

Post-Training Handout for Interviewers: Preparing for Victim/Survivor/Complainant Interviews

Jim Hopper, Ph.D., October 2023

I. Information to Consider and Review Before the Interview

A. Brain-based Effects: Vulnerability and Needs

1. People who are reporting a recent sexual assault, as well as those who are reporting a sexual assault that occurred long ago, are highly vulnerable. It is important to respond to both in the same way.
2. They may be tormented by memories and reminders, emotionally 'shut down' and 'numbed out', or cycling between these extremes. Be mindful not to judge a person's credibility based on her or his emotional state.
3. Many symptoms and problems are attempts to cope. These include substance abuse – which may be a way to escape from terrible memories or anxiety – and even compulsive or risky sexual behaviors, which may involve attempts to gain a sense of mastery and control over one's sexual experiences.
4. To the victim/survivor/complainant, having to talk about the assault feels like having their avoidant and dissociative 'defenses' battered down. This can cause them to have difficulties recalling – even if they sincerely try to do so – parts of the assault experience that are particularly disturbing or about which they feel a great deal of shame. Or after disclosing such painful and disturbing experiences in response to an interviewer's questions, they may feel violated like they did during the assault, or emotionally overwhelmed and re-traumatized.
5. **The victim/survivor/complainant most needs safety, control, trust, understanding, and compassion.** Consider ways you can meet these needs within the boundaries of your role. For example, an investigator can provide the person with some control (and improved recall) by having him/her state what occurred in their own way, as a narrative without interruption. The investigator can then ask follow up questions, as warranted. Even giving simple options and choices, for example about whether they want a drink and whether it's water or something else, where to sit, and when to take breaks, can be experienced as compassionate and empowering.
6. How you respond *will* make a difference in the person's trust in you and your investigative process, as well as their path toward healing.

B. Brain-based Effects: Memories

1. “Central details” are those to which the victim/survivor/complainant’s brain gave attention or emotional significance as the assault unfolded.
 - a. These details are generally very well stored in memory
 - b. These details are likely to be accurate, consistent and corroborated (including by perpetrator)
 - c. These details may not seem central to the investigation (e.g., the person may describe an end table in great detail, yet also not remember some details of what was done to them physically during the assault). But these details may be evidence that the person experienced trauma, was in the described location, etc.
2. “Peripheral details” are those details to which the victim/survivor/ complainant did not pay attention, probably because their defense circuitry didn’t see it as relevant to survival and coping.
 - a. These details are stored in memory weakly and fade fast.
 - b. These details are likely to be remembered poorly and/or inconsistently over time
 - c. These “peripheral details” (e.g., what the respondent said and did, whether others were present) may be the central focus of your investigation. If one doesn’t understand how trauma affects memory, it’s difficult to understand a victim/survivor/ complainant’s “failure” to recall such important information. Victim/survivors/complainants are often confused and disturbed by their inability to remember important information perceived as peripheral at the time.
3. Timing/sequencing information is usually poorly encoded or stored
4. Experiences around the time “when the attack was detected” or when stress greatly escalated are likely to be strongly encoded and well stored.
 - a. Details still require attention for encoding
 - b. During this stage, time-sequence information may be encoded and stored (e.g., “time slowed down”)
5. For the above reasons, victims/survivors/complainants will tend to:
 - a. Have difficulty recalling – despite great effort – important details of what happened and/or the order in which events unfolded, because those were peripheral details at the time and they just “aren’t there” to retrieve from memory
 - b. Have fragments and “islands of memory” that are disorganized
 - i. They may only have access to fragmentary sensations and emotions, and simple thoughts they had at the time
 - ii. They will generally have “islands of memory” of key aspects of the assault, such as:
 - When the “attack was detected” or stress greatly escalated
 - When an experience of defeat/giving up happened (if present)

- Survival reflex states – freezing, dissociation, tonic immobility, collapsed immobility
 - The beginning or end of survival reflex states
 - Anything they experienced as particularly intense or disturbing
- c. Have memories that in some ways are inconsistent, not only across interviews, but even sometimes within a single interview
- i. This generally happens with (a) “peripheral details” (those details to which they did not pay attention or attach emotional significance, perhaps because they were not deemed relevant to survival by their brain) and also with (b) time sequencing information.
 - ii. This generally does not happen with respect to the “central details” (those details to which they paid attention, for example, as their attention was captured by a sneer on the other person’s face or rested on a spot on the wall as they dissociated).
6. You can make use of both the strengths and limitations of the memories of those who have experienced trauma.
- a. Strengths: Those details upon which the victim/survivor/complainant focused their attention and/or experienced as very significant at the time are generally well encoded and stored. Therefore, it is likely that these details are accurate and capable of being corroborated, thereby enhancing both the person’s credibility and the credibility of their account. The victim/survivor/complainant is generally best able to give detailed accounts of:
 - i. Key islands of memory
 - ii. When the attack was detected or stress greatly escalated
 - iii. When they felt completely defeated, totally overwhelmed, or gave up (if present)
 - iv. Habit-based responses (e.g., “I said I had to go,” “I reminded him he has a partner,” etc.)
 - v. Reflexive freezing responses: detection, shocked, no-good-choices
 - vi. Extreme survival reflexes: dissociation, tonic immobility, collapsed immobility
 - b. Limitations: Peripheral details upon which the victim/survivor/ complainant did not focus attention and/or experience as significant at the time (due to automatic brain responses at the time) and time-sequencing information.
 - i. Encoded poorly or not at all.
 - ii. Rapidly fade from memory storage
 - iii. But consistent with trauma and lack of/inability to consent.

C. Brain-based Effects: Reenactment

1. The victim/survivor/complainant may have a history of child abuse and/or repeated assault, and if so may:
 - a. See you as a perpetrator or an uncaring bystander. This can be particularly problematic if you strive to be “objective” and “neutral” in your demeanor, but do so in a manner that lacks compassion and warmth. In these interviews, connection and compassion – within your role and in ways that are effective for that particular interviewee – are necessities for obtaining the most complete, accurate and objective information. If you are perceived as uncaring or cold, the person may feel very unsafe and be unable to recall important information (because stress impairs memory retrieval). He or she may “shut down” emotionally and be unable to cooperate. If someone has this reaction, even if you feel you have exhibited warmth and compassion appropriate to your role, it’s important not to take it personally, to understand that this is a normal reaction for some victims/survivors/ complainants (e.g., those with histories of neglect and/or important bystanders who failed to protect them), and to find a way to reconnect with the interviewee and refocus on your role and the tasks to be accomplished (at least attempted) through the interview.
 - b. “Reenact” abusive relationship patterns with you. This can be subtle. For example, someone may get angry and accusatory and convey that verbally or nonverbally (through body language or facial expressions). Again, it’s critical not to take it personally, to understand that these are normal reactions of some traumatized people, and to find a way to reconnect and refocus on your role and tasks as best you can.
 - c. Make you feel frustrated, so be careful not to:
 - i. “Blame the victim”
 - ii. Forget the other principles and practices outlined here
 - iii. Give up on getting usable information and testimony
 - iv. Give up on investigating or prosecuting the case, etc.

D. Key Principles for Effective Interviewing: Empowerment and Connection

1. Sexual assault involves disconnection and disempowerment, so healing and seeking justice require the opposite experiences with investigators and prosecutors
2. Within the appropriate confines of your role and task, consider the following:
 - a. How well are you empowering the victim/survivor/complainant?
 - i. Remember that the assault involved traumatic helplessness
 - ii. Do you tell her or him what to expect during the interview and your overall process?
 - iii. Do you give her options and choices?
 - iv. Does he feel like a competent partner in the interview?

- v. Consider checking with advocates to see what people are reporting about their experiences during your interviews. While it can be difficult to hear criticism, you may receive helpful information to improve the interview experience and therefore increase reporting and, very likely, the quality of information and participation in your process. Remember that empowerment also helps the person's healing process.
3. How well are you connecting with the victim/survivor/complainant?
 - a. Remember that the assault involved traumatic disconnection.
 - b. Can you put yourself in his or her shoes?
 - c. Does he feel heard?
 - d. Does she feel respected?
 - e. As noted above, seek feedback regarding your connection with victims/survivors/complainants. The information may help you improve your connection with them, your investigation, and their healing process.
 4. How much you connect and empower largely depends on:
 - a. Your understanding of what victims/survivors/complainants experience during assaults, and why.
 - b. Empathy and compassion for the victim/survivor/complainant.
 - c. Your comfort level while hearing about and imagining his or her horrible memories and unwanted emotions.
 - d. Your comfort level with emotions and memories of your own that are triggered by her or his report.

E. Effects that you will have on the victim/survivor/complainant and his or her brain

1. Your verbal and nonverbal behavior during the interview will affect his/her:
 - a. 'Baseline' level of physiological distress
 - b. Intensity and manageability of trauma-related emotions
 - c. Likelihood of 'disconnecting,' 'spacing out,' etc.
 - d. Therefore, be mindful of your demeanor while interviewing (e.g., are you appearing bored, disbelieving, pressed for time, etc.)
2. It is extremely important to moderate your behavior, because additional stress during the interview can impair the person's prefrontal cortex and their capacities to:
 - a. Maintain attention on the interview
 - b. Retrieve critical pieces of memory
 - c. 'Get back on track' after feeling overwhelmed
 - d. Resist getting lost in trauma-related responses to you (as described above)

II. The Interviewer's Behavior – Practicing Techniques to Improve Investigations

A. Identify one or two attitudes, behaviors or questioning techniques (see lists below) that you do not currently use and practice them until they become habitual. Then try another until you are able to call upon each of these attitudes, behaviors and techniques as warranted by the situation. The benefits of these attitudes, behaviors, and techniques:

1. They make interviews feel and go much better, for the interviewee and for you
2. They help you get the best possible information from the interviewee:
 - a. However poorly she has encoded and stored the experience in memory
 - b. However limited his capacity to retrieve whatever is still stored in memory

B. Helpful interviewer attitudes and behaviors include:

1. Empowerment – giving interviewees options and choices whenever possible
2. Compassion – conveying warmth and respect, even when what the interviewee is saying is confusing or even, at first, sounds unbelievable. Do not convey disbelief or “cold neutrality.”
3. Patience – Not expressing impatience or rushing the interviewee in any way

C. Effective questioning techniques include:

1. Using forensic interviewing techniques by asking open-ended questions with follow up as warranted, not yes/no or leading questions.
2. Elicit more complete memories by asking about sensory experiences and thoughts. For example, “You mentioned a point when he had his arm across your throat. What if anything do you recall feeling in your body at that time? What if anything do you remember *seeing* at that time? What if anything do you remember *smelling* at that time? What if anything do you remember *thinking* at that time? Etc.
3. Seeking information about the interviewee's responses (or lack of responses) during the experience, including evidence of the *survival reflex* responses of freezing, dissociation, tonic immobility, collapsed immobility, defeat/giving up, *habit responses*, and other behaviors that (a) are consistent with trauma and (b) may be corroborated by the perpetrator (in the belief that such behaviors can be construed as consent).

D. Commit to trying one or two new attitudes, behaviors or questioning techniques in your next interview.

Consider practicing outside of the interview first, perhaps with another member of your office or team who agrees to play the victim/survivor/complainant role (this person should have a good understanding of the impact of trauma on behavior and memory, so they can properly play the role of interviewee). This can feel uncomfortable, since it's not a real-life situation. But it's a very good (and harmless) way to receive helpful feedback and *establish new interviewing habits*.

E. After the interview, honestly assess, as best you can:

1. How well did I do at embodying the attitudes and/or behaviors? Where do I need more practice?
2. How did this affect the interview experience of the interviewee? How did it affect my experience?
3. How did this affect the quantity and quality of the memories the person recalled, therefore the information that I collected?
4. Am I ready to adopt and practice another helpful attitude/behavior/questioning technique? Or do I still need more time working on these?
5. If another person (other than the interviewee) was present during the interview, ask them to assess your use of this new skill or pair of skills. For example, another member of your office (e.g., a second interviewer) or a victim advocate there for the interviewee.

III. Bottom-Line Reminders

- A. No matter what happens, if you understand trauma and memory – and use an effective, trauma- and neuroscience-informed interview protocol – you can gather the best possible information and make the best possible case.
- B. The more connected, empowered, and calm that you (and an advocate/support person, if present) can help the interviewee feel, the more information you will receive and the more accurate and consistent it will be.
- C. Fragmented, disorganized, and inconsistent verbal accounts can be consistent with trauma. In many cases they can be correctly understood and explained as:
 1. Consistent with the science on how stress impacts the brain and memory processes.
 2. Consistent with the other information the investigation has gathered.
 3. Consistent with a very traumatic assault having occurred.