

NOTE

A CALL TO ERADICATE THE REID TECHNIQUE: AN ALTERNATIVE TO DECEPTIVE INTERROGATIONS

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INTRODUCTION AND THESIS

The use of manipulative interrogation techniques by police officers in the United States, specifically the Reid Interrogation Technique, is like a psychological tsunami. The steam-rolling effect of utilizing intense pressure and police deception to intimidate suspects into confessing to crimes has resulted in false confessions and wrongful convictions, which disparately impact the Black community, youth, and individuals with intellectual disabilities or mental illnesses, and contributes to an unjust criminal justice system. Despite support from law enforcement, the Reid technique should be banned nationwide and instead replaced with a more ethical approach like the P.E.A.C.E. interviewing method employed in the United Kingdom and ten other countries around the world to equal effect and without adverse consequences. This method is available to the federal government and states to adopt on their own, but the Supreme Court has not revisited the topic of Reid, when they should be concerned with many innocent individuals going to prison.

I

BACKGROUND AND HISTORY OF INTERROGATION TACTICS

A. Physical Torture: Third Degree Tactics

Prior to the 1930s, police officers used physical torture to extract confessions and gather more information.¹ The physical torture, known as the “third degree,” was characterized by brutality that would last for hours and wear down the suspect’s resistance.² The type of physical brutality used was usually “tailored to [the] suspect’s age and intelligence” in order to maximize intimidation and take advantage of their vulnerabilities.³ Oftentimes, the interrogators deprived the suspects of sleep and food and would beat them with whips or hoses extensively.⁴ They would use bright lights and often not even

¹ Robert Kolker, *Nothing but The Truth*, THE MARSHALL PROJECT (May 24, 2016), <https://www.themarshallproject.org/2016/05/24/nothing-but-the-truth> [<https://perma.cc/A8FF-SHJF>] (describing how officers “hung suspects out of windows” and “dunked their heads under water”).

² Philip Matthew Stinson, *Police Interrogation*, in THE ENCYCLOPEDIA OF JUVENILE DELINQUENCY AND JUSTICE (Christopher J. Schrek, Michael Leiber, Holly Ventura Miller, & Kelly Welch, eds. 2018).

³ *Id.*

⁴ See, e.g., Allan Fong, Note, *Interrogations and False Confessions: How the Innocent Are Made Guilty*, 30 S. CAL. REV. L. & SOC. JUST. 363, 367 (2021); Julia

let the suspects sit down.⁵ Due to the pain and desire to end the interrogation, often suspects would tell interrogators what they wanted to hear and sign statements of confessions written by detectives without having read them, implicating them in crimes even if they were not involved.⁶ The public became aware of these circumstances once the Wickersham Commission Report, published in 1931, exposed the abuse and called for reform.⁷

After public awareness was raised, the Supreme Court set new precedent in *Brown v Mississippi*, invalidating coercive confessions obtained through violence as evidence at trial because such confessions are a denial of due process and a deprivation of liberty.⁸ This ruling led to a less obvious method of coercion being used where there were not observable marks of torture.⁹ In the 1940s, the Supreme Court distinguished between involuntary and voluntary confessions in *Chambers v. Florida*.¹⁰ In its opinion, the majority held that confessions made after arrests without warrants and after “five days of prolonged questioning” were involuntary.¹¹ In *Ashcraft v. Tennessee*, the court found a confession inadmissible because it was obtained after a thirty-six hour period of continuous questioning under “powerful electric lights.”¹² Since *Chambers*, the Supreme Court

Layton, *How Police Interrogation Works*, HOWSTUFFWORKS, <https://people.howstuffworks.com/police-interrogation.htm> [<https://perma.cc/E37N-2H4W>]; Saul M. Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 L. HUM. BEHAV. 3, 10–11 (2009).

⁵ See, e.g., Zechariah Chafee Jr., *Remedies for the Third Degree*, ATL. (1931), <https://cdn.theatlantic.com/media/archives/1931/11/148-5/132465495.pdf> [<https://perma.cc/SFW5-YCPE>]; Layton, *supra* note 4.

⁶ See Stinson, *supra* note 2.

⁷ Michael P. Auerback, *Analysis: The Wickersham Commission Report on Prohibition and Crime*, EBSCO (2021), <https://www.ebsco.com/research-starters/history/analysis-wickersham-commission-report-prohibition-and-crime> [<https://perma.cc/8VHL-VERX>]; e.g., Kolker, *supra* note 1; Chafee, *supra* note 5.

⁸ *Brown v. Mississippi*, 297 U.S. 278, 281–82, 286 (1936).

⁹ Donald E. McInnis, *The History of the American System of Interrogation*, HIST. NEWS NETWORK (July 21, 2019), <https://www.hnn.us/article/the-history-of-the-american-system-of-interrogatio#:~:text=At%20first%2C%20physical%20torture%20was,entered%20as%20evidence%20at%20trial> [<https://perma.cc/W446-SMHA>] (explaining that the police would instead opt for twisting arms and dunking suspects' heads in toilets).

¹⁰ *Confessions: Police Interrogation, Due Process, and Self Incrimination*, JUSTICIA, <https://law.justia.com/constitution/us/amendment-05/09-confessions.html> [<https://perma.cc/H66M-FP6C>]; see also *Chambers v. Florida*, 309 U.S. 227 (1940).

¹¹ *Id.*

¹² *Id.*

has found that coercion can be “mental as well as physical.”¹³ Also in the 1940’s, John E. Reid, a former officer and polygraph expert, and Fred E. Inbau created the Reid Technique of Interrogation, which solely depended on psychological tactics and expanded on the American tradition of accusatory criminal investigations.¹⁴

B. Transition to the Reid Technique

The Reid technique began to spread in the 1950s and 1960s until its widespread adoption by law enforcement.¹⁵ In an attempt to “elevate” the standard of police professionalism and “restore the public’s trust in law enforcement agencies” after the Wickersham Commission’s 1931 Report, law enforcement adopted the Reid technique.¹⁶ Therefore, by the time *Miranda* rights were established in 1966, psychological interrogations were widely used, leaving no obvious marks of torture.¹⁷ The Supreme Court and other courts began to expand the scope of coercion to include mental coercion¹⁸ and implement safeguards like *Miranda* rights.¹⁹ However, *Miranda* rights “do not prevent psychologically induced false confessions.”²⁰

Overall, Reid teaches law enforcement to start with an assumption of guilt and rely on their ability to detect deception through nonverbal behavior like fidgeting and avoiding eye contact.²¹ The Reid technique consists of a three-stage process

¹³ *Id.* (quoting *Blackburn v. Alabama*, 361 U.S. 199, 206 (1960)).

¹⁴ See Richard A. Leo, *Interrogation and Confessions*, in 2 REFORMING CRIMINAL JUSTICE 233, 241 (Erik Luna ed., 2017), https://law.asu.edu/sites/default/files/pdf/academy_for_justice/9_Reforming-Criminal-Justice_Vol_2_Interrogation-and-Confessions.pdf [<https://perma.cc/RM28-6JMA>].

¹⁵ See generally John E. Reid—*The Father of Polygraph Questioning*, NATION-WIDE & CONFIDENTIAL POLYGRAPH LIE DETECTOR TEST PROVIDER (Oct. 16, 2024), <https://liedetectorstest.com/polygraph-history/john-e-reid-the-father-of-polygraph-questioning> [<https://perma.cc/2LD3-GLPS>]; Paul Cates, *Celebrating 50 Years of Miranda*, INNOCENCE PROJECT (June 13, 2016), <https://innocenceproject.org/news/50-years-of-miranda/> [<https://perma.cc/Y88U-DEG6>].

¹⁶ See Stinson, *supra* note 2.

¹⁷ See McInnis, *supra* note 9.

¹⁸ *Miranda v. Arizona*, 384 U.S. 436, 448 (1966).

¹⁹ *Id.* at 468.

²⁰ See McInnis, *supra* note 9.

²¹ See generally Mary Catlin et al., *PROTOCOL: Interview and Interrogation Methods and Their Effects on True and False Confessions: An Update and Extension*, 20 CAMPBELL SYSTEMATIC REVIEWS (2024), <https://onlinelibrary.wiley.com/doi/pdfdirect/10.1002/cl2.1441?download=true> [<https://perma.cc/Z7LW-F6YB>].

starting with factual analysis, then followed by behavior analysis interviewing, and then lastly interrogation.²²

During factual analysis, interrogators estimate a suspect's probable guilt or innocence based on evaluating bio-social status (gender, race, occupation), access to have committed the crime, behavior before and after the crime, possible motivations, and any circumstantial evidence.²³ Here, the investigator also develops a description of the crime scene and any incriminating factors applicable to various suspects.²⁴ This stage also serves as a method for interrogators to learn about the suspect's personality type and characteristics that can be manipulated during interrogation.

Within the behavior analysis interview, investigators ask non-accusatory questions to elicit behavior symptoms of truth or deception from the suspect. This stage gives the interrogators an idea about the suspect's truthfulness by allowing them to observe the suspect's "normal" verbal and nonverbal behavior.²⁵ There are three types of questions asked during this stage: "questions about the suspect's background; questions relevant to the issue under investigation; and behavior-provoking questions."²⁶

The interrogators do not move onto the last stage unless they feel certain about the suspect's involvement in the issue under investigation. In this stage, the technique shifts to become highly accusatory.²⁷ According to researchers, the interrogation consists of nine steps:

1. The positive confrontation. The investigator tells the suspect that the evidence demonstrates the person's guilt. If the person's guilt seems clear to the investigator, the statement should be unequivocal.

2. Theme development. The investigator then presents a moral justification (theme) for the offenses such as placing the moral blame on someone else or outside circumstances. The investigator presents the theme in a monologue and in a sympathetic manner.

²² See generally JAMES ORLANDO, OFF. OF LEGIS. RSCH., CONN. GEN. ASSEMB., INTERROGATION TECHNIQUES, No. 2014-R-0071, at 1.

²³ *Id.* at 2.

²⁴ *A Description of the Reid Technique*, REID (Nov. 1, 2018), <https://reid.com/resources/investigator-tips/a-description-of-the-reid-technique> [<https://perma.cc/3RMH-US2H>].

²⁵ See ORLANDO, *supra* note 22, at 2.

²⁶ See *A Description of the Reid Technique*, *supra* note 24.

²⁷ See ORLANDO, *supra* note 22, at 3–4.

3. Handling denials. When the suspect asks for permission to speak at this stage (likely to deny the accusations), the investigator should discourage allowing the suspect to do so. The Reid website asserts that innocent suspects are less likely to ask for permission and more likely to “promptly and unequivocally” deny the accusation. It states that “it is very rare for an innocent suspect to move past this denial state”.

4. Overcoming objections. When attempts at denial do not succeed, a guilty suspect often makes objections to support a claim of innocence. . . . The investigator should generally accept these objections as if they were truthful, rather than arguing with the suspect, and use the objections to further develop the theme.

5. Procurement and retention of suspect’s attention. The investigator must procure the suspect’s attention so that the suspect focuses on the investigator’s theme rather than on punishment. One way the investigator can do this is to close the physical distance between himself or herself and the suspect. The investigator should also “channel the theme down to the probable alternative components.”

6. Handling the suspect’s passive mood. The investigator “should intensify the theme presentation and concentrate on the central reasons he or she is offering as psychological justification . . . and continue to display an understanding and sympathetic demeanor in urging the suspect to tell the truth.”

7. Presenting an alternative question. The investigator should present two choices, assuming the suspect’s guilt and developed as a “logical extension from the theme,” with one alternative offering a better justification for the crime. . . . The investigator may follow the question with a supporting statement “which encourages the suspect to choose the more understandable side of the alternative.”

8. Having the suspect orally relate various details of the offense. After the suspect accepts one side of the alternative (thus admitting guilt), the investigator should immediately respond with a statement of reinforcement acknowledging the admission. The investigator then seeks to obtain a brief oral review of the basic events, before asking more detailed questions.

Step 9: Converting an oral confession to a written confession. The investigator must convert the oral confession into a written or recorded confession . . .²⁸

The Reid Technique considers whether the suspect is a juvenile or an adult.²⁹ Aside from the good cop, bad cop routine, a big part of the Reid technique involves asking open-ended and leading questions and tricking the suspect into not invoking their rights.³⁰ This often occurs in small, windowless rooms to establish control and maximize intimidation.³¹

II

CURRENT STATE OF CONFESSION TACTICS

A. Statistics and Data

The Reid technique still remains a widely used interrogation tactic in the United States.³² Many Reid-obtained confessions, however, have been proven to be false with the introduction of DNA testing.³³ “Between 1989 and 2020, there were 375 DNA exonerations in the United States. 29% of these cases involved a false confession,” with roughly half of the accused being under twenty-one years old and 9% having mental health issues.³⁴ Furthermore, “more than 12 [%] of all overturned wrongful convictions in the United States within the past [thirty] years have involved a false confession.”³⁵ Chicago, which utilizes the Reid technique in law enforcement and public schools,³⁶ is considered the false confessions capital of the

²⁹ See *A Description of the Reid Technique*, *supra* note 24; *J.D.B. v. North Carolina*, 564 U.S. 261, 272 (2011) (holding that a child’s age must be taken into account surrounding the interrogation and whether a reasonable person would have felt he or she was at liberty to leave and end the interrogation).

³⁰ Jill Harness, *What Interrogation Techniques Do Police Use?*, VISTA CRIM. L. (last updated Oct. 24, 2024), <https://vistacriminallaw.com/police-interrogation-tactics/> [<https://perma.cc/LRR3-U8C7>].

³¹ See *McInnis*, *supra* note 9.

³² Brian R. Gallini, *Police ‘Science’ in the Interrogation Room: Seventy Years of Pseudo-Psychological Interrogation Methods to Obtain Inadmissible Confessions*, 61 HASTINGS L. J. 529, 536 (2010).

³³ *Protect our Youth from Reid Interrogation*, EMERGENT JUST., <https://emergentjustice.org/2024-campaigns-for-change/youth-and-reid-interrogation/> [<https://perma.cc/5EKT-LLX9>]; see generally Richard A. Leo, *False Confessions: Causes, Consequences, and Implications*, 37 J. AM. ACAD. PSYCHIATRY L. 332, 334 (2009).

³⁴ *Id.*; *DNA Exonerations in the United States (1989-2020)*, INNOCENCE PROJECT, <https://innocenceproject.org/dna-exonerations-in-the-united-states/> [<https://perma.cc/P7UE-9TC6>].

³⁵ *Coerced to Confess: How US Police Get Confessions*, AL JAZEERA (Mar. 20, 2019) <https://www.aljazeera.com/features/2019/3/20/coerced-to-confess-how-us-police-get-confessions> [<https://perma.cc/L83H-85JQ>].

³⁶ Tonja Jacobi & Riley Clafton, *The Law of Disposable Children: Interrogation in Schools*, 75 ALA. L. REV. 291, 343–44 (2023).

nation because more than 30% of exonerations involving false confessions have come from Illinois.³⁷

Although the statistics are not representative of every individual who has given a false confession (because many have presumably not been exonerated), one thing that remains clear is the primary psychological cause of most false confessions: investigators' use of coercive interrogation techniques.³⁸ In 1996, social psychologists, Saul Kassin and Katherine Kiechel, conducted an experiment to mirror that of the Reid technique. College students were told they would be a part of a computer reaction time experience where they would type letters read aloud by another participant.³⁹ They were explicitly told not to hit the ALT key because it would lead to a system crash.⁴⁰ Throughout the experiment, the experimenters caused the computer to crash without anyone hitting the ALT key.⁴¹ The experimenter then angrily, but falsely accused the college students of hitting the ALT key and asked them to sign a written confession. All the participants originally denied hitting the key.⁴² In some sessions, the experimenters claimed to have a witness that saw the participant hit the key. With this false evidence, the percentage of students who signed the confession jumped from 48% to 94%.⁴³ Across both groups, 69% of

³⁷ Matt Masterson, *Is Chicago Really the 'False Confession Capital'?*, WTTW (Sept. 22, 2017), <https://news.wttw.com/2017/09/22/chicago-really-false-confession-capital> [<https://perma.cc/2P4J-KRXX>]; Peter Neufeld & Steven Drizin, *Illinois Can Once Again Lead in Preventing Wrongful Convictions by Passing a Critical False Confession Bill*, INNOCENCE PROJECT (May 22, 2024), <https://innocenceproject.org/news/illinois-can-once-again-lead-in-preventing-wrongful-convictions-by-passing-a-critical-false-confession-bill/> [<https://perma.cc/89JB-C6D6>].

³⁸ Christopher Zoukis, *From Abuse of the Body to Abuse of the Mind: Police Use Psychologically Coercive Interrogation Techniques to Produce False Confessions*, CRIM. LEGAL NEWS (Sept. 18, 2018), <https://www.criminallegalnews.org/news/2018/sep/18/abuse-body-abuse-mindpolice-use-psychologically-coercive-interrogation-techniques-produce-false-confessions/> [<https://perma.cc/RZ6-DAEU>].

³⁹ Saul M. Kassin & Katherine L. Kiechel, *The Social Psychology of False Confessions: Compliance, Internalization, and Confabulation*, 7 AM. PSYCH. SOC'Y 125, 126-127 (1996) (discussing in detail the experiment along with the results).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ See Jennifer T. Perillo & Saul M. Kassin, *Inside Interrogation: The Lie, The Bluff, and False Confessions*, L. HUM. BEHAV. (2010), <https://web.williams.edu/Psychology/Faculty/Kassin/files/Perillo%20%26%20Kassin%20%28in%20press%29%20-%20LHB%20bluff%20studies> [<https://perma.cc/XS2T-V6XK>].

the seventy-five participants signed the confession.⁴⁴ Some of the students even internalized guilt and came up with explanations, saying “I hit the wrong button” or “I hit it with the side of my hand.”⁴⁵ Kassin’s experiment, like most experiments, comes with its flaws, like its operationalization of vulnerability.⁴⁶ However, overall, the experiment results support the notion that vulnerable innocent people are susceptible to giving false confessions when presented with false evidence—a prominent tactic utilized by Reid.

B. Prominent Cases

Awareness of the Reid technique leading to false confessions has developed with coverage of prominent legal cases that have gained mass media attention, slowly unraveling public perception of the Reid technique’s effectiveness.

In the West Memphis Three case, Damien Echols, Jason Baldwin, and Jessie Misskelley were arrested for the triple homicide of 8-year-old boys in West Memphis, Arkansas in 1993.⁴⁷ There was no physical evidence or motive that tied them to the crime, but all three of the teenagers were convicted.⁴⁸ Misskelley and Baldwin were given life sentences, and Echols, who was perceived as the leader of the attack, was sentenced to death.⁴⁹ They spent eighteen years in prison because of a coerced false confession from Misskelley.⁵⁰ In addition to possessing a below-average IQ, Misskelley demonstrated during interrogation that he did not know any of the important details regarding the case.⁵¹ His story routinely

⁴⁴ Kassin & Kiechel, *supra* note 39, at 127; Jennifer Lackey, *False Confessions and Testimonial Injustice*, 110 J. CRIM. L. & CRIMINOLOGY 43, 65-66 (2020) (examining the Kassin & Kiechel experiment through statistics).

⁴⁵ Douglas Starr, *The Interview*, THE NEW YORKER (Dec. 1, 2013), <https://www.newyorker.com/magazine/2013/12/09/the-interview-7> [<https://perma.cc/7HNX-LVNP>].

⁴⁶ See Tim Cole, JC Bruno Teboul, David E. Zulawski, Douglas E. Wicklander & Shane G. Sturman, *False Confessions and the Use of Incriminating Evidence*, 1 LINGUISTIC EVIDENCE IN SECURITY, L. & INTELLIGENCE J. 68, 69 (2013).

⁴⁷ Daniele Selby, *West Memphis Three: What You Should Know About Their Wrongful Conviction*, INNOCENCE PROJECT (June 7, 2023), <https://innocenceproject.org/who-are-west-memphis-three-damien-echols/> [<https://perma.cc/QQ3F-ARB8>].

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Courtney Hardwick, *5 Cases of A False Confession Leading to a Conviction*, AMONGMEN (2018), <https://www.amongmen.com/entertainment/5-cases-of-a-false-confession-leading-to-a-conviction/> [<https://perma.cc/MH3M-VFLT>].

⁵¹ *Id.*

changed and would not fit with the facts the police had established, yet Misskelley's coerced confession was still used against him and also against Baldwin and Echols.⁵² Misskelley later recanted his statement, even refusing to testify against Baldwin and Echols.⁵³ However, all three of the men were still convicted, and it was not until DNA testing and documentaries raising more awareness of the case were created that the men were finally released from prison.⁵⁴

In 1992, Juan Rivera, a nineteen-year-old former special education student, was questioned by the police in connection to the rape and murder of eleven-year-old Holly Staker in Illinois.⁵⁵ After being questioned for four days, Rivera, who had a history of mental illness and had initially denied having any knowledge of the crime, confessed to the crime in a statement inconsistent with the known facts of the case.⁵⁶ During interrogation, the detectives followed the Reid technique's principles, asking many leading questions and feeding information to him in an accusatory manner.⁵⁷ When the detectives left to type a confession for Rivera to sign, jail personnel witnessed Rivera beating his head against the wall in a cell in what was later established as a psychotic episode.⁵⁸ Rivera was tried and convicted because of his confession, even though there was no physical evidence linking him to the crime and regardless of the ankle monitor he had from a previous burglary conviction indicating he did not leave his home on the night of the murder.⁵⁹ Despite three different trials and exculpatory DNA evidence, Rivera was sentenced to life in prison.⁶⁰ "Finally, in 2011, his conviction was overturned for the last time," and the prosecutors were barred from retrying Rivera.⁶¹ Rivera received a \$20 million settlement, formerly the largest ever secured in a wrongful conviction settlement in U.S. history.⁶²

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ See Rob Warden, *Juan Rivera*, THE NAT'L REGISTRY EXONERATIONS, <https://exonerationregistry.org/cases/11049> [<https://perma.cc/F4AP-UABA>] (last updated May 2, 2022).

⁵⁶ *Id.*; Hardwick, *supra* note 50.

⁵⁷ Warden, *supra* note 55; Hardwick, *supra* note 50.

⁵⁸ Warden, *supra* note 55; Hardwick, *supra* note 50.

⁵⁹ Warden, *supra* note 55; Hardwick, *supra* note 50.

⁶⁰ Warden, *supra* note 55; Hardwick, *supra* note 50.

⁶¹ Hardwick, *supra* note 50.

⁶² *Id.*

The most prominent case, the Central Park Five, was one of the most widely-publicized crimes of the 1980s. In April of 1989, a twenty-eight-year-old woman, Trisha Meili, was raped and assaulted while jogging in Central Park, New York City, leaving her in a coma for twelve days and retaining no memory of the event.⁶³ The rape and attack was so brutal that she lost 75% of her blood and suffered a severe skull fracture.⁶⁴ Five teenagers from Harlem, all African American or Hispanic, ranging from fourteen to sixteen years old, were arrested on the same night and charged with the attack on Meili. The five teenagers (Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Sanana, and Korey Wise) were interrogated, and four out of five teens confessed on videotape to committing the crime.⁶⁵ The boys recanted within weeks and pleaded not guilty, arguing that they were coerced and intimidated into making confessions.⁶⁶ In 2016, Salaam discussed that the police deprived them of food, drinks, and sleep for more than twenty-four hours.⁶⁷ Despite inconsistencies in their stories, no eyewitnesses, and no DNA evidence corroborating the false confessions, all five teenagers were convicted in two trials, spending between six and thirteen years in prison.⁶⁸ During this time, the case was all over the media branding the boys as savages and symbolizing violence. In May 1989, Donald Trump took out full-page ads calling for the death penalty to be brought back for the boys.⁶⁹ In 2002, a convicted serial rapist and murderer named Matias Reyes, already serving a life

⁶³ *Central Park Five: The True Story Behind When They See Us*, BBC (Jun. 12, 2019), <https://www.bbc.com/news/newsbeat-48609693> [<https://perma.cc/H4PD-7UNC>].

⁶⁴ *The Central Park Five*, HISTORY.COM (last updated Mar. 2, 2025), <https://www.history.com/topics/1980s/central-park-five> [<https://perma.cc/2XMV-PLDU>].

⁶⁵ *Id.*

⁶⁶ Jackson Healy, *Trump Strikes Out in Bid to Toss 'Central Park Five' Defamation Suit*, COURTHOUSE NEWS SERV. (Apr. 10, 2025), <https://www.courthousenews.com/trump-fails-to-dismiss-central-park-five-defamation-suit-as-case-against-him-proceeds/> [<https://perma.cc/RS48-Y24R>]; *Central Park Five: The True Story Behind When They See Us*, *supra* note 63.

⁶⁷ Yusef Salaam, *I'm One of the Central Park Five. Donald Trump Won't Leave Me Alone*, WASH. POST (Oct. 12, 2016), <https://www.washingtonpost.com/posteverything/wp/2016/10/12/im-one-of-the-central-park-five-donald-trump-wont-leave-me-alone/> [<https://perma.cc/B5B4-62LM>].

⁶⁸ *See The Central Park Five: The True Story Behind When They See Us*, *supra* note 63.

⁶⁹ Salaam, *supra* note 67; Oliver Laughland, *Donald Trump and the Central Park Five: The Racially Charged Rise of a Demagogue*, THE GUARDIAN (Feb. 17, 2016), <https://www.theguardian.com/us-news/2016/feb/17/central-park-five-donald-trump-jogger-rape-case-new-york> [<https://perma.cc/FM8X-XF3C>].

sentence, confessed to being the perpetrator behind the Meili attack. Reyes was a positive DNA match to the evidence found at the crime, and finally, the convictions of the five men from Harlem were vacated.⁷⁰ In 2003, the Central Park Five, having already completed their sentences, filed a lawsuit against New York City for malicious prosecution, racial discrimination, and emotional distress. The city, which fought the case for over a decade, finally settled for \$41 million.⁷¹

C. Current Organizations Providing Aid

The Reid technique, clearly causing a slate of false confessions, has propelled various organizations to help combat wrongful convictions resulting from the false confessions and advocating for the end of the Reid technique. Currently, The Innocence Network, consisting of California's Innocence Project, Georgia's Innocence Project, and the original Innocence Project, act as a global coalition of independent non-profit organizations, collectively advocating for the release of innocently convicted individuals, utilizing DNA testing to prove innocence.⁷² Each member organization focuses on specific regions or states, but they share resources and expertise.⁷³

Other organizations have expanded outwards to helping those on death row because of false confessions,⁷⁴ while others have focused on gathering information on interrogation practices and improving the public defense systems.⁷⁵ For example, The National Registry of Exoneration gathers data on exonerations across the country, highlighting patterns and systemic issues that amplify wrongful convictions.⁷⁶

Furthermore, individuals who have experienced wrongful convictions themselves have begun projects to help other

⁷⁰ See *The Central Park Five*, *supra* note 64.

⁷¹ *Id.*

⁷² See *Network Member Organization Locator and Directory*, INNOCENCE NETWORK, <https://innocencenetwork.org/directory> [<https://perma.cc/ZH36-32QC>].

⁷³ *Id.*

⁷⁴ See *Death Penalty*, EQUAL JUST. INITIATIVE, <https://eji.org/issues/death-penalty/> [<https://perma.cc/N9BE-2NT3>] (a non-profit that provides legal representation to people wrongfully convicted and on death row).

⁷⁵ See *Solution*, JUST. PROJECT, <https://www.thejusticeproject.org/solution/> [<https://perma.cc/5PCZ-GNRV>] (last visited Aug. 27, 2025) (an organization which advocates for fairer interrogation practices and better evidence handling).

⁷⁶ See NAT'L REGISTRY OF EXONERATIONS, *supra* note 55.

people who may be in their shoes.⁷⁷ Jeffrey Deskovic, who falsely confessed to the rape and murder of his classmate in 1989, was exonerated sixteen years later when a DNA test provided a match to a different man who was in prison for a subsequent murder.⁷⁸ After his release, Deskovic not only continued his education, receiving a Bachelor's and Master's degree, but he also established the Jeffrey Deskovic Foundation for Justice.⁷⁹ His organization looks for exculpatory evidence to overturn wrongful convictions, help exonerates recover from their time in prison and find housing and work, as well as push for accountability in the criminal justice system.⁸⁰

III

BANNING THE REID TECHNIQUE: THE NEGATIVE IMPACTS OF POLICE DECEPTION

The usage of the Reid technique in law enforcement offices and schools should be abolished. It should be abolished because of its contributions to false confessions and its negative, disproportionate effects on communities, juveniles and individuals with mental illnesses or intellectual disabilities, who are particularly susceptible to confessing to a crime they did not commit.⁸¹ Studies done on Reid training, which relies on deception detection for success, show that officers cannot detect more deception than an average person, instead simply gaining more confidence.⁸² Without the Reid technique, there would be a decrease in false confessions, and as a result, less wrongful convictions and sentences. This would also lower the negative impacts of those who are suggestible or vulnerable because of their age, race, mental health, or intellectual disability.⁸³ The Reid technique functions as a psychological pressure cooker, as its reliance on psychological manipulation, presumption of

⁷⁷ See, e.g., WITNESS TO INNOCENCE, <https://www.witnesstoinnocence.org/> [<https://perma.cc/J9D4-D2LC>] (an organization led by and for exonerated death row survivors).

⁷⁸ *The Truth About False Confessions*, PRISONS AND JUST. INITIATIVE, https://prisonsandjustice.georgetown.edu/false_confessions/#:~:text=Martin%20Tankleff%20falsely%20confessed%20to,prison%20sentence%20before%20being%20exonerated [<https://perma.cc/FRP4-QDZK>].

⁷⁹ *Id.*

⁸⁰ See DESKOVIC FOUND. FOR JUST., <https://www.deskovicfoundation.org/> [<https://perma.cc/N5JL-7UZC>].

⁸¹ See Zoukis, *supra* note 38.

⁸² Leo, *supra* note 33, at 334.

⁸³ See Zoukis, *supra* note 38.

guilt, and intimidation leads to suspects feeling extreme distress, putting vulnerable individuals at further risk.

The Supreme Court last mentioned the Reid technique twenty years ago in the 2004 case *Missouri v. Seibert*.⁸⁴ Neither the Supreme Court nor the federal government have called into question the Reid technique, leaving it up to the states. There has been a growing awareness of the problems the Reid technique leads to, and some states have proposed solutions to “fix” the Reid technique, like the use of recording interrogations or warning a jury that a suspect may have been coerced.⁸⁵ Some states have passed laws that attempt to limit police deception during interrogations.⁸⁶ In 2021, Illinois and Oregon banned the police from lying to suspects that are under the age of eighteen, and Washington has required that minors get attorney consultations before the police can interrogate them.⁸⁷ Montana has also found lying to a defendant about their involvement unconstitutional,⁸⁸ and Hawaii has found that misrepresenting what the evidence actually shows may render a confession involuntary.⁸⁹ Although states are taking steps in the right direction, major problems still persist nationwide⁹⁰ because the Supreme Court and federal government have been complacent.

A. Vulnerability and Disparate Impacts in Communities

When it comes to the likelihood of giving a false confession, children and people with intellectual disabilities and language barriers are more vulnerable due to lack of comprehension.⁹¹

⁸⁴ *Missouri v. Seibert*, 542 U.S. 600, 610–11 (2004).

⁸⁵ See *Coerced to Confess: How US Police Get Confessions*, *supra* note 35.

⁸⁶ C.J. Ciaramella, *States are Finally Starting to Rein in Deceptive Police Interrogation Techniques that Lead to False Confessions*, REASON (Aug. 16, 2021), <https://reason.com/2021/08/16/states-are-finally-starting-to-rein-in-deceptive-police-interrogation-techniques-that-lead-to-false-confessions/#:~:text=Illinois%20and%20Oregon's%20new%20laws,before%20police%20can%20interrogate%20them> [<https://perma.cc/R89J-YAYF>].

⁸⁷ *Id.*

⁸⁸ *State v. Allies*, 606 P.2d 1043, 1051 (1979).

⁸⁹ *State v. Baker*, 465 P.3d 860, 879 (2020).

⁹⁰ See generally Katie Basalla, *Wrongful Convictions and False Confessions: Why an Innocent Person Might Actually Confess to a Crime*, U. CIN. L. REV.: BLOG (May 8, 2020), <https://uclawreview.org/2020/05/08/wrongful-convictions-and-false-confessions-why-an-innocent-person-might-actually-confess-to-a-crime/> [<https://perma.cc/B27M-GJV7>] (examining how the problems Reid poses are still ongoing).

⁹¹ See INNOCENCE PROJECT, <https://innocenceproject.org/false-confessions/> [<https://perma.cc/QR4-7CQZ>].

Individuals from Black and Brown communities are vulnerable because of harmful stereotypes painting them as suspects and criminals.⁹² The Reid technique lacks trauma-informed and racially equitable training,⁹³ which is evident from the prominent false confession cases, predominantly surrounding young Black males with other vulnerabilities like the Central Park Five and David McCallum.⁹⁴

Regarding race, in law enforcement, there can be biases pertaining to certain races, which affect suspects. For example, in the 1970s-1990s there was a Chicago police torture scandal where the Chicago Police Commander at the time and his team were accused of torturing or failing to report torture of over 100 Black men⁹⁵ in order to extract confessions.⁹⁶ They used suffocation and electrocution, and many of the confessions were later found to be false.⁹⁷ These preexisting biases have not been eliminated with the Reid technique. When the Central Park Five case was circulating in the media, the descriptions played into negative “preconceived notions about African American youth.”⁹⁸ Additionally, a report by the National Registry of Exonerations found that in the case of over 3,000 innocent individuals exonerated since 1989, Black Americans are seven times more likely than white Americans to be falsely convicted of serious crimes.⁹⁹ Furthermore,

⁹² See generally Sara C. Appleby, *Guilty Stereotypes: The Social Psychology of Race and Suspicion in Police Interviews and Interrogations* (Feb. 2015) (Ph.D. Dissertation, City University of New York).

⁹³ *Youth Interrogation: Key Principles and Policy Recommendations*, FAIR & JUST PROSECUTION (Jan. 27, 2022), <https://fairandjustprosecution.org/wp-content/uploads/2022/01/FJP-Juvenile-Interrogation-Issue-Brief.pdf> [<https://perma.cc/7MRE-B9VM>].

⁹⁴ See *The Central Park Five: The True Story Behind When They See Us*, *supra* note 63; Maurice Possley, *David McCallum*, NAT'L REGISTRY EXONERATIONS (June 20, 2019), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4524> [<https://perma.cc/TC28-NAHM>].

⁹⁵ Maxwell Evans, *Chicago Police Torture Archive Documents Decades of Abuse from Jon Burge and His 'Midnight Crew'*, BLOCK CLUB CHI. (Feb. 5, 2021), <https://blockclubchicago.org/2021/02/05/chicago-police-torture-archive-documents-decades-of-abuse-from-jon-burge-and-his-midnight-crew/> [<https://perma.cc/CLT2-D52V>].

⁹⁶ Press Release, Off. Pub. Affs., U.S. Dep't. Just., Former Chicago Police Officer Jon Burge Sentenced for Lying About Police Torture (Feb. 5, 2025), <https://www.justice.gov/opa/pr/former-chicago-police-officer-jon-burge-sentenced-lying-about-police-torture> [<https://perma.cc/5LR8-BDCU>].

⁹⁷ *Id.*; Possley, *supra* note 94.

⁹⁸ See *The Central Park Five*, *supra* note 64.

⁹⁹ *Race and Wrongful Conviction*, INNOCENCE PROJECT, <https://innocenceproject.org/race-and-wrongful-conviction/> [<https://perma.cc/5LDK-TTBF>].

approximately 69% of those exonerated are racial minorities.¹⁰⁰ There is a concern that since the Reid technique is about perceiving deception, there could be misinterpretations of non-verbal cues of individuals of color, also increasing their likelihood of false confessions. When combined with the harsher treatment people of color face from policing, the Reid technique reinforces divisions between these communities and law enforcement.

Additionally, youth are particularly vulnerable to deceptive police tactics incorporated through Reid. Interrogators are allowed to lie about evidence, and children might be more eager to please authority figures and face an imbalance of power within the interrogation room.¹⁰¹ Studies show that children are two to three times more likely to falsely confess to a crime compared to adults.¹⁰² “In a study of 125 proven false confessions, 63% of false confessors were under the age of twenty-five and 32% were under the age of eighteen”¹⁰³ Another study of 340 exonerations showed that 42% of juveniles had falsely confessed, compared with only 13% adults.¹⁰⁴ Despite the Supreme Court holding in *J.D.B. v. North Carolina* that a person’s age needs to be taken into consideration when they are in custody,¹⁰⁵ in a 2014 survey of law enforcement,¹⁰⁶ almost every officer used the same interrogation techniques on minors as on adults.¹⁰⁶

For juveniles, the brain, especially the prefrontal cortex, which controls judgment and decision-making, is not fully developed.¹⁰⁷ Therefore, youth exhibit more traits of impulsivity and vulnerability to pressure and are more likely to say whatever they think is necessary to be able to go home.¹⁰⁸ The vulnerability of youth to the Reid technique is evident in many high-profile cases. Huwe Burton, a

¹⁰⁰ See INNOCENCE PROJECT, *supra* note 34.

¹⁰¹ Emma Ockerman, *How Cops Lie to Kids in Interrogations—and Get Away With It*, VICE (Jun. 25, 2021), <https://www.vice.com/en/article/how-cops-lie-to-kids-in-interrogationsand-get-away-with-it/> [https://perma.cc/FG64-C7P2].

¹⁰² MEGAN CRANE, LAURA NIRIDER, & STEVEN A. DRIZIN, *THE TRUTH ABOUT JUVENILE FALSE CONFESSIONS*, ABA 12 (2016), https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf [https://perma.cc/GEG5-V5UN].

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ See *J.D.B. v. North Carolina*, 564 U.S. 261, 272 (2011).

¹⁰⁶ CRANE, NIRIDER & DRIZIN, *supra* note 102, at 14.

¹⁰⁷ *Id.* at 12.

¹⁰⁸ *Id.*

then-sixteen-year-old, was convicted of killing his mother by stabbing her to death.¹⁰⁹ Burton was at school at the time, had no criminal history, and had a close relationship with his parents.¹¹⁰ His conviction was based largely on a false confession he gave. The interrogators “isolated him from his father, threatened him with other charges, and offered leniency”—all techniques under Reid.¹¹¹ Burton, “sleep-deprived and traumatized,” confessed.¹¹²

Juveniles and individuals who have intellectual disabilities and/or mental illnesses are also more susceptible to making false confessions under the Reid technique because this increases their reliance on emotions during decision-making rather than critical thinking.¹¹³ A very high percentage of false confessions come from juveniles or individuals with mental illnesses or intellectual disabilities.¹¹⁴ Out of the individuals exonerated who had a mental illness or intellectual disability, 72% falsely confessed.¹¹⁵ Individuals with mental illnesses or intellectual disabilities are more likely to confess because of characteristic traits like “disorganization of thought, deficits in executive functions and attention,” lack of assertiveness, “and impaired decision making.”¹¹⁶ The Reid training manual provides little guidance on recognizing and interrogating suspects with mental disabilities.¹¹⁷ Overall, individuals with mild intellectual disabilities are easy to overlook because of the lack of identifiable characteristics that the public usually associates

¹⁰⁹ Huwe Burton, INNOCENCE PROJECT, <https://innocenceproject.org/cases/huwe-burton/> [https://perma.cc/ZZE8-8BR4].

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ See, e.g., Laurel LaMontagne, *Children Under Pressure: The Problem of Juvenile False Confessions and Potential Solutions*, 41 W. ST. U. L. REV. 29, 35–36 (2013); Julia Rankin, *Protecting Vulnerable Voices: Reducing False Confessions from People with Mental Illnesses*, TEMPLE L. POL. & CIV. RTS. SOC'Y (May 1, 2024), <https://sites.temple.edu/pcrs/2024/05/01/protecting-vulnerable-voices-reducing-false-confessions-from-people-with-mental-illness/> [https://perma.cc/X3DU-CE4J].

¹¹⁴ Joseph P. Buckley, *Mental Illness and False Confessions: A Wakeup Call to Investigators*, REID (Dec. 16, 2021), <https://reid.com/resources/whats-new/2021-mental-illness-and-false-confessions-a-wakeup-call-to-investigators> [https://perma.cc/V7SX-WXWZ].

¹¹⁵ *Id.*

¹¹⁶ Allison D. Redlich, *Law & Psychiatry: Mental Illness, Police Interrogations, and the Potential for False Confession*, 55 PSYCHIATRIC SERVS. 19, 20 (2004).

¹¹⁷ *Id.*

with the illness or disability.¹¹⁸ About 85% of the population with intellectual disabilities falls into the mild category.¹¹⁹

There have been cases within the media that have highlighted individuals who provided false confessions and had a mental illness or intellectual disability. John Purvis, a forty-one-year-old man suffering from chronic undifferentiated schizophrenia and frequent panic attacks, was convicted for killing Susan Hamwi.¹²⁰ During interrogation, his mother heard officers yelling at and intimidating Purvis, and eventually, the pressure elicited a confession from him.¹²¹ It also caused Purvis to tell his psychiatrist that he committed the crime. After serving nine years in prison, Purvis was released once it was revealed that a different man murdered Hamwi.¹²² Eddie Gill, accused of shooting into a crowd outside of a lounge in February 2013 in Milwaukee, was also subject to coercive interrogation.¹²³ Gill, an eighteen-year-old indigent black male with an IQ of 70, dropped out of school in ninth grade and was unable to read or write.¹²⁴ Gill “endured [forty] hours of isolation and four interrogations by five [] detectives” while confined in a small space.¹²⁵ Gill “showed signs of struggling to comprehend . . . the detectives’ instructions” and was coerced into waiving his right to counsel.¹²⁶ The interrogators told him he was not allowed phone calls and lied, saying that eyewitnesses identified him as the shooter.¹²⁷ Gill’s mother had alerted the interrogators that he had cognitive impairment, but they proceeded with using isolation, confrontation, and intimidation to coerce a confession from him.¹²⁸ When left alone, Gill cried and

¹¹⁸ Sheri Lynn Johnson, John H. Blume, & Amelia Courtney Hritz, *Convictions of Innocent People with Intellectual Disability*, 82 ALB. L. REV. 1031, 1040-41 (2018).

¹¹⁹ DIAGNOSTIC AND STATISTICS MANUAL OF MENTAL DISORDERS, AM. PSYCHIATRIC ASS’N 41 (4th ed. 1994).

¹²⁰ See Hardwick, *supra* note 50.

¹²¹ *Id.*

¹²² *Id.*

¹²³ See Gill v. City of Milwaukee, 850 F.3d 335, 339 (7th Cir. 2017).

¹²⁴ *Id.*; see also *False Confessions: The Eddie Gill Case*, BIRDSALL MULLER, <https://www.birdsall-law.com/false-confessions-the-eddie-gill-case> [<https://perma.cc/Z9EV-RXJK>].

¹²⁵ Molly Willms, *Impaired Man’s Confession Called Coerced*, COURTHOUSE NEWS SERV. (Apr. 27, 2015), <https://www.courthousenews.com/impaired-mans-confession-called-coerced/> [<https://perma.cc/K7BG-3ZY9>].

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Gill, 850 F.3d at 338-39.

professed his innocence to the officers 140 times, but he signed a confession with the belief that he would be let free.¹²⁹

Coercing individuals with intellectual disabilities or mental illnesses into confessing for serious crimes also puts them at risk of facing very harsh punishments like the death penalty. In 1983, Henry McCollum, a Black nineteen-year-old male, was visiting his mother and his brother Leon Brown, fifteen years old at the time, when both brothers confessed to killing an eleven-year-old girl.¹³⁰ Both brothers had intellectual disabilities, with Leon's being more severe as he could not even read the confession he signed.¹³¹ Both confessions conflicted with each other, yet a jury sentenced Henry to death and Leon to life in prison.¹³² During the North Carolina legislative elections in 2010, Henry was used as "an example of a brutal rapist and child killer who deserved to be executed."¹³³ In 2014, The North Carolina Innocence Inquiry Commission used DNA testing to finally exonerate both men after they served thirty years in prison.¹³⁴

B. Unjust Criminal Justice System

The circulation of false confessions and saturation of wrongful convictions fosters an unjust criminal justice system where innocent individuals go to jail and are punished for crimes they did not commit. It creates a vicious cycle for the defendant because people usually believe confessions when presented in court, police actively seek them out because they are used to close cases, and prosecutors tend to charge the greatest number and most severe offenses to the defendants.¹³⁵

¹²⁹ *Id.* at 339; Willms, *supra* note 125 (describing Gill's reason for signing the confession).

¹³⁰ See *Henry McCollum & Leon Brown*, N.C. COAL. ALTS. DEATH PENALTY, <https://nccadp.org/stories/henry-mccollum-leon-brown/> [<https://perma.cc/F7XB-XYXQ>].

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Report: How North Carolina Nearly Executed an Innocent Man*, INNOCENCE PROJECT (Aug. 31, 2017), <https://innocenceproject.org/how-north-carolina-nearly-executed-innocent-man/> [<https://perma.cc/V8ZQ-BEKQ>].

¹³⁵ See Samson J. Schatz, *Interrogated with Intellectual Disabilities: The Risks of False Confession*, 70 STAN. L. REV. 643, 650-51 (2018), (discussing negative impacts for defendants that have a false confession presented at trial).

Confessions are so powerful that regardless of whether they are true or false, they are one of the most persuasive pieces of evidence when introduced to juries and judges.¹³⁶ Mock jury studies have found that they are the most inculpatory form of evidence, and when individuals are informed that the confession was coerced and should be disregarded, the confession still influences their guilty decisions.¹³⁷ One study shows that a vast 81% of proven false confessors who went to trial were convicted¹³⁸ because members of the jury do not understand why a person would confess to something they did not do.¹³⁹

Also, false confessions could impact and introduce biases to other evidence, further making a criminal proceeding unjust.¹⁴⁰ Research examining forensic confirmation biases found that knowing a confession has been obtained can impact forensic experts in charge of determining whether fingerprints match or drafting conclusions of DNA tests.¹⁴¹ Confessions also often impact the defense lawyer's performance because they may assume the client is guilty and rush to cut a deal for the client with the prosecutor.¹⁴² Furthermore, once a suspect confesses, the chances of law enforcement continuing to pursue other potential leads reduces because they may be less motivated and want to exclusively turn their attention to the suspect who did confess.¹⁴³ So not only does an innocent individual become punished for a crime they did not commit, but a guilty offender remains within the community. In an estimate, "researchers suggest that an additional 41,000 crimes a year are committed by the true perpetrators in cases where someone has been wrongfully convicted."¹⁴⁴

¹³⁶ Catlin et al., *supra* note 21, at 4; *Arizona v. Fulminante*, 499 U.S. 279, 296 (1991).

¹³⁷ Catlin et al., *supra* note 21, at 4.

¹³⁸ Saul Kassin, *False Confessions: Causes, Consequences, and Implications for Reform*, 17 *CURRENT DIRECTIONS IN PSYCH. SCI.* 249, 252 (2008).

¹³⁹ Allison D. Redlich & Gail S. Goodman, *Taking Responsibility for an Act not Committed: The Influence of Age and Suggestibility*, in *L. AND HUM. BEHAV.* 142 (David DeMatteo, ed. 2003).

¹⁴⁰ See Catlin et al., *supra* note 21, at 4.

¹⁴¹ *Id.*

¹⁴² See Crane, Nirider, & Drizin, *supra* note 102, at 15; Schatz, *supra* note 135 at 649.

¹⁴³ See Catlin et al., *supra* note 21, at 421.

¹⁴⁴ *Id.* at 5.

IV

OPPOSING VIEWPOINTS: THE FIGHT TO KEEP REID

Law enforcement continues to use and support the Reid technique because it is considered the established method of interrogation for the United States, even referenced by courts.¹⁴⁵ Furthermore, law enforcement considers it highly effective for eliciting confessions from suspects and therefore, does not want to move away from it. In an observation made after a training session for Reid, 95% of the participants said that using the Reid technique improved their confession rate, and 97% of the participants reported that using Reid increased their rates in resolving and ending cases.¹⁴⁶ States are hesitant to utilize other methods, for example, P.E.A.C.E., because they think that it would be time-consuming and do not want to waste money to retrain the officers.¹⁴⁷ The Reid technique training course is typically three to four days long, costing \$365-\$550 per person for the online training.¹⁴⁸ The P.E.A.C.E. method's training is only one to two days longer than Reid's course, allowing individuals to complete training within five days¹⁴⁹ at a cost of \$400 if completed online, which is actually cheaper than some training programs for Reid.¹⁵⁰

Although the Reid technique is effective in eliciting confessions, it does not just elicit truthful confessions. Law enforcement presumably wants to keep Reid because it allows for the closing of cases. However, by prioritizing just receiving a confession, regardless of whether it is true or not, and closing cases rather than learning about what happened and

¹⁴⁵ See *Stansbury v. California*, 511 U.S. 318, 324 (1994).

¹⁴⁶ See *Joseph P. Buckley, The Reid Technique of Interviewing and Interrogation*, JOHN E. REID & ASSOCIATES, 3 (2014), https://www.iafci.org/app_themes/Docs/2014%20Confernece/Speakers/Reid%202014%20Conference.pdf [<https://perma.cc/LEY6-6DS5>].

¹⁴⁷ Cassandra Neal, *An Evaluation of Police Interviewing Methods: A Psychological Perspective* 1, 16–17, 20 (Mar. 2005) (B.A. Thesis, University of Nebraska-Lincoln), <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1103&context=honorsthesis> [<https://perma.cc/J6XB-WC9Y>].

¹⁴⁸ See *Federal Discount*, REID, <https://reid.com/programs/discounts/gsa> [<https://perma.cc/25M4-C563>].

¹⁴⁹ See *FIS P.E.A.C.E. Investigative Interviewing Course*, FORENSIC INTERVIEW SOLS., <https://www.fis-international.com/services/police-courses/investigative-interviewing-courses/p-e-a-c-e-investigative-interviewing-course/> [<https://perma.cc/75ZQ-C95D>].

¹⁵⁰ See *FIS P.E.A.C.E. Online Investigative Interviewing Course*, FORENSIC INTERVIEW SOLS., <https://forensicinterviewsolutions.com/training-schedule/courses/fis-online-peace-investigative-interviewing-course/> [<https://perma.cc/UFS6-CKB4>].

achieving justice, law enforcement creates a disconnect with people, which ultimately harms many individuals in the vulnerable communities discussed and furthers distrust in the criminal justice system. Even if adopting other methods, like the P.E.A.C.E. interviewing model, would be time-consuming and cost slightly more to retrain officers in, the payoff would be worth it because it would help aid societal progression and the livelihood of individuals who are vulnerable to giving false confessions and receiving wrongful convictions. It would save many individuals from prison sentences, solitary confinement, and death row, as it is also time-consuming and costly to exonerate innocent people who should have never been convicted for crimes in the first place.

V

ALTERNATIVE RESOLUTIONS

Rather than using the Reid technique, the United States should shift to utilizing a more ethical, emotionally intelligent approach focused on receiving information rather than retrieving a confession. By adopting a model that utilizes cognitive interviewing, like the P.E.A.C.E. model, jurisdictions can ensure that interviewees will be treated with courtesy and respect to build trust and gather accurate and reliable information through non-coercive methods.¹⁵¹

A. Cognitive Interviewing

Cognitive interviewing, developed by Fisher and Geiselman in 1992, depends predominantly on memory recall, social dynamics, and communication. It consists of four stages that are “designed to stimulate as many [details] as possible in order to maximize the different retrieval routes.”¹⁵² In the first stage, the interviewer tries to encourage the interviewee to mentally revisit the environment and personal context of the incident.¹⁵³ This could include asking about the feelings on the day, the weather, and things the person saw or heard throughout the

¹⁵¹ See generally Catlin, *supra* note 21.

¹⁵² See Saul McLeod, *Cognitive Interview Technique*, SIMPLY PSYCH. (June 15, 2023), <https://www.simplypsychology.org/cognitive-interview.html> [<https://perma.cc/UDP4-TBUQ>]; SCIENCE OF INTERVIEWING: P.E.A.C.E.: A DIFFERENT APPROACH TO INVESTIGATIVE INTERVIEWING, FORENSIC INTERVIEW SOLS. 4 (2009), <https://www.fis-international.com/assets/Uploads/resources/PEACE-A-Different-Approach.pdf> [<https://perma.cc/LK83-DEUY>].

¹⁵³ *Id.*

day. In the second stage, the interviewer asks the interviewee to report the incident from a different viewpoint because maybe this can unveil overlooked information.¹⁵⁴ In the third stage, the interviewee is encouraged to recount the incident but in a different order, like telling the story in the reverse, to disrupt any rehearsed narrative.¹⁵⁵ Lastly, the interviewer requests for the interviewee to report every single detail, whether they think it is trivial or large, because it could trigger additional memories and information about the event that may be key to the case.¹⁵⁶ In this model, interviewers are encouraged to not confront nor coerce, but rather to help the interviewee revisit the scene and recall as much rich, relevant information as possible.¹⁵⁷ The interviewer should offer open-ended questions and careful guidance as the interviewees do roughly 80% of the talking.¹⁵⁸ Under this technique, investigators have been able to elicit 55% more information from a subject after receiving cognitive interview training.¹⁵⁹

B. P.E.A.C.E. Method

In 1984, The United Kingdom passed the Police and Criminal Evidence (PACE) Act, which served to create a balance of rights between law enforcement and the public by providing safeguards for those detained and interviewed by police.¹⁶⁰ As a result, in 1992, police in England and Wales, with the input of psychologists, created a less confrontational interrogation method known as the P.E.A.C.E. method, which prioritized cooperation to combat involuntary confessions.¹⁶¹ The P.E.A.C.E.

¹⁵⁴ See *id.*; see also *Effective Interview Techniques: Integrating the PEACE Model and Cognitive Interviewing*, NATIONWIDE & CONFIDENTIAL POLYGRAPH LIE DETECTOR TEST PROVIDER (May 12, 2024), <https://liedetectorstest.com/polygraph-examiner/effective-interview-techniques-integrating-the-peace-model-and-cognitive-interviewing> [<https://perma.cc/UM62-GD2K>] [hereinafter *Effective Interview Techniques*].

¹⁵⁵ See McLeod, *supra* note 152; *Effective Interview Techniques*, *supra* note 154.

¹⁵⁶ See McLeod, *supra* note 152.

¹⁵⁷ Michael Bret Hood & Lawrence J. Hoffman, *Current State of Interview and Interrogation*, FBI L. ENF'T BULL. (Nov. 6, 2019), <https://leb.fbi.gov/articles/featured-articles/current-state-of-interview-and-interrogation> [<https://perma.cc/JAK3-XCPG>].

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Saul M. Kassin et al., *Police-Induced Confessions, 2.0: Risk Factors and Recommendations*, 49 L. & HUM. BEHAV. 7, 14 (2025); Police and Criminal Evidence Act 1984 (U.K.).

¹⁶¹ Kassin, *supra* note 160, at 14.

training framework utilizes a combination of two models, the Cognitive Interview and the Conversation Management Models, with the goal being to focus less on eliciting confessions and more on obtaining clear and truthful accounts through active listening.¹⁶² Under the P.E.A.C.E. method, investigators allow a suspect to tell their story without interruption before they present any inconsistencies or contradictions between the suspect's story and evidence.¹⁶³ Even its precursor the Cognitive Interview Model rejects the deceptive nature of the Reid technique and does not allow interrogators to lie about the evidence or deceive the suspect.¹⁶⁴ In combination with the P.E.A.C.E. method, the United Kingdom has established safeguards that psychologically vulnerable suspects can only be interviewed in the presence of an "appropriate adult."¹⁶⁵ P.E.A.C.E. serves as an acronym for the five stages:

1. Preparation and Planning. Interviewers should create a written interview plan focusing on issues such as the objectives of the interview and the order of interviews. Among other things, the plan should include the time a suspect has been in custody, the topics to be covered, and points necessary to prove the offense or provide a defense. Interviewers should consider characteristics of the interviewee that could be relevant to the plan (e.g., cultural background could affect how someone prefers to be addressed). Interviewers may need to consider practical arrangements, such as visiting the scene or the location of the interview.

2. Engage and Explain. The interviewers should engage the individual, including using active listening to establish a rapport with him or her. The interviewers should explain the reasons for the interview and its objectives. They should also explain the routines and expectations of the process (e.g., explaining that the interviewers will take notes). Interviewers should encourage the individual to state anything they believe is relevant.

¹⁶² See Joseph Wolf, *PEACE Interviewing Model and WZ Training Programs*, WICKLANDER-ZULAWSKI & ASSOCS., INC (Dec. 5, 2022), <https://www.w-z.com/2022/12/05/the-peace-interview-model-and-wz-training-programs/#:~:text=The%20model%20was%20developed%20by,an%20approach%20that%20encourages%20cooperation> [https://perma.cc/A9LU-TTWV]; *Conversation Management*, FORENSIC SOLS., <https://www.forensicsolutions.co.uk/conversation-management/> [https://perma.cc/B8W8-2H8B].

¹⁶³ See Orlando, *supra* note 22.

¹⁶⁴ See McInnis, *supra* note 9.

¹⁶⁵ See Redlich, *supra* note 116, at 20.

3. Account. The interviewers should use appropriate questions and active listening to obtain the interviewee's account of events. Questions should be short and free of jargon, which can help to clarify and expand the account. Multi-part questions should generally be avoided due to possible confusion, and leading questions should be used only as a last resort.

4. Closure. This stage should be planned to avoid an abrupt end to the interview. . . . [T]he interviewers should summarize the person's account of events, allowing the person to make clarifications and ask questions.

5. Evaluate. The interviewers should evaluate the interview to (a) assess how the interviewee's account fits with the investigation as a whole, (b) determine if further action is needed, and (c) reflect on their performance.¹⁶⁶

Outside of the United Kingdom, this model has been adopted in police forces worldwide, including in Canada, Australia, Ireland, New Zealand, Singapore, Hong Kong, Malaysia, and United Arab Emirates.¹⁶⁷

C. Effect of Adopting P.E.A.C.E. in Other Countries

Research comparing the Reid technique and the P.E.A.C.E. method have found they are equal in eliciting the truth and confessions from those who are guilty, but when it comes to individuals who are innocent, Reid leads to more false confessions.¹⁶⁸

Professor Ray Bull, a psychologist who contributed to creating the P.E.A.C.E. method, mentioned that when he speaks with UK detectives, they can almost never think of an example of a false confession after P.E.A.C.E. was introduced.¹⁶⁹ The only one mentioned was the case of George Heron in the early 1990s, but the people who interviewed him had not yet been trained in P.E.A.C.E.¹⁷⁰ The number of wrongful convictions

¹⁶⁶ Orlando, *supra* note 22 (emphasis omitted).

¹⁶⁷ SCIENCE OF INTERVIEWING: P.E.A.C.E.: A DIFFERENT APPROACH TO INVESTIGATIVE INTERVIEWING, *supra* note 152, at 4.

¹⁶⁸ See *Methodologies Used in Evaluating Interviewing Frameworks and Comparative Evaluation*, FORENSIC INTERVIEW SOLS, <https://forensicinterviewsolutions.com/blogs/methodologies-used-in-evaluating-interviewing-frameworks-and-comparative-evaluation/> [<https://perma.cc/775U-WGX5>].

¹⁶⁹ Ella Rhodes, *United Nations May Recommend PEACE Approach*, BRIT. PSYCH. SOC'Y (Nov. 7, 2016), <https://www.bps.org.uk/psychologist/united-nations-may-recommend-peace-approach> [<https://perma.cc/2YR8-FVTJ>].

¹⁷⁰ *Id.*

due to false confessions reported by the UK dropped significantly after the introduction of the P.E.A.C.E. method in 1992. From 1972 to 1992 there was a total of eighty-seven reported cases with false confessions.¹⁷¹ From 1992 to 2012, eleven cases were reported.¹⁷² While the P.E.A.C.E. method does not completely eradicate the eliciting of false confessions, it has proven to overall decrease the number received when the instructions of P.E.A.C.E. are properly followed, which would be a major improvement in comparison with the Reid technique. However, since most of the relevant research comes from the UK, there remains an open question about how much culture plays a role in its success.

CONCLUSION

By banning the Reid technique, we open the door to less coercive and more authentic interrogation practices, which allow for more truthful accounts to be told. By switching to the non-coercive P.E.A.C.E method, we would elicit less false confessions, which would improve the lives of those who are vulnerable to suggestibility. It would help build more public trust with interviewing witnesses and suspects. It would also serve as a stepping-stone towards improving institutional issues within the criminal justice system because the integrity of the criminal justice system will always be called into question when we fail to protect the most vulnerable citizens from wrongful conviction based on their own self-incrimination.

¹⁷¹ See *False Confession Related Miscarriages of Justice in the UK*, EVID.-BASED JUST. LAB, PSYCH., DATA SCI., & L., U. EXETER L. SCH., <https://evidencebasedjustice.exeter.ac.uk/miscarriages-of-justice-registry/the-issues/false-confession/> [<https://perma.cc/7KP7-A58C>].

¹⁷² *Id.*