

# TRAUMA-INFORMED SEXUAL ASSAULT INVESTIGATIONS

A TRAINING PRESENTED BY THE VIRGINIA SEXUAL ASSAULT KIT INITIATIVE (SAKI)  
THROUGH THE VIRGINIA OFFICE OF THE ATTORNEY GENERAL



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# TRAINING AGENDA

DAY ONE	
8:00 to 9:00	<i>Welcome &amp; Introductions</i>
9:00 to 10:00	<p><b><u>Overcoming the Complexities of Sexual Violence / Understanding the Realities</u></b> Common misperceptions, facts, and realities regarding sexual violence -Stephen Elswick and Ixchel Morrison, OAG</p>
10:00 to 11:00	<p><b><u>How Culture Influences the Communities we Serve</u></b> The impact of culture, gender norms, and myths and misconceptions on victims, offenders, and law enforcement response to sexual violence -Stephen Elswick and Ixchel Morrison, OAG</p>
11:00 to 12:00	<p><b><u>The Impact of Trauma: A Trauma-Informed Lens and Response</u></b> Trauma's impact on memory, reactions, and behavior, and implications for interviews by first responders and investigators -Ixchel Morrison, OAG</p>
12:00 to 1:00	<i>Lunch</i>
1:00 to 2:30	<p><b><u>The Impact of Trauma: A Trauma-Informed Lens and Response (cont.)</u></b></p>
2:30 to 3:30	<p><b><u>Trauma-Informed First Response / First Impression Matters</u></b> Why some victims disengage from the investigation and techniques to build rapport with victims and provide support -Stephen Elswick, OAG</p>
3:30 to 4:00	<i>Wrap-up</i>

DAY TWO	
8:00 to 8:30	<p><b><u>Comprehensive Physical Evidence Recovery Kit (PERK) Legislation and the PERK Tracking System</u></b> Current and upcoming requirements under the PERK Act - § 19.2-11.5 through 11.13 -Madison Boden, DFS</p>
9:00-11:30	<p><b><u>Trauma-Informed Victim Interviews</u></b> Victim interviews and investigative techniques that reduce further traumatization and result in a more complete account of the sexual assault -Stephen Elswick, OAG</p>
11:30 to 12:30	<i>Lunch</i>
12:30 to 2:00	<p><b><u>Perpetrator Realities and Investigative Strategies</u></b> Realities of perpetrator behaviors and investigative strategies that focus on those behaviors to gather more evidence and increase the ability to hold perpetrators accountable -Stephen Elswick, OAG</p>
2:15 to 3:30	<p><b><u>Alcohol and Drug-Facilitated Sexual Assault</u></b> Strategies for investigating alcohol and drug-facilitated sexual assault cases -Stephen Elswick, OAG</p>
3:30 to 4:00	<i>Wrap-up</i>



# PRESENTER BIOS



## **Stephen Elswick**

*Sexual Assault Kit Initiative (SAKI) Investigator/ Major Crimes Detective - Ret.*  
Virginia Office of the Attorney General

Stephen Elswick provides investigative and technical support and assistance to law enforcement agencies and facilitates training on trauma-informed sexual assault investigations. Steve holds a BS in Criminal Justice with a concentration in Law Enforcement Organization and Administration, and a minor in Psychology from Radford University. In his 27-year law enforcement career, he served as a police officer for the Roanoke County Police Department and as a K-9 handler and was a sex crimes detective in the Major Crimes Unit for Aurora, Colorado Police Department. Stephen has extensive experience conducting victim-centered sex crimes investigations alongside victim advocates to enhance the potential for prosecutable cases and maintain victim engagement with the criminal justice system.



## **Ixchel Morrison**

*Sexual Assault Kit Initiative (SAKI) Project Manager*  
Virginia Office of the Attorney General

Ixchel Morrison is a subject matter expert with over 20 years of experience working to end violence against women. As a manager of all aspects of the SAKI grants, she ensures that her team meets project milestones and that project goals align with best practices in investigation, prosecution, and victim notification. She oversees a statewide multidisciplinary team, drawing on her extensive experience working closely with law enforcement, forensic nurses, the DA's office, and the DNA lab in Austin, Texas, and serving two terms on the steering committee of Travis County's Sexual Assault Response and Resources Team (SARRT). Ixchel's work has included training hundreds of victim advocates and forensic nurses for over a decade, earning her recognition, including the 2018 Excellence in Advocacy Award from the Texas Association Against Sexual Assault. She served in the Peace Corps in El Salvador and holds a BA in Spanish from Austin College.



## **Madison Boden**

*PERK Tracking System Coordinator*  
Virginia Department of Forensic Science

Madison earned her BA in Criminal Justice from Michigan State University with an additional major in Chinese Language and Culture. She earned her MS in Sociology from North Carolina State University. After earning her MS degree, she worked as a senior analytic specialist at Wells Fargo, where she provided analytic support through data collection, trend analyses, forecasting, and predictive modeling. Her background in criminal justice, social science research, and data analysis led her to her next role as a senior research analyst at the Virginia Department of Corrections (VADOC). While at VADOC, she planned and executed evaluation studies that measured the effectiveness of re-entry programming. Currently, Madison is the Physical Evidence Recovery Kit (PERK) tracking system coordinator at the Virginia Department of Forensic Science.

# TRAINING OBJECTIVES

The *Trauma Informed Sexual Assault Investigations* training provides law enforcement and multi-disciplinary community partners with information on the neurobiology of trauma and investigative strategies to respond to sexual assault crimes in a victim-centered, trauma-informed manner.

- 1 Describe how traumatic experiences impact victim memory, reactions and behavior, and how officer interpretation of this behavior impacts sexual assault investigations.
- 2 Explain how key decisions made by first responders impact the progression of a sexual assault investigation.
- 3 Understand that victim disclosure often occurs over a period of time, in a fragmented manner.
- 4 Identify strategies to gather information and work with victims to facilitate trust and communication.
- 5 Employ practices that postpone judgment regarding the validity of a case until a thorough investigation is completed.
- 6 Identify investigative methods that focus on offender behavior, while recognizing potential sources of officer bias and ways to mitigate its impact on reports.

## RESOURCES



Our training is based off of the International Association of Chiefs of Police curriculum for Trauma-Informed Sexual Assault Investigations. You can access more information about their curriculum here:

**<https://tinyurl.com/IACPtraining>**

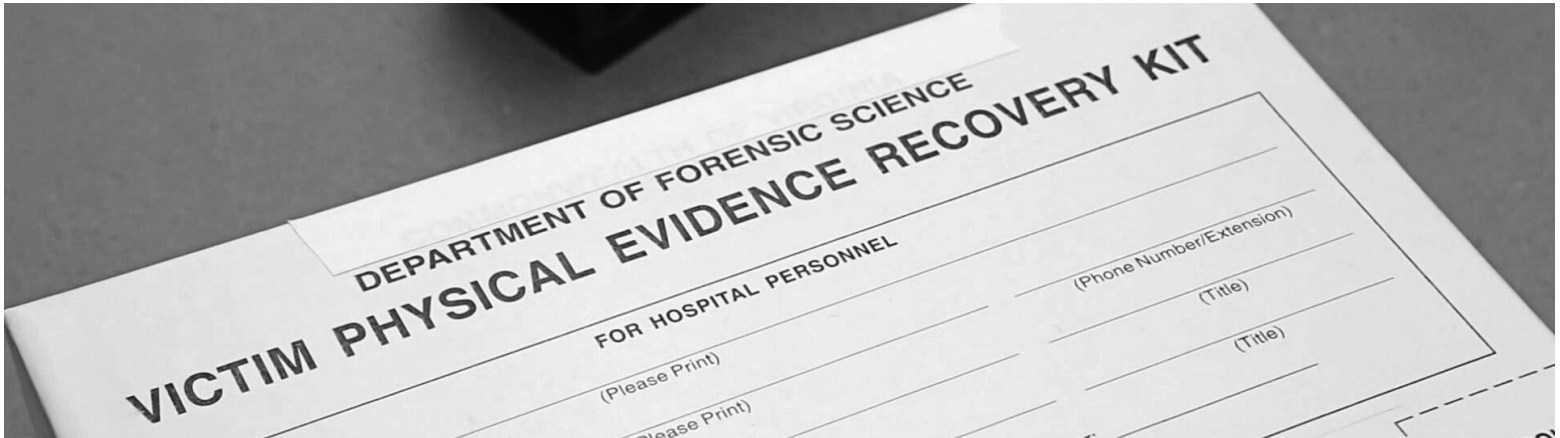


You can learn about the National Sexual Assault Kit Initiative (SAKI) at:

**[www.sakitta.org](http://www.sakitta.org)**



# VIRGINIA PERK LAWS



## What is a PERK?

PERK stands for Physical Evidence Recovery Kit. These kits are used by Sexual Assault Nurse Examiners (SANEs) and Forensic Nurse Examiners (FNEs) to collect evidence from a patient that may aid in the investigation and prosecution of a sexual assault.

## What laws exist pertaining to PERKs?

In the Code of Virginia, Chapter 1.2. Physical Evidence Recovery Kits in section Title 19.2. Criminal Procedure lists all laws relating to PERKs.

Scan the QR Code or visit [www.tinyurl.com/PERKlaws](http://www.tinyurl.com/PERKlaws) to learn more.

LEARN MORE



## Code of Virginia Title 19.2. Criminal Procedure Chapter 1.2. Physical Evidence Recovery Kits

- § 19.2-11.5 Definitions
- § 19.2-11.6. Anonymous physical evidence recovery kits
- § 19.2-11.7. Law enforcement taking possession of physical evidence recovery kits
- § 19.2-11.8. Submission of physical evidence recovery kits to the Department
- § 19.2-11.9. Lack of compliance with procedures
- § 19.2-11.10. Expungement of DNA profile
- § 19.2-11.11. Victim's right to notification of scientific analysis information
- § 19.2-11.12. Costs of physical evidence recovery kits
- § 19.2-11.13. Physical Evidence Recovery Kit Tracking System

# PHYSICAL EVIDENCE RECOVERY KIT (PERK) TRACKING SYSTEM

A Sexual Assault Kit Initiative (SAKI) grant project funded through the Virginia Office of the Attorney General for the Virginia Department of Forensic Science.

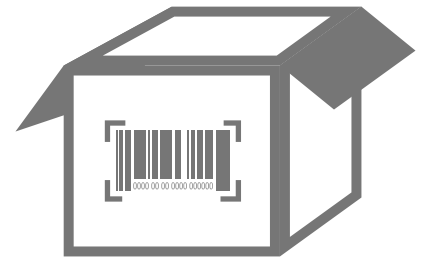


## Multi-Disciplinary Use

The System will track the status and location of PERKs in the Commonwealth of Virginia. Collection sites, law enforcement, the Division of Consolidated Laboratory Services, and the Department of Forensic Science will update all status updates for PERKs in their possession, including the collection of a kit, transfer of a kit between agencies, and the issuance of a Certificate of Analysis.

## Unique ID Number

The System does not capture any personally identifying information. PERKs will be tracked by the unique ID/barcode number (#) assigned to each kit, ensuring the confidentiality of victim information.



## Web-Based

The System is web-based, and any user agency with Internet access may use the system at no charge with credentials obtained from the Department of Forensic Science.

## Victim Access

Victims will be given the unique kit ID/barcode number and the web URL with which they can access the System to view kit status and location information. Victims who elect to report the offense will need a PIN, in addition to the kit ID/barcode number, to access the System. This PIN must be obtained from the investigating law enforcement agency. The victim portal also includes contact information for victim advocacy groups and other resources.



FOR MORE INFORMATION, CONTACT:

**PERKtrackingsystem@dfs.virginia.gov**

# QUICK REFERENCE GUIDE TO TRAUMA-INFORMED INTERVIEWS

Instead of...	Try...
<ul style="list-style-type: none"> <li>✗ “Why did you...?”</li> <li>✗ “Why didn’t you...?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “When (specific event happened), what were your feelings and thoughts?”</li> <li>✓ “Are you able to tell more about what happened when...?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Start at the beginning and tell me what happened.”</li> <li>✗ “How long did the assault last?”</li> <li>✗ Other questions asking for a chronological account</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Where would you like to start?”</li> <li>✓ “Would you tell me what you are able to remember about your experience?”</li> <li>✓ “What are you able to tell me about what was happening before/during/after the assault?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “What were you wearing?”</li> </ul>	<p>✓ “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 pick up those items at a time and place that is convenient for you?”</p>
<ul style="list-style-type: none"> <li>✗ “Why did you go with the suspect?”</li> <li>✗ “Do you think you led them on?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Can you describe what you were thinking and feeling when you went with the suspect?”</li> <li>✓ “Did the suspect’s behavior change after you went with them? How did this make you feel?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Why were you out at this time and at this location?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “What are you able to tell me about what brought you to the location at this time/day?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Why didn’t you leave?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Are you able to describe what was happening while you were in... (the room, the car, the house, etc.)?”</li> <li>✓ “What were your thoughts and/or feelings while you were in... (the room, the car, the house, etc.)?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Did you say no?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “What are you able to recall doing or saying during the incident?”</li> <li>✓ “How did the suspect respond to your words or actions? Do you remember how that made you feel?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Did you fight back?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “What did you feel like you were physically capable of doing during the incident?”</li> <li>✓ “What was going on in your mind when you realized you were in danger?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Why didn’t you report right away?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Did anything in particular cause you to come tell us about this incident today?”</li> <li>✓ “Was there someone you trusted to tell about the incident after it occurred? When you told them, what were you thinking and feeling?”</li> <li>✓ “What were you feeling—physically and emotionally—immediately after the assault?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Did anyone see this happen?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Can you tell me about any people or witnesses who might have seen you and the suspect together or who might have seen the incident?”</li> <li>✓ “Can you tell me about any people or witnesses who might have seen you after the event?”</li> <li>✓ “Can you share information with me on any friends/colleagues/classmates that might have noticed a change in your physical appearance or behavior (withdrawn/sad/angry) after the assault?”</li> </ul>
<ul style="list-style-type: none"> <li>✗ “Have you had sex with this person before?”</li> <li>✗ “Are you dating/in a relationship with this person?”</li> </ul>	<ul style="list-style-type: none"> <li>✓ “Has this person done anything like this to you in the past?”</li> <li>✓ “Can you tell me how this instance was different from previous consensual sexual acts?”</li> </ul>



# TRAUMA-INFORMED VICTIM INTERVIEWS



## **Start the interview with your introduction and the advocate's introduction.**

Example: "Hi. I'm \_\_\_\_\_, Investigator with the Police Department.

You can call me \_\_\_\_\_, and this is \_\_\_\_\_ with the \_\_\_\_\_ Organization. She will be your advocate today, meaning she will be sitting in our meeting to support throughout this process. \_\_\_\_\_, can you talk more about your role as an advocate and how you can help \_\_\_\_\_?"



## **Show empathy.**

Example: "Thank you for coming to talk to us."

"I'm sorry we are meeting under these circumstances."



## **Give the victim control and comfort.**

Example: "You can sit anywhere you would like. Is there anything we can get you to make you feel more comfortable, ie: a water or snack?"



## **Introduce the interview.**

Example: "This meeting is for me to learn about what happened to you. It may be difficult for you at times, so if you need a break, please let us know. Do you have any questions before we get started?"



## **Introduce the recording.**

Example: "This interview will be recorded. That way, I won't have to write down everything you say, although I may take some notes, so I don't forget to ask you any follow-up questions."



## **Establish rapport.**

Rapport-building should start is trust-building and is positively associated with the amount of information the victim will share about the incident. Example: "Tell me about yourself." "What do you enjoy doing?"



## **Use open-ended prompt.**

Example: "When you're ready start where ever you want and tell me what you are able to remember." "If you are able, tell me what brings you in to talk with me."



## **Ask follow-up questions.**

Example: "You mentioned something about \_\_\_\_\_, help me understand more about that." "You said \_\_\_\_\_ what else are you able to tell me about that..."



## **Ask sensory questions where appropriate throughout the interview.**

Example: "You said he got on top of you, are there any smells you remember when he got on top of you?" "You said he grabbed you by the throat, tell me what your body felt at the moment..."



## **Ask about thoughts and reactions.**

Example: "What was your thought process during...?" "What was going through your mind when he...?" "When he did \_\_\_\_\_, what did you do?"



## **Corraborations and Witnesses**

Example: "Who was the first person you told?" "Who else knows about...?" "Did anyone see you when...?"



## **Establish force, threat, or fear.**

Example: "What can't you forget about the experience?" "When did things change?" "You mentioned that you were scared, at what point did you start to feel fear? "You said that he changed. Help me understand how he changed."



## **Conclude the interview.**

Example: "Thank you for sharing that with me." "It took a lot of courage for you to tell me about this." "If you remember something different or new later, that's normal. Call me and we can schedule another time to talk."

# Trauma-Responsive Investigations and Sexual Assault Victim Interviews (TRI-SAVI)

## Tips for Interviewers

### Prepare for the Interview

- Wait to complete the interview for at least two sleep cycles.
- Contact a victim advocate and invite them to the interview.
- Ask yourself, how can we minimize trauma for this victim?
- Discuss availability and scheduling. What barriers exist for this victim? For example, fear of law enforcement, language, citizenship, culture, transportation, work schedule, time constraints, and disabilities. How can we minimize these barriers?
- Use an interviewer who speaks the victim's language or use a professional interpreter. Never use a victim's friend or family member as an interpreter.
- Review documentation.

### Choices/Setting/Comfort/Privacy

- Use a soft interview room or otherwise comfortable space for the victim. Consider: Is the interview setting safe, comfortable, quiet, and private?
- Consider using a white-noise machine, or sound-absorbing panels for privacy. Help the victim regain control by offering her/him choices, such as where the interview takes place, where to sit, having a victim advocate or support person present.
- Ask the victim what (s)he needs to feel more comfortable. Offer water, snacks, a throw or blanket.
- Ask the victim if (s)he would like a victim advocate to be in the interview room.
- Track the victim and take breaks, if/when necessary.
- Tactile activities can reduce anxiety. Consider having stress balls, fidget toys, or adult coloring books and colored pencils.
- Record the interview. Explain the necessity to record the interview to the victim.
- Let the victim lead the interview.

### Build Trust and Show Empathy

- Rapport-building is key to building trust and establishing a genuine connection with the victim.
- Be patient. Let the victim control the pace of the interview.
- Track the victim - look for signs that the victim might need a physical or mental break.
- Show understanding and empathy by saying "I'm sorry we're meeting under these circumstances." "I'm sorry this happened to you." "It takes a lot of courage to report." "Thank you for sharing what happened to you."
- Listen for signs of self-blame, such as "I shouldn't have gotten his car." "I shouldn't have had so much to drink." Follow up with "It wasn't your fault," "You didn't do anything to deserve this."

### Use Active Listening Skills

- Don't interrupt.
- It's okay to write down things the victim says that you want to follow up on. "You said he has a temper, tell me more about that." "You said you couldn't move, can you tell me more about what kept you from moving?" "Help me understand how you couldn't move."
- Get comfortable with silence. Allow for long pauses.
- Reflect back what the victim has said "To be clear..., I heard you say...", "Correct me if I'm wrong..."
- Follow the victim's cues for eye contact.
- Use open body language. Don't cross arms.
- Avoid touching the victim.

## **Language**

- Throughout the interview, encourage the victim to use any slang words they want. Preface that you will sometimes need to clarify what they mean.
- Avoid using technical or sanitized terms for sexual activity, such as: “Intercourse” “oral sex” “fellacio”
- Copy the victim’s language. If the victim uses “blow job” the interviewer should use the term “blow job” -- don’t substitute words or censor the victim’s words
- Do not minimize force. Use the victim’s exact words. If the victim said, “He pushed me down on the bed and forced himself inside me,” do not say “Tell me more about the sex”

## **Introduction**

- Explain your need to record the interview.
- Explain your role. Explain that part of your job is to understand what happened. If the victim advocate is in the room, allow time for them to introduce themselves and their role.
- Acknowledge that talking about what happened could be difficult and it’s okay to take breaks.

## **Use Invitational Prompts**

- “If you are able, tell me what brings you in to talk to me.”
- “When you are ready, tell me what happened.”
- “Help me understand what happened.”
- “Think about what you can remember and tell me...”
- “Start where you want and tell me what you remember.”
- “Take your time and tell me what you remember.”
- “Tell me what brings you in today.”
- “Tell me what we’re here to talk about today.”
- “Help me understand what you do remember.”

## **Encourage Free Narrative / Use the “Funnel Approach”**

- Use open-ended questions/statements such as “Help me understand what you remember about your experience”
- “What are you able to tell me about...?”
- “What are you able to remember about...?”
- “What are you able to describe about...?”
- If you have to ask a close-ended or yes/no question, follow up with “Help me understand more about what you remember about that.”

## **Questions to Avoid**

- Avoid leading questions, ie: “Were you afraid” Instead use “When (s)he did X, how did that make you feel?”
- Avoid a Where-When-How interview. Free narrative interviews will usually get this information.
- Avoid a Yes/No and close-ended questions as much as possible. If you have to ask a “Yes/No” question, follow it up with a free narrative question, such as “Tell me more about the...”
- Avoid asking how long something happened.
- Avoid asking what happened before, next, or after because victims are often unable to give a sequential timeline of events.
- Avoid “why” questions. Instead of asking “why” ask “help me understand what you were thinking at that point” or “what was going through your mind.” “When (s)he did X, how did that make you feel?” “Help me understand your thought process when you got in the car.”



## **Follow-Up Questions**

- Use follow-up and clarifying questions such as “Tell me more about...”
- “Help me understand more about...”
- “You mentioned something about x, tell me more about that.”
- “Earlier you mentioned that he pushed you down, tell me what you remember about that moment”

## **Contradictory Statements**

- When hearing information from the victim that might seem contradictory ask: “A minute ago you told me X, and now you said Y, help me understand...”
- “I’m confused about X, help me understand.”

## **Preface Questions**

- To help victims understand the reason that you have to ask a question that might be taken the wrong way, say: “I don’t want to assume anything, so I want to ask you a question that might seem silly.”
- “I need to ask question because...”

## **Thoughts/Reactions/Sensory Questions**

- Ask about thoughts: “What was your thought process during...?”
- “What were you thinking when he...?”
- “What was going through your mind when...?”
- Ask about reactions: “What was your reaction to...?” “What did you do when he...?”
- Inquire about sensory recall (sight, sound, smell, taste, touch/feel): “What are you able to tell me about...” “What did you (smell, hear, taste, feel)?” “What do you remember about what you were hearing?” “What did you notice when...?” “How did your body respond when...” “When he was on top of you, what do you remember smelling?”
- “I heard you say he grabbed you by the throat, tell me what your body felt at that moment.”
- Ask about emotions: “What were you feeling emotionally when...” “When he did x, what was going through your mind.”

## **Establish Force, Threat, or Fear**

- Ask about when the experience changed/when fear kicked in/when victim felt in danger:
- “What can’t you forget about the experience?”
- “What went through your mind when he did X?”

## **Conclusion**

- Thank the victim for talking. “Thank you for sharing this with me.”
- Acknowledge that it must have been difficult to talk about, ie “It took a lot of courage for you to tell me about this.”
- Acknowledge that disclosure is a process and that it’s okay to schedule a follow-up interview. “If you remember something different or new later, that’s normal. Call me and we can schedule another time to talk.”
- Ask about communication preferences (text, cell phone, home phone, email). Exchange contact information.
- Explain the victim advocate’s role as a regular contact for information, safety planning, and referrals for need services.
- Throughout the interview, listen for minimization and defense of the offender, such as “But, he’s a really good father.” “He’s never done this before.” “He had a really hard childhood.” These are indicators that the victim might recant or disengage from the criminal justice process. Plan with victim advocate.

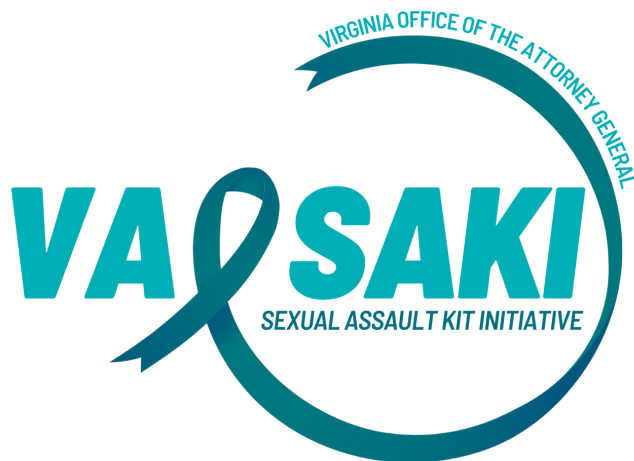
# CONTACT INFO



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## **Sexual Assault Kit Initiative (SAKI)**

email: [saki@oag.state.va.us](mailto:saki@oag.state.va.us)

Email our team with your questions!

You can also contact us to learn more about SAKI presenting at trainings, conferences, and events.