

December 20, 2016

Open Letter

TO: Jason Leahy, Executive Director, Illinois Principals Association
Stephanie Donovan, General Counsel, Illinois State Board of Education
Vince Camille, Ed.D., Educator Licensure Division/License Renewal
Regional and Assistant Regional Superintendents, Regional Offices of Education and Intermediate Service Centers
Superintendents, Illinois School Districts
Ed Leaders Network

It has come to our attention that, starting in January 2017, the Illinois Principals Association (IPA) will resume offering Administrators' Academy #1007 titled "Developing Investigative Interviewing Skills." This Academy is based on the Reid Technique of Interrogation and taught by Joe Buckley of Reid & Associates. The Reid Technique is unreliable and especially inappropriate to use on school-age children. Juveniles—particularly those with mental illness—are especially vulnerable to the technique.¹ This interrogation technique, which has been widely discredited in law enforcement settings, has no place in our children's schools, and the undersigned call for this training to be immediately discontinued.

School Personnel Should Not Be Taught to Interrogate Their Students

The purpose of the Reid Technique training is to teach school administrators and other educators how to interrogate their students. The training is based on techniques used by law enforcement on adults held in police custody. The training participants, who include school principals, vice principals, and deans, are not in law enforcement and should not be using law enforcement techniques on the children and youth in their schools. According to data received from the Illinois State Board of Education (ISBE) from a recent Freedom of Information Act request, over 1400 administrators and other educators in Illinois have received professional development credit toward their licenses for attending this course in the last six years. That is far too many school officials who have been instructed in the Reid Technique.

¹ See e.g., Christian Meissner and Allison Reidlich, "Techniques and Controversies in the Interrogation of Suspects: The Artful Practice versus the Scientific Study," in *Psychological Science in The Courtroom: Controversies and Consensus*, eds., J. L. Skeem, K. Douglas, & S. Lilienfeld. (New York: The Guilford Press, 2009); Kavanaugh, Antoinette, Ph.D "The Supreme Court Recognizes Juveniles and Adults are Different. Do Police?" (May 2, 2010). (Review of the Reid Technique available on <http://drkavanaugh.com/>).

Though the IPA has represented several times that the training has been adapted for use in schools, the current course proposal suggests otherwise.² The training proposal to ISBE contains as required material the Powerpoint presentation titled, “Criminal Interrogation and Confessions” as well as the book by the same name (5th ed.). In fact, every course material listed refers to interrogation and confessions, and all course materials and research references are from John Reid & Associates. The course proposal does not cite to any independent or peer-reviewed research suggesting this technique is appropriate for use in a school setting. To the contrary, use of interrogation does not create a safe environment where students feel they can trust adults and runs directly contrary to U.S. Department of Education guidance suggesting that schools utilize evidence-based strategies that promote a safe and positive school climate.³

Two of the undersigned organizations sent representatives to a previous workshop last year and observed firsthand the nature of this training.⁴ There was very little acknowledgement that the subjects of these interrogations would be children and, therefore, that they should be treated differently than adults. Some of the video demonstration examples involved murder cases and other serious crimes, which were inappropriate examples because they were not matters that school administrators would be investigating. Many of the videos also contained adult subjects, which encouraged training participants to think of juveniles as adults. The only exception mentioned was to acknowledge that the technique was inappropriate for children aged 10 and below because they are too susceptible to suggestion and a desire to please authority. There was no evidence offered to support why that is an appropriate cut-off age, nor were specific limitations mentioned on application of this technique to students with mental health diagnoses or intellectual impairments. A confession was clearly emphasized as the goal of the technique, no matter the consequences for the student.

The Reid Technique is Not Reliable and Therefore Does Not Promote School Safety

The Reid Technique incorporates several interrogation tactics known to increase the danger of coercing false confessions. Specifically, these inappropriate tactics include: (1) emphasizing that body language indicates guilt or innocence,⁵ while failing to provide any research-based evidence for that contention and despite prevailing case law calling this concept “especially dangerous” in the case of “young suspects”⁶; (2) determining credibility solely based on verbal statements; (3) using specific criminal investigation techniques, i.e., those used on mature adults, as if they were appropriate for the school environment (such as “Presenting an Alternative Question” and “Theme Development”, when these precise tactics have been found to

² The course proposal, obtained through a Freedom of Information Act request, is dated November 21, 2016 and is titled “Developing Interview and Interrogation Skills: Reid Nine Steps of Interrogation - Revised 2016”

³ U.S. Department of Education, A Resource Guide for Improving School Climate and Discipline” (Jan. 2014), <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>.

⁴ For a description, see Douglas Starr, “Why are Educators Learning How to Interrogate Their Students?” *The New Yorker* (March 25, 2016), <http://www.newyorker.com/news/news-desk/why-are-educators-learning-how-to-interrogate-their-students>

⁵ This is also Participant Outcome No. 1 in the updated course proposal: Participants will be able to recognize verbal and nonverbal behavior symptoms during the investigative interview.

⁶ *In re Elias V.*, 237 Cal. App. 4th 568, 588–89 (2015).

elicit false confessions⁷; (4) encouragement to continue questioning a child who is crying because tears purportedly confirm that a confession is imminent; and (5) using written statements to deceive students and detect guilt.⁸

Coercive law enforcement techniques aimed at eliciting confessions have proven unreliable, particularly when applied to young people. According to the California Court of Appeals,

Estimates of false confessions as the leading cause of error in wrongful convictions range from 14 to 25 percent, and . . . a disproportionate number of false confession cases involve juveniles. Recent research has shown that more than one-third (35 percent) of proven false confessions were obtained from suspects under the age of 18.⁹

Indeed, the Reid Technique has been widely discredited and similar techniques based on coercion and deceptive practices have been banned in several European countries because of their tendency to lead to false confessions and unreliable information.¹⁰ Accordingly, adapting these types of law enforcement techniques for use in schools runs contrary to the ultimate goal of promoting school safety.

We Call for This Training To Be Discontinued

As professionals and organizations that work with, represent, and support students, we believe teaching this interrogation technique undermines the intent of the Illinois General Assembly in passing Senate Bill 100, a comprehensive school discipline reform legislation now known as Public Act 099-0456. SB 100, which took effect in September of 2016, reflects an effort to move away from exclusionary discipline and toward restorative and supportive practices as well as appropriate interventions. It is imperative that students are able to trust the adults who share their school building with them. Merely modifying training in the use of the Reid Technique for use on young people in schools does not cure the deficiencies in these methods, as any method that has these highly coercive techniques as its foundation is not appropriate for students. Indeed, all of the issues cited above came directly from the recent training materials that were ostensibly ‘revised’ to deal with juvenile-specific issues. Rather, trainings in interviewing and investigation techniques should be designed and conducted by a psychologist or other qualified professional who specializes in adolescent behavior and school settings. Another

⁷ “One of the findings of the study particularly pertinent to this case is that ‘a fair number of police (21.4%) endorsed usage of verbally tricky, forced choice questions where either choice incriminates the subject, without discrimination of the age of the suspect, indicating little knowledge or application [and knowledge of factual findings] that children are likely to choose between the forced-choice answers presented by the police even when none are correct.’” *In re Elias V.*, 237 Cal. App. 4th at 589.

⁸ All of these assertions are contained in the 32-page outline handed out and used as a teaching method during the course offered on January 30, 2015, entitled “The Reid Technique of Interviewing and Interrogation.” This training had been advertised as a revised version.

⁹ See, e.g., *In re Elias V.*, 237 Cal. App. 4th at 577–78.

¹⁰ See Vrij, A “Interviewing Suspects”, in Memon, A.; Vrij, A; Bull, R. *Psychology and Law: Truthfulness, Accuracy and Credibility*. Maidenhead, 124-44 UK: McGraw-Hill (1998). Several other countries now use the PEACE technique, a non-accusatory, information-gathering approach to investigative interviewing.

example of a more appropriate training is the PREPaRE training offered by the National Association of School Psychologists focusing on school safety and crisis prevention.¹¹

We ask that the Illinois State Board of Education (ISBE) revoke the approval of Administrators' Academy #1007, that the IPA cease offering the course, and that school districts discontinue their practice of sending staff to these seminars. This technique has no place in schools and does not promote school safety or contribute to the trusting relationships necessary for a positive school climate. We thank you for your attention to this letter.

Signed,

Jessica Schneider, Chicago Lawyers' Committee for Civil Rights

LAF (Legal Assistance Foundation)

Miranda Johnson, Associate Director of the Education Law and Policy Institute, on behalf of the Civitas ChildLaw Center, Loyola University Chicago School of Law

ACLU of IL

Dan Cooper, Adler University

Alexa Van Brunt, Attorney, Roderick and Solange MacArthur Justice Center, Northwestern Pritzker School of Law

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Andre Born, Austin Coming Together

Annalise Buth

Asher Miller

Casey Pilgeram

Christina Gikas

Christine Agaiby

¹¹ Information available at: <https://www.nasponline.org/professional-development/prepare-training-curriculum>

Chuck Hartseil

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Heather M. Dalmage, Mansfield Institute for Social Justice

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Patrick Keenan-Devlin, James B. Moran Center for Youth Advocacy

Janine L. Hoft

Jessie Duncan, Westside Health Authority

John Gammal

Justice and Witness Ministry of the Chicago Metropolitan Association of the United Church of Christ

Penny Richards, Kane/Kendall Learning Disabilities Association of Illinois

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The Elementary Justice Committee of Parents Organized to Win Educate and Renew Policy Action Council (POWER-PAC)

Thomas Golebiewski Jr.

Appendix: Reid Nine Steps of Interrogation Professional Development Training Participants (based on FOIA data)

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			Attendees Receiving Reid Technique PD Credit (2010-2016)								
			Year	2010	2011	2012	2013	2014	2015	2016	2010-2016 Total
REGIONAL OFFICES											
Region	County Name	Superintendent (as of August 2016)									
11	Clark Coles Cumberland Douglas Edgar Moultrie Shelby	Bobbi Mattingly					1	2			3
12	Clay Crawford Jasper Lawrence Richland	Monte Newlin		1	2	1	1				5
13	Clinton Jefferson Marion Washington			2	1	3					6
14											
15	City of Chicago	ISBE		2	3		15	9		2	31
16	DeKalb	Amanda Christensen		1	3	1	1	4			10
17	Dewitt Livingston Logan McLean	Mark Jontry		2	16		2	6			26
18											
19	DuPage	Darlene J. Ruscitti		7	9	2	4	5		4	31

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Region	County Name	Superintendent (as of August 2016)									
	Annual Total (All Regions)			175	321	68	146	220	428	44	1402