Critical Analysis of the Similarities between the REID Interview Technique and the PEACE Interview Model

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Under the Supervision of

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An Honours Project submitted in

partial fulfillment

of the Degree requirements for the degree of

Bachelor of Arts - Criminal Justice (Honours)

Mount Royal University

Date Submitted: April 06, 2020.

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Dedication and Acknowledgements

I would like to dedicate this page to everyone who has helped me throughout my honours thesis project.

I would like to thank Dr. Janne Holmgren for the support, guidance, and faith she had in me. Dr. Holmgren has kept her support, guidance, and faith from a year ago when we met to discuss the project to the day I submitted it to her.

I would like to thank Professor Doug King for the support and guidance throughout the honours seminar course. Professor King had guided me throughout the course by teaching me how to develop the project into an honours thesis.

I would like to thank Madelaine Vanderwerff for her help in finding academic articles and books for this project.

I would like to thank Taylor Dube-Mather for being there for me throughout this project. I would also like to thank my family and friends for being there for me and for being supportive throughout my degree.

Abstract

The REID interview technique has received criticism from the academic and legal fields in Canada and the United States. The criticism has led for calls to replace the REID technique with the PEACE model. In this paper, the methods of the REID technique and PEACE model will be outlined. Also, the legal cases involving the use of the REID technique in Canada will be outlined. The PEACE model argument will also be outlined. That information will be used to show a similarity between the REID technique and PEACE model. The similarity will show that the criticism against the REID technique focuses on specific misunderstandings that are related to the outcome of legal cases. The bigger picture will show that both techniques are similar in many ways and that promoting the PEACE model over the REID technique does not solve any of the issues outlined by the academic field.

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Introduction

The REID interview technique has been a subject of criticism due to its method being taught to Canadian law enforcement and it being used in Canadian cases. The criticism comes from academic literature and the justice system finding the REID technique to be oppressive. Due to the criticism, the academic literature found the PEACE interview model to be a replacement for the REID technique in Canada. The PEACE model is used predominantly by law enforcement agencies in the United Kingdom and according to the academic literature it is a non-oppressive interviewing method. Despite the academic literature's argument, the REID technique should not be replaced as it is similar to the PEACE model.

In this paper the following will be outlined in detail: the histories and methods of both interview techniques, the facts and results of the Canadian cases, an analysis of officer conduct in the Canadian cases, the pro-PEACE model academic literature argument, the similarities between the REID technique and PEACE model, and a future glimpse into the future of Canadian interviewing techniques. The outlined topics will be used to answer the research question. The research question is using a critical analysis on the cases and secondary sources collected on the REID interview technique and the PEACE interview model, what are the similarities and differences between the REID interview technique and PEACE interview model?

Research Methodology

The research methodology used is qualitative. Qualitative research is the preferred method as the references used will include scholarly articles, Canadian cases, and books. All those sources are secondary sources. All the references will be used to create the argument that there is a similarity between the PEACE model and REID technique. There is no data collected from primary sources or primary data. The only data that will be used is from the literature

written within the secondary sources collected. Those secondary sources will be included later on through in-text citation.

REID Interview Technique

History

John Reid and Fred Inbau founded the REID interview technique around 1962 when they both published a book called "*Criminal Interrogations and Confessions"*. Prior to that, John Reid was a polygraph examiner with the Chicago Police Department during the 1940s. After the 1940s, he opened his own private practice that was related to using polygraphs and the Behavioral Analysis Interviews (BAI). Reid and Inbau created the BAI by working together to form an interview method that can be used to determine an individual's truthful cues. Inbau was a John Henry Wigmore law professor at the Northwestern University, and was a member of the bar in the states of Illinois and Louisiana. (Holmgren, 2017, PP. 99-100)

Both Reid and Inbau had amassed a large amount of experience in conducting interviews and interrogations. They did that by using Reid's knowledge in interviews and Inbau's extensive knowledge in the legal system and how that can impact interviews. Both their knowledge was written into a book which was published in 1962. John Reid then went on to create the John E. Reid and Associates firm in Chicago, Illinois in 1971. The firm exists today and still teaches and advocates for the Reid Interview Technique to many North American law enforcement agencies. (John E. Reid and Associates Inc.)

Method

The REID interview technique has 3 components to it. Factual analysis, interview, and interrogation. Each component builds the basis for the next component, so factual analysis and the interview components build the basis for the interrogation component. This allows the

technique to be thorough in its approach towards the interrogation, rather than jumping straight into the interrogation. Jumping straight into an interrogation can be a daunting task on the investigator as the investigator would have no direction. (Holmgren, 2017, P. 104)

The factual analysis is when the investigator gathers the facts of the case regarding suspects, victims, witnesses, crime scene, type of crime, and relevant evidence. That information would be used to analyze and categorize each of them to form the dependent and independent evidence. Dependent evidence is evidence that is known to police and the suspect only. Other term for dependent evidence is hold back evidence. Independent evidence is the evidence that is only known to the suspect and is sought out by the police. The facts are divided into dependent and independent evidences. This forms the list of questions that an investigator would be asking of a suspect in an interview or an interrogation. (Holmgren, 2017, PP. 104-105)

The factual analysis helps an investigator to form an idea of what took place at a crime scene. Such details of the case should be well known by an investigator prior to them performing an interview. The REID technique within the factual analysis component, dictates that an investigator should interview the least likely suspects first prior to the most likely. The technique dictates that if the physical or circumstantial evidence points towards a certain suspect, then that suspects becomes the person who most likely committed the offence. All this is determined prior to conducting an interview, as the investigator should obtain all possibilities surrounding the offence, so they can plan out the interview and then the interrogation. (Holmgren, 2017, PP. 104-105; Inbau, Reid, Buckley, & Jayne, 2013, PP. 9-13)

The interview is the next component within the REID technique. It involves a behavioral analysis of the subject. The analysis is when the subject is asked open and closed ended questions that are related to their background, to the case, and any behavior provoking questions.

This interview method is called the Behavioral Analysis Interview (BAI). The background related questions that a subject is asked is used as one of the factors to determine whether the subject is telling the truth and to help the investigator establish a rapport with the subject. The rapport building is one of the most important steps in the interview component as it helps the investigator to build an environment where the subject can feel safe to speak. The information is related to the subject's employment, education, family members, and other information directly related to the subject. Once rapport has been established, then the interviewer can move to questions related to the case. Such questions are non-accusatory and are open ended. This allows the subject to tell their side of the story and allows them to disclose information that can later be used in the investigation. (Holmgren, 2017, P. 105; Inbau et al., 2013, 153-155)

Once the subject has been given the opportunity to disclose information in relation to the case, the interviewer can move on to asking behavior provoking questions. The behavior provoking questions are asked to force a subject to react a certain way towards the question. The questions are usually hypothetical in nature and are asked in a non-accusatory manner. The purpose of the behavior provoking questions is to bring out a reaction. That reaction may be verbally communicated or non-verbally communicated (such as body language and tone). The reactions are meant to show whether the subject is speaking the truth or is being deceptive. The REID technique recognizes that no one behavior is absolute in determining whether a subject is being truthful or deceitful, rather it is meant to create a pattern of behaviors that would allow for an investigator to create a hypothetical basis for each subject when it comes to the subject being truthful or deceitful. The REID technique states that the investigator must review the entire interview with the subject before deciding on whether the subject is the offender in the case or is

innocent. (Holmgren, 2017, PP. 105-106; Inbau et al., 2013, PP. 153-155; Inbau et al., 2013, PP. 167-169)

The investigator has 3 choices once they have examined the entire interview. Their choices are: they can rule out the subject, they can move onto the interrogation process, or they do not rule out the subject, but they also cannot consider the subject to be the offender, as they must await further evidence to be introduced. Should the investigator decide to interrogate the subject, then they move onto the next component of the REID technique. (Inbau et al., 2013, PP. 168-169)

The interrogation component allows the investigator to consider the subject to be a suspect in the offence. The interrogation component within the REID technique has nine steps. The nine steps include an "initial confrontation, theme development, handling denials, overcoming objections, procurement of the subject's attention, handling subject's passive mood, presenting an alternative question, developing the details of the admission, and converting a verbal confession into a written or recorded document." (Holmgren, 2017, P. 106)

The first step is to perform an initial confrontation. The initial confrontation is meant to be direct and positive in nature. The confrontation involves the investigator telling the suspect that they would like to speak to them regarding their involvement in the offence. This allows the investigator to observe the suspect's behavior and demeanor during the period where the suspect thinks of a response. After the pause period, the investigator then sells the idea of cooperating with law enforcement in relation to their involvement with the offence. (Inbau et al., 2013, PP. 192-196)

The second step is to develop a theme for the interrogation. The theme development allows for an investigator to create an atmosphere for a suspect to feel they will be understood.

This will help when it comes to figuring out their motive behind the offence. The investigator needs to identify the appropriate theme to create for the suspect. Minimizing the actions of the suspect is a common theme used by investigators. Some suspects may feel ashamed or guilty for committing the offence. An investigator can capitalize on that to create a theme that allows the suspect to let the 'weight off their chest' as an example. This will help the suspect to feel inclined to cooperate with the investigation and allow the investigators to piece the parts of the offence together. (Inbau et al., 2013, PP. 202-208)

The third step is to handle the denials of the suspect. Denial is when the suspect utters a statement denying what the investigator had said earlier. Usually it is in relation to the suspect's involvement in the offence. When an investigator gets a denial from a suspect, they must not engage further into it. Engaging further would result in a back and forth argument between the suspect and the investigator about whether the suspect was involved in the offence. The investigator should relay the conversation back to which ever of the earlier steps they were at. That can be asking a question, confronting the subject, or developing a theme. (Inbau et al., 2013, PP. 255-260)

The fourth step is to overcome objections. An objection is when a suspect denies a statement and offers an excuse or an alternative statement to what the investigator had said. Instead of ignoring the objection, the investigator should capitalize on the objection and question the suspect further in relation to what they said. This allows for the investigator to keep the suspect talking and allow for more avenues to be explored when it comes to the suspect explaining their objection. (Inbau et al., 2013, PP. 276-280)

The fifth step is to retain the suspect's attention. At some point in the interrogation, a suspect may become withdrawn from what is happening in the interrogation room. They start to

lay back in their chairs and avoid eye contact with the investigator. This happens when the suspect's denials and objections become over run. In order to retain the suspect's attention, the investigator should gradually move close to the suspect while maintaining eye contact and continue to speak to the suspect. Another way to retain a suspect's attention is by showing them physical evidence such as a footprint, the murder weapon, DNA results, and other non-disturbing images. Non-disturbing evidence could be a photo of the victim's injuries. (Inbau et al., 2013, PP. 281-287)

The sixth step is to handle the suspect's passive mood. At this stage of the interrogation, the suspect has become passive in their posture, demeanor, and words. A passive suspect is a suspect who comes off as depressed and downcast. That mood is due them realizing the reality of their situation. Once an investigator determines that a suspect is displaying a passive mood, they must move onto this step where they offer sincere statements that relate to the suspect's demeanor. The sincere statements would match and focus on the suspect's demeanor. Such demeanors would be feeling depressed, guilty, ashamed, or even relieved. This will allow the suspect to form the feeling that they can disclose information to the investigator in order to reduce the impact of feeling. (Inbau et al., 2013, PP. 287-293)

The seventh step is to present an alternative question. The alternative question provides an alternative perspective for a suspect. The alternative question includes one or more options that provide an explanation to the motive behind the offence. The options provide an explanation to subject in relation to the motive of the offence. The explanation does not include any mention of consequences or promises of leniency. The options should match the demeanor of the suspect. If the suspect is feeling guilt, then the options should include the theme of guilt or thinking about guilt. This allows for the suspect to respond to the question. Once they respond, their statement

could be questioned further, and that would allow for the subject to keep speaking. The goals behind the alternative question is to get the suspect out of a passive mood or to get them to slowly start to confess to the offence. (Inbau et al., 2013, PP. 293-300)

The eighth step is to develop an admission out the suspect. Once the suspect has accepted the alternative question, then they have made an admission into their involvement with the offence. This is the chance for the investigator to draw further information from the suspect and make it into a confession. Such information could be unknown information about the offence that could help fill in the blanks for the investigator or it could be hold back evidence that only the suspect and law enforcement know about. This will allow the investigator to obtain a verbal confession from the suspect and it will help the ninth step of the interrogation component. (Inbau et al., 2013, PP. 303-310)

The ninth step is to turn the verbal confession into a written confession. While an oral confession is substantial, it can also have a tricky standing within the legal system. The tricky standing comes at trial where the suspect can simply refute their oral confession and claim they were either coerced into making the confession or they do not recall making the confession to the investigator. A written confession allows for an increased level of persuasiveness when it is introduced as evidence at trail. The confession is not the only thing that should be presented before the courts. Corroborated evidence must go along with the confession and it should match the confession. This will allow for a stronger case that would be presented before the courts. (Inbau, 2013, PP. 310-318)

The factual analysis, interview, and interrogation are the 3 main components of the REID technique. The factual analysis allows for an investigator to collect dependent and independent evidence which would help them design the interview. Once the interview is designed, then the

investigator can go in into the interview room and start their interview. The interview would revolve around the subject's relevant information and it would help build rapport with the investigator in order to keep the subject talking. The interview also allows the investigator to rule out a subject from the investigation. If the investigator is satisfied that the subject is one who committed the offence, then they can move into the interrogation process in order to obtain a confession from the subject. The next section will outline the PEACE model and its method.

PEACE Interview Model

History

Dr. Eric Shepherd created the PEACE interview model to develop a method of interviewing that allows investigators to have a conversation-based approach towards the interview. Dr. Shepherd is a forensic psychologist in the United Kingdom. He has had experience in the military, academia, law, psychology, and consulting for law enforcement agencies in the United Kingdom. Using his experience in all those fields, Dr. Shepherd was able to create an interviewing model that worked for the United Kingdom. The model was called the PEACE technique. In 1985, prior to creating the PEACE model, Dr. Shepherd created the conversation management approach. (Holmgren, 2017, P. 110; Forensic Solutions, 2018, Professor Eric Shepherd)

The conversation management was an interview technique that used a non-accusatory method of extracting information from a subject during an open-minded conversation. Dr. Shepherd had created that method while he was a psychologist with the City of London. Dr. Shepherd then moved on to the Home Office of the United Kingdom where he was working on the PEACE model as part of a project to create a uniform interview method for law enforcement to use. At the time in 1990, he was designing an interview model that used an open conversation

method to extract the most information out of a subject. He kept working on the interview model until 2010. In 2013, Dr. Shepherd published a book titled "*Investigative interviewing: A conversation management approach"*. Currently the book is in its second edition and is the preferred interviewing method used by the law enforcement and intelligence agencies in the United Kingdom. (Holmgren, 2017, P. 110; Forensic Solutions, 2018, Professor Eric Shepherd)

In 1984 the United Kingdom passed a bill called the PACE Act (Police and Criminal Evidence Act). The PACE Act forced all law enforcement agencies to record all their interviews with subjects. The Act forced all law enforcement agencies in the United Kingdom to let go of the notion of interrogation and move towards a universal method of interviewing. Dr. Shepherd was brought in to consult on developing an interview model that all law enforcement agencies would use. As such Dr. Shepherd used his experience in the conversation management method he used in the psychological field and developed it into the PEACE model. (Forensic Solutions, 2018, Professor Eric Shepherd; Shepherd & Griffths, 2013, PP. 82-83)

Method

The word PEACE in the PEACE model stands for the five components within it. The five components are preparation and planning, engage and explain, account, closure, and evaluate. The preparation and planning component is when the investigator learns about the interview and how to conduct the interview in order to reach an objective. The engage and explain component is when the investigator attempts to establish rapport with the interviewee and continues to build that rapport with the interviewee. The account component is when the investigator begins the interview with the subject and attempts to ask the interviewee questions related to the case matter. The closure component is when the investigator uses their skill in paraphrasing and summarizing to ensure clarity of the interview and that the interviewee stays on track. The

evaluate component is when the investigator evaluates the entire interview after the investigator had ended it. (Holmgren, 2017, PP. 110-112)

The PEACE model has certain steps that the investigator must take in order to achieve the objective of finding the truth. With that goal in mind, the PEACE model values the interviewee's rights and dignity. The point behind the PEACE model is to achieve the truth from an interviewee. The investigator is expected to be respectful in their approach, but also assertive and encouraging the interviewee to cooperate with the investigation. In order to do that the investigator must build rapport with the interviewee. (Shepherd et al., 2013, PP. 60-65)

Prior to attempting to build the rapport, the investigator must follow the first component of the PEACE model which is to prepare and plan the interview. The investigator must prepare and plan by finding out the relevant case information, relevant information about the subject, the crime scene and its location, information about everyone else involved, and the evidence collected. This will help the investigator plan out the interview and the guidelines to be taken within the interview. (Shepherd et al., 2013, PP. 65-67; Holmgren, 2017, P. 111)

After the preparation and planning the investigator moves into the engage and explain component. This component has a method within it called RESPONSE. RESPONSE stands for respect, empathy, supportiveness, positiveness, openness, non-judgemental attitude, straightforward talk, and equals. This method is used to form a guideline for an investigator to build rapport with the subject. The engage and explain component is heavy on the investigator building the rapport with the interviewee prior to asking any relevant case questions. RESPONSE will allow the investigator to form a positive relationship with the subject which in turn the subject will likely oblige and cooperate with the investigator in order to allow for a truthful disclosure of evidence. As part of building the rapport, the investigator is expected to

explain the reason behind the subject being interviewed. This will allow for the subject to let their guard down and understand what is going on and what the next steps of the interview are. That eventually helps build rapport between the investigator and the subject. (Holmgren, 2017, PP. 111-112; Shepherd et al., 2013, PP. 67-69; Shepherd et al., 2013, PP. 74-76)

The next component is for the investigator to account for the case by bringing up the case related questions and present them to the subject. There are 2 ways that the investigator can present the questions. The investigator can use the Cognitive Interview or the Conversation Management method. The Cognitive Interview is meant for subjects who are cooperative. It relies heavily on the subject being compliant with the investigator and is able to answer all the questions related to the case. The Cognitive Interview relies on the memory of the subject and allows for the investigator to help the subject recall the related details that the investigator is looking for. Once the subject is able to recall the details, then they will likely continue to speak about the details and voluntarily add onto the details originally sought. (Holmgren, 2013, PP. 111-114)

The Conversation Management method is meant for dealing with non-cooperative subjects. It relies on the investigator's reaction to the situation. The PEACE model expects the investigator to ignore the lack of cooperation from the subject and focus solely on the questions they are asking of the subject. If the subject continues to not cooperate with the investigator and begins to display behavior that shows a lack of interest in the interview, then the investigator can enact the DEAL method. DEAL stands for description, explanation, action required, and likely consequences. The investigator is to react to the non-cooperative behavior by describing it to the subject. The investigator then explains the effects of the behavior on the investigator, and then the investigator provides the appropriate action that the subject is meant to do. Finally, the

interviewer is to present a likely consequence that the subject would suffer should the uncooperative behavior of the subject persist. If the uncooperative behavior persists then the investigator can stop the interview or act on the consequence they listed. (Shepherd et al., 2013, PP. 636-641)

Another way a subject can be uncooperative is by denying or lying about the facts they are disclosing. The investigator should keep tally of every time a subject denies a fact. This will allow for the investigator to keep track of the denials for court purposes, but also to re-visit their plan if the subject denies the facts too many times, as they must have missed something when it comes to their understanding of the facts. If the subject lies about a disclosure, then the investigator must ask the question again and ensure that the subject answers the question. The subject must answer the question to the fullest extent possible without answering the questions with a question or attempting to intimidate the investigator. (Shepherd et al., 2013, PP. 641-647)

After the investigator has used the account component to collect the disclosure from the subject, they can move onto the closure component. The closure component consists of the investigator ending the interview by summarizing everything that had taken place in the interview and by informing the subject of the next steps that will be taken in terms of their involvement in the case. This is the time that the investigator would provide an opportunity to the subject to ask any questions they have. (Holmgren, 2017, PP. 111-112; Shepherd et al., 2013, PP. 80-81)

Once the closure is completed, the investigator leaves the interview room and enters another room so they can move on to the last component which is to evaluate the interview. The investigator is meant to evaluate the entire interview and focus on what was disclosed, the behavior of the subject throughout the interview, the relationship between the investigator and

subject, whether there were any misunderstandings, and whether the legal requirements were met by the investigator. The point is to help the investigator understand what took place from the interview, be able to link the information back to the case, figure out what was appropriate and what was not, and figure out what they can work on as an investigator moving forward with the case. Should the investigator need to go back into the interview room and to ask more questions, they will have to evaluate the initial interview first then take the notes from the initial interview and add onto the next interview by focusing further on what went right. (Holmgren, 2017, PP. 111-112; Shepherd, 2013, PP. 80-81)

The PEACE model's components are short and straight forward, but the model does have a list of principles and goals it is trying to achieve. Shepherd and Griffths (2013) outlined a list of seven principles and goals of the PEACE model. The first principle is to get information from the interviewees that is reliable and accurate. The second principle is that investigators must treat interviewees with respect and fairness, especially those who are considered as part of a vulnerable population. The third principle is that the interviewer must keep an investigative mindset throughout and after the interview, meaning that the interviewer must compare the information disclosed from the interviewee in order to determine what is factual and what is not. The fourth principle is that the investigator is free to ask questions that are related to the investigation so they can obtain as much information as possible from the interviewee. The fifth principle is that the investigator should recognize the great impact of an early admission from an interviewee in the investigation. The sixth principle is that investigators do not have to accept the first answer given to any question and that being persistent in their questioning is not deemed to be unfair to the interviewee. The seventh principle is that despite an interviewee's lack of

cooperation by being silent, the investigator is allowed to ask as many questions as possible. (P. 88)

The PEACE model has five components. The five components are the planning and preparation, explain and exchange, account, closure, and evaluate. The five components are meant to be a guideline for an investigator to have an open conversation with the subject and be able to obtain as much disclosure as possible from the subject. Behind the five components is a set of seven principles that an investigator must keep in mind before, during, and after the interview. Those seven principles add further guidance for an investigator should they go off script or forget what the initial objective of the PEACE model was. The seven principles of aiming to obtain accurate information, acting fairly, approaching with an investigative mindset, asking as many questions as possible, the positive impact of an admission, not accepting the first answer, and questioning subjects despite their silence is meant to be a tool for investigators to use to obtain the truth regarding information about the case. That is the point of the PEACE model. Both the REID technique and PEACE model's interviewing methods were outlined. In this next section, the legal cases will be outlined to show how the REID technique is used in Canadian cases.

The Cases

The following cases happened in Canada between the years of 2000 to 2016. The cases covered the use of interviews by law enforcement in order to obtain relative evidence from a suspect. The details of the cases will include the year of the decision, the court level of the decision, the facts of the case, the relationship of interviewing, and the rationale of the majority decision that was made.

The cases between 2000-2010

In *R. v. Oickle* (2000), the case was heard in the Supreme Court of Canada. The fact of the case is that Oickle became a suspect in eight cases of arson that happened in Nova Scotia between 1994 and 1995. Oickle became a suspect in the arson cases and therefore he was questioned about his involvement. Oickle was informed of his Charter rights to be silent, to speak to a lawyer, and to leave at anytime. Oickle had taken a polygraph test at first. Oickle had agreed to a polygraph test so that he can be ruled out as a suspect in the cases. He had failed the polygraph test according to police. Oickle was then interviewed a total of 3 times by police regarding his involvement with the fires. In the first interview, Oickle admitted to setting one of the fires, and subsequently he was arrested, Chartered, and detained for further questioning. Later on, Oickle admitted to seven of the eight fires that he had set. (*R. v. Oickle*, 2000)

In court, the issue became the level of voluntariness of Oickle's confession. It is this case that sets out the precedent for the confession rule in Canada. The Supreme Court of Canada decided to convict Oickle on all the charges he was facing. The rationale behind their decision included developing the confession rule for future cases. It has been established that the onus falls on the Crown to prove beyond a reasonable doubt that the confession was given voluntarily. The confessions rule exists to reduce the likelihood of injustice by having the tools to rule out false confessions, as false confessions will lead to the conviction of innocent people. (*R. v. Oickle*, 2000)

The Justices have found that false confessions usually come from improper police practices or misconduct, and not from proper use of interview/interrogation techniques. The Justices have identified four types of false confessions. Stress compliant, coerced compliant, non-coerced persuaded, and coerced-persuaded. Stress compliant false confessions happen when the suspect confesses to an offence while being interviewed or interrogated, because the

interrogation/interview had added a large amount of pressure on the suspect. That large amount of pressure forced them to confess to the offence so that the interrogation/interview can stop. The coerced compliant false confessions come from investigators threatening any form of bodily harm or promising the suspect certain things that they have no control over. The non-coerced persuaded false confession is when the suspect begins to doubt their memory or starts to make up things in their mind to believe that they are guilty of an offence they did not commit in the first place. This usually happens when police introduce fabricated evidence in the interview/interrogation. Coerced-persuaded is when the suspect is considered vulnerable, and due to their vulnerability, they would agree with anything the police say. (*R. v. Oickle*, 2000)

There are four factors that are considered in a case to determine whether a confession was involuntary or voluntary. The four factors are using threats or promises, creating an oppressive environment for the suspect during the interview/interrogation, whether the suspect had an operating mind, and whether the tricks used by police would shock the community. Using threats or promises would render a confession to be involuntary. Threats include threatening to harm the suspect during an interview. If an officer is to threaten a suspect during the interview, then any confession made by the suspect would likely be ruled as involuntary. Making promises include promising a suspect a lighter sentence during the court proceedings if they confess to the offence. If an officer is to make a promise to the suspect during the interview and the suspect confesses to the offence, then confession would likely be ruled as involuntary. So, the police cannot threaten any harm to a suspect, and they cannot make any promises that are related to the court proceedings. If the police were to do so, then any confession made by the suspect would likely be ruled as involuntary. (*R. v. Oickle*, 2000)

Creating an oppressive environment during the interrogation/interview is the other factor considered when determining whether a confession was made voluntary or involuntary. An oppressive environment can be created by inhumane treatment of a suspect, by forcing a stressed compliant confession, or by using fabricated evidence. Such methods would have a confession thrown out as the courts would view them as involuntary confessions. As such, law enforcement agencies should properly treat the suspect throughout their interaction with them and refrain from using fabricated evidence to force a confession out of a suspect. An operating mind is when the suspect has knowledge and understanding of what they are saying. If the suspect was mislead by an investigator or is part of a vulnerable population, then it can be said that they did not have an operating mind at the time they made a confession, and therefore it would be rendered as an involuntary confession. The last factor is the use of police trickery. Police can use tricks to obtain confessions out of suspects, but such tricks must fall within community expectations. The methods used should not be out of the norm or extremely invasive such as officers pretending to be lawyers. If the method used was deemed to shock the community because it is very unusual or extremely invasive, then any confessions made from the trick would be seen as involuntary. (*R. v. Oickle*, 2000)

The case of *R. v. Oickle* was one of the most important Canadian cases that is related to interviewing and interrogation. The case had reached the Supreme Court of Canada where Justices added a guideline for law enforcement agencies to use when it comes to interviewing or interrogating any suspects. The Justices had set out the four factors related to when a confession is considered involuntary, and that is when the confession is obtained from a threat or promise, obtained from an oppressive environment, obtained from a suspect who did not have an operating mind at the time, and obtained from tricks used by police that seemed to shock the

community because they were unusual or extremely invasive. Such guidelines have added a tool for courts to decide future cases that have a confession entered as a piece of evidence in the case.

In *R. v. M.J.S.* (2000), the case was heard in the Provincial Court of Alberta. The case had a *voir dire* to find out whether the interrogation of M.J.S. had resulted in a voluntary confession. M.J.S. was facing charges of aggravated assault after there were fractures found on his infant son's ribs. The police were trying to find out whether M.J.S. had caused the injuries on the infant child. Since the case involves children, the Judge issued a publication ban on the names of everyone involved, including the police officers. (*R. v. M.J.S.*, 2000)

The *voir dire* focused mainly on the interrogation of M.J.S. by the police. The interrogation of M.J.S. included three police officers who had taken turns in investigating M.J.S.'s involvement in his son's injuries. M.J.S. was interviewed on three different days. On all days M.J.S. cooperated with police by answering all their questions. M.J.S. had denied that he injured his son multiple times. The investigators kept on insisting that M.J.S. had injured his son and that he had done it accidentally or unintentionally. Despite that M.J.S. kept denying that he injured his son. Eventually, the police got M.J.S. to confess to the offence by writing an apology letter to his son. (*R. v. M.J.S.*, 2000)

The apology letter M.J.S. wrote was found to be an involuntary confession by the Judge. The Judge also found the letter to be ambiguous. The letter was written because the police had created an oppressive atmosphere by consistently insisting that M.J.S. had injured his son. The police insisted by telling M.J.S. that he had unintentionally injured his son. The Judge found that the interrogations by police had created an oppressive environment for M.J.S. The oppressive environment forced him to doubt his own recollection of events, thus not allowing M.J.S. to have an operating mind at the time of the interview. That lack of an operating mind made him believe

what the police had told him about his son's injuries. As such, the Judge found the confession to be involuntary, and he threw out the evidence brought in by the confession. The Judge then related the interrogation technique the police used to the REID technique, thus concluding the technique tended to create an oppressive atmosphere for a suspect. The REID technique would violate the characteristics of a voluntary confession and render it involuntary anytime it is used. (*R. v. M.J.S.*, 2000)

In *R. v. Amos* (2009), the case was heard at the Ontario Superior Court of Justice. The case had focused on the confession made by one of the accused, Scott Dankins. Dankins had made a confession to police about his involvement in the murder of Richard Boxall in 2007. Dankins had implicated himself, Shawn Amos, and Jonathan Preston. Dankins was interviewed on two separate occasions. (*R. v. Amos*, 2009)

He was first interviewed after he was stopped in a vehicle. At the time of the first interview, the death of Boxall was suspicious, and Dankins was suspected in having information that could help investigators piece together the facts surrounding Boxall's death. At the time of Dankins being stopped, he was asked if he would voluntarily be escorted back to the police station to be interviewed about his involvement in Boxall's death. Dankins consented, and he was taken to be interviewed. At no point did the police read Dankins his Charter rights under section 10(b), as the police viewed the interaction with Dankins to be voluntary and non-accusatory. Dankins was later released from the police station without charge. (*R. v. Amos*, 2009)

A few days later, Boxall's death was deemed a homicide, and Dankins was wanted for being an accessory after the fact to murder. Subsequently, Dankins was arrested and brought in to be interviewed. During the interview the investigator had done multiple things. The investigator had confronted Dankins about his involvement in Boxall's death, was deceitful

towards Dankins, had minimized Dankins' actions, had used moral inducements, had condemned the others involved, had commented on the accused's credibility at trial, focused on Dankins' redeeming qualities, made quid pro quo attempts, had commented on the legal process, had given Dankins the right to be silent, and had created a power imbalance between him and Dankins. (*R. v. Amos*, 2009)

Despite all the above, the Justice had found no issues with any of the methods the investigator had used as none of them had amounted to make the confession involuntary. The Justice found that the method used by the investigator fell well within police duties to investigate an offence and be able to obtain information from others. The method was conducted reasonably, and it did not amount to any threats or promises, an oppressive environment, it did not interfere with Dankins' operating mind, and the deceit used did not amount to shocking the community. The quid pro quo did not amount to any promises or threats, rather they focused mainly on investigation by police and not the court process. Due to the interview, Dankins' had confessed to the murder of Boxall, and he also included Amos and Preston in his confession. The Justice had found the confession to be voluntary and allowed it to be entered as evidence in court. (*R. v. Amos*, 2009)

In *R. v. Jorgge* (2010), the case was heard in the Ontario Superior Court of Justice. The case involved a Jimmy Alfredo Jorgge who was charged with sexual assault and administering a drug to commit an indictable offence. Jorgge met the victim online and went on a date with her. During the date, Jorgge drugged the victim and sexually assaulted her while she was unconscious. The police executed a warrant at Jorgge's house where they found date rape drugs, and subsequently, they interviewed Jorgge to find out information regarding his interaction with the victim. (*R. v. Jorgge*, 2010)

The interview of Jorgge resulted in a confession. During the interview, the investigator confronted Jorgge by repeatedly saying that Jorgge did the sexual assault, and that it was a one-time mistake. The interviewer kept minimizing Jorgge's actions and threatened a lengthy investigation into Jorgge to prove that he was a sexual predator who repeatedly preyed on vulnerable women he met online. The investigator had just finished his interview training in the REID technique, and was using the REID technique to bring out a confession from Jorgge. (*R. v. Jorgge*, 2010)

Jorgge kept denying he drugged or sexually assaulted the victim, and that the sexual encounter he had with her was consensual. Jorgge also said that he was unaware of the victim's state when he had the sexual encounter with her. This forced the investigator to become emotionally angered, and that led to him threatening Jorgge with a lengthier investigation to prove he was a repeat sexual predator. Eventually, Jorgge wrote an apology letter to the victim. In the letter Jorgge did not admit to sexually assaulting the victim nor did he admit to drugging her. He said that he was unaware of the victim's state of mind at the time of the sexual encounter, and he apologized for that. (*R. v. Jorgge*, 2010)

The Justice found that the interview resulted in a voluntary confession. The Justice found that the confession was a result of Jorgge not being threated or promised, in an operating state of mind, that he was not subjected to an oppressive environment, and that the police did not use a trick that shocked the community. The Justice found that the threats of a lengthier investigation were not the best words to use, but they did not amount to a threat that could force Jorgge into confessing. The Justice found that throughout the interview Jorgge seemed to be calm and collected, and that he was in an operating state of mind, and not in an environment where he felt oppressed. The Justice found that the REID technique on its own does not result in involuntary

confessions, rather the Justice found that should the technique be used wrongfully, then it would result in an involuntary confession. The Justice found that the investigator should not have gotten emotionally enraged in the interview, and that because of his emotional involvement, the interview was nearly damaged. As such, the confession was found to be voluntary and it was entered as evidence in the case. (*R. v. Jorgge*, 2010)

The cases between 2011-2016

In *R. v. Armishaw* (2011), the case was heard at the Ontario Superior Court of Justice. The case involved Cory Armishaw who was charged with second degree murder in the death of a three-month infant named Jaydin Lindeman. Armishaw was in a relationship with Jaydin's mother Kayla Lindeman. Jaydin was taken to hospital where he was pronounced dead. The cause of his death was due to being violently shaken. The police suspected Kayla to have committed the murder, however, after multiple interviews with Kayla, the investigators were led to believe Armishaw was the perpetrator. Kayla was found to be unreliable due to her inconsistent recollection of events where she implicated her grandmother and Armishaw, then contradicted herself by changing the timeline of what she did the day of Jaydin's death. Nevertheless, Armishaw was sought out to be the main suspect, and he was brought in for an interview. (*R. v. Armishaw*, 2011)

The interview of Armishaw resulted in a confession. During the interview, the investigator tricks Armishaw by making him believe he had a lot of evidence pointing to him being the only suspect in the case. The investigator gave Armishaw a theme that he was either a cold-blooded killer or a nice man who just snapped and made a mistake. The investigator then tried to minimize Armishaw's involvement by saying that it was a mistake. The investigator then went on to create a theme that Armishaw should not resist admitting to the case as that would

look bad on him. By looking bad, the investigator implied that the courts would not look favorably to him if they saw the evidence they had against him. The investigator then went on to minimize his lawyer's ability to handle his case and prove his innocence in court, due to the overwhelming evidence they had against him. Armishaw then begins to confess to the offence by saying that he had a weak memory of the incident and that he had shaken Jaydin at home. The investigator pushed Armishaw to further confess and told him that he should own up to his actions as it was not an accident. (*R. v. Armishaw*, 2011)

The Justice found that the confession was involuntary. The Justice found that the investigator went overboard when he tricked Armishaw into believing that he had a lot of evidence implicating him in the murder, while when he did not have much evidence against him in the first place. The Justice had an issue with the investigator minimizing Armishaw's lawyers' capabilities. The investigator said the lawyer's advice was not in his best interest. The investigator made threats that are related to the legal proceedings when he said that the courts would not favorably view him if he does not admit to the murder. The Justice also found that Armishaw was not in an operating mind due to the oppressive environment that the investigator created by being too close to Armishaw, by consistently pushing a theme of confessing to the offence so that he can look better in front of the courts, and that Armishaw was scientifically found to be a gullible individual who would accept the stories others tell him due to his lack of intelligence and ability to think for himself. All of this amounted for the confession to be ruled as involuntary. As such, all the interviews conducted with Armishaw were not included as evidence in the case. (*R. v. Armishaw*, 2011)

In *R. v. Chapple* (2012), the case was heard in the Provincial Court of Alberta. This case involved Christa Chapple facing an aggravated assault charge after the child she was taking care

of had suffered injuries from blunt force trauma. Chapple was subsequently interviewed for her involvement in the injuries of the child. (*R. v. Chapple,* 2012)

Chapple was interviewed on three separate occasions. In the first two interviews, Chapple was not charged and had come in voluntarily to talk about the child's injuries. Chapple was cooperative throughout the interviews and the interviews were non-accusatory. After the medical report indicated blunt force trauma injuries on the child, Chapple was interviewed a third time. During the third interview, Chapple was charged with aggravated assault and told she might be charged with other offences including attempted murder. The third interview lasted for about eight hours and it ended in a confession. The investigator had used a power point to show Chapple the evidence the police had against her. Chapple remained silent throughout the majority of the interview, but the investigator persisted with questions, statements, and interrupted Chapple whenever she spoke. (*R. v. Chapple*, 2012)

The investigator then went on to minimize her lawyer's advice to remain silent, and that she should just cooperate with the investigation. The investigator then mentioned that the injuries to the child was only due to blunt force trauma and nothing else could explain it. The investigator created a theme throughout the interview where they suggested that the blunt force trauma either happened accidentally or intentionally, thus trying to minimize Chapple's actions. Eventually the investigator settled on the theme that Chapple intentionally hurt the child, and Chapple began to talk. When Chapple began to speak about the details of the offence, the investigator kept pushing Chapple further to admit to intentionally hurting the child. Towards the end of the interview, Chapple wrote an apology letter confessing to the offence. (*R. v. Chapple*, 2012)

The Judge ruled the confession to be involuntary. The Judge found that the environment the investigator created was oppressive enough to coerce Chapple into confessing to the offence.

The Judge found that the investigator had gone overboard when they pushed Chapple to believe the idea that she had intentionally injured the child and that there was no other explanation for the child's injuries. The Judge found that Chapple confessed and provided details of the offence due to her wanting to tell the investigator what she wanted to hear, as the investigator was not satisfied with whatever Chapple said, unless it was related to intentionally injuring the child. The Judge found that the interview's duration was extremely long, and it contributed to inhumane conditions that Chapple had to endure, thus adding to the oppressive environment. (*R. v. Chapple*, 2012)

The Judge found the investigator saying that the injuries were only caused by blunt force trauma was an exaggeration of the actual evidence and had amounted to deceit. The Judge found that the investigator's persistence of asking questions for repeated prolonged periods of time amounted to an infringement of the accused's right to remain silent. The investigator did not have a limitation on how many questions they can ask the accused, but they should realize that an accused has a right to remain silent and that the questioning should stop at some point. The Judge found that the REID technique on its own created an oppressive environment when it is used and that the oppressive environment lead to involuntary confessions. After the Judge's findings, the confession was not admitted into evidence. (*R. v. Chapple*, 2012)

In *R. v. Read* (2014), the case was heard in the Provincial Court of British Columbia. The case involved a Gary Kenneth Read. Read was charged with theft of cocaine from the evidence lockers at the Burnaby Royal Canadian Mount Police (RCMP) detachment. Read was a special constable with the Burnaby RCMP detachment. He was in charge of handling evidence that was submitted to the exhibit in the detachment. RCMP officers had noticed one of the evidence boxes had contained less cocaine in it than when it was submitted. Read voluntarily submitted to a

polygraph test at the detachment, where he later failed it according to the polygraph examiner. After he failed the polygraph, Read was interviewed. (*R. v. Read*, 2014)

The interview with Read led to a confession. The investigator had befriended Read by telling him that he was one of them at the detachment. Read had expressed great concern for his reputation in the detachment due to the investigation. Throughout the interview, the investigator was getting Read to admit his wrongdoings without using any threats or promises. The investigator did exaggerate the reliability of the polygraph test to Read. The investigator tapped into Read's concerns about his image in front of his peers and his family by saying that his image would be much better preserved if he admitted to his actions. Eventually, Read confessed to taking the cocaine out of the box. (*R. v. Read*, 2014)

The Judge found that the confession was voluntary. The Judge found that Read made the confession without any oppressive circumstances and was in an operating mind. The Judge found that the investigator's exaggeration of the reliability of the polygraph test was allowed and did not contribute to an oppressive environment that coerced him to confess. The Judge found that the investigator had appropriately used the REID technique throughout the interview. The investigator did not make any threats or promises, and he did not lead him on. Rather, the Judge found that the investigator had created a proper environment that contributed to Read confessing. The investigator was calm throughout the interview, and he treated Read with respect and dignity. The deceit the investigator used did not amount to shocking the community. The decision allowed the confession to be admitted into evidence. (*R. v. Read*, 2014)

In *R. v. Thaher* (2016), the case was heard in the Ontario Court of Justice. The case involved a Morad Thaher who was facing charges of aggravated assault in relation to a random

stabbing that had occurred at a restaurant. The police eventually found Thaher as the main suspect for the stabbing and he was subsequently arrested and interviewed. (*R. v. Thaher*, 2016)

There were two interviews with Thaher. Both of which lasted for nine hours total. The first interview was about the involvement of Thaher in the stabbing. The investigator did not lead Thaher in a certain way but wanted to know his side of the story. During the interview, it was apparent that Thaher suffered from metal illness. The interviewer told Thaher that he had evidence against him. The evidence was surveillance video of the offence, his DNA on the weapon, and fingerprints on the weapon. The investigator then minimizes Thaher's actions by implying that he stabbed the victim due to his schizophrenia. Thaher kept denying any relation to the offence. The interview eventually ended with Thaher not admitting anything related to the stabbing. This interview lasted for two hours. (*R. v. Thaher*, 2016)

The second interview then began a few hours later. The investigator builds a rapport with Thaher. The rapport building leads Thaher to look up to the investigator and want to please him. The investigator had offered Thaher some food in the beginning of the interview, but nothing later on. This interview lasted for seven hours. Thaher says that he does not remember the stabbing or what he did prior to the stabbing. The investigator confronts him and tells him that he did commit the offence. The investigator then moves on to minimize Thaher's actions and say that they were done accidentally. Thaher then said that he was willing to lie to the investigator as the police were not believing what he said, and that the situation did not look good for him regardless of what he said. Thaher then went to say that the investigator was more of a father figure to him, as he related to the investigator and his story of his son having ADHD and schizophrenia. The investigator kept on insisting that Thaher had committed the offence and that he was intentionally repressing his memories of it. Eventually, Thaher began to doubt his own

memory after being interviewed for more than six hours. In addition, he had not eaten or slept since his arrest ten hours prior. Thaher confessed to the offence after the investigator kept on insisting that he committed it. Thaher wrote an apology letter to the victim saying that he was sorry that he hurt him. (*R. v. Thaher*, 2016)

The Justice found that the confession was involuntary. The Justice found that Thaher did not have an operating mind due to his mental illness which made him gullible, and that his operating mind was impaired from lack of food and sleep which the police should have provided to him in the first place. The lack of food and sleep along with the consistent persuasion of Thaher that he committed the offence lead the Justice to find that those factors coerced Thaher into confessing. The Justice also found a weakness in identifying the perpetrator of the offence as the witnesses at the scene provided contradictory details of the description of what the perpetrator was wearing, and the surveillance footage was too blurry to be able to identify an individual. As such, the Justice did not admit the confession into evidence. (*R. v. Thaher*, 2016)

The above nine cases show different results of the use of interviewing as a piece of evidence in court. When the interview was done properly with the accused being informed of their rights, and the REID technique being used appropriately then the interview was allowed as a piece of evidence at trial. When the interview is done poorly, the accused is not informed of their Charter rights, and the REID technique is used inappropriately then the interview is thrown out as a piece of evidence. This leads onto the analysis of officer conduct in all the cases above.

An Analysis of Officer Conduct in the Cases

Officer conduct was important to determine the validity of the confession the suspects gave in the cases above. Officer conduct revolving around their use of the REID technique was an important factor for a Judge or Justice's decision when it came to determine whether a

confession was voluntary or involuntary. The cases will be grouped in terms of being a voluntary confession or an involuntary confession. This will show that how the REID technique is used is what decides the case, and that the technique alone does not automatically determine a confession to be involuntary.

In the cases of *R. v. Amos* (2009), *R. v. Jorgge* (2010), and *R. v. Read* (2014) the confessions were found to be voluntary. The confessions produced from those cases were found to not have any promises or threats from officers, any form of an oppressive environment that was created by the officers, and any form of trickery that would have shocked the community. The suspects in those cases also had an operating mind. Those are the standards for confessions that were set in *R. v. Oickle* (2000). The officers in the *Amos, Jorgge,* and *Read* cases performed the REID technique in the correct manner, and because the officers used the technique correctly, their interviews resulted in a voluntary confession. (*R. v. Amos*, 2009; *R. v. Jorgge*, 2010; *R. v. Read*, 2014; Inbau et al., 2013, PP. 192-196; Inbau et al., 2013, PP. 202-208)

The correct use of the REID technique revolves around asking questions and confronting the suspect with incriminating evidence. The technique involves the investigator using proper tone and body language in their interview with the suspect. The technique focuses on not making any threats or promises, and to provide a comfortable environment for the suspect during the interview by creating themes that would minimize the suspect's actions and encourage them to talk about their side of the story. (*R. v. Amos*, 2009; *R. v. Jorgge*, 2010; *R. v. Read*, 2014; Inbau et al., 2013, PP. 192-196; Inbau et al., 2013, PP. 202-208)

In the cases of *R. v. Thaher* (2016), *R. v. M.J.S.* (2000), *R. v. Chapple* (2012), and *R. v. Armishaw* (2011) the confessions were found to be involuntary. The cases involved a breach of one of the four factors that were set in *R. v. Oickle* (2000). The cases involved officer misuse of

the technique which led to the findings of involuntary confessions. The officer misuse of the technique revolved around them creating an oppressive environment by making the interviews last too long, by pushing the officer's version of events onto the suspects repeatedly, and by not offering the suspect food or rest. The suspects did not have an operating mind in the some of the cases as the officers interfered with the suspect's recollection of events when they repeatedly insisted that the suspect committed the offence. The operating mind was also not found in some cases where the offender was gullible or mentally ill. The officer misuse of the technique also revolved around them making threats and promises that were related to legal proceedings, lawyer's advice, and further police action. The officers also showed evidence which was made up and incriminating which amounted to a level of trickery that shocked the community. (*R. v.* Thaher, 2016; *R. v. M.J.S.*, 2000; *R. v.* Chapple, 2012; *R. v. Armishaw*, 2011)

The improper use of the REID technique led to the confessions in the above cases to be involuntary. Officers strayed away from the technique and its guidelines, and they formed their own methods of approaching the interview. Such approaches have led to the officer misusing the REID technique. Shouting, prolonged interviews, discomfort, immense trickery, and consistency in confronting the suspect were not a part of the REID technique. Due to the misuse of the technique in the above cases, the technique's reputation and reliability was damaged. Such a bad image had led to Justices and Judges finding that the technique alone resulted in involuntary confessions. (*R. v.* Thaher, 2016; *R. v. Goro*, 2017; *R. v. M.J.S.*, 2000; *R. v.* Chapple, 2012; *R. v. Armishaw*, 2011; Inbau et al., 2013, PP. 153-155)

The technique alone does not produce involuntary confessions. It rather focuses on finding the person who committed the offence, and it acts as a tool for law enforcement to aide them in their duty to find the person responsible for the committing the offence. The technique's

use like any other law enforcement tool can be used improperly. The reality of those cases was that the technique was used improperly, and it did not follow the guidelines that were written out by the REID technique. The REID technique had received a damaged reputation in the above cases, and that reputation had further been damaged in academia. The academics formed the argument that due to the REID technique being found to be an improper technique to use in the justice system, then it would be time to introduce an interview technique to use in the justice system. That new technique was the PEACE model. (*R. v.* Thaher, 2016; *R. v. Goro*, 2017; *R. v. M.J.S.*, 2000; *R. v.* Chapple, 2012; *R. v. Armishaw*, 2011; Inbau et al., 2013, PP. 153-155)

Peace Model Argument

The academic community has promoted a new way of approaching interrogation and interviewing in Canada and the United States. This comes from multiple authors bringing in the PEACE model to replace the REID technique. Each author has their approach when it comes to why the PEACE model should replace the REID technique. In this section, the author's work will be summarized in terms of their argument and discussions. This is to illustrate the academic literature that has been promoting the substitution of the REID technique with the PEACE model.

The articles between 2008-2011

Kassin (2008) published an article on confessions and the psychology behind them. The author was focusing on false confessions and why they exist in the criminal justice system. The author argues that the use of the REID technique in interviews leads to false confessions. The REID technique's reliability on deception detection to determine whether a suspect is guilty or not contribute to misinformed decisions for investigators to interrogate a suspect. The technique also gets investigators to ask emotional provoking questions and analyze the suspect's response.

The author argues that deception detection and emotional provocation are not a reliable method of deciding whether a suspect is guilty or not. Such a method can contribute to false confessions as suspects would feel the need to confess to crimes they did not commit, due to the pressure put on them. (PP. 195-208)

The author argues that the use of deceptive evidence, minimization, and lengthy interrogations lead to false confessions. The author then argues that the PEACE model would be the next method of interviewing as it allows for a free flow of information from the suspect. The free flow of information comes from the suspect not feeling pressured to give anything as the PEACE model focuses on building a rapport with the suspect, on the story of the suspect, and it uses open ended questions with a minimal amount of confrontations. (Kassin, 2008, PP. 195-208)

Snook, Eastwood, Stinson, Tedeschini, & House (2010) published an article that focused on reforming the interviewing technique used by Canadian law enforcement. The authors argued that the REID technique should be abolished as it depends a lot on deception detection techniques as it guides the investigator to use deception detection techniques to determine whether the suspect is guilty of the offence or if they have nothing to do with it. They also argued that the technique has no research to support its level of success, and it creates a coercive environment for the suspect when the investigator uses the minimizing and maximizing method. The authors argued that the PEACE model should replace the REID technique as it does not create a coercive environment due to its open method of asking questions. Also, the model has research to support its success when it is used, and it does not use deception detection to determine whether a suspect is guilty. (PP. 216-225)

Kassin, Drizin, Grisso, Gudjonsson, Leo, and Redlich (2010) published an article on risk factors surrounding police induced confessions. The authors stated that recently people who have been convicted of crimes they confessed to have been exonerated through DNA evidence. The authors argued that the confessions the individuals made were false. (PP. 3-4) The authors argued that the false confessions were related to investigators using the REID technique to elicit a confession out of the people who were later exonerated through DNA. The authors argued that the technique psychologically coerced the individuals to falsely confess to committing the offences they were accused of. The investigators use of minimization, isolation, deception, and non-existent evidence in their interviews is seen as forcing the interviewee to confess to the offence whether they committed it or not. The authors argued that the PEACE model should replace the REID technique as it is a fact-finding interview technique that does not coerce any individual into confessing to a certain offence. The PEACE model also uses breaks, non-confrontational conversations, and existing evidence to get a suspect to talk during the interview. (Kassin et al., 2010, PP. 7-29)

Kassin, Appleby, and Perillo (2010) published an article on the use of the REID technique and PEACE model in interviews. The authors argued that the BAI used in the REID technique relies on detection deception which is not always accurate. The use of the BAI is to determine whether an individual is guilty or not before commencing the interrogation. The authors argued that the REID technique is guilt presumptive and deceptive. As such it becomes a risk to innocent individuals. The REID technique's use of minimization and non-existent evidence also adds to the anxiety to innocent people who deny any involvement in the offence. (PP. 39-50)

Due to those methods being used, there is an increased likelihood of false confessions being elicited from suspects. According to the authors, the PEACE model is more reliable as an interviewing technique as it is open minded, truth seeking, and not focused on deception detection. The authors found that the PEACE model investigators were confrontational, asking leading questions, and repetitive questions. Despite the PEACE model investigators being that, the model is better than the REID technique as the REID technique uses minimization and maximization as part of its interview which often leads to promises and threats. As such to reduce false confessions in the justice system, the authors argued that the PEACE model should replace the REID technique as interviews should be truth seeking not coercing confessions out of suspects. (Kassin et al., 2010, PP. 39-50)

Gudjonsson and Pearse (2011) published an article on false confessions and their relationship to the REID technique. The REID technique is seen by the authors as a guilt presumptive technique that uses deception to elicit confessions out of suspects. The authors argued that such an approach to interviewing increases the likelihood of a false confession. The authors argued that the methods use of isolation, minimization, and confrontations get in the way of investigators finding the truth and its intentions are to elicit a confession out of the suspect. The authors argued that the REID technique has no place in a liberal society that has values in ethics and morals. The authors then argued that the PEACE model is a better way of interviewing due to its focus on having an open conversation with the suspect, it focuses on finding the truth rather than elicit a confession out of a suspect, and it does not include any deception as part of its method. The authors found that there was no measurable amount of false confessions that either the PEACE model or REID technique caused. (PP. 33-36)

The articles between 2012-2018

Smith, Patry, & Stinson (2012) published an article on the legality of confessions in Canada. The article focused on the different methods of interviewing and legal systems in multiple countries including the United Kingdom and Canada. The article argued that the REID technique's use is efficient in getting confessions out of guilty suspects, but it does not protect suspects who are innocent. According to the authors, the REID technique relies heavily on deception detection when deciding on moving from interviewing a suspect to interrogating them. The technique also creates an immense amount of pressure on the suspects, which then coerces them to confess to the offence falsely in order to stop the interrogation. The author then argued that the PEACE model creates an environment that allows for the suspects to disclose accurate information without being coerced to do it and that it does not include using deception as part of the technique. (PP. 317-321)

Snook, Eastwood, and Barron (2014) published an article on the PEACE model becoming the future of interviewing in Canada. The authors argued that the REID technique relies heavily on the use of deception detection to determine whether an individual is guilty or innocent. The REID technique also uses methods that elicit confessions out of innocent people due to the use of deception, non-existent evidence, minimization, and guilt presumption of the suspect. The REID technique is risky due to those methods being used in the interview as well. That risk leads to eliciting false confessions out of interviewees due to the pressure it causes and the memory manipulation. The authors argued that the PEACE model is less risky and more humane towards the suspects due to it seeking to find the truth from the suspect rather than a confession. The PEACE model does not pressure suspects and it allows for the offender's perspective to be taken into consideration. The authors stated that police officers in the United Kingdom can offer a reduced sentence to cooperative suspects and that suspects do not have a

right to remain silent. Despite that the PEACE model is the new interview method due to it being less coercive, and it does not use deception or minimization tactics. (PP. 220-239)

Leahy-Harland and Bull (2017) published an article analyzing the use of the PEACE model in interviews. The authors argued the REID technique is opposite to the PEACE model. The authors argued that the REID technique includes manipulation of suspects, it forces investigators to approach their interviews by assuming the suspect is guilty, it depends heavily on deception detection, it does not have enough research to support its level of success, and it is coercive in nature. The authors argued that the PEACE model does not seek a confession like the REID technique, rather it seeks to find the truth from suspects without using any manipulation. The PEACE model emphasizes the use of rapport to establish a relationship with the suspect and that it emphasizes that suspects should be given the opportunity to say their side of the story. (PP. 138-142) The authors then went onto studying interviews that used the PEACE model and found that the investigators used rapport building, challenging suspects, and presented evidence to suspects. The authors did not find any use of minimization in the interviews they analyzed. (Leahy-Harland et al., 2017, PP. 147-150)

Miller, Redlich, & Kelly (2018) published an article on a study they performed on interviewers from the United States, Canada, Europe, Australia, and New Zealand. They sent out a survey to interviewers from those countries to compare their approach to interviews. They divided the countries into three groups which were the United States, Canada, and EANZ. EANZ included Europe, Australia, United Kingdom, and New Zealand. The authors differentiated between the three groups by the methods they used to perform their interviews. United States and Canada used the REID technique, while EANZ countries used the PEACE model. The study's results found a difference between the three groups. Canada and EANZ use rapport building with

suspects more than the United States. Canada and the United States use more deception techniques than the EANZ group. Canada and the United States use more deception detection techniques than the EANZ group. The EANZ group still used deception detection and interviewer deception techniques in their interviews. (PP. 938-951)

The nine studies published criticized the use of the REID technique in interviews. The published articles argued that the PEACE model should replace the REID technique. The articles found that the REID technique was oppressive in nature and it resulted in false confessions when it is used. The PEACE model was a truth-seeking method that did not coerce suspects into falsely confessing to the offence. Despite argument of the articles, the REID technique and PEACE model are similar and are proper interview techniques that can be used by law enforcement.

The Similarities between PEACE and REID

There are many similarities between the PEACE model and REID technique. What was outlined in the previous chapter was the academic argument against the use of the REID technique and the promotion of the PEACE model. The authors of the previous chapter emphasized that there is a difference between both interview techniques. The authors in the scholarly articles argued against the use of the REID technique due to the technique using minimization, deception, non-existent evidence, guilt presumption, promises, and threats. The authors portrayed the REID technique as a risky and oppressive interview method to use on suspects. In this chapter the similarities between the REID technique and the PEACE model will be shown based on the similarities between the methods, along with debunking the academic argument for the PEACE model and promoting a critical perspective of the REID technique.

There are similarities between the interview methods themselves. The REID technique uses the factual analysis component and the PEACE model uses the prepare and plan component. Both components analyze the evidence related to the case by looking at the suspect's relationship to the case, the evidence against them, and a background check on them to show more information about the suspect so that it can be used to build rapport with the suspect. All that information is then used to plan the interview with the suspect to decide how the interview will hypothetically progress, what will the introduction be like, and what the end goal of the interview will be.

The other similarity between both methods is the rapport building with suspects. The REID technique uses the rapport building in the interview component, while the PEACE model uses it in the engage and explain component. Both methods build rapport with the suspect by using the suspect's background information to find common grounds with them, and also by treating the suspect with respect, openness, and making sure they are comfortable with the investigator so they can open up to the investigator and talk about their involvement with the offence.

Both interview methods have similarities with the use of initial confrontations where the suspect is told why they are being interviewed. The similarities are also found when dealing with cooperative and uncooperative subjects. In both techniques when the suspect is initially confronted, they are told why they are being interviewed, what their side of the story is, and their level of involvement in the offence. When the suspect is cooperative with the investigator, both methods rely on the suspect's disclosure and the disclosure is looked further into by focusing on the memory of the suspect and extracting details from their disclosure so that it can be linked back to the evidence and facts of the case.

When the suspect is uncooperative both methods emphasize that the investigator stick to the questions they are asking and ignore the denials or diversions of the suspect. If the suspects continue to deny all the allegations made by the investigator, both methods emphasize that the investigator stop the interview and find out if the investigator is missing a detail of the case or the suspect. Both methods rely heavily on controlling the interview and ensuring that the interviewer is the asking the questions. Those similarities are found in the first, third, fourth, fifth, sixth, and seventh steps in the interrogation component of the REID technique, and for the PEACE model it is found within the account and engage and explain components.

As seen earlier, there are more similarities between the REID technique and PEACE model than there are differences. The PEACE model argument made in the previous chapter had a theme. The theme was that the REID technique was too risky and improper to use. That's due to the technique using minimization, deception, non-existent evidence, guilt presumptive approach to suspects, threats, and promises. The authors of the scholarly articles identified such a theme of the REID technique and then went on to promote the PEACE model. The promotion focused on the PEACE model seeking to find the truth and not induce a confession out of the suspect. The REID technique's method was included in previous chapters. It does not emphasize using deception, non-existent evidence, threats, or promises. The REID technique focuses on drawing out information from the suspect in the least coercive way.

The REID technique cautions against using deception, non-existent evidence, promises, or threats. The REID technique's three components guide an investigator to obtaining information out of the suspect without coercing them. The technique also relies on the suspect to be cooperative. The use of minimization allows for an investigator to help the suspect to feel comfortable. The use of minimization allows for the suspect to feel they will be understood by an

investigator, as it minimizes their actions and intentions. The PEACE model has a similar approach to minimization, as police officers in the United Kingdom can offer a third of the actual sentence to be imposed on a suspect who confesses to the crime they commit. (Snook et al., 2014, PP. 236-237) The lower sentence imposed through a confession allows for the suspect to feel comfortable enough to cooperate with the police and provide their version of the event. In the United Kingdom, the suspect does not have right to remain silent. (Snook et al., 2014, PP. 236-237) So, an investigator would have an easier job to do when they convince the suspect to speak as part of the interview, since they do not have a right to remain silent. This rule aids the PEACE model in getting suspects to cooperate during the interview. This will add to the model's success, as there is a higher likelihood of cooperation.

The presumption of guilt exists in all criminal related interviews in the justice system. No one suspect is brought in to be interviewed without evidence pointing to that suspect being involved in the offence. Both the PEACE model and REID technique do not speak of guilt presumption. Guilt presumption is an investigator bias and not a part of any of the techniques. There were studies done on investigators from the United Kingdom and Canada. The studies were an analysis on their interviews and how they perform it.

The two studies have been done on Canadian and British investigators. The studies focused on investigator's use of the REID technique for Canadian investigators, and the PEACE model for the British investigators. The studies wanted to discover how much of the actual techniques are being used. Both the REID technique and the PEACE model have their guidelines on how they should be used. The studies went on to survey investigators from both countries to find out how much of the guidelines are being followed. (Snook & King, 2009, PP. 674-675; Shawyer & Milne, 2015, PP. 30-33)

In both studies it was found that both techniques were not used or followed at a hundred percent. In the British study, it was found that the investigators come up with their own approach that is different from the PEACE model's. Such approaches are guilt presumption and deception detection. The approach is unique to every investigator as the investigator takes the PEACE model and tries to apply it in the best way possible depending on the context of the case. (Shawyer & Milne, 2015, PP. 39-45)

The Canadian study found that investigators did not use the entire guideline of the REID technique. The investigators used the REID technique but also added their own methods of how to perform the interview. This has led to a higher likelihood of the suspects not confessing to the crimes. When the officers used more of the REID technique correctly, they ended up with more confessions than when they used less of it. (Snook et al., 2009, PP. 689-692)

The legal cases introduced above showed how the REID technique can be used improperly and how that can lead to false confessions. The authors stated that false confessions come from the use of the REID technique. Some Justices and Judges in the above cases had found the REID technique to be oppressive and that it led to false confessions when it was used. Despite that, there were other cases that were successful due to the confessions that came from the use of the REID technique. There were other Justices and Judges that have found the REID technique to be a proper interview technique, and that it can produce confessions when used appropriately. For the false confession cases, it was found that when the REID technique is used inappropriately and that when the investigator becomes too emotional or goes too far with the use of deception or non-existent evidence, then it is likely that the investigator would create an oppressive environment where the suspect would falsely confess to the crime.

As seen in the Snook & King (2009) study, investigators do not always follow the guidelines of the REID technique and when they use less of the technique in the interview then they end up with no confession. The point is that when the REID technique is used appropriately then it can lead to a confession that is admissible in court. The false confessions do not come from the use of the REID technique, rather it comes from officer misconduct during the interviews. The use of deception and non-existent evidence during interviews is allowed under Canadian common law and legislation, if it does not shock the community. Using deception and non-existent evidence is not a part of the REID technique, rather it is part of the investigator's decision.

The REID technique and PEACE model are similar in many ways. They are similar in their methods and they are similar in how they are used. The similarities between both methods allows for them to be viewed as being more superior than one another. The use of the REID technique is allowed in Canadian courts as seen in the legal cases and when it is used appropriately it results in voluntary confessions. The PEACE model has advantages due to the rules of interviewing in the United Kingdom. Despite the similarities between both methods, the reality for Canada is to move on to a different interview model that is more suitable.

The Future of Interviewing in Canada

The future of interviewing in Canada is unknown. The future of interviewing would have to include using both the REID technique and the PEACE model as interviewing techniques. Both are similar techniques that have a lot of merit and support to show that they are useful in an interview room. However, both techniques are not going to be followed entirely during the interview. It is up to the investigator to decide on how to conduct the interview and on what to talk about with the suspect.

As much as the REID technique and PEACE model are useful in a Canadian interview room, another similarity between them is that they are both not Canadian interviewing models. The REID technique originated from the United States and PEACE model originated from the United Kingdom. Both techniques have a gap when they are used in Canada, as Canadian investigators must take both techniques and add on or take away from them so that they can fit the context of the case and fit the legislation and common law principles of confessions. Also as seen in the previous legal cases, the REID technique has received a mixed finding from different Justices, as some Justices approve of its use while others disagree with it. To stick to the PEACE model would be a counter intuitive approach, as the PEACE model is effective in the United Kingdom where an investigator can help reduce a suspect's sentence when they confess, and where the suspect does not have a right to remain silent.

As such, it is suggested that Canadian law enforcement agencies look at introducing a Canadian interview model. There are no specifics on how the Canadian interview model would be conducted. Its principles would align with that of Canada's confession rule, common law principle, legislation, and internal law enforcement policies. The Canadian interview model would allow for a stricter guideline for investigators as they must do less work surrounding fitting either the REID technique or PEACE model into a Canadian case. It is suggested that the Canadian interview model be headed by Canadian academics and Canadian law enforcement agencies.

The PEACE model has its own fit in the United Kingdom with their rules, and the REID technique has its own fit in the United States with the 50 states. The United States has 50 states, and each state has its own criminal justice system. Canada has a different set of rules with their own common law principles, legislation, and *Canadian Charter of Rights and Freedoms*. As

such, Canada must stray away from the use of PEACE and REID and create its own interview technique that can be used by Canadian law enforcement agencies to create consistency.

Conclusion

The REID technique has been criticized for its use in North American interview rooms. That criticism came from published academic articles calling the method oppressive and risky. The published articles promoted the use of the PEACE model as it was less oppressive and less risky. The REID technique's use in Canadian court was outlined. The outline showed that when the technique is used properly, then it results in voluntary confessions. When the technique is used improperly due to officer misconduct, then the likelihood of a false confession increases. The REID technique is not an oppressive technique and it does not produce false confessions every time it is used. Like the PEACE model, the REID technique seeks to find the truth from the suspect, and it allows for a comfortable environment for the suspect. The PEACE model and REID technique are similar in their methods, their objectives, and their level of use. Despite both method's use in North America and the United Kingdom, Canada must create its own Canadian Interview Model. The Canadian Interview Model would fit Canadian legislation, common law principles, law enforcement policy, and the *Canadian Charter of Rights and Freedoms.* That can be the new direction of interviewing in Canada.

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