

## Working with Victims During the Early Stages of a Case

### ***The Initial Meeting/Interview***

The initial conversation or one soon thereafter should cover where practicable and to the extent allowed by the juvenile confidentiality laws in your jurisdiction:

- Whether the current time is a good time for them to speak.
- If the conversation is being recorded, explain why that is and any rights the victim has regarding the recording.
- Introduce others at the meeting and explain why they are there.
- How the victim is doing.
- Whether they need anything to make them comfortable during the interview/meeting, or any accommodations.
- The prosecutor's role in the case.
- Who the victim should contact in the prosecutor's office in future.

### ***Information Regarding the Rights of the Victim and Services Available***

- Provide/refer to written material regarding the rights of victims, how the process works, resources available to them.
- The legal rights of victims in your jurisdiction.
- Whether the victim has any immediate safety concerns.
- Crime victims' reimbursement services and/or restitution.
- Referrals to counseling, crisis intervention, safety planning, etc.
- How to get property back, if applicable.
- How often they will meet with the prosecutor and/or attend court.
- Availability of witness fees and/or transportation funds.
- Whether a plea will be offered, and why/why not.
- Explain that the victim may be contacted by the defense attorney, investigator, etc. and whether they are obligated to speak to them.
- Explain the extent to which their name, address and other personal information is confidential.

### **ADDITIONAL INFORMATION**

If an in-person interview is set up, the victim should be interviewed in a private setting or office area; keep interruptions to a minimum.

When asking victims questions about themselves, their history, potential impeachment information, etc., explain that those questions are asked of all victims of that crime, so they do not feel they are being asked questions in an unfair manner. Using a one-page Victim Contact Sheet (see [Juvenile-Prosecutors-Handbook-1.pdf](#) page 101) may be helpful; some or all of it may be discoverable in your jurisdiction.

### ***Areas to Explore Regarding the Incident***

These are general questions, not an exhaustive list; interview questions must always be tailored specifically for each case and each victim.

#### **Questions Regarding the Time and Place of the Incident**

- The date, time, and location of the incident(s).
- Victim's familiarity if any regarding location of the incident.
- How long the incident lasted.

#### **Questions Regarding Whether the Victim and Youth Are Known to Each Other**

- Whether the youth is known to the victim and if so, how. Explore how many times the victim has seen the youth previously.

#### **General Questions Regarding the Chronology of the Incident**

- What the victim was doing before, during and after the incident.
- How the police got involved, including whether 911 was called.
- How many officers responded; which ones the victim spoke to.
- What the youth said before, during and after the incident.

#### **Questions Regarding the Victim's Ability to Identify the Youth**

- Opportunity to observe the youth.
- The length of time the victim observed the youth before, during and after the incident.
- The weather and lighting conditions.
- The distance between the victim and the youth before, during and after the incident.
- Whether the victim's observation of the youth was face to face.
- Whether the victim's view of the youth was blocked at any point.

#### **Questions Regarding Identification Procedures Conducted by Law Enforcement**

- Whether the victim identified the youth to the police.
- The circumstances of that identification (show-up, line-up, yearbook identification, social media identification, etc.).
- The victim's discussions with the police prior to, during and after the identification procedure, including whether the victim was shown any pictures, video recordings, etc.
- Whether the victim was provided with any information by the police (or others) regarding the youth.
- How sure the victim is about his/her identification of the youth.

#### **Questions Regarding Harm to the Victim or Victim's Property**

- The extent of harm to the victim and/or victim's property and whether medical attention was sought.
- Whether the injuries or pain are still present; take pictures.
- If medical attention was sought, where and when (including follow-up appointments).
- Whether they are willing to sign a release for you to obtain the medical records.
- If there was damage to the victim's property, whether the victim has estimates or receipts for the repair or replacement.

#### **Questions Regarding the Existence of Any Additional Evidence**

- Whether the victim knows of any available evidence such as video or other recordings, photos, text messages, social media, etc.
- Whether anyone else witnessed the incident and their information.

#### **Special Considerations Regarding Benefits to Victims**

Be mindful that some jurisdictions require that prosecutors turn over to defense counsel information regarding any benefit given to a victim. While this is not an exhaustive list, here are some things that may constitute a benefit:

- Transportation to and from court or the prosecutor's office, or funds for transportation; stuffed animals; food/meals/snacks; assistance with housing/relocation; immigration documentation (e.g., U-VISA assistance).