

## Videotaped LE Interviews

SART Listserv

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*States are listed as a point of reference rather than as a statewide perspective.*

**Issue:** Do many SARTS videotape adult SA victims during law enforcement interviews? If so, when are videotapes used and why?

**Background:** This practice for videotaping adults just started in a jurisdiction.

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### Ohio (Youngstown)

- The county prosecutor prefers videotaping adult victims' interviews with police. It has been this way for at least 7 years.
- The advantages include an accurate record of questions and the ability to see the victim and the reactions to the questions.
- It can take 2 or 3 years for a case to go to trial and videotaping is a permanent record.
- Often victims sit down with the prosecutor and advocate and review that tape which seems to engage the victim better than reading a report.
- It has been very helpful for juries to see the victim's state at the time of the incident, not 3 yrs. later.
- Previously, detectives would ask questions and record answers or have victims write out statements. Victims without good writing skills felt more pressure by having to write their responses and detectives' attention was compromised when they wrote the responses on behalf of victims.

### Michigan (Lapeer County)

- DVDs are preferable to videotapes because they are not subject to tape deterioration over time and they are easier to store. Tape deterioration can occur fairly rapidly depending on the conditions of storage (humidity, heat, cold, etc).

### Prosecutorial Perspective

- Why are we taping sexual assault survivors if we are not taping other victims?
- Videotapes are not admissible by the prosecution at trial unless they fall into very narrow exceptions.
- In some areas, children or disabled adults are taped because there are statutes (or other law) which allow these tapes to be introduced at trial.
- The only one who normally gets to use tapes of competent adult victims at trial is the defense who uses them to impeach the victim (i.e. - show that the victim is a liar).
- Obviously, if the primary reason to tape the victim is to allow the officer to just listen and take notes, that is different.
- Remember, though, that the defense is entitled to a copy of everything the prosecution has.
- On the other hand, if SARTs are concerned that officers are not taking complete statements and the defense tries to make it look as though the victim lied, the prosecution may be able to use the tape to rebut this argument.
- If you are going to tape victims, think carefully about why.
- The National Center for the Prosecution of Violence Against Women- American Prosecutors Research Institute / National District Attorneys Association can provide consultation on this issue.

<http://www.ndaa.org/apri/>