

While preparing for an interview with a sexual assault victim, one of the critical decisions to make is whether or not to tape it (either audio or video). This can be a controversial issue in some communities (although this is becoming less true), and both police and prosecutors must weigh the advantages and disadvantages before implementing any policy. However, it is worth noting that interviews with child victims have been taped for years, and law enforcement professionals and others typically recognize the important advantages of this practice. Many of the same advantages exist for adult and adolescent victims.

Advantages of Taping

The primary advantage of taping a victim interview is that it provides a more reliable method of documentation than written notes. In other words, it provides the "best record" of the interview.

- Taping records more details than could be summarized in a police report, which increases the amount of information recorded and can often reduce any redundancy in follow-up interviews.
- Investigators are much better able to listen carefully to the victim - without constantly interrupting and disrupting the victim's narrative (which can create inconsistencies) - because they are not also trying to take notes and/or write a report at the same time. When the interview is taped, the investigator can simply listen to the victim's narrative and jot down questions to ask later when it is complete.
- Taping communicates to the victim that the investigator is taking the case seriously and investigating it thoroughly. It also conveys that the investigator wants to make sure that all of the details are recorded accurately.
- In addition, tapes of an interview can make it possible to determine the source of any inconsistent information. In many cases, the recording reveals that the person responsible for the inconsistency is not the victim but the investigator who documented a fact incorrectly or simply misunderstood something the victim said. This can be a tremendous help for successful prosecution, because such inconsistencies can otherwise damage the victim's credibility.
- Because taping more accurately records all of the details of an interview, it can help investigators to synopsise statements, and this may be especially important for cases that do not move forward for prosecution. With these cases, the victim may later want the investigation re-activated or additional victims may be identified, and it is easy to review the taped interview from the previous investigation and use it as evidence for the reactivated investigation.
- Taping can have the additional benefit of protecting the investigator if a complaint or misunderstanding should arise as a result of what was said.
- Tapes can also be reviewed for training or supervisory purposes, to improve the quality of interviews conducted by the law enforcement agency.
- Finally, taping can better convey to prosecutors, judges, and jurors the immediate response of victims to sexual assault.

Law enforcement professionals often have the unique opportunity to talk with victims in the aftermath of a sexual assault, while their emotions are still raw. Their words and demeanor - whether angry, withdrawn, in shock, etc. - can be important in conveying the actual response of victims and bolstering their credibility. Victims often act very differently later, when they encounter prosecutors or jurors - months or years after the assault and perhaps after the benefit of counseling. Taping can therefore document the immediate response of the victim to trauma, which can be an important benefit for the prosecution. This last advantage also suggests the importance of preserving the tape of the 911 call that the victim made regarding the assault, if there is one.

Potential Concerns

On the other hand, the primary disadvantage of taping is that it can sometimes be used against victims.

- For example, if the victim's demeanor does not fit the stereotype of "real rape," this can be used to undermine the victim's credibility or even raise suspicion that it is a false report.
- Victims also often make statements that can be used later to challenge their credibility. To illustrate, the victim might omit important information or provide partial truths in order to make the sexual assault sound more like "real rape." Victims also sometimes make a statement that they caused or somehow deserved the sexual assault, because they have internalized the societal myths that blame victims rather than perpetrators.

In these cases, it rests with police and prosecutors to help judges and jurors understand the victim's behavior as typical of how people really respond to being sexually assaulted. In fact, investigators and prosecutors make a serious mistake when they try to "package" the victim or dress victims up as someone they really are not. This includes failing to document any "damaging" facts or statements, cleaning up the victim's use of slang or street language, and using sanitized, professional terms to describe what happened.

- Just like the rest of us, jurors do not like feeling that they are being fooled - as they are when victims are "packaged," with their word and actions "cleaned up."
- Jurors are likely to see through the effort anyway, so investigators and prosecutors are better off presenting a realistic picture of victims as they really are, and helping judges and jurors understand that many of these same words and actions are commonly seen among victims, given the realistic dynamics of sexual assault.

Of course, law enforcement professionals also often fear that if they record their interviews, any mistakes THEY make will be memorialized forever and used by the defense. This certainly can happen.

- As with victims, investigators will sometimes make mistakes during the interview, just like any other human being conducting a very difficult, complex, and sensitive task.
- And as with victims, any mistakes made by the investigator will be recorded and perhaps used by the defense to undermine the case. Yet this disadvantage does not outweigh the many advantages of taping victim interviews.

In fact, it raises concern that without a tape of the victim interview, investigators are able to document only certain pieces of information and not others.

Policy Implications

Clearly, best practice is to document all of the information from the victim interview, and the only way to do so is to record it. Any problems that this may pose for the investigation and prosecution must simply be dealt with, as investigators uncover the details of the sexual assault.

- For agencies that do implement a policy of recording victim interviews, it is critically important that victims are always advised of this fact because it would otherwise constitute a severe betrayal of trust that could negatively affect both the investigation as well as the victim's emotional recovery.
- Victims must also be offered the services of an advocate to provide them with information and support during the interview process. The advocate can also discuss with the victim any issues or concerns that arise as a result of recording interviews.

In agencies where interviews are routinely recorded, most victims do not have a problem with it as long as the investigator explains to them that this will provide the best record of the interview and the victim's statement. When victims are advised of the policy and the reasons for it, taped interviews can be one of the most effective tools in increasing the likelihood of successful investigation and prosecution of these cases.

This response is an adapted excerpt from the OnLine Training Institute (OLTI) module entitled, Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault. This module is available, along with the rest of the [OLTI](#).

For More Information

For more information, please see the [Frequently Asked Questions](#) section of our website which is dedicated to addressing best practices in the criminal justice and community response to gender-based violence. This is one of many questions that have been posted, with more to come in the future. We encourage you to visit regularly to see when new information is available.

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