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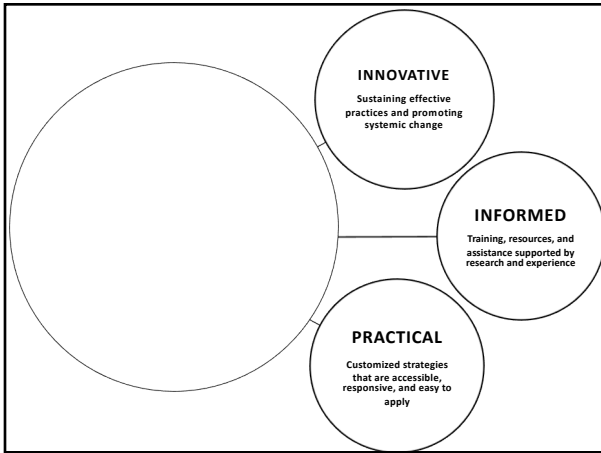
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What We Do	
 <p><b>Resources</b> Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices</p>	 <p><b>Consultations</b> Offer on-demand 24/7 consultations with our seasoned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

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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

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## 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.

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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.

Trauma, Am. PSYCH. ASS'N, <http://www.apa.org/topics/trauma/index.aspx>

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## 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)

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## 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.

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## Common Cognitive Reactions

Difficulty concentrating	Difficulty making decisions	Flashbacks / preoccupation
Memory disturbances / Amnesia	A sense that things aren't real	Worrying

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

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## 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

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

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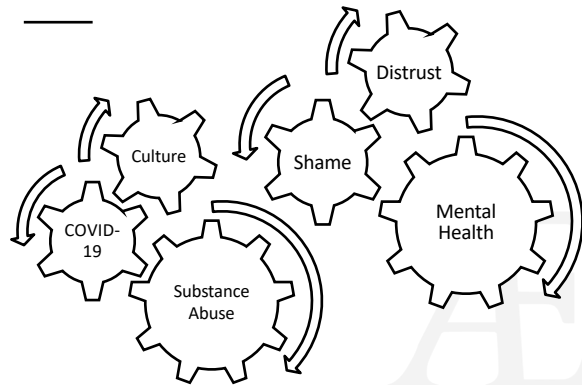
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## Other Influences




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## Impact of Trauma

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

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## 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

JUDITH MCFARLANE, & ANN MALECHA, SEXUAL ASSAULT AMONG INTIMATES: FREQUENCY, CONSEQUENCES, AND TREATMENTS (Oct. 2005)

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## 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

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## Reality

- Offender inflicted trauma on victim
- Offender is responsible for the victim's reaction to that trauma

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**What does a trauma-informed interview look like?**

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## **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.

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## **Trauma-Informed Practice**

- Meet victims' needs
- Prioritize victims' self-determination
- Consider victim safety at all times

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## 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

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## 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

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## 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

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## Trauma-Informed

Recognize	Strategies
<ul style="list-style-type: none"><li>• Trauma affects victim perception and responses to events</li><li>• Trauma may impact victim participation</li><li>• Trauma influences victim memory</li><li>• Offender is responsible</li></ul>	<ul style="list-style-type: none"><li>• Adapt practices to accommodate trauma and its effects</li><li>• Collaborate with allied professionals to ensure broad implementation of trauma-informed practices</li><li>• Provide individualized responses</li></ul>

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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

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## Interview Conditions

- Meet in a neutral, safe location
  - 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

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## 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

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## 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

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## Initial Interview

### Trust Building

- Make introductions; build rapport
- Deemphasize power dynamic
- Invite dialogue; encourage questions

### General Information

- Get contact information
- Gather general case facts
- ID witnesses and evidentiary leads
- Assess credibility

### Educating the Victim

- Explain system, rights, process, and participants
- Address safety concerns, including witness intimidation
- Connect with services

### Primary Goal:

**Get a second interview!**

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## Developing Trust & Rapport

- Acknowledge trauma
- Express belief and understanding
- Make promises you can keep
  - 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
  - What do they like to do?
  - Who do they care about?

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## 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

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## 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

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## Corroboration

Was anyone else present at any point?

- Pre-incident (restaurant, event location)
- Post-incident (victim's location after incident)
- Car rentals / rideshare drivers

What outside communication was there?

- Family & friends

Any photos of injuries or others involved?

Any locations where surveillance was used?

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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

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## 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

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## Cultural Sensitivity & Language

- Be conscious of language used during interviews
  - Be aware of client's cultural view of honor and shame
  - If survivor does not use words like "sex" or "victim," you shouldn't either
- Use trained interpreters sensitive to the situation

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## Additional Tips

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

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## 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?"

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## Record or Not Record?

### Advantages

- Better documentation
- Provides image of victim's demeanor and tone
- Can listen - no need to take notes
- Don't need witnesses for impeachment
- Preserves statement if witness becomes unavailable

### Concerns

- Potential technical difficulty and costs
- Implicates victim privacy
- Possible criticisms from defense if available and not used
- May have chilling effect on victim

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## Who should be "present" during interview?

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## Victim Determination

- 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

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### Trauma-Informed Questioning

Recreating the Reality

<p>Sensory Details</p> <p>Sight</p> <p>Sound</p> <p>Touch</p> <p>Taste</p> <p>Smell</p>	<p>Emotional Response</p> <p>How did you feel?</p> <p>What did you think then?</p>	<p>Physiological Effects</p> <p>How did that affect you?</p>
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### Recreate the Reality

Sensory Details

- 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?

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

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Magic Word = "Able"

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## “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

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## 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

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## IACP Quick Reference Guide

### Trauma Informed Victim Interviewing

Instead of...	Try...
"Why did you...?" or "Why didn't you...?"	"When [specific event happened], what were your feelings and thoughts?" or "Are you able to tell more about what happened when...?"
"Start at the beginning and tell me what happened." or "How long did the assault last?" and Other questions asking for a chronological account. "What were you wearing?"	"Where would you like to start?" or "Would you tell me what you are able to remember about your experience?" or "What are you able to tell me about what was happening before/during/after the assault?"
"Why did you go with the suspect?" or "Do you think you led them on?"	"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 ask you 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?" and "Did the suspect's behavior change after you went with them? How did this make you feel?"

<https://www.theiacp.org/sites/default/files/2020-06/Final%20Design%20Successful%20Trauma%20Informed%20Victim%20Interviewing.pdf>

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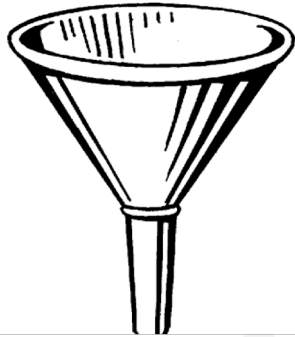
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## Funnel Approach



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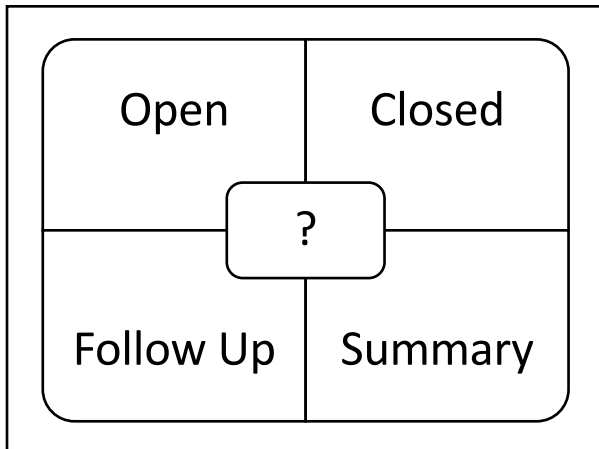
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## Open Questions

- 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!***

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## 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?

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## 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?

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## 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

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## Inconsistencies

May result from:	What to do?
<ul style="list-style-type: none"> <li>• Victim trauma</li> <li>• The way questions are asked</li> <li>• Victim's fear to disclose certain details</li> <li>• Nature of disclosure (details frequently disclosed in layers)</li> </ul>	<ul style="list-style-type: none"> <li>• Recognize Brady obligation</li> <li>• Analyze materiality of inconsistencies</li> <li>• Disclose to defense</li> </ul>

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## 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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## John F. Wilkinson

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