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Episode 242: Interrogation Room
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JIM TRAINUM: This was a man who, he worked for the government, he lived in the suburbs. He leaves his office one day to go home. He's parked his car several blocks away from his office, but he never makes it home.

So the next day, I get a call that there's a body found over by the river. And I go over there. It's going to be my case because I was the detective on call.

PHOEBE JUDGE: It was Detective Jim Trainum's first major homicide case. This was in February 1994 in Washington, DC along the Anacostia River. Detective Trainum learned that the man had been beaten to death. He checked bank records and found that the man's ATM card had been recently used.

JIM TRAINUM: And the ATM photo was a very grainy photo of a short white female wearing a baseball hat down over her face and also glasses.

PHOEBE JUDGE: They found that the man's credit card had been used at a drug store, and a Chinese restaurant, and then at a liquor store.

JIM TRAINUM: This woman had walked into a liquor store. Short, blonde woman with a baseball hat and glasses. Ordered a bottle of Hennessy and a carton of cigarettes. But what of the store employees at the time walked in and made a comment about, the cops were outside handing out parking tickets. Well, she said, oh, my god, I can't get a ticket. And she ran out, leaving the credit card and the credit card receipt that she had just signed behind.

So one of the things that we did was we had a composite drawing made from the witnesses at the liquor store and we published that. So we had gotten a couple of tips about a couple of different women. And there was this one in particular about this young woman who actually lived in the area, was known by police officers in the area where the victim had been kidnapped.

And so what we did was we were able to gather handwriting samples from things like court records. And so what we wanted to do was a handwriting comparison to the credit card slips that were signed in the name of the victim.

PHOEBE JUDGE: Jim Trainum took the handwriting samples and credit card slips to a handwriting expert.

JIM TRAINUM: And he took the material and he came back. And he said, we're 99% sure that it's this woman here, Susan, who signed the credit card slips. It's her.

PHOEBE JUDGE: Susan isn't the woman's real name. Jim Trainum told us he'd prefer not to use real names to respect the privacy of everyone involved. He says Susan was living in a shelter for families with her children. They got a warrant for credit card fraud and arrested her.

JIM TRAINUM: We decided that what we would do was, during an interrogation, see if we could get her to admit to participating or having some knowledge about the murder.

So I began to interview her, to begin the interrogation. And at the beginning, she denied, denied, denied, denied. We showed her the ATM photo and we said, well, this is you. And even though-- I mean, it was so grainy, it could be anybody.

Then I confront her with the credit card slips and all of that. And she keeps denying, keeps denying. But she agrees to take what's called a computerized voice stress analysis test. It's very similar to a polygraph. It's run the same way, except it's supposed to measure not your heartbeat and your respirations, but it's supposed to measure the tension within your vocal cords. So she took that and she failed it, so showed her as being deceptive.

So here we go. We have the forensic evidence. We have our failing this voice stress test. And so we just kept going, pushing and pushing and pushing.

Eventually, she said, OK, I found the credit cards. I found them and I used them. And I purchased things with them. At that point, we figured, OK, this is all we're going to get from her. So we videotaped the initial confession that she found the credit cards.

But she couldn't tell us the right places where she had made the purchases and she couldn't tell us how much was spent. So we kept talking to her, talking to her more and more and more. We had different people come in and talk to her.

PHOEBE JUDGE: Jim says he offered a few different explanations of what might have happened that night. He called them themes. In one, he suggested that the victim had done something bad to Susan and she just wanted him to stop bothering her. Jim told us that he thought Susan was too physically small to have committed the murder alone. And the credit card had been charged for three meals at the Chinese restaurant. So Jim says he kept telling her, we know you were involved, implying that if she told them who the other guys were, he would help her.

JIM TRAINUM: And after several hours, she finally said, you're right, I did it. I participated with these two other guys. She gives us a scenario. And she also gives us details about what happened, where the crime occurred, and all this other stuff that, as we love to say, only the true killer would have known.

Now a lot of the stuff didn't make sense. But she gave us those facts and we were excited about that because we figured she's still trying to protect somebody. However, she's able to give us these facts that she should not have known unless she was there.

PHOEBE JUDGE: So she had confessed?

JIM TRAINUM: She confessed.

PHOEBE JUDGE: Susan was charged with first degree murder. The interrogation had lasted 17 hours. Over the next few days, Jim continued to interrogate her for more details, but he says he didn't really get anywhere. And then, she tried to take back her confession.

JIM TRAINUM: And so finally, she told her attorney, look, I wasn't there. I didn't do it. I just told them the story that they wanted to hear. So I went out and started to corroborate-- or try to corroborate more of the details of what she provided to us.

And one of the things that I did was I went to the homeless shelter where she was staying at the time. And I know that they had a sign in and sign out log that was very strictly regulated by the security people there. And I had a subpoena and I got a copy of the log. And I knew what the log was going to say. It was going to show her as being out that night.

But as I'm driving back to the office, I start flipping through it. And I realize-- I almost wrecked the car because I realized that even though she was out some of the times that we needed her to be out, she was not out during the critical moments. So we were perplexed.

PHOEBE JUDGE: Jim Trainum and his team decided to go back to the beginning. They looked again at the handwriting sample. The expert they had consulted had been sure Susan had signed the credit card slips. But Jim wanted to get a second opinion. So he asked handwriting experts at the FBI and Secret Service to take a look.

JIM TRAINUM: And both of them came back to me and they said, absolutely, positively, there is no way that this woman signed these credit card slips.

PHOEBE JUDGE: But she'd confessed. And Jim Trainum didn't know why. I'm Phoebe Judge. This is *Criminal*.

[MUSIC PLAYING]

We'll be right back.

[MUSIC PLAYING]

The charges against Susan were dropped and she was released.

What did you make of it? It's just a big puzzle why she had--

JIM TRAINUM: Absolutely. We figured at that time, OK, she wasn't there. She didn't sign the credit card slips, but she had to have known something. She had some connection to this because she knew all those details that only the true killer would have known. It was a real puzzle.

And it was some time later-- I mean, after I started to put some distance between myself and the case when I started delving more. I was now working in the cold case unit. I was now setting up a program where we were going to do a systematic review of all these old cases seeing what we could do with them forensically. And that's when I decided to watch the video tapes again of the confessions.

So when I put it in and I started watching it, I started to see what was happening. What I was realizing was that, in bits and pieces, we were providing her with details about the case. And as time went on, she would take those little details that we provided to her over time and include them as part of her narrative.

So at the end, it looked like she was able to tell us all of these confidential details about what happened during the crime that she shouldn't have known. But they came from us and not her.

Just as an example as part of the video about the credit card slips. I showed her the credit card slips because I wanted her to point out on the video, yes, this is where I signed his name. And you could see her on the video looking, studying the credit card slips.

Now, think about what you can get off a credit card slip. You can get the name of the store, you can get the location of the store, and you can get the amount that was spent. But you can't get the items.

So later on, when she's "confessing," quote unquote, she told us the name of the store. She told us roughly where the store was on what street it was. And she told us close to what was spent. But she was never accurately able to tell us what she bought.

PHOEBE JUDGE: Jim Trainum could see that not only had they provided Susan with the right answers, they'd also brushed away the wrong answers she gave.

JIM TRAINUM: It's like a game of 20 questions. She's picking up little bits and pieces here and she's putting it into a narrative. And let's say she gets a narrative wrong. She says, OK, I did this. No, you're lying. You're lying. We know that didn't happen. Well, OK, I did this. No, you're lying. Well, did I did it this way? OK, you're close. OK, we're getting there. So that's how it develops.

PHOEBE JUDGE: And for Susan, I guess, I mean, why wouldn't she just refuse? Say no, I'm not. No, I didn't--

JIM TRAINUM: The thing is it's like sometimes a short term benefits of confessing outweigh the long term consequences. I get this over with. They stop harassing me. I can go home. That thing.

Now think about the number of bad decisions that you've made in your life based on that. The short term benefits outweigh the long term consequences.

PHOEBE JUDGE: What do you remember thinking as you were watching back to the tapes?

JIM TRAINUM: I just, oh, my god. I felt sick. And that's actually what-- I've seen the tape over and over again. I just have this sinking feeling when I see it. Because what's so obvious to me now wasn't obvious back then.

[MUSIC PLAYING]

PHOEBE JUDGE: According to the Innocence Project, nearly a third of the exoneration cases they've tracked involved false confessions. They found that people gave false confessions during interrogations using tactics including, quote, "intimidation, isolation, and deceptive methods that include lying about evidence among others."

Police departments in the United States can choose how they train their officers to conduct interrogations. There's a company in Chicago called Johnny Reid and Associates that teaches something called the Reid technique. According to Reid and associates, the Reid technique of interviewing and interrogation is the most widely used approach to question subjects in the world.

MAURICE I think many people are very familiar with interrogation rooms from popular culture.

CHAMMAH:

PHOEBE JUDGE: Marshall Project reporter Maurice Chammah.

MAURICE That image in your mind, I think, of the light bulb that hangs down. And the good cop, bad cop routine. The one who is nice and kind and builds a rapport, and the other one who berates and and throws the book. And those by and large maybe exaggerated, but they're based in the real culture of police interrogations that the Reid technique inaugurated decades ago. And has really become so pervasive that even detectives who are not explicitly trained in the Reid technique still use it because it's passed down and many of the principles of it have just suffused themselves into the culture of detective work.

So even if nobody is looking at the manuals, even if they're just getting trained by the in-house senior detectives who have been doing this for decades, minimizing, lying, maximizing the cost of not confessing, all of this is part and parcel of police interrogation across the country in the United States. And really at this point, whether or not you bring the Reid name into it, it is just the way that we interrogate people.

PHOEBE JUDGE: The Reid technique was developed in the 1940s and '50s by a law professor named Fred Inbau and a Chicago police officer named John Reid.

MAURICE At the time that he was starting out as a street cop, cops were still getting confessions by what we would now
CHAMMAH: call the third degree, where you would literally beat people for a confession. It was not uncommon, especially when the suspect was disadvantaged in various other ways. Maybe because of their race, or because of a low IQ, or because they're young. To not just berate them, but to beat them up. And it wasn't until the early 20th century that the courts started to be a little bit more proactive about trying to protect suspects from violence. There was this idea that it actually did violate your constitutional rights if you were beaten up in the interrogation room.

PHOEBE JUDGE: J. Edgar Hoover, the longtime director of the FBI, found these so-called third degree tactics dishonorable. He wanted police officers to be more professional and for interrogations to be more scientific.

MAURICE And there's, in the 1950s and '60s, a growing sense that detectives can use science to try to solve crimes. This is
CHAMMAH: a golden age of ballistics. DNA is still a far way away, but people are analyzing blood and bullet casings and tire marks and all other elements of the crime scene. And there's this hope that through a more scientific approach, you can solve these crimes. And the Reid technique comes about in that same moment.

PHOEBE JUDGE: So if you had gone into the interrogation room with John Reid, take me through step by step what it would look like.

MAURICE You walk in and you're sometimes told that you're a suspect, but in other cases, you're just told that you are a
CHAMMAH: potential witness or the police want your help. I've looked at a lot of cases in which interrogator brings someone in under the auspices of, we think you might be able to help us with this investigation. And so it enlists the suspect as cooperative.

PHOEBE JUDGE: Maurice says at first, the suspect might be offered a cup of coffee and only be asked a few simple questions. This step is in part to observe the suspect's behavior.

MAURICE Notably, what you don't know as the suspect is that the detective is watching for little tells. The things that I
CHAMMAH: think in popular lore we often think indicate that someone is lying. Are you looking down? Are you refusing to make eye contact?

Reid technique trainers will say that there's no one-size-fits-all answer to what it is to mean that someone's lying but that you want to set a baseline of their normal behavior. If they're always darting their eyes, then darting eyes doesn't mean they're lying. But if you set a baseline where they usually make eye contact and then suddenly dart their eyes away, that's a sign that they may not be telling you the truth.

But psychologists who have studied this have found that detectives, whether Reid trained or not, tend to be no better at deducing whether someone is lying than the average person. And in fact, it's even more dangerous because they express more confidence about their ability to deduce lying than the average person.

PHOEBE JUDGE: The part where the interrogator tries to determine if the suspect is lying or not is referred to as the behavioral analysis interview. According to Reid and associates it has its roots in the polygraph technique. Maurice says sometimes an interrogator still might also give a polygraph, even though psychologists have found that they aren't reliable and that there is, quote, "little evidence that they work."

Maurice says that once an interrogator believes a suspect is lying, the questions might get a little more intense. John Reid co-authored a book about interrogations with Fred Inbau. In it, they compared the interrogators work to, quote, "a hunter stalking his game."

MAURICE CHAMMAH: Slowly, the Reid style detective will introduce evidence that they have collected. One very classic technique that has spread throughout the country is to have the giant binders that you bring in. And they could be empty. They could be filled with random scraps of paper with Chinese food receipts. But it gives the suspect this impression that you've done a lot of research.

So you can bring real evidence. You can say, your DNA was found on the scene. You can lie, so maybe there was no DNA evidence and you can still say that, your DNA was found on the scene. And you slowly get the suspect to start to question their own memory to give you more information that tries to explain their way out. But actually, they are digging themselves in deeper.

PHOEBE JUDGE: And this is all legal to just lie in the interrogation?

MAURICE CHAMMAH: That's right. Deception has been explicitly approved by the Supreme Court. Interrogators will say that they need these lies because, I mean, they're interrogating people who are lying to them. I mean, somebody who has committed a murder isn't just going to walk in and say, well, yeah, I committed it. Their argument is that you need these tools to get under the skin of these people and pull them towards a confession.

PHOEBE JUDGE: Features of the Reid technique might include the interrogator minimizing the crime, not giving the suspect a chance to deny anything and talking a lot. Talking so much that the suspect gets caught up in the momentum.

MAURICE CHAMMAH: Of course, someone like John Reid, many of the interrogators who practice the technique and similar styles of interrogation, are catching guilty people much of the time, maybe even most of the time. But what psychologists have come to start to understand is that sometimes these techniques also will produce a false confession from an innocent person.

PHOEBE JUDGE: We contacted Reid and associates and asked them about claims that the technique can produce false confessions. Their president, Joseph Buckley, told us that they just follow the guidelines of the courts, citing a Supreme Court decision from 1969 that has paved the way for interrogators to lie and introduce false evidence.

He said, quote, "it has been well documented by numerous court decisions that false confessions are not caused by the application of the Reid technique but are usually caused by interrogators engaging in coercive behaviors." He compared it to teaching someone heart surgery. If the student botches a heart surgery, that doesn't mean you stop teaching heart surgery.

Joseph Buckley also directed us to videos on their YouTube channel describing the technique and best practices, such as always conducting a non-accusatory investigative interview before any interrogation, not introducing, quote, "fictitious evidence" while interrogating juveniles or individuals with mental or psychological impairments, and remembering that the confession is not the end of the investigation. He also pointed us to the Reid techniques' core principles which include not conducting interrogations for an excessively long period of time and not promising leniency.

When Detective Jim Trainum was a new homicide detective in Washington, DC, he bought a Reid technique textbook and says he had on-the-job training from other detectives who'd been trained in the Reid technique.

JIM TRAINUM: Basically, what I was taught is you go in there, you accuse the person of committing the crime, you basically block any kind of denial that they may give you, you brush it away, and then you offer them excuses as to why they may have committed the crime. You basically tell them, look, we know you did. If the evidence is there. There's nothing that you can do that will convince us otherwise. Our investigation has proven that you did it. All we want to understand is why you did it.

And then we start offering what they call themes. And a theme may be something like, let's say you stole the money from the cash register because the cash register drawer was open and anybody would have been tempted. You were behind on your bills. It was a spur-of-the-moment thing, that stuff.

And you just basically keep doing those over and over. If they don't buy one theme, you just keep on with another theme. And you do most of the talking because if you let them deny, then basically what's going to happen is it's going to make them harder to confess. What we do is to temporarily create this perception that no matter how bad it looks, it's in your best interest to cooperate and tell the detective what they think is true.

PHOEBE JUDGE: Several years ago, reporter Maurice Chammah heard about a case in Texas. A man named Larry Driskill had confessed to a murder while also claiming he didn't remember committing it. Almost right away, he tried to take back his confession but he was sentenced to 15 years in prison. Maurice Chammah interviewed Larry Driskill, who said that he'd been manipulated into falsely confessing by a Texas Ranger named James Holland.

In 2019, James Holland made headlines after he'd spent hundreds of hours interrogating a man named Samuel Little, who then confessed to 93 murders. The Los Angeles Times called James Holland, quote, "a serial killer whisperer of sorts."

MAURICE CHAMMAH: And so the idea that this very famous, very celebrated detective also may have produced a false confession was just such a contradiction.

PHOEBE JUDGE: James Holland interrogated Larry Driskill in 2015. The murder he confessed to occurred in 2005 in a rural area west of Fort Worth.

MAURICE CHAMMAH: Two hikers discovered the body of a young woman in an area under a bridge. This was fairly far from a main road. And police descended on the scene and eventually figured out that this was a young woman named Bobbie Sue Hill. Bobbie Sue Hill was a mother of five from the Fort Worth area and, at the time of her death, was working as a sex worker on the streets of Fort Worth.

The only real lead that the police had to go on was that her then boyfriend, a man named Michael Harden, said that he had been with her and they had been soliciting Johns from a pay phone by a main road.

PHOEBE JUDGE: Michael Harden told police that a white van had pulled up and Bobbie Sue Hill got into the van. He said he saw the driver through the window. Then the van sped off with Bobbie Sue Hill inside. Her body was later found by the hikers. Michael Harden told the police what the man looked like.

MAURICE CHAMMAH: And he describes this man to a sketch artist. The sketch artist produces an image of a face that has a big bushy mustache and a high, wide forehead. So that's where the case ends in 2005, 2006. Now 10 years pass and it becomes one of hundreds of cold cases. But the Texas Rangers have a cold case unit. The Texas Rangers are, of course, this storied elite FBI style law enforcement agency that covers the entirety of the state.

PHOEBE JUDGE: James Holland decided to open the case back up.

MAURICE CHAMMAH: And Holland, in order to solve it, goes back to Harden, the boyfriend, and enlists a hypnotist. This is where the case gets strange.

PHOEBE JUDGE: While he was under hypnosis, Michael Harden described the man who had abducted Bobbie Sue Hill to a sketch artist for a second time.

MAURICE CHAMMAH: This sketch looks nothing like the one from almost a decade before. It's got a much, much fainter mustache. The first one had a big bushy mustache. This one has just like the barest trace like of 5:00 shadow. It's got a very clear flat top military style haircut. The man looks a little thinner in the face. And they go a step further, the sketch artist, under Holland's directing basically, ages this image to guess what the perpetrator would have looked like 10 years later.

And this is what goes out into the news media. And eventually someone calls up, a pawn shop owner, and says, that looks like a man who comes in here, sometimes named Larry Driskill.

PHOEBE JUDGE: In January 2015, James Holland asked Larry Driskill to talk.

MAURICE CHAMMAH: And really framed it as, we think you may have seen something that would help us solve this crime. So please just help us, please. And Driskill sees an image of this woman, the image that they have of her, and wants to help.

PHOEBE JUDGE: They talked for two days. We don't know whether James Holland was trained in the Reid technique. We reached out to the Texas Rangers and to James Holland but didn't hear back.

In Maurice Chammah's reporting, he says that in reviewing the interrogation tapes, he sees the influence of the Reid technique. But he also says it's important to be clear that we have no way of knowing when or if an interrogator is intentionally trying to use Reid training. Maurice also says he sees some things that have nothing to do with Reid.

JAMES HOLLAND: We think, based on the information that we've been given that we're very positive of, that you were the last person seen with this girl. And we think that you, sir, can solve this crime. When I talk about missing pieces of the puzzle, I don't think you're a murderer or anything like that. But based on everything we have right now, I mean, 10 years of this case going on and the new information that we have and the composites, the computer match up, the pick out of a photo lineup. And all these different things. Based on all that, man, we can put you with this girl in that van off that street. And we think that you can solve this. And all we need to do is for you to tell us where you dropped her off at.

LARRY That's what I'm saying. I don't--

DRISKILL:

JAMES We think that the person, you, who she was in the vehicle with, that they dropped her off. And then we think that
HOLLAND: another person picked her up and killed her. That's one of the things that we're looking at. But we got her with you, all right. I need you to just tell us where you dropped her off at.

PHOEBE JUDGE: James Holland didn't actually have any concrete proof that Larry Driskill had been in that area of town with a woman in his van.

JAMES You are the missing link in this puzzle.

HOLLAND:

LARRY OK, I don't have the missing link. I don't ever remember seeing it. I could have picked somebody up and gave
DRISKILL: him a ride somewhere, but I don't even remember for sure if we had the van at that time.

JAMES Well, let's think back to 2005.

HOLLAND:

PHOEBE JUDGE: Throughout the interrogation, you can hear James Holland offering scenarios and Larry Driskill seeming unsure.

JAMES And there's a girl who gets in your van for a little bit.

HOLLAND:

LARRY I don't remember any of this, but OK.

DRISKILL:

JAMES Could it have happened?

HOLLAND:

LARRY It could have happened and I just not remember it. But like I said, as far as I know of, it's never happened. And
DRISKILL: I've never had that van in 2005 down there. As far as I know of in my mind.

JAMES What do you mean by that? You keep saying it as, in my mind. What does that mean? It mean in someone else's
HOLLAND: mind it could have happened, or what is it? I've never heard that saying.

LARRY In my mind, I don't remember off the top of my head being there or doing it. Doing anything.

DRISKILL:

JAMES Or doing what?

HOLLAND:

LARRY Being there.

DRISKILL:

PHOEBE JUDGE: Larry Driskill told James Holland it was possible he was in that part of town. He said it was possible he'd visited his father in a shelter there, but kept repeating he didn't remember ever giving anyone a ride. And then after a while, he said that it was possible he had given someone a ride. He brought up Dollar General. He mentioned maybe dropping someone off at a 7-Eleven.

MAURICE And over time, Driskill thinks he's being helpful to Holland by mining his memory. But the way Holland interprets
CHAMMAH: it is that Driskill isn't being truthful. That he, initially, was withholding information and now it's starting to trickle out. But to Driskill, this is just being cooperative and mining his poor memory for little fragments from 10 years in the past that might be helpful to the investigation. But he's slowly pulling himself deeper and deeper into admitting that he was purportedly there at the time and thus, making himself more and more of a suspect.

JAMES There's things that I can do to recall your memory so you can help us. But I can't do those things if there's any
HOLLAND: inclination that you could be a suspect. If we walk in here and you said, I think maybe I know that girl and definitely I've been down these Lancaster street. Yeah, I've had my white van down in East Lancaster street. And, yeah, I've given some girl some money in East Lancaster street. And, yeah, I've gotten some girl some rides on East Lancaster street, then we're in a totally different spot.

But the problem is, we start off with, I never had that van on East Lancaster street. I was only down there in 1985. And we've morphed back to this. OK, I was there in 2005.

LARRY That's what I remember. My dad was--
DRISKILL:

JAMES Yeah, OK, and in 2005, I was down there. In the span in 2005, I might have given this girl a ride. I definitely gave
HOLLAND: two girls rides in 2005, one at 7-Eleven, one at the Dollar General. I let a girl get in and get warm. I gave her a girl some money. I mean, all of a sudden, we're at a different spot.

PHOEBE JUDGE: At the end of the day, James Holland asked Larry to come back the next day and take a polygraph test. Here's the audio from the end of that first day.

JAMES I mean, what's my gut? My gut is, you probably existing tomorrow and walk on down the road. Hopefully, you can
HOLLAND: remember something to help us out. If not, then--

LARRY If I can, I'll tell you when I give you. But if I can't, I can't remember it.
DRISKILL:

JAMES Yeah, come up here tomorrow. I hope you get a good night's sleep. Relax, take it easy. You've done these things
HOLLAND: before.

LARRY All right, I'm going home. I'm going home and drink a beer.
DRISKILL:

JAMES There you go. Have one for me, too. Maybe two.
HOLLAND:

MAURICE And so then he goes back in the next morning. Driskill takes the polygraph. The results indicate that he's lying.
CHAMMAH: And suddenly the tone shifts and Holland says, the machine says you're lying. Which means that, I don't believe you, basically, when you deny that you had something to do with this woman's murder.

JAMES Dude. You didn't just barely miss that. You bombed that polygraph.
HOLLAND:

MAURICE Holland says something even more striking, which is, yesterday when we were talking, it slipped out. You said
CHAMMAH: that you did it. Which is a lie, but now Driskill is questioning his own memory of the day before and feeling-- he's being gaslit in a way.

PHOEBE JUDGE: At one point, James Holland asked Larry to say the words, I'm sorry.

JAMES You do something for me?

HOLLAND:

LARRY What's that?

DRISKILL:

JAMES Say, I'm sorry.

HOLLAND:

LARRY For what?

DRISKILL:

JAMES Just say it.

HOLLAND:

LARRY Sorry for what? I didn't do nothing.

DRISKILL:

JAMES Just say it. Just say, I'm sorry.

HOLLAND:

LARRY I'm sorry, but I still didn't do nothing.

DRISKILL:

JAMES Say it like you mean it.

HOLLAND:

LARRY I'm sorry, but I didn't do anything. I don't remember anything.

DRISKILL:

JAMES Nothing after that, just those two words-- I'm sorry.

HOLLAND:

LARRY I'm not admitting to nothing because I didn't do anything.

DRISKILL:

JAMES I'm not asking you to admit to anything. I'm just saying--

HOLLAND:

LARRY Now do I need to call my attorney or what?

DRISKILL:

JAMES We're trying to work.

HOLLAND:

PHOEBE JUDGE: Larry Driskill asked if he needed to call an attorney a few times. But because he phrased it as a question and not a statement, James Holland was able to ignore him and keep going.

At one point in the interrogation, Larry Driskill told James Holland, you're trying to ruin my life. James Holland says, no, I'm trying to save your life.

JAMES I'm trying to save your life because if you don't paint this picture, Larry, then you're going to force us to--

HOLLAND:

LARRY I don't know of a picture to paint.

DRISKILL:

JAMES If you don't help us, then we're going to fill in the blanks ourselves. And you don't need this because this is going to be a lot of different things. I know you. And I told you the other day that I know you. And I know that you're not just this killing son of a bitch or anything. But I know that sometimes shit goes wrong and accidents happens.

HOLLAND:

And I told you that this girl was on crack. She was messed up on dope and she was robbing people. And this could very easily be self-defense. OK, this could be shit that just went wrong. It could be a lot of different things, Larry. This is your chance.

No one's going to question your story on this. We're not going to sit here and say, you're lying, you're full of shit. We're going to sit here and listen to it because it's your story. All right, but if we leave this room today saying that this didn't happen, you don't have anything to do with it. Brother, we're going to be turning around. We ran the DNA back, which I already know is going to come back to you. And we're going to be throwing you in jail and we're going to be filling it in. You got a chance. This doesn't have to ruin your whole life.

LARRY I can't tell you what I don't know is what I'm telling you. I wish I could tell you something.

DRISKILL:

JAMES Listen.

HOLLAND:

MAURICE And over the course of, I think, six or so hours that second day, slowly, Holland pulls him in with some of these techniques that are Reid-influenced, like minimizing and saying, well, maybe you picked this woman up. Maybe you were going to pay her for sex. And then maybe you were afraid that she was going to rob you and you strangled her.

CHAMMAH:

JAMES Let me tell you something. All right, because I'm a good Christian person, and you are too. You go to church every Sunday. If they would have tried to take my wallet, or they would have attacked me and they were screwed up on dope, I would have defended myself. I would have did probably what you did.

HOLLAND:

LARRY I'm not saying I did anything because I don't think I did.

DRISKILL:

JAMES I would have done the same thing.

HOLLAND:

PHOEBE JUDGE: And then, James Holland started prompting Larry to describe how it might have happened hypothetically.

JAMES Let's talk in hypotheticals for a second. All right, you know what hypothetical means? It doesn't mean that it

HOLLAND: happened. It means that possibility. It could have. It might not have. It's just like bullshit and just talking through things. Let's talk through this thing. Say the word hypothetically.

LARRY Hypothetical.

DRISKILL:

JAMES So hypothetically, everything that comes out of your mouth right now possibly could have happened. Or maybe it

HOLLAND: didn't happen, but it's in your mind and you want to explain it to us and we want to work through it. You're not admitting anything, you're saying hypothetically. So hypothetically, if this thing went down, hypothetically, how would have gone down?

PHOEBE JUDGE: Here's what happened about 20 minutes later.

JAMES You say, hypothetically, I was down there and they were trying to rob me. You say, hypothetically, I was down

HOLLAND: there and they were trying to rob me.

LARRY That did mean that's something that I don't even--

DRISKILL:

JAMES You're not admitting shit because you're saying hypothetically. That doesn't mean it happened or it didn't

HOLLAND: happen. It just means it's shit that we're talking about. When you say hypothetically, it's not locking you into anything. Hypothetically, I was down there. Two people tried to rob me. Yoy say it.

MAURICE Driskill keeps denying it. Says, no, that's not what happened. I don't remember any of this.

CHAMMAH:

JAMES You're on the edge of the Grand Canyon. I'm asking you to take a jump off the edge and do something that's very

HOLLAND: uncomfortable to you. It's very obvious. When you do that, I'm going to reach out and I'm going to hand you a parachute. And that parachute is, I'm going to help you through this. I'm going to help you with your statement. I'm going to go to the DA. And I'm going to tell them that you're a good person and that sometimes shit happens on accident, or that you're being robbed, or whatever. I'm going to hand you that parachute and I'm going to help you through this. But you got to let me help you through this.

PHOEBE JUDGE: Again, James Holland asked Larry Driskill to say the words, I'm sorry.

JAMES Let's try this-- I'm sorry.

HOLLAND:

LARRY I'm sorry if I took somebody's life because I don't think--

DRISKILL:

JAMES You feel better. You feel better and I can see it. And it's rolling off your shoulders because it's been tearing you

HOLLAND: up 10 years. It's OK. Accidents happen. It's OK. It's OK. It's OK. You feel better, don't you?

[SOBBING]

You're a good person. I know you're a good person.

[SOBBING]

PHOEBE JUDGE: We'll be right back.

During Larry Driskill's interrogation, Texas Ranger James Holland introduced the idea of, quote, "military mode," where someone might black out, saying to Larry Driskill, quote, "like a Warrior in Afghanistan who gets shot and gets into a bad battle and kills a bunch of people." Later, James Holland comes back to these ideas.

JAMES HOLLAND: Has anything ever happened like this before, where you blacked out and you got in the military mode and you had to defend yourself?

LARRY DRISKILL: No.

JAMES HOLLAND: Do you remember this? And we know that you remember that.

PHOEBE JUDGE: James Holland continued to ask Larry Driskill for specifics about the murder. At one point, he said, let's get this. Go through it. Just tell us.

LARRY DRISKILL: Then all I did was take him and put her in a trash sack. Dispose of the body.

JAMES HOLLAND: You're asking questions, but you need to tell us what happened.

LARRY DRISKILL: Well, that's what I'm trying to do, but I keep putting the guess word in it.

JAMES HOLLAND: What did you do when she was dead in your vehicle?

LARRY DRISKILL: Left the scene.

JAMES HOLLAND: All right, then what'd you do?

LARRY DRISKILL: Drove down the interstate. I guess now I take the bag out of the van and throw it off the side of the bridge.

JAMES HOLLAND: All right, then what?

LARRY Then I get in my vehicle, and I leave and go home.

DRISKILL:

JAMES Do you ever think about it afterwards?

HOLLAND:

LARRY No.

DRISKILL:

JAMES Are you sorry about what happened?

HOLLAND:

LARRY Yeah, I'm sorry that it all happened.

DRISKILL:

PHOEBE JUDGE: Here's what happened five minutes after that.

JAMES So you got to tell the truth. I mean, the truth is more important than anything.

HOLLAND:

LARRY Because I don't think I did any of it, to be honest. Here's what I'm thinking--

DRISKILL:

JAMES Oh, my god. But you know you did?

HOLLAND:

LARRY Yeah, I guess I did.

DRISKILL:

JAMES Larry.

HOLLAND:

LARRY I'm just not totally--

DRISKILL:

JAMES I know you're not totally--

HOLLAND:

LARRY --into what's going on here.

DRISKILL:

JAMES Right.

HOLLAND:

LARRY I'm just trying to figure out why I can't picture everything.

DRISKILL:

JAMES You can picture it. When you were sitting there crying, you were picturing it.

HOLLAND:

LARRY I'm saying that--

DRISKILL:

JAMES The first time and the second time you were picturing it. Because you know what? No one bends over just like that. I told you I've been teaching this stuff for years and years and years. I'm one of the best-- the best-- at this, all right? No one does that unless they're sorry about what happened and they did it. No one.

LARRY I just can't picture myself doing that.

DRISKILL:

JAMES No, but you know you did it, correct?

HOLLAND:

LARRY Yeah. And I had to if I'd just corroborated everything.

DRISKILL:

JAMES No, not a "had to." But you know you did it, right? Are you sorry about what happened?

HOLLAND:

LARRY Yes, sir.

DRISKILL:

JAMES All right.

HOLLAND:

LARRY [MUFFLED SPEECH]

DRISKILL:

JAMES I know it's hard, all right?

HOLLAND:

PHOEBE JUDGE: Larry Driskill was sentenced to 15 years in prison for the murder of Bobbie Sue Hill. Maurice Chammah interviewed him in prison when he was almost four years into his sentence.

MAURICE CHAMMAH: So, on the one hand, Larry Driskill says, I was just desperate, basically, to get out of the room and be done with this. And so I just told him what he wanted to hear so that he would let me go. At other moments though, Driskill made it sound like he really did believe for a moment that he had had a kind of fugue-state blackout while he had killed this woman. He out of nowhere during our interview you mentioned to me that he had been in the US Air Force and that there had been a tragic accident at the base where he was stationed. And that he had to handle the remains of his fellow soldiers' body parts, limbs, and such, and that this was like deeply traumatic to him and has stuck in his mind.

And he thinks that, basically, when he was shown pictures of the victim of Bobbie Sue Hill, it kind of evoked that trauma for him and led him down this path of confessing to a crime, while in the back of his mind believing that possibly he had done it. Though he told me that even at the depths of the moment when he was confessing to this crime, there was a kind of a niggling in the back of his head saying, well, I still don't really know if I did this. I don't know if I really could have been possible. And I got the sense that Larry was still really reckoning with that.

PHOEBE JUDGE: The Innocence Project of Texas has been working on his case. Early last year, they arranged for DNA from the crime scene to be tested. They're still waiting to hear results. And last year, after serving over five years in prison, Larry Driskill was released on parole. James Holland has never said anything on the record about Larry Driskill's case. Maurice Chammah and his colleagues at the Marshall Project have been looking into various approaches to interrogation and what kind of alternatives there are.

MAURICE CHAMMAH: Around 2010, the Obama administration started issuing grants to researchers to study interrogation techniques in a more thorough way. Part of this was spurred by the scandals around torture at Guantanamo Bay of terror suspects. And interrogators in the FBI and the CIA were looking for better ways to get information from terror suspects without torture. And eventually some of these techniques started to percolate, and they're starting to be adopted by some civilian police departments throughout the United States.

These techniques also have emerged in Canada and in England, where some of the elements of the Reid Technique-- specifically, lying to suspects-- has long been banned. They don't allow detectives to do that in these other countries. So, under these new styles of interrogation, the emphasis is on building a rapport with the suspect, making them feel comfortable, and then trying to get them talking.

PHOEBE JUDGE: Unlike the Reid Technique, where the interrogator talks a lot. Maurice says letting the suspect do most of the talking can be a better way to determine if they are lying or not.

MAURICE CHAMMAH: If you're lying, it can be very hard to maintain the lie, the narrative, the false narrative in a compelling way, especially when you're asked to add detail to it and keep that detail straight. So, in some of these newer interrogation methods, the police will ask the suspect to describe the events in question backwards because it's hard to describe those events backwards and keep your story straight. And what you see in some of these newer-style interrogations is that you don't necessarily even get a full confession, but you get enough admissions that it really helps the prosecutor build a compelling case against the defendant, even without that full confession.

Part of this is about better ways to get confessions. But it's also part of it is better ways to build cases so that you don't even need a confession. And there's really, I think, now a tension in police detective circles around the best way to handle these cases. You have the new guard, and you have the old guard. And the old guard is still using Reid-style techniques. Reid is still training people.

You can google the Reid Technique and find dozens of YouTube videos that teach interrogators how to do it. And the Reid Technique folks have taken in some of the lessons of these decades of false confessions and are warning detectives not to lie unless as a last resort. But old habits really do die hard in this case. And I think there's still a lot of allure for detectives of the kind of old school, Hollywood, pop-culture style, Reid-influenced aggressive style of questioning.

[MUSIC PLAYING]

PHOEBE JUDGE: Maurice Chammah and the Marshall Project released a six-part podcast series about James Holland and Larry Driskill. It's called *Smokescreen: Just Say You're Sorry*. We'll have a link in the show notes to listen. *Criminal* is created by Lauren Spohrer and me. Nadia Wilson is our senior producer. Katie Bishop is our supervising producer. Our producers are Susannah Roberson, Jackie Sojico, Lilly Clark, Lene Sillesen, Sam Kim, and Megan Cunnane.

Our technical director is Rob Byers. Engineering by Russ Henry. Fact-checking by Michelle Harris. Julianne Alexander makes original illustrations for each episode of *Criminal*. You can see them at thisiscriminal.com. If you like the show, tell a friend or leave us a review. It means a lot.

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