

SUCCESSFULLY INTERVIEWING THE TRAUMATIZED VICTIM

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Preliminary Contact

- ① Start by Believing
- ① Validation that the crime occurred
- ① Establish offense
- ① Get the basic facts
 - Location
 - Weapon
 - Perpetrator
- ① Introduce a support person as soon as possible

Preserve Your Evidence

- Remember-the victim is a living, breathing, walking, talking crime scene!
- SANE exam first
- Work your case during the exam

After the Exam

- ⦿ Give the victim some control
 - Choices for date and time of interview
- ⦿ Homework
 - Cell phone info, email, etc.
- ⦿ Prepare them for possible contact with the suspect
- ⦿ **DO NOT ASK THEM IF THEY WANT TO PROSECUTE**

Scheduling the Interview

- After at least two sleep cycles
 - IACP study on officer involved shootings 2004
 - Law Journal of Americans for Effective Law Enforcement, August 2008
 - FBI LE Bulletin OIS, May 2012
 - Threat related info right away
 - Environmental factors later

Scheduling the Interview

- Why wait in sexual assault cases?
 - Time to physically recover
 - Support network in place
 - Greater ability to recall detail in chronological fashion

Setting Up

- ◎ Select an appropriate location
 - Safe and comfortable
 - Private and distraction free
 - Maintain equal or inferior position to the victim
 - Allow her to have some control over her surroundings

Setting Up

- ⦿ Have the support person/advocate present and allow time for victim to re-connect
 - Allows you to focus on the case and the investigation
 - The victim has someone there specifically to monitor her well being

Setting Up

- ◎ Explain the purpose of the interview
 - To gather evidence and information, **NOT TO PLACE BLAME OR JUDGEMENT!**
 - There will be questions she doesn't understand and questions she may not be able to answer
 - No decision on prosecution needs to be made at this stage

Setting Up

- ◎ Give the victim pen and paper
 - To do list/questions
- ◎ Be ready to give your all
 - Leave your stuff at the door
 - Be completely present
- ◎ Patience is a must!
- ◎ If you get distracted-take a break
- ◎ Tell her she can take a break whenever she needs to

The Interview

- Non-accusatory
- Investigator is neutral and objective
- Goal is to gather information that is relevant to the investigation
- Investigator reassures and gains the trust of the victim
- Open-ended questions, free flowing format

The Interview

- ◎ Start at the beginning of her day
 - Eases anxiety
 - Helps get information to establish credibility
- ◎ Get the story out there
 - Sometimes not chronological
 - Go where she needs to go
- ◎ Listen to everything she says with an open mind
 - Visualize it all and clarify if it doesn't make sense

The Interview

- ⦿ Go through the story again and capture EVERY detail
 - Everything is important
 - The simplest details can make a difference
 - Environment
 - Rooms
 - Anything said-before, during, or after

The Interview

- ⦿ Explain why you need all the details
 - Establish her credibility
 - Corroborate her story
- ⦿ Knowing why
 - Puts the victim at ease
 - Empowers them and makes them part of the process

The Interview

- ◎ Just the facts at first
 - React as little as possible
 - Make eye contact if you can
- ◎ Open ended questions
 - Allow a complete response
 - DO NOT INTERRUPT!
- ◎ Body language
 - During the offense
 - During the interview

The Interview

- Take copious notes!
- Must articulate everything
 - To establish force and/or lack of consent
- Once the details are out, ask about thoughts and feelings

The Interview

- Go through the incident a third time
 - Incorporate surroundings and emotions
 - Get chronology where victim is comfortable with it
- Take a break

The Interview

- ◎ Record the final statement
 - Consult with prosecutor on this
 - Some victims are reluctant
 - For them In their own words
 - They'll have it for Court
 - Can let it go without fear they will forget details

The Interview

- Go in chronological order
 - Tie everything together
 - Allow victim to say as much as possible without your help
 - Check off things on your notes
 - Ask questions about what she misses

DO NOT SAY:

- ⦿ Everything will be all right
- ⦿ You shouldn't feel that way
- ⦿ You need to get on with your life
- ⦿ I'll get/catch/prosecute the guy
- ⦿ I know how you feel
 - Even if you do
 - Changes the tone of things
 - Moves the focus to you and off the victim

DO TELL THEM:

- It's okay to (or not to) cry
- You may (or may not) get emotional and that's okay
- It's not your fault
- Explain the difference between culpability and vulnerability
- You believe them and will do your best

Explain What to Expect

- ⦿ How long things take DNA Interviews
- ⦿ Be honest about the obstacles in the case
- ⦿ Explain the dynamics and issues around prosecution
 - Charging decisions
 - Direction of the Defense
 - Don't fight fair
 - Typically attack victim and behavior
 - Final decision is DA's

Moving forward

- ⦿ Advocate
 - Safety plan
 - Victim self care
- ⦿ Investigator
 - Action plan
 - Case care

After the Interview

- ◎ Make sure she knows how to contact you and the advocate
- ◎ Keep the lines of communication open
- ◎ Email or phone after a week or two
 - Keeps them invested
 - They know you haven't forgotten them

Always Remember...

Regardless of the results of the investigation, Law Enforcement CAN help a victim heal from sexual assault.