



## Interviewing the Victim *Techniques Based on the Realistic Dynamics of Sexual Assault*

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Sergeant Joanne Archambault (Ret.)  
and Kimberly A. Lonsway, PhD

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### **Course Description**

We will spend a great deal of time in this module walking through the stages and techniques for successfully interviewing the victim of a sexual assault. However, the bottom line is that the attitude conveyed by the law enforcement professional is the single most important factor in determining the success of the victim interview – and therefore the entire investigation. Therefore, we will provide detailed guidance in this module for communicating an attitude of competence and compassion during a successful victim interview. Part 1 focuses on the Interviewing Techniques Based on the Realistic Dynamics of Sexual Assault, and Part 2 focuses on the Strategies for Conducting an Effective Victim Interview.

**Estimated time for completion:** 14 hours

### **OVW Grant Funding**

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### **Expert Contributions**

OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.

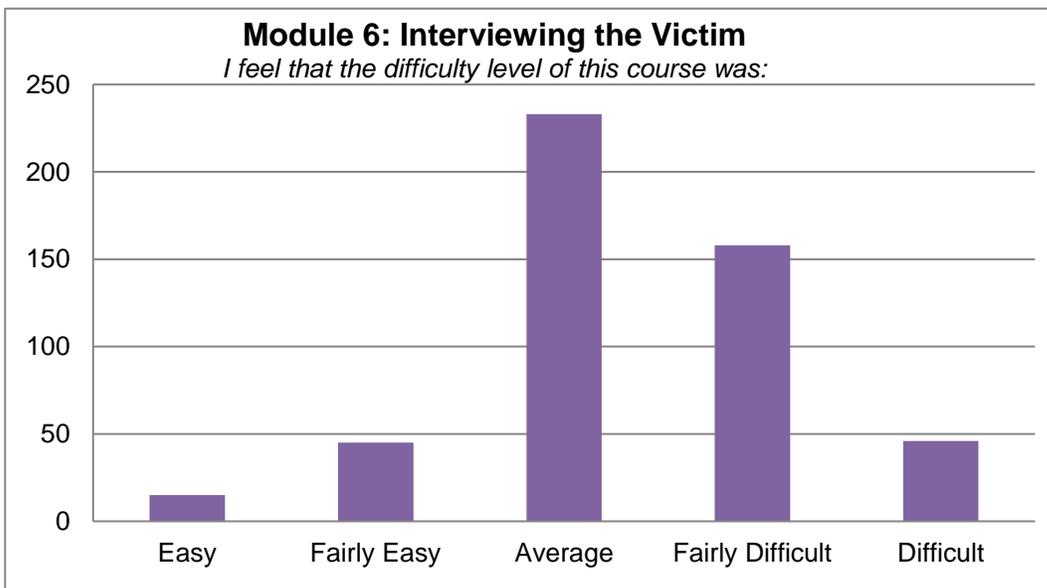
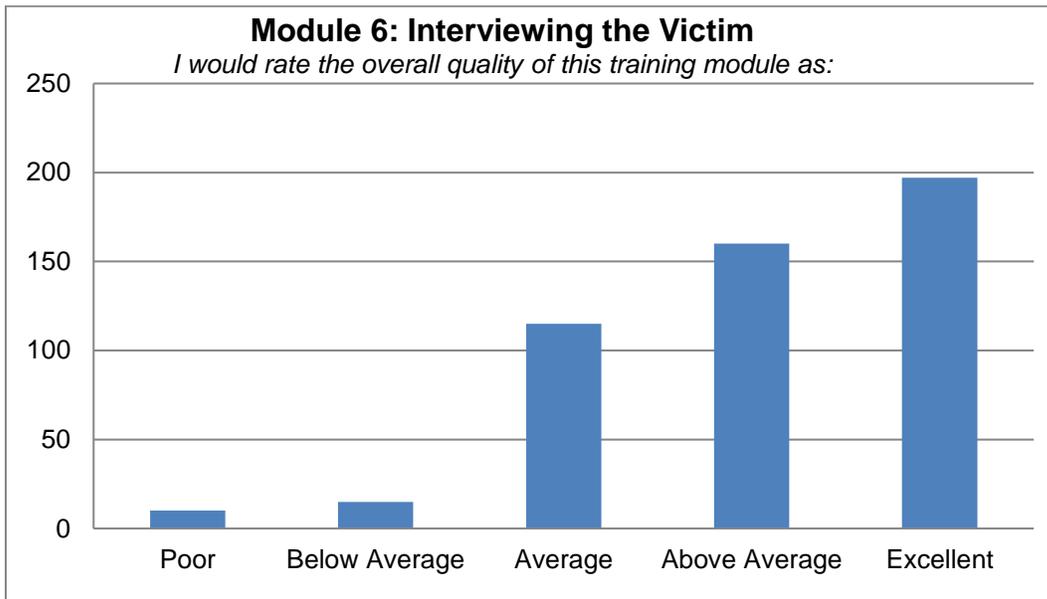
### **Course Evaluations**

At the end of each module participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts, and illustrated with the quotes.

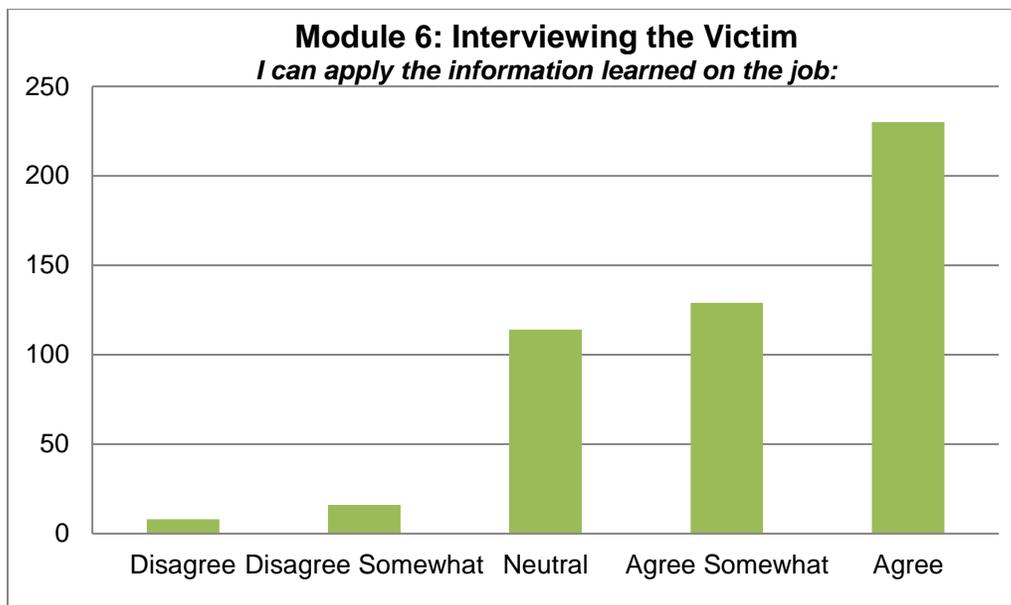
***What did you find most helpful in this module?***

Everything was valuable information. I learned a lot from this module and will continue doing the rest of the modules they are really helping me on doing my job better and more professionally.

I really like the parts about how to make a victim feel comfortable during an interview.



**68% rated the module "excellent" or "above average."**



**72% “agree” and “somewhat agree” that they can apply what they learned on the job.**

## Course Objectives

At the end of this training module, the learner will be able to:

1. Recognize the importance of effective victim interviewing in the successful investigation and prosecution of sexual assault cases.
2. Identify common barriers to effectively interviewing sexual assault victims.
3. Identify and overcome the fundamental challenges faced by law enforcement professionals conducting a victim interview.
4. Recognize various policy questions and “best practices” for law enforcement.
5. Conduct an effective preliminary interview with a victim of sexual assault.
6. Conduct an effective follow-up interview with a victim of sexual assault.

## Course Outline

### Part 1: Interviewing Techniques Based on the Realistic Dynamics of Sexual Assault

- I. The Importance of Victim Interviews
  - a. Barriers to effective interviewing
  - b. Let’s begin with the bad news
  - c. The good news
  - d. How so?
- II. Credibility challenge #1: Lack of Physical Resistance
  - a. The role of gender socialization
  - b. Overcoming credibility challenge #1: lack of physical resistance
  - c. Document sensory and peripheral details of the assault
  - d. Document exactly what “no” looked like for the victim
  - e. Document post-assault behaviors

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- III. Credibility Challenge #2: Delayed Reporting
  - a. Overcoming credibility challenge #2: delayed reporting
- IV. Credibility Challenge #3: Incomplete, Inconsistent, and Untrue Statements
  - a. Trauma and disorganization
  - b. Discomfort with sexual (or other) details
  - c. Many disclosures, many different people
  - d. Fear of doubt and blame
  - e. Fear of being arrested
  - f. Inconsistencies due to the method of documentation
  - g. Overcoming credibility challenge #3: inconsistent, incomplete, or untrue statements
  - h. Seeking corroboration for details in the victim's statement
  - i. Reducing the number of unnecessary professional contacts
  - j. How NOT to respond: The polygraph or other techniques for "lie detection"
  - k. Prohibition in federal law known as VAWA 2005
- V. Preparing to Conduct a Successful Victim Interview: Two Policy Questions
  - a. Policy question #1: to tape or not to tape
    - 1. Advantages of taping
    - 2. Disadvantages of taping
    - 3. Implementing a policy
    - 4. Taped interviews and the Crawford ruling
  - b. Policy question #2: Should the interview be conducted by a female officer?
    - 1. For male officers, deputies, investigators
    - 2. For female officers, deputies, investigators
    - 3. What to do about investigator gender
- VI. Best Practices: Blind Reporting, Third Party Reporting, Victim Pseudonyms
- VII. If the Victim is Unable to Participate in the Interview
- VIII. Use Signed Release Waivers Only When an Investigation is Being Suspended
  - a. Use signed release waivers only when an investigation is being suspended

### Part 2: Strategies for Conducting an Effective Victim Interview

- I. Initial response: Conducting a Preliminary Interview
  - a. Responding to an assault that occurred recently
  - b. Contact a victim advocate
  - c. Establish trust and rapport with the victim
  - d. Begin the preliminary interview
  - e. Obtain the information for a preliminary investigating
  - f. Not the time to ask about prosecution
  - g. Determine whether or not to make an immediate arrest

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- II. Conducting a Follow-up Interview
  - a. Contact a victim advocate
  - b. Decide whether to postpone the interview
  - c. Find out as much as possible about the case
  - d. Anticipate a defense strategy
- III. Beginning the Follow-up Interview
  - a. Select an appropriate location
  - b. Determine who will be present: victim advocates
  - c. Determine who will be present: other support people
  - d. When support people should be excluded from the interview
  - e. A few words about confidentiality for victim advocates
  - f. Acknowledge the victim's ordeal and address any self-blame that is expressed
  - g. Communicate empathy and allow victims to vent
  - h. Build rapport
  - i. Help victims regain control
  - j. Establish the victim's role as a team member in the investigation
  - k. Advise victims that they can interrupt the interview and/or take a break
  - l. Address questions the victim can't answer
  - m. Address concerns regarding prosecution
- IV. Consider Cultural Issues
  - a. Language issues
  - b. Victims with a mental or physical disability
  - c. Victims from the LGBTQ community
- V. First Stage: The Victim's Narrative
  - a. Avoid interrupting
  - b. Use open-ended prompts
  - c. Allow the victim control
  - d. Avoid leading questions
- VI. Throughout the Interview
  - a. Explain the question asked
  - b. Use effective body language
  - c. Maintain eye contact
  - d. Avoid physically touching the victim
  - e. Monitor the victim's body language
  - f. Clarify sexual terminology
  - g. Use sexual language appropriately
  - h. Engage in active listening
  - i. Use reflective comments
  - j. Clarify and summarize
  - k. Taking breaks
- VII. Second Stage: Follow-up Questions
  - a. Continue using open-ended prompts and avoid interrupting
  - b. Avoid inappropriate sequencing

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- VIII. Cognitive Interviewing Techniques
  - a. A note of caution
  - b. Technique #1: reconstruct the circumstances
  - c. Technique #2: be complete
  - d. Technique #3: recalling in reverse order
  - e. Technique #4: change perspectives
  - f. Additional techniques for eliciting information
  - g. Benefits of the cognitive interview
  - h. A note on hypnosis
- IX. Information to Obtain During a Follow-Up Interview
  - a. Describing the victim's behavior and relationship with the suspect
  - b. Describing the suspect's behavior
  - c. Documenting the specific acts committed
  - d. Describing the suspect's sexual behavior
  - e. Establishing the element of force, threat, or fear
  - f. Obtaining a description of suspects
  - g. Establishing a modus operandi or signature pattern of behavior
- X. Drug Facilitated Sexual Assault
- XI. Concluding the Interview
  - a. Explain future procedures
  - b. Inform victims of their rights
  - c. Address safety concerns
  - d. Acknowledge that disclosure is a process
  - e. Obtain contact information for the victim
  - f. Keep the victim updated
  - g. Assist with notification if possible
  - h. Provide referral information in writing
  - i. Before walking away