



PSN VICTIM AND WITNESS INTIMIDATION AND RETALIATION TOOLKIT

TRAUMA-INFORMED, VICTIM-CENTERED RESPONSE TO INTIMIDATION AND RETALIATION

Perpetrators use intimidation and retaliation to discourage victims and witnesses from cooperating with the criminal justice system. Justice system professionals can overcome the fear used by perpetrators to silence victims and witnesses by remaining victim-centered and trauma-informed.

This guide examines trauma and how professionals can use a trauma-informed, victim-centered approach in helping victims. This guide concludes with how criminal justice professionals can adopt this approach with victims and witnesses of intimidation and retaliation.

For more information on victim and witness intimidation and retaliation, see the other guides in this toolkit.

WHAT IS TRAUMA?

The Substance Abuse and Mental Health Services Administration defines trauma as resulting “from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and has lasting adverse effects on the individual’s functioning and physical, social, emotional, or spiritual well-being.”¹ Trauma can be the result of a single event, such as witnessing or experiencing a violent act, or a series of events, such as long-term abuse.²

Trauma affects how victims see themselves (“I am helpless,” “I am worthless”), how they see relationships (“I cannot trust anyone”), and their worldview (“the world is dangerous,” “no one can protect me”). These beliefs affect how victims respond to the criminal justice system,³ contribute to a hesitancy to engage with the system, and reinforce an environment in which offenders can intimidate without consequence.

WHAT IS A TRAUMA-INFORMED, VICTIM-CENTERED APPROACH, AND WHY IS IT USEFUL FOR CRIMINAL JUSTICE PROFESSIONALS TO CONSIDER?

When operating with a trauma-informed, victim-centered approach, law enforcement and prosecutors recognize and remain cognizant of the effects of trauma on an individual. The goal of all trauma-informed, victim-centered interactions is to create a situation in which victims and witnesses feel safe, can make their own choices, and feel understood.⁴ Trauma-informed, victim-centered law enforcement officers and prosecutors ask “what happened to you?” not “what is wrong with you?” They also work to empower victims and witnesses and provide them with appropriate resources.⁵ Delivery of services is done with compassion and sensitivity in a non-judgmental

1 Substance Abuse and Mental Health Services Administration. (June 7, 2022). *Trauma and Violence*. SAMHSA. Retrieved July 20, 2022, from <https://www.samhsa.gov/trauma-violence>.

2 OVC TTAC. (n.d.). *Using a Trauma-Informed Approach*. Office for Victims of Crime Training & Technical Assistance Center. Retrieved July 20, 2022, from <https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/>.

3 Ibid.

4 Supra n. 2.

5 ABA. (Oct. 1, 2014). *Establishing a Trauma-Informed Lawyer-Client Relationship*. American Bar Association. Retrieved July 20, 2022, from https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-33/october-2014/establishing-a-trauma-informed-lawyer-client-relationship/.



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manner.⁶ Through a trauma-informed, victim-centered approach, criminal justice professionals can reduce re-traumatization and recognize the role that the trauma plays in their interactions with victims and witnesses.⁷ Most importantly, in a trauma-informed, victim-centered approach, the victim's wishes, safety, and well-being take priority in all matters and procedures.⁸

Being trauma-informed and victim-centered is important for more than preventing re-traumatization. This approach also allows law enforcement and prosecutors to uncover critical details surrounding intimidation and retaliation. Often, a failure to understand trauma may result in officers misreporting information or prosecutors missing important details in their cases. Many cases involve family disputes and unique cultural beliefs that dictate complex loyalties, making it difficult for law enforcement and prosecutors to fully understand how or when intimidation occurs.

By adopting a trauma-informed, victim-centered approach, criminal justice professionals can better protect victims and witnesses and assist in their full rehabilitation. A trauma-informed, victim-centered approach will strengthen law enforcement and prosecutor relationships with individual victims, their families, and affected communities. In turn, victims and witnesses will feel safe and will be more likely to cooperate with the investigative and prosecutorial processes. Most victims have the same set of fundamental needs—safety, access to appropriate services, information, support, accountability, and advocacy—all of which can be addressed through a trauma-informed, victim-centered approach.

USING A TRAUMA-INFORMED, VICTIM-CENTERED APPROACH WITH VICTIMS AND WITNESSES

Recognize and Respond to the Innate Power Differential

An innate power differential exists between victims/witnesses and criminal justice professionals, including prosecutors. Prosecutors decide what happens with a case and can also serve as gatekeepers to important resources for victims and witnesses. In effect, prosecutors can determine what happens in the lives of victims and witnesses. Therefore, they should be mindful of this power differential and should work to minimize the imbalance by empowering victims and witnesses.

Training Programs Available from the National Organization for Victim Assistance

Trauma-Informed Advocacy Course: Created in partnership with the Justice Clearinghouse, this self-paced online course discusses the foundational topics of victim advocacy and trauma-informed services. Through this online course, participants learn the fundamentals and best practices of trauma-informed advocacy and develop critical skills for being an effective victim advocate. From the neurobiology of trauma to ethical practice and self-care, this course teaches participants to better communicate and succeed in this helping profession.

Child and Family Advocacy Academy: Offered in partnership with the National Center for Missing and Exploited Children, this advanced training is targeted to professionals working with child and adolescent victims of crime and their families. It helps participants learn evidence-based best practices, enhance valuable skills, and learn prevention models and systems-based approaches.

6 OVC TTAC. (n.d.). *Victim-Centered Approach*. Office for Victims of Crime Training & Technical Assistance Center. Retrieved July 20, 2022 from <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/#:~:text=Key%20Term%3A%20The%20Victim%2DCentered,services%20in%20a%20nonjudgmental%20manner.>

7 Supra n. 4.

8 Supra n. 6.



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Use Trauma-Informed, Rather than Traditional, Interviewing

Criminal justice professionals should not use traditional interviewing with victims and witnesses because standard questions engage the wrong portion of the brain for victims of trauma and can result in inaccurate answers. Moreover, when victims or witnesses “fail” these types of questions, they can feel frustrated, leading to a lack of participation. For interviewing examples, refer to the resources listed at the end of this document.

Trauma-informed interviewing engages the more primitive portions of the brain that are active during traumatic events. The goal is for the victim to describe the experience of the event physically and emotionally. Trauma-informed interviewing results in significantly more information with better recall by victims and witnesses, which also reduces the potential for false information. Trauma-informed interviewing allows the victim or witness to recall the experience in the manner in which the trauma was experienced.

Express Empathy and Compassion

How criminal justice professionals respond to victims and witnesses throughout the process directly affects their present and future experience with the criminal justice system. Therefore, regardless of the type of interview used, law enforcement and prosecutors must express genuine empathy, patience, and understanding when working with victims and witnesses. Multiple meetings to establish rapport and trust may be necessary before getting the facts. Establishing rapport is significantly harder to do when the person is a cooperating co-defendant or an eyewitness with a criminal history. One of the greatest needs of anyone who has experienced trauma is the need to be safe. Trust is central to that need.

Criminal justice professionals should be mindful of how different people show and receive respect, including generational, gender, and cultural differences.

Use Language Intentionally

Law enforcement and prosecutors should ask the victim or witness what they are able to remember about their experience. Using the framing of “able” relieves pressure, and focusing on their “experience” is an open-ended technique that encourages all details. Criminal justice professionals should specifically and repeatedly tell victims to report every detail, even if they think the detail is trivial, since unimportant information may trigger key information.

Developing Trauma Informed Partnerships with Schools and Other Children’s Advocacy Center Partners (Webinar) by the Midwest Regional Children’s Advocacy Center

This webinar is presented by Dr. Amelia Siders, clinical director of the **Traverse Bay Children’s Advocacy Center** and an expert in complex trauma, substance abuse, assessment, and trauma-informed practices. In addition to reviewing the key elements of designing and implementing trauma-informed training, Dr. Siders discusses the challenges and potential solutions involved in educating partners on how to be trauma-informed. Dr. Siders also discusses how CACs are uniquely positioned to lead the implementation of trauma-informed trainings.

OVC’s Model Standards for Serving Victims

This resource provides an interactive glossary of terms that enables the user to explore the OVC Achieving Excellence Model Standards for Serving Victims and Survivors of Crime.



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Actively Listen and Ask Direct Questions

Criminal justice professionals should listen actively and direct questions at certain points (for instance, “tell me more about...”) to prompt the memory more naturally. They should keep their prompts open-ended and allow the victim or witness to recount the memory in the manner in which they recall it.

Criminal justice professionals should not tell the victim or witness to start at the beginning; sequential memory may come later. If the victim cannot start at the beginning, they should consider working backwards in time.

Criminal justice professionals may also try grouping memories in a topical or spatial way by discussing similar types of actions together, or by room or by person. Asking the victim or witness about their thought process at particular points during the experience can also be useful; doing so helps the interviewer understand the victim’s actions or inactions and reduces the need to ask why they did not take actions such as fight back, scream, or run.

Tactile and sensory details may become blocked due to trauma; thus, asking about tactile memories such as sounds, sights, smells, and feelings before, during, and after the incident increases the victim or witness’s ability to describe the experience with significantly more detail by putting them in the context of the event. Tactile and sensory details will also help juries better relate to the victim’s experience.

Similarly, victims or witnesses can often recall how their body was affected physically and emotionally before, during, and after the event. Questions to help gain this information can include the following:

- “How did that make you feel?”
- “When you felt that way, what did you think was going to happen?”
- “Has anything changed for you since this experience?”
- “Have friends or family noticed anything different about you?”

Finally, professionals should always ask what, if anything, the victim or witness cannot forget about the experience.



WANT TO LEARN MORE?

For a more in-depth analysis of trauma-informed, victim centered response to intimidation and retaliation, see NCVC’s [“Trauma-Informed Prosecutorial Strategies to Address Victim and Witness Intimidation and Retaliation”](#) and [“Trauma-Informed Investigative Strategies to Address Victim and Witness Intimidation and Retaliation”](#) videos. Also see NCVC’s [“Trauma-Informed Law Enforcement Strategies for Combating Victim, Witness, and Community Intimidation and Retaliation”](#) Webinar.

