# The Investigator's Superpower

Using Trauma-Informed Techniques to Build Trust and Learn the Facts



Liz DeChellis
Partner & Director of
Title IX Services

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SHARE OUT: What does being "traumainformed" mean to you?



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## AGENDA





- I. Trauma in Title IX Investigations
- II. Title IX Investigative Interviews
- III. Title IX Interviews: Trauma-Informed Approach
- IV. Questions

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# Trauma in Title IX Investigations



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### **Understanding Trauma**

Traumatic Experience: Anything that exceeds our ability to cope

**Trauma-Informed**: Knowledge of how traumatic experiences might be impacting the person sitting across from us



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#### Types of Trauma

- ⇒ Physical trauma
- ⇒ Medical trauma
- ⇒ Psychological trauma
- ⇒ Social or Collective trauma
- ⇒ Historical or Intergenerational trauma
- ⇒ Racial or Identity-based trauma

- ⇒ Immigration trauma
- ⇒ Developmental trauma
- → Ongoing, chronic, and enduring trauma
- ⇒ Secondary trauma or "compassion fatigue"



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# Reactions from Trauma





# Reactions after a traumatic event may vary significantly.

- ⇒ Anxiety
- ⇒ Fear
- ⇒ Shock
- ⇒ Numbness
- ⇒ Social Disconnection
- ⇒ Sleep Disturbances
- ⇒ Depression
- ⇒ Impact on Memory
- ⇒ Difficulty Focusing

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# Title IX Investigative Interviews



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# Investigative Interviews





#### Strong interview skills get:

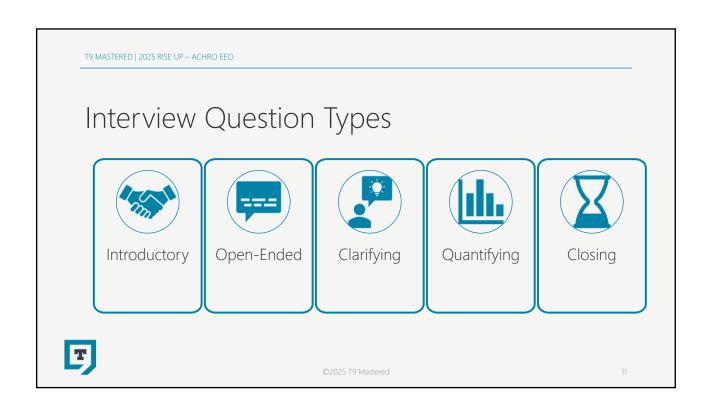
- ⇒ More comprehensive responses
- ⇒ More specific evidence
- ⇒ More accurate information

Plan, Prepare & Practice

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## Question Types to Avoid

- X Leading
  - "You do not know how many drinks she had, do you?
- **X** Compound
  - "What time did you arrive, and how long were you there?"
- Assumed Facts or Priming
  "Was Sam mad about that or was she okay with it?"



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#### Challenging Witness Situations

- ⇒ Emotional witness
- ⇒ Distracting location
- ⇒ Reluctant witness
- ⇒ Deflector
- ⇒ Culture of loyalty

- ⇒ Hostile witness
- ⇒ Gossiper
- ⇒ Talkative witness
- ⇒ Interference in process
- ⇒ Represented witness



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### Interviewing Tips

- Keep questions short, clear, and concise
- Ask only one question at a time
- ✓ Let the witness answer fully and listen to their answer
- Repeat back information to confirm and demonstrate
- Do not interrupt or suggest an answer
- Remain neutral in your questions and demeanor



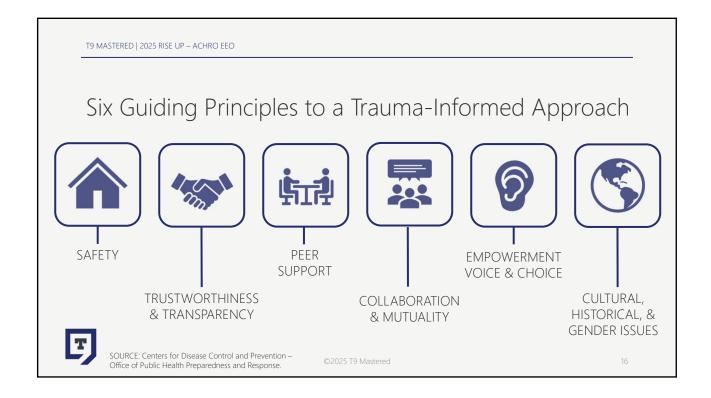
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# Title IX Interviews: Trauma-Informed Approach



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### Impact of Trauma on Parties

- ⇒ Stress and trauma interrupt the memory process
- ⇒ Individuals are **reluctant** to recall experiences that evoke negative feelings and emotions
- ⇒ Traumatic stress can interfere with daily living



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Preparing for a Trauma-Informed Interview

Private and Secure Environment

Create Opportunities for Choice

Familiarize Yourself with Signs of Trauma

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# Trauma-Informed Approach: Interview Introductions

- ⇒ Ask how the interviewee is feeling
- ⇒ Clearly explain your role and the process
- ⇒ Develop a Motivational Statement
- ⇒ Be aware of your body language
- ⇒ Use same approach for both parties



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## Trauma-Informed Tone

#### **EMPATHY**

"I know this might be difficult to talk about."

#### **COMPASSION**

Give parties time and space

#### **DIGNITY**

Show an appropriate level of seriousness



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### Trauma-Informed Questioning

#### Begin with open-ended questions

⇒ "Can you tell me how the night began."

#### Carefully worded follow-up

- ⇒ "Had you ever been alone together before?"
- ⇒ "Help me understand your thoughts about seeing them again."

#### Elicit sensory memories

⇒ "What do you recall feeling, seeing, hearing?"

#### Exercise patience

⇒ Fragmented, disorganized, and inconsistent verbal accounts are common – do not force the witness to tell the story in the way you want



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## Reframing Interview Questions

How long were you at Can you talk to me about the the party? party?

Tell me what the man Can you tell me more about the was wearing? man?

Why did you go back Help me understand what you to her apartment? thought about going back to her apartment?

