



National Family Justice Center Alliance
Webinar Training
CEU Accreditation
Provider # PCE 5095
MCLE Accreditation
Provider # 15493

Webinar Course Description

Title: You Fight for Me: Interviewing and Advocacy for Sexual Assault Survivors

This webinar will focus on interviewing and advocacy techniques designed to help prosecutors, advocates, and law enforcement to work with survivors of sexual assault. We will address ways to build trust and rapport, to gain the most information from witnesses and to answer common questions about the system. Because victims have specific fears about sexual assault prosecutions, we will talk through some sensitive conversations that you may need to have, including topics like plea negotiations, preparation for likely cross-examination, and addressing inconsistencies. Finally, we will discuss interactions with journalistic media, defense counsel, and social media.

This session is approved for .5 Minimum Continuing Legal Education (MCLE) and .5 Continuing Education Credits. The Family Justice Center Alliance is a California approved provider of MCLE for attorneys (Provider #15493) and CEUs for MFT, LCSW, and LEPs (Provider # PCE 5095). Professionals in states outside of California should check with their own state bar to determine whether these credits are approved in their jurisdiction. Information on how to obtain credit will be provided during the webinar and within the course materials.

Presenters:

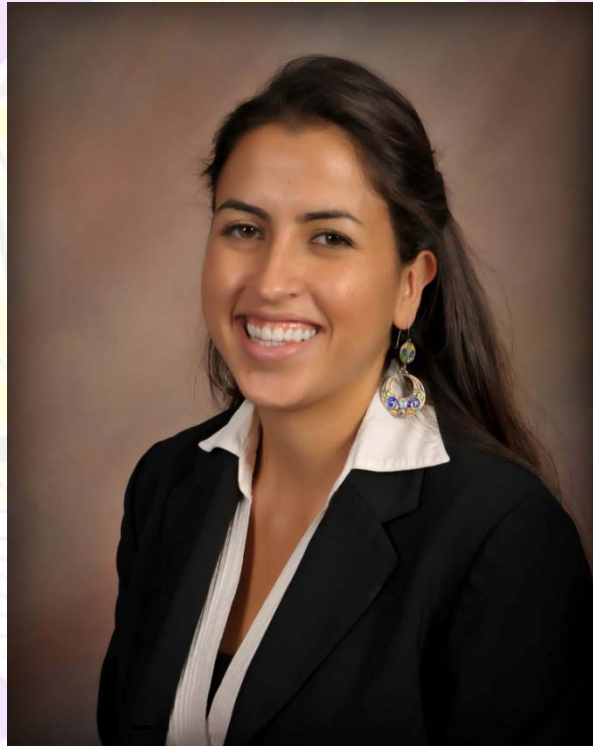
Kristina Korobov, JD, Deputy Prosecutor & Director of Prosecutor Education, Marion County Prosecutor's Office

Welcome!

While waiting for the presentation to begin, please read the following reminders:

- The presentation will begin promptly at 10:00 a.m. Pacific Time
- If you are experiencing technical difficulties, email Natalia@nfjca.org
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Access Code: **500-688-338 listen on your computer speakers**
- Attendees will be muted throughout the presentation
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 - Type your comments & send to presenter
- There will be a Q & A session at the end of the presentation.
- The presentation will be recorded & posted on www.familyjusticecenter.org
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Your host today:



Natalia Aguirre
Family Justice Center Alliance

The FJC Alliance Team



Casey Gwinn, JD



Gael Strack, JD



Natalia Aguirre



Jennifer Anderson



Melissa Mack



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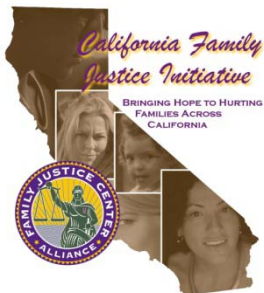


Alexia Peters, JD



Jena Valles





Thank You to Our Sponsor

Thank you to the US Department of Justice,
Office on Violence Against Women
for making this training possible!

This project is supported all or in part by Grant No. 2012-TA-AX-K017 awarded by the Office on Violence Against Women, U.S. Department of Justice. 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 Department of Justice, Office on Violence Against Women.



2014 International Family Justice Center Conference

April 2-4, 2014 in San Diego, CA



www.familyjusticecenter.org

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- A checklist detailing how to obtain the credit will be included in the course materials and available for download.
- The checklist will also be emailed after the webinar training.

Today's Presenter:



Kristina Korobov, JD
Deputy Prosecutor
Marion County Prosecutor's Office

You Fight for Me: Interviewing and Advocacy for Sexual Assault Survivors

Kristina M. Korobov, JD

Deputy Prosecutor

Marion County (Indianapolis) Prosecutor's Office

Some things are so sad, there is just no other response except to fight.

If I had to see these crimes & not be able to do anything, I'd fall apart in a week.

But when a jury returns a guilty verdict on a very dangerous person, you have this perfect moment when you've created *a little piece of justice*.

There's nothing sweeter.

Alice Vachss, former Chief of SVU, Queens, NY

Presentation Overview

- Recognizing survivor needs
- Building trust and rapport
- Interviewing sexual assault victims
- Helping the survivor navigate the court process

VICTIM ADVOCACY

UNDERSTANDING THE VICTIM

Aftermath of Sexual Assault

- Complete range of feelings
 - Profound Betrayal
 - Guilt
 - Self-Blame
 - Anger over loss of control
 - Shock / disbelief / numbness
 - Intrusive memories / flashbacks
 - Physical symptoms too

Aftermath of Rape

- Trauma may affect his / her health, her work, her mental health, her self-perception, & her life
- AND, if she reports at all, she must keep “reporting” over and over again.

Aftermath of Sexual Assault

- Feelings about the system
 - Do I want to prosecute?
 - How should I participate in the system?
 - What will happen to me if I participate?

Aftermath of Sexual Assault

- Victim / witness *doesn't know how* to participate in the system
 - May lack education
 - May not understand their role in process,
 - How system works
 - What is required of them
 - Has other life issues that make case fall to bottom of list of important matters

Aftermath of Sexual Assault

- Victim witness *is fearful of* participation
 - Threats by offender
 - Financial
 - Personal safety
 - Release of information
 - Victim may fear impact of courts / defense attorney / prosecution
 - Including criminal liability
 - Immigration consequences

VICTIM ADVOCACY

MEETING THE SURVIVOR'S NEEDS

Victim Needs

- What do victims of sexual assault need
 - Safety
 - System information
 - Financial resources
 - Counseling

OFFER SUPPORT

- A victim's perception of support is the single strongest factor in her satisfaction with the system.
- A victim who trusts the system is less likely to disappear or recant without contact / explanation.

Be In Her Corner

- You may be the only one is supporting victim
 - You may be the only one she trusts
 - You may be the only one listening without judgment
 - You may be the only one who is appropriate

Rapport Building

- Assess Safety
 - Listen to concerns AND document concerns
 - Address concerns honestly
 - Take seriously expressions of concern

Rapport Building

- Help to ensure that communication with victim is understandable
 - Having interpreters present at meetings
 - Using email to contact
 - Respecting her privacy in communications

Rapport Building

- Meet victims where they are
 - Their comfort level
 - Their timing
 - Least disruptions in their lives

Rapport Building

- Be accessible
 - Having to go through a bunch of different people is complicated – and the defense attorney is an easy call

Rapport Building

- Culture goes beyond skin color!
 - The victim has a culture. So do we!
 - Need to understand survivor *as a person* and to ensure that what we “bring to the table” doesn’t interfere with the survivor’s ability to share with and to trust us.

Rapport Building

- Same Sex Cases
 - Get over your personal feelings
 - These survivors may have much more on line
 - Be aware of threats to “out” as a means to silence survivor
 - Ensure that therapeutic support is informed and will be good for the survivor

Counseling

- Work with victim to ensure appropriate counseling options
 - Be cautious with church-based counseling
 - Therapist should be someone who is legally required to keep victim's confidences
 - Therapist should not be testifying in court

Support System

- Help the survivor to identify people who are *truly* in her corner
- Remember that even well meaning people may say hurtful things or ask questions that imply blame
- Ensure that victim is connecting with educated, compassionate support

Rapport Building

- Make the survivor a partner:
 - Allowing victim to chose how much notice
 - Notification and explanation of victim rights
 - Providing her with means to get updates
 - Asking her what she wants from the process

General Strategies

VICTIM INTERVIEWING

Building Trust

- Initial Meeting Structure
 - “The System”
 - Explanation of how case will proceed
 - Contact with defendant
 - How to document attempts
 - No contact with him
 - Do not discuss the case with anyone
 - Even a close friend might betray you
 - No media
 - They aren’t your friend!
 - Counseling / restitution options
 - Your counselor *is* your friend

Victim Interviewing

- When you want someone to be totally candid with you – in your daily life – what do you do?

Victim Interviewing

Rapport Building

- Think about the ways that we try to build rapport with suspects . . .
 - Agreeing with them
 - Nodding in encouragement
 - Offering cigarettes, talking to them about background information (e.g. “I used to live on the west side”), giving them bottled water
- Start creating a sense of teamwork with victim
 - NOT the same as saying you believe everything
 - Way of discovering truth
 - Victim more likely to disclose information if he /she doesn't believe that you *presume* account is lie

Victim Interviewing

- Accept it:
 - There will be some details that victim leaves out
 - Because she isn't being prompted for them
 - Because she doesn't think they're important
 - Because she is embarrassed or ashamed
 - Because she is too scared to tell
 - Because she is unsure whether we will believe her
 - Because she is afraid of criminal liability
 - Because she's afraid she'll lose her kids
 - Because *he* thinks you will not believe him if he doesn't say "gun"

Victim Interviewing as a Strategy

1. Conduct investigation in an atmosphere that encourages victim to be candid and in which he / she feels non-judgmental support
 - Specifically encourages admissions about embarrassing or even illegal behavior
 - Watching facial expressions / note-taking behaviors
 - Make the interview location conducive to self-disclosure

Victim Interviewing

- Poly-victimization:
 - How were they treated as a child?
 - What was response by those who *should have* protected them?
 - New victimization will take them right back to that place.

Victim Interviewing as a Strategy

2. When an omission, inconsistency, or untrue statement is suspected, the investigator / prosecutor can point out the issue and ask for clarification.
 - Victim may have made a mistake or misunderstood a question
 - Listener may have misheard or misunderstood the response.

Victim Interviewing

- Anything that would help you to remember?
 - Did you make any phone calls during this time?
 - Send any text messages?
 - Post anything on facebook / twitter / myspace?
 - Did offender do any of these things *that you know of?*

Victim Interviewing as a Strategy

3. Allow the victim / witnesses to tell their story in the narrative first, uninterrupted.
 - Then go back and ask specific questions
 - Watch the victim and listen for areas of hesitance, embarrassment, or withholding that might merit gentle but deeper exploration.

Victim Interviewing

- Process for interviewing:
 - Let victim give account *uninterrupted*
 - Encouraging feedback from you
 - Put down pen
 - Back away from the iPad
 - Just listen
 - Open body language

Victim Interviewing as a Strategy

- **Inconsistencies in the victim's account**
 - **Witnesses provide details based on a number of factors including**
 - **how questions are asked,**
 - **what specifically is asked,**
 - **whether something triggers a memory,**
 - **response of the questioner,**
 - **relationship to the questioner, etc.**

Victim Interviewing as a Strategy

- 4. Encourage the presence of a victim advocate (not a witness), so that the victim feels more comfortable asking for a break, food, sleep, clarification, an interpreter, etc.

Victim Interviewing

- Timing of formal statement
 - Clearly, exigency is important BUT :
 - When can victim give most accurate statement?
 - Can you begin apprehension and evidence collection without a formal statement?
 - Victim want to do immediate statement?
 - Will delay result in inability to locate victim?

Victim Interviewing as a Strategy

5. Reduce unnecessary professional contacts

- Use a SART and a single investigator to reduce the number of times that a victim is required to give her account of events.
- The purpose of follow-up questioning should be to gain additional information or to clarify a point, rather than to “see if she can give the same story again.”

Victim Interviewing

- TONE IS EVERYTHING:
 - There's a difference between talking about force
VS.
 - “Well, how was he supposed to know you didn't want it?”
 - “So why didn't you fight since he didn't have a gun?”
 - “Why didn't you bite it off?”
 - “Why didn't you scream?”

VICTIM ADVOCACY

**HELPING THE SURVIVOR TO
NAVIGATE THE COURT PROCESS**

Things Victims Should Know

- Remember that the criminal justice system is a foreign land . . . and possibly hostile territory
- It has rules that are often unfamiliar and intimidating
- There are also unspoken rules and nuances

Things Victims Need to Know

- Be cautious who you discuss your case with
 - Therapists and counselors
 - Friends
 - Family / friends of perpetrator
 - Church support

Things Victims Need to Know

- The defense attorney does not and cannot represent you
 - It is not his job to get “help” for the Defendant
 - It is his job to get him off the hook entirely
 - Defense attorney is not “our” attorney

Things Victims Should Know

- Report any contact attempts by rapist or people acting on rapist's behalf
 - Help victim to prepare for and deflect contact and respond to manipulation
 - Help prosecutors / police to show how offender is *continuing* to manipulate.

Things Victims Should Know

- “Interpret” judicial system expectations
 - Contact with defendant
 - Hearings at which he / she must appear
 - Courtroom decorum
 - Subpoenas

Things Victims Should Know

- Cross-examination is *not* WWE Smackdown!

DIFFICULT CONVERSATIONS

Difficult Conversations

- Subjects that are difficult to broach
 - Rape shield issues
 - Negative character evidence
 - Courtroom attire ☺
 - Plea negotiations
 - Social media
 - Journalistic media

Difficult Conversations

- Subjects that are difficult to broach
 - Rape shield issues
 - Prior victimizations
 - “False” accusations
 - Other sexual conduct
 - Attempts to pierce rape shield
 - Advice:
 - Be honest
 - Ensure victim support in the moment
 - Remember to emphasize belief

Difficult Conversations

- Subjects that are difficult to broach
 - Negative character evidence
 - Drug / alcohol use
 - Motives to fabricate
 - Poor family relationships
 - Spotty employment history
 - Admissible criminal activity
 - Advice
 - Remind victim of legal protections
 - Emphasize importance of following motions *in limine*
 - Request closed hearings where appropriate

Difficult Conversations

- Proper Courtroom Decorum
 - Attire
 - Language
 - Answering questions
- Advice
 - Jurors only get one chance to meet you
 - Arguing with defense counsel is a bad idea
 - Always, always tell the truth – politely and respectfully

Difficult Conversations

- Plea Agreements
 - Explaining terms
 - Explaining rationale & benefits
 - Addressing victim concerns

Difficult Conversations

- Plea Agreements
 - Explaining terms of the plea
 - Spell it out clearly
 - Write it out
 - In plain language
 - Give victim and support people the time to digest it
 - Clearly delineate difference between trial possibilities and plea terms

Difficult Conversations

- Plea Specific:
 - Registration as sex offender
 - Stay away / protective orders
 - Specific charges to which defendant pleads and ability to testify at a later date
- By virtue of guilty plea:
 - Allocution by defendant
 - Greater victim privacy
 - Guaranteed guilty verdict!!!
 - Usually, inability to appeal

Difficult Conversations

- Plea Agreements
 - Addressing victim concerns
 - Q: Don't you believe me?
 - Q: Isn't it my decision to take it to trial?
 - Q: What will I do when perp gets out?
 - Q: What if perp does it again?
 - When victims want to address things the court can't control

Difficult Conversations

- Social Media
 - Social media = admissible evidence
 - Keep your case off of Facebook
 - Don't respond to online stories
 - Being “anonymous” is irrelevant

Difficult Conversations

- Journalistic Media
 - Again, it's admissible
 - Could affect things that defendant can say about you
 - Healthy, functional, thriving crime survivors don't sell papers
 - Journalistic media is not therapeutic

Final Tips

- Make your victim victorious
 - Five things that you want to happen at trial . . .
And a guilty verdict can't be one!
 - Focus on things that the survivor *can* control

Final Tips

- Ensure post-trial support
 - Help facilitate counseling contacts
 - What happens if the verdict is not guilty?



When we work as a team, we show the victim that she is *worthy of belief* and *worthy of the effort*!

Contact Information

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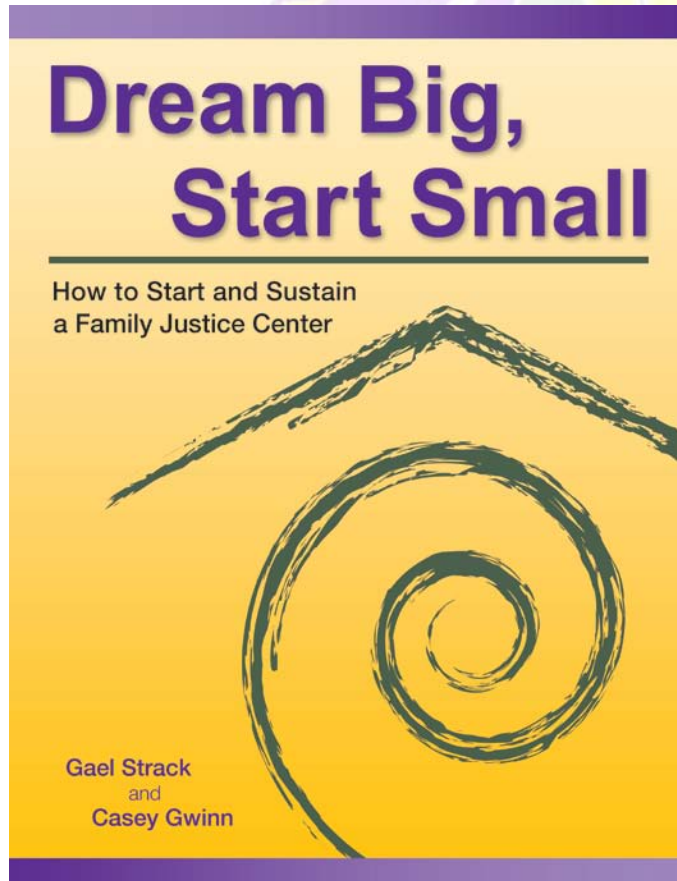


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Dream Big, Start Small: How to Start and Sustain a Family Justice Center



In *Dream Big, Start Small* the visionaries behind the Family Justice Center movement use the outcomes and lessons learned from a decade of starting Centers in the United States and around the world to show the road to a better way to help victims of violence and abuse- by bringing all the community services for family violence, elder abuse, stalking, and sexual assault under one roof. Any community can do it. *Dream Big, Start Small* will show you the way.

Go to the "Store" at www.familyjusticecenter.org to purchase *Dream Big, Start Small*



Thank You

Thank you for joining today's presentation

Family Justice Center Alliance

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Provider No: CEU: #5095; MCLE: #15493
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Date and Time of Activity: July 31, 2013 at 10:00 am PST
Location: San Diego, CA - Webinar
Length of Presentation: 1.5 hours; .5 MCLE and .5 CEU

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Please rate the faculty on a scale of 1 to 5 (1 being the lowest and 5 being the highest)	
Faculty:	Kristina Korobov, JD
Overall Teaching Effectiveness	1 2 3 4 5
Effectiveness of Teaching Methods	1 2 3 4 5
Significant Current Knowledge of the Subject	1 2 3 4 5

Comments:

Name of Participant: _____ (optional)
(Page 1 of 1)



Kristina Korobov, J.D.

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Kristina Korobov, J.D. is the Director of Prosecutor Education at the Marion County Prosecutor's Office in Indianapolis, IN. In this position, Korobov is responsible for meeting the training needs of the attorneys in her office. She also prosecutes Child Abuse homicides as well as selected domestic violence and sex crimes cases. Kristina has been prosecuting cases involving domestic and sexual violence and child abuse cases since 1997. She began her career in prosecution at the Marion County (Indianapolis, IN) Prosecutor's Office, where she worked from 1996 until 2005, serving as Chief of the Sex Crimes and Child Abuse Unit, Chief of the Domestic Violence Unit and as a Major Felony Prosecutor. In addition to handling cases, Kristina was responsible for attorney supervision and training, policy development, community outreach and training for law enforcement officers. Among other cases during her tenure, Korobov prosecuted Scott Cooper, a police officer who was manufacturing child pornography; serial rapist Charles Hill; and Samuel Shrum, Marion County's first Repeat Sex Offender. Ms. Korobov continued her prosecution career as an Assistant Commonwealth's Attorney with the Loudoun County Commonwealth's Attorney in Leesburg, Virginia, a suburb of Washington, DC, where she handled all domestic violence and some physical child abuse cases, was responsible for Law Enforcement Training, and was a member of the Loudoun Domestic Abuse Response Team (DART) from 2006 to 2009. Ms. Korobov also served as the Coordinator of the Indianapolis Violence Reduction Partnership, an initiative funded by the United States Department of Justice and as Chief Counsel for Strand Analytical Laboratories, a private DNA Laboratory.

Korobov has been training on a national level since 2003 and formerly served as a Senior Attorney and Acting Director for the National Center for the Prosecution of Violence Against Women (NCPVAW), a division of the National District Attorney's Association (NDAA) in Alexandria, VA. As Acting Director, Kristina trained multi-disciplinary audiences at the International, National, Regional, State, and Local levels. She has trained internationally and has presented training on tribal lands. In addition to covering subjects involving violence against women, Korobov continues to provide training on child abuse and the intersection of domestic violence and child abuse, as well as presentations on witness intimidation, trial skills, gang prosecutions and homicide cases.

In 2013, Kristina was awarded the Visionary Voice Award from the National Sexual Violence Resource Center. In 2002, Kristina was named Prosecutor of the Year by the Indiana Coalition Against Sexual Assault and received an Outstanding Lecturer Award from Communities Against Rape / Center of Hope for Youth. She has served on the Boards of the Midwest Regional Network for the Intervention with Sex Offenders, the Indiana Coalition Against Sexual Assault, and the RAINN National Advisory Board. She currently serves as Vice-Chairwoman of the Board of Legacy House (Indianapolis) and on the Advisory Board of the National Institute of Fitness and Sport. Defense attorneys refer to her as the "queen of pain" and the "princess of darkness." Defendant-given nicknames are available upon request.



National Family Justice Center Alliance
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You Fight for Me: Interviewing and Advocacy for Sexual Assault Survivors

Presented by Kristina Korobov

July 31, 2013

Certificate of Attendance

1.5 Hours

Gael Strack, JD
Co-Founder and CEO
Family Justice Center Alliance

Natalia Aguirre
Director of Technical Assistance
Family Justice Center Alliance

Date of Issue: August 6, 2013