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ABOUT THE NORTH CAROLINA JUSTICE ACADEMY

The North Carolina Justice Academy is a division of the North Carolina Department of Justice. Created in 1973, the Academy’s enabling legislation establishes its duties as providing training programs for criminal justice personnel, providing technical assistance upon request to criminal justice agencies to aid them in the discharge of their responsibilities and developing, publishing and distributing educational and training materials. Program areas for these services are defined through the five centers of the Training Division: Legal; Law Enforcement Leadership; Commission/In-service; Tactical/Traffic; and Investigations. In addition, the Support Division operates the Learning Resource Center, conducts research, produces video and other graphic and printing services, coordinates institutional development and supports the campuses as a training environment for Academy courses as well as those of other state and local agencies.

The Academy’s eastern campus in Salemburg is situated on a site with a long educational history. Established in 1875 as Salem Academy, the campus has subsequently functioned as Pineland School for Girls, Pineland Junior College, Edwards Military Institute and finally Southwood College. The campus still utilizes the Blanchard Learning Resource Center, the Royal Classroom Building, the Jones Auditorium, a cafeteria and an office building from the Southwood campus. Added over the years have been a new classroom building and learning resource center, dormitories, an administration building, a support services building, a maintenance building, a new state-of-the-art gymnasium, classroom additions, firearms ranges, a driving track and other practical exercise areas.

In September 1998, the Academy’s western campus opened in Edneyville. Later, in 2004, it was named the Larry T. Justus Western Justice Academy in honor of Representative Larry T. Justus. The western campus in Edneyville is located on the former site of the Edneyville High School complex. Renovations have resulted in modern classrooms, office space, a gymnasium, dormitory and cafeteria. A state-of-the-art indoor firearms range opened on campus in 2011. Both campuses have wireless Internet access and onsite computers for student usage.

Please let us know about your needs and the quality of our service. Your input will help us determine what we should continue to do and guide us into areas of change.
NORTH CAROLINA JUSTICE ACADEMY

Mission

To improve the quality and effectiveness of criminal justice services to the citizens of North Carolina through research, education, training, and support for criminal justice and related personnel.
Core Values

Everyone at the North Carolina Justice Academy is dedicated to meeting your needs in the best possible way. In everything we do, we strive to build a quality conscious organization that attends to your training needs. The following Core Values establish inviolable standards of quality and professionalism and let you know what you can expect from us.

We will provide quality training to our students. It will be current, consistent, correct, and applicable to on-the-job experience.

We will put our students' interests first. We will help them achieve their goals by putting their needs first. We will seek their input in all that we do.

We encourage and support our staff's creative, innovative ideas and practices. We are committed to a quality work environment and the professional development of each employee. Our staff is our greatest resource.

We will treat all people fairly and in an unbiased manner and will establish an environment conducive to this. All persons with whom we interact will be treated with respect and courtesy.

We will ensure that our learning environment is comfortable and clean and attends to both the routine and special needs of the students.

We believe that students learn best when they can practice skills and apply them to their job setting. Our training will emphasize "hands on" experiences in the classroom.

We are representatives of the Academy and Department of Justice. We will act and look professional at all times.

We will strive to be the leaders in innovative practices, programs, and technology; assisting our clients in addressing present and future needs of the citizens of this state.

We'll not forget that we ultimately serve the citizens of North Carolina and therefore we will manage our organization's resources effectively and efficiently.
Course Development History:

This project was supported by subgrant No. PROJ007988 awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.
Catherine Johnson is an Instructor/Training Coordinator with the North Carolina Justice Academy assigned to develop and implement training for law enforcement on violence against women.

Prior to joining the N.C. Justice Academy Catherine was a senior detective assigned to the Sex Crime Section of the Special Victims Unit within the Kansas City Missouri Police Department. Catherine has over ten years of law enforcement experience with the Kansas City Missouri Police Department and has had over 400 hours of training in advanced police studies; specifically in sex crimes investigations and crisis intervention. Catherine served as a member of the Intimate Partner Violence Taskforce with Truman Medical Center and served as an Advisory Board Member with the Kansas City Alliance Against Human Trafficking. While in Kansas City, Catherine served as a board member for COVERSA (Collection of Victim Evidence Regarding Sexual Assault) and as a Distinguished Fellow with the Missouri Chapter of the International Association of Forensic Nurse. Catherine is currently an Associate Board Member of Project GHB and serves on the Board of Directors with End Violence Against Women International.

While employed with the Kansas City Missouri Police Department Catherine assisted in training new officers for the Crisis Intervention Team as well as recruit officers on what to expect if they are asked to handle a call involving a victim of rape. She has developed multiple training courses regarding the investigation of sexual assault. These trainings have been delivered at multidisciplinary conferences around the country, including Kansas City, MO; Columbia, MO; New Orleans, LA, Choctaw, MS, Denver CO, and the U.S. Virgin Islands. In addition, Catherine developed training for sexual assault nurse examiners and advocate volunteer training in the Kansas City area on what to expect from law enforcement during a sex crimes investigation.

Catherine has received several awards in recognition for her excellence, commitment, dedication, and tireless devotion to victims of sexual assault. Catherine received a Certificate of Appreciation from Crimestoppers; a Meritorious Service Award, two Certificate of Commendations, and the CIT Officer of the Year Award from the Kansas City Missouri Police Department; a Visionary Award from St. Luke’s Hospital Forensic Care Program in 2009; CIT Officer of the Year from NAMI (National Alliance for the Mentally Ill); and the Sara Andrasek Memorial Award from Platte County Prosecutor’s Office.
Course Orientation

Interviewing victims of sexual assault can be very challenging for law enforcement. While some are uncomfortable with the sensitive subject matter others attempt to employ interrogation techniques which can cause barriers to information gathering. This workshop will address the differences between interviews and interrogations, how trauma can affect memory, and best practices on conducting the victim interview.
Title: Investigations Involving Mental Illness and High Risk Lifestyles

Lesson Purpose: Interviewing victims of sexual assault can be very challenging for law enforcement. While some are uncomfortable with the sensitive subject matter others attempt to employ interrogation techniques which can cause barriers to information gathering. This workshop will address the differences between interviews and interrogations, how trauma can affect memory, and best practices on conducting the victim interview.

Training Objectives: At the end of this block of instruction, the student will be able to achieve the following objectives in accordance with information received during the instructional period:

1. Identify the difference(s) between interviews and interrogations.
2. Explain the neurobiological effects of trauma to memory and how that can impact the victim interview.
3. Describe the best practices for conducting the victim interview.

Hours: 90 minutes

Instructional Method: Conference

Materials Required: Handouts
Pen/pencil

Training Aids: Handouts
LCD Projector/Laptop Computer
PowerPoint Slides
Videos

*The Accused.*
*Designing Women.*
*Silver Linings Playbook*
*E.R.*
*Pretty Woman*


Prepared By: Catherine Johnson  
Training Coordinator I  
North Carolina Justice Academy

Date Prepared: May 2013
I. Introduction (10 minutes)
   A. Opening Statement
   B. Training Objectives
   C. Reasons

   Rape is a vastly under-reported violent crime. Because rapists attack an average of six times, one failed response can equal five more victims.¹ Societal biases, myths, and stereotypes combined with a lack of understanding with regards to the dynamics of sexual assault can create challenges for first responding officers and investigators. This workshop is intended to provide first responders and investigators information and understanding of the dynamics of sexual assault as well as tools to combat the challenges investigators commonly face for the purpose of yielding more successful resolutions.

II. Victim Interviews
   A. Location.
      1. Patrol officers ought to choose a location that is private and free of distraction for both the victim and the officer. When interviewing in the field, choose a location where others cannot watch or hear. Remember the details the victim will be providing will be of an extremely personal and intimate nature. Find a place for the victim to sit, whether it is on a chair inside a residence or inside the patrol car. Give the victim as much latitude as possible with the location.
      2. Investigators should also choose a location that is private and free of distraction for both the victim and the investigator. When possible, go to the victim. Utilize a digital recorder and conduct the interview at the victim’s residence or where they feel most comfortable.
      3. Use common sense and respect when talking to the victim – ask yourself, “What if this was my family member?”
      4. If the interview is being conducted in a place that allows for seating, for example in an examination room, ask the victim if it is okay to sit down.
      5. If the interview is being conducted at a law enforcement facility and it will not compromise the collection of physical evidence, offer the victim something to eat or drink. Depending on the circumstances the victim may be very hungry and/or thirsty, as well as tired. If the interview is being conducted immediately after a sexual assault examination she may need something to settle her stomach (from the medications).
NOTE: Provide participants with the following example. A woman wakes up on Friday morning at 6AM to get ready for work. The woman works all day and goes out with friends after work for happy hour. The woman ate lunch at noon, but did not eat anything after that. The woman is sexually assaulted at midnight and responds to a hospital around 3AM. Immediately following the examination, at 6AM, the woman responds to the police department to file a police report and/or provide a statement to investigators.

6. Consider the following things when conducting the victim interview.
   a) How long has the woman been up?
   b) Is it likely that she is still under the influence or suffering from hangover?
   c) Is it possible that she is hungry?
   d) After staying up 24 hours and not eating for 18 is it possible her demeanor is affected as well as her memory?

7. When the interview is being done at the police department, do not conduct it in the open squad room. Have a room that is private. If possible, use artwork in the room – anything that will make the room feel less sterile or institutionalized.

B. Victim Needs

1. Explain the process to the victim with the understanding they may not remember all of the information you are providing. Begin by thanking the victim for agreeing to talk to you and ask how he or she wishes to be addressed. Do not assume it is okay to call them by their first name.

2. Determine if the victim needs an interpreter. Do not use a friend or family member to translate except in exigent circumstances. Utilize a skilled, unbiased interpreter, especially conducting an extensive interview.

3. Consider the effects of trauma to memory when preparing for, and conducting, the interview.
   a) Critical incident amnesia can affect an officer’s memory and their ability to write an incident report. Victims of sexual assault may experience the same type of amnesia.

      (a) During critical incident amnesia a victim may develop “tunnel vision.”
(b) Motor and cognitive skills. There may be a decreased ability to concentrate and irrational decision making during critical incident amnesia.

b) This type of amnesia is temporary. Before the first sleep period a person may only be able to describe the general characteristics of the incident. After the first sleep period a person’s recall increases by 50-90%. A person’s ability to completely recall details will not occur until after the second sleep cycle.

4. Utilize victim advocates as often as possible. An advocate is a tremendous asset in an investigation and should be present for the interview, especially if the interview is pre-scheduled.

a) Victims may initially deny wanting an advocate if they are asked because they may not want to “inconvenience” anyone and may be uncomfortable having another stranger present during the interview. Therefore consider making the advocate part of the process by having them respond for the interview as a matter of course.

b) The victim will have the right to say they do not wish to have the advocate present at which time the advocate can leave after providing the victim with information regarding resources available to them.

c) If the victim agrees to have the advocate present, ask the victim (not the advocate) if he/she would like to have a few moments to talk privately. The victim and advocate should be allowed the privacy and opportunity to talk without the investigator present and without being video or audio recorded. If the victim decides they do not wish to have the advocate present during the interview, respect their wishes.

C. Prepare the victim for the interview process.

1. Explain to the victim you will be making notes throughout the interview. Explain to the victim the notes are to assist with future report writing and that you may be writing notes for follow-up questions in lieu of interrupting the victim as they talk. However, do not focus so much on note taking that the victim feels like he/she is not being listened to.

2. Explain to the victim the need to ask detailed questions. As previously mentioned, investigators have to ask questions about a very intimate topic. By explaining to victims that detailed, often embarrassing questions will be asked the victim can understand the interviewer is simply doing their job not being voyeuristic.
3. Let the victim know that you need them completely honest, even if it means disclosing potentially illegal activity. Advise the victim of your role which is to investigate a crime against them. Do not legalize or judge their behavior. **Know your departmental policy with regards to a victim having a warrant. Do not make promises you cannot keep!**

4. Leave personal biases out of the interview. Be open minded and non-judgmental, regardless of what the victim’s choices are.

D. The Interview

1. As the investigator begins the interview let the victim know it is perfectly acceptable to request a break.

   a) If the victim wishes to take a break, TURN OFF any recording equipment, or remind the victim and advocate of the recording device in the room.

   b) If the victim and advocate wish to speak privately, turn the recording equipment off or escort them to a room that is not recorded and/or viewable by investigators.

   c) Advocates & victims have an expectation of privacy when they are talking.

   d) If the investigator needs to take a break, and the equipment will remain active, advise the victim the recording devices will continue when the investigator leaves the room.

   e) Pay attention to the verbal and non-verbal cues. If the victim appears to be having a difficult time, it is appropriate to ask if they want a break. The victim will not always feel comfortable requesting a break when they need it.

2. Do not ask the victim if they want to “prosecute.” Victims do not have the authority to pursue prosecution. Investigators need to do their job first – conduct a thorough investigation.

3. Do not ask the victim to tell you their “story.” A story denotes fantasy or something not truthful. Ask for the victim’s account of events.

4. Use active listening skills. Be quiet and actually listen as the victim talks. Make the victim feel like you are really interested in what they have to say.

5. Reconstruct the circumstances with the victim. Ask the victim questions that will provide information regarding the environment to include the location of furniture in a room, vehicle interior, weather, lighting, people
or objects nearby, etc. Ask open-ended questions that will require the victim to use their five senses.

a) Ask the victim, “What are you able to tell me about your experience?”

b) Ask the victim, “What are you able to remember about…” and “What was the most difficult part of this for you?”

c) Ask the victim, “How were you feeling” versus “why” questions. Why challenges a person and puts them on the defensive.

d) Ask the victim, “What were you thinking?” and “Tell me how you reacted?”

e) Ask the victim, “What did you see, hear, smell, feel?” (Each sense would be a separate question).

6. Do not ask the victim if he or she said “no,” “stop,” or other similar type questions. Ask questions that will elicit the victim’s description on how they communicated lack of consent.

7. Avoid interrupting the victim. Create notes to ask the victim follow-up or clarifying questions. Use prompting questions such as, “Tell me more about that” to encourage the victim to continue.

a) Elicit information about what the victim experienced emotionally as well as physically.

b) Clarify information and details after facilitating all you can about the experience.

c) Get rid of “why” questions. “Why” questions make a person feel that they have to defend their actions and put them on the defensive.

8. Be patient while conducting the interview. It is likely to be a long, emotional, and detailed interview.

a) Allow the victim to tell you the events in the order that they remember without interruption.

b) Pause for a few seconds after the victim finishes speaking to allow them to continue with their narrative.

9. When asking the victim questions, begin by using professional terminology.

a) Pay attention to the victim’s verbal and non-verbal cues when asking the questions. The victim may not understand the questions
being asked, but be embarrassed to ask what the word means.

b) By watching the victim’s non-verbal cues it may become apparent that they did not understand and the question needs to be rephrased.

10. Use the language of non-consensual sex when conducting the interview and when documenting the facts.

11. Do not correct the victim when they use slang terms. Clarify the slang terms by asking, “By that do you mean…” or “By that are you saying…” Do not ask, “What do you mean by that?” That question starts a “dance.” “What do you think I mean?”

12. Balance questions regarding the humiliating facts or sexual aspects with questions regarding the victim’s feelings. This can assist the victim in sharing information without becoming too overwhelmed.

13. Obtain exact quotes from the victim and suspect. Document the quotes in the report by using quotation marks.

14. Consider doing a pre-text telephone call or text message. These can be especially beneficial if the suspect does not know he or she is being investigated. One party consent laws allow for this type of communication.

a) Talk to the victim prior to conducting a pre-textual call or text message communication with the suspect. Advise the victim the date, times, and content will be documented in a report thereby negating the suspect claiming the victim contacted them post-assault.

b) Remain with the victim during the entire pre-textual conversation. Utilize notes as a method of communicating to the victim questions to ask or information to illicit.

c) When possible utilize an audio and/or digital recorder to record all pre-textual phone calls.

d) Take digital photographs of all pre-textual text messages if access to a UFED device is not available.

e) At the conclusion of the pre-textual conversation have the victim inform the suspect they no longer want any contact.

15. No matter what happens end the victim’s interview with dignity.

a) Ask the victim if he/she has any questions. Do not assume the victim will ask questions or will naturally understand the process
of events.

b) Re-explain the process and provide the victim with follow-up contact information including the case report number.

c) Let the victim know it is normal for them to remember information or have questions after they have left. Invite the victim to contact the investigator with any questions or additional information they may have.

d) Let the victim know it is possible the investigator may have follow-up questions as the investigation unfolds. Advise the victim it is normal for additional calls to be made for the purpose of follow-up.

e) Provide the victim with brochures of community resources or phone numbers if a brochure is not available.

f) Thank the victim for telling you about their experience. Telling a victim “thank you” or “I know it was not easy” does not make an investigator biased, but will go a long way with helping the victim a) have faith in the investigator and b) move towards healing. A positive interaction with law enforcement can have a tremendous impact, just as a negative one can.

**Be mindful that this may just be another case to you, but it is everything to the victim. This may be the most significant thing that has ever happened to them.

III. Conclusion

A. Questions from Class

B. Closing Statement
NOTES