

Interviewing Drug and Alcohol Facilitated Sexual Assault

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Learning Objectives



- Review the types of questions to ask involved parties to illicit the information needed to establish a person's level of capacitation.
- Discuss best practices for crime scene processing in drug and alcohol facilitated sexual assault.
- Explain the impact drug and alcohol facilitated sexual assault can have on a victim.

The Investigation

First Responders

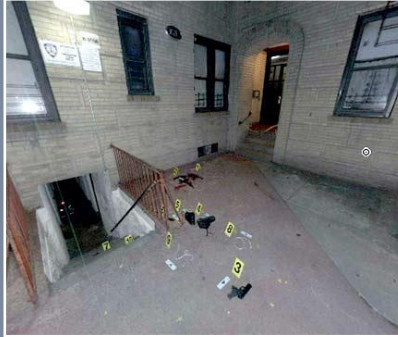
- What is the role(s) of the first responder?
- How much do you want them to ask?
- What do you want them to document?

What do you hear?



The Crime Scene

Location(s)



Primary Assault



**Location prior to
assault**



**Location post-
assault**



Vehicle



Victim



Suspect Body

The Victim as a Crime Scene

Types of Evidence

First establish legal authority to collect evidence!

Physical

Trace

Electronic

Electronic

Voice mail messages

**Cell phone records (subscriber
information)**

**Cell phone records (text messages,
call records, emails, etc.)**

Cell tower records



[Redacted] Tryin to
leave but its a bad car
accidents nd we r blocked in

Received: 2:33AM



[Redacted] Help me

Received: 4:10AM

Type to compose

Send

Yesterday, 2:44 PM
Sun, Feb 19, 2012



Pm: Baby im sorry for last night
i was way too drunk baby please
forgive me you know it wont
happen again please answer the
phone muna

11:04 AM



Pm: I love you wit all my heart

1:20 PM



Pm: So you not gonna answer
the phone muna,

6:33 PM

The Suspect as a Crime Scene

Evidence can be collected by a forensic nurse, an investigator, or crime scene technicians.

- Consent
- Search Warrant
- Collect the clothing.

**Do men and women
communicate differently?**



Trauma Informed Interviews

- Purpose is to help parties retrieve & share memories.
- Investigators document and evaluate the information in context with everything else they know about the case.
- The goal is to capture the most information possible.
- Follow-ups may be necessary.
- Victim needs are safety, control, trust, understanding, and compassion.

Trauma Informed Interviews

A trauma informed interview should:

- Establish safety, trust, and build rapport.
- Encourage disclosure using non-leading, open-ended techniques.
- Put the Victim in the driver's seat.
- Allow for pauses and silences.

Practice patience, empathy, and understanding!

Preparing for the Interview

Determine:

- Where the interview will be conducted.
 - Choose a location that is private and free of distraction.
 - If using an interpreter, ensure the site has reliable internet.
 - Should be separate from the forensic nurse interview.

Preparing for the Interview

- Utilize Victim Advocates.
- What, if any, evidence will be reviewed with the party.
- Prepare a list of open-ended questions/topics.
- Will you be recording?

Prepare Victim

- Let the Victim know what to expect.
- Ask how they want to be addressed.
- Explain the interview is not intended to be a question/answer session.
- Explain if you will be taking notes.
- Ask the Victim to share what they remember in the order they remember.
- Explain follow-up questions may be necessary.
- Honesty is important.
- Breaks are perfectly acceptable.

The Interview

- Leave personal biases out of the interview.
- Pay attention to the verbal and non-verbal cues.
- Encourage the Victim to start where it makes sense to them.
- Do not ask the Victim to tell their “story.”
- If the Victim wants to share information they were provided by someone else, clarify where it came from.

What does it mean to use Active Listening Skills?

Interviewing the Victim

- Avoid interrupting Victim.
- Pause before asking follow-up questions.
- Do not rush the Victim – be comfortable with silence.
- Be patient.

Interviewing the Victim

DO ask:

- What did you say when...
- What did you do when...

✓ Do not ask:

- Did you say no?
- Did you say stop?

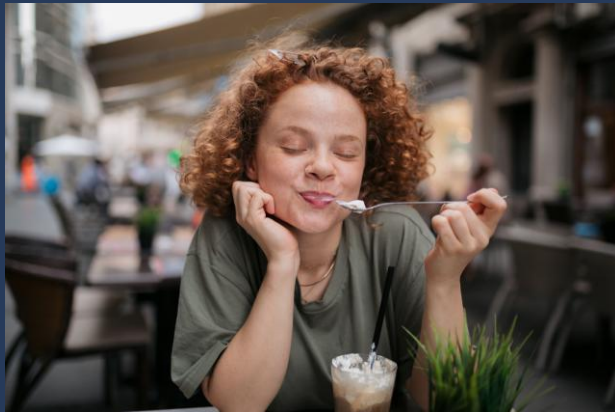
Interviewing the Victim

Reconstruct the circumstances with the Victim.

- Understand how the incident began, what occurred during, and how it ended.
- Get to know the Suspect the way Victim knew them.
- Ask the Victim questions that will provide information regarding the environment.

Interviewing the Victim

Ask questions that require they use their 5-senses.



Interviewing the Victim

- Elicit information about what the Victim experienced emotionally as well as physically.
- Clarify information and details after they have shared their experience.
 - Avoid leading questions.
 - Instead ask, “Tell me more about...”

Interviewing the Victim

- Avoid “why” questions.
- Begin follow-up questions using professional terminology.
- Use the language of non-consensual sex.
- Be careful when asking questions regarding time and distance.

Remember:

- A perpetrator will only use the amount of force necessary to control the Victim or prevent them from resisting.
- Consent cannot be given if a person is drunk, unconscious, asleep, frightened, or otherwise unable to indicate a willingness to participate.

What is wrong with the following statement:

Victim performed oral sex on Suspect.

Victim said, “[Suspect] grabbed me by the hair
and shoved my face on it.”

What is a necessary follow-up question?

Did [Suspect] put his mouth anywhere on your body?

Did [Suspect] have you put your mouth anywhere on his body?

Interviewing the Victim

- Balance questions.
- Obtain exact quotes.
- If there has been prior consensual sexual activity, ask questions to understand how the reported incident(s) was different.
- Be patient – Victims may have limited memory.

A man with glasses and a suit is speaking, gesturing with his hands. A woman is partially visible on the left, listening. The background is dark.

Sexual Assault, Intoxication & Memory

Jim Hopper, Ph.D.

Interviewing the Victim

Ask the following:

- Were they taking any over the counter meds and/or dietary supplements?
- Were they taking any prescription drugs?
- Were they taking any illicit drugs?
- Were they using marijuana?

**Remember, we are not trying to prove what was used. The goal is to understand level of ability to consent.*

Interviewing the Victim

Ask the following,

- What did they eat?
- When was the last time they slept?
- Did they see the drinks being made?
- What size glass was it served in?
- Was the Victim aware of what was happening to them?
- Does the Victim have a physical or mental disability which prevents them from being able to form consent?
- Was the Victim conscious? Or unconscious?

Interviewing the Victim

Ask the following,

- Was the Victim physically powerless and unable to resist?
- Was the Victim able to communicate consent or lack of consent?
- Was the Victim asleep? Passed out?
- Was the Victim able to walk, talk, drive, etc?
- Was the Victim's speech slurred?
- Was the Victim's behavior consistent with their personality?

Interviewing the Victim

Ask the following,

- How did the Suspect interact with the Victim? Others?
- Did the Victim have any interactions with the Suspect?
- Does the Victim have any history with the Suspect?
 - How does the Suspect “normally” act when they drink/use drugs?
- Who did the Victim first disclose to? (outcry witness)

Concluding the Interview

- Ask if they have any questions.
- Re-explain the process and next steps.
- Advise it is normal to remember information and/or to have questions after the interview.
- Explain you may have follow-up questions.
- Provide contact information for the Victim Advocate.
- Ask how frequently (and by what method) they wish to be updated.
- Thank the Victim for sharing their experience.

Interviewing the Suspect

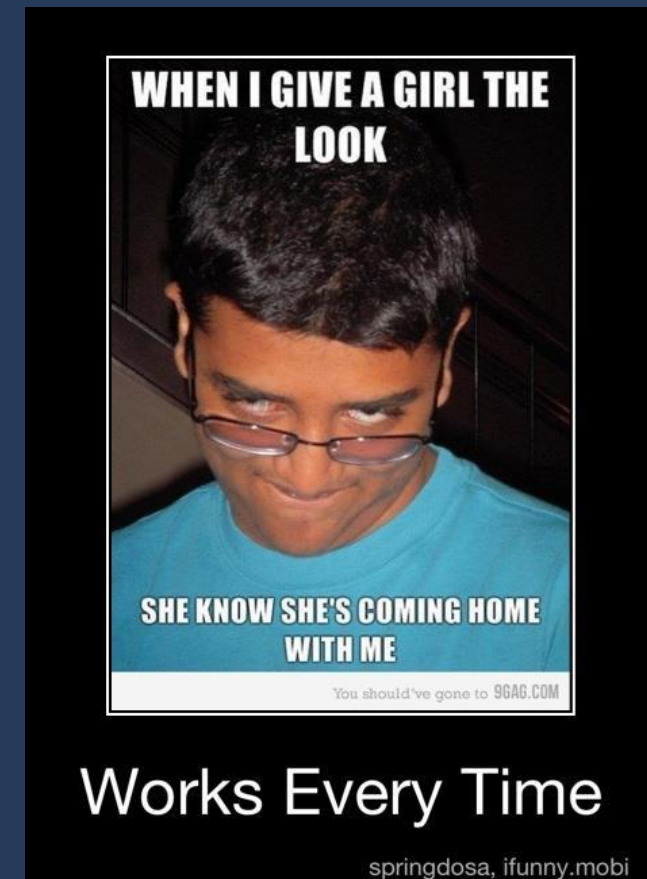
- The Suspect should be the last person spoken to in an investigation.
- Determine if a translator is needed.
- The primary case owner should lead the interview.
- Develop rapport.
- Let the Suspect tell their version of events without interruption.
 - Address inconsistencies after they have finished.

Interviewing the Suspect

- The Suspect should be asked the same questions as the Victim.
- Ask the Suspect the same background questions the Victim is asked to establish their level of incapacitation (or to prevent the claim of incapacitation later).
- Ask the Suspect about the Victim's behavior.
- Have the Suspect describe their interaction with the Victim and the Victim's interaction with others.

Interviewing the Suspect

What did the Victim say or do that led them to believe they were a consenting partner?



Interviewing the Suspect

- Was the Victim “awake” or were their eyes closed?
- Was the Victim saying or doing anything that would appear to be consistent with consent?
- Have the Suspect describe how he or she and the Victim left the location and how the sex acts began.
- Who did what to whom?

Interviewing the Suspect

- Have the Suspect be very descriptive about the events to include the removal of clothing.
- If a condom was used (including where it came from and who applied it), the positions, etc.

Interviewing the Suspect

- Ask the Suspect to describe how the encounter ended.
 - What did he or she say/do?
 - What did the Victim say/do?
 - How did the Victim and/or Suspect leave the location?
- Prepare to follow-up with the Victim if needed.

Interviewing the Suspect

Do not ask the Suspect:

“Was it consensual?”

“Did you...”

Instead ask,

“Tell me more about...”

“What were you thinking before...”

“What did the Victim say/do...”

Other Interviews

Witnesses will be able to provide insight into the Victim and the Suspect's behavior, both current and historic.

- Outcry witness(es).
- Witnesses who saw the Victim or Suspect before or after the incident.

Effects of Drug and/or Alcohol Facilitated Sexual Assault

- The Suspect creates a victim's vulnerability.
- Onset of the effects are typically rapid.
- Victims may experience an altered level of consciousness.
- Victims may suffer anterograde amnesia.
- Victims may not self-identify as victims.

The Victim may...

- Blame themselves.
- Struggle with lack of memory.
- Often feel re-victimized due to the amnesiac effects of the drugs.
- Drugs and alcohol can affect the way a victim presents to law enforcement and medical personnel.
- Are unable to detect risk cues.

The Suspect may...

- Be manipulative.
- Work alone or in pairs.
- Avoid confrontation.
- Use very little (if any) force.
- Minimize responsibility.

Questions?