

Montana Department of Justice

Sexual Assault Kit Initiative

Course “Survivor-Centered Interview”

Intro

Slide 2: Welcome to the course Survivor-Centered Interview.

Slide 3: Content Warning: We will be talking about sexual violence which may trigger personal feelings. Please remember to take care of yourself and do what you need to help yourself.

Slide 4: Disclaimer: This project was supported by Grant No. 2017-AK-BX-0022 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

Slide 5: In this course, you will learn how to interview a survivor in a trauma-informed and survivor-centered way.

Slide 6: The survivor interview is probably the most important element of a sexual assault investigation and is essential for a successful prosecution. The most important part to remember is that interviewing a survivor of a sexual assault should never be an interrogation. Standard interview practices establish a timeline and key facts. Survivors of sexual assault, however, can suffer from emotional and physical trauma, which can have an immense impact on a survivor's memory. Therefore, interviewers should ask questions in a trauma-informed and survivor-centered way. To understand survivor trauma, please visit our course "Survivor Trauma."

Slide 7: To conduct a survivor-centered, trauma-informed investigation:

- Start by believing the survivor.
- Remember to assess the survivor's safety and needs including referrals to victim services.
- Be empathetic.
- Realize that the survivor has witnessed their own assault.
- Remember that there is no right or wrong way for a survivor of sexual assault to react.
- Be aware that a survivor may be in survival mode.
- Use common sense.
- Remember not to take things personally.
- Remember whose interview this is – the survivor's.
- Be aware of the survivor's body language.
- Remember that your responsibility is to encourage the survivor to tell what happened and to document it.
- Remember to relax and speak calmly.
- A survivor will have a heightened sense of awareness and will pick up on your emotions.

Slide 8: You will hear excerpts from a survivor interview between officer Bryan Ross and survivor Bobby. These audio clips explore different focal points of the interview. Select a speech bubble to learn more. Pay close attention!

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Starting the Interview

Slide 10: Don't rush into the interview. First impressions matter and can make the difference between a successful survivor interview and re-traumatizing the survivor. At this point you should have learned how to build rapport with the survivor. You can always review our course "Initial Contact and Rapport Building" to review the basics of how to start a survivor-centered interview.

Slide 11: Having developed rapport, use the following technique to elicit as much information from the survivor as possible: Open-ended questions. Open-ended questions are designed to let the survivor talk. Let's hear an example.

Slide 12: Video 2 excerpt:

Officer: I do know where you're talking about; those are pretty good details; I can figure out where that's at. Thank you for sharing that. So, how was it that you got to the pickup truck?

Bobby: So, I first met this guy last night. Actually, I'd never met this guy before, but I met him at *Rialto* for a drink earlier in the night. And, you know we just hung out there for a while and kind of just shut the shit, and got to know each other a little bit. He seemed like an okay guy. And, oh, then after a while, we end up going outside, he wanted to have a smoke. And I don't know, at some point we just walked, walked down the walking mall and kind of ended up at the end on there. And it was getting kind of cold. And he said, "My truck is right here if you want to warm up." And at that point I thought he was really an okay guy. I know, and so I stupidly agreed. I can't believe I got on his truck. I didn't even know this guy.

Slide 13: Did you notice? Officer Ross asks Bobby "So how was it that you got to the pickup truck?" This open-ended question led Bobby to remember a lot of information, such as

- that she met him for the first time that night
- what bar they visited
- that the suspect smokes
- that Bobby was not aware of a threat until it was too late

Open-ended questions give the survivor the chance to remember details without pressure.

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Recognizing Information

Slide 14: Recognizing information is a part of actively listening to the survivor. Pay attention to information you might need, such as

- suspect descriptions,
- time and place clues,
- drug or alcohol use,
- medical needs
- where and if bodily fluids might be found, etc.

Let's listen to this example.

Slide 15: Video 1 excerpt:

Officer: Bobby, I just want you to know that you're safe here. Okay. Nobody's going to get in, I'm right here. I'm going to take care of everything that you need. I know you're here in the medical facility, but I see that you're a little bit uncomfortable. Are you okay? Are you in pain?

Bobby: Oh, just, just a little. I'm okay. Sore, yeah.

Officer: Do you mind me asking where are your sore at?

Bobby: Well, kind of all over. But really, I've got some, yeah some bruises on my legs and the inside of my thighs are really tender. And I was, I was actually bleeding a little bit, you know, from, from inside. I don't think I am anymore but that's a little bit... I'm just a little bit sore there too.

Slide 16: Did you notice? Officer Ross noticed Bobby being uncomfortable, so he asked her, "I see that you're a little bit uncomfortable. Are you okay? Are you in pain?" To which Bobby replied that she felt sore. This is a good starting point for Officer Ross to explore which parts of Bobby's body might have gotten assaulted. In addition, it alerts him that Bobby might be in need of immediate medical attention.

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Active Listening

Slide 17: Active listening and mirror techniques help in several ways:

- You may recognize important information or clues,
- It helps you discover and follow up on evidence,
- You build trust and rapport with the survivor, etc.

Let's listen in on this next example.

Slide 18: Video 3 excerpt:

Officer: I just want to go back and make sure that I understand specifically what you have told me to this point; I don't want to get anything wrong. So, I understand that you met this guy at *Rialto*? You met him for a drink. You had a couple of drinks. You were having a conversation, went outside to have a smoke conversation continued on, then you took a walk down the walking mall, and got into his pickup truck, and that's when the incident took place.

Bobby: Correct, yeah.

Slide 19: Did you notice? Officer Ross quickly summed up what he heard over the interview with Bobby. This step is important not only to make sure you understand correctly, but also to give Bobby a chance to remember other facts.

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Sensory Questions

Slide 20: Some elements of traumatic memories are more acutely remembered than others. These are called enhanced memories, which can be elicited by asking sensory questions. Survivors often focus on some specific sensory details from the assault, such as vision, taste, hearing, touch, and smell. Let's listen to this example.

Slide 21: Video 5 excerpt:

Officer: Bobby, thank you again for sharing that information. You just said that he got on top of you and pinned you down. What could you smell at that time?

Bobby: You know, I just remember smelling him. He smelled like beer, and cigarette smoke. You know, he just had really bad breath. He was breathing all over me, you know, in my face. Yeah, he smelled bad.

Officer: Oh, I'm sorry you had to go through that. I take it that you were on your back when this happened?

Bobby: Yeah.

Officer: What could you see when you were on your back and he was on top of you?

Bobby: You know, I just remember seeing, like, the lights on the top of the truck, right? I was just staring at the light. I wasn't really looking at him. I was trying to look away. Just to, yeah, just the light.

Slide 22: Did you notice? Officer Ross picked up Bobby's memory at the point where she was pinned down and asked her, "What could you smell at that time?" At which point she described the suspect's smell. This gave Officer Ross information that the suspect is a smoker and had consumed alcohol. Officer Ross then asked Bobby what she could see. In some cases, this might lead to more details of the crime scene.

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Introducing SAK and FREPP

Slide 23: The Sexual Assault Kit (SAK) is an important part of any sexual assault investigation. You should understand the different parts and procedures of the SAK and encourage the survivor to agree to have a sexual assault exam. Even if the survivor does not have health insurance, you should encourage

them to get medical attention and explain to them their option of receiving reimbursements through the Montana Crime Victim's Compensation Program, or the Forensic Rape Examination Payment Program (FREPP). Let's listen to an example of how to explain the sexual assault kit to a survivor.

Slide 24: Video 8 excerpt:

Officer: Bobby, you had mentioned through the, or you mentioned when you were assaulted, that you obtained bruising, you had bleeding, you were penetrated, and he had ejaculate on you. So, I'm really concerned about you from not only a medical standpoint, but for your well-being. I want you to understand that there is a medical examination that includes sexual assault kit. It's to make sure that you're not injured any further, and helps us preserve evidence to be able to conduct a thorough investigation and have the case prosecuted, that you can have somebody here with you and advocate if you'd like for that to be done. I don't do that. It is a certified medical professional that will conduct this examination. Do you have any questions about a sexual assault kit?

Bobby: Well, it sounds like it's probably something that's important to do, but can you just tell me, like, what does it entail?

Officer: I will. So, the Sexual Assault Kit can be an invasive examination. It deals with several different things. One, there are swabs taken of several different orifices of the body. They'll do what they call "combings" to find any trace of evidence. It will collect clothing that you were wearing at the time of the assault. And also, they will take photographs of the injuries that you sustained, as well as any of the medical findings that they have. So that's what the kit is. Now, since I'm requesting it, it's at no cost to you. It's an expense that we will incur, but is that something you'd be willing to do?

Bobby: Yeah, I guess. I just, it sounds like a lot. Yeah, maybe it would be good to, to have an advocate there, that might be better.

Officer: Well, then I will call one. I will step out and I will call one and have them here for that.

Slide 25: Did you notice? Officer Ross lists why he thinks it is important for Bobby to receive a sexual assault examination. He then gives her an overview of why he thinks she would benefit from an exam. After Bobby asks for more details, Officer Ross is able to give her a few more details about the actual exam. He also makes sure she understands that the cost will fall on the department, since he will order the SAK. This will let Bobby feel more at ease, in case she is worried about incurring costs through the medical exam. Let's listen to a different example.

Slide 26: Video 9 excerpt:

Bobby: So, you know, I've been thinking about it and I don't know if I really want to go forward with an official report right now. I just don't, I just don't feel comfortable.

Officer: And I understand that. It can be very overwhelming, and it's perfectly okay. All right? But I want to make sure that you're okay; I want to make sure that you're not injured any further. And here in the state of Montana, there is an option that's for you just to be able to get medically checked out, preserve any evidence that's there, just in case at a later time you want to report it. You think about it. But right now, is probably the most important time for you. It's called a FREPP examination. So basically, what that means is, is that you can get a medical exam. You can have a sexual assault kit done to preserve all of that. And then the medical center will take, collect that kit, and send it to a private location that the state has. The state will end up having a private location to where they'll store it until you make the

decision if you want to report it to law enforcement or not. Now, the state will hold on to that for about a year. And after that year, if you decide not to do anything, it's perfectly okay. They'll just take and they'll destroy that kit, but it gives you at least some time to think about it. Talk to somebody, maybe process a little bit more. Is that something that you might be willing to do?

Bobby: Yeah. That actually sounds a lot better. I just, I, I know it's important. I just, I don't know right now, so. But I want the option in the future. So, thanks.

Slide 27: Did you notice? Bobby expresses doubt about moving forward with an official police report. In this situation you should ensure Bobby understands all of her options. Avoid pressuring the survivor to choose a certain option. Your priority should be to allow Bobby to preserve any evidence possible, in case she changes her mind later, which is exactly what officer Ross does:

He assures her that her decision is hers, which is part of giving control back to the survivor.

He then explains to Bobby that, even though she does not want to move forward now, she may want to move forward in the future.

He explains to her that preserving evidence now can only be helpful down the road, and that Bobby still has options.

He also explains to her how FREPP works and how the sexual assault kit would be preserved.

To learn more about FREPP, visit the course Forensic Rape Examination Payment Program.

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Summary of Statement and Follow-Up

Slide 28: You should be prepared to explain the follow-up investigation process to the survivor this may include that the investigation may be forwarded to a detective or specialized investigator. Knowing the effects of survivor trauma, it's important to tell the survivor that a second interview may be necessary. Some reasons for a second interview include:

- The survivor may recall more detailed information later.
- The survivor may learn that other people have information about the assault.
- The suspect may attempt to contact the survivor.
- Further injuries may be detected and photographed.

It is important that you reassure the survivor that a need for a follow-up interview is not to question their credibility or discrepancies. You should conclude by asking the survivor if they need anything. Ask if there is anything they would like you to know that you didn't talk about. Let's listen to this example.

Slide 29: Video 6 excerpt

Officer: Well Bobby, thank you for providing me with all of this information. I just want to let you know what the next steps are going to be from here on out. I will go back, and I will talk to your friend from the bar. I'm going to be looking for some videotape, so we call that follow-up investigation. But also, I want you to understand that once you get a couple of days to sleep and process, you're going to end up

remembering more things. It's perfectly normal for that to happen. So, I want you to be able to write those down. I want you to call me with that information; you can call me at any time. But one of the things that I want you to be aware of is that I may end up needing to come back and talk to you. And it's not about I question what you told me, or don't believe what you've told me, but I'm going to get other information that I may need to verify from you. So, don't be nervous about getting in touch again. I may end up doing another interview, because you're going to remember more information.

Bobby: Okay. Yeah, I understand.

Slide 30: Did you notice? Officer Ross thanked Bobby. He then explains the next steps of the investigation and what a follow-up means.

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Questions, Concerns, Closure

Slide 31: At the end of the interview, give the survivor opportunities to ask questions and to voice concerns. For example, once the suspect has been identified, most survivors experience severe stress over the investigator's contact of the suspect. Be aware that the survivor may experience concerns about:

- When the suspect will be contacted.
- How the suspect will be contacted.
- When the suspect will be arrested.
- Fear that the suspect will find out they have been implicated in the crime.
- Not wanting the suspect to know the sexual assault has been reported to law enforcement, and law enforcement will be talking to the suspect.

Let's listen in.

Slide 32: Video 7 excerpt:

Officer: Alright, Bobby, thank you for all of that information. Now, is there anything else right now that you remember, after we've talked so far?

Bobby: No. Well, not that I can remember right now.

Officer: Alright, thank you. One final thing, I explained back to you what you told me, so I understood correctly, is there anything that I need to correct?

Bobby: I don't think so, I think, I think you got it.

Officer: Thank you. Now, do you have any questions or concerns for me about what's going to happen next?

Bobby: Well, the thing that just keeps going on in my head is, you know, what, what happens when you find the guy? I mean hopefully you're going to find him, right? And what, what do you do? What are you can say to him? Like, are you going to talk about me? Are you going to talk about what I said? I mean just kind of really scared of this guy now, right, and I just, I don't know what's next.

Officer: That's a very legitimate concern. So, let's take these by each one that you've mentioned, all right? We will be able to identify who this individual is, and we will take all the necessary steps to take him into custody. Then, also, about talking to him. I do have to have a conversation with him. But before I do, I'll let you know when I am going to make contact with him. Okay? So, you understand when this is going to happen, and we can get somebody available for you. When that happens, to talk to if you need, but I will have to identify who you are, but I don't want you to be worried about that, because I'll be the one that will be in control of that conversation. And from the information you provided to me here, there's enough to be able to take him into custody and arrest him at the time.

Bobby: Oh, good. Okay. That's what I was worried about.

Slide 33: Did you notice? Officer Ross gave Bobby many opportunities to ask questions and raise concerns, by asking her questions in return. She opened up about being scared and being concerned about how the investigator was going to approach the suspect. Officer Ross took his time explaining to Bobby his next steps, how he would approach the suspect, and that he was going to keep Bobby informed.

In assessing the survivor's safety, the officer should be aware of protection offered through the criminal justice system. Either through you or a victim advocate, offer the option of obtaining an order of protection.

Slide 34: When ending the interview and you have not already done so, give the survivor a quick run-down of your next steps. Then close the interview with your contact information and advise the survivor you're leaving to follow-up on the case. And, of course, you are required by law to provide the survivor with Victim's Rights Information. Let's listen in.

Slide 35: Video 7 excerpt:

Officer: All right, Bobby, thank you very much. Now, what I'm going to do is that if you don't need anything else. I'm going to go ahead and I'm going to go, but here is my business card and contact number. I want you to call me at any time. I've given you some information about your rights as a victim of sexual assault, but if not, I'm going to go ahead, I'm going to leave, and you can call me at any time, but I will follow up with you.

Bobby: Okay, thank you.

Slide 36: Did you notice? Officer Ross notified Bobby that they had come to the end of the interview and that he was leaving. He gave her his business card and told her to call him at any time. He also provided Bobby with the Victim's Rights Information and once again mentioned his follow-up.

Slide 37: Let's recap:

- Be neutral and objective during the interview.
- The goal is to gather information that is relevant to the investigation.
- You need to reassure and gain the trust of the survivor.
- Use open-ended questions and a free-flowing format.
- Be careful not to use blame language, even "Why" questions can leave the impression of blame.
- Tell the survivor about their options, such as the Sexual Assault Evidence Kit and FREPP.
- Use active listening and mirror techniques.

- Try to explain why you need certain details. Let the survivor tell you what happened in their own words.
- Let the survivor know you'll be following up.
- Don't rush the interview.
- End the interview by giving the survivor time to ask questions.

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Finish

Slide 38: Objectives: In this course you have learned how to interview a survivor in a trauma-informed and survivor-centered way.

Slide 39: Thank you for completing this course. Select "Close" to exit.

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