

# Interviewing Victims of Sexual Assault: Strategies & Techniques

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LDA  
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## Overview

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### Goals

- 1) Minimize psychological trauma;
- 2) Secure cooperation;
- 3) Get all facts;
- 4) Enhance case.

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# Overview

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## Strategies

To (1) minimize trauma,  
(2) secure cooperation,  
(3) get accurate facts...

- ✓ Environment
- ✓ Empathize
- ✓ Empower
- ✓ Establish relationship of trust. <sup>3</sup>

# Overview

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## Strategies

To (4) enhance case:

- ✓ ID all *witnesses*;
- ✓ ID all *evidence*;
- ✓ ID all *problem facts*.

# THE PROTOCOLS...

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- 1) PRE-INTERVIEW
- 2) INTERVIEW
- 3) TRIAL

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## 1. PRE-INTERVIEW PROTOCOL

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### A. GET THUMBNAIL OF CASE FROM POLICE. ORIENT YOURSELF.

Before greeting victim, you should know...

- ✓ Name
- ✓ Condition
- ✓ People with her
- ✓ Basics.

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## B. Briefly Introduce Yourself to Victim:

- ✓ Sit down
- ✓ Explain process
- ✓ “Comfort” info.

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## C. Debrief Police. Paperwork.

- Before interviewing victim, learn:
- Current understanding of facts.
- Substance of police interviews.
- Physical evidence collected (where is the rape kit?).
- Medical findings
- Problems/inconsistencies police ID'd.

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## D. Find and Prepare a Private Interview Space

- No traffic
- Tissues
- Water
- No interruptions
- No calls.

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## E. Have Someone Present During Interview

Alone = *RISKY*

- ☹ Victim potentially uncomfortable
- ☹ Compromised situation?
- ☹ Become witness.

Police can advise re: consistency.

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# INTERVIEW PROTOCOL

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## A. Introductions & Preliminaries

- Your role
- Victim's post-incident experiences
- Comfort
- Time estimate
- Acknowledge difficulty of process
- Thank victim.

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## B. Empowering the Victim:

- "What questions do you want to ask me before we get started?"
- "You can pause interview."
- Ground rules:
  - Two-way candor;
  - Victim will say if she does not want to discuss something.

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## C. Getting the Background (the “softballs”)

- Don't just 'dive in'
- First, learn about victim
- Next, learn about victim's relationship with perpetrator.

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Assure victim that whatever the issues are, you can handle them...

- If you were drinking, tell me
- We can figure out whether the proof is there to proceed
- Don't assume because of your own conduct that you have lost the right to say NO
- Worst outcome: you don't disclose, your sanitized version ends up in paperwork, defendant knows, and you get killed on the witness stand a year down the road

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## **Ground rules are important**

- Sets the tone for a candid conversation
- You make a promise that you will be honest as well
- Victim can take a break at any time
- Questions from her do not have to wait until the end

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## **D. Transition to the Crime:**

- Transition
- Victim's narrative
- Prepare victim for next phase of interview...
- Step-by-step (heart of the interview).

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**E. In-depth, core of the interview should include the following critical discussions**

1. Locations, timing, chronology
2. Lighting
3. Statements
4. Clothing
5. Description of perp.

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**E. Core of the Interview (Con'd):**

6. Body parts: positions/locations
7. Sensory details
8. Victim's thoughts
9. Actions immediately afterward
10. Outcry witnesses
11. Delayed outcry?

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## E. Core of the Interview (Con'd):

### 12. Victim's perception

- Intoxication
- Illegal Drugs
- Medications
- Glasses, contacts, blindfold.

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## E. Core of the Interview (Con'd):

### 13. Victim's sexual activities

- Before incident
- After incident
- Unknown sources of DNA?

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## **F. Resolve Inconsistencies, Confusion, Troublesome Areas.**

- Time gaps
- Illogical/unnatural account
- Inconsistency or contradiction.

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## **G. THINK “EVIDENCE” AT ALL TIMES DURING INTERVIEW**

1. Biological
2. Contact between parties
3. Witnesses
4. Phones/social media (texts & FB!!!)
5. Photographs.

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## Key evidence to corroborate an acquaintance rape case...

- Video surveillance cameras are everywhere
- In a bar, restaurant
- Elevator or lobby going into victim's/suspect's apartment
- Can make or break the case...even in a case where victim is completely intoxicated

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## Social Media

- Sit victim down at the computer at end of interview
- Tell him/her to get on Facebook
- Show messages back and forth
- Preservation letter
- Do this before victim can get back to the computer at home

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## Often Revealing Questions for Complainants

- What do you think he will say happened?
- What will he say is motive for making this up?
- What do you want to see happen?
- Is it possible he thought...

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## In cases where victim was unconscious or passed out...

- Is it possible that you could have said something that might have indicated that this was ok with you?
- Tell me anything that you do recall that might shed some light on what happened immediately afterwards

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## H. Concluding the Interview

- Follow-up medical exams (private doctor contact info)
- Counseling referrals
- Release notification
- Next steps of case
- What steps victim to be present
- Ask how much info victim wants.

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## H. Concluding (Cont'd)

- Educate victim re: defense investigators & her rights
- Obtain exhaustive contact info.

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## H. Concluding (Cont'd)

- Who will handle case
- Figuring out right thing to do
- Questions
- Card & invite her to call

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## SOMETHINGS NOT TO DO:

1. *Don't* touch!
2. *Don't* assume, judge, project
3. *Don't* ignore warning flags
4. *Don't* rush or dread silence
5. *Don't* lead
6. *Don't* use the word "crime"
7. *Don't* refer to matter as "her case"
8. *Don't* give odds of winning case.

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# **TRIAL PROTOCOL**

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## **A. Preliminary Discussions:**

### **Explain:**

1. Procedural posture
2. Plea situation & need for trial
3. Need for live testimony
4. Trial structure
5. Victim's involvement
6. Courtroom set-up.

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## **B. Address Fears & Concerns**

- Discuss feelings about testifying
- Identify specific fears and concerns
- Discuss each in turn...

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## Common fears and concerns...

- Facing the defendant
- Cross examination
- Embarrassment re: sex talk
- Embarrassment re: forgetting/crying
- Judgment & shame re: own actions/choices
- Fear of sexual history being aired.

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## C. Testimony Preparation

1. Focus/refresh...do not “practice/rehearse”
2. PD/DA say: “Tell the truth”
3. Review prior testimony
4. Review *all* paperwork, page at a time
5. Discuss every inconsistency/problem
6. Cover remaining areas
7. Tone and conduct in court.

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## **D. Prepare for Cross**

1. Review contacts
2. Discuss notes
3. Discuss adversary
4. Mock cross
5. Critique & repeat.

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## **E. Misc. Details & Arrangements**

1. Appropriate dress
2. Transportation, meeting, escort
3. Friends & family
4. Contact info for next days
5. Finally, reassure victim.

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# UNDERSTANDING SEXUAL ASSAULT VICTIM PSYCHOLOGY:

## RAPE TRAUMA SYNDROME

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Understanding Sexual Assault Victim Psychology:

## RAPE TRAUMA SYNDROME

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- \* Group of symptoms in response to sexual assault
  - Rape
  - Oral/anal sexual acts
  - Sexual abuse
- \* Form of post-traumatic stress disorder (PTSD)
  - DSM IV 309.81
  - Sexual assault = stressor which can cause PTSD

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## RAPE TRAUMA SYNDROME

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### DIAGNOSTIC CRITERIA:

- 1) Experience or witness event involving:
  - actual or threatened death
  - serious injury,
  - threat to physical integrity of self or others
- 2) Response involves
  - intense fear
  - helplessness
  - horror

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## RAPE TRAUMA SYNDROME

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### DIAGNOSTIC CRITERIA:

- 3) Post-event, persistently experience:
  - flashbacks
  - nightmares
  - intense psychological distress or physical reaction when exposed to stimuli associated with event

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## RAPE TRAUMA SYNDROME

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### DIAGNOSTIC CRITERIA:

#### 4) Persistently increased agitation

- sleeplessness
- irritability
- difficulty concentrating
- exaggerated startle response

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## RAPE TRAUMA SYNDROME

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### DIAGNOSTIC CRITERIA:

#### 5) Persistently avoids stimuli associated with event & experiences numbing of general responsiveness:

- avoidance of reminders of the event
- inability to recall important parts of the event
- little interest in activities
- detachment from others

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Understanding Sexual Assault Victim Psychology:

## RAPE TRAUMA SYNDROME

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### TWO PHASES:

1. ACUTE
2. REORGANIZATION

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Understanding Sexual Assault Victim Psychology:

## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

Victim is “*expressed*” or “*controlled*”

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## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

Victim is “*expressed*” or “*controlled*”

- *Expressed*: victim reveals fear, anger and anxiety by crying, sobbing or restlessness

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## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

Victim is “*expressed*” or “*controlled*”

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## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

Victim is “*expressed*” or “*controlled*”

- *Expressed*: victim reveals fear, anger and anxiety by crying, sobbing or restlessness
- *Controlled* victim masks feelings by appearing calm, composed or subdued

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## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

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## RAPE TRAUMA SYNDROME

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### ACUTE PHASE:

#### Emotional Reactions:

- fear, anger, humiliation, embarrassment

#### Physical Reactions

- headaches, fatigue, sleep disturbances, gastrointestinal or genito-urinary symptoms
- increased irritability, exaggerated startle response

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## RAPE TRAUMA SYNDROME

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### REORGANIZATION PHASE:

- Possible nightmares, phobic fears
- Possible lifestyle changes
- Ability to cope depends upon personality, support system and other psychosocial problems
- Victim with other psychosocial problems may be depressed, suicidal, abuse drugs/alcohol or act out sexually

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## RAPE TRAUMA SYNDROME

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### How is *Rape Trauma Syndrome* Different from *PTSD*?

- RTS is a PTSD disorder
- Different because victims of rape may show *symptoms not common to victims of other trauma*
  - e.g. fear of men

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## RAPE TRAUMA SYNDROME

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### RTS ADMISSIBLE IN COURT?

- To explain seemingly *unusual behavior of victim after the sexual assault*

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## RAPE TRAUMA SYNDROME

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### BOTTOM LINE....

- ❖ Unusual behaviors are common to sex crimes victims
- ❖ Presence of RTS symptoms *does not mean that allegations of assault are untrue!*

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## QUESTIONS?

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# Contacts

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