

Neurobiology & Trauma Informed Interviewing & Investigation



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New York State Police Campus Sexual Assault Victims Unit (CSAVU)



Special Police Unit is Transforming
How Cops Investigate Sexual Assault



“Enough is Enough” Campus Sexual Assault Bill



NYS Education Law Article 129-B

“Enough is Enough”

Implement **prevention** and **response**
policies & procedures

- Sexual assault
- Dating violence
- Domestic violence
- Stalking

Applies to violations occurring “**on campus, off campus or while studying abroad**”



Affirmative Consent



Drug & Alcohol Amnesty

Advise RI right to report to campus, IX, or any police



24/7 access to IX or other official trained interview victims of sexual assault



Implement comprehensive student onboarding and ongoing education:

- Prevention



- Reporting process & rights



- Role of IX & police



- Bystander intervention



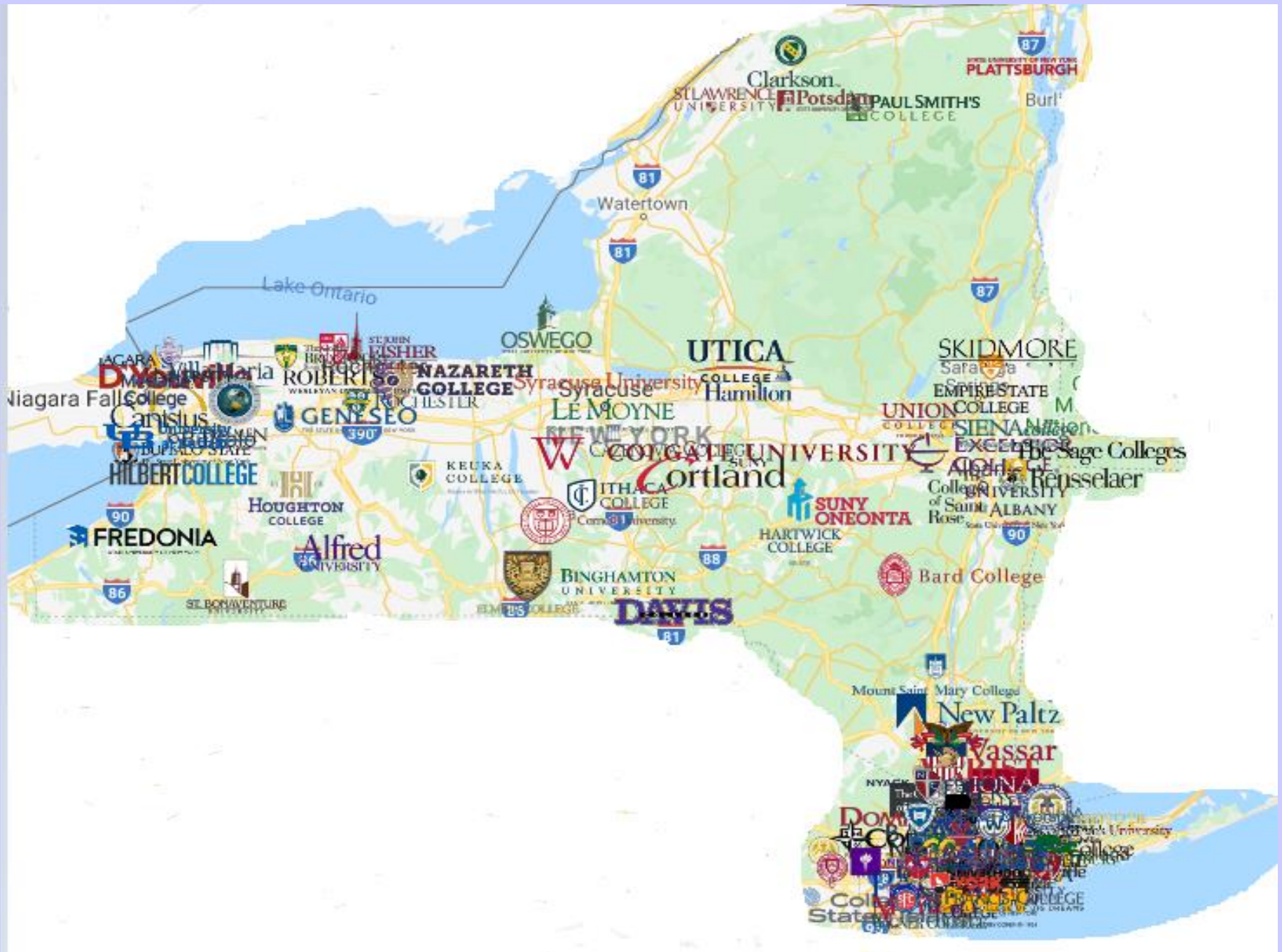


....shall be a specialized unit having advanced training in responding to sexual assaults, including campus sexual assaults, and related crimes (dating violence, DV, & stalking)

AND

....provide assistance to campuses and local police, and provide training to college campus communities.







Campus Administration
Title IX Coordinators
Victim Advocates
University Police
Campus Safety
Local Police
SANE
Student Group Leadership



- Establish point of contact
- Explain unit's role (24/7/365)
- Resources available from NYSP
- Available for prevention education & training

2016-2018

- Attended 3000+ hours specialized training
- Responded & investigated 300+ cases
- Provided 900+ training presentations
(students, faculty & staff, law enforcement & other
community organizations)



1. Consent

2. Bystander
Intervention

Neurobiology



**Staff
Training**





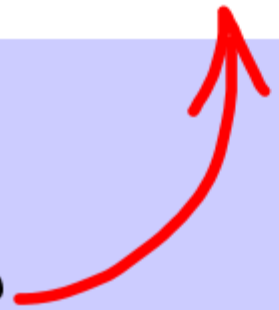
Campus Sexual Assault Victims Unit



CAMPUS SEXUAL ASSAULT HOTLINE

1-844-845-7269

Dedicated Hotline



LIAISON

['lēə ,zän, lē 'āzän]

communication or cooperation which facilitates a close working relationship between people or organizations.





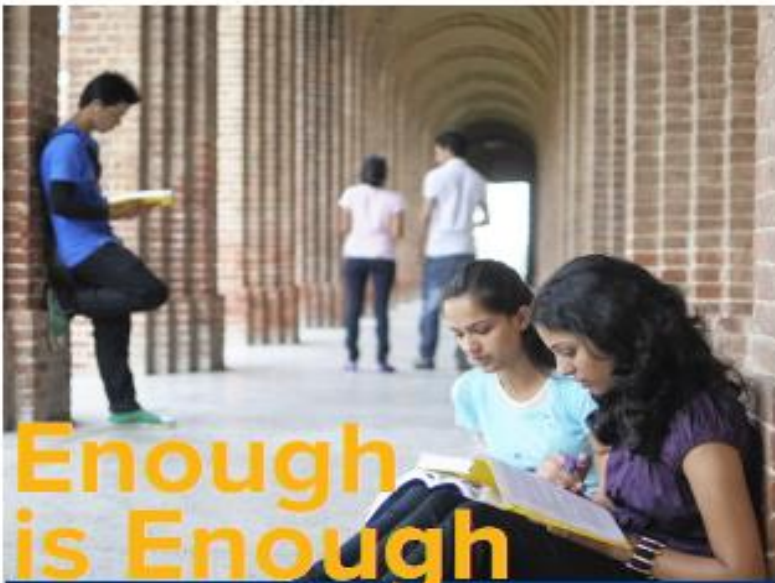
- Billboards

- Radio PSAs



- Bystander Intervention video PSAs
(aired in theaters during holiday breaks)

- Social Media (Facebook, twitter, Instagram)



Enough is Enough

The Enough is Enough initiative resulted in a sweeping new law passed in June 2015 that will combat sexual assault on all New York college and university campuses.

New York is a national leader in the fight against sexual assault on college campuses

To learn more about your rights and Governor Andrew M. Cuomo's Enough is Enough initiative, visit <http://on.ny.gov/EnoughIsEnough>



Cut off and keep this card in your wallet:



Cut off and keep this card in your wallet:



Enough is Enough

To report a sexual assault: contact State Police 24-hour hotline 1-844-845-7269, dial 911, call Campus Security or Local Police

(Write local police phone # here)

(Write local campus safety phone # here)

ENOUGH IS

ENOUGH

BECAUSE
SEXUAL ASSAULT
SHOULD NOT BE PART
OF THE
COLLEGE EXPERIENCE



NEW
YORK
STATE

State
Police

844-845-7269



I am NOT a
Neurobiologist!

Dr Hopper video of why
Understanding trauma is so
Important for police





CERTIFIED

FETI FORENSIC
EXPERIENTIAL
TRAUMA INTERVIEW

City of New York
Police Academy

CERTIFICATE OF ATTENDANCE

Practical Application of the Forensic Experiential Trauma Interview

Carrie Hull, Instructor - Russell W. Strand and Lori Heitman, Personal Experience Interviewers

Traditional response to Sexual Assault is belief that....

- “Real rape” is violent
- “Real victims “ACT” like victims

Traditional training includes looking for classic signs of deception:

- Lack of details
- Inconsistencies

Interview can become more like interrogation



Sexual Assault False Reporting

5 - 8%

implicit bias [im-plis-it bahy-uhs]

:attitudes or stereotypes that affect our **understanding**, **actions**, and **decisions** in an **unconscious** manner.

Does Bias Impact Your Investigation?

Do you feel that certain people are 'asking for it' by the way they conduct themselves?

Personal accountability is for parents, not us.

Our non-verbal & verbal can overflow of 'accountability.'

Alcohol and Bias



Do you feel a student who becomes so impaired by alcohol, they have difficulty functioning....

... is partly responsible if they are sexually assaulted?

Perfect drug for
acquaintance rape

- Accepted by society
- Welcomed by victims
- LOVED by perpetrators

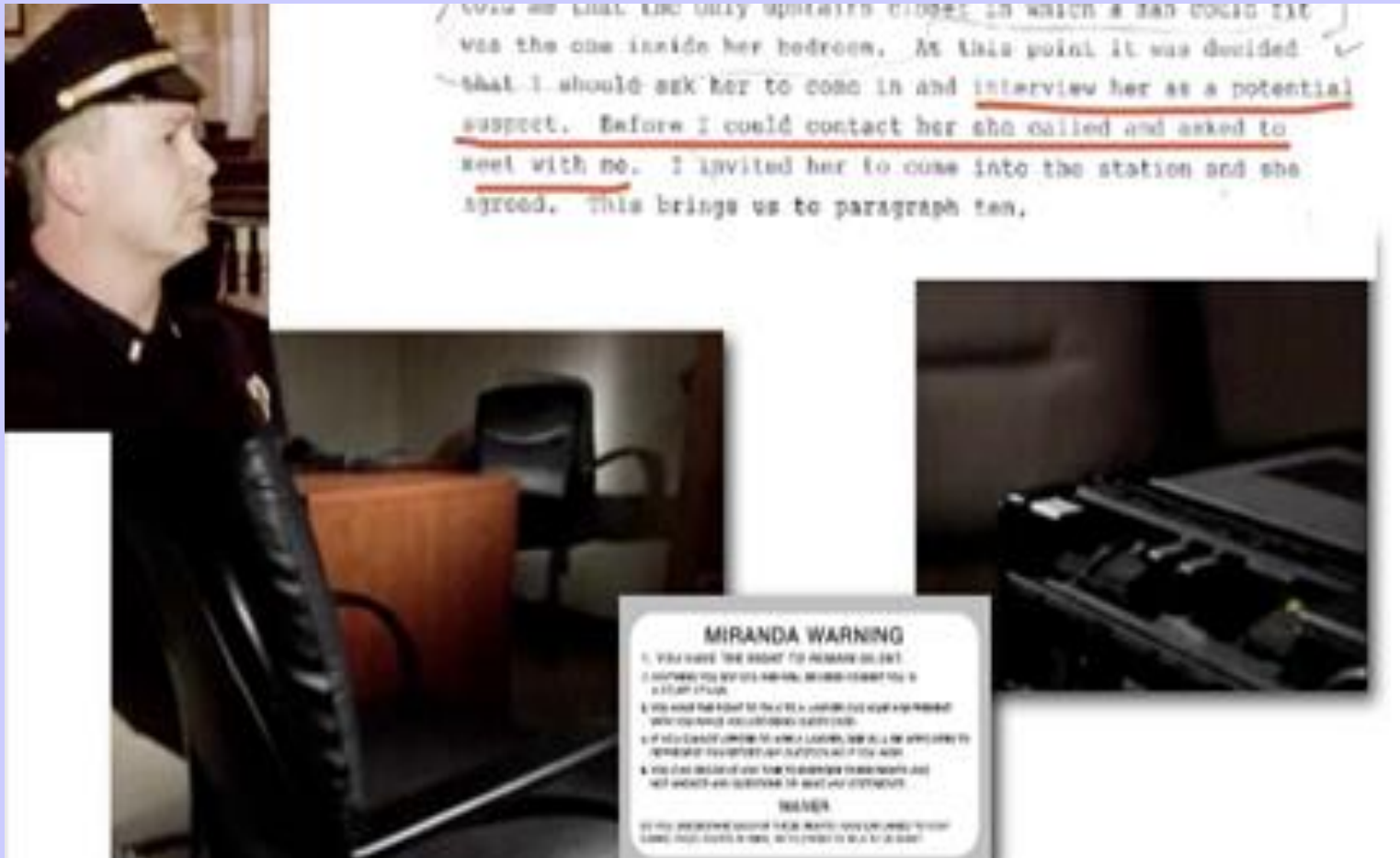
Confirmation Bias

Focus only on
information that
“FITS” our beliefs



Case of Police Bias

Interrogated & threatened with arrest



... was the one inside her bedroom. At this point it was decided that I should ask her to come in and interview her as a potential suspect. Before I could contact her she called and asked to meet with me. I invited her to come into the station and she agreed. This brings us to paragraph ten.

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.
3. YOU HAVE THE RIGHT TO STOP ANY QUESTIONING AT ANY TIME.
4. IF YOU CANNOT UNDERSTAND ANYTHING, YOU WILL BE GIVEN AN INTERPRETER.
5. YOU CAN STOP ANY TIME TO STOP ANSWERING QUESTIONS AND YOU CAN STOP ANY TIME TO STOP ANSWERING QUESTIONS.

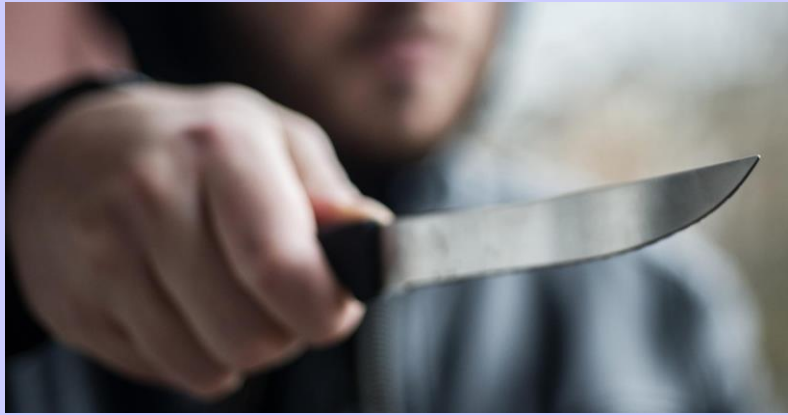
WAIVER

BY THE SIGNATURE OF THE SUSPECT, THE POLICE OFFICER HAS RECEIVED THE FOLLOWING STATEMENT: I HAVE READ THE ABOVE STATEMENT AND I UNDERSTAND IT. I WANT TO ANSWER YOUR QUESTIONS NOW.



A NETFLIX LIMITED SERIES

UNBELIEVABLE



Washington 2008



Colorado
2011 Marc Patrick O'Leary



Serial rapist = 327 ½ years

ONLY 30% report

1. Police won't believe them

2. Police won't do anything to help

(some don't report out of shame & self doubt)

Trauma

An event that is experienced as highly stressful, threatening, or terrifying ...

...and is coupled with an actual or perceived lack of control.

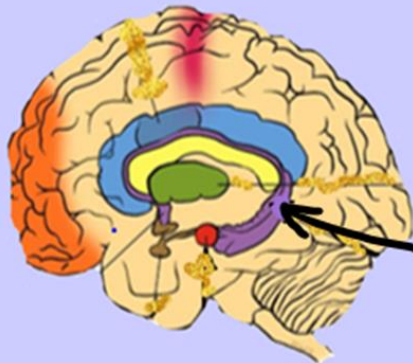
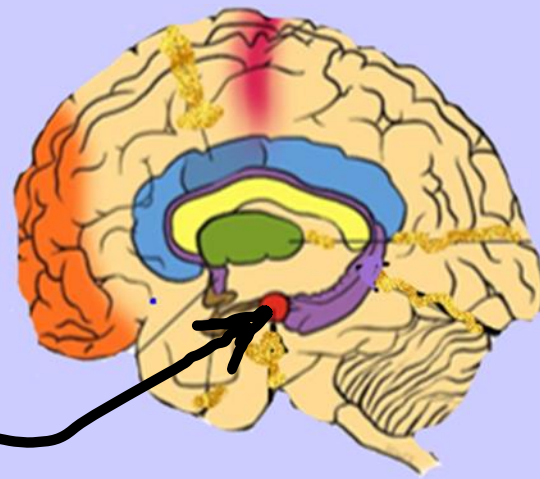


NEUROBIOLOGY

Fear and Stress
Cause changes in Brain

Amygdala

- Regulates emotions
- Detects threat & triggers “fight -flight” response



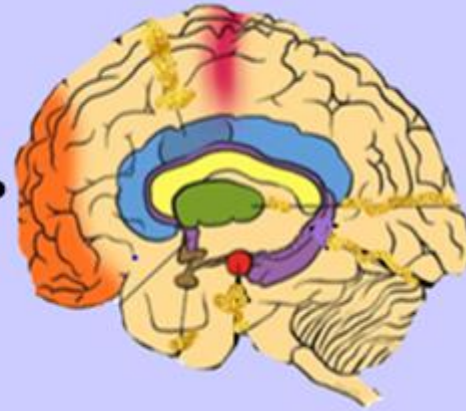
Hippocampus

Forms & stores memories

Encoding

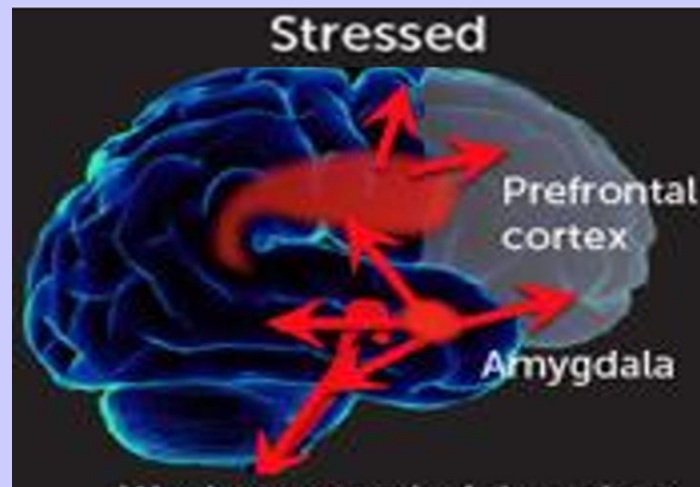
- Takes sensory information
- Stores it to be retrieved as a memory

Prefrontal Cortex (PFC)



- Rational thinking
- Decision making
- Problem solving





- When fear & stress occur, high levels of stress chemicals impair PFC
- We freeze first then brain decides fight of flight

- Fear & high stress = fight or flight, or freeze.
- Left is only habits & reflexes to rely on
- Military training so was becomes “muscle memory”

Real Case Victim responses:

- “I tried to be as polite as possible”
- “I didn’t want to offend him.”
- “I didn’t yell or push him”
- “I didn’t want to make a big deal of it”

How this is **perceived by** hearing boards, police, jury, defense counsel

- She didn't resist
- Made no attempt to escape
- Didn't scream
- “She had mixed feelings”
- “She changed her mind”

Jim Hopper, Ph. D. “ Sexual Assault & the Brain”

Regret Sex or Passive Resistance?

- Many RI using passive resistance feel they didn't consent.
- Respondents may "interpret" the passiveness as consent.

Outcomes from reporting "regret sex":

- Labeled a rape victim – so many students aspire to that
- Super convenient; TIX process, ostracized, stares....

V may regret their own actions leading up to rape

Explore what "no" looked like? (movements; lack of participation)

There are many ways to say “NO”

- Freezing (not moving or talking)
- Crying or seeming distressed
- Seeming in pain
- Trying to move or turn away
- Closing knees or obstructing genitals

Explore NO

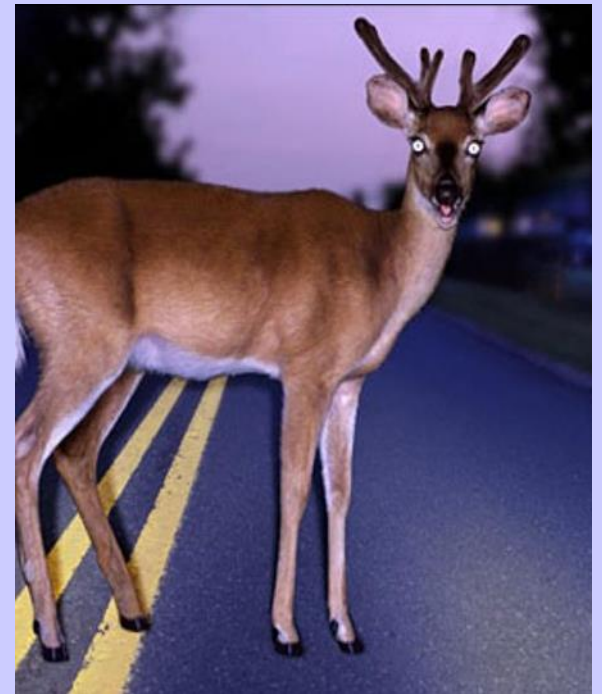
- “We were laying on his bed, but I didn’t want to have sex with him”
- “He kept pushing me”
- **Tell me about him pushing**
- “I told him I couldn’t, I had a BF, it was late....”
- “He had something for everything....he told me WE were OK, it would be quick....he just kept pushing”
- “He wore me down....then he was inside me”

Some victims look back & don't understand why they didn't say or do anything....just froze

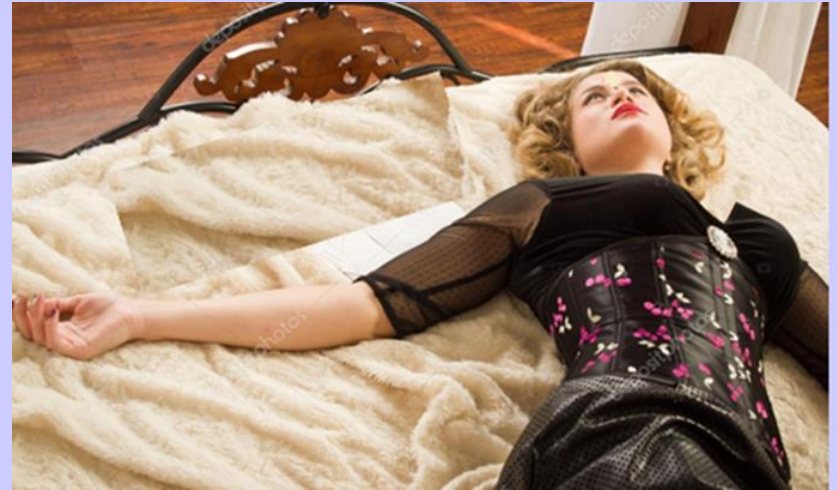
- Brain-based response to detecting danger
- Brain is triggered to inhibit movement
- In a flash; automatic;
beyond conscious control



Jim Hopper, Ph. D. "Sexual Assault & the Brain"



TONIC IMMOBILITY



- Begins with freezing - subconscious response to extreme fear
- Inescapable danger
- Brain shuts down further

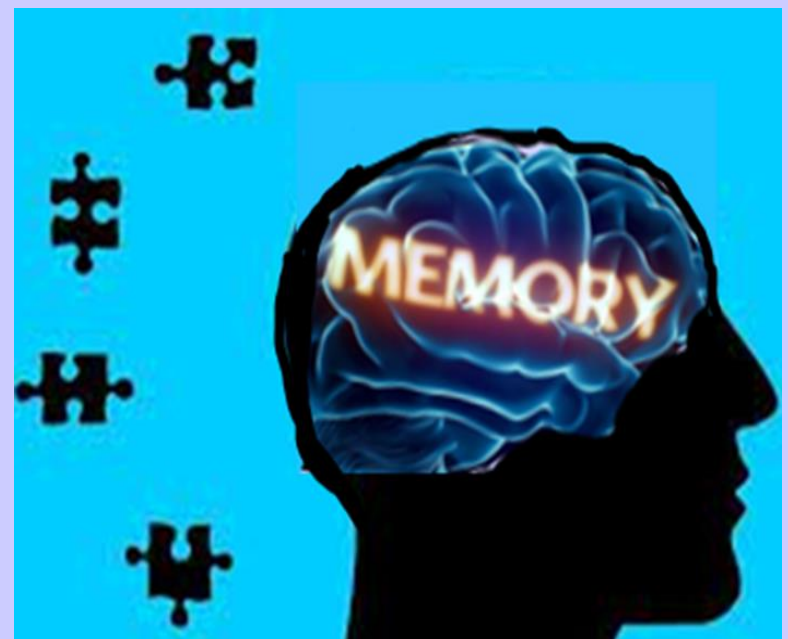
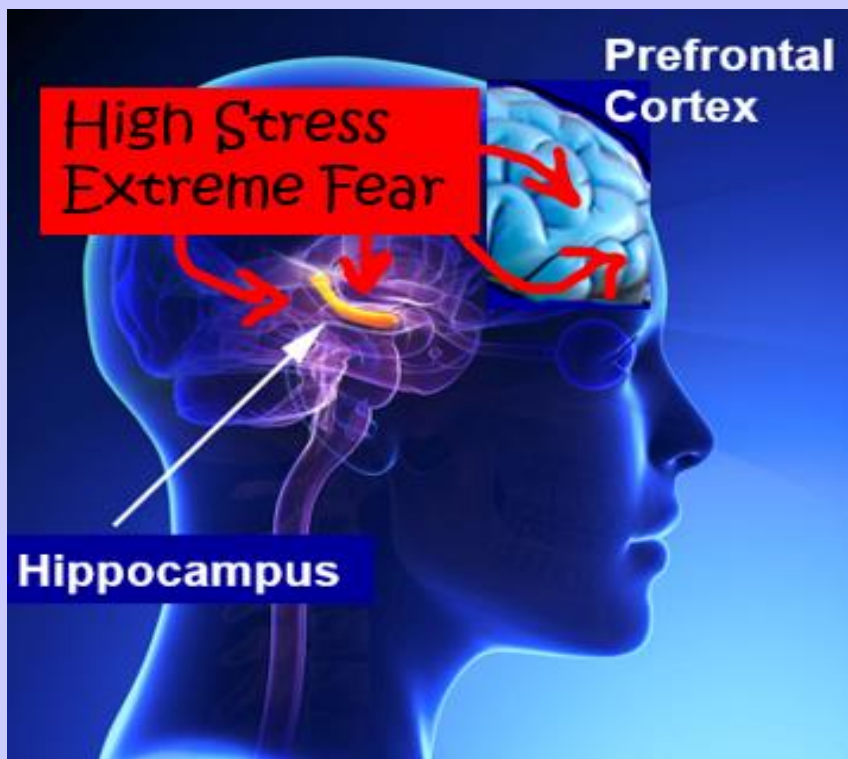


Collapsed Immobility

- Begins with freezing response to extreme fear
- Inescapable danger
- Brain shuts down further

- Coupled with compromised consciousness & loss muscle tone



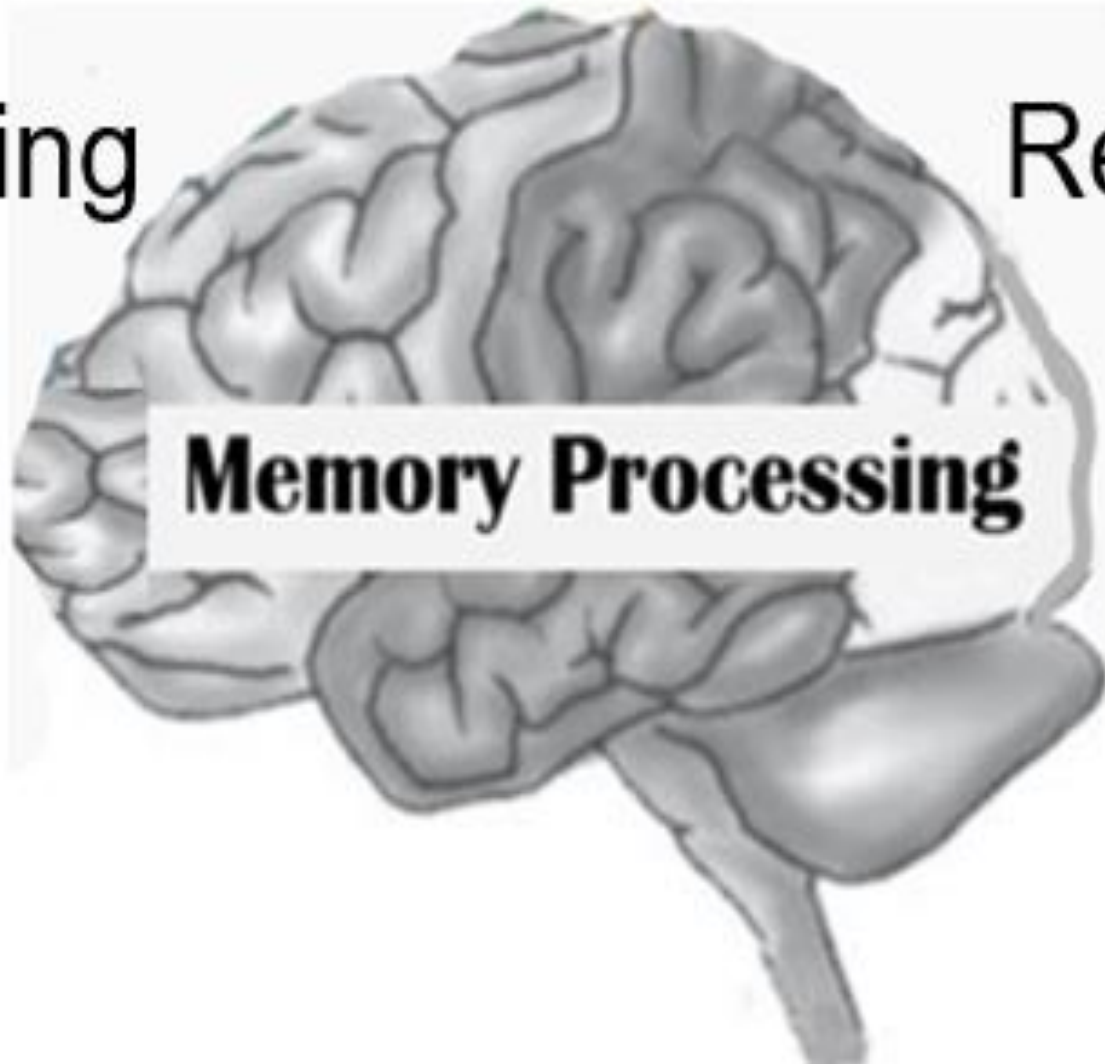


Storing

Encoding

Retrieval

Memory Processing



Central Details



Central



- Stored stronger & longer
- Burned into victim's brain



- Not recognized by victim's brain as "central" to survival
- Not the focus of attention
- Little or no emotional significance
- Poorly encoded, if at all

Moderate alcohol

- Still encoding & have fragmented gaps in memory

High levels – periods of blackout

- Not encoding most of experience



Response to Campus Interpersonal Violence



Response & Empathy



empathy noun

em·pa·thy | \ 'em-pə-thē  \

: the action of understanding, being aware of, being sensitive to, and vicariously experiencing the feelings and thoughts of another

Create Physically & Emotionally Safe Space



Empathy



- More comfortable = better able to tell you their experience (**stress impairs memory**)
- People speak more freely & fully when they are listened to, understood, and they feel believed

Consider....

- Give RI paper & pen in case they want to write anything down
- Ask how person identifies. What pronouns?
- Have a preamble:
 - “I realize this must be difficult for you.”
 - “I’m sorry for the experience you’ve had that brings you here today.”
 - “I am here to listen.”

- Not confidential resource, but, I will keep your information as private as possible
- Encourage a trained advocate be present
- What would you like to tell me and where would you like to begin?

normalize

[nawr-muh-lahyz]

[SHOW IPA](#)



verb (used with object), nor·mal·ized, nor·mal·iz·ing.

- 1 to make **normal**:
- 2 to cause (something previously considered abnormal or unacceptable) to be treated as normal:

We Interview to obtain...

- **Psychophysiological evidence**

psychological & physical reactions to trauma that a victim **experiences**

- Information (regardless if it seems fragmentary) that helps piece together and validate the report

When to Interview?

1st - Soon after assault – balancing stress & delay

2nd - After a night or two of sleep?

Delayed Reporting

Some recall can still occur.

1. How emotionally significant was experience
2. How well it was encoded at the time

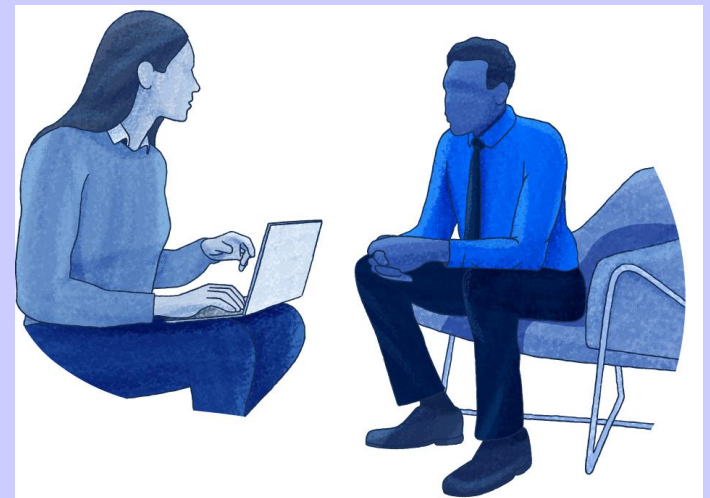
Trauma Informed Questions

- What are you **able** to tell me about your **experience?**
- Short & simple
- Be Patient! LISTEN.

Brain Based Cues

- “Tell me more about....”
- “Help me understand...”

“I couldn’t breathe”





- **Leading Qs**

“You asked him to walk you home, didn’t you?”

- **Sequencing Qs**

Very difficult for victims to recall details sequentially.

Asking victim to do so is stressful & risks recall altogether.

Don't Ask



- **Can Qs** (*yes or no*)
- **Qs (statements)** of your personal opinion
- **Compound Qs**
Requires brain to work harder to process both Qs at same time.

Don't Ask 'WHY' Qs

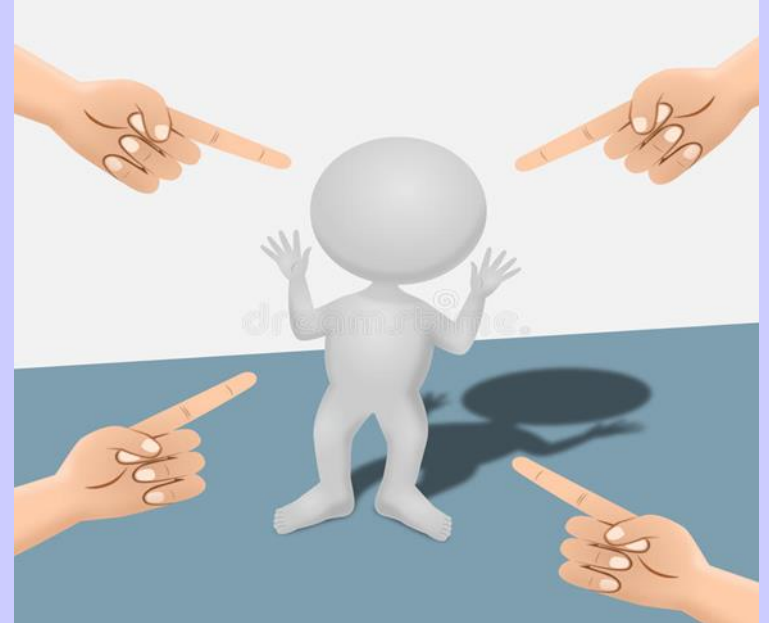


1. It's accusatory (*V feels they are to blame*)

Why did you sit on his lap?

2. V feels they have to have an answer
(*and have an immediate answer*)

1. Ways to obtain evidence



2. Interviewing Accused

- Subpoena power
(records, search
warrants)

- Forensics / DNA
(clothing, bedding,
SOECK)

TITLE IX



- Can't subpoena records
- Can't obtain and execute search warrants

BUT you can..... **ASK!**



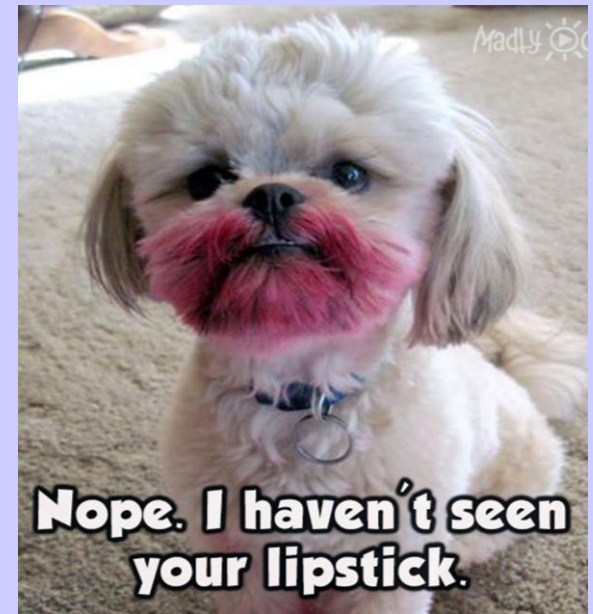
What's your experience in ASKING?

- From Reporting Individual?
- From Respondent?
- From Witnesses?

- What physical items, if any, does your institution secure in a IX investigation?

Circumstantial Evidence Corroborates Psychophysiological Evidence

- Information that's NOT direct evidence may still have considerable value
- **Circumstantial:**
requires an inference to connect it to a conclusion of fact



- Cell phones
- Social media posts
- Video surveillance
- Controlled calls/text
- Swipe card records



Location evidence



- smartphones constantly track and send location data & share with third party apps.
- Can be avoided by turning location sharing off but that would make many apps that need your current location rather useless
- Foursquare, Google Maps or any other navigation or travel app.

Spoofing: Email / Call / Text

- Apps to appear a call/text coming from someone else
- Call ID faker - can change voice from male to female
- Subpoena phone records = show accused called spoofing company
- Screen shot of “the app” on accused’s phone
- App may require \$ to get. Subpoena accused’s bills and/or look for the purchase in “store” on phone

Social Media

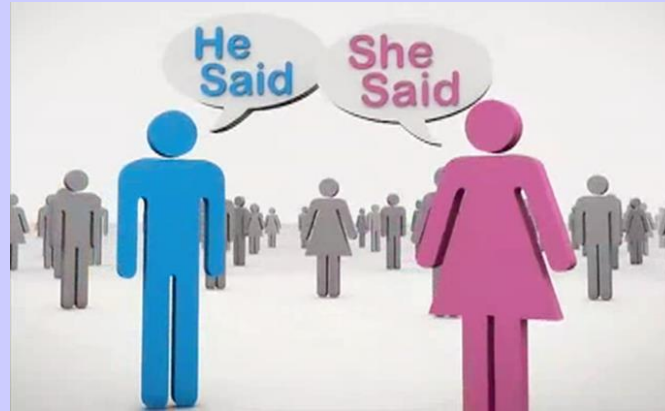


- Check platforms for posts: Instagram, Twitter, Facebook
(reporting indiv, friends, respondent)
- Snapchat - read/see it & it's gone; BUT, can save in chat mode? It notifies sender it's being saved

Investigative tools



Controlled Phone Calls



- Consider Advocate present
- Ensure V not traced to station (snapchat)
- Environment & equipment important
- Prep V for Qs perp may ask
- Subpoena phone records
- V should block perp now

Interviewing the “Accused” RESPONDENT



Due Process



TIX

- Balance rights
- Notify accused
- rights; services?

Police

- Miranda
- Right to counsel





- Respondent notified
- Time to prepare what to say



- Element of surprise
- Accused less likely prepared

IX Notification vs Police Need for Time

- Interview(s) of RI take time!
- Controlled call?
(isn't always immediate)
- Background on accused
- Element of Surprise
- Legal wiggle room for institution to delay notifying accused?
(legitimate police need that would be jeopardized if accused notified)



Police allowed to:

- Isolate accused
- Present false information/evidence
- Offer moral justification for offense
- Increase anxiety if denial
- Infer/offer leniency for admission



There is **NO** single body movement or facial expression for deception



But, presence of “**Incongruent Responses**” can be helpful.

Multiple interviews

(lies are hard to hold together over time)

Ask Qs you already know answer to





Understanding Neurobiology & how the brain functions (or not) when highly stressed or under attack, and **applying trauma informed standards...**

1. Maximize psychophysiological evidence
2. Minimize causing further trauma

References

- <https://www.rainn.org/statistics/campus-sexual-violence> (rape, abuse, incest national network)
- <https://evawintl.org/> (end viol against women international)
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- Lisak, David; (2010). "[False Allegations of Sexual Assault \[sic\]: An Analysis of Ten Years of Reported Cases](#)"
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