

Interviewing the Sexual Abuse Victim & Suspect: Why the Color of the Underwear Matters.



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Language & Other Stuff

- Pronouns – he, she, him, her.
- Victim - Survivor
- Since this is a presentation regarding sexual offences, there will be language which some of you may find disturbing.
- A warped sense of humor was a great defence mechanism for me, but it didn't go away when I retired.

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What is the main reason for getting a detailed victim statement?

- To provide the courts with relevant info.
- To provide info to the child therapist.



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What is the main reason for getting a detailed victim statement?

- To provide info for the suspect interview.
- To provide info to the prosecutor.



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What is the main reason for getting a detailed victim statement?

- Too many investigators concern themselves primarily with how their interview might be critiqued by the prosecutor, defence or judge.
- The main reason for taking a statement from a victim is to obtain key details that can be used during the suspect interview.
- If the investigator can successfully obtain a confession from the suspect, the matter often doesn't go to trial.

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The Three "M's" of a Child Interview

- Maximize the amount of valid information.
- Minimize contamination of the evidence.
- Minimize trauma to the child.

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The Victim Interview

- Engagement Phase
- Exploratory Phase
- Validation Phase
- Corroboration Phase
- Termination Phase

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Engagement

- Identify yourselves & your roles.
- Build rapport with the victim.
- Start by getting basic information.
- Use a little humor – self deprecating.
- Reassure the victim that he/she is safe.
- No discussion of the allegation at this time.

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How Do We Start?

- Interviewers should be constantly assessing and adapting to the child during the interview.
- Be aware that the words and warnings of the offender will often still echo in the child's ears during this interview.
- The offender will have often pre-described you, the interviewer, as "the enemy."
- Police - respond by "giving" them your badge.
- It is unlikely that the child will fully disclose unless they trust/like you.

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Exploratory

- Almost all protocols use some variation of: “Do you know why you are here today”?
- This is often the most difficult and frustrating stage of the child interview.
- You don’t want to ask the dreaded “leading question” so you beat around the bush.
- Commenting on obvious changes in the child’s behaviour is not a leading question.
- If the child trusts you, they will usually disclose.

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Exploratory

- In this phase, you should start out with generalized questions and gradually move to more specific questions if the child is reluctant.
- My job is to make sure that kids are safe.
- I often talk to kids about things that may be bothering them.
- I understand that you told your friend about something that bothered you.
- If the child trusts you, they will usually disclose.

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Validation

- Narrative followed by Q. & A.
- Repeat exactly what the child says.
- We need specific, detailed incidents.
- Identify & label each of the incidents
- Diversionary questions if the child becomes upset, then return to the specific questions.
- Non-leading questions: Where? When? Who? What? How?

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Validation

- A 4 year old girl tells you: Daddy puts his pee-pee in my pee-pee. What does that mean?
- A 12 year old describes the first time she had intercourse with her dad. She tells you that she was wearing her blue elephant pyjamas. What are three key things you can do with this info?
- This superfluous info helps establish credibility.
- Non-offending mom may verify stains on p.j.'s or when they were last washed.
- Bring the pyjamas into the suspect interview.

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Corroboration

- Medical & forensic evidence: torn clothing, seminal fluid on the child.
- Pornography, especially home-made.
- Diaries, letters of apology.
- Unusual physical characteristics.
- Paraphernalia: condoms, lubricant, etc.
- Location characteristics: Has the victim been there? Does the door squeak?

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Corroboration

- An 8 year old girl tells you that step dad "puts toothpaste on his dink," before sexually assaulting her. What might be the first question you would ask her after she tells you this?
- Phraseology – A 10 year old tells you: "My dad said I'm coming, I'm coming, but I don't know why, he was already there." How does this establish the child's credibility?

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Corroboration

- If the child tells you that she loves her offender and describes pictures that she drew or gifts that she made, the presence of these items in the offender's home shows that the child has no reason to falsely accuse the suspect.
- Consider asking the child what she would say to the offender if she had the opportunity and record her response. "I love him but I hate what he did to me."

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Termination

- Susceptibility to suggestion questions.
- Ensure that the child will be safe.
- Explain to the child what will happen.
- Reassure them that they haven't done anything wrong.
- Ask if they have any questions.
- Give them your card.

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Non-Offending Spouse



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Does Mom Believe and Support the Child?

- One study by Elliot & Carnes (2001) showed the following “maternal responses.”
- 41% believed the allegations and protected their child.
- 30.8% did not believe the allegations and did not protect their child.
- 27.3 were ambivalent and inconsistently protected their child.

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Non-Offending Spouse

- Why is this interview crucial?
- She may have knowledge about the offence, & key info about the offender’s background.
- What kind of knowledge about the offence?
- Direct (witnessed it), indirect (was told about it by the victim or witness) or corroborative.
- What about the suspect’s background?
- Sexual preferences, phraseology, morals and conscience, what he fears and values.

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Non-Offending Spouse

- When do we conduct the interview?
- Ideally, just before dealing with the suspect.
- How do we deal with this subject?
- Treat the non-offending spouse interview in much the same way you would treat a notification of next of kin situation. Break the news firmly, but gently.
- An empathetic approach is essential. Don’t bad mouth the offender!

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Non-Offending Spouse: Responses

- Disclose the nature of the allegations gradually.
- Watch for verbal, physical and behavioral responses that indicate prior suspicion or knowledge of the abuse.
- What is going to happen to my child? What is going to happen to him? What is going to happen to me?
- Reassure them – “This doesn’t mean you are a bad mom.”

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Sexual Behavior Questions

- Looking back now, is there anything about your sexual interactions with your spouse that caused you any concerns?
- What are his sexual preferences?
- What is his sexual preference sequence?
- Can you tell me about his sexual phraseology?
- Tell me about any identifying genital features.
- What is the type and color of his underwear?

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Strange but Important Questions

- What is the offender’s middle name?
- Does he have any nicknames?
- Do you have any examples about how he feels toward the victim?
- When he was growing up, who was the person he most admired and why?
- Has he ever had a favorite pet and if so what happened to it?

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Interviewing the Offender



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The Child Sex Offender

- Is it reasonable to expect a suspect will readily admit to abusing a child?
- Most sex offenders will try to learn what you know, and will then attempt to minimize and justify their behavior.
- Being prepared is the key to convincing the suspect that lying is futile.
- We should do nothing that would cause an innocent subject to falsely confess.

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What Do Offenders Tell Us



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Keibell, Hurren, & Mazzerole

- A 2006 Australian study of convicted sex offenders found that only 16% had decided to deny their involvement prior to their police interview.
- 33% had decided to confess prior to being interviewed and the rest hadn't decided whether to confess or not.

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Deslaurier-Varin & St-Yves

- In a 2009 Canadian study of convicted offenders, 44% said they had been ready to confess prior to being interviewed. 25% of them later changed their mind during the interrogation.
- 32% had decided not to confess and 25% of them also changed their mind.

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Factors Relating to Confessions

- Does the suspect feel guilty about committing the offence?
- Does the suspect perceive that the evidence against him is strong?
- Did the suspect contact legal counsel?
- Is there a skilled interviewer involved?
- These (4) factors have been found to be the most important variables in obtaining a confession.

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Using the Details

- The details that you obtain from the victim form the basis of your interviewing strategy for the suspect.
- Is there an emotional bond between the suspect and the victim? If so what themes might be most effective?
- If the suspect has no emotional ties to the victim, what themes might be effective?

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Interrogation Themes

- Most offenders will rationalize or justify their behavior in order to lessen feelings of guilt and loss of self-esteem.
- Interviewers use the details from the victim interview, along with the suspect's justifications & rationalizations, to develop themes.
- Themes provide a moral excuse or minimize the moral implications of the offence.
- We cannot minimize the legal implications of the crime.

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Emotional vs. Non-emotional Themes

Emotional

- Made a "mistake."
- Loved her "too much."
- Can't turn back the hands of time.
- Things got "carried away."
- Didn't mean to hurt.

Non-Emotional

- Blame the victim.
- Blame society.
- Overwhelming evidence & details.
- Blame the spouse or girlfriend
- Blame alcohol/drugs.

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