comfort
- Encouraging victims to share what they can at that time
- Encourage a free narrative by the victim, starting wherever they wish
- Use of open-ended, non-leading questions
- Focus on what victims can recall feeling and thinking throughout different parts of the event

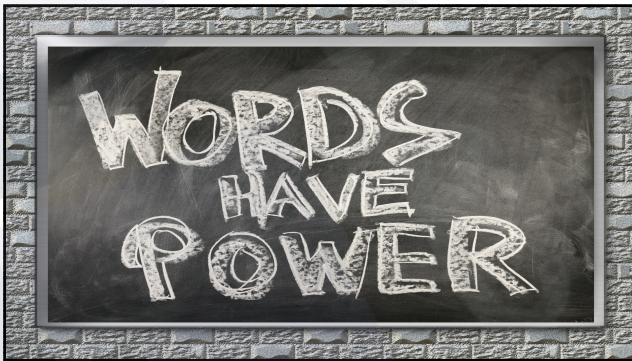
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TRAUMA INFORMED INTERVIEW ELEMENTS

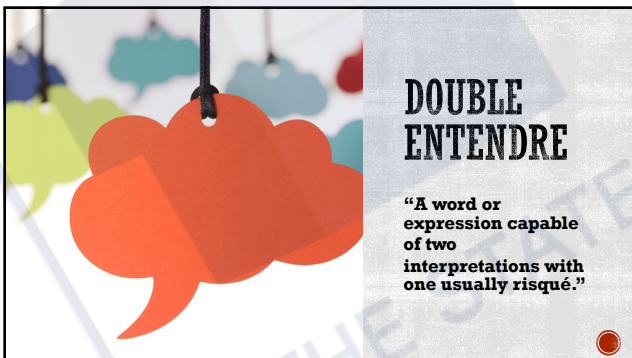
Effective Victim Interviewing...
Lonsway, Archambault, 2021

- Go at victim's pace, allowing them to digest questions, and consider responses
- Empathy, compassion, patience throughout the entire process
- Don't expect or press for sequential, or "logical" order
- Acknowledge that there may be gaps in memory, no need or pressure to "guess"
- The elimination of the "Why"
- Acknowledge that there may be new recall as time passes

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63



64



65



66

INSTEAD OF:

KISS

USE:

FORCED
HIS
TONGUE

67

INSTEAD OF:

FONDLE

USE:

FORCED
SEXUAL
CONTACT
GRABBED

68

INSTEAD OF:

PERFORMED
ORAL SEX

USE:

FORCED ORAL
CONTACT

FORCED
GENITAL
CONTACT

69

INSTEAD OF:



USE:



70



MAKE THE PERPETRATOR THE SUBJECT OF THE SENTENCE

ASSIGN VERBS TO THE PERPETRATOR

MAKE THE VICTIM THE DIRECT OBJECT

71



"said without proof"

"questionably true"

Synonyms:

- so-called
- pretended
- dubious

72

INSTEAD OF:



USE:

VICTIM
OR
VICTIM'S
NAME

73

INSTEAD OF:



USE:

SAID OR
REPORTED

74

WHAT ABOUT THE DEFAULT TO
CONSENSUAL LANGUAGE?



75

Victim stated that she took her own shirt and pants off.

What would your follow up question(s) be?

76

Victim asked the suspect to stop several times.

What is your follow up question?

77

The victim said it hurt.

78

The victim stated that he hit her several times, then threw her down and tried to “fuck her”. She stated she asked him to use a condom.

79

The suspect put his penis into her mouth, and she performed oral sex on him.



The suspect forced his penis into her mouth and made her suck his penis.

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BEGINNING



EXPLAIN THE
PROCESS



SET ANY GROUND
RULES



EXPRESS GENUINE
EMPATHY -
ACKNOWLEDGE THE
TRAUMA AND PAIN
OF THE EXPERIENCE

81

PREPARE THE VICTIM FOR RECORDING



- Always advise the interview will be recorded
- Discuss any questions or concerns
- Explain the “pros” of recording
- Emphasis on the interviewer being able to better listen to them

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Tone, Body Language, & Eye Contact

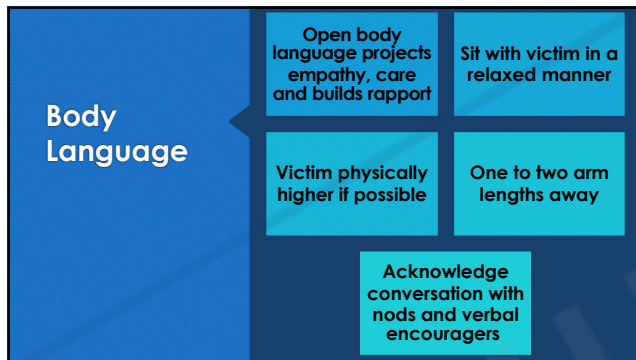
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Tone

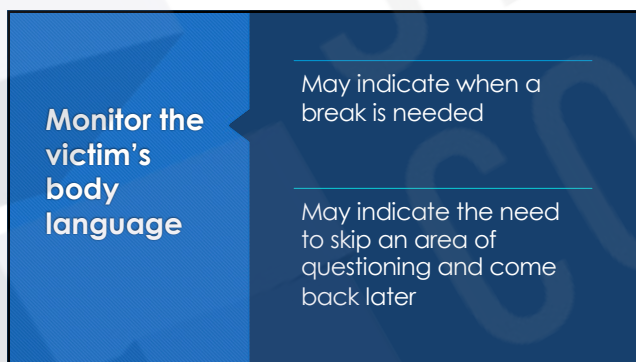
Express patience and support

Calm and reassuring

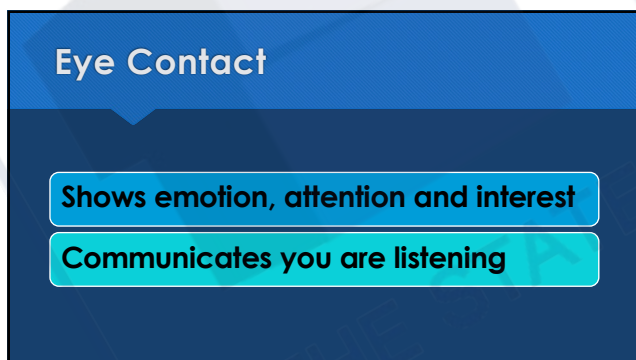
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Eye Contact 50/70 Rule

Maintain appropriate eye contact without staring

- While speaking - maintain eye contact 50% of the time
- While listening - maintain eye contact 70% of the time
- Maintain for 4 to 5 seconds, then slowly glance to the side, and then back
- Look side to side, down indicates a lack of confidence in what is being said

Michigan State University (2012) Eye Contact: Don't make these mistakes.

88

Lack of Eye Contact

Lack of eye contact doesn't necessarily indicate deception

- May be experiencing great shame due to the assault
- May be experiencing shame discussing sexual matters
- Can be intensified by culture
 - Many cultures don't make eye contact out of respect
 - Many cultures have a distrust of the police and government

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Getting Started – Setting the Stage

Let the victim know that it is ok for them to interrupt you at any time with a correction, thought, or question

Let them know that they can decide if/when a break is needed and can stop the interview at any point

90



REMEMBER, THE **VICTIM**, NOT THE **INTERVIEWER** HAS THE MOST VITAL INFORMATION ABOUT THE SEXUAL ASSAULT, THEREFORE THE VICTIM SHOULD BE THE ONE WITH PRIMARY CONTROL DURING THE INTERVIEW PROCESS.

EVAWI, (2019) Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault

91

How to Begin

Introduce

I'm Investigator Milnor, but feel free to call me Mike - I'm sorry we are meeting under these circumstances

Explain

I have worked many cases like this - I speak to lots of people in similar situations

Encourage

You can tell me anything that you feel is important

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let the victim go at their own pace
and use their own words -
fight the urge to interrupt, clarify or
redirect...

93

Open-ended questions & prompts

Sensory questions

Avoid leading questions

No "why" questions

Clarification questions – carefully



94

**Permission
not to
remember**

Instead of...

- Start at the beginning and tell me what happened...
- Where were you earlier this evening?
- "What time did....?"

95

**Permission
not to
remember**

Try...

"Share with me anything you can remember about this experience. You can start wherever you want..."

96

Permission not to remember

Gives them permission to not remember details

Communicates it is ok and expected that they won't remember things

Never "force" a victim to dwell or focus on a point they cannot remember

97

Open Narrative

Open-ended prompts

- And then what happened?
- Tell me more about that...
- Can you tell me what you were **thinking** at this point?
- Can you tell me what you were **feeling** when he did that?

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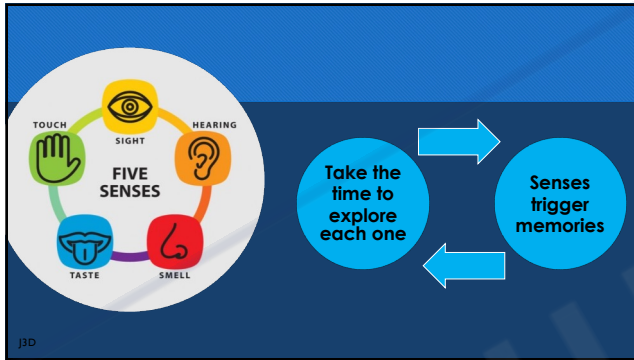
By carefully eliciting and documenting detailed information about the victim's sensory experiences, emotional memories, and thought processes...

You elicit the victim's perspective and better grasp what the experience was truly like for them

Lonsway & Archabault (2021) Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault. EVAWI



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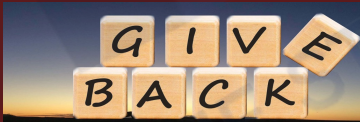
SENSORY MEMORIES

- Sensory memories can be powerful when unlocked
- "Are you able to remember the FEELING of where your hands were?"

101

"GIVE BACK" QUESTIONS

Investigator follows up with prompts that give details back to the victim;



102

"GIVE BACK"



- Investigator must be patient
- **ACTIVE LISTENING**
- *Let the pause be...*

*Victims are collecting thoughts,
trying to understand the coding
of the trauma memory*

103

EMOTIONAL MEMORIES

What are you able to remember feeling
during that part of the experience?

104

FIND THE THOUGHT PROCESS...



"What were your thoughts when
he did that?"

"What were you thinking when
he said that?"

"What did you think when that
happened?"

105

ALLOW
THE
VICTIM
TO VENT

If they are blaming themselves, take the time to assure them that **NOTHING** they did justified what happened.

106

CENTRAL
DETAILS

What is the one thing you remember the most about this event?

What stands out in your mind the most when you talk about this event?

What is the one thing that you cannot forget about this event?

107

FINDING
CORROBORATION

Is there anything that you can't do anymore?

Is there anything that you have lost interest in?

Is there anything you do now that you didn't before?

How has this changed your day to day life?

108

Where did the trauma manifest?

Think about your
victim's
interview(s):

Document lifestyle
changes?

Work records

School records

Friends & family

Lack of texts or
social media

Can you create a
timeline?

109

Finding Corroboration

**Who have you told
about what happened
to you?**

When did you tell?

**Why did you choose
that person?**

110

WHEN A "TRIGGERED" REPORT...

Many people wait to
report what has
happened to them,
what made you
choose to report
now?

How did your life
change
immediately after
this happened?

Can you tell me
what you remember
about the first 3
days after this
happened?

111

“Why”

A “right” and “wrong” answer

Judgement

Blame

Not believed

112

AVOID THE “WHY” ?S

Why didn't you fight the suspect?

Why didn't you scream for help?

Why didn't you just leave?

Why did you kiss him?

Why did you leave with him?

113

INSTEAD...

Help me understand your perspective...

What was going through your mind when...

Can you elaborate on...

114

Time & Distance



115

Establishing force, threat & intimidation

- When did you first feel afraid?
- What changed at that point for you?
- What was going through your mind then - compared to before?
- Compared to _____ were you feeling more or less afraid? Why?
- Tell me more about what made you feel forced
- Tell me more about him - his demeanor, his size, his strength...

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Establishing force, threat & intimidation ... with prior contact

- "Has anything like this happened with _____ before?"
- "Can you tell me how this instance was different from previous consensual sexual acts?"
- "Are you able to tell me his actions were different this time?"

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Remember

Watch your urge to return to chronological order...

- this may not be the sequence of memory that the victim is relaying and can disrupt the victim's thought process

118

Clarification & narrowing focus

119

Reflection

120

Summarize

- During pauses, or segments with natural breaks
- "Do I have this part right? He was"
- "Is this the way it happened? He bought your first drink and started talking?"

121

Listen for Language Clues

Victims often minimize what happened,

Frequently qualify actions or events – especially when they know the person who assaulted them,

122

Specific clarifications

Explain why the questions are needed

- one of the biggest complaints of victims is not feeling informed through the interview
- especially important when dealing with specific details of sexual acts, or high-risk activities of the victim

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Sexual Terminology

Difficult for detectives and victims

- ask the victim to clarify what terms they use for male and female intimate parts

- victim will often be relieved when this conversation is initiated by the detective

- use the terms the victim uses for the duration of the interview

- avoid law enforcement / legal jargon

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Clarify Suspect Behaviors

Any unique phrases or orders/directions

Specific threats

Any weapons or items used by the suspect

Property taken by the suspect

Did the suspect ejaculate? Have difficulty maintaining an erection?

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Additional Questions

The victim's relationship with the suspect

- Prior to the assault – how they met

- Any contact since the assault

Victim's last consensual sexual intercourse and with whom

- Explain needed for forensic testing

Any witnesses that they think important with information about the assault, suspect or prior allegations

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The “Prosecution” Question

This question should *never* be asked during the interview phase – only when the investigation is complete, and prosecutor is consulted

If asked by the victim - be completely honest - never promise that the suspect will be arrested, prosecuted, or convicted

Reassure that a thorough investigation will happen and reassure the victim will continue to be kept informed

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Next Steps

Answer	• any questions or concerns
Inform	• more memories may be recalled
Encourage	• documentation and sharing of new info
Reassure	• that an investigation will follow
Explore	• potential support and/or barriers
Request	• time and date for follow-up

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Follow-up interview(s)

Disclosure is a process

New information will develop, and this often means speaking to your victim for clarification / elaboration

129

Science has brought us a long way but...
trauma symptoms do not PROVE or
DISPROVE sexual assault

*"Such gaps and inconsistencies are never,
on their own, proof of ANYONE's
credibility, innocence, or guilt."*

- Dr. Jim Hopper

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Impact on INTERVIEWERS

- Take more time
- Exposure to more intense details of victim's sensory, emotional, and thought processes during the assault
- Increased personal and professional investment

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Questions???

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Resources

- Lonsway, K.A., & Archambault, J. (2021). Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault. End Violence Against Women International.
- Archambault, J., Lonsway, K. (2019) Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault.
- False Allegations, Case Unfounding and Victim Recantations: Presentation by Deputy Chief Bellshaw, Salem Police Department and Christine Herman, JD, Oregon Attorney General's Task Force. (2009)
- Huhtanen, H., Avalos, L., Lonsway, K. (2018) Gender Bias in Sexual Assault Response and Investigation
- Hopper, J., (2015). "Why Rape Victims Don't Yell Out," *The Washington Post*

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Resources

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- Lonsway, K., Hopper, J., Archambault, J., (2019) Becoming Trauma – Informed: Learning and Appropriately Applying the Neurobiology of Trauma to Victim Interviews
- Schulz, J., (2012) Eye Contact: Don't make these mistakes. Michigan State University Extension December 31, 2012.
- Russell Strand, Ret. SA Army CID, Consultant and Pioneer in Trauma-Informed Interviewing

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