

Best Practices for Law Enforcement

Initiating the Collaborative Response

Law enforcement is often the first contact for a victim of sexual assault and therefore, should initiate the collaborative response by calling the community based advocate. The community based advocate should be contacted whether or not a victim chooses to have a sexual assault exam.

Role of Law Enforcement

During the Forensic Exam Law enforcement can be present and participate with the SANE during the taking of the assault and forensic history. However, the victim should always be allowed to determine who is present (e.g. community advocate, system advocate, law enforcement) during the forensic exam. Note that for court purposes, the SANE nurse can adequately present all relevant facts regarding the exam.

Conducting an Initial Victim Statement Interview

The initial victim statement is typically taken upon first contact with the victim and law enforcement. The initial victim statement is the opportunity for law enforcement to obtain basic information and establish the location and elements of the crime. The community based advocate should be available to sit in on the initial victim statement if the victim chooses. The initial victim statement is not a comprehensive interview – the initial statement is used to assess safety and health needs, ascertain jurisdiction, identify and preserve sources of evidence and determine next steps.

Conducting a Comprehensive Interview/Assault History

The comprehensive interview and assault history should be performed by officers who have specific training in sexual assault interview and investigations. The interview should take place after the forensic exam has been completed and the victim has been allowed to shower (if desired) and dress. A community based advocate should be allowed to be present during the interview, if the victim desires. The community based advocate and law enforcement officer should work together to minimize re-victimization during the interview process.

Victim interviews take time to complete. Law enforcement should allow ample time to conduct a thorough victim interview. The comfort and needs of the victim should be taken into consideration throughout the course of the interview process. Law enforcement should consider that trauma, cultural differences, cognitive ability, fear, self-blame and other factors can influence the victim's ability to provide concise details about the assault. Law enforcement and the community based advocate should work together to ensure the victim's comfort in order to facilitate the disclosure of as many relevant details as possible.

Purpose of Comprehensive Interview/Assault History

The purpose of the comprehensive interview is to develop a fuller picture of the circumstances of the sexual assault. The interview presents an opportunity for the victim to provide additional information she/he may not have remembered, may have been afraid or embarrassed to share, or may have suppressed immediately following the assault. It presents an opportunity for law enforcement to:

- Verify, clarify and expand on the initial interview
- Confirm and establish the elements of the crime
- Develop supporting details related to the assault and the circumstances surrounding the assault

Offenders often target victims whom they perceive as not believable if they report the crime, especially victims who have a previous criminal history, who abuse alcohol and/or drugs and victims with physical, cognitive and or mental disorders. Victims may also fear not being believed. A victim centered approach to interviewing acknowledges these factors and attempts to make the victim comfortable by:

- Establishing a rapport before beginning the interview
- Explaining how the investigative process works and why certain questions are necessary
- Avoiding victim blaming questions – such as “why did you” or “why didn’t you”- unless the context and purpose of such a question is explained to the victim
- Encouraging the victim to provide a comprehensive statement of the event from beginning to end – with only minimal interruption but with the understanding that follow up questions will be necessary for clarification of various points throughout the statement
- Acknowledging the impact of trauma on the victim during the interview Reluctant and/or

Recanting Victims

It is not uncommon for sexual assault victims to be reluctant about reporting to law enforcement and participating in the criminal justice system. Victims who are reluctant often feel they have no other choice but to recant in an effort to disengage from the criminal justice system. A victim centered approach by law enforcement recognizes the tremendous cost to a victim who proceeds with the criminal justice system and understands that recantation of one or more aspects of a prior statement doesn’t necessarily mean false reporting. Various influences affect a victim’s willingness to participate and/or recant. Among those influences are:

- A victim’s feeling of embarrassment, fear, and shame
- A victim wanting to put the assault behind them, avoid answering questions, repeating the story or facing the perpetrator in court
- Pressure from offender, friends, family or community
- Pressure from cultural and/or religious communities
- Concern or confusion about the likely outcome of a prosecution
- Concern that the victim will not be believed

Wisconsin Adult Sexual Assault Response Team Protocol (pp. 18-19) by Wisconsin Coalition Against Sexual Assault, 2011. Retrieved from https://www.wcasa.org/file_open.php?id=203
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