

TRAUMA INFORMED
COMPLAINANT
INTERVIEWING IN
SEXUAL ASSAULT
INVESTIGATIONS

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WHY ARE WE HERE??



Before you were assaulted, how did you view the police and/or legal system?

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

310 are reported to policeⁱ

50 reports lead to arrestⁱⁱ

28 cases will lead to a felony convictioniii

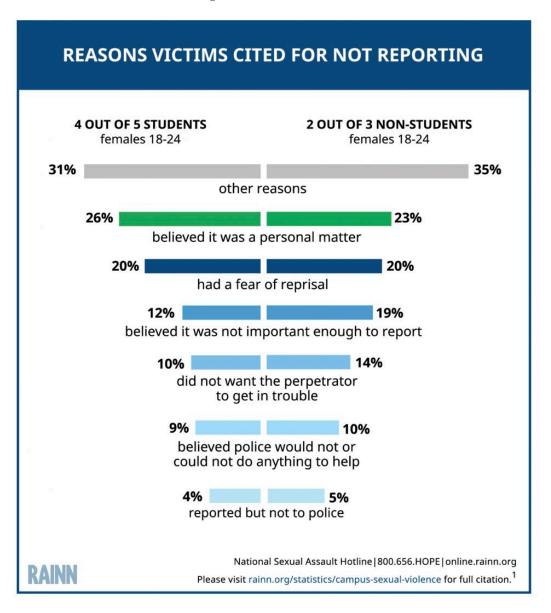
25 perpetrators will be incarcerated iii

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





College-Age Victims of Sexual Violence Often Do Not Report to Law Enforcement





Why These

#s?

Stigma and Shame

Complainant Blaming

Rape Culture

Misunderstanding of Trauma

Rape Myths

Perception of False Reports

INTERNAL INFLUENCES

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



EXTERNAL INFLUENCES

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

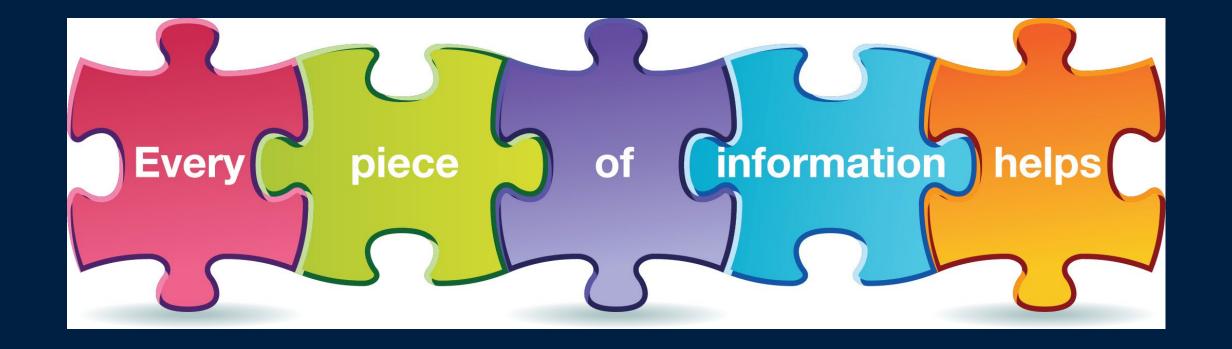


Who will know? believe? judge?



SOCIAL INFLUENCERS

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



TRAUMA-INFORMED INTERVIEWING

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

Dr. James Hopper

"IF YOU SCREW
UP THE
INTERVIEW YOU
WILL PROBABLY
SCREW UP THE
CASE"

- Nancy and Mike

SUCCESSFUL DISCLOSURE



ACCURATE, DETAILED MEMORY
RETRIEVAL

ATMOSPHERE OF SAFETY AND
TRUST TO ALLOW FOR SHARING

COMPLAINANT INTERVIEW

Rule # 1



MARNINGE

Video contains disturbing language.

Viewer discretion is advised

It doesn't require malicious intent to do great harm.

HISTORICAL APPROACH

- Interrogation style interviews
- Poor communication
- Lengthy investigations
- Polygraph
- Non-belief





HISTORICAL APPROACH

Methods inconsistent with:

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

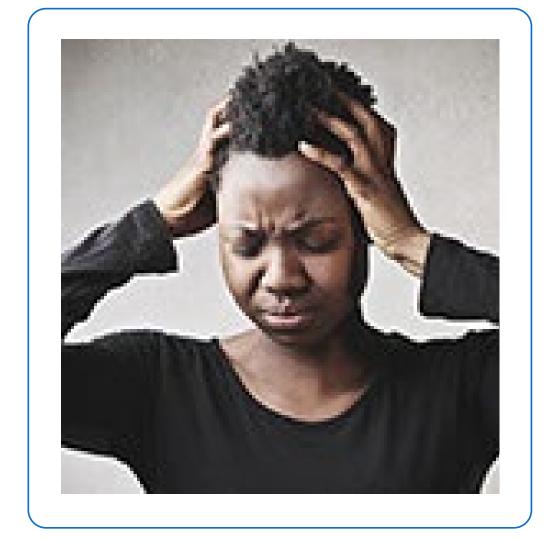


TRADITIONAL METHODS

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



Some may be able to tell you what happened this way...many will not.



THE HISTORICAL POLICING CULTURE

Lack of training & "Old warhorses"



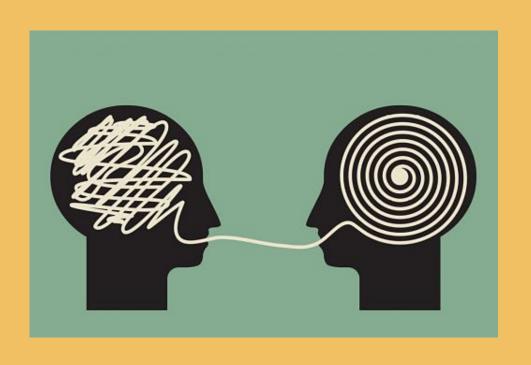
TRADITIONAL TRAINING.....

Reid Technique

"What questions should an alleged rape Complainant be asked to help determine if a rape claim is legitimate?"

https://reid.com/store/the-investigator-anthology-2nd-edition

WHAT IF WE MISUNDERSTAND TRAUMA?



- · Complainant-blame
- Disengagement
- Bias created or supported
- Self-fulfilling prophecy
- Long-term effects on Complainant healing



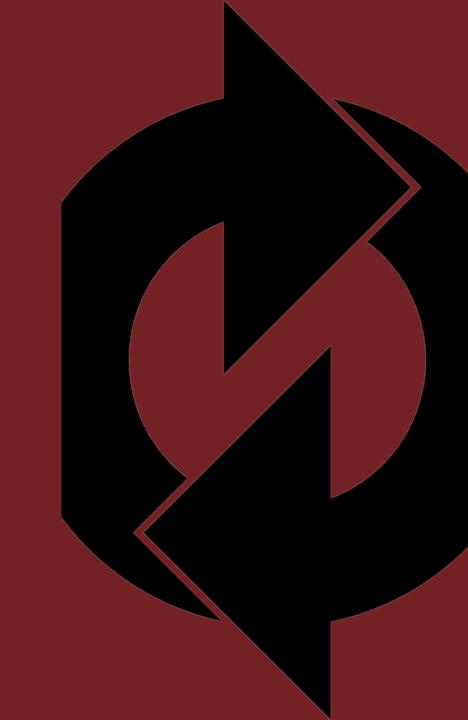
THE CYCLE OF SUSPICION

- Law Enforcement does not believe the Complainant due to
- This misplaced suspicion is communicated to the Complainant
- Can lead Complainant to become uncooperative
- By "creating" a non-cooperative
 Complainant LE perpetuates the myth that most Complainants are uncooperative
- Adds to myths around false reports
- EVAWI OLTI *False Reports*. Lonsway, Archambault, Berkowitz (2019)

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

CYCLE OF SYMPATHY FOR THE RESPONDENT

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



EVAWI OLTI *False Reports*. Lonsway, Archambault, Berkowitz (2019)

Cycles Converge

Bottom line: cultural stereotypes about Complainants and Respondents of sexual assault influence the way law enforcement professionals view real cases....increasing the likelihood that the Respondent will be believed over the Complainant.

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

How do biases hurt our cases?

- O Prosecutors were over 5xs more likely to file charges if there were no questions about the Complainant's moral character.
- O 2.5xs more likely to file charges if the Complainant did not engage in any "risky" behavior at the time of the assault.
- O 4xs more likely to file charges if the Complainant reported to the police within an hour of the assault.
- 2019 study 3269 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



Trauma Informed:

- Commit to not retraumatizing Complainants
- Recognize the impact of trauma on Complainants
- Apply this training/knowledge to guide effective responses





Informed of the scientific research on trauma and memory

TRAUMA INFORMED INTERVIEWING MEANS...



Aware of the unique dynamics of sexual assault

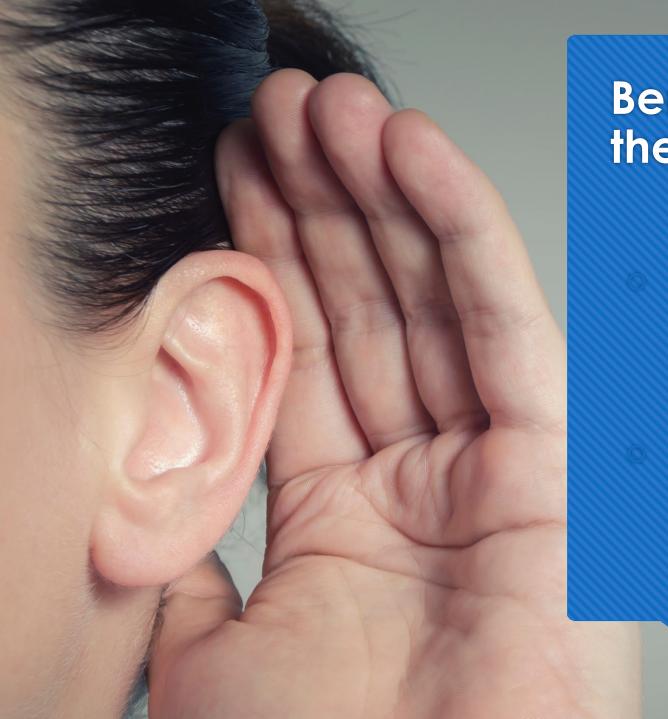


Creating an environment where Complainants feel comfortable and safe enough to share

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"





Benefits of Understanding the Science & Dynamics...

Willingness to listen to entire account before jumping to a conclusion

Reduces biases and assumptions

Stress impairs retrieval

Atmosphere Matters

No matter how much time has passed...

reporting a sexual assault will trigger stress

Capacity to Listen

- When a Complainant feels listened to...
- When they feel the interviewer can tolerate what they have to say...
- When the interviewer can understand what they have to say...

Complainants will speak more freely

More comfortable & safe the Complainant feels during the interview

Less stressed they will be

More detailed memories can be recalled and shared

Building Atmosphere





Comfort



Time



Trust





Were you ever offered an advocate?





HOW DOES IT BENEFIT COMPLAINANTS TO HAVE AN ADVOCATE INVOLVED? (INSERT SLIDO)

Concerned with the global impact on a Complainant's life

Helps identify immediate concerns

Assists with ongoing concerns

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

RESEARCH TELLS US...

Complainants consistently rate advocates as supportive and informative



 Complainants 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)

ADVOCATES ARE BRIDGE BUILDERS





WHAT FEARS OF THE "SYSTEM" DO COMPLAINANTS 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?

RESEARCH SHOWS US...

Complainants were more likely to have a police report taken when advocate involved
59% vs. 41%





ADVOCATES SHOULD BE INVOLVED...

as early as possible

as much as possible

for as long as possible

BEING A SUCCESSFUL PART OF THE INTERVIEW...

Monitor the Complainant's well-being

- Offer emotional and verbal support
- May help relax and calm the Complainant 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

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 Complainant appears to need a break



Role of the Advisor

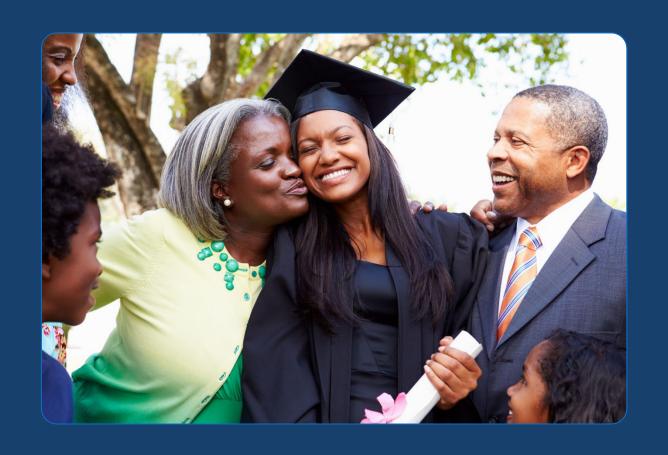
Advisors are crucial for both Complainants and Respondents in Title IX proceedings.





Who May Serve as Advisor?

- OAdvisors are NOT prohibited from being a witness in the matter, but....
- OParents are allowed, but......





Role of the Advisor

OServe as a support person for the parties and perform advising throughout the grievance process.

 Conduct Cross-Examination should the matter proceed to a hearing

Role of Advisor as a Support Person

- Prepare the student for meetings and hearings
- Accompany students to meetings and hearings
- Reviewing and inspecting all evidence that is directly related to the allegations during the investigative process

- Reviewing the investigative report before the hearing
- Reviewing and editing any document that their advisee has prepared, which will be submitted during the Title IX process or read during the hearing.

Support Role...

- Lending a calm reassurance
- Active listening as they prepare for the process

- Helping to create a "Comfort Plan"
- Help to create a calendar of dates to work on documents together

Limits on the Advisor Role

- Limiting their ability to speak to investigators during investigatory interviews or pre-hearing meetings
- Limiting their ability to advocate for advisee regarding a specific position



"Potted Plant" Rule....

- OSpeaking privately with their advisee during a break of a pre-hearing meeting, investigatory interview, or hearing.
- OUsing a "breakout room" during a virtual interview or pre-hearing meeting to speak with their advisee.

Cross-Examination

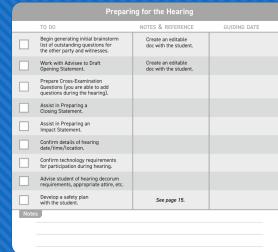
OAt many academic institutions, the crossexamination phase will be the only time the advisor is permitted to directly participate during the grievance process.

Know the Process...





During the Hearing						
	то до	NOTES & REFERENCE	GUIDING DATE			
	Accompany student to hearing.	Plan to arrive early and confirm you have all necessary materials.				
	Participate in Cross-Examination.	See Section 5: Cross- examination and Relevance.				
	Support student throughout the hearing.	Ask for breaks when necessary.				
Notes						
Post-Hearing Post-Hearing						
	то до	NOTES & REFERENCE	GUIDING DATE			
	Review outcome determination with the student.					
	Support student through the preparation and submission of any appeal or statement of support related to final determination.	Check campus policy on due date (ex: 10 days from receipt of outcome).				
Notes						



	CHECKLIST						
1	Initial Meetings & Preparing for the Investigation						
١		TO DO	NOTES & REFERENCE	GUIDING DATE			
١		Meet with student several times to understand nuances of case and agree to serve as advisor.	Select dates to meet; Consider privacy at location.				
		Complete review of Title IX grievance policy.					
١		Complete any required FERPA paperwork with institution.		Before any meetings or correspondence with institution.			
Ì		Discuss Supportive Measures necessary to maintain status quo during conduct proceedings.					
Ì		Confirm Notice of Allegations was received. Do not submit to interviews without receipt of this notice.					
١		Confirm Advisee understands Supportive Measures and seek review of measures if necessary.					
١		Preliminary Meeting with Campus Official to understand campus policy and process.					
	Notes						

Utilize Institutional Resource Guides



"Comfort Plan"

OA "Comfort Plan" refers to how your advisee can prepare for the interview (or hearing) by creating a comfortable environment for themselves.



"Comfort Plan" Items....

- OLocation
- Scheduled Breaks
- OHydration and Energy
- Comfort Items



Comfort

- Complainant must feel safe
- Private
- Free from distractions





THIS????

Or this...



Or Maybe This...



UNDERSTANDING SAFETY

Complainants

Hypervigilant

Fear and Shame

Embarrassment

Anger and Uncertainty



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

BE AWARE

TIME

- Recognize that these interviews can be lengthy
- Address possible
 distractions so the
 Complainant can be
 completely "present"









Build Trust

Good interviewers do it intuitively

- Patience
- Compassion
- OFlexible

But more than anything else...



EMPATHY but what are we talking about?



EMPATHY

The Right Person

Can you teach empathy?

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



Empathy: Multi-dimensional

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

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)



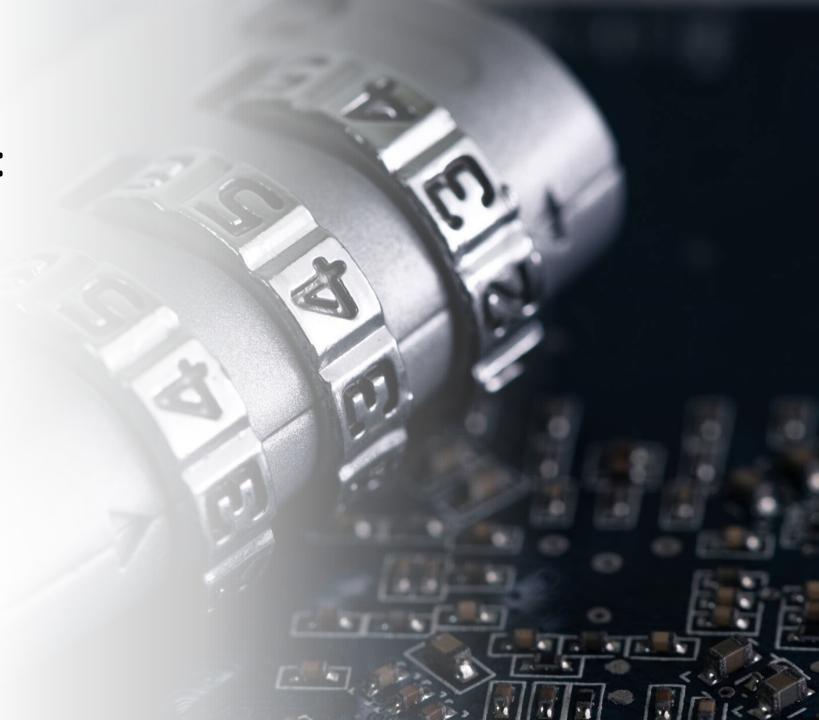
Empathetic emotions

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



Empathy Unlocks:

- Trust
- Feelings of being understood
- Safety



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?

"You" Statements We are going to take time to talk about what happened.

"We"
Messages

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.

Everything is going to be alright.

Don't cry

Things NOT to say

Time heals all wounds

I know exactly how you feel

It could have been worse

Just try to get on with your life

When the Complainant is empowered, it starts building rapport and trust with the investigator

Questions???



TRAUMA INFORMED INTERVIEW ELEMENTS



Effective Complainant Interviewing... Lonsway, Archambault, 2021

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

TRAUMA INFORMED INTERVIEW ELEMENTS



Effective Complainant Interviewing... Lonsway, Archambault, 2021

- Go at Complainant's pace, allowing them to digest questions, and consider responses with no pressure
- 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





Sex Dungeon





DOUBLE ENTENDRE

"A word or expression capable of two interpretations with one usually risqué."













"Justices: Drunk Rape Complainant Was Not 'Mentally Incapacitated'"

"Stepdad 'sold his daughter, 12, to 70 truck drivers for sex at motorway service stations for a pack of cigarettes'"

"France outlaws sex with children under 15"

"Presumed gang-rape Complainant had consumed too much alcohol"

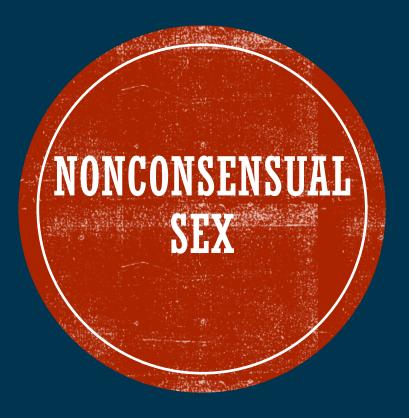
"Warrants allege former teacher, coach engaged in sex acts with children under his care"

"Minnesota Supreme Court throws out rape conviction because Complainant wasn't forced to get drunk. The Court blames state legislature."

"Ridgeland woman pleads guilty to sex crimes against children."

"Pentagon panel recommends ending commanders' power to block military sex cases"





USE:

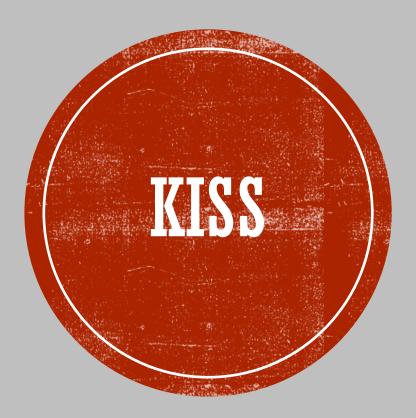
RAPE

SEXUAL ASSAULT



USE:

SEX



USE:

FORCED HIS TONGUE



USE:

FORCED SEXUAL CONTACT GRABBED



USE:

FORCED ORAL CONTACT

FORCED
GENITAL
CONTACT



USE:

FORCED
TO
MADE TO



MAKE THE PERPETRATOR THE SUBJECT OF THE SENTENCE

ASSIGN VERBS TO THE PERPETRATOR

MAKE THE COMPLAINANT THE DIRECT OBJECT



"said without proof"

"questionably true"

Synonyms:

- so-called
- pretended
- · dubious



USE:

Complainant OR

Complainant'S NAME

INSTEAD OF:



USE:

SAID OR
REPORTED

WHAT ABOUT THE DEFAULT TO CONSENSUAL LANGUAGE?



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

What would your follow up question(s) be?

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

Can you tell me what *thoughts* you were having when you took off your clothes?

Can you tell me how you were *feeling* when you took off your clothes?

Complainant asked the Respondent to stop several times.

What is your follow up question?

Complainant asked the Respondent to stop several times.

Are you able to tell me more about asking him to stop? Are you able to tell me what he did when you said stop?

The Complainant said it hurt.

The Complainant said it hurt.

On a scale of 1 to 10, ten being the worst pain possible, can you tell me how you were feeling? Are you able to tell me more about how it felt?

The Complainant 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.

You said he tried to "fuck you". Can you tell me more about what you mean by that?

Can you tell me what you were feeling when you asked him to use a condom?

Can you tell me what thoughts you had when you asked him to use a condom?

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

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

BEGINNING







SET ANY GROUND RULES



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

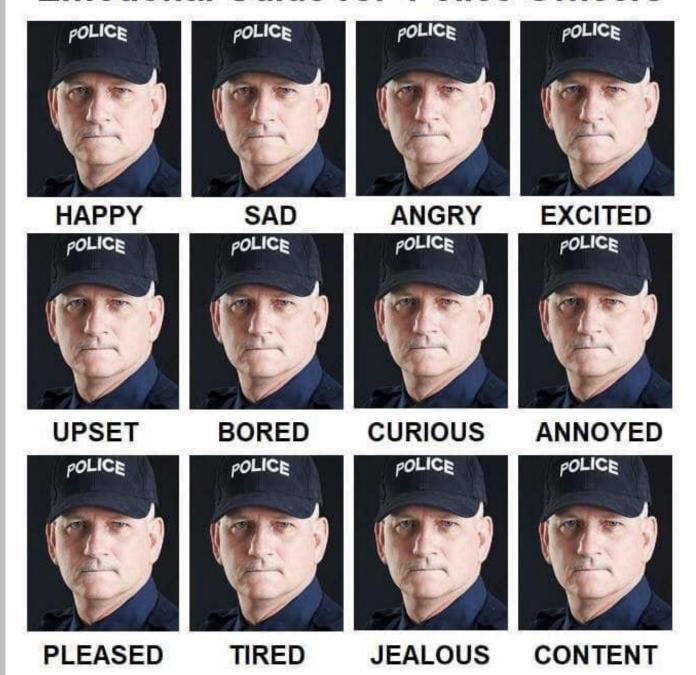
PREPARE THE COMPLAINANT FOR RECORDING



- 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

Tone, Body Language, & Eye Contact

Emotional Guide ref: Police Officers





Tone

Express patience and support

Calm and reassuring

Body Language

Open body language projects empathy, care and builds rapport

Sit with Complainant in a relaxed manner

Complainant physically higher if possible

One to two arm lengths away

Acknowledge conversation with nods and verbal encouragers

Monitor the Complaina nt's body language

May indicate when a break is needed

May indicate the need to skip an area of questioning and come back later

Eye Contact

Shows emotion, attention and interest

Communicates you are listening

Eye Contact 50/70 Rule

Maintain appropriate eye contact without staring

- OWhile 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
- Clook 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.

Lack of Eye Contact

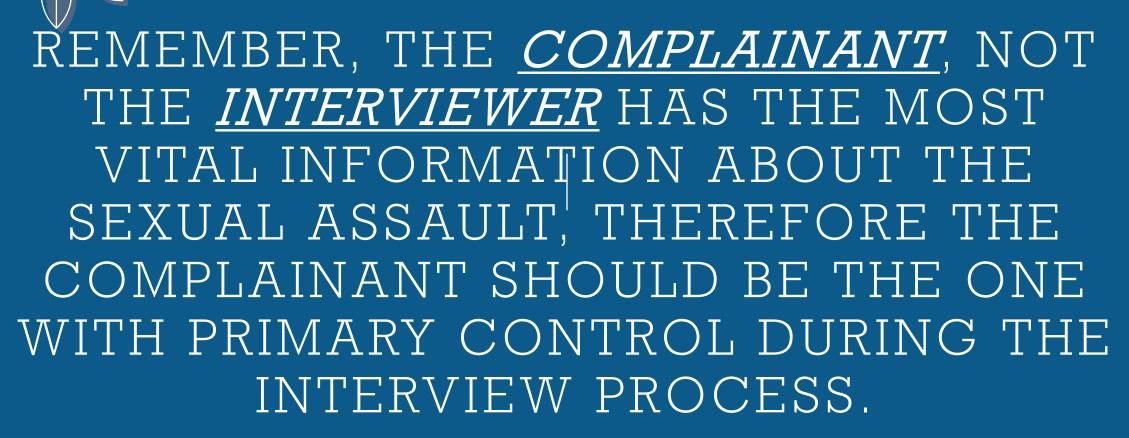
Lack of eye contact doesn't necessarily indicate deception

- 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

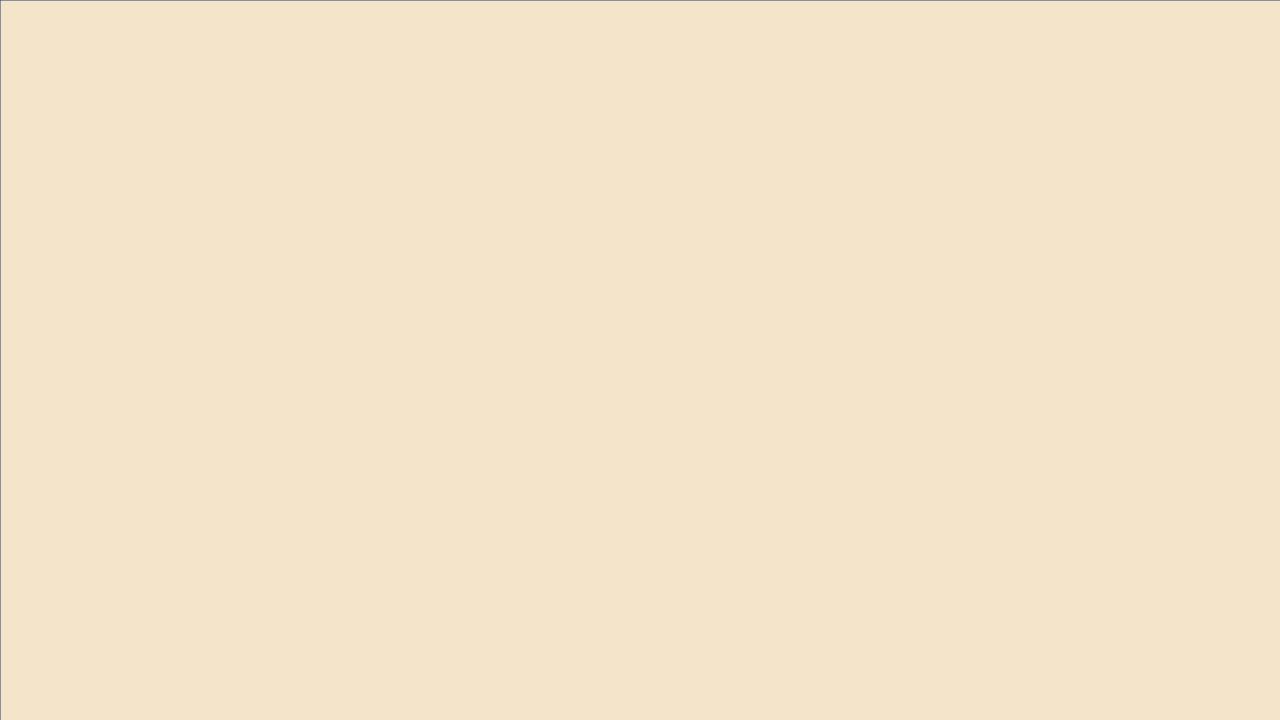
Getting Started – Setting the Stage

Let the Complainant 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



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



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

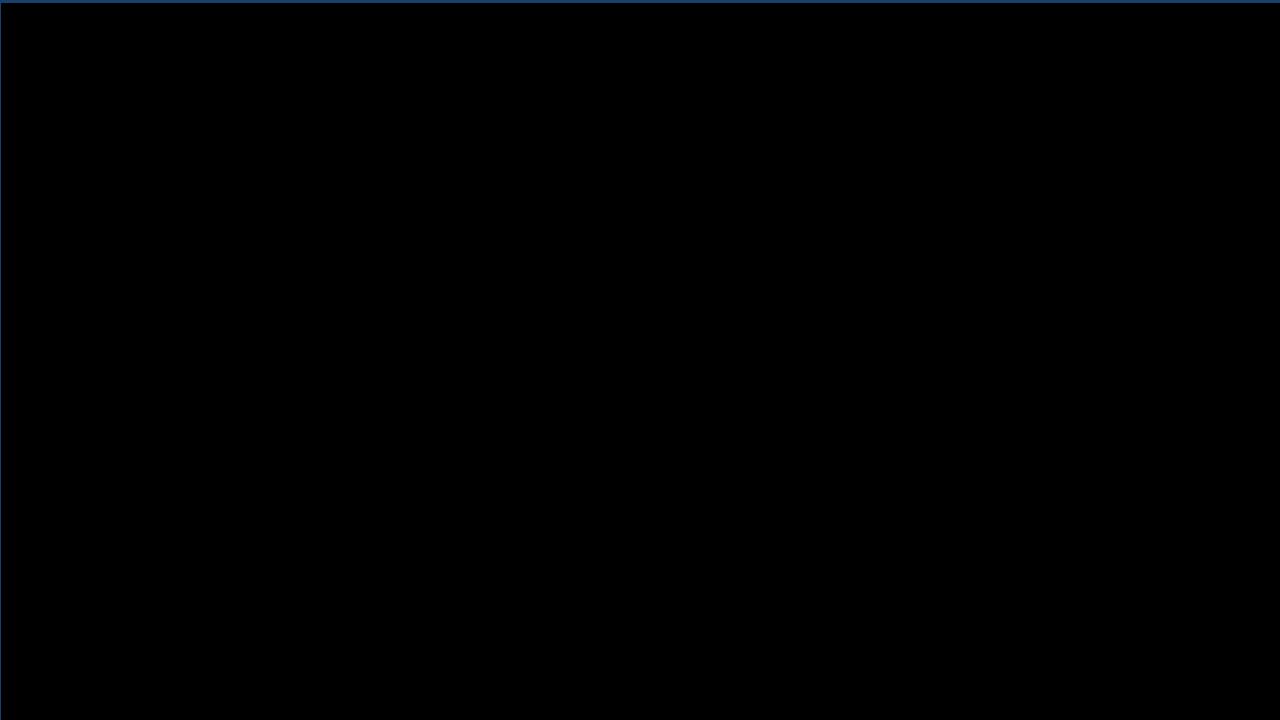
I have worked many cases like this – I speak to lots of people in similar situations

Encourage

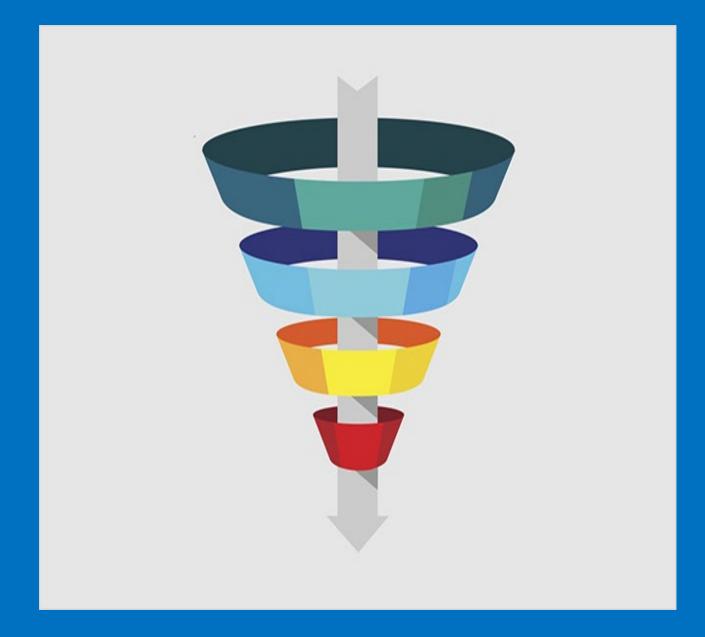
You can tell me anything that you feel is important

let the Complainant go at their own pace and use their own words

fight the urge to interrupt, clarify or redirect...



- Open-ended questions & prompts
- Sensory questions
- Avoid leading questions
- No "why" questions
- Clarification questions carefully



would you tell me what you are able to remember about your experience: and Other questions asking for a chronological account. "What are you able to tell me about what was happening before/during/after the assault?" "What were you wearing?" "Sometimes we can get valuable evidence from the clothes you were wearing, even if you've put them through the laundry. We would like to collect the clothes you were wearing at the time of the assault as evidence. Can we pick up those items at a time and place that is convenient for you?" "Can you describe what you were thinking and feeling when you went with the suspect?" "Why did you go with the suspect?" and "Do you think you led them on?" "Did the suspect's behavior change after you went with them? How did this make you feel?" "Whatever you able to tell me about what brought you to the location at this time/day?" "Why were you his his and a bu als A describe what was happening while you were in... (the room, the car, the house, etc.)?" "West were your thoughts and/or feelings while you were in... (the room, the car, the house, etc.)?" "Did you say no?" "What are you able to recall doing or saying during the incident?" pect regions your words or actions? Do you remember how that made you feel?" Vhate you see lile you were physically capable of doing during the incident?" "What was going on in your mind when you realized you were in danger?" "Did anything in particular cause you to come tell us about this incident today?" "Why didn't you report right away?" ect to tell about the incident after it occurred? When you told them, what were you thinking and feeling?" "What were you feeling—physically and emotionally—immediately after the assault?" "Did anyone see this happen?" "Can you tell me about any people or witnesses who might have seen you and the suspect together or who mig have seen the incident?" and In wu to me boy the cole witnesses who might have seen you after the event?" "Can you share information with me on any friends/colleagues/ classmates that might have noticed a change in your physical appearance or behavior (withdrawn/sad/angry) after the assault?" "Has this person done anything like this to you in the past?" "Have you had sex with this person before?"

now long did the assault last?

Permission not to remember

Instead of...

OStart at the beginning and tell me what happened...

OWhere were you earlier this evening?

O"What time did....?

Permission not to remember

Try...

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

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 Complainant to dwell or focus on a point they cannot remember

Open Narrative

Open-ended prompts

- OAnd then what happened?
- OTell 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?



Be careful not to ask or expect information from the Complainant as if they were a witness to their own crime



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

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

Lonsway & Archabault (2021) Effective Complainant Interviewing: Helping Complainants Retrieve and Disclose Memories of Sexual Assa





Take the time to explore each one

Senses trigger memories

SENSES

What are you able to remember seeing?

What are you able to remember hearing?

What are you able to remember smelling?

What are you able to remember tasting?

What are you able to remember feeling?





SENSORY MEMORIES

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

"GIVE BACK" QUESTIONS Investigator follows up with prompts that give details back to the Complainant;

"What are you able to remember smelling when he held you down?" "What are you able to remember hearing when he....?"



"GIVE BACK"



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

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

EMOTIONAL MEMORIES

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

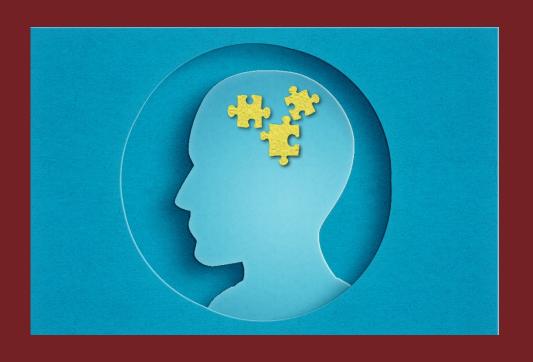
```
"I felt frozen."
```

"I felt helpless, trapped, like in a box."

"I felt I would never be clean again after this was over."

"I felt I was drifting out of my body."

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?"

ALLOW
THE
COMPLAI
NANT TO
VENT

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

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?

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?

Where did the trauma manifest?

Think about your Complainant's interview(s):

Document lifestyle changes?

Work Records

School Records

Friends & Family

Lack of texts or social media

Can you create a timeline?

Finding Corroboration

Who have you told about what happened to you?
When did you tell?

Why did you choose that person?

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?

WHEN A
"TRIGGERED"
REPORT...

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

"WHY & WERE YOU..."

A "right" and "wrong" answer

Judgement

Blame

Not believed

Why didn't you fight the Respondent?

Why didn't you scream for help?

Why didn't you just leave?

Why did you kiss him?

Why did you leave with him?

AVOID THE "WHY" ?S

INSTEAD...

Help me understand your perspective...

What was going through your mind when...

Can you elaborate on...

Time & Distance



Establishing force, threat & intimidation

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

Establishing force, threat & intimidation

... with prior contact

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

Remember

Watch your urge to return to chronological order...

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



Clarification and Narrowing Focus

- O"Tell me more about him?"
- "Well, he was white, and he was wearing a hat."
- "Tell me more about that hat."
- "It was a Yankees hat with a really flat brim."
- "Do you remember his eyes under the flat brim of the hat?"
- "Yes! They were really dark, almost black, and there was a scar under one eye"
- O How do you remember feeling when you looked at his eyes?"

Reflection

Investigator can utilize reflective comments as the memories are retrieved throughout the interview:

"I saw him at a few parties around campus before this happened."

"So, he was someone you had talked to before?"

"Yeah, I guess so, he must be friends with some of my other friends because we were at the same parties."

Summarize

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

Listen for Language Clues

Complainants often minimize what happened,

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

Language Clues – DRILL Down softly

- O"Did he hit you then?"
- "Not really, I lost my balance and fell."
- "What were you feeling when you lost your balance?"
- "Well, he was holding my arm and pushed me as he hit me, and I fell."

Specific clarifications

Explain why the questions are needed

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

Sexual

Terminology

Difficult for detectives and Complainants

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

- Complainant will often be relieved when this conversation is initiated by the detective
- use the terms the Complainant uses for the duration of the interview
- avoid law enforcement / legal jargon

Sexual Terminology

"Because we don't often talk with strangers about body parts or sexual acts, this type of interview can be very uncomfortable. However, it is very important for me to understand exactly what happened."

Sexual Terminology

"I have found it helpful to start by having you identify the intimate parts of a woman's body, using terms you are familiar and comfortable with. Then we'll do the same for the intimate parts of a man's body. Then, I'll ask you to tell me what words you use to describe different types of sexual activity. That way, we'll make sure we understand each other when you describe what happened."

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

Any unique phrases or orders/directions

Specific threats

Clarify
Respondent
Behaviors

Any weapons or items used by the Respondent

Property taken by the Respondent

Did the Respondent ejaculate? Have difficulty maintaining an erection?

Additional Questions

The Complainant's relationship with the Respondent

- -Prior to the assault how they met
- -Any contact since the assault

Complainant's last consensual sexual intercourse and with whom

-Explain needed for forensic testing

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

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 Complainant - be completely honest - never promise that the Respondent will be arrested, prosecuted, or convicted

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



A sexual assault Complainant was asked in an interview "What are you able to tell me about your experience?"

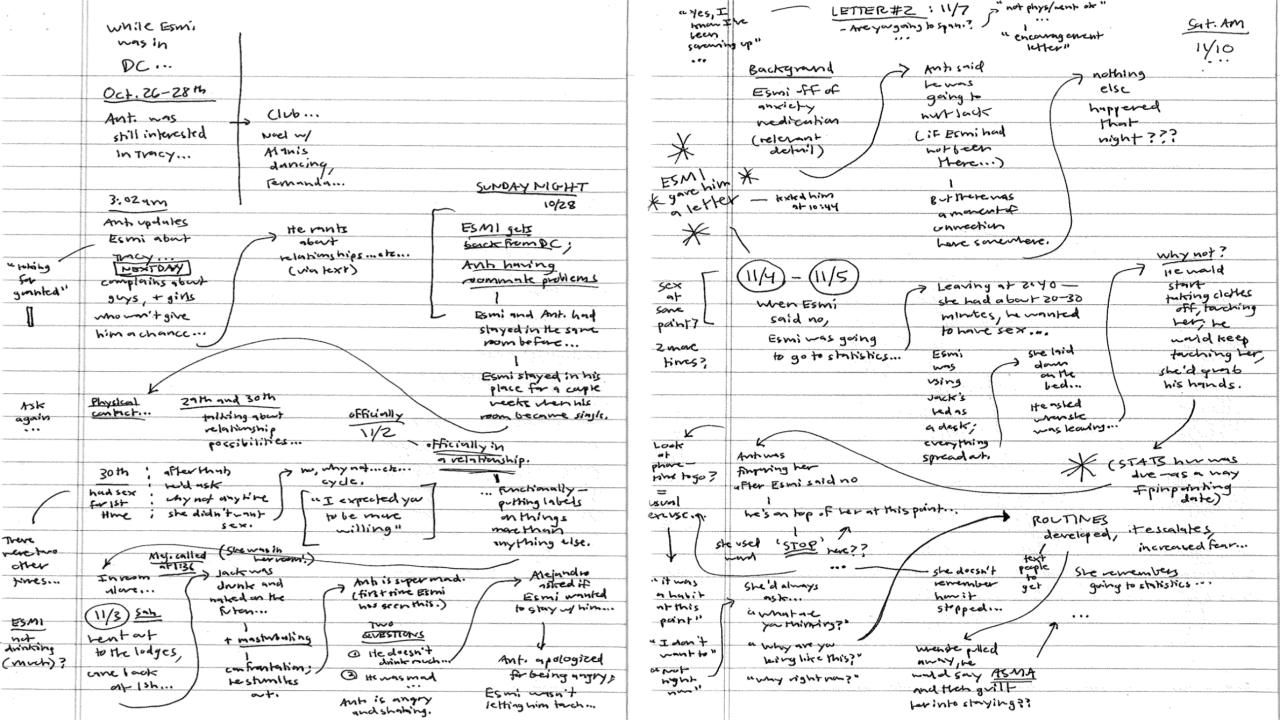
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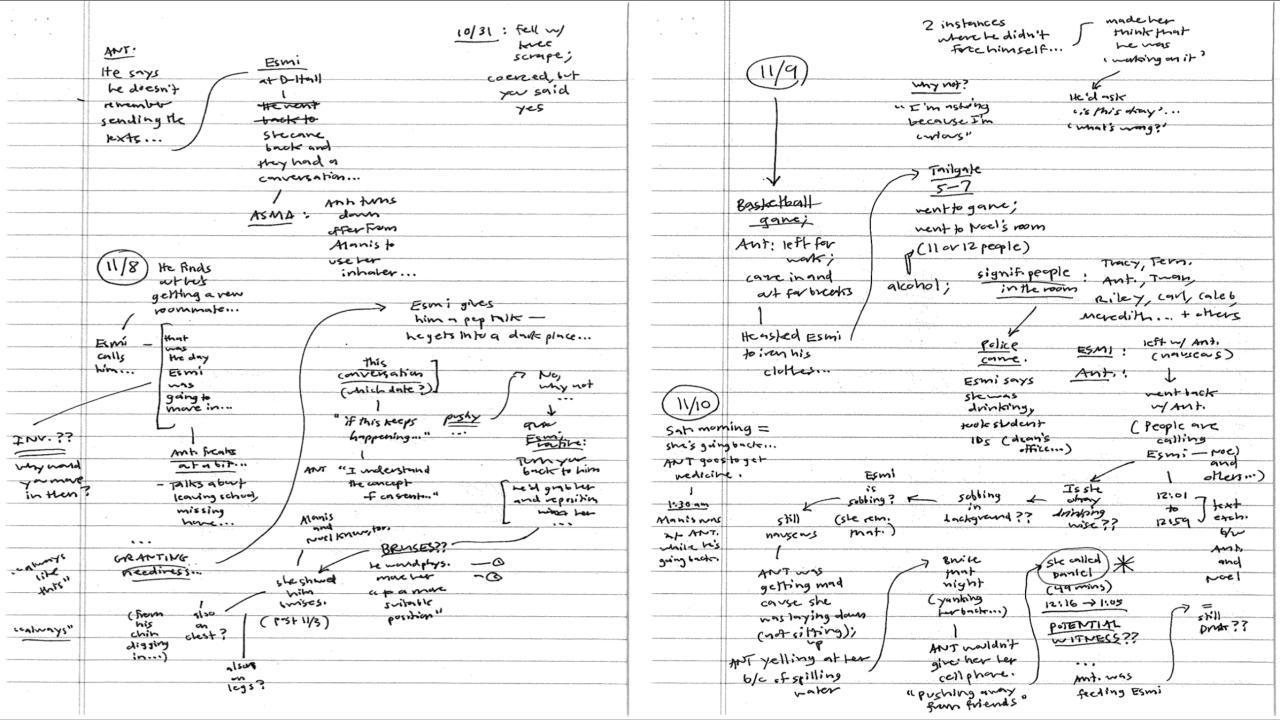
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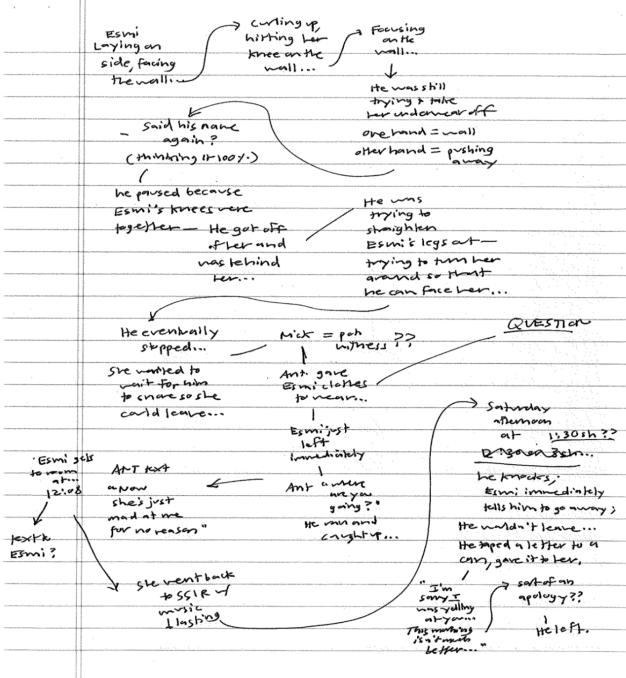
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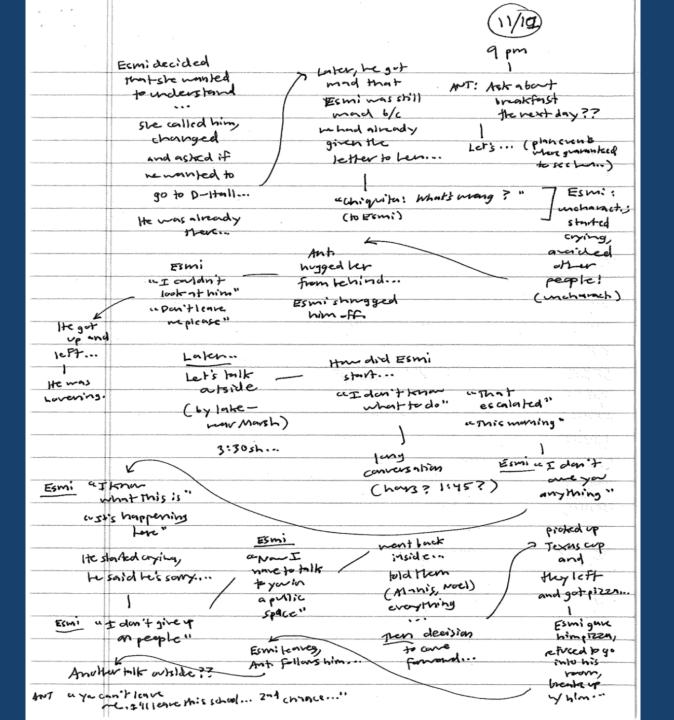
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Answer any questions or concerns more memories may be Inform recalled documentation and sharing Encourage of new info Next Steps that an investigation will Reassure follow potential support and/or **Explore** barriers Request time and date for follow-up

Disclosure is a process

Follow-up interview(s)

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



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

Impact on INTERVIEWERS

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





- O Do your current interviews maximize the potential for a Complainant to completely and accurately recall an event?
- Are your interview practices thoroughly documented in investigative case files?
- ODo they yield sufficient evidence to make proper case determinations?

If the answer is no, what improvements can be made to achieve these goals?

EVAWI , Becoming Trauma-Informed: Learning and Appropriately Applying the Neurobiology of Trauma to Complainant Interviews. 2019

Questions???

Resources

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- Marr, A., et al. (2021) Advisor Resource Guide for Title IX Investigations and Hearings. State University of New York, Student Conduct Institute. Sanctuary for Families.

Resources

- Russell Strand, Ret. SA Army CID, Consultant and Pioneer in Trauma-Informed Interviewing
- O Schulz, J., (2012) Eye Contact: Don't make these mistakes. Michigan State University Extension December 31, 2012.
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