A Trauma-Informed Approach – The Kalra Method

The Need:

Trauma impacts an individual's ability to form and communicate a coherent narrative. The dysregulation, which is the result of the traumatic injury, interferes with the ability of a witness to recollect, organize, and report the details of the traumatic event. Additionally, the repeated recounting of a traumatic event can result in re-traumatization. The intersection of the difficulties associated with traumatic injury and the adversarial trial process all too often lead to a sad and predictable result: the traumatized witness becomes dysregulated and begins to sob uncontrollably, panics, or shuts down completely. The ability of the witness to provide the details required to support the allegation becomes impaired or completely absent. The very trauma that resulted from the criminal or illegal act makes it difficult, if not impossible, to recount the events in a way that fulfils the legal burden. To address this challenge, it is imperative that lawyers use a trauma-informed approach when conducting matters.

The Goal

A trauma informed prosecution has the twin goal of eliciting the most accurate and nuanced evidence from witnesses while minimizing re-traumatization

The Method

The following four-step method incorporates principles of neurobiology, trauma psychology, and psychotherapy into the witness preparation, examination, and debrief process. This integration results in the mitigation of symptomatology associated with the traumatic injury and facilitates access to nuanced evidence during the trial process. It is important to note that the steps in the method are iterative and continuously build on one another.

Step 1: Mindfulness

Creating safety starts with self awareness. Our internal attitudes and emotional states are transmitted through limbic resonance. Pay attention to the **3C**s:

- Mind⇒ **C**ultivate curiosity.
- Heart⇒ **C**onnect to compassion.
- Body⇒ **C**alm Composure ⇒ Use the **ACHE** Protocol
    - **A**ttentional Awareness: Practice the 4 domains of attention (Narrow/Wide, internal external)
    - **C**onnection and Compassion: Recall a time when you felt connected to yourself, or to another person, a place or a thing. Reflect on the small things you can do

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to care for yourself. Take notice of your own experience when you practice these.

- **H**elpful Hacks: Bilateral squeeze, Butterfly tap, Grounding with anchoring senses, use a scent, make saliva, cold hands (water) on face, havening touch, limbic breathing, orienting to time and place, directly engage the prefrontal cortex.
- **E**mbodied Presence: Embody a memory associated with a desired self state⇒ take a tour with your 5 senses.

Step 2: Relationship

A strong relationship container will increase the perception of safety for the witness and help you to communicate in an attuned and compassionate manner. To build this container:

- Construct a safe environment- Choose a private space that is free of distractions and look for ways to add comfort, such as water and tissues.
- Interact in a trauma aware manner- Look for ways to empower the victim and for opportunities to provide choice.
- Use the **PEACE** Protocol to help create a safe presence This will help to facilitate information processing and deepen feelings of safety.
  - **P**roximity- Face the witness when they speak. Collaborate on a comfortable distance between yourself and the witness.
  - **E**xpression- Practice softening your facial expression.
  - **A**coustic Tone- Pay attention to the pitch and tone of your voice. Too high a pitch can signal danger; a low monotone can signal threat⇒ find the smooth buttery spot in voice. Think of the pitch of a lullaby, (band of perceptual advantage).
  - **C**adence- Consciously slow the pace of your speech. Provide space for breath.
  - **E**ye Contact- Learn to moderate eye contact and hold a gentle gaze. Remember that different cultural backgrounds vary greatly in terms of comfort with eye contact
- Communicate with compassion- This helps the witness feel understood and supported. Use the **3N** approach:

  1. **N**otice: notice what is happening emotionally and physiologically for the witness in the moment.
  2. **N**ame: use a short phrase that lets the witness know that you are present and nonjudgmental, and that you have an empathic understanding of his or her feelings or experience.
  3. **N**ormalize: reassure the witness that the feelings or experience they are having make sense in the context.

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Step 3: Regulation

A regulated nervous system is the conduit to rich evidentiary details and the key to minimizing re- traumatization.

- Regulate and stabilize the nervous system using the following techniques:
    1. Grounding - Bring attention to the present moment by focusing on sensations in the body⇒ e.g. feel your feet on the floor, and your back in the chair.
    2. Orienting - Bring attention to the present moment by focusing on the present environment ⇒ e.g. look around the room and notice where you are right now.
    3. Limbic breathing - Also known as diaphragmatic or belly breathing ⇒ breathe longer on the exhale than the inhale.
    4. Engage the frontal cortex - Brings the "thinking brain" back online⇒ e.g. count backwards by 3.
- Monitor to ensure the witness remains in the window of tolerance.

Step 4: Examination

An embodied examination allows you to access and elicit the experiential information (emotional and sensorial data), connected to the traumatic event, along with the basic narrative. This type of evidence is critical to a successful prosecution. To conduct an embodied examination:

- Embody the memory- Ask the witness to return to the experience in his or her mind.
- Tour the five senses- Use present tense language to gather sensorial data.
- Focus on emotions and sensations- Ask what emotions and sensations are being experienced at a particular moment in the event narrative.
- Weave between meaning (narrative) and experience- Go back and forth between eliciting detail about what happened, and the associated feelings about what happened.

Ensure that the witness remains regulated (within their window of tolerance) during the examination

The Result

A trauma informed approach facilitates the integration of the narrative and experiential data related to an event, and results in a detail rich and viscerally compelling version of events. The listeners feel and, to an extent, experience the events being described. This felt sense understanding of the events, by a trier of fact, is a key factor in a successful prosecution. Notably, the regulation and relational connectedness, which are at the heart of this method, help mitigate against re-traumatization and facilitate healing for the victim.

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