

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Is Texas Peace Officer Interrogation Training Adequate at the Basic
Police Academy and Field Training Levels?**

**An Administrative Research Paper
Submitted in Partial Fulfillment
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Leadership Command College**

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ABSTRACT

Police interrogation training for Texas law enforcement officers is relevant to contemporary law enforcement because it is one of the most frequent and important tasks peace officers perform. The interrogation of criminal suspects by peace officers is governed by law, and police interrogation practices are highly scrutinized by the courts and the public.

The purpose of this research is to determine whether Texas law enforcement officers are currently provided adequate interrogation training at the basic police academy level and field training levels within their respective agencies and to make appropriate recommendations, if any, based on those findings.

The method of inquiry used by the researcher included a review of previous research, including textbooks, magazine articles, internet sites, as well as a survey distributed to 85 Texas law enforcement officers. The majority of the survey participants are Law Enforcement Management Institute (LEMIT) participants who serve in management positions in municipal, county, independent school district, and state law enforcement agencies across Texas.

The researcher discovered that although there are numerous advanced interrogation training programs available, Texas police academy curriculums and field training programs within individual Texas law enforcement agencies are still sorely lacking in this area. Additionally, the researcher discovered that an overwhelming majority of the survey participants believe the lack of interrogation training for Texas peace officers is a problem.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.1
Review of Literature3
Methodology7
Findings	8
Discussion/Conclusion.	11
References	13

INTRODUCTION

Imagine a small-town Texas peace officer sitting in a police department interrogation room across from a man he just arrested for sexually assaulting and brutally murdering an eight year old girl. This is the first suspect this officer has ever arrested for such a heinous crime. The suspect waives his Miranda rights and agrees to speak with the officer but denies doing anything illegal. The officer is convinced of his guilt based on evidence found in the suspect's possession, the suspect's nervousness, and what the officer's gut-instincts are telling him.

The officer graduated from a regional law enforcement training academy where he received about four hours of instruction on interrogation techniques. He learned the legal constraints placed on peace officers who conduct interrogations and how to recognize signs of deception in guilty suspects. There were not any hands-on training sessions, and he was not tested on the State's licensing exam as to his mastery of the subject of interrogation.

The officer's limited experience with the criminal justice system convinces him that a confession from the suspect is needed in order to ensure a conviction in court. The officer must know what interrogation methods are legally permissible. This includes whether or not it is acceptable to present the suspect with false evidence; whether or not it is appropriate to accuse the suspect of committing the crime; and whether or not the officer's statements can be considered promises of leniency. In the scenario just described, this officer is not prepared to interrogate the suspect.

Therefore, the issue to be examined is whether or not Texas law enforcement officers are provided adequate interrogation training at the basic police academy level

and field training levels within their respective agencies. Law enforcement officers interview and interrogate criminal suspects on a routine basis, and the results of these interviews and interrogations have the potential to make or break a case.

The interrogation of criminal suspects has far-reaching consequences for the law enforcement profession. *Miranda vs. Arizona* (1966), arguably one of the most famous cases to make it to the United States Supreme Court, is one such example. The court's ruling in *Miranda* requires law enforcement officers to read custodial suspects their constitutional rights and obtain a waiver of those rights before questioning them.

Underscored by the routine newspaper articles and television news coverage of false confessions and mistreatment of suspects during the interrogation process, the recitation of these rights to arrestees appears perfunctory for some Texas lawmen. One such example of a significant false confession in Texas involves Christopher Ochoa. He confessed to the 1988 murder of a woman in Austin, Texas and implicated his friend, Richard Danziger. Both were sentenced to life in prison. The Wisconsin Innocence Project initiated efforts to prove Ochoa's innocence and had newer DNA testing methods performed on retained crime scene evidence. Ochoa and Danziger were excluded as contributors and eventually released from prison. Ochoa claimed coercive police interrogation tactics as his reason for confessing to the crime (<http://articles.latimes.com/2006/jun/21/local/me-confess21>).

Laws relating to interrogation are constantly evolving, and the task of interrogating criminal suspects is complex. Without sufficient training in this critical skill area, it is foolish to expect peace officers to conduct proper interrogations.

The purpose of this research is to examine current interrogation training requirements for licensing as a Texas law enforcement officer, the subsequent interrogation training trends provided to new officers in field training programs by their respective agencies, and to determine whether adequate training is taking place. An additional purpose is to determine what changes, if any, can improve the training of law enforcement officers in Texas. The anticipated finding is that law enforcement officers are not adequately trained at the basic police academy and field training levels.

The method of inquiry will include a review of textbook(s) concerning interview and interrogation, magazine articles, Internet sites, and a survey of full time law enforcement professionals from across the state of Texas. The majority of the surveyed law enforcement will be full-time supervisory personnel within their agencies as well as participants or graduates of the Bill Blackwood Law Enforcement Institute's Leadership Command College.

Texas law enforcement will benefit from this research through the enlightenment of law enforcement administrators, academy directors, and state legislators of the vital importance of improving and increasing interrogation training for new peace officers, both at the basic police academy and field training levels.

REVIEW OF LITERATURE

The author has found that there is an enormous amount of existing literature on the topic of law enforcement interrogation, ranging from interrogation how-to manuals and college textbooks on criminal investigation to research papers and magazine articles on interrogation techniques and false confessions.

Texas peace officers, like other law enforcement officers across the nation, interrogate criminal suspects routinely. It is truly one of the most often performed tasks that officers are required to do in order to solve crimes. Often in criminal investigations, it is a confession alone that enables a crime to be solved (Inbau, Reid, Buckley, & Jayne, 1986). Unlike depicted in CBS's wildly popular television series CSI, forensic evidence is often not available for law enforcement to quickly solve crimes.

The terms "interview" and "interrogation" are sometimes used to describe the same function. For the purpose of this research, the terms "interview" and "interrogate" are distinguishable in that an interrogation involves accusatory questioning by peace officers of criminal suspects, whereas an interview involves non-accusatory questioning of individuals, whether the person is a suspect or not.

One of the main purposes of a police interrogation is to obtain the truth from someone who is lying about their knowledge of, or who is guilty of, committing a crime. In the case of a known guilty suspect, a confession is most often the desired result. Kinnee (1994) stated, "In the field of criminal investigations, one of the most important skills that an investigator can develop is the ability to obtain information from a suspect through interrogation" (p.341).

A properly obtained and well-documented confession can be one of the single greatest pieces of evidence an officer can have in a criminal case. A well-documented confession is one that is recorded on audio, on video, or in print that meets statutory requirements for admissibility and is validated through corroboration. An officer who obtains a good confession can drastically reduce the amount of time he or she spends testifying in court.

Court convictions in criminal cases are often overturned based on improper procedures used by peace officers during the interrogation process. Additionally, many confessions obtained by Texas peace officers often do not meet the State's legal constraints under Chapter 38 of the Texas Code of Criminal Procedure (<http://www.capitol.state.tx.us/statutes/cr.toc.htm>), thus preventing admissions of guilt from ever being heard by a jury. Countless police reports show where officers have documented admissions of guilt by suspects; however, many of the confessions are useless because they were not properly obtained. Typically, either Miranda rights were not properly administered or the officer failed to document the confession in writing or on video.

Laws relating to interrogations and confessions are continuously evolving and becoming more complex. What was a common police practice one day may be ruled improper or illegal by the courts the next. Often, changes occur based on the actions, or inactions, of law enforcement. The "Two-Step" protocol described in *Missouri vs. Siebert* (2004) is an example. This relatively recent case involved police officers who interrogated a custodial suspect without first advising her of Miranda rights. After obtaining an initial admission of guilt, the officers took a short break in the interrogation. They returned and read Miranda rights to the suspect and had her repeat her confession. They then documented the second confession. The U.S. Supreme Court later ruled the confession inadmissible because the initial interrogation was conducted without the required Miranda warning.

With court rulings like the one in the *Siebert* case, the logical step would be for the Texas law enforcement profession to respond with increased interrogation training

for law enforcement officers. However, on average, only about four hours of basic police academy training curriculums include training in interviewing skills (Walters, 2006). Likewise, the Texas Commission of Law Enforcement Standards and Education has not responded by requiring additional training or requiring testing of interviewing and interrogation knowledge on the State's licensing exam.

The Texoma Regional Police Academy in Denison, Texas provides a basic peace officer academy course consisting of 720 training hours. Only 4 of these hours are devoted to interrogation techniques. This appears standard for academies throughout the state and is within guidelines established by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE). Academy graduates are not tested in interrogation techniques on the state's licensing exam. According to TCLEOSE, individual academies are responsible for determining mastery of objectives relating to interrogation (<http://www.tcleose.state.tx.us/>).

Undoubtedly, law enforcement officers should receive specialized training in interrogation techniques to interrogate people for offenses like homicides and sexual assaults (Inbau, 1986). Although this appears to be a reasonable argument, uniformed police officers, field deputies, and campus police officers often find themselves conducting interrogations of serious criminal offenders. Their lack of adequate training has disastrous effects on the outcome of criminal court cases, ranging from the suppression of evidence or confession to a total dismissal of the case.

Additionally, because of numerous documented false confessions and the obvious need to prevent them from occurring in the future, there are individuals pushing to require mandatory videotaping of all police interrogations (Kassin &

Gudjonsson, 2004). In June of 2006, Christopher Ochoa testified at a hearing before the California Commission on the Fair Administration of Justice about how his experience applies to California. Specifically, Ochoa wanted to explain that innocent people sometimes falsely confess to crimes (<http://articles.latimes.com/2006/jun/21/local/me-confess21>).

METHODOLOGY

The research question to be examined is whether or not Texas law enforcement officers are currently provided adequate interrogation training at the basic police academy level and field training levels within their respective agencies. Although many agencies provide advanced interrogation training to detectives, the current research specifically addresses new officers, those who have just graduated from a basic police academy, and those who have completed field training programs within their individual agency.

The researcher hypothesizes that basic police academy graduates, and even officers completing field training, are not adequately trained to interrogate criminal suspects.

The method of inquiry will include a review of textbook(s) concerning interview and interrogation, magazine articles, internet sites, and a survey of full time law enforcement professionals from across the state of Texas. The majority of the surveyed law enforcement officers will be supervisory personnel within their agencies as well as participants or graduates of the Bill Blackwood Law Enforcement Institute's Leadership Command College.

The information obtained from the survey will provide insight into current interrogation training trends provided by law enforcement agencies to their newly hired peace officers and their detectives. The survey will also provide insight into the opinion of experienced supervisory law enforcement officers as to whether or not they believe academy recruits are adequately trained to interrogate criminal suspects. And finally, the survey will tell us whether the survey participant believes the lack of interrogation training is a problem in Texas.

FINDINGS

Of the 85 surveys distributed to Texas law enforcement professionals, there was a 100% response rate. The survey participants are employed as full time law enforcement officers in agencies ranging from 4 to 1,800 peace officers. Seventy of the surveyed professionals are employed by municipal police agencies, 9 by sheriff's offices, 3 by independent school districts, 2 by public universities, and 1 by a state agency.

The questionnaire (Appendix A) consisted of 4 yes or no questions, and it asked the survey participant to list the number of sworn officers within their agency and the type of agency (municipal, county, state, or other). The first question asked participants if they believed basic police academy graduates are adequately trained to conduct interrogations of criminal suspects. Ninety-nine percent, 84 of the survey participants, said they believe academy graduates are not adequately trained to conduct interrogations of criminal suspects.

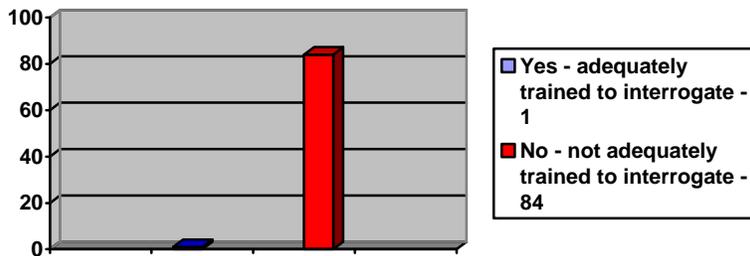


Figure 1. Survey participants response to whether or not they believe academy graduates are adequately trained to interrogate suspects.

The second question on the survey addressed whether the participant's agency provided specific, documented interrogation training to new officers. Eighty percent, 68 participants, reported that their agency does not provide such training to new officers. Sixteen participants reported that their agency provides interrogation training, while only one participant said they did not know if the training is provided.

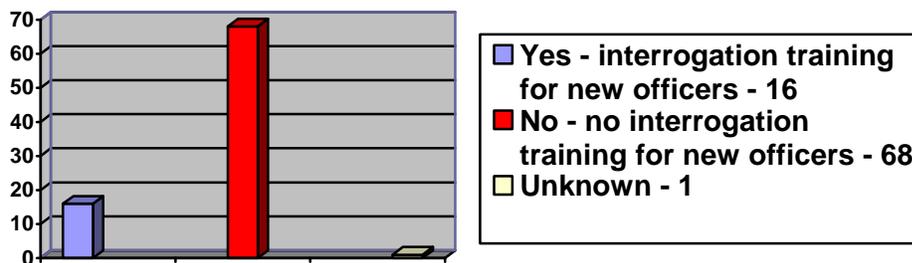


Figure 2. Survey participants response to whether or not their agency provides specific, documented training in the area of interrogation to new officers.

The third question posed to the survey participants asked whether or not their detectives were provided advanced interrogation training. Seventy-four percent, 63 of the survey participants, reported that their agencies provide advanced interrogation training to their detectives. The names of these courses, as cited by the survey

participants, varied from the Reid Technique of Interviewing and Interrogation (<http://www.reid.com/>) to Kinesic Interviewing and interrogation techniques (http://www.kinesic.com/Interrogation_courses.htm). Most of the survey participants did not know the names of the interrogation schools provided to their officers.

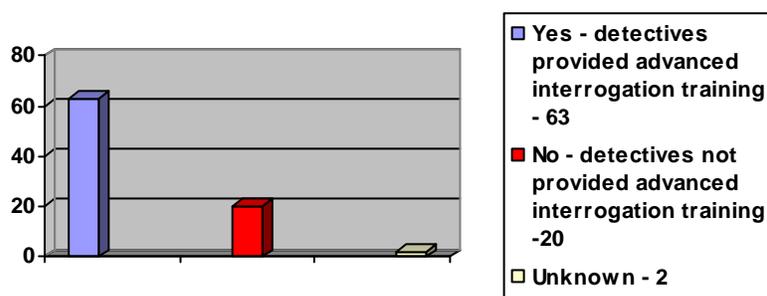


Figure 3. Survey participants response to whether or not all of their detectives receive advanced training in interrogation.

The final question in the survey asked if the participant believes the lack of training in interrogation is a problem in Texas. Eighty-five percent, 72 participants, answered yes to this question, while only eight believed it was not a problem. Five individuals did not know if it constituted a problem.

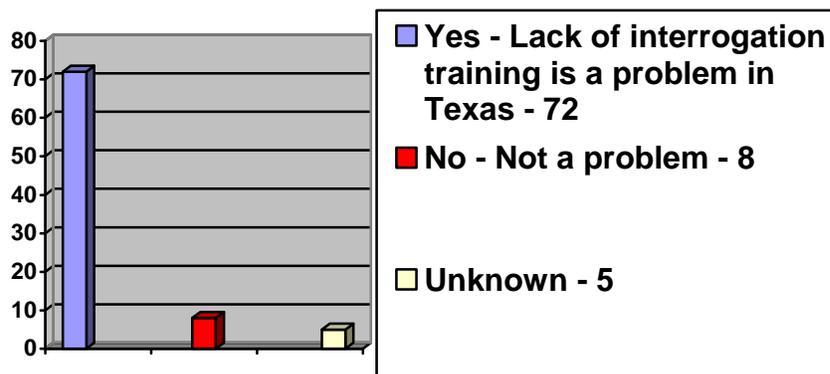


Figure 4. Survey participants response to whether or not they believe the lack of training in this area is a problem in Texas.

DISCUSSION/CONCLUSION

The question this research paper examined is whether Texas peace officers are provided adequate training at the basic police academy level and field training levels to interrogate criminal suspects. The author's original hypothesis was that new officers are not adequately trained at either level.

The author's hypothesis was overwhelmingly supported by the responses from the survey participants, the information obtained by reviewing existing literature and TCLEOSE training requirements for licensing as a peace officer. The research is limited in scope because of the small survey sampling.

The review of literature revealed significant legal constraints imposed by the courts on law enforcement officers in the area of interrogations and confessions. These constraints are at the federal and state level. *Miranda vs. Arizona* (1966) is undoubtedly the most prominent case in American history on the subject of interrogations and confessions. At least in the United States, "Miranda" is virtually a household name.

The U.S. Supreme Court ruled in the *Miranda* case that law enforcement officers must inform custodial suspects of their right to consult with an attorney before and during any questioning and of their right against self incrimination. These rights must be explained prior to police questioning and the defendant must indicate his understanding of the rights and voluntarily waive them (Kaplan & Skolnick, 1982).

This *Miranda* requirement is repeated in Chapter 38 of the Texas Code of Criminal Procedure and has the additional requirement mandating confessions be recorded or in writing to be admissible in court, unless other requirements are met.

Although there is considerable debate, criticism, and research concerning what techniques should and should not be employed by peace officers conducting interrogations, scholars and law enforcement professionals almost universally support specialized training in interrogation for law enforcement officers.

Even though these scholars and professionals have made these observations and recommendations, the Texas law enforcement profession has yet to adopt even a modest approach at requiring or providing advanced interrogation training at any point during a law enforcement officer's career.

The Texas Commission on Law Enforcement Standards and Education in Austin, Texas is constantly updating standards for basic licensing and in service training of Texas peace officers, but, to date, interrogation training is sorely lagging behind other topics.

The opinions of the current survey participants provided anecdotal evidence that Texas law enforcement officers are not provided adequate interrogation training at the basic academy level and field training levels. Many law enforcement officers are self-taught or learn through their observation of veteran officers, many of whom have very little formal training.

Additional research is undoubtedly needed to determine what exactly "adequate" training is for new law enforcement officers in the art of interrogation. Significantly increasing the number of hours devoted to this subject and including test questions pertaining to interrogation on the State's licensing exam seems to be long overdue. By doing this, the citizens of Texas can be assured their law enforcement officers are prepared for one of the most crucial tasks they will perform.

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