



Effective Victim Interviewing: Learning from Mistakes and Applying Trauma-Informed Principles in Practice

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The purpose of an **effective interview** is to gain **knowledge** and **information** as to what happened.

Victim Interview

- Here is where the confusion begins, a **bad interview** can only lead to a **bad outcome**.
- Seek training and practice!!!



How not to conduct an interview



“Were you at all turned on during this?”



Warning: Video of RCMP interrogation of teen who reported sexual assault

2 years ago | 1:27

Solving vs. Proving



Credibility

Don't use **traditional** indicators to determine the **level** of your victim's **credibility**...

Victims will give **information** that is **incomplete, inconsistent** or **untrue** because they are afraid they won't be **believed** or they will be **blamed** for the sexual assault.

One of the most common reasons why victims **alter** or **exaggerate** the details of what happened is to create a case that seems more **believable**.

FILLING
IN
THE
BLANKS

Victims Filling In the Blanks

- They want to **account** for waking up with the suspect in a bedroom.
 - “I think he carried me.”
- A witness told the victim what they saw happen or what they “think” happened.
- Victim wants their story to make **sense**.
 - There is no **malice** here...
- This is **common**, not a “red flag.”
- But needs to be **addressed**.
 - Nail this down in your interview with the victim.

Corroboration

To confirm or give support to statement, theory or findings; substantiate

Goal - Corroboration

Corroboration:

Makes your victim a **truth teller**.

Think of a **sexual assault** as a **homicide case**.

Find out what happened and piece it together.

Don't make **assumptions** of any kind: Learn / verify facts.

Corroborate Statements

- Victim, witnesses, and suspect
- Through cell phone / Email / Texting***
- **First disclosure** witness (#1 witness)
- Photos from the night (camera / cell phone)
- Surveillance video
- Bar / Credit card receipts
- Facebook / Social media accounts

Interview #1

Dyanie Bermeo

- In October 2020, 20-year-old Dyanie Bermeo was driving back from her parents' home in North Carolina to her dorm in Tennessee.
- She sees a flashing light behind her, and she pulls over, assuming it's a police officer.
- Dyanie watches a tall man approach her car, but before she can get a good look at him, he shines a bright flashlight in her face.
- He tells her to get out of the car. She complies.

Dyanie Bermeo

- He begins to grope her from behind, touching her breasts and between her legs.
- He stops and Dyanie doesn't hear anything until the car door shuts and his car drives off.

Dyanie Bermeo

- October 2, 2020: First interview at police station
- Dyanie reported that she was sexually assaulted by a male posing as a police officer
- Reported one day after the assault, after speaking with a friend
- Initial statement taken by phone (this should never happen)

Dyanie Bermeo

- Suspect description led investigators to a possible suspect
- Investigator's goal was to have Dyanie recant
 - “Inconsistent statements” from Dyanie
 - Video “does not match” Dyanie’s statements and actions

Dyanie Bermeo
Captain Blevins and Detective Atkins

Interview at the police station
Washington County, Virginia

Mistakes

- Improper victim interview
 - Victim advocate not present
 - Three interviewers present
 - First Disclosure Witness present
- Failure to investigate
 - Did not conduct an interview with possible suspect
 - Had not processed victim's vehicle for evidence
- Video evidence was from the wrong date! (LE knew this)
- Purpose of third interview was to have Dyanie recant
- There isn't any evidence of Dyanie false reporting

Dyanie Bermeo

- Immediately arrested and placed in handcuffs at end of interview
- Convicted of "False Reporting a Crime," sentenced to 1 year in jail
 - Dyanie served 90 days
 - Also fined \$500



The Consequences

- Went back to court after an automatic appeal, and requested a new trial
- Turned down a plea deal for a sentence of probation only
- Hired two new attorneys and two expert witnesses
- Found not guilty of falsely reporting a sexual assault



Inconsistent Statements





Inconsistent Statements

- Expect them in every case.
- **Clarify** inconsistent statements or it looks like you are **hiding something**.
- Remember, your victim is under a lot of **pressure** and feeling many different **emotions**, some conflicting.
- Victim suffered **trauma**.

Inconsistent Statements

Prior
inconsistent
statements
are
admissible to
impeach.

Prior
consistent
statements
are
admissible to
corroborate.

Interview #2

Emma Mannion

- In November 2016, Emma Mannion, a freshman at the University of Alabama, was leaving a house party with a friend, when they met five young males.
- They walked through the streets, joking around and passing around a bottle of liquor.
- Emma ended up separated from her friend, she found herself in a car with one of the men.

Emma Mannion

- Emma stated her memory was fuzzy, she remembers crying and screaming as she was being sexually assaulted by one of the males.
- One of the males was guarding the car door, told her to quiet down, and slammed the door on her head.
- Emma didn't stop screaming, so they pushed her out of the car and drove off.
- She was found in a parking lot by a passersby, who drove her back to her dorm.

Emma Mannion

- Emma reported the assault to the Tuscaloosa Sheriff's Department the next day.
- The homicide unit investigated Emma's claims, but they never attempted to identify or contact the suspects.
- Emma was arrested five days later and charged with false reporting.
- Emma took a plea deal, paid \$500, and left the university.
- The primary suspect and the other males were never identified.

Emma Mannion

- Police based charges on surveillance video taken outside the bar, which they say shows Emma kissing the primary suspect.
- Years later, investigative journalist Rachel de Leon discovers that the footage is clearly not of Emma.
- Emma is currently appealing her case because of the recent release of surveillance footage.
- Emma does not know the status of her rape kit, was it tested, is there a suspect DNA profile?

Emma Mannion

- October 18, 2016: Emma's second interview at a police station
- Emma reports that she was sexually assaulted by two males inside a Jeep
- Investigator does not believe Emma from the beginning
- Investigator's goal was to have Emma recant
 - "Inconsistent statements" from Emma
 - Video "does not match" Emma's statements and actions

Emma Mannion
Investigator Jared Ackridge

Tuscaloosa, Alabama

Mistakes

- “We got some inconsistencies here”
- Watched video of wrong female
- “What do you think he is going to say?”
- “Is there something you regret?”
- “Why did you stay in the vehicle?” (grab the gun)
- It’s all about the investigator
 - I have other cases
 - I worked overtime
 - I have made plenty of mistakes
- “I’m so sorry...” (I knew it!!)

Emma Mannion

- Arrested and charged with falsely reporting a sexual assault



Suspect's Statements



Interviewing, Not Interrogation

- Interviewing, not interrogation should be used for getting **information** from a suspect, witness, or victim after a crime has been committed.
- Purpose of suspect interview is not to force a confession, but rather to have the person disclose **valuable information**.

Suspect's Inconsistent Statements

- We always hear about **inconsistent** statements by the **victim**
- Because the **victim** told his/her story **multiple** times
- So why do we only **speak** with the **suspect** once or not at all?

Approaching the Suspect

- Try **pretext** call
- **Phone** interview
- Then **face-to-face** interview
- Then **post-arrest** interview
- Statements made to **family, friends, and co-workers**

You need more information on your suspect.

Suspect's Background

- High School / College / Military record
- Ex-girlfriend(s) / Ex-wife(s)
- Friend(s) / Ex-friend(s) / Neighbors
- Employment / Co-worker(s) / Unit / Command
- Law enforcement in hometown / Where suspect has lived in the past
- Sexual experiences
- **FIND THAT SECOND VICTIM!!!**

Defense



The Defenses

- Consent **#1 defense**
- **Diminished** capacity
 - I was drunk also
 - Blacked out
- Misidentification
 - Some other person committed the crime
- Crime did not occur
 - Elements are not present
- They are false reporting