BRIAN L. CUTLER, PHD

REPORT IN THE MATTER OF CHESTER OTTO WEGER

Brian L. Cutler, Ph.D.

Professional Background

1. For more than 30 years I have held faculty and academic administrative positions at Florida International University, the University of North Carolina at Charlotte, the University of Ontario Institute of Technology, and, currently, Fielding Graduate University. In my roles as a university professor, I have taught a variety of psychology and criminology courses at the undergraduate and graduate levels and have supervised undergraduate, master's and doctoral students in research. I have also taught continuing legal education workshops. Since 1983, I have conducted research on various forensic and social psychology topics and have active research programs on eyewitness memory, interrogations, and police psychology, from social and cognitive psychological perspectives. I have held research grants from the National Science Foundation of the United States and Social Science & Humanities Research Council of Canada. I have authored or edited nine books, including: *The APA Handbook of Forensic Psychology*, the *Encyclopedia of Psychology and Law*, *Reform of Eyewitness Identification Procedures*, and *Conviction of the Innocent: Lessons from Psychological Research*. I have also authored more than 30 book chapters and 75 peer-reviewed articles in psychology, law, and interdisciplinary journals, 30 articles in professional newsletters and given more than 100 professional presentations at conferences and universities. I have been active in professional associations as well. I served as President of the American Psychology-Law Society (Division 41 of the American Psychological Association), Editor-in-Chief of the peer-reviewed journal *Law and Human Behavior*, as Division 41 Council Representative for the American Psychological Association and as an advisor to APA's Amicus Brief program. I am a Distinguished Member of the American Psychology-Law Society and Fellow of the Association for Psychological Science. In 2017 I formed Coral Coast Group, Inc., to facilitate my consulting, expert testimony, and research services.

2. I have been engaged with the research on interrogations and false confessions in various ways since the 1990s. I served as a peer-reviewer for manuscripts on this topic submitted to scientific journals. In my role as Editor of *Law and Human Behavior*, I oversaw the peer review process for many manuscript submissions on this topic. Some of the books I edited (the *APA Handbook of Forensic Psychology*, *Encyclopedia of Psychology and Law*, *Conviction of the Innocent: Lessons from Psychological Research*) have chapters on false confessions written by other scholars. In 2016 I received a research grant from the Social Sciences & Humanities Research Council of Canada to for research on the assessment of coercion in

17307 E BACA DR, FOUNTAIN HILLS, AZ. 85268

suspect's post-admission narrative with crime facts and the existing objective case evidence therefore provides a standard against which the suspect's statement should be evaluated for reliability. Trainers of interrogation maintain that confessions that cannot be corroborated may be unreliable (Inbau et al., 2013).

57. **In evaluating the reliability of confessions, Inbau et al. (2013, p. 357) suggest the timing of recantation as a factor: "An innocent suspect will know at the time of the confession that it is false, except in the case of the alleged coerced internalized confession.** As soon as the threat of interrogation has been removed, it would be expected that the innocent suspect would denounce the confession and protest innocence to anyone willing to listen. Therefore, a suspect who has visited with family members or loved ones after the confession but does not retract it until they meet with their attorney sometime later is offering a suspicious statement. A confession that was not retracted until days or weeks after it was made is probably not truthful. When a significant period of time elapses before a confession is retracted, it is much more typical of a guilty person who is anxious to prepare a legal defense."

John Reid and the Reid Technique of Interrogations: A Brief Perspective[3]

58. **As John Reid played a principal role in this case, a discussion of Reid's approach to interrogation, the context in which it was developed, and how the technique has evolved is warranted.** Historically, physical means of interrogation were used regularly by police in the late 19th century until the 1930s (Kassin et al., 2010). These "third-degree" tactics included beatings, kicking, mauling, suffocation simulation, burning with cigars and pokers, hitting with a rubber hose, prolonged confinement, deprivation of sleep, food, and other needs, forcing a suspect to stand for hours, use of blinding light, and explicit threats of harm (Kassin et al., 2010; Leo, 2004). Physical abuse and aggression in interrogations, however, violate both domestic (*Brown v. Mississippi*, 1936) and international (United Nations, 1984, 1987) law and are eschewed by trainers of modern interrogation (Inbau et al., 2013). Physical interrogation may be effective at achieving compliance, but the information obtained from such approaches lacks reliability (Janoff-Bulman, 2007). The nearly 90-year-old report of the National Commission on Law Observance and Enforcement, a commission established by President Herbert Hoover and chaired by U.S. Attorney General George Wickersham, is credited with exposing the practice of the "third degree" and other forms of police misconduct and ushering in the development of modern psychological methods of interrogation. Physical interrogation

[3] For a more thorough history see Leo (2008).

declined between the 1930s and 1960s and was declared virtually non-existent by a presidential commission in 1967 (Zimring & Hawkins, 1986).[4]

59. **In the wake of the Wickersham Commission report, John Reid, a former Chicago police officer and lawyer, who became a consultant and polygrapher, together with Northwestern University law professor Fred Inbau, began developing psychological methods of interrogation.**

60. **Inbau and Reid began codified their interrogation techniques early on in their collaboration.** The first edition of their book *Criminal Interrogation and Confessions*[5] was published in 1962. The second, third, and fourth editions were published in 1967, 1986, and 2004, respectively. The fifth and most recent edition was published in 2013. The fifth edition (Inbau et al., 2013) is the source I have cited frequently in the sections above. More recent editions included co-authors Joseph Buckley and Brian Jayne. Buckley has been President of John E. Reid and Associates since Reid's death in 1982). Jayne is a retired employee of the Reid Institute.

61. **Under Reid and Buckley's leadership, John E. Reid and Associates has been a world leader in the development and training of interrogation techniques, particularly within the policing community but also within the private security and loss prevention communities.** John E. Reid and Associates offers workshops throughout the U.S. frequently. I completed their basic interrogation workshop in 2014, have reviewed their training materials frequently, have taught about the Reid Technique of Interrogation (hence forth referred to as the "Reid Technique")[6] in my university and professional continuing education courses, have written about it in my scholarship, and have testified about it in depositions, hearings and trials.

62. **The Reid Technique is – and has always been -- an accusatory, guilt-presumptive technique.** When the investigator decides to move from an interview to an interrogation, the

---

[4] As evidenced by the Jon Burge-related cases in Chicago in the 1980s and 1990s, it is evident that physical means of interrogation have not been completely eradicated. In addition, from 2002-2008 the C.I.A. held at least 119 men in secret detention locations and subjected many of them to "enhanced interrogation" that included such physical methods as slamming detainees against walls, stripping them, diapering them, chaining them to the floor or ceiling, cramming them into coffin-like boxes, and water-boarding them. A subsequent U.S. Senate Intelligence report concluded that such torture failed to achieve its objectives, and in some cases, caused permanent psychological and physical harms (Crosby, Irvine, Meissner, & Scott, 2019).

[5] Reid also authored books about the polygraph and interrogation 1942, 1948, and 1953

[6] Modern versions of the Reid Technique include pre-interrogation interviews, namely, the Behavioral Analysis Interview

investigator assumes for the purpose of interrogation that the suspect is guilty and behaves accordingly. The modern version includes 9 steps:[7]

a. Step 1 involves a direct, positively presented confrontation of the suspect with a statement that he is considered to be the person who committed the offense.

b. Step 2 the investigator expresses a supposition about the reason for the crime's commission whereby the suspect should be offered a possible moral excuse for having committed the offense (an interrogation theme).

c. Step 3. when confronted, suspects typically deny involvement. Step 3 is procedures for handling denials.

d. Step 4 involves overcoming the suspect's secondary line of defense following denial — offering reasons why he would not or could have have committed the crime.

e. Step 5: when the denials and objectives are ineffective, the suspect typically mentally withdraws and tunes out the investigator's theme. In Step 5 the investigator takes steps to procure and retain the suspect's attention through nonverbal (e.g., eye contact, moving closer) and nonverbal (e.g., sympathizing) means.

f. Step 6 recognizes the suspect's passive mood. During this stage the suspect is weighing the possible benefits of telling the truth and this is generally reflected in changes to his nonverbal behaviors (tears, collapsed posture, averted gaze)

g. Step 7 is the alternative question, presenting two alternatives where one is more acceptable or understandable than the others but both inculpatory. This step usually yields an incriminating admission.

h. In Step 8 the suspect orally relates details of the offense that will establish legal guilt.

i. In step 9 the oral confession is converted to a written or recorded one.

63. **Use of the Reid Technique is controversial.** While John E. Reid and Associates maintain that, if used properly, the Reid Technique is very effective at obtaining true confessions and

---

[7] According to Inbau et al. (2013, p. 188): "The numerical sequence does not signify that every interrogation will encompass all nine steps or those that are used must conform to a specific sequence."

does not lead to false confessions, scholars (e.g., Kassin et al., 2010; Leo, 2008) maintain that the Reid Technique has led to numerous false confessions and wrongful convictions. Innocence advocacy organizations, such as the Innocence Project, Innocence Network, the Center on Wrongful Conviction, and the National Registry of Exonerations point to accusatory interrogation and general and the Reid Technique in particular as a cause of false confessions and miscarriages of justice.

64. **The process of accusatory interrogation affects both the interrogator and the suspect in a manner that increases the risk of false confession.** The stated goal of the interrogation is to learn the truth (Inbau et al., 2013), but because interrogation is only used on people believed to be suspicious, once the investigator decides to interrogate, the objective is to secure a confession and inculpatory information. Naturally, the strength of the investigator's belief in the suspect's guilt can be expected to affect the interrogator's determination and resolve to obtain a confession (e.g., Kassin, Goldstein, & Savitsky, 2003; Liden, Minna, & Juslin, 2018). Thus, an investigator who believes that the suspect might be guilty may press ahead and interrogate the suspect as if they are guilty, but back off if met with signs of innocence (Carr, 2015; Inbau et al., 2013; Wicklander-Zulawski, 2020). In contrast, an investigator who strongly believes in a suspect's guilt may ignore or misinterpret signs of innocence and persist in using more rigorous strategies to obtain a confession (Kassin et al., 2003). Ironically, innocent people sometimes behave in such a way as to appear more suspicious and invoke more rigorous interrogation strategies by the interrogator (Kassin, 2005).

65. **Many of the accusatory interrogation tactics enhance the risk of false confession.** Early in the interrogation, the investigator may express a very high level of confidence that the suspect is guilty and convey to the suspect that the purpose of the interrogation is not to determine whether they are guilty, but rather to find out why they committed the crime (or the details, or who else was involved, or what other crimes they have committed). These unwavering expressions of omniscience and confidence in the suspect's guilt are called direct positive confrontation (Inbau et al., 2013), confrontation (Kassin et al., 2010), and accusation (Ofshe & Leo, 1997). These statements are often exaggerations or strategic deceptions. The investigator sometimes has concluded that the suspect is guilty based on inferences about the suspect's verbal or nonverbal behavior prior to the interrogation (Kassin et al., 2010; Leo, 2008). Other times, the investigator may be suspicious but open-minded about the suspect's culpability. Regardless, the investigator's expression of confidence in the suspect's guilt is a tactic designed to convince the suspect that they are caught and that they have no chance of persuading the investigator of their innocence (Inbau et al., 2013).

66. **The frequent use of omniscience and direct positive confrontation tactics are designed to serve the purpose of conveying to the suspect that they have no chance of convincing the interrogator of their innocence – a form of "choice architecture" on the part of the investigators (Thaler & Sunstein, 2008).** If the option of establishing innocence is taken off the table, it would be reasonable for anyone to attempt mitigation, or the next best outcome. If one perceives confession as a path toward more lenient treatment, the seemingly irrational solution – falsely confessing – becomes a rational solution. In psychological terms, the suspect engages in cognitive reframing during the interrogation. Cognitive reframing occurs when a suspect concludes that establishing their innocence is no longer feasible and switches

their focus to the next best option, minimizing their chances for harsh treatment (Kaplan et al., 2019; Leo, 2008; Scherr et al., 2020).

67. **Investigators may use another tactic: falsely stating or implying that they have evidence of the suspect's guilt or that evidence of guilt will soon be in hand (Inbau et al., 2013).** The investigator may assert that there is another eyewitness, a co-defendant who flipped, or forensic evidence found at the scene that has since been sent to the lab and has irrefutably established or will (in the case of a bluff) undoubtedly establish the suspect's guilt or knowledge of the crime. The investigator may have a large file or set of files before them in order to create the impression that the files contain inculpatory evidence against the suspect. Decades of research in social and cognitive psychology has shown that misleading people renders them vulnerable to manipulation (Kassin et al., 2010). The use of false evidence and bluffs has specifically been linked to increased risk of false confession (Kassin et al., 2010). Trainers recommend against the use of false evidence tactics with vulnerable populations (Carr, 2015; Inbau et al., 2013), or discourage its use altogether (Centrex, 2004; Wicklander-Zulawski, 2020). While the use of false or misleading evidence renders suspects vulnerable to manipulation, the use of true evidence has psychological effects as well. At minimum, the use of true evidence is believed by trainers of interrogation to increase pressure to confess (Inbau et al., 2013) and also has the potential to contaminate confessions, a topic addressed below.

68. **Investigators are taught that the more frequently a suspect denies their involvement and professes their innocence, the more difficulty a suspect will have in changing their position from denial to confession. Investigators are taught, therefore, to try to prevent the suspect from denying guilt, a tactic referred to as denial management (Inbau et al., 2013).** It is not uncommon, for example, for the investigator to do most of the talking in the early part of the interrogation. This is not an accident, but rather a tactic. When the suspect tries to speak up and deny guilt, the investigator may interrupt them and tell them to wait until the investigator is finished with what they have to say. The investigator will likely also challenge the suspect's denials as illogical, implausible and/or contradicted by existing evidence. When the suspect does get a word in, it might be to explain why they could not have committed the crime. Investigators are trained to overcome these objections by acting as if they were expected, identifying reasons for which the objections might not hold water, pointing out contradictions, and repeating the accusations and excuses (Inbau et al., 2013). These tactics are meant to strengthen the suspect's belief that they are irreversibly caught and that their only reasonable option, under the circumstances, is to confess as a means of attempting to mitigate punishment.

69. **The use of threats and incentives is particularly compelling.** Decades of psychological research on animal and human learning demonstrates that people are sensitive to the promise of rewards and the threat of punishment. Behavior modification based on these principles is used in homes with children and pets, in schools with youth, in organizations with employees, and, of course, in the justice system with offenders. Threats and incentives push suspects toward confession.

70. **Some forms of threats and incentives (e.g., threats of physical violence, explicit promises of leniency) are prohibited in interrogation and may lead to confessions being deemed**

inadmissible (Inbau et al., 2013; Pepson & Sharifi, 2010). Other forms of threats and incentives are allowable. For example, trainers encourage interrogators to offer the suspect certain benefits for confessing, such as attaining internal relief or saving face and averting social consequences, such as damage to their reputation or ostracism by their communities (Inbau et al., 2013). Trainers encourage the use of these behavior modification tactics because they believe them to be effective at modifying the suspect's behavior toward confession. Making the suspect believe they will in some way benefit from the confession is essential for motivating the suspect to confess, according to trainers.

71. **Trainers draw the line at the use of threats and incentives that involve "real consequences" for they are apt to cause an innocent person to confess (Carr, 2015; Inbau et al., 2013; Wicklander-Zulawski, 2020).** Real consequences typically refer to matters such as incarceration, help from the investigators, the ability to see one's friends and family, etc. Some of the consequences not included among the "real" consequences, however, have very real effects. Ostracism, for example, another topic of social psychological study, has been described as follows: "Ostracism – being ignored and excluded – is a powerfully aversive interpersonal experience resulting in negative affect and threat to four fundamental human needs: belonging, self-esteem, control, and meaningful existence" (Hales, Williams, & Eckhardt, 2015, p. 157). Negative emotional consequences of ostracism have been demonstrated repeatedly in the social psychological research.

72. **Whereas accusations, attacks on denials, evidence ploys and interpersonal pressure are designed to cause the suspect to perceive that they are caught and that resistance is futile, minimization tactics and other inducements are designed to motivate the suspect to admit guilt to a less inculpatory explanation for the crime (Ofshe & Leo, 1997).** One common form of minimization is the offering of rationales and excuses that imply guilt but justify having committed the crime. These techniques are sometimes called "theme development" by trainers (Inbau et al., 2013) and "scenarios" by scholars (Leo, 2008). The motives and explanations are presented as reasonable or even morally (and sometimes even legally) justifiable excuses, such as you recently lost your job, your only source of income, and you have a wife and child to support. Other themes are that the crimes were committed on impulse without significant malice aforethought. Shifting blame onto the victim by stating or implying that they deserved what happened to them is another relatively common theme (Kelly et al., 2019). These sorts of themes are often contrasted against the possibility that the crime was much more aggravated and/or are compared to a theme in which the suspect is painted as much more antisocial, such as an incorrigible, lazy thug with no moral principles. With the possibility of being perceived much more negatively treated more harshly, the allure of confessing to the minimized version of the crime increases (Luke & Alceste, 2020; Redlich, Shteynberg, & Nirider, 2019).

73. **Minimization may also involve downplaying the consequences the suspect will face and sympathizing with the suspect's situation.** Interrogators are trained not to explicitly tell a suspect that they will be treated more leniently if they confess, but interrogators can say things that will make the suspect reach this conclusion on their own (Inbau et al., 2013). And that's the effect that minimization often has. By adopting a morally, psychologically and/or legally defensible justification and confessing, the suspect is encouraged to infer (without being

explicitly told) from the interrogators' statements and suggestions, that they will receive more lenient treatment – maybe even immunity – than if they refuse to confess and are found guilty (Inbau et al., 2013). The use of minimization techniques that imply leniency increases the risk of eliciting a false confession (Kassin et al., 2010; Scherr et al., 2020).

74. **Inbau et al. (2013) advocate the use of tactics that implicitly offer leniency while warning against the use of tactics that explicitly offer leniency (so that the confession is not suppressed).** The use of tactics that implicitly offer leniency permits the investigator to truthfully state that they did not say that the suspect would be treated more leniently if they confessed. From the perspective of the suspect, however, the difference between explicit and implicit promises is less clear, for if the suspect perceived that they were offered leniency, the perceived offer would influence their decision to confess regardless of whether the offer was stated explicitly or conveyed implicitly through the above-noted tactics.

75. **Similar points can be made about other tactics, such as threats and incentives. While trainers and fact finders may draw distinctions between explicit threats and incentives, the suspect may not appreciate the distinction and may be similarly influenced by explicit and implicit threats and incentives.** For example, an investigator who informs a suspect that they will get less time in prison for confessing has made a (normally prohibited) explicit offer of leniency. By contrast, an investigator who informs a suspect that they will tell the district attorney that the suspect cooperated if the suspect confesses has made an offer that the suspect may interpret as meaning they will obtain a lesser sentence if they confess. From the suspect's perspective, it might not matter whether the offer is implicit or explicit, but the suspect will be sensitive to the offered contingency.

76. **Minimization may come across as friendly and caring. Interrogators are not trained to bully suspects (though some do so of their own accord). They are trained to establish rapport with suspects (Inbau et al., 2013).** We are not persuaded by bullies, but rather by people whom we trust. Successful con artists understand this principle and devote considerable effort to gaining the victim's trust (Konnikova, 2016). One way that the interrogator may establish rapport is through strategic self-disclosure, as well as by positioning himself as an ally of the suspect and offering to help them get through their situation. The interrogator may tell the suspect of their own troubles as a youth, their own scrapes with the law, and their own desire to better themself. Self-disclosure helps build a sense of connection and a reciprocal desire to self-disclose. Ultimately, the rapport established by the interrogator can disadvantage the suspect. Psychological research shows that establishing rapport may increase the likelihood that people will be influenced by deliberately misleading information (Wright, Nash, & Wade, 2015). Investigators have been observed at times taking stronger measures to establish positive relationships with suspects, such as portraying themselves as suspects' lifelines and portraying their roles in the interrogations as ones meant to facilitate helping suspects (Kaplan & Cutler, 2021). Premising interrogations on seeking to help suspects is discouraged in interrogation training manuals and literature (Carr, 2015; Inbau et al., 2013 Wicklander-Zulawski, 2020). Suggestions of help, like minimization, often implicitly (and in some instances explicitly) communicate that suspects who confess may receive more lenient treatment or a less harsh outcome.

77. **In sum, interrogation is more than the sum of its tactics. Perhaps most fundamentally, it operates as a two-step psychological process of pressure and persuasion that is strategically directed toward moving a suspect from denial to admission (Ofshe & Leo, 1997).** The first psychological step is to convince the suspect that they are caught, that the evidence irrefutably establishes their guilt, and that it is therefore pointless for them to resist because conviction is inevitable. The goal of the second step of interrogation is to convince the suspect that, given their situation and available options, it is in their best interest to switch from denying to admitting if they wish to minimize their punishment and put an end to the interrogation before the opportunity disappears (Ofshe & Leo, 1997). Indeed, the opportunity to confess is sometimes presented to the suspect as a time-limited offer.

78. **John E. Reid and Associates have maintained and taught that, if properly used, the Reid Technique does not lead to false confessions.** Indeed, it wasn't until the fourth edition of their training manual (Inbau et al., 2001) that they included a chapter on false confessions. Ironically, however, the case that helped establish Reid's and his consulting firm's reputation turned out to be a false confession. According to a 2013 article published in *The New Yorker*,[8] Reid administered a polygraph exam and extracted a confession from Darrel Parker in the 1955 murder of his wife in Lincoln Nebraska. Decades later, in 2011, the Nebraska State Attorney General publicly apologized to 80-year-old Parker for his wrongful conviction and awarded him $500,000 in damages. The AG's words: "Today we are writing the wrong done to Darrel Parker more than fifty years ago. . . Under coercive circumstances, he confessed to a crime he did not commit." Parker was certainly not the first known case of false confession. As explained above, law professor Edwin Borchard (1932) identified false confessions as a significant factor in *Convicting the Innocent*, his published collection of wrongful conviction cases.

79. **The Reid Technique was singled out as a trigger that led to the SCOTUS decision in *Miranda v. Arizona* (1966).** Chief Justice Warren's written opinion cited Inbau and Reid's (1962) *Criminal Interrogation and Confessions* in Footnotes 9, 10, 12, 13, 15, 16, 20, 21, 22, 23, pointing to the manual's recommendations to interrogate the suspect in the unfamiliar surroundings of the police department, offer excuses for the alleged criminal acts, minimize the moral seriousness of the offense, make their opinions of the suspect's guilt known, refer to circumstantial evidence of guilt, use their silence against them, and discourage the involvement of an attorney. Warren concluded (Footnote 33):

---

[8] https://www.newyorker.com/magazine/2013/12/09/the-interview-7

From these representative samples of interrogation techniques, the setting prescribed by the manuals and observed in practice becomes clear. In essence, it is this: To be alone with the subject is essential to prevent distraction and to deprive him of any outside support. The aura of confidence in his guilt undermines his will to resist. He merely confirms the preconceived story the police seek to have him describe. Patience and persistence, at times relentless questioning, are employed. To obtain a confession, the interrogator must 'patiently maneuver himself or his quarry into a position from which the desired objective may be attained.'[23] When normal procedures fail to produce the needed result, the police may resort to deceptive stratagems such as giving false legal advice. It is important to keep the subject off balance, for example, by trading on his insecurity about himself or his surroundings. The police then persuade, trick, or cajole him out of exercising his constitutional rights.

80. **An article in the New York Times about Fred Inbau following his death in 1998 brought disparaging attention to his methods of interrogation and his antipathy for the *Miranda* decision.**[9] The article described Inbau as a master at applying his interrogation tactics: "When questioning a man suspected of killing his wife, for example, Mr. Inbau would feign such sympathy for the hapless man's plight, sometimes shedding real tears, and showing such contempt for the bullying wife who had driven him to the deed that by the time the man broke down and confessed, his main regret would be that he had not killed the woman sooner." After the *Miranda* decision, Inbau formed "Americans for Effective Law Enforcement" to fight the trend of placing individual liberties over public safety.

81. **Accusatory methods of interrogation may be on the decline in the United States.** Following a rash of miscarriages of justice, the United Kingdom moved away from accusatory methods of interrogation toward an information-gathering approach with formal adoption of the PEACE Technique in 1993. The PEACE acronym represents the phases of the information-gathering approach: Planning and preparation; Engaging with the interviewee and explaining the interview process; Gaining an Account; Closure of the interview; and Evaluation. Training in PEACE has taken hold in North America. In 1982 Douglas Wicklander and David Zulawski, two former employees of John E. Reid and Associates, formed Wicklander-Zulawski and Associates, Inc. ("W-Z"), a firm devoted to training in investigations, interviews, and polygraph techniques. In 2017, W-Z announced that it would discontinue training in the Reid Method of Interrogation. Citing voluminous cases of false confessions and wrongful convictions, W-Z committed to training non-confrontational styles

---

[9] Inbau was certainly not alone in his antipathy toward the Miranda decision. The Miranda decision was poorly received in the law enforcement community, in general (Leo, 2008).