



INVESTIGATING SEX ABUSE CLAIMS

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GENERAL GUIDANCE FOR INVESTIGATIONS

- Be fair and objective
- Do not pre-judge
- Avoid conflicts of interest (including the *appearance* of a conflict)
- Maintain independence
- Stay professional
- Do not discuss opinions or conclusions
- Words matter
- Listen, listen, listen!
- Protect confidentiality
- Be prompt, but take the needed time
- Prevent retaliation
- Treat all parties equally

BEWARE OF BIAS

- Beware of sexual assault myths
 - There is not one way to respond to experiencing sexual assault
 - It is not unusual for a complainant to appear numb, detached, or unaffected; delay reporting; blame themselves; express denial, confusion, or fear; minimize their experience; recant some or all of the allegations made; or interact with the respondent after the alleged incident(s)
- Recognize the privilege and power positions you bring into the room
- Assess where you might have unconscious bias toward or against someone
- Be aware of stereotypes
- Cannot evaluate through “that wouldn’t bother me”
- Be aware that your social media can be cited as evidence of bias

AN ALLEGATION LANDS ON YOUR DESK...

- Listen carefully and with compassion
- Provide access to needed services
- Explain process, your role, and complainant's right to independently involve law enforcement
- Gather basic information: Who? What? When? Where? How?
- Identify an initial list of potential witnesses
- Identify steps needed to obtain evidence
- Understand context to the allegations, relationship between the parties, and motivation for coming forward
- Assure the complainant that you take the matter seriously
- Explain confidentiality
- Do not express opinions or comment on character of others
- How to handle an anonymous report

EVALUATE THE REPORT

- Search files of past reports or investigations
- Review organizational policy
- Determine whether an investigation is necessary
- If allegation involves potential child abuse, report to authorities in accordance with law **regardless of your determination of credibility**

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PLANNING THE INVESTIGATION

- Who will conduct the investigation?
- Scope of investigation
- Key fact issues
- Who needs to be interviewed?
- In what order?
- What evidence needs to be collected?
- Who needs to be notified?

DOCUMENT EVERYTHING

- Memorialize everything that happens in emails, notes, or interview summaries
- When communication happens via phone call or in person, note the content of the conversation

INTERVIEWING BASICS

- Be **transparent**
- Be **kind**
- Be **comfortable**
- Be prepared, but flexible
- “How do you know that?”
- Clarify facts and discrepancies
- Ask for relevant names, especially potential witnesses
- Ask for relevant documents
- **Treat all parties equally**

HAVE A REAL CONVERSATION

- Bring your real personality into the interview and engage in a conversation: **listen** and **respond**
- Don't be afraid to be personal
- Be true to your own style of speaking
- Be flexible and let the conversation take its natural course
- Guide the conversation, but let them set their own pace and tell their story in their way
- Ask natural follow-up questions for clarification and further detail
- Utilize silence, especially when you ask hard questions

WHY MAY INTERVIEWEES BE RELUCTANT?

- **Mistrust** of the organization, the investigation process, the interviewers, or the system in general
- **Discomfort** with strangers/interviewers
- **Discomfort** with subject matter
- **Fear** of retaliation
- **Fear** of not being believed
- **Fear** of retraumatization
- **Fear** of getting in trouble
- Complainant may have reasons for being reluctant that are significant to analyzing their report:
 - Discomfort or trauma
 - Pressure not to report
 - Wanting to protect the accused
 - Concern that their report will not meet violation threshold

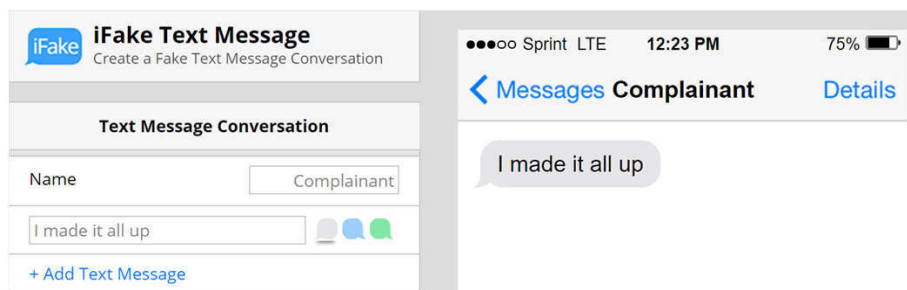
ASKING THE HARD QUESTIONS

- Wait to push back until they have finished telling their story
- **“Let’s go back through that slowly:”** Return to parts of their story that require clarification or questions or that are disputed by physical evidence
- Wait to confront with adverse evidence – may make an interviewee less willing to continue talking
- When asking the hard questions:
 - Phrase your questions so that they are respectful of the story you’ve heard
 - Don’t be accusatory
 - Explain the motivation for your question
- Let them know that as an investigator, you are trying to figure out what doesn’t track and why

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OBTAINING EVIDENCE

- Instruct parties and witnesses to preserve evidence
- Go to the source and get primary documentation when possible
- Deleted items may still exist
- Be aware of fakes



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INITIAL MISTAKES

- Taking too long to respond to notice of a potential issue
- Acting too aloof, uncaring, or dismissive
- Overpromising
- Expressing judgments or opinions
- Explaining the process poorly or not at all
- Misrepresenting individuals' rights
- Failing to offer needed services
- Gathering too little information
- Failing to inform appropriate personnel or authorities
- Discussing the matter with inappropriate people
- Not considering necessary interim measures
- Assigning inappropriate investigators (conflict of interest, bias, inexperience)
- **Failing to follow organizational policies and local, state, and federal law**

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