



WICKLANDER-ZULAWSKI

Learn How to Use the Truth to Your Advantage

April 4, 2023

State of Vermont
Re: Letter of Support for Senate Bill 6

Chairman LaLonde:

Wicklander-Zulawski & Associates, Inc. ("WZ") is a leading law enforcement consulting and training organization specializing in non-confrontational investigative interviewing methods. WZ's core mission is to educate and assist law enforcement professionals in evidence-based techniques consistent with legal and ethical standards. WZ conducts hundreds of seminars each year and has trained over 200,000 investigators, including law enforcement personnel from 34 of the top 50 largest police departments in the United States.

Our extensive platform comes with incredible responsibility to ensure that law enforcement is provided with ethical, moral, and legally acceptable tools in their search for the truth. We have contributed to multiple legislative efforts, training programs and provided testimony in which we advocate for ethical, research-based interview and interrogation techniques. We are writing this letter with the same intent in support of Senate Bill 6.

The areas of concern raised by this bill are consistent with academic, social science research as well as practical experience as to the common causes of unreliable or involuntary confessions and it is for these reasons that we discontinued teaching these tactics in 2017. These coercive tactics, the use of the false evidence ploy and false promises of are widely known by law enforcement to reduce the reliability and voluntariness of subsequent confessions. These techniques not only are routinely observed in false confession cases but are also contributors to the unreliability of alleged "truthful" confessions. The existence of the techniques referenced in Senate Bill 6 only serve to lessen the validity of information obtained through an investigative interview. Practitioners agree that the information obtained in an interview can be vital to the closure of a case but may be equally detrimental if it is unreliable or false.

DNA-proven exonerations have given us a unique insight into the causes of wrongful convictions and have specifically cited false confessions as one of the leading contributors. In fact, approximately 30% of these exonerations contained a false confession from the suspect. This suggests that although entirely false, courts permitted the use of these confessions as reliable evidence for judges and juries to consider. Although many agencies may have best-practices on their interviewing techniques, there is often a lack of guidance or accountability in the courts. Senate Bill 6 provides this needed scrutiny, ensuring that confessions are obtained through ethical, non-coercive means, resulting in reliable disclosures from a subject that all members of the courtroom workgroup can benefit from.

WZ, as a training and investigative organization, has partnered with both the academic community and our practitioner clients to consistently evolve the training curriculum we provide. This has resulted in a movement to evidence-based investigative interviewing techniques which rely on research and practical application to determine the best methods for investigators. In this development, WZ has been committed to removing psychologically coercive techniques from application in the field. A challenge to this evolution has been the fear that investigators will be handcuffed in their ability to investigate crime without the use of these coercive techniques. This fear is simply unfounded, and contradictory to the evidence that exists in those agencies or jurisdictions which have adopted these standards for several years.

Specifically, addressing the items listed in Senate Bill 6, there is increasingly overwhelming evidence to the risk of deceptive techniques. The use of the false evidence ploy is not only a known contributor to false confessions, but also disrupts the trust and development of community-police relationships. Law enforcement professionals do not need to lie during an interrogation in effort to get the truth, as it is more highly likely that authentic rapport including honesty and transparency will increase the likelihood of cooperation. The use of false promises of leniency provides an incentive for a juvenile suspect to provide a false confession in effort to escape the pressure of an interrogation, while assuming that their compliance will also minimize or remove any consequences for their alleged actions.

Investigators are often pressured to obtain confessions or admissions of guilt as the goal of an interrogation, as this can be the most damning piece of evidence. However, this focus may also impact investigators approach to the conversation,



relying on guilt-presumptive and psychologically coercive techniques to achieve this goal. Conversely, when an investigator uses evidence-based techniques to include development of rapport, open-ended questioning and strategic challenges of contradictions they are able to shift the goal of an interrogation from confession-focused to information gathering. This approach still enables investigators to obtain confessions, implications and disclosures while also increasing the likelihood of obtaining actionable, reliable intelligence. Furthermore, the use of evidence-based techniques founded in a humanistic approach can also assist in developing stronger community-police relationships.

Law enforcement professionals want to ensure public safety and that often requires their ability to conduct investigative interviews and custodial interrogations with members of the community. In an era where police-community trust is at a tipping point, it is paramount that investigators provide transparency to their community as to the ethical and respectful way in which they solve crime. Senate Bill 6 demonstrates a commitment to public safety and law enforcement professionalism. Please do not hesitate to reach out if you should want to discuss this further or have any requests for supporting research on this topic.

A handwritten signature in black ink, appearing to read 'D. Thompson, CFI'.

David Thompson, CFI
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