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Victim Interview

Summary
Instructor: Law Enforcement
Time needed: 7 hours for full investigations module. This time includes one hour for lunch and two 20-minute breaks.
Resources needed: Overhead projector
Handouts
Flip charts/pens

Task 1
Discuss common challenges to victim credibility and explore how to overcome these challenges.

Subtask 1.1
Presentation method: Listing exercise
Time: 20 minutes
Materials: Flip chart

To begin exploring some of the challenges to victim credibility in a sexual assault case, ask participants to take a minute and write down the three most common challenges they have observed when investigating sexual assault.

After participants appear to have generated ideas, call on a participant to share their answers. Continue calling on participants, asking them to add an idea only if it has not already been mentioned. Use a blank overhead or a flip chart to record the list the class has developed. This process should take 10 minutes.

After the allotted time, give a brief presentation on the challenges that will be reviewed in this class.

- Challenge #1 Lack of Physical Resistance
- Challenge #2 Delayed Reporting
- Challenge #3 Inconsistent or untrue statements

Subtask 1.2
Explore strategies to overcome challenge #1: Lack of physical resistance.

Presentation method: Lecture
Time: 15 minutes

Subtask 1.3
Explore strategies to overcome challenge #2: Delayed reporting.

Presentation method: Lecture
Time: 15 minutes
Subtask 1.4
Explore strategies to overcome challenge #3: Inconsistent or untrue statements.
Presentation method: Lecture
Time: 15 minutes

Last Consensual Experience Exercise (Optional)
Ask participants to get into pairs for this exercise. Assign the role of investigator and the role of interviewee within each pair.

When participants are ready, direct the investigator to ask the interviewee about his/her last consensual sexual experience. There will be multiple responses from the participants. Some may laugh while others may refuse to participate. The instructor must maintain a serious demeanor for a short time and then call off the exercise.

Discuss with participants their various responses. Talk with participants about how difficult it is discuss a good sexual experience with a stranger, and thus how difficult it must be to talk about a totally unpleasant experience with a police officer. Depending on the situation, we might respond but omit certain information or tell partial truths just to make the questioning stop.

Use the remaining time to discuss how to overcome these challenges during the victim interview.

Subtask 1.5
Discuss why it is generally inappropriate to ask the victim to take a polygraph examination.
Presentation method: Lecture
Time: 15 minutes

Subtask 1.6
Recognize the importance of reducing the number of interviews conducted with the victim.
Presentation method: Lecture
Time: 5 minutes

Subtask 1.7
Consider the possibility of audiotaping or videotaping interviews.
Presentation method: Lecture
Time: 5 minutes

Task 2
Recognize motivational, structural and other barriers to effective interviewing with the victims.
Presentation method: Open discussion
Time: 15 minutes

Ask participants to discuss any experiences they have had as a police officer that may create individual barriers to conducting an effective interview with a sexual assault victim.
For example, given that officers begin their career patrolling the streets they learn about interviewing in the worst imaginable circumstances, in chaos and confusion. As a result of these experiences, patrol officers learn how to conduct interviews by directing a number of rapid-fire questions at witnesses to establish basic information.

In contrast, detectives need to take more time and have additional resources to conduct a more relaxed interview with a victim, designed to elicit a greater level of detail. The bottom line is that professional and personal experiences may affect how the investigator conducts a victim interview. It is important to examine these issues prior to interviewing a victim of sexual assault.

**Task 3**

Conduct an effective preliminary interview with the victim.

Presentation method: Lecture
Time: 15 minutes

**Task 4**

Prepare for a successful victim interview.

**Subtask 4.1**

Decide whether to postpone the interview.

Presentation method: Lecture
Time: 5 minutes

**Subtask 4.2**

Review all information already gathered in the case prior to interviewing the victim (e.g. medical information, preliminary victim statement).

Presentation method: Lecture
Time: 5 minutes

**Subtask 4.3**

Recognize how a victim’s demeanor will affect the investigation process.

Presentation method: Lecture
Time: 5 minutes

**Subtask 4.4**

Anticipate a defense strategy.

Presentation method: Lecture
Time: 5 minutes

**Subtask 4.5**

Discuss issues pertaining to officer gender.

Presentation method: Slip writing
Time: 15 minutes
Materials: Flip chart

Ask participants to write down on a slip of paper one issue unique to their gender that may create a disadvantage to conducting an effective victim interview. Inform the participants that their response will be anonymous. Have the participants pass their responses to the instructor.

The instructor should then read some of the responses and ask participants to discuss how they would overcome the particular challenges. Record answers on a flipchart.

The instructor can also discuss with participants some of the unique advantages due to their gender that contribute to successful victim interviewing. However, the slip writing exercise should be used only for disadvantages because participants will likely avoid discussing these barriers if given the option. The bottom line is that both male and female officers can conduct effective sexual assault investigations, as long as they address the issues unique to their gender.

**Task 5**

Begin the victim interview.

**Subtask 5.1**

Determine an appropriate location for the victim interview.

Presentation method: Lecture
Time: 5 minutes

**Subtask 5.2**

Discuss who should be present at the victim interview.

Presentation method: Lecture
Time: 5 minutes

**Subtask 5.3**

Discuss ways to build trust and cooperation with the victim.

Presentation method: Lecture
Time: 15 minutes

Ask participants to take a brief moment and write down three ways that they would build trust and cooperation with the victim. Give the participants about 2 minutes for this process.

After the allotted time, give a brief lecture in which you present the most effective methods. Use the remaining time to answer any questions regarding the results of this exercise.

**Task 6**

Conduct a successful victim interview.

**Subtask 6.1**

Use techniques to encourage the victim to tell her story in an uninterrupted narrative.

Presentation method: Lecture
Time: 30 minutes
Subtask 6.2
Effectively use follow-up questions to elicit additional information.
Presentation method: Lecture
Time: 15 minutes

Subtask 6.3
Explore the use of cognitive interviewing techniques.
Presentation methods: Pair discussions
Time: 30 minutes

Ask participants to divide back into pairs. Tell participants to switch roles as the investigator and the interviewee. Instruct the interviewer to find out as much detail as possible about the interviewee's last experience eating ice cream. (Instructors should feel free to choose their own example for this interview exercise.) Give participants 5 minutes to complete this interview.

After the allotted time, ask for the interviewers to recall what they learned about their partner's ice cream eating experience. Most likely participants will give you basic information like the flavor of the ice cream and time of day. Allow 5 minutes for this discussion.

Tell participants to continue the interview process, but this time the interviewee must reconstruct the circumstances surrounding their ice cream eating experience. For example, the interviewer should ask them to describe the environment, the location of the furniture, the lighting and objects etc. Remind the interviewer not to interrupt their partner. Give participants 5 minutes.

After the allotted time, ask the interviewers to share any new information he/she derived. Allow participants 5 minutes to discuss their new findings.

Next, ask participants to continue the interview, only this time the interviewee should be asked to recall his/her story in reverse order, and then from the perspective of another person at the scene. After 10 minutes, ask the interviewer to again share any additional information they learned.

The remaining time should be used to summarize the basic principles of cognitive interviewing techniques and present additional techniques for eliciting information during the victim interview. The instructor should inform participants to be cautious when using cognitive interviewing techniques. Some have suggested that cognitive interviewing techniques are inappropriate for use with sexual assault victims because they may cause unnecessary trauma. Ultimately, the investigator should decide when this technique is appropriate.

Subtask 6.4
Discuss information to obtain during the victim interview.
Presentation method: Lecture
Time: 10 minutes

Subtask 6.5
Describe procedures for concluding the interview.
Presentation method: Lecture
Subtask 6.6

Practice the victim interview.

Presentation method: Role-play
Time: 45 minutes

Conduct a sequential role-play in order to give participants practical experience in conducting a victim interview. A female instructor or participant should play the role of the victim. (If a female participant is going to play the role of the victim, provide her with the instructions for her role during a break to allow her to become familiar with the victim.) The instructor should choose the first participant to play the role of the investigator.

Inform the class of the structure of this role-play and indicate that you will attempt to involve as many students as possible. Each investigator will interview for no longer than five minutes and will then turn the interview over to another investigator. The role-play should follow the normal steps of a victim interview. At the end of each role-play, allow the investigator and the victim to make comments. The instructor should then briefly give feedback to the investigator and the class.

Set up two chairs in the front of the class. Briefly explain to the participants their instructions as the investigator in this case.

The following are the instructions for the role-play scenario:

The Victim

Your name is Donna Anderson. You are your own age. Last night you went to a party at a friend's apartment in the same building in which you live (404 Main Street). While at the party, you met a man named John Smith whom you have seen at several other parties. You thought he was rather attractive and began a conversation with him. Due to the large number of people at the party and the volume of the music, you and he were having difficulty hearing each other. He asked if you would like to go somewhere quieter and you suggested that you walk over to your apartment. He agreed.

When you arrived at your apartment, your roommate was gone. You went into the living room and sat on the sofa next to each other. You offered him a beer, and both of you drank one. While at the party, you had two beers but did not consider yourself intoxicated. As you were sitting on the couch next to each other, you began to kiss. You voluntarily took off your blouse. At one point, John moved on top of you, pushing you down on the couch, and he began to try to remove your skirt. You stopped him, pushing him away gently and said, "No, not yet." John pushed your hands away and said, "I know you really want it, quit being a tease." Again you said no and began to get up from the couch. John pulled your arm to stop you and you tried to pull away from him. He then slapped you in the face and began to pull your skirt off.

John then forcibly held you down and pulled your underwear off. He then had vaginal sexual intercourse with you. During the offense, you began crying. You were afraid that he was going to hit you again and didn't know how to stop him. Since no one was home in the apartment, you did not think anyone would hear you if you yelled out. After John ejaculated, he got up from the couch and left the apartment, saying he was going back to the party. Before he left, he told you...
to stop crying because it really wasn’t such a big deal. After he left, you went into your bedroom and cried.

Your roommate came home at about 2:00am this morning and when you heard her come in, you got up and told her what happened. She tried to talk you into calling the police, but you felt like no one would believe you anyway. By the morning, she had convinced you to go to the hospital to be examined. After you arrived at the hospital, you told a nurse what had happened. She recommended that the police be notified and you finally agree. Officer Bob met you at the hospital that morning and you gave him an initial report of the incident. You were uncomfortable talking about the sexual assault, and you are not quite sure you want to pursue the case.

**The Investigator**

You are the investigator in a reported acquaintance rape case. The victim's name is Donna Anderson. The suspect's name is John Smith. You have already reviewed the preliminary investigation report and are preparing to interview the victim. You have called Donna and requested to speak with her regarding her case. She has agreed to talk with you.

**Task 7**

Discuss "Blind Reporting" as another option for victims (Optional if time allows).

Presentation method: Lecture
Time: 20 minutes