

## **Recording Victim Interviews during Forensic Medical Exams**

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**Issue:** What is the rationale for recording victim interviews as part of the forensic medical exam, and what is gained?

### ***Prosecutorial Perspective***

- Rules of evidence vary from state to state. There could be a lot of situations where recording victim's statements could create huge problems for both victims and prosecutors on the witness stand.
- This is especially true if the victim interview is not done by someone versed in how it plays out in court. For example, what if a victim says "it was my entire fault" during an interview. She could mean all sorts of things that have nothing to do with consent -- anything from she should have known better than to trust him, to she shouldn't have walked down that dark street alone.
- If the advocate is doing the interview, she may well have already begun this discussion before the tape was turned on, without asking the victim to explain the response on tape.
- If medical personnel is doing an interview and the victim says something like "he hurt me really bad but it was all fault", the instinct would be to follow up with "how did he hurt you", and again, there might be no clarification of what she meant by saying it was her fault.
- If the police or an investigative prosecutor is doing the interview, they may well be more concerned with getting the legally operative facts rather than addressing the victim's feelings.

### ***Advocacy Perspective***

- There seem to be a whole host of issues with recording victim interviews. This seems to be stepping beyond the scope of SANE practice and stepping into the realm of law enforcement;
- Many law enforcement agencies in our county either video or audio tape victims' statements, but I have never heard of SANEs recording victim interviews.