Advocates and Law Enforcement: Oil and Water?

Part 3

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This is the final installment in our series of Training Bulletins on the collaboration between law enforcement victim advocates, entitled Oil and Water? This article was first written years ago, but we are sending out an updated version with this series.

In the first installment, we began with a historical perspective and explored the role of victim advocates in the context of the criminal justice system. In the second bulletin, we described why some professionals are reluctant to integrate victim advocacy in their work and identified strategies for overcoming that reluctance. However, beyond the general strategies described in this bulletin, it is impossible to say what the best response to a conflict will be on the part of an advocate, because it will depend on too many factors to list. It will of course depend on the nature of the conflict, but also: the facts of the case, the victim’s stated wishes, the relationship between the professionals, the location of the interaction, and countless other factors. To provide an illustration, we will explore one common conflict that often arises between advocates and law enforcement professionals: when the investigator does not appear to believe the victim and/or begins to switch to an “interrogation mode” because the facts “just don’t add up.”

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When the Facts “Just Don’t Add Up”

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False Reports

The underlying issue is that officers and investigators sometimes begin to question whether a sexual assault victim is filing a false report or isn’t telling the truth about what happened. This is a suspicion that is often shared by other professionals in the community, as well as friends, family members, and other people in the victim’s life. All too often, victims are faced with skepticism or outright disbelief when they disclose that they have been sexually assaulted. Yet when this suspicion is expressed by law enforcement, it may lead to questioning the victim in a way that feels more like an interrogation of a suspect, rather than an interview with a victim of crime.
In this situation, the immediate response of an advocate will depend on a number of factors, as already described. However, it may require stepping outside the room with the law enforcement investigator and asking where they are going with the interview. Often, the investigator will express the concern that the report is false, in which case the advocate can ask if the victim is now a suspect. If so, a suspect of what? Is an arrest planned? In some situations, this is enough to call attention to the fact that the sexual assault is no longer being investigated, and cause the investigator to at least think about the purpose of the interview being conducted. Whether or not the investigation is conducted appropriately beyond that point, at least the “interrogation mode” of the interview has not gone unquestioned and the advocate can advise the victim of what is happening and what the possible implications are. Victims can then make an informed decision regarding their ongoing participation in the law enforcement investigation.

However, in some cases an advocate can help the investigator by acknowledging the gut reaction that we all have when we suspect someone is lying to us, and remind them that their professional obligation is to investigate through that gut reaction. They can be reminded of the many reasons why victims often provide information that is inaccurate or inconsistent and challenged to think about the consequences of being wrong. That is, if the investigator does not believe the victim, and the suspect walks away, that suspect may go on to assault someone else.

Investigators can also be reminded that a determination about the facts cannot be made solely on the basis of a victim interview; The victim interview is only one component of a thorough law enforcement investigation, which also includes collecting and documenting evidence, and conducting interviews with the suspect and witnesses regarding events before, during, and after the assault. Only after a thorough investigation has been conducted will there be enough facts to make a determination in the case.

**Prosecuting the Victim**

If the investigator states that charges might be pursued against the victim for filing a false report, this obviously indicates a dramatic turn of events. At this point, the advocate will need to explain this situation to victims and inform them of their rights, including the right to legal representation of their own. It is a tragedy when a proper law enforcement investigation is not conducted, but when this happens, the role of an advocate is to provide the victim with the information, emotional support, and resources they need to make informed decisions – and to assist them in implementing those decisions. Any longer-term strategies for problem-solving must wait for the moment.
More Information on False Reports

For more information, please see the OnLine Training Institute module False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault and the article Incomplete, Inconsistent, and Untrue Statements Made by Victims: Understanding the Causes and Overcoming the Challenges.

Longer-Term Strategies

Continuing with this example, many of the previously described strategies can be used for resolving the issue longer-term. For example, advocates or others might consider:

- Asking individual victims to write down their account of the sexual assault, to help them prepare for the law enforcement interview and offer information in an alternative form, just in case the interview is unsuccessful and/or conducted as an interrogation.

- Providing training for law enforcement and other professionals on the realistic dynamics of sexual assault and trauma-informed responses, and challenging the misconception that false reporting is common.

- Inviting law enforcement professionals to provide training for advocates on the specific steps involved in an investigation. In some cases, the conflict may actually be the result of a misunderstanding on the part of the advocate. If not, the training may provide the opportunity for dialogue about how to resolve the issue in future cases, and clearly explaining the role of law enforcement and victim advocates.

- Providing training for other responding professionals on victim advocacy, so they understand the unique mission, roles, and responsibilities. Again, this can help prevent misunderstandings and open up dialogue.

- Regularly scheduling formal or informal meetings to discuss issues that could potentially arise, or hosting meetings anytime there is a change in the agency’s staff or administration. This will help to maintain ongoing relationships and ensure continuity in the community response system.

- Contacting a trusted person within the law enforcement agency whenever questions arise regarding the criminal justice process or an advocate’s response. This type of consultation can help to build trust, and it communicates that the person’s input is valued. If there are concerns regarding the confidentiality of discussing a particular case, the question
can often be presented as a hypothetical scenario (New York State Coalition Against Sexual Assault, 1994).

- Surveying victims about their experiences with various professionals who responded to their sexual assault and provided them with services. This information can be used to help all the professionals in the community to respond more effectively to sexual assault cases and victims. To help with this task, several sample tools are provided in the resource box.

- Establishing a structure for ongoing communication and problem-solving among community professionals, such as a Sexual Assault Response and Resource Team (SARRT). As previously noted, this type of structure provides a forum for resolving conflicts, but also for increasing the level of mutual understanding and respect that are necessary to be successful. One particular strategy for establishing a SARRT is to undertake a specific project (e.g., developing a grant proposal, hosting a fund raising event) that will help in some way to address the conflict within the community.

- Working to develop interagency agreements and community-wide protocols, spelling out the roles and responsibilities of the various professionals involved in responding to sexual assault. (See the Resources section for examples.)

- Clearly stating the responsibility of law enforcement to withhold judgment until a thorough investigation has been completed. By articulating this standard of care, it provides the basis for providing training to law enforcement personnel and holding the agency accountable for fulfilling this responsibility.

- Advocating for a delay in the detailed, follow-up interview of many victims, so they can rest, recuperate, and get support from friends and family members following the initial report. Of course, this requires balancing a number of other factors, but whenever possible it can help victims to provide better information and participate in a more productive way during the law enforcement interview. This issue is discussed in detail in our archived Training Bulletin entitled: *When to Conduct an Exam or Interview*.

- Gathering local data on the realistic dynamics of sexual assault, to compare with known patterns from larger-scale national studies. This type of local data can be invaluable, both for training professionals and educating the community on what sexual assault really looks like. It can also help to challenge the myth that false reporting is common.

- Focusing on one conflict at a time. While there may be a number of conflicts between professionals, it may be helpful to think strategically, to choose the
one that is the most urgent, important, and/or attainable. It is often tempting to attack a number of challenges simultaneously, but this may not be the most effective strategy – especially if it involves conflict between professionals.

- Remaining patient, optimistic, and tireless in the pursuit of positive reform. Often these conflicts are not addressed with a single effort, but with persistent work over time. Sometimes it requires a change of agency administration or other aspects of the political climate, as long as the conflict isn’t simply pushed aside in the hopes that it will resolve when a particular person leaves or agency leadership changes.

- Providing positive reinforcement and recognition whenever possible. Advocates can send thank-you notes, or notes of commendation for officers and investigators who conduct a competent and compassionate victim interview. They can even be sent to recognize positive aspects of an interview that might not have otherwise been exemplary. Successful interviewers can also be recognized within their own agency, with letters, awards, recognition events, and even tokens of appreciation (e.g., a mug with agency logo). Anytime such recognition is provided, it is also good to notify the person’s supervisor or chief to ensure that others know they are doing a good job in this area (New York State Coalition Against Sexual Assault, 1994). Statewide sexual assault coalitions also frequently welcome recommendations for “champions” in allied professions who can be recognized with commendations or awards. In addition, EVAWI offers a program to nominate Champions of Change. Such strategies recognize good work and encourage it to continue.

Finally, we can strive to structure the dialogue in a way that does not pit advocates against law enforcement professionals – or other professionals in the community – but rather involves all the various professionals in a shared effort. For example, advocates and law enforcement can team up to provide community education, academy training, or training for other professionals who respond to sexual assault in the community.

Victim Satisfaction Surveys

We have a few examples of victim satisfaction surveys posted on our website, which can be adapted for use in other communities. The first is from the San Diego County Sexual Assault Response Team, and it is provides a way for victims to evaluate the performance of various professionals (including forensic examiners, police officers and detectives, as well as rape crisis advocates). Some of the findings may be surprising to many professionals. In 2000-2001, for example, sexual assault victims rated the services provided by law enforcement as favorably (on average) as those provided by advocates. In fact, 97% of the responding victims said that the services
provided by the officer/detective were either “good” or “excellent.” This is even higher than the 87% who rated the services of victim advocates as “good” or “excellent.”

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**Highlight the Benefits of Working With an Advocate**

A final strategy is to highlight the many benefits of working with advocates – not just the benefits for victims but also for themselves as professionals. These can be summarized as providing victims with crisis intervention, emotional support, information, and various forms of concrete assistance. Benefits for victims also work to the advantage of other professionals, because they ease their burden of meeting these responsibilities.

Yet advocates also assist other responding professionals by helping victims to successfully participate in a medical forensic exam, law enforcement investigation, and criminal prosecution of their sexual assault. As criminal justice professionals and others increase their understanding of trauma, and the benefits of trauma-informed approaches, they may develop a better understanding of how advocacy services can help victims sustain the strength and focus needed to withstand this process.

**Research on Officers and Advocates: Oil and Water?**

While there is a great deal of anecdotal feedback on the professional interactions of officers and advocates, research has lagged behind. Rich and Seffrin (2013) sought to fill this gap with a study of 429 police officers, which yielded some interesting results. They found that both personal and professional variables were related to the quality of their collaboration with victim advocates, but professional variables were especially important and much more amenable to change through training and policy revisions.

Key findings of the study were as follows:

- Police officers with the best victim interviewing skills worked more collaboratively with advocates. Those with more time on the job were also more appreciative of the advocacy role.

- Officers with the most training in sexual assault response were more likely to include victim advocates in their responses. The authors speculated that this may be because the training debunked stereotypes, created a shared vocabulary and sense of mission, and forged personal connections.

- Skillful and experienced officers were more likely to include advocates in their work, even if they held outdated beliefs about sexual assault (called *rape myths*). This is important because advocates could then serve a protective function for victims, in case the beliefs had any negative repercussions.
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- Officers who knew rape victims personally were more likely to collaborate with advocates.

- Female officers included advocates more frequently in their work, but this was outweighed by the factors of interviewing skill, job experience, and training.

Finally, the study identified two major barriers to collaboration: a “lack of clarity about the role of advocates” and the “desire for exclusive control of interviews” (p. 692).

These findings support our recommendation for more extensive cross-training, which may help to address concerns that advocates are biased against law enforcement or that they do not understand the criminal justice process. The researchers also suggest that law enforcement leadership could increase collaboration by encouraging teamwork rather than the need to work cases single-handedly. They conclude that the most effective interviewers support both the victim and the advocate, “thereby eliciting the best quality evidence and sustained cooperation” (Rich & Seffrin, 2013, p. 692): *These will presumably result in more successful convictions* (p. 692).

**Conclusion**

Assuming that we all want to see more sexual assault perpetrators held accountable for their crimes, it is clear that we can’t respond to problems with one of the disciplines or agencies by excluding them. How can we expect to achieve justice for victims, if we “work around” law enforcement? How can we expect victims to participate in the process, if they don’t have the support they need? Ultimately it isn’t fair to let our personal and professional challenges get in the way of meeting victims’ needs – for justice and healing. We will only achieve our goal if we can work together and provide advocacy services for every victim, in every case, every time they are wanted.

**Resources**

**Community-Wide Protocols**

One model for a community-wide protocol is found in San Diego County, where the Sexual Assault Response Team (SART) developed *Standards of Practice* for the many agencies representing law enforcement, health care, crisis intervention, victim advocacy, crime laboratories, prosecution, and the judiciary.

The *North Dakota Sexual Assault Evidence Collection Protocol* offers another good model for developing a community-wide protocol based on multidisciplinary collaboration, although it focuses primarily on the issues of forensic evidence collection.

**EVAWI Resources**

For more information on these and other topics related to the criminal justice and community response to sexual assault, please see our OnLine Training Institute (OLTI), archived webinars, Training Bulletins, Best Practice Resources, and Resource Library.

**References**


**For More Information**

Please see the full article, Advocates and Law Enforcement: Oil and Water.

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This project is supported by Grant No. 2015-TA-AX-K015 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.