Fair, Thorough, and Trauma Informed Sexual Violence Investigations

Chantelle Cleary

Meet Your Facilitator

Chantelle Cleary is a nationally-recognized subject-matter expert in Title IX and related fields. She has more than 10 years of experience in the investigation and adjudication of sexual and interpersonal violence. She lectures extensively at universities and conferences throughout the U.S. on Title IX, VAWA, harassment, and implementation of best and emerging practices. Prior to joining Grand River Solutions, Chantelle served as the Director for Institutional Equity and Title IX at Cornell University, and before that as the Assistant Vice President for Equity and Compliance and Title IX Coordinator at the University at Albany. In these roles, she provided direct, hands-on experience in the fields of Title IX, civil rights, employment law, and workplace and academic investigations. Her responsibilities included focusing on diversity efforts, sexual assault prevention and training, affirmative action, and protecting minors on campus.

Chantelle Cleary, J.D.
Senior Consultant
About Us

Grand River Solutions provides Title IX, equity, and Clery Act consulting services. Together, our experts have decades of direct, on-campus experience at both small and large, public and private institutions. This practical expertise derived from years of hands-on experience enables our team to offer customized solutions unique to your educational institution's needs. Grand River has a suite of creative, cost-effective and compliant solutions to help schools meet their needs in innovative ways.

Day One Agenda

01 The Importance of Understanding the Potential Impact of Trauma
02 Receipt of Report and Developing an Investigative Strategy
03 Investigative Interviews
The Importance of Understanding the Potential Impact of Trauma

Trauma

An event that is experienced as terrifying, horrifying, or threatening and that is coupled with an actual or perceived lack of control.
When trauma occurs, there are every real changes in brain function that may effect a person’s ability to record or make memory and to recount their experience.
Trauma Informed Interview Techniques May:

- Result in more information about the experience,
- Enhance a trauma victim's ability to recall,
- Reduce the potential for false information,
- Allow the interviewee to recount the experience in the manner in which the trauma was experienced.

Without trauma informed training and knowledge, those conducting investigations and interviews risk:

- Conducting their interview with bias
- Wrongfully concluding, without conducting a thorough investigation that the reporting individual is lying
- Causing further trauma
- Jeopardizing future reporting
- Failing to apprehend perpetrators
Historically, the seemingly inconsistent behaviors that frequently accompany disclosures of sexual assault and interpersonal violence resulted in the belief that the victim was being dishonest.

The Historical Conclusion...

False Report
Regretted Sex
Not Prove-able

CASE CLOSED
An understanding of trauma and its potential impact should encourage investigators to keep an open mind and it should prevent investigators from immediately interpreting seemingly inconsistent behaviors with deception. An understanding of trauma provides another explanation for these seemingly inconsistent behaviors.

This is essential to a fair and thorough investigation.

Investigation Continues....
Developing an Investigative Strategy

02

Essential Steps of an Investigation

- Notice of formal investigation
- Initial Interviews
- Evidence Collection
- Report writing
The Process: Developing an Investigative Strategy

- Develop Strategy to Collect Evidence
- Develop a timeline
- Identify Witnesses
- Identify Potential Evidence
- Receive Report

Investigation Timeline

Prior History
- Between the Parties
- Of the Parties

Assault
- Consent
- Type of Contact
- Injuries

Pre-Assault
- Pre-Meditation
- Manipulation
- Attempt to Isolate

Post Assault
- Behaviors
- Communications
Identify and Interview Parties/Witnesses

Interview Objectives

Connect
- Build rapport
- Build trust
- Empower
- Listen

Safety Assessment
- Physical and Emotional
- Safety of the Victim
- Safety of the Community
- Safety of the Accused

Services
- Advocates
- Police/Campus
- Medical care
- Interim action

Evidence Preservation
- Text Messages
- Photographs
- Names and contact info for witnesses
Prior to the Interview

Secure an appropriate meeting location

Allow for enough time to conclude the meeting

Prepare yourself for the meeting

If interviewing a party, inform them of their right to have an advisor present.

Set Expectations

What they should expect of you

• That you are neutral
• That you will listen, what they are saying is important to you
• That you will keep the information they share private
• What you will do with recording/notes
• That you may have to ask difficult questions

What you expect of them

• Honesty
• That they will seek clarity if needed (give them permission to do so)
• That they won't guess or fill in blanks
The Importance of Empowerment and the Power of Empathy

- More accurate investigatory findings
- Increased evidence collection and quality
- This will lead to feelings of safety and trust and will result in a more cooperative subject.
- The subject will be able/willing to remember and share more information

How do we...

- Build Rapport and Trust?
- Empower?
Rapport and Trust

Exhibiting Expertise
Clear Introduction
Exhibiting Empathy
Preparedness
Empowerment
Transparency

Empowerment

Duration
Granting Permission
Space
Clear Expectations
Information Shared
Information Sought
Investigative Interviews

Start by eliciting a narrative

Listen

Interview for clarification

Listen

Avoid leading questions, questions that blame, interrogating

Start the interview by eliciting a narrative...

Where would you like to begin?

Start where you are comfortable and share what you are able to remember.

What are you able to tell me about your experience?

Allow the person to speak uninterrupted. This takes patience.
Next, ask questions that are intended to clarify and more deeply explore the information and details provided by the person in their narrative.

**Do Ask:**
- Interview for clarification
- Help me understand
- Can you tell me more about...?
- Is there anything else you can share about...?

**Avoid:**
- Interrogation
- Questions that blame
- Questions that imply doubt
- Leading questions

Explore implicit memories by asking questions about the sensory experience and peripheral details.

- What are you able to tell me about:  
  - What you saw?  
  - What you heard?  
  - What you smelled?  
  - What you felt?  
  - What you tasted?

- What are you able to tell me about any images, smells, or sounds that keep coming back to you?
“I felt an animal. I think it was dead. I was terrified that he hurt it. I thought he would do the same to me.”

“Help me understand why you keep rubbing your wrists like that?”

Capture the Entire Experience

• Notice and document psychological evidence of trauma.
  • “I felt like my I was floating above my body.”
  • “I went some where else.”
  • “I wanted to scream and fight, but I literally could not move.”
  • “I felt like I was a rag doll and he was just moving me around.”
Capture the Entire Experience

• If you have to, ask about the physical and emotional reactions to the incident.
• Conclude with a very open ended questions:
  • *What was the most difficult part of this experience for you?*
  • *Is there something that stands out/that you just can’t stop thinking about?*
  • *Is there anything more that you would like me to know?*

The Before

At some point during the interview, it is also important to explore the prior history, if any, between the reporting individual and the accused.
.....and the After

- It is also important to explore the events following the incident. Often times, the best evidence is produced after the incident.
  - The parties psychological reactions
  - Changes in behavior
  - Witnesses to the psychological reaction.
    - “Has anyone expressed concern about you since the assault?”
  - Communication/contact between the victim and perpetrator.

Throughout the Interview

- Explain your questions, especially the difficult ones
  - How much did you drink? What they hear- this is your fault because you were drinking
- Do not ask leading questions
- Watch your tone
- Do not rush.
- LISTEN!!!!!!!!!
- Pay attention to and document information that might lead to additional evidence
Follow Up Interviews

- Seek clarification
- Explore inconsistencies
- Explore contradictory evidence
- Explore difficult issues
- Opportunity to respond

Follow Up Interview Approach

- Explain the purpose of the follow up
- Set the stage for the topics you will be covering
- Be deliberate and mindful in your questions
  - Can you tell me what you were thinking when....
  - Help me understand what you were feeling when...
  - Are you able to tell me more about...