



# WICKLANDER-ZULAWSKI

## Learn How to Use the Truth to Your Advantage

March 5, 2021

### Statement in Support of SB 418

This written testimony is regarding Oregon SB 418 and submitted by David Thompson, Certified Forensic Interviewer and Partner at Wicklander-Zulawski & Associates (WZ). WZ is an international training and investigations firm, founded in 1982, that develops and provides curriculum on non-confrontational interview and interrogation techniques to investigators across the globe. These techniques, continuously evolving, have been implemented by major law enforcement and federal agencies over the last few decades with proven results to resolve cases. The development of interview methodology that we instruct is based on a collaboration from the academic community and practitioner experience. I have personally developed and presented curriculum for investigators globally on the use of non-confrontational interview techniques. It is with this unique perspective that I provide insight and support to SB 418, prohibiting the use of trickery or deceit with youth during an interview.

Traditionally, law enforcement agencies across the United States have been trained in interview or interrogation methods that employ techniques of a confrontational nature. These methods generally include the use of several tactics, including the false evidence ploy, where an investigator may fabricate evidence of guilt. Although there has been a shift towards evidence-based interview methods, many departments and investigators still employ techniques that they have learned and been reinforced throughout their career. In fact, approximately 92% of police self-reported implying or pretending to have evidence of a subject's guilt during an interview (Kassin et al., 2007). From a global perspective, legislatively we are behind in this specific issue of still allowing trickery or deceit with youth in a law enforcement interview.

The use of deception in effort to get a subject to tell us the truth seems contradictory, unethical, and unnecessary. First, we must understand the risks of these techniques and then explore the viable solutions for investigators to still resolve cases without using trickery or deceit. Rovner (2017) explained that there is an inverse scale when comparing the coerciveness of an interrogation and the suspect suggestibility to determine voluntariness in the totality of the circumstances. This opinion directly highlights the consideration needed when interviewing youths and the increased susceptibility they have to coercive techniques, such as the false evidence ploy. This bill has supporting witnesses from academia and advocacy groups who have worked directly with youth that have been impacted by these techniques and further explain the vulnerability of a youth in a police interview. While the negative implications and risks of these tactics are clearly highlighted through case examples and supporting testimony, we must also consider the alternatives for law enforcement.

Law enforcement professionals are tasked with a difficult job in solving cases that requires talking to victims, witnesses, and suspects. Oftentimes these conversations may be difficult as the interviewee is resistant to disclosing information or cooperating with investigators. Proposed SB 418 is removing a commonly used tactic from investigators in these interviews but does not remove their ability to conduct an effective investigative interview to obtain reliable information. One of the many research-based interview methods



that has been widely used and taught to investigators is the Enhanced Cognitive Interview. This method has proven to be successful in interviewing victims, witnesses, and cooperative subjects in a criminal investigation with the use of appropriate instructions, open-ended questions and memory enhancing techniques to extract accurate information (Paulo et al., 2013). Another interview model, used for several years in the UK and now being implemented by agencies in the United States is the PEACE (Planning and Preparation, Engage and Explain, Account, Closure, Evaluation) framework. This concept is also built on the ability to extract information during an interview without the use of false evidence or contamination from the interviewer. For investigators that must talk with victims or witnesses of horrific events, a more appropriate interview may be trauma-informed and would be contradictory to identifying the truth if these tactics of deception are utilized.

Multiple other methods, such as the Participatory Method, Strategic Use of Evidence (SUE) and the WZ Non-Confrontational Method have also been used by investigators globally with proven success in their ability to gain information in an interview. The listing of these techniques is not all-inclusive but demonstrates the available tools to be used by law enforcement in conducting investigative interviews that do not rely on the need to use trickery or deceit.

While law enforcement professionals collectively agree that they want to prevent false confessions, it is also important to understand the risk of an unreliable true confession when trickery or deceit are used. Even with a guilty suspect, the use of false evidence may contaminate the subject's statements or be contradictory to the truth. These contradictions or contaminations provide an inconsistent account of what occurred, potentially impacting the credibility of a confession. This legislation would assist in creating a framework for what is permissible in the interview, providing clarity to the courts and investigators that want to solve crimes and represent the victims ethically and effectively.

Respectfully,

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