Chantelle Cleary, J.D. 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.
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 Proper Application of Trauma Informed Practices

02 The Importance of Understanding the Potential Impact of Trauma

03 Receipt of Report and Developing an Investigative Strategy

04 Investigative Interviews
The Proper Application of Trauma Informed Practices

01

Trauma Informed Practices provide tools/techniques for interviewing and engaging with the Complainant, Respondent, and Witnesses.

Format/Structure of the interview

Format of questions

Approach to Clarification
Trauma Informed Practices are Designed to:

01. Encourage thorough and complete investigations.
02. Assist with recollection.
03. Assist with recounting.
04. Reduce potential for false information.
05. Minimize unnecessary re-traumatization.
06. Reduce Bias.

Misapplication of Trauma Informed Practices

It is a misapplication of trauma informed principles to allow potential evidence of trauma to:

1. Influence the interpretation of a specific item of evidence;
2. Substitute for missing evidence;
3. To serve as a justification for not doing a full and thorough investigation;
4. Cause a biased belief in the veracity of one or more party.
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.
Examples of Events that Might Trigger a Traumatic Response

- Sexual Assault
- Physical Assault by a Stranger
- Physical Assault by an Intimate Partner
- A Car Accident
- Accident that causes serious injury or death
- Robbery
- Medical Event?

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.
Common Characteristics of Disclosures by a Trauma Brain

- Inconsistent
- Non Linear
- Fragmented
- Lack of Detail
- New information
- Affect is unexpected
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.
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
- Prematurely Concluding the Investigation

The Future...

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.
Inconsistencies
Lack of Detail
Non-Linear
Fragmented
New Information

Deception?
Trauma?
Other (alcohol)?

The Investigation Continues....
Developing an Investigative Strategy

Essential Steps of an Investigation

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

1. Develop Strategy to Collect Evidence
2. Identify Potential Evidence
3. Identify Witnesses
4. Develop a timeline
5. 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
Investigative Interviews

Interview Objectives

Connect
Build rapport
Build trust
Empower

Listen
Allow interviewee to share their experience

Clarify
Understand what you have heard
Seek additional information

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
  - Patience, respect, and appreciation

- 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

An investigator must make the person being interviewed feel safe, in control, and supported. 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. More accurate investigatory findings.

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

• 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 cant stop thinking about?*
  • *Is there anything more that you would like me to know?*
At some point during the interview, it is also important to explore the prior history, if any, between the reporting individual and the accused.

The Before

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.

.....and the After
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...

Questions?

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