

CAMPUS SEXUAL ASSAULT CASE STUDY: SURVIVOR & LAW ENFORCEMENT PERSPECTIVE PART 2

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DISCLAIMER

The views expressed herein are those of the presenters and not necessarily those of the Austin Police Department or TAASA.



Learning Objectives

- Understanding challenges & barriers to reporting.
- How you as an officer can work to overcome those barriers?
- Techniques for conducting victim interviews which encourage trust, respect, and compassion.



Why are the aspects of sexual assault so hidden?

- Until Recently, marital rape was legal in every state; (North Carolina 1993)
- No one wants to talk about sexual abuse/assault in any context.
- As soon as a woman charges a man with any type of sexual misconduct, she loses credibility, and women know this.

** Courtesy Lynn Hecht Schafran, ESQ - Director National Judicial Education Program*



Challenges of Sexual Assault cases

- Delay in reporting.
 - The norm in non-stranger.
- Many sexual assaults involve no visible injuries.
(force or fear)
 - Intimate partner
 - Special relationship
 - Therapist/Doctor
 - Minister
 - Law Enforcement



Challenges of Sexual Assault cases

- The victim did not “fight back” or act “right”.
 - Flat affect
- Victim’s incomplete or conflicting accounts.
 - Trauma
 - Impaired
 - Traumatic injury



Challenges of Sexual Assault cases

- Imperfect victims

- Intoxicated
- Substance abuse
- Mentally Ill
- Sex Workers
- Homeless
 - *20% to 40% of all homeless youth identify as Lesbian, Gay, Bisexual, or Transgender.
- Closeted

** National Gay and Lesbian Task Force & National Coalition for the Homeless (2007)*



Challenges of Sexual Assault cases

- *Victim has a belief of what a victim should look & act like (societal)*
 - Victims may omit, exaggerate, and lie so that they will be *“a better victim for us”*.
- Victim chooses not to participate.
 - Fear of not being believed.
 - Fear Criminal Justice system won't value them as equals. (LGBTQ)



Challenges of Sexual Assault cases

- Cultural bias-
 - Victim blaming-her/his duty = my right
 - Asian
 - Hispanic
 - African American
 - Islam
 - Irish Catholic



Challenges of Sexual Assault cases

- Societal bias-
 - Stuebenville Ohio
 - Athletes
 - O.J. Simpson
 - Johnny Manziel
 - Ray Rice
 - Kobe Bryant
 - Mel Gipson
 - Ben Roethlisberger
 - Sorority girls
 - LGBTQ



Barriers to victim reporting

- Confused or incomplete memory due to trauma.
- Shame that she/he caused or contributed to the victimization.
- Lack of memory or self-blame due to alcohol or drug use at the time of the crime.



Barriers to victim reporting

- Marginalization.
- Fear of being further abused by the system.
- Fear their case won't get prosecuted.
- Fear of retaliation from the suspect.



Largest Barrier to why victims don't report.

- Fear of not being believed!



Overcoming challenges and barriers

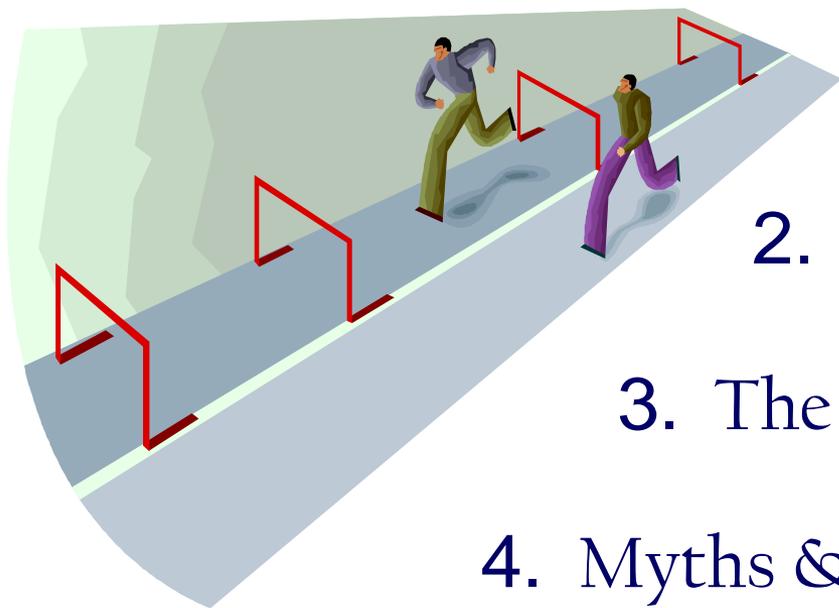
First, do no harm...

Every possible effort should be made to minimize the potential of further trauma to the victim.



Obstacles to Effective Interviewing

Some obstacles intrinsic to the investigative process or to the investigator himself serve as hindrances to an effective and accurate interview.



1. Asking for “Just the facts”
2. The police personality
3. The tough-guy facade
4. Myths & biases of officer



Setting the Stage

- **Select an appropriate location**
 - Safe and comfortable for the victim.
 - Private and free from distraction.
 - Maintain and equal or inferior physical position to victim.
 - Interviews should be recorded on video, at a minimum audio.



Setting the Stage

- Advocacy before and after interview.
- Advocacy throughout the entire criminal justice process.
- The victim should be made to feel that reporting was the right decision.



Setting the Stage

- Understand the victim may not want to continue with the criminal justice system.
- “It’s OK if they do!!!!!!”
 - Especially after the immediate threat is resolved.
 - Doesn’t effect their credibility or accuracy of what they reported.
 - Victim should never be made to feel that if they don’t report the predator will prey on others.



Setting the Stage

- Select an appropriate time.
 - 2 to 3 days minimum after the assault.
 - Time for victim to rest and recover after event.
 - Initial call 24 hours after event to introduce investigator and set appointment only.
 - Time for investigator to review initial reports, interview witnesses, etc.
 - Allows for a more detailed interview



Written statements vs. recordings

- Written statements don't capture everything
- Synopsis of interview allows for more detail
- Perjury clause
- What happens when victim remembers more or different details?
- Picture is worth a thousand words
- Written statements may actually take longer



Overcoming challenges and barriers

- **Establish a Rapport and Trust (Be Human)**
 - “How are you feeling?”
 - Are you comfortable?
 - Do you need any water etc.,
 - “I’m sorry this happened to you.”
 - Commend them on their courage.
 - “I know how much courage it took for you to report this”



Overcoming challenges and barriers

- Victims are just as, if not more, uncomfortable than you.
- It is your job to get past that uncomfortableness.
- Explain the purpose of the interview and address immediate concerns



Overcoming challenges and barriers

- Explain the process to them
 - Criminal
 - Administrative
- Understand what is second nature to us may be terrifying to them.
- Explain that you will ask a lot of questions, some may be questions they don't have the answer to.



Overcoming challenges and barriers

- Acknowledge the gravity of the ordeal.
- The victim does not need to make any immediate decisions about prosecution.
 - “do you wish for us to investigate what you’ve reported to us today?”
 - “Do you wish for us to continue with the investigation?”
 - “Lets not decide on everything today, lets start with “are you willing to talk to a detective?”



Overcoming challenges and barriers.

- Allow the victim to vent.
 - Start the interview and be quiet.
 - Don't interrupt.
- Demonstrate empathy.
- Help the victim regain control.
- Use correct language.
- Use proper pronouns, (especially with the transgender community).



Establish a Rapport and Trust Proper name/Pronoun Usage

- Always call a transgender person by his or her chosen name and preferred pronoun (he or she)
- If you are not sure which pronoun is appropriate, *respectfully ask that person* how he or she would like to be addressed. Don't make assumptions.
 - “Which pronoun do you prefer?”
 - “How would you like to be referred to, in terms of gender?”

* Courtesy of Officer Greg Abbink – Austin Police Department



Creating and Maintaining an Open Interview

Explaining the Questions/Interview

- Victim should be encouraged to interrupt at any time to ask a question, to include a fact or correct a mistake.
- Reassure victim it's a team effort.
 - “we need to go over the information together.”
 - “we need to understand what happened.”
- Take breaks when needed.



Creating and Maintaining an Open Interview

Physical Techniques

- Eye contact.
- Equal or inferior position to victim
- Use inviting body language.
- Avoid touching the victim.



Creating and Maintaining an Open Interview

- Avoid using police terminology.
- Clarify any slang terms that the victim uses to ensure you understand what they mean.
- Mimic terms used by the victim without acting shocked or embarrassed by them.
- Use quotes to differentiate between the victims' words and the officers'.



Creating and Maintaining an Open Interview

Engage in Active Listening.

- Without interrupting the flow of the victim's narrative, try to interject comments that indicate you have been listening.
- Encourage the victim to continue talking while knowing that she/he is being heard.



Creating and Maintaining an Open Interview

Have the victim paint a picture.

- Instead of “Tell me from start to finish what happened”
- Describe for me what you felt....., heard....., tasted....., smelled....., saw.....
- Asking the victim to describe what they experienced, through their senses can unlock memories and give the investigator a more complete account of the event.
- Force or fear



Creating and Maintaining an Open Interview

- Summarize the victim's account at the end of the interview.
 - Demonstrates you heard what the victim reported accurately.
 - Allows an opportunity for the victim to make any clarifications.
 - Clarifies any issues you may have.



Victim Interview Skills

- People speak more freely and fully when:
 - When they feel they are being listened to.
 - When they feel the listener can tolerate what they have to say.
 - When the listener can understand what they have to say.
 - When they can imagine it to be true.
 - When they feel they are being believed.



Things not to say

- “Everything is going to be alright.”
- “Don’t cry.”
- “You shouldn't feel that way.”
- “I know how you feel.”
- “You must get on with your life.”
- “I promise I’ll get this guy, and he’ll go to prison for a long time.”



Things not to say

- Questions that will limit gathering information from your victim.
 - Why didn't you call sooner?
 - Why didn't you scream?/
 - Why didn't you fight back?
 - Why did you get so drunk?
 - Why did you go out alone tonight?
 - Why do you stay with them when they do this to you?



Victim Interview Skills

- Ask instead:
 - “What do you recall thinking when this happened?”
 - “Tell me about your reactions?”
 - “Tell me everything you experienced?”
 - “What was your thought process during this experience/event?”



Victim Interview Best Practices

- The capacity to hear about trauma (rape/DV) does not come easily or all at once.
- Is difficult at times for a victim to express everything they are feeling, sensing.
- It must be developed.
- Developing this capacity requires:
 - An active, willing, and empathetic extension of the self into areas of human failure and malevolence.
 - Practice



Victim Interview Best Practices

- Sensitivity and empathy are the keys to a successful victim interview.
- Be patient.
- Be thorough
- Give the victim time to process and work through the trauma.

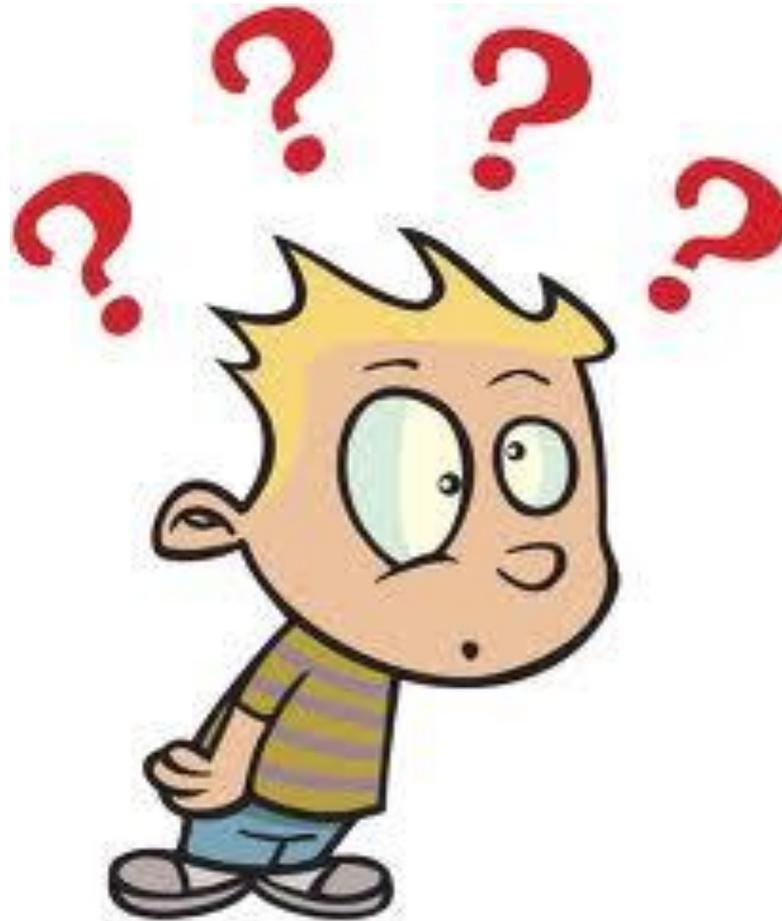


Victim Interview Best Practices

- Take what is reported at face value.
- Let the evidence drive your investigation/case.
- Leave any myths, prejudices, and biases you have out of the investigation.



Questions?



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