First, Do No Harm
Trauma-Informed Interviewing
During the COVID-19 Pandemic and Beyond

INNOVATIVE
Sustaining effective practices and promoting systemic change

INFORMED
Training, resources, and assistance supported by research and experience

PRACTICAL
Customized strategies that are accessible, responsive, and easy to apply

What We Do

<table>
<thead>
<tr>
<th>Resources</th>
<th>Consultations</th>
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<tbody>
<tr>
<td>Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices</td>
<td>Offer on-demand 24/7 consultations with our seasoned prosecutors to answer case-specific inquiries, discuss strategy, conduct research, and recommend data-driven solutions</td>
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<table>
<thead>
<tr>
<th>Training Events</th>
<th>Partnerships &amp; Initiatives</th>
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<tbody>
<tr>
<td>Develop curricula and facilitate a wide range of specialized in-person and web-based trainings designed to empower prosecutors and allied professionals</td>
<td>Provide long-term support in building frameworks for coordinated responses to gender-based violence including data collection and analysis, task force development, and training</td>
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Support

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Acknowledgments

• Joyce Lukima, Vice President of Services, Pennsylvania Coalition Against Rape

• Patricia Frazier, PhD, Department of Psychology, University of Minnesota

Objectives

Recognize signs and symptoms of trauma.

Conduct thoughtful and effective victim interviews during the COVID-19 pandemic.

Implement trauma-informed strategies that enhance victim safety and participation.

Trauma is an emotional response to a terrible event like an accident, rape, or natural disaster. Immediately after the event, shock and denial are typical. Longer term reactions include unpredictable emotions, flashbacks, strained relationships, and even physical symptoms like headaches or nausea.

Stress v. Trauma

- Traumatic events are extreme versions of stressful events
- Effects of stress alleviated when stressor removed
- Effects of trauma continue well after event
- Memory lingers on
  - Shock and strain continue
  - Body never fully recovers

Kenneth R. Yeager & Albert R. Roberts,
Differentiating Among Stress, Acute Stress Disorder, Crisis Episodes, Trauma, and PTSD: Paradigm and Treatment Goals,
3(1) BRIEF TREATMENT & CRISIS INTERVENTION (2003)

Trauma Reactions

- Lack of earnest resistance
- Crying, laughing, flat affect
- Calm or unemotional responses
- Inconsistent memories
- Delayed disclosure
- Piecemeal disclosure
- Shame/embarrassment
- Self-blame
- Minimization
- Continued contact with offender
- Returning to “normal” behaviors
- Reluctance/refusal to participate in the process
- Recantation
- Testifying on behalf of the defendant

EDNA FOA ET AL., COMMON REACTIONS TO TRAUMA, NAT’L
CTR. FOR POSTTRAUMATIC STRESS DISORDER

Common Cognitive Reactions

<table>
<thead>
<tr>
<th>Difficulty concentrating</th>
<th>Difficulty making decisions</th>
<th>Flashbacks / preoccupation</th>
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</thead>
<tbody>
<tr>
<td>Memory disturbances / Amnesia</td>
<td>A sense that things aren’t real</td>
<td>Worrying</td>
</tr>
</tbody>
</table>

FAQ: Common Reactions to Traumatic Events, MIT Medical,
http://medweb.mit.edu/mentalhealth/mh-reactions.html
Common Behavioral Reactions

- Changes in sleeping patterns
- Changes in eating patterns
- Changes in other activities
- Changes in hygiene
- Withdrawal from others
- Neediness, not wanting to be alone


Other Influences

- Culture
- Distress
- Shame
- Substance Abuse
- Mental Health
- COVID-19

Impact of Trauma

- Traumatic memory varies from ordinary memory
- Chemical changes occur in brain
- Memory loss can be natural survival skill and defense mechanism
Recognize Previous Trauma

- Survivors may have been victimized multiple times
  - Many experience physical / sexual abuse as children
- Survivors may have experienced more than one form of abuse as an adult
- An estimated 68% of women who have been physically assaulted by an intimate partner have been sexually assaulted as well

Disclosure

- Acknowledge alcohol and drugs may affect ability to recall memories
  - Trauma can and does occur when alcohol is involved
- Recognize disclosure is often a process, not a single event
- Anticipate victims may disclose more over time
- Do not force victims to fill in details

Reality

- Offender inflicted trauma on victim
- Offender is responsible for the victim’s reaction to that trauma
What does a trauma-informed interview look like?

Trauma-Informed Care

First, do no harm.

Second, remember that if victims believe disclosing will bring them greater harm, they may choose not to disclose their situation.

Trauma-Informed Practice

• Meet victims’ needs
• Prioritize victims’ self-determination
• Consider victim safety at all times
Interview Considerations

When?
- Initial report / later in investigation
- How many times / direct exam at trial

Who?
- First responder / investigator / prosecutor

Where?
- Police department / prosecutor’s office / secure facility

How?
- Arrange for virtual interview with access to advocacy support

Trauma-Informed Interview

- Establish rapport during social distancing
- Protect against “victim blaming”
- Provide opportunities for advocacy support and private communication
- Consider whether to use audio or video and whether to record interview
- Remember: work product still applies to case preparation

COVID-19 Considerations

- Timeliness of response to victim
- Incorporation of trauma-informed practices into remote interviews, other virtual interactions with victim
- Availability of advocacy support
- Availability of medical-forensic services
Trauma-Informed

<table>
<thead>
<tr>
<th>Recognize</th>
<th>Strategies</th>
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<tbody>
<tr>
<td>• Trauma affects victim perception and responses to events</td>
<td>• Adapt practices to accommodate trauma and its effects</td>
</tr>
<tr>
<td>• Trauma may impact victim participation</td>
<td>• Collaborate with allied professionals to ensure broad implementation of trauma-informed practices</td>
</tr>
<tr>
<td>• Trauma influences victim memory</td>
<td>• Provide individualized responses</td>
</tr>
<tr>
<td>• Offender is responsible</td>
<td></td>
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Preparation

• Read reports and witness statements
• Talk with responding officer or investigator
• Review evidence, photos, medical records
• Listen to 911 tapes
• Review defendant’s criminal history
• Be aware of any vulnerabilities of victim

Interview Conditions

• Meet in a neutral, safe location
  o Remain cognizant of power-dynamics
• Allow victim to acclimate to location
• Take plenty of breaks
• Schedule interviews around victim’s needs
• Strive to reduce frequency of interviews
• Consider age-appropriate surroundings
Mitigating Traumatic Responses

- Provide frequent breaks
- Practice grounding exercises
- Have sensory items or fidget toys available
- Vary your communication or questions style
- Break tasks into small, concrete steps

Mitigating Traumatic Responses Cont’d

- Provide information in short, manageable pieces
  - Offer printed resources
- Reaffirm victim’s strengths
- Avoid negative statements
- Normalize victim’s reactions
  - Demonstrate a consistent, supportive, non-judgmental attitude
- Do not take victim’s reactions personally

Initial Interview

<table>
<thead>
<tr>
<th>Trust Building</th>
<th>General Information</th>
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<tbody>
<tr>
<td>Make introductions; build rapport</td>
<td>Get contact information</td>
</tr>
<tr>
<td>Deemphasize power dynamic</td>
<td>Gather general case facts</td>
</tr>
<tr>
<td>Invite dialogue; encourage questions</td>
<td>ID witnesses and evidentiary leads</td>
</tr>
<tr>
<td>Educating the Victim</td>
<td>Assess credibility</td>
</tr>
<tr>
<td>Explain system, rights, process, and participants</td>
<td>Primary Goal: Get a second interview!</td>
</tr>
<tr>
<td>Address safety concerns, including witness intimidation</td>
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<tr>
<td>Connect with services</td>
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Developing Trust & Rapport

• Acknowledge trauma
• Express belief and understanding
• Make promises you can keep
  o Commitment and diligent effort
• Manage expectations while staying positive
• Respect how victim’s life has changed
• Ask about non-threatening topics you may have in common
  o What do they like to do?
  o Who do they care about?

Candid Conversation

Be accepting of victim and disclosure
Help victim be comfortable
Be authentic
Explain goal of recreating reality of the crime
Allow victim to share details over time; encourage sharing of all details
Inform victim the prosecutor may be able to keep some information out
Underscore importance of the truth

In-Depth Interview
May Take Multiple Sessions

Environment
• Preferably conducted after victim has two nights of rest
• Alert victim this conversation will be longer
• Follow up on initial interview, including services and safety plan

Information Gathering
• Identify offender, witnesses
• Ask about every location on night of assault
• Elicit case-specific details
• Determine whether or not to record
• Determine how to memorialize statement
### Corroborations

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tr>
<td><strong>Was anyone else present at any point?</strong></td>
<td></td>
</tr>
<tr>
<td>• Pre-incident (restaurant, event location)</td>
<td></td>
</tr>
<tr>
<td>• Post-incident (victim’s location after incident)</td>
<td></td>
</tr>
<tr>
<td>• Car rentals / rideshare drivers</td>
<td></td>
</tr>
<tr>
<td><strong>What outside communication was there?</strong></td>
<td></td>
</tr>
<tr>
<td>• Family &amp; friends</td>
<td></td>
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<tr>
<td><strong>Any photos of injuries or others involved?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any locations where surveillance was used?</strong></td>
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### Affirmations

- Make affirming statements to help victims acknowledge their positive behaviors
  - Must be genuine and appropriate
- Recognize expressed difficulties and support victims’ strengths
- Let victims know their concerns and issues are valid
- Convey respect, understanding, and support

### Reflective Listening

Paraphrase or “mirror” individuals’ comments by repeating

- Demonstrates you are listening
- Validates what you think you heard
- Allows individual to understand their own thoughts better
Cultural Sensitivity & Language

• Be conscious of language used during interviews
  o Be aware of client’s cultural view of honor and shame
  o If survivor does not use words like “sex” or “victim,” you shouldn’t either

• Use trained interpreters sensitive to the situation

Additional Tips

• Use victim’s preferred name

• Avoid excessive note-taking
  o Have partner take notes so you can be 100% present
  o Record interview
  o If taking notes, tell victim you are doing so to help you remember; offer to let them look at notes after

Additional Tips (Cont’d)

• Ask questions using relative terms:
  • “Was it light or dark outside?” not, “What time was it?”
  • “What was across the street? not, “What was the address?”
## Record or Not Record?

<table>
<thead>
<tr>
<th>Advantages</th>
<th>Concerns</th>
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<tr>
<td>• Better documentation</td>
<td>• Potential technical difficulty and costs</td>
</tr>
<tr>
<td>• Provides image of victim’s demeanor and tone</td>
<td>• Implicates victim privacy</td>
</tr>
<tr>
<td>• Can listen - no need to take notes</td>
<td>• Possible criticisms from defense if available and not used</td>
</tr>
<tr>
<td>• Don’t need witnesses for impeachment</td>
<td>• May have chilling effect on victim</td>
</tr>
<tr>
<td>• Preserves statement if witness becomes unavailable</td>
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## Who should be “present” during interview?

- Victim should control as many aspects of interview as possible
- Communicate with victim regarding victim's decision to have advocate or service provider virtually present for interview
- However, victims should be carefully advised about limitations on confidentiality and privilege
**Trauma-Informed Questioning**

Recreating the Reality

<table>
<thead>
<tr>
<th>Sensory Details</th>
<th>Emotional Response</th>
<th>Physiological Effects</th>
</tr>
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<tbody>
<tr>
<td>Sight</td>
<td>How did you feel?</td>
<td>How did that affect you?</td>
</tr>
<tr>
<td>Sound</td>
<td>What did you think then?</td>
<td></td>
</tr>
<tr>
<td>Touch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smell</td>
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**Recreate the Reality**

Can you tell me what you saw when you were driving to his house?

Are you able to tell me what sounds you heard from outside? Sirens? Car horns?

Do you remember what he smelled like?

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Sensory based questions can re-traumatize victims by taking them back to a time when they were traumatized; ensure support is available.

**Magic Word = “Able”**
“What are you able to tell me?”
- Acknowledges and conveys our understanding of trauma
- Allows for victim to say, “I don’t remember”
- Gives victim an opportunity to share what they are able to
- At trial, says to fact finder that the victim has been traumatized and may not be able to remember/recall some details

Trauma-Informed Questioning
- “What are you able to tell me about...?”
- “Are you able to remember...?”
- “Let me know what you are able to remember about...”
- Communicates to victim you understand they may not remember everything
- Allows victim to say, “I don’t remember” or “I don’t know”
- Reduces likelihood victim fills in blanks for you

IACP Quick Reference Guide
Trauma Informed Victim Interviewing

Funnel Approach

Open Questions
- Invites victim to volunteer as much information as they can
- Examples:
  - How did you meet X?
  - Are you able to tell me what that day was like for you?
  - What are you able to tell me about what happened once you were alone?

*Be careful not to interrupt flow of the story!*
Closed Questions
Narrowly tailored to seek a one or two-word answer:

• Who took you to the restaurant?
• How did you get to his house?
• Did anyone see you leave?
• Who paid for the food? Uber?
• Do you remember anyone taking photos at the party?

Follow-Up Questions
Used to clarify a response to an open question:

• You said you felt “scared” – what were you scared would happen?
• Are you able to tell me more about what happened after you left his house?
• You mentioned he was trying to get you drunk, what do you mean by that?

Summary
• At close of interview, review facts and feelings learned
• Allow victim an opportunity to elaborate or explain anything misunderstood or omitted
• Invite victim to ask you questions
Inconsistencies

**May result from:**
- Victim trauma
- The way questions are asked
- Victim’s fear to disclose certain details
- Nature of disclosure (details frequently disclosed in layers)

**What to do:**
- Recognize Brady obligation
- Analyze materiality of inconsistencies
- Disclose to defense

Going Forward

- Fully integrate a trauma-informed approach to interviews
- Conduct thoughtful and effective victim interviews that elicit victim’s experience of crime
- Prepare to recreate reality of crime to a judge and jury

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