

# Trauma Informed Practice in Workplace Investigations

---

CBA BC WORKPLACE INVESTIGATIONS SECTION

MARCH 13, 2019



# What is trauma?

---

Peter Levine\*, renowned psychologist and expert in trauma and somatic experience, cites that there is yet to be a way to accurately define trauma however he adds that most psychologists define trauma by **an actual or perceived** serious life altering or life threatening incident which gives rise to traumatic events such as a slip and fall, illness, rape, abduction or a drive-by shooting and results in a variety of traumatic symptoms.

\*Levine, Peter. *Waking the Tiger;;Healing Trauma*, Berkeley: North Atlantic Books 1997

# What is a trauma informed approach to investigations?

---

Recognizing and validating that an investigation can be stressful, emotional and frightening

Acknowledging that an interviewee may have experienced trauma or is currently operating under traumatic symptoms

Adapting communications or engagement to accommodate the emotional/psychological needs of the interviewee by employing a **safe interview approach**

Trust, connection, self-awareness and vulnerability is key



# Self-assessment

---

In an effort to minimize re-traumatizing or re-victimizing the interviewee, you could **conduct a self assessment** to determine your capacity to adapt and accommodate well before the first interview. Some questions you can ask yourself are:

- Do I need to control the room? If so, why?
- How comfortable am I sitting in silence?
- What is my relationship to time? How flexible am I?
- How comfortable am I with displays of emotion? How do I respond to expressions of sadness, frustration or anger?
- How would I describe the language I use to ask questions? Soft? Firm?
- How do I identify deception?
- What are my biases?
- Am I experiencing de-sensitization? If so, what should I do?

# Create a safe space

---

We can create a safe space for an interviewee by allowing them to control the process, the seating arrangement, the lighting and the speed and flow of information, in an effort to minimize the risk of re-traumatizing the interviewee

Be mindful of the environment you are working in and who you are interviewing and consider mirroring techniques which include your style of dress, manner of speaking and body language

This approach should apply equally to complainants, respondents and witnesses



# Be Prepared to Accommodate

---

Once you have conducted a self-awareness assessment on how YOU respond to loss of control, sitting in silence and observing emotional reactions, you can then determine how accommodating you are willing to be

Be prepared to be flexible, reassuring, patient and begin by acknowledging the seriousness and stressful nature of the matter at hand and its potential emotional impacts on the interviewee

Accommodation takes many forms however to be consistent with a trauma informed approach, the interviewee ought to take the lead at the interview, within reason and the investigator must be prepared to actively listen, engage with empathy, transparency and allow for an understanding of your role in the investigation



# Recognizing Trauma

---

Trauma need not be connected to the event or events for which the interviewee is being interviewed, for symptoms to present

Trauma symptoms can present as nervousness, nausea, headache, aggression, fear, avoidance, prolonged silence, paranoia, sadness, disorientation, feeling cold, sweating, shaking, confusion, appearing overwhelmed, sensitivity to light, **fragmented recall and dissociation** (lack of emotional connection to the narrative)

Determine beforehand **how you will respond** when traumatic symptoms present (be alive to non verbal cues)



# Responding to Trauma

---

Some ways in which you can respond when traumatic symptoms present:

- call for a break
- bring attention to something in the room/to the moment
- state your observations and ask what is going on for the interviewee
- ask whether supports are needed
- listen

# The interview

---

Consider permitting the interviewee to:

- Ask as many questions as they want about what will happen with their evidence/testimony/information
- Determine where they sit in relation to you and where you sit
- Decide when and how often breaks are taken
- Deliver answers in their own time
- Decide whether the lights are turned up or turned down
- Bring a support person (who sits in a waiting area or in the interview room – if permissible)

Where possible use open-ended questions as they present as neutral, non-accusatory and non-judgmental – don't be afraid to apologize

# Procedural fairness

---

Procedural fairness is a necessary driver in effective and sound investigations and adopting a trauma informed practice does not conflict with applying the principles of procedural fairness

Focus on using the language of “corroboration” rather than “truth-seeking”

Be transparent and possibly even apologetic in your explanation as to why tough questions need to be asked and in your explanation of the evidentiary burden which must be met

# Asking the tough questions

---

Tough questions may still need to be asked where credibility or reliability is a concern – the way in which the question is asked and the explanation for why the question is being asked makes all the difference

ex:

I hear you saying....

Help me understand why you chose...

What was going on for you in that moment following...

In retrospect, do you think that was a reasonable reaction to...



# The end of the interview

---

In the event your interviewee has been triggered and is experiencing traumatic symptoms, you can do a number of things to bring them back to the moment before they leave:

- Ask how they experienced the interview
- Ask if they have any questions about the process or next steps
- Leave the door open for follow up questions/clarification and how they choose to be communicated with at the follow up stage
- Be sure to shake their hand (physical contact or movement helps bring them back to the moment)
- Point to something outside the window or the weather or bring their attention to something in room (this helps guard against disassociation)

# The benefits

---

Like medical doctors, lawyers and investigators would be wise to adopt the “do no harm” approach

Adopting a trauma informed approach in how you conduct investigations will:

- minimize the risk of re-traumatizing or re-victimizing the parties
  - improve your rapport with the parties you are investigating
  - improve your reputation and relationship with your client
  - improve or positively contribute to your client’s credibility and reputation
  - help you improve your interviewing techniques
  - help you identify when you are experiencing negative impacts from the work you are doing (vicarious trauma)
- 

# Ekosi!

---

Ekosi/Thank you!

Myrna McCallum  
Miyo Pimatisiwin Legal Services  
#4- 1500 Railway Avenue  
North Vancouver BC V7T 1A7  
c: 604-828-5503  
e: [miyo\\_pimatisiwin@shaw.ca](mailto:miyo_pimatisiwin@shaw.ca)

