



Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault

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Course Description

The purpose of a law enforcement interview with a sexual assault victim is to help them: (1) remember details about their sexual assault, and (2) share those details with investigators. The investigator's role is then to document this information and evaluate it within the context of the entire investigation. This module offers a brief overview of the scientific research on stress, trauma, and memory, as well as the unique dynamics of sexual assault. This information is then applied to the practical tasks involved in the initial response to a sexual assault report, follow-up interviews, and documentation. It also addresses the impact of interviews on investigators themselves, and offers ways for law enforcement agencies to support investigators and high-quality sexual assault investigations.

Estimated time for completion: 17 hours

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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 Objectives

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

- Define trauma and describe what it means to be *trauma-informed*, including a commitment to not re-traumatizing victims and a recognition of how this strategy benefits victims, communities, and the criminal justice system as a whole.

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- Identify the two primary purposes of a law enforcement interview with a sexual assault victim: helping victims *recall* and *share* memories of their sexual assault.
- Recognize the importance of effective victim interviewing in the larger context of thorough, multifaceted, and evolving sexual assault investigations and prosecutions.
- Describe the historical law enforcement approach to interviewing victims of sexual assault (“who, what, when, where, and why”) and explain why this needs to change.
- Summarize key research findings on the impact of trauma on victim behaviors and memories, and apply this knowledge to improve victim interviewing techniques.
- Identify unique sociocultural dynamics of sexual assault and explore their impact on victim interviews and investigations.
- Reduce stress and burnout among law enforcement personnel by (a) adjusting expectations for the type of information victims will be able to provide during interviews, and (b) simply “meeting victims where they are.”
- Recognize the potential lasting effects on the physical, psychological, and emotional well-being of officers and investigators who conduct sexual assault interviews and investigations, and utilize techniques to enhance self-care, wellness, and resiliency.
- Discuss how law enforcement agencies can support resiliency and wellness among personnel who respond to and assist with sexual assault investigations, including allocating sufficient time, training, resources, and support for handling these cases.
- Describe key steps in the initial response and preliminary investigation of a sexual assault report, and how they differ for *acute* versus *non-acute* sexual assault reports.
- Explain the need for at least two law enforcement interviews with each sexual assault victim and the difference between a preliminary and detailed interview.
- Highlight the importance of building trust through victim empowerment and choice, as well as demonstrating physical, psychological, and emotional safety to help victims recall their experiences and disclose memories of their sexual assault.
- Give control and credit to victims for the courage to come forward and seek help.
- Describe the benefits of victim advocacy and response protocols that ensure victims have access to an advocate regardless of which reporting option they might choose.
- Analyze and be prepared to explain possible reporting options available for victims.
- Utilize best practice recommendations, strategies, and tools when interviewing victims of sexual assault and other forms of gender-based violence.
- Determine an appropriate interview location and who should be present.

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- Explain how to secure interpreting services and any accommodations victims might need to fully participate in the law enforcement interview and investigation.
- Analyze how interviews may be affected by various sociocultural characteristics of the victim (e.g., racial, ethnic, or cultural identification, LGBTQIA identity) and list ways to increase victim comfort, safety, and trust with these characteristics in mind.
- Outline critical steps involved in preparing for a detailed, follow-up interview.
- Explain the benefits of recording victim interviews (either audio or videorecording).
- Describe strategies for effectively prompting victim recall and disclosure.
- Discuss steps that can be taken to address victim concerns regarding safety and privacy, and explain the rights afforded to victims of sexual assault.
- Ensure that victim statements are documented accurately using the victim's language even when it is sexually explicit, graphic, or includes profanity,
- Describe special considerations for interviewing victims of drug- or alcohol-facilitated sexual assault, and assaults committed by an acquaintance or intimate partner.
- Conclude the interview by leaving a positive last impression on victims and ensuring that victims have multiple options for accessing services (“opening doors”).
- Reassure victims that they may recall additional details over time, and explain how they can record this information and contact the investigator to share it.

Work collaboratively with advocates to ensure that victims remain informed of the status of their investigation and any final outcomes.

I. Course Outline

- II. Introduction
 - i. Overview of Module
 - b. Importance of Victim Interviews
 - i. Historical Approach
 - ii. *Sexual Assault Dynamics*
 - iii. *“Trauma-Informed” Interviewing*
- III. Trauma 101: Victim Responses and Memories
 - i. Reflex Responses
 - ii. Habit Responses
 - iii. Central vs. Peripheral Details
 - iv. Time Sequence and Context
 - v. Encoding Modes
 - b. Benefits of Understanding Science
 - i. More Realistic Expectations

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- ii. More Perceptive Listening
 - iii. More Effective Information-Gathering
 - iv. Plus ... It's Better for Victims!
 - c. Impact on Investigators: Agency Support
 - i. Signs of Secondary Trauma
 - ii. Burnout
 - iii. Self-Care, Wellness, and Resiliency
 - iv. Agency Support
 - d. Initial Response: Preliminary Investigation
 - e. Acute vs. Non-Acute Reports
 - f. Acute Response
 - i. Separate Victims, Witnesses, and Suspects
 - ii. Victim Self-Care Activities
 - iii. Coordinating Multiple Locations
 - g. Non-Acute Responses
 - i. Responding to Victim's Location
 - h. Begin Preliminary Investigation
 - i. Supporting Patrol Response
 - i. Access Interpreting Services
 - j. Address Disabilities and Accommodations
 - i. Informational Form or Card
 - ii. Collaboration with Agency Partners
 - k. Collect Basic Information
 - l. Establish Safety and Trust
 - i. Reassurance of Safety
 - ii. Express Genuine Empathy
 - iii. Empowerment and Choice
 - m. Offer Resources for Victims
 - n. Notify Victim Advocacy
 - i. Two Types of Victim Advocates
 - ii. Advocacy Response Protocol
 - iii. Routine Advocacy Callout
 - o. Medical Forensic Examination
 - i. Transportation for Exams
 - ii. Exam Protocol for Advocacy
 - iii. Victim Presents to Exam Facility
 - iv. Consult Before and After Exam
 - p. Identify Potential Evidence
- IV. Opening Doors: Alternative Reporting Options
 - a. Support Reporting Options
 - b. Not Pressuring Victims
 - c. Not About "Pressing Charges"
 - d. No Release Waivers
 - e. When Victims are Unable to Participate
 - f. Courtesy Reports

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- V. Concluding the Preliminary Investigation
 - a. Ensure the Victim's Safety
 - b. Leave Positive Impression
 - c. Determine Whether to Make an Immediate Arrest
 - i. Suspect Forensic Exams
 - ii. No Rush to Make an Arrest
- VI. Preparing for Detailed, Follow-Up Interview
 - a. Review the Information Available
 - b. Consider Victim Identity
 - c. Identify Necessary Accommodations
 - i. Types of Accommodations
 - ii. Law Enforcement Responsibilities
 - d. Secure Interpreting Services
 - i. Confidentiality of Communications
 - ii. Tips for Effective Communication
 - e. Forensic Interviewing Specialists
 - f. Schedule the Follow-Up Interview
 - g. Select an Appropriate Location
 - h. Prepare for Recording
 - i. Benefits of Recording
 - ii. Preparing Victims for Recording
 - i. Remote Interviews
 - j. Coordinate with Advocacy Services
 - k. Presence of Support People
 - i. When to Exclude Support People
 - ii. Compromising Testimony
 - iii. Explain Role of Support People
 - l. Advocates, Confidentiality, and Documentation
 - i. Advocacy Documentation
 - ii. Communications with a Third Party Present
 - iii. Can Advocates Be Called as a Witness?
- VII. Beginning the Interview: Laying Groundwork
 - a. Express Empathy
 - b. Address Questions and Concerns
 - c. Not Arresting Victims
 - d. No Promises of Prosecution
- VIII. Eliciting Memories of Sexual Assault
 - a. Alternative Approach
 - b. What Victims Are Able to Remember
 - c. Ask, Then Wait
 - d. Active Listening
 - e. Follow-Up Prompts: "Give Back" Details
- IX. Capture Multidimensional Experience
 - a. Sensory Experiences
 - i. "You Have to Be All In"

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- ii. “I Don’t Know What I Can Remember”
 - b. Emotional Memories
 - c. Thought Processes
 - d. Avoid “Why” Questions
 - i. Reframing “Why” Questions
 - e. Circling Back
 - f. Explain Questions Asked
 - g. Narrowing Focus
 - h. Rephrasing Questions
 - i. Reflect and Summarize
 - j. “Listen for Language Clues, Then Drill Down”
 - i. Minimizing or Qualifying
 - ii. Obscuring the “Doer”
 - iii. Exploring Gaps
 - iv. “Things That Make You Go Hmmmmmmm...”
 - k. Two Key Questions
- X. General Interviewing Techniques
 - a. Avoid Interrupting
 - b. Victims Can Interrupt
 - c. Taking Breaks
 - d. Okay to Say “I Don’t Know”
 - e. Use Effective Body Language
 - f. Maintain Eye Contact
 - g. Monitor Body Language
 - h. Avoid Physical Contact
 - i. Defining Sexual Terms
 - i. General Strategy
 - ii. Addressing Discomfort
 - j. Avoid “Labeling” People and Acts
- XI. Concluding the Interview
 - a. Explain Future Procedures
 - i. Additional Photographs
 - b. Protect Victim Privacy
 - c. Inform Victims of Their Rights
 - d. Address Safety Concerns
 - e. Encourage Future Disclosures
 - f. Exchange Contact Information
 - g. Follow-Up Contact
 - h. Sworn Statements?
- XII. After the Interview
 - a. Keep the Victim Updated
 - b. Just a Starting Point
 - c. Addressing Challenges
- XIII. Documenting Victim Interviews
 - a. Establish Sexual Acts

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- i. Suspect Actions and Statements
 - b. Force, Threat, or Fear (or Incapacitation)
 - c. What “No” Looked Like
 - i. Non-Verbal Expressions
 - d. Drug- or Alcohol-Facilitated Sexual Assault
 - i. Gathering Information
 - ii. Importance of Sensory Memories
 - e. Sexual Assault by Intimate Partners
 - f. Victim Behaviors During the Interview
 - g. Impact of the Assault
 - h. Assault Characteristics
 - i. Exploring When and Why Victims Disclose or Report
 - j. Suspect Description 128
 - i. Identification Procedures
- XIV. Conclusion
- XV. References
- XVI. Appendix A
- XVII. Appendix B
- XVIII. Appendix C