



Title IX: Trauma Informed Approach to Investigations

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Course overview

- ▶ Introduction into Victimology
- ▶ Introduction into Trauma
- ▶ Title IX: Trauma Informed Investigations

Victimology

The study of victims of crime and psychological effects on them of their experience.

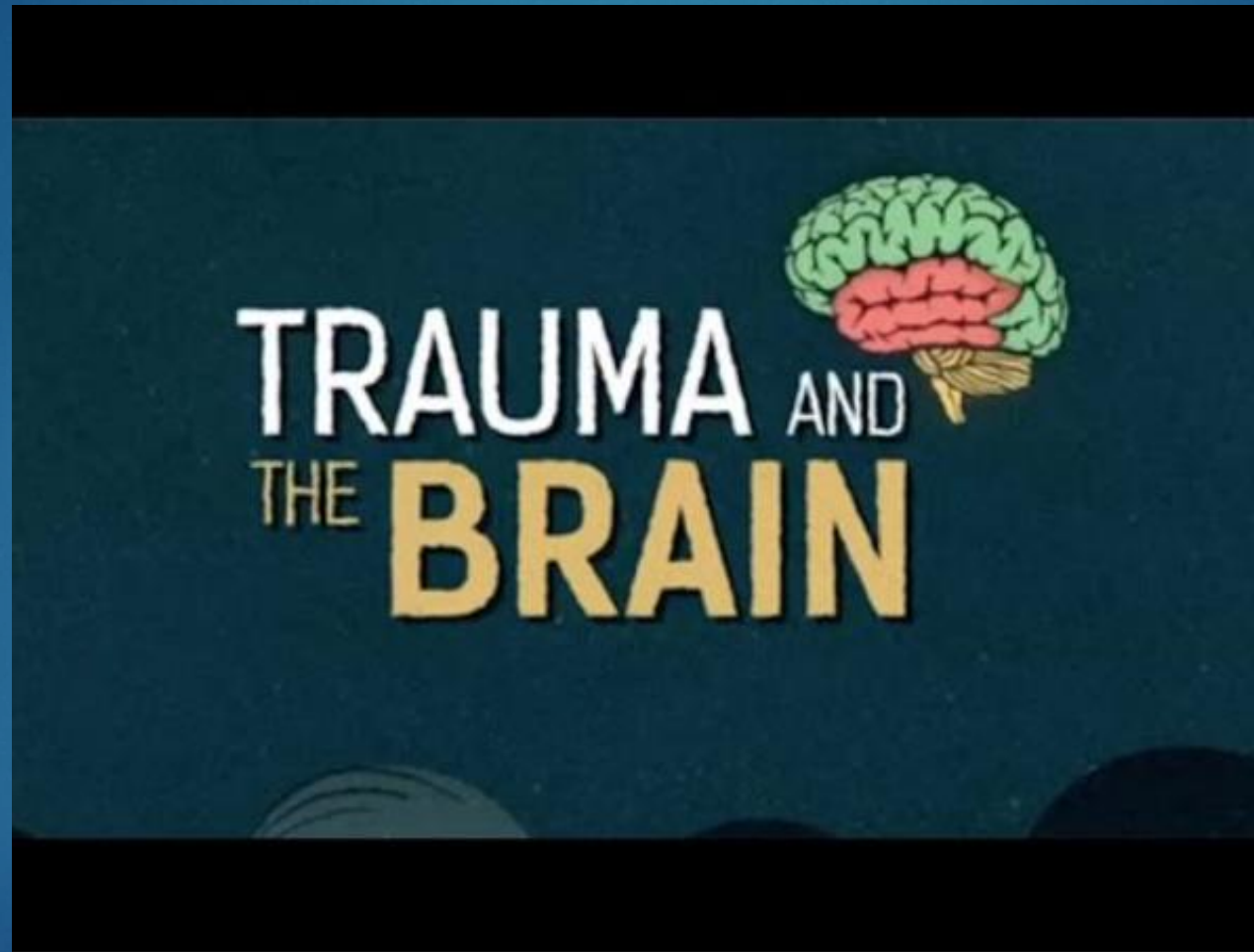
Theories of victimology

- ▶ Victim Precipitation Theory: The characteristics of the victim (i.e. race; gender identity; sex; sexual orientation; religion) cause the victim to be single out for a crime
 - ▶ Example: Suspect who targets transgendered victims for assault based upon their gender identity
- ▶ Lifestyle Theory: An individual may be targeted for crime because of their lifestyle or choices
 - ▶ Example: Commercial Sex Workers by the basis of their occupation are targeted for robbery; sexual assault
- ▶ Deviant Place Theory: An individual is more likely to become the victim of a crime when exposed to dangerous area
 - ▶ Example: Individual who purchases drugs may be more prone to robbery

Victimology History

- ▶ Dates back to the 1940's and 1950's and it set out to study victim-offender interaction and originally raised the concept that victims were at least partially responsible for the crime
 - ▶ This is where the false notion that sexual assault and domestic violence victims were to blame for their victimization
- ▶ By the 1970's the study had moved to prevention of victimization recognizing that criminals preyed on perceived vulnerabilities of classes of people
- ▶ Today there is a large focus on areas of Intimate Partner Violence and Sexual Assault and why specific groups are targeted and how the legal system responds to victims
 - ▶ This was the start of the understanding of Trauma and Victimization

Trauma and the Brain



Three Areas of the Brain-Amygdala

- Amygdala- Controls Emotions, survival instincts and memory
 - Responsible for Fight, Flight or Freeze response
 - Hyperactive for someone who has experienced trauma
 - Trying to make the person “safe”
 - Make it difficult to sleep; relax or find joy outside of comfort zone

Three Areas of the Brain-Hippocampus

- Responsible for learning and memory
- Individuals who experience traumatic events may have a smaller hippocampus
- Prolonged trauma can damage or destroy cells in the hippocampus
- Hard time forming memories but can have vivid memories of specific experiences

Three Areas of the Brain-Pre-frontal Cortex

- Responsible for regulating emotions
- Helps to control the activity of the amygdala
- Will calm the fight; flight or freeze response in people who have not experienced trauma
- In people that have experienced trauma pre-frontal cortex will have a hard time regulating fear and emotions
- Can lead to panic and anxiety

History Trauma Informed Care

- ▶ Rooted in care for Vietnam Veterans
 - ▶ Study of behavioral symptoms related to the Vets experiences (PTSD)
- ▶ 1985, International Society for Traumatic Stress was founded in the U.S.
- ▶ 1989, US Department of Veterans Affairs created the National Center for Post- Traumatic Stress Disorder
- ▶ Over the next 30 years, researchers realized that traumatic events experienced by children and adults outside of military experiences have effect.
- ▶ In 1998, the Women, Co-Occurring Disorders and Violence Study set out guidelines for providers to be sensitive to the traumatic experiences of women who experienced trauma
- ▶ By 2001 Congress created the National Child Traumatic Stress Network
- ▶ 1995-1997 Study Dr. Robert Anda and Dr. Vincent Felitti surveyed over 17,000 adults about their exposure to ten categories of abuse, neglect and household dysfunction during their childhood. Using the survey, physical exams and an ongoing tracking of the adults' health showed a strong correlation between childhood trauma and poor health outcomes decades later.

What does trauma informed investigation mean?

- **Describes a way of interacting with people in a professional capacity that recognizes they may have been impacted by trauma**
- **Promoting access and accuracy through enabling a equitable and fair investigation by recognizing the trauma associated with the reported incident.**

Science behind trauma

- ▶ Trauma is the emotional response to a terrible event
 - ▶ Crime is a terrible event
 - ▶ Sexual Assault; Child Abuse; Domestic Violence
- ▶ Response to Trauma
 - ▶ Fight
 - ▶ Flight
 - ▶ Freeze
- ▶ Immediate Response to Trauma
 - ▶ Shock
 - ▶ Denial
- ▶ Long Term Effects
 - ▶ PTSD
 - ▶ Unpredictable emotions
 - ▶ Physical reactions: headaches or nausea

What it really means

- ▶ Understanding the impact that trauma has on the victim to include their memory, ability to recall and ability to convey what happened
- ▶ Impacts:
 - ▶ Physically – if immediate contact may appear agitated or aggressive
 - ▶ May not be able to form complete sentences
 - ▶ May not be able to be interviewed on scene

What it looks like

- ▶ Formulate questions that recognize the lack of linear timeline and gaps in memory
- ▶ Create a space that feels welcoming
- ▶ Come to the interview with an open mind
- ▶ Mirror the language of the witness

Why is it Important

- We are dealing with individuals who have experienced trauma
- Sometimes extended trauma
- This is going to effect their demeanor and memory


Starting the investigation

Sexual Assault Statistics

- 63% OF RAPES/SEXUAL ASSAULT ARE NOT REPORTED TO LAW ENFORCEMENT = FOR EVERY 1000 RAPES ONLY 334 ARE REPORTED TO LAW ENFORCEMENT
- 2014 STUDY THE ANALYZED LAPD POLICE DATA AND ESTIMATED THAT “THE RATE OF FALSE [RAPE] REPORTS AMONG CASES REPORTED TO THE LAPD [IN 2008] WAS 4.5 PERCENT.”
- A 2017 STUDY UTILIZED FBI DATA OVER THE FIVE-YEAR PERIOD FROM 2006 TO 2010 TO CONCLUDE THAT “APPROXIMATELY 5% OF THE ALLEGATIONS OF RAPE WERE DEEMED FALSE OR BASELESS” DURING THAT TIME PERIOD.
- A 2016 META-ANALYSIS OF SEVEN STUDIES ADDRESSING THE SAME QUESTION ESTIMATED THAT 5.2% OF RAPE ALLEGATIONS WERE FALSE.

Begins with Title IX officer

- ▶ Honesty, Honesty, Honesty
- ▶ Supportive Measures
- ▶ Must lay out:
- ▶ Process
 - ▶ Potential Outcomes
 - ▶ Approximate length of time
 - ▶ Alternative Avenues



Knowing this how should trauma
informed investigation be
conducted in the field of Title IX?

Investigator must collect relevant evidence

- ▶ relevance basically means:
- ▶ Evidence is reliable
- ▶ Has a connection to the complaint
- ▶ Tends to prove or disprove a legal element
- ▶ Direct or Circumstantial

Investigation steps

- ▶ Complainant Statement
- ▶ Complainant Photos (if there are injuries)
- ▶ Medical Records/Sexual Assault Examination - if applicable
- ▶ Location of Incident
 - ▶ Security videos
 - ▶ Signs of a struggle
 - ▶ clothing
- ▶ Items to review
 - ▶ Phones
 - ▶ Property
 - ▶ Social media
- ▶ Witness Statements
- ▶ Respondent's Statements

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When interviewing

- ▶ Remember that individuals who have suffered a trauma may not:
 - ▶ Be able to recall in sequential order
 - ▶ May remember events by sound, scents, or feelings as opposed to direct events
 - ▶ Individuals may not be able to remember everything that happened
 - ▶ Individuals often engage in self-blaming and may infer accusation or guilt based on the questions asked
 - ▶ Every time the individual has to speak about the events they are re-traumatized

Setting up the complainant interview

- ▶ Build rapport/ Acknowledgment of the victim's trauma and/or pain.
- ▶ Create an environment that feels physically and emotionally safe.
- ▶ Communicate in language victims are comfortable with/ use their words
- ▶ Understanding no one remembers "everything," at any particular time. Encourage the complainant to relay the information they can at the time.
- ▶ Provide information on services



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Agency: Prince George's County Police Department
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Conducting the Complainant interview

- NARRATIVE:
- WHO | WHAT | WHERE | WHEN | HOW
- OPEN NARRATIVE – DON'T INTERRUPT
 - WHAT DO YOU REMEMBER? WHAT ELSE HAPPENED?
 - What was your thought process during the event?
 - How did you react physically? Emotionally?
 - Is there something about this experience that you can't forget?

Conducting the Complainant interview, cont.

- IF WRITTEN STATEMENT REVIEW ALL SENTENCES IN THE VICTIM/WITNESS STATEMENT
- ASK FOLLOW UP QUESTIONS
 - CONSIDER SENSORY QUESTIONS – WHAT COULD YOU SMELL? FEEL?
 - Non-leading and sensitive manner that does not contaminate the witness's recollections
- BREAK DOWN THE STATEMENT INTO EACH FACT AND TRY TO CORROBORATE EACH FACT WITH PHOTOS, OTHER WITNESS STATEMENTS

Closing the victim/complainant interview

- ▶ Acknowledge that the interview could bring up difficult emotions; difficult to talk about
- ▶ Show empathy but use language that maintains a neutral process
- ▶ Thank them for the interview; let them know the next steps
- ▶ Remind them if they remember something else they can provide the information
- ▶ Refer back to Title IX officer for supportive measures/ resources

Witnesses

- ▶ Written/Audio Video Recorded
 - ▶ Prompt report (considered trustworthy)
- ▶ What have they seen?
 - ▶ Posts, text messages, etc.
 - ▶ Take screen shots
- ▶ What have they heard?
 - ▶ Complainant/Respondent's statement
 - ▶ Other potential witnesses

Interview with the respondent

- ▶ Can conduct in the same trauma informed way
- ▶ Corroborate their statement
- ▶ Who did they talk to when they learned about the accusation?



Dating Violence Special Considerations

Strangulation and Stalking

Strangulation

- ▶ Strangulation
 - ▶ The external application of pressure to the neck resulting in alteration of consciousness (Green, W., 2013)
 - ▶ External pressure to the neck that blocks air flow, blood flow or both.
- ▶ Visible or not, injuries can be life-threatening, even days, weeks, months, or years after the strangulation event

Places to look for injuries

- ▶ Inspect and photograph victim and look at areas other than the front of the neck, including
 - ▶ Back of the neck and along the hairline
 - ▶ Behind and in the ears
 - ▶ Eyes
 - ▶ Arms (fingermarks from restraint)
 - ▶ Vertical fingernail scratch marks on neck (from victim trying to release the suspect's hands from victim's neck)

SIGNS AND SYMPTOMS OF STRANGULATION

NEUROLOGICAL

- Loss of memory
- Loss of consciousness
- Behavioral changes
- Loss of sensation
- Extremity weakness
- Difficulty speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

SCALP

- Petechiae
- Bald spots (from hair being pulled)
- Bump to the head (from blunt force trauma or falling to the ground)

EYES & EYELIDS

- Petechiae to eyeball
- Petechiae to eyelid
- Bloody red eyeball(s)
- Vision changes
- Droopy eyelid

EARS

- Ringing in ears
- Petechiae on earlobe(s)
- Bruising behind the ear
- Bleeding in the ear

FACE

- Petechiae (tiny red spots, slightly red or flork)
- Scratch marks
- Facial drooping
- Swelling

MOUTH

- Bruising
- Swollen tongue
- Swollen lips
- Cuts/abrasions
- Internal Petechiae

CHEST

- Chest pain
- Redness
- Scratch marks
- Bruising
- Abrasions

NECK

- Redness
- Scratch marks
- Finger nail impressions
- Bruising (thumb or fingers)
- Swelling
- Ligature Marks

VOICE & THROAT CHANGES

- Raspy or hoarse voice
- Unable to speak
- Trouble swallowing
- Painful to swallow
- Clearing the throat
- Coughing
- Nausea
- Drooling
- Sore throat
- Stridor

BREATHING CHANGES

- Difficulty breathing
- Respiratory distress
- Unable to breathe

Source: *Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence. Oxford University Press, Inc. 2009.*



www.strangulationtraininginstitute.com

Graphics by Yeneria Acoves

Questions to ask

Visible injuries (victim and suspect)

- Scratches/bruises to neck, face, hands, arms, petechiae, blood in eye(s)

Symptoms = corroboration

- Hoarse voice, trouble swallowing = injury; tunnel vision, ringing in ears = force

Places to look for injuries

- ▶ Inspect and photograph victim and look at areas other than the front of the neck, including
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 - ▶ Behind and in the ears
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 - ▶ Arms (fingermarks from restraint)
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Stalking

- ▶ Is the respondent showing up where victims lives or is hanging out
- ▶ Repeated text messages
- ▶ Comments on social media
- ▶ Leaving notes and gifts where the victim will notice it

Tools for Sexual Assault/Harassment

- ▶ JDoe
- ▶ Mobile App
- ▶ End-to-end software solutions for survivors and bystanders of sexual misconduct and providers of complaint
- ▶ Trauma-informed platform for individuals to record and report incidents
- ▶ **Report.** Survivors and bystanders can file time-stamped reports
- ▶ **Match.** Survivors and bystanders can have their reports analyzed by their proprietary matching algorithm to identify repeat offenders
- ▶ **Connect.** Survivors and bystanders can take action on their own terms by sharing their reports with administrators and providers of complaint resolution services.

Questions?