

# TRAUMA-INFORMED SEXUAL ASSAULT INVESTIGATIONS

A TRAINING BY THE OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA'S  
SEXUAL ASSAULT KIT INITIATIVE (SAKI) PROJECT



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# TRAINING AGENDA\*

## DAY ONE

8:30 to 9:00	<i>Welcome &amp; Introductions</i>
9:00 to 10:30	<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 Lilian Oviedo, OAG</p> <ul style="list-style-type: none"> <li>• Break</li> </ul>
10:45 to 11:45	<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 Lilian Oviedo, OAG</p> <ul style="list-style-type: none"> <li>• Mini break</li> </ul>
11:45 to 12:30	<p><b><u>Impact of Trauma: Sexual Assault / Trauma Informed Lens and Response</u></b> Trauma's impact on memory, reactions and behavior, and implications for interviews by first responders and investigators -Lilian Oviedo, OAG</p>
12:30 to 1:30	<i>Lunch</i>
1:30 to 3:45	<p><b><u>Impact of Trauma: Sexual Assault / Trauma Informed Lens and Response Cont.</u></b></p> <ul style="list-style-type: none"> <li>• Mini Break</li> </ul>
3:45-4:30	<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>
4:30	<i>Wrap-up</i>

**\*Agenda subject to change depending on Presenter availability.  
\*Time allotted for each module may fluctuate slightly.**

## DAY TWO

8:30-9:15	<p><b><u>Trauma-Informed First Responses: First Impressions Matter</u></b> Why some Victims disengage from the investigation and techniques to build rapport with victims and provide support -Stephen Elswick, OAG</p>
9:15-12:30	<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 &amp; Lilian Oviedo, OAG</p> <ul style="list-style-type: none"> <li>• Break</li> <li>• Practical scenarios</li> </ul>
12:30-1:30	<i>Lunch</i>
1:30 to 3:30	<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> <ul style="list-style-type: none"> <li>• Break</li> <li>• Practical exercises</li> </ul>
3:30 to 4:00	<p><b><u>Comprehensive Physical Evidence Recover 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 -Stephen Elswick, OAG</p>
4:00-4:30	<p><b><u>Case Study: Aurora, CO Naked Serial Stalker Case</u></b> -Stephen Elswick, OAG</p>
4:30	<i>Wrap-up</i>

# PRESENTER BIOS



## **Stephen Elswick**

*Sexual Assault Kit Initiative (SAKI) Investigator/ Major Crimes Detective - Ret.*  
Virginia Office of the Attorney General  
Selswick@oag.state.va.us

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, 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.



## **Lilian Oviedo**

*Sexual Assault Kit Initiative (SAKI) Victim Advocate/Trainer*  
Virginia Office of the Attorney General  
Loviedo@oag.state.va.us

Lilian Oviedo leads training efforts for law enforcement, prosecutors, victim advocates, and other stakeholders, focusing on the neurobiology of trauma to improve victim-centered best practices in the investigation of sexual assault cases. Prior to her role in SAKI, Lilian worked as a Child Victim Identification Program (CVIP) Analyst with the National Center for Missing & Exploited Children (NCMEC) handling child sexual exploitation cases. In that role, she analyzed child sexual abuse material (CSAM) files drafting reports for both domestic and international law enforcement agencies.

Lilian also brings extensive experience in direct service advocacy for survivors of sexual assault and domestic violence. In these roles, she provided psychoeducation, crisis stabilization, emotional support, and safety planning for survivors navigating complex trauma. She facilitated adult and youth support groups, responded to 24/7 crisis hotline calls, and offered in-person accompaniment to survivors during court proceedings. Her years of frontline advocacy have shaped a deep expertise in trauma-informed service provision, which continues to guide her systems-level collaboration and statewide training efforts within the SAKI program.

# TRAINING OBJECTIVES

The *Trauma-Informed Sexual Assault Investigations* training provides law enforcement and multidisciplinary 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 adapted from the curriculum developed by the International Association of Chiefs of Police:

<https://tinyurl.com/IACPtraining>



For more information on the National Sexual Assault Kit Initiative (SAKI), please visit:

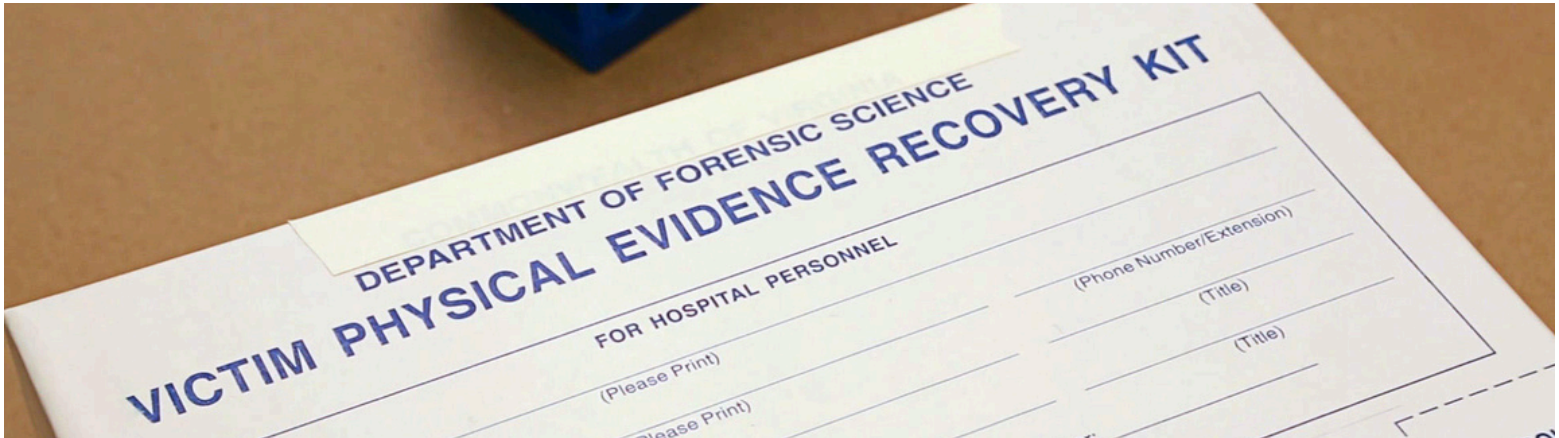
<https://www.sakitta.org/>



For more information on the Office of the Attorney General of Virginia's SAKI projects, please visit:

<https://www.oag.state.va.us/programs-initiatives/kit-testing>

# VIRGINIA PERK LAWS



## What is a PERK?

PERK stands for Physical Evidence Recovery Kit. Sexual Assault Nurse Examiners (SANEs) and Forensic Nurses use PERKs to collect evidence from a victim 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.

## PERK LAWS



### **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 project of the Office of the Attorney General of Virginia and the Virginia Department of Forensic Science funded by Sexual Assault Kit Initiative (SAKI) grants



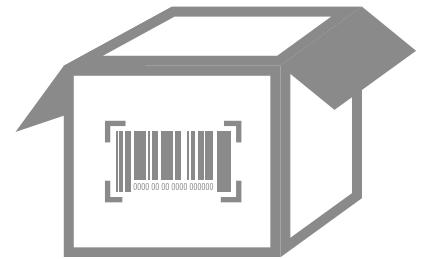
## Multidisciplinary Use

The system tracks 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 enter all status updates for PERKs in their possession, including the collection of a PERK, transfer of a PERK between agencies, and the issuance of a Certificate of Analysis.



## Unique ID Number

The system does not capture any personally identifying information. PERKs are tracked by the unique ID/barcode number assigned to each PERK, 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 receive the unique ID/barcode number and the web URL with which they can access the system to view their PERK status and location. Victims who elect to report the offense need a PIN, in addition to the PERK 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:

<https://perk.dfs.virginia.gov/>  
[PERKtrackingsystem@dfs.virginia.gov](mailto: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>

# Adapted from 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.

### Offer Choices and Consider Comfort

- Ask the victim if they would like a victim advocate to be in the interview room.
- Use a soft interview room or comfortable space for the victim. Consider: is the interview setting safe, comfortable, quiet, and private?
- Consider using a white noise machine for privacy. Help the victim regain control by offering them choices, such as where the interview takes place, where to sit, and having a support person present.
- Ask what the victim needs to feel comfortable. Offer water, snacks, and a throw or weighted blanket.
- Track the victim and take breaks, if necessary.
- Tactile activities can reduce anxiety. Consider having stress balls, fidget toys, and adult coloring books and colored pencils to offer.
- 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 establishing trust and 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 in 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 to the victim what they've 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 your arms.
- Sit on the same level as the victim. Don't sit higher than them or tower over them.
- 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 consensual language for sexual activity, such as: “intercourse,” “sex,” or “fellatio.”
- Copy the victim’s language. If the victim uses “blow job,” you should use the term “blow job,” too. 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 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 is difficult and taking breaks is okay.
- Explain your need to record the interview. “I want to minimize how many times you have to talk about what happened, so I’m recording this so I can review it later if I forget something- without having to ask you again.”
- Reassure the victim you understand how trauma affects the brain and your objective is for the interview to be a positive experience and not retraumatizing.

## Use Invitational Prompts

- “If you are able, tell me what brings you in to talk to us.”
- “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.”

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

- Use open-ended questions 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.”
- 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,” or “He had a really hard childhood.” These could be indicators that the victim might recant or disengage from the criminal justice process. Plan with victim advocate.

## Questions to Avoid

- Avoid leading questions such as, “Were you afraid.” Instead use, “When they did..., how did that make you feel?”
- Avoid a Where-When-How interview. Free narrative interviews will usually get this information.
- Avoid 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 what happened before, next, or after because victims are often unable to give a sequential timeline of events.
- Avoid asking how long something happened.
- Avoid “why” questions. Instead of asking “why,” ask, “help me understand what you were thinking at that point,” “what was going through your mind when...?,” “when they did..., how did that make you feel?,” or “help me understand your thought process when you...”

## **Follow-Up Questions**

- Use follow-up and clarifying questions such as, "Tell me more about..."
- "Help me understand more about..."
- "You mentioned something about..., 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..., and now you said... - help me understand..."
- "I'm confused about..., can you say more about...?"

## **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 know what you were wearing because there might be evidence on the clothing."
- "I need to ask if you had been drinking so that I can determine consent."
- "This question might sound victim-blaming, but the reason I'm asking is because the jury is going to want to know..."

## **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) when...?", "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..., what was going through your mind?"

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

- Ask about when the experience changed/when fear kicked in/when the victim felt in danger.
- "What can't you forget about the experience?"
- "What went through your mind when they did...?"

## **Conclusion**

- Allow the victim advocate to explain their role as a regular contact for safety planning and referrals.
- Thank the victim for talking. "Thank you for sharing this with me."
- Acknowledge that it must have been difficult to talk about. "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. "After trauma, it's normal for the brain to take some time to process. If you remember something different or new later, write it down. Call me and we can schedule another time to talk."
- Ask about communication preferences such as text or email. Ask if it's safe to leave a message, or what to do if someone else answers the phone. Exchange contact information.
- If you suspect the victim might disengage from the criminal justice process, make a plan with victim advocate.

# 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 sit in our meeting to support you 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, such as a snack or water?"



## 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 with building trust 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 prompts.

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



## 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 that happened?" "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?"



## Corroborate 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."