



**Episode 23: Interview with Jim Trainum  
10/04/2015  
Speakers: Bob Ruff and Jim Trainum**

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**EPISODE DESCRIPTION**

- In this episode, Bob spends the hour speaking with Jim Trainum. Jim was the retired detective featured on *Serial*, who evaluated the investigation. Jim is also an instructor, consultant, and expert in interrogation techniques and false confessions.
  - The Truth & Justice GoFundMe fund grows to over \$10,000.  
[www.gofundme.com/truthandjustice](http://www.gofundme.com/truthandjustice)
  - Bob announces the transition to the *Truth & Justice* podcast will occur on October 18th.
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**Today's episode of *The Serial Dynasty* is sponsored by [Shaun T Fitness](#).**

There's going to be a special surprise on Shaun T's podcast this week. Me. I'm the surprise. Shaun T will dig deeper into my passion for why I do what I do for the fire department and Hae and Adnan's case. And why I decided to transfer that same passion into my workouts and my health. It's going to be raw and real. He asks the tough questions because he wants you to get real results. Go to [ShaunTFitness.com/podcast](http://ShaunTFitness.com/podcast) or *Trust and Believe* on iTunes.

And for those of you who are trying Shaun T's workouts, or just doing functional training in general, Shaun T has a Fila shoe at Kohl's that is designed to help you have a comfortable workout while having perfect control over your moments, available at [ShaunTFitness.com](http://ShaunTFitness.com).

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Hello everybody and welcome back to *The Serial Dynasty*. In today's episode, we're going to continue to look into and examine the interrogation tactics of Detectives Ritz and MacGillivray throughout the duration of this case. In order to get a better understanding of

what these tactics are and how they work and the problems that may arise from using them, I reached out to get the opinion of someone who's an expert on this subject. Today's episode features a nearly hour-long interview with Jim Trainum. Jim was the retired detective featured on *Serial* who was tasked with evaluating the investigation.

Before I begin the interview, I want to make clear to all the listeners that Jim has not kept up with this case since *Serial*. He looked through and evaluated the methods of the investigation when Sarah Koenig had requested him to do so last year. Since then, he's worked several other cases. He works as an instructor and a consultant and just hasn't had the time to look deeper into this case.

With that being said, I think what that does is gives us an opportunity to hear someone explain to us how interrogations work from an unbiased source. Jim has not been made aware of any theories that I have, you listeners have, *Undisclosed*. He simply looked at the paperwork of the case. So this week, rather than just listening to me talk about the investigative tactics, let's get right to the interview and let's hear what Jim Trainum has to say.

#### **[00:02:23] Interview with Jim Trainum**

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**Bob:** I am here today with Jim Trainum. So welcome to the show, Jim.

**Jim:** Well thank you for having me, I appreciate it.

**Bob:** No problem. We want to get right into the content here and the first thing that I want to do, there's a lot of people who know exactly who you are when I say Jim Trainum, and then a few people can't remember exactly who you are. For you listeners, Jim was the police officer that was on *Serial* that was helping to evaluate the case. But he's got a lot of other background in these investigative methods as well. So, Jim, can you just tell us a little bit about your background, kind of your resume?

**Jim:** Sure, I was with the D.C. police department for 27 years. Most of that was in the homicide branch. Towards the end of my career, I had created a program where we were actually going back and doing a systematic review of thousands of homicide cases that had been unsolved and we were just trying to find the ones that fell through the cracks. And based on that, I kind of helped develop the methodologies on how to do case reviews. How to reevaluate investigations, things along that line.

**Bob:** Okay, now since you've retired then, you do some speaking and teaching and some consulting work too. Can you tell us a little bit about that?

**Jim:** Sure, I wear a lot of different hats. I do a lot of consulting, or I should say reviewing, of cases not only for attorneys but also for other law enforcement agencies. Some of these are alleged wrongful convictions. Some of these are still cold cases. I teach a lot in the methodology of cold case investigation. And also, I talk about interrogation practices, how they can potentially lead to

false confessions, the proper way to evaluate confession evidence, things along that line.

**Bob:** Okay and that's part of the reason I wanted to have you on the show today is with the case that we're working on, the Adnan Syed/Hae Min Lee murder case, I told the audience last week but I want to reiterate this again, just as a disclaimer, as you heard Jim just mention, he's very busy doing a lot of things and Jim you had said that you haven't really kept up with this case since *Serial*, so you're not aware of everything we've done since then.

**Jim:** That's correct. I've worked several cases since then and I'm getting too old to keep them all straight in my mind [laughs]. So I would have to go back and do a lot more reviewing to be totally up to speed with this one.

**Bob:** With that being said, we're going to try and focus on the methodology of the investigation which should help us paint a little better picture of what was going on looking at a case that was closed sixteen years ago.

And the place I kind of want to start there is in your career, and you've spoken about this on several occasions, you were involved in a false confession, where you were interrogating a witness and then discovered later to find out that you had gotten a false confession out of this person. Can you talk to us about the lessons that you learned from that situation?

**Jim:** Sure, I think one of the most important things was the danger of tunnel vision and how that can impact any investigation. In fact, tunnel vision is probably the biggest factor in any wrongful conviction case because what you start to do is you start to sort through the evidence that's coming in and you have a tendency—and this is a very human tendency, we all do it—to once we come up with our own theory we begin to kind of pick and choose the evidence that supports it, and we have a tendency to ignore the evidence that doesn't.

The second thing I learned is how easy it is using the interrogation techniques that we are taught here in the U.S. How they can unintentionally cause somebody to think that it's in their best interest to tell us what we want to hear. I mean, people ask me all the time, "Why would somebody confess to a crime that they did not commit?" They just wouldn't think that they would do it themselves. When in fact, I promise under the right circumstances, they would.

My answer has always been, "Well why would you confess to a crime that you did commit?" What is it that we do in that interrogation room that convinces you that's a good idea? Well, the same thing that convinced you to confess to a crime that you did commit will also cause you to confess, or give evidence. The real problem with this is that the same interrogation techniques that we use that can potentially lead to a false confession, we frequently use on witnesses, informants, even victims. If we think that they're not telling us what we think is the truth.

**Bob:** One thing that's come up in discussion revolving around this case and some of the interrogations as we've kind of reviewed the transcripts of some of the police interrogations of witnesses is something called the Reid Technique. Can you describe to the listeners a little bit, briefly, what the Reid Technique is and what your thoughts are on it?

**Jim:** Sure. Well the Reid Technique was developed back in the 1940s or so, that's when it first started being developed. Trying to give the police another alternative to the old third degree. The courts at that time were really coming down hard on law enforcement because of those interrogation tactics. And Reid is supposed to be a series of steps that you take in order to give the person a moral or psychological justification for confessing their crimes.

However, the problem with the Reid Technique is that it works [laughs]. It works very, very well. Too well. Just to give you an idea how a typical Reid interrogation is supposed to occur is after I've done my initial interview and I've determined that you're guilty or that you're being deceptive, that's when I start my interrogation.

I begin it by telling you, "We know that you committed the crime. The evidence is there and we don't want to hear anything but why." Then I start to give you reasons. And they have whole books full of themes or reasons. Let's say that you stole money from a cash register or I believed you stole money from a cash register.

**Bob:** Okay.

**Jim:** I would give you a reason like, "Maybe you did it because it was out there and you were tempted." Or something along that line. The problem with the themes is that we can frequently, and law enforcement does this, we frequently slip in themes that offer some sort of real or implied leniency. And so as we're emphasizing, "Look, we know that you did this crime. But if you confess, then people are going to go easier on you." People are being faced with this dilemma where it seems that they are going to be convicted no matter what. We encourage that belief. You're going to be convicted. There's no question behind it.

You're only option is to give us what we think is the truth and then you'll get some assistance. We could lie about evidence. We can put time constraints on people. And where the Reid Technique itself, like I said, they do not encourage, in fact, they write in their books that they think it is improper to use real or implied threats of an inevitable consequence as well as real or implied promises of leniency. It's really not taught in their class. So law enforcement has a tendency to use those tactics all the time. Pretty much, put you in a box.

**Bob:** Where you really have no choice.

**Jim:** Where the perception is you have no choice.

**Bob:** Okay, right.

**Jim:** You always have a choice. You can always [inaudible]. But we are very good salesmen in that, like I said, an interrogation is basically a monologue designed to get you to admit that you committed the crime. Even though they say all it is is an attempt to get you to tell the truth. The truth going into the interrogation room is the truth as I perceive it to be. In order for you to get the benefit, you have to conform your narrative to my truth. Does that make sense there?

**Bob:** Yeah, it makes perfect sense and I'm familiar with the technique as well and I know a lot of different investigators have different opinions on it. We've spoken before that I'm an arson investigator so I do some interviewing and interrogations and things like that as well. Personally, for me, I don't like the Reid Technique because I always—I've used it in a way, or a version of it—but I always come out kind of feeling like I don't know if I really got the truth there or I just got told what I wanted to hear. What's your opinion on the use of the Reid Technique?

**Jim:** I think it can be potentially a very dangerous technique. I think it is not a very effective technique for getting the truth. And the way that it is taught—it is taught just like every other interrogation school out here is taught—it's like a doctor being trained in a medical procedure without being taught the side effects and how to recognize them and how to treat them. And the re-training—just like about every other interrogation school—very, very little if anything is mentioned about the possibility of false confessions or false witnesses statements and the necessity to corroborate the information that you do get.

And so a lot of times what happens is when you get your information, as you know, you get what you think is a confession, well the case is over at that point. You know, why do you need to go out and do any more work? That confession will probably lead to a conviction or at least a plea agreement and so a lot of times the investigator skips that extremely important step of corroboration.

**Bob:** In this case in particular, they didn't have physical evidence to corroborate anything here. So any sort of corroboration had to come from peripheral witnesses. We had, of course, Jay Wilds was the main witness. Then we had, Jenn Pusateri was the witness that corroborated Jay's story. And then there were all these peripheral witnesses that were used by the police to show a narrative in one way or another and is the same technique often used on witnesses?

In this case, Adnan never confessed to this crime. He never said anything that he was guilty even through his entire six hour interrogation. But of course, we know Jay's testimony and Jenn's testimony, then there were all these—like Debbie, and Krista, and some of the other students at the school—that gave

testimony that was used to try to fit into some sort of narrative. Is this technique commonly used on corroborating witnesses?

**Jim:** Well, two points I would like to make. Yes, it is. I mean, that's the biggest problem with it. If we believe that a witness is not telling us the narrative that we want to hear, then we start the interrogation and we start the threats and we start the implied promises or the real promises, whatever like that. And it's a lot easier, I mean, if you think that you would have a hard time confessing to a crime that you didn't commit, it's a whole lot easier to give police information that corresponds with their theory of the case if you're not going to be the one charged.

There's also a danger when it comes to corroboration there's really two types that are out there, one is: is the person telling me something that I know to be true, or believe to be true, about the crime? That's what we call hold back information. Cops are trained that they are supposed to keep certain things out of the public eye. Because that's how you judge whether somebody is being upfront with you, be they witnesses, suspects, informants, or whatever.

The problem is, especially in un-taped interrogations, un-videtaped or unrecorded interrogations, there's a lot of potential for contamination that goes on in the interrogation process and especially the way that the Reid Technique, or techniques like the Reid Technique, are done. The detective is doing all the talking and so there's a lot of ways that information can be leaked to the suspect or to the witness. So when it comes to corroboration, you have to ask, "Okay, are they giving me details about the crime scene that only the real killer would know," as we love to say. But can you show that those details were provided by the suspect and not through contamination? It's really difficult if you don't have it videotaped.

The second type of corroboration is: are they giving me things I don't know that I can now go out and corroborate? Now, when you're doing that, the best type of corroboration is physical, some type of physical evidence, forensic evidence, or whatever. When you're using other witnesses, then you have the danger of cross contamination. I'm a detective, in my mind, I believe that this is what happened because the suspect or this person told me. I'm going to go to the witness, the same type of contamination can go on. Especially if somebody confesses, like Jay did. You know, you go to the witness, you say, "Hey, this guy confessed. This is what he's saying." And so the witnesses sometimes tend to, "Oh, well, he confessed, so it must have happened." You get that post-confession contamination.

**Bob:** Right.

**Jim:** That's why videotaping is so important in these cases. Even if you don't have it, you can often pick up on signs of contamination and coercion, things like that.

**Bob:** In this case, most of the peripheral witnesses were being interviewed basically, not in an attempt to corroborate Adnan's alibi, but more so, by the police to prove that he did not have an alibi. So these witnesses, so for example, Debbie, and I'm talking about her interview because that's what we covered on the show last week. They were asking her questions about Hae's day and when she saw Adnan or when she saw Hae and things like that.

There was a part of the interview where she said that she saw him in the guidance counselor's office at 2:45 and she was positive about it. In situations like that, obviously, the Reid Technique, that's not the place for that. Debbie doesn't need them to offer her a plea or to tell her that they'll go easy on her. She didn't do anything wrong and she knows that. But can you talk a little bit about the technique of, you called it contamination, I've always referred to it as kind of suggestive interrogation with a witness.

**Jim:** Sure. Well, these suggestions, this contamination, can take many forms. Most of it's done through things like leading or very suggestive questions. There's been a lot of research that's been done that shows that the way that you ask the question—well, first of all, leading questions kind of gives a person an idea, gives a person information that the cops already know. And it also gives the person an idea where the investigator wants the narrative to go.

There's been research, if you phrase a question a certain way, you can actually implant false memories into somebody's head. And law enforcement, we think that we're really good interviewers and study after study after study shows that we suck [laughs]. We really don't do a good job. We tend to take control of the interview, we talk way too much, we don't know the right way to ask questions, we don't ask open-ended questions. We ask a lot of pointed questions. And it can really screw up the information that a person is trying to give to you.

**Bob:** Along those lines, you mentioned creating false memories and I'm glad you said that because that's something that I've talked a lot about from my schooling and interrogating. It's a little different situation I'm sure when they're training arson investigators to interrogate as opposed to police officers. Same concept, but the difference is, people like firemen, they don't like you guys [laughs].

**Jim:** [Laughs] That's true. I was a fireman before I became a cop and that was the biggest thing I had to get used to.

**Bob:** Oh, you downgraded [laughs]?

**Jim:** [Laughs] Yeah, it was just that I went from a job where everybody loved you to where everybody hated you.

**Bob:** Right. So you know, for us, and it's maybe a very basic, elementary viewpoint on this, but like I've always been taught, and maybe it's just having great instructors, but I've always been taught you want the truth. You don't give

leading questions. You don't use these tactics that are so strong-armed that they're likely to get your confession because we want the truth. We're very careful not ask those leading questions and to let them talk and not be suggestive. One of things that I've talked about on this podcast several times is the ability to plant false memories in people's mind and that it seems like a crazy concept. Can you walk through a little bit how someone could do that?

**[00:19:08]**

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**Jim:** Well I'm trying to think of some of the exact experiments that they did and I'm probably going to misrepresent part of the experiment here. But they've done things like they've had people witness car accidents on video and then they ask them questions about the car accident. And if they ask them a question like, "Did you see the mirror break off?" It's a simple yes/no question. Then later on they'll go back and they'll talk to the person and ask them what they saw and they'll bring up something about a mirror breaking off or whatever when the car had no mirror on it whatsoever.

If they use a word like, certain words, like "smash," the car "smashed" together, the person estimates that the car was going a lot faster than they would have if they used a different word. So, it's just a phrasing. How we interject certain phrases, certain terms. The person will pick up on it and it kind of influences their memory. I know that's probably misrepresenting the experiment but that's the thing behind it.

When people are listening to authority figures, like I said, when they think that we know something or they think that they're trying to help us a lot of times. They will sometimes be overly cooperative. Here's a better example, eye-witness identification issues. You have an eye witness who is kind of unsure. They go in to make the identification and they're really not positive, "That kind of looks like the guy right there."

And the detective goes, "Good job, you got the person who we thought it was."

Well, next day, they're saying, "I absolutely saw them, 100 percent, I had a great view of them." You know, that sort of thing. Because what the detective said caused them to suddenly change their memory. They now had a great view versus a bad view. They're now 100 percent positive versus maybe, I'm not too sure.

**Bob:** Right. Have you ever seen that go the other way? Where someone makes a statement where they say they're 100 percent positive and then through a line of questioning, will get them off of that answer and move them from "I'm 100 percent sure" to "I'm not so sure" and why that happens?

**Jim:** Well you see that's what happens in any type of interrogation if the detective's mindset is that, "I know what the truth is and I know that it's supposed to be this way." Be it a guilty person, be it the witness, if their



narrative isn't conforming to what you think it should be, then we're going to try to get them to change it. The way we do it—in the UK they have a totally different interview approach that's designed to prevent that sort of thing. But here, that line of questioning, what you're doing is you're creating doubt in a person's mind, you're challenging their account, and the purpose of that is for it to now fit the account that you want it to fit.

That's where tunnel vision comes in. They're not willing to accept her version, or a version of it. They need to modify it in order to fit their version. Now the thing about it is that people are mistaken all the time about times and dates and things like that. But there's different ways to challenge it so that you don't leave that sort of doubt that, did they change it because they really think it might have been a different day? Or did they change it because you're really leaning on them and you're suggesting that it might be a different day and you want it to change because it doesn't fit what you think they should be saying.

**Bob:** Psychologically, for the person being interviewed, even if they're sure about something, can you describe why they would have that tendency to go ahead and say the thing that they clearly know the detective wants them to say? Like what would cause them to do that when they know they are right, especially a young person, a teenager being interviewed? Because a lot of people will think, "Well, if I know it was right, I would never change my answer." Why would anybody, any young person, in a situation like that, why would they change their answer?

**Jim:** Well, first off, young people are much more susceptible to suggestions than older people are. Especially if you have an authority figure over top of you who strongly is suggesting that something might be different or that your memory might be false, they're much more likely to conform. That's why most police agencies, especially with extremely young children, they make sure that they videotape all the interviews. They have specialists who come in and do the interviews just so that that sort of issue is avoided right there.

**Bob:** Right. From my experience and my education on this, I was always taught that one thing you had to be careful about is kind of like hinting. Like not coming out and being very clear that this is what I want the narrative to be, but saying things suggestively to let the interviewee know what it is that you are looking for. Because I was always taught that in interrogation, even if it's just peripheral witness, it's a combative place. They're uncomfortable. It's intense. They're nervous. And that people who are being interviewed have a tendency to want to please the person who's interviewing them. To kind of like give you—I'm going to say what I think you want me to say because I want this to stop. I just want this to be over. Would you agree with that?

**Jim:** Well that's one of the other dynamics that occurs a lot especially when you're interrogating juveniles. The short-term benefits of them just saying, "Yep,

whatever you say is the truth, I'm going to go with that" outweigh the long-term consequences, especially if you're confessing to a crime.

**Bob:** Right.

**Jim:** I think juveniles are much more, in my experience, and the experience of a lot of the researchers out there, juveniles are much more susceptible to succumbing to that sort of, "Let's just get this over with. Whatever you say. Let's get it behind us."

**Bob:** We talked a little bit on the phone last week about some verification bias and one thing I wanted to ask you is do you think it has an effect on a witness knowing that the person they're speaking about has already been arrested?

**Jim:** Well, yeah. I don't know about verification bias in that sense right there but a lot of times people will think that, "Okay, the police have arrested him so he must have done it." And it's funny because then they start looking back and they start taking things that were totally innocent back before the arrest and they suddenly have this sinister appearance to them and the memories kind of changes along that line as well. So I don't think that's verification bias I think that's more of a—what's the best way to put it?

**Bob:** I couldn't think of a word either, that why I went with verification bias [laughs].

**Jim:** Yeah. Verification bias is, well—I mean, my definition of it is you already have your theory. You've come up with this idea and so I'm only going to look for evidence to support that theory. I'm not going to look for anything—

**Bob:** Sure, from an investigator's point of view, absolutely.

**Jim:** Right.

**Bob:** I guess I was kind of putting that in this perspective because I was thinking of this person was arrested and I've made up in my mind, "Well, they must be guilty because they were arrested." Just like you said, where it starts to shift your thinking about everything about that person because you've got made up in your mind they're guilty because the police arrested them.

**Jim:** Well, yes, and as an example, and I can't remember all the names and everything but wasn't there a guidance counselor or a social worker or something like that who came forward and all of a sudden started trying to demonize Adnan's actions after the murder?

**Bob:** Yes.

**Jim:** I mean, that's like in hindsight. Probably at the time she had a totally different outlook on what was going on but once he's arrested she's thinking back. Now she sees all this evil intent. And that's something that I've always been cautious in dealing with that sort of memory shift right there. Also, like when people look back, "Oh yeah," they know they're guilty because they weren't

crying enough, they were crying too much, or whatever like that. A lot of times, people project if you don't do what I think I would do in this situation, then you're acting abnormally.

**Bob:** Sure. And probably even though they were not acting the way you would at the time, when they look back on it after knowing that you were arrested then in their mind it changes to be even worse.

**Jim:** Sure.

**Bob:** And especially, in this case, one thing that did happen was right after Adnan was arrested, police officers came to the school and they spent a couple of days there telling the students, under the pretense of, we're trying to reassure everyone that we got the right guy. But they were telling them all that we have the right guy, we know we do, we have tons of evidence. They told them that they had DNA evidence, they had fingerprint evidence. They knew with 100 percent certainty that they had the right guy. They had spent a couple of days at the school telling all the students these things a month before they interviewed them. Would you think that would have an effect on some of their testimony?

**Jim:** If that happened, probably so. I mean, that probably would have biased them and also their memories during that time as well.

**Bob:** All right, I need to take a quick break right here to hear a work about our sponsor, then we'll get right back to the interview.

### **[00:28:57] Sponsor: Shaun T Fitness**

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As I'm sitting here today, I'm thinking back to three months ago when Shaun agreed to sponsor the program for the following three months. I think back to where I was at mentally, where I was at physically, and where we were in this case. It seems like a lifetime ago. I was about 30 pounds overweight, stressed out to the max, struggling to financially support this podcast, and struggling to find the determination to dig deep enough to make a difference in this case.

If you were to ask me, "What was the catalyst that launched me towards the progress that we've made over the last several months?" I would have to say that the first phone conversation that I had with Shaun T was the thing that did it. When Shaun offered to fund the program and spoke those encouraging words to me, it was everything that I needed to dig in deeper and drive forward.

I look now at the progress that we've made in this case and it's just amazing to me. And here I sit, 22 pounds lighter, only eight pounds from my goal, healthier than I've been in years. I feel strong both mentally and physically, and that's the root of what Shaun T does. It's not just about working out, it's about motivation. It's about trusting and believing in who you

are and what you can accomplish. I am more determined now than I've ever been in my life and I feel like I've gained a lifelong friend in Shaun in the process.

Some of you may not know this, but Shaun doesn't write the ad copy for these mid-roll ads, everything I'm telling to you comes from me and it comes from the heart. And I just want you to know that Shaun's passion for humanity and truth and justice is real. If you haven't checked out his podcast, *Trust and Believe*, you need to hear it. And don't forget that I will be featured on this week's podcast, so if you're interested in an interview about my real life, it sounds like that's what you're going to get this week. And really quickly, to go along with your workouts, don't forget to check out Shaun's line of Fila shoes at Kohl's or at [ShaunTFitness.com](http://ShaunTFitness.com).

Whether it's mentally, physically, or emotionally, every one of us can dig deeper.

### **[00:30:51] Return to Interview with Jim Trainum**

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**Bob:** Now I wanted to jump back, I was going this route but then our discussion kind of went a different direction. But kind of jumping back to when we were talking about the Reid Technique, I want to talk a little bit about Jay Wilds. And again, I know that this is something that you haven't verified, so I guess I'll frame this as kind of a hypothetical.

If someone in Jay's position, because a big thing of it—there are some people that speculate Jay knew nothing about this crime and he was coerced into giving this testimony against Adnan. Other people think he's telling the truth. And then there's people in the middle that think maybe he was involved somehow.

What we know in our hypothetical situation we're talking about is the prosecutor had threatened Jay to send his case down to Baltimore County and charge him with murder one if he didn't accept his plea agreement for his testimony. And that's something that just was recently discovered. The *Undisclosed* team actually had Anne Benaroya speaking with them who was his attorney and confirmed that her paperwork said it was for murder one and then she signed the plea agreement for him. There's obviously some of this Reid Technique going on here in order to get the testimony they want.

They were actually threatening to charge him with murder and the reason they were going to send it to Baltimore County was because in Baltimore County he would be facing the death penalty. Apparently the judges in the county almost 100 percent of the time for a murder one case will go with the death penalty, as opposed to Baltimore City where they almost never do. If that was the case, and like I said, I know that you don't know that to be true. But if what I'm telling you was the case in a scenario like this, do you think it could be possible that that witness could give a false confession in order to avoid that?

**Jim:** Well, first off, in fairness to Reid, a lot of what goes on in plea negotiations would never be condoned in the interrogation world.

**Bob:** Right. I guess this is the prosecutor.

**Jim:** Yeah, prosecutors, absolutely. They're not bound because they can actually tell you, "This is what I'm going to do to you." So that's why we do have so many false guilty pleas as well. Now at that stage though, that was pretty far along in the investigation that that happened. Yes, I have definitely seen cases, especially with informants, where the prosecutor was so heavy handed that the person is going to say whatever the prosecutor wants them to say because it's now a business transaction.

**Bob:** Right.

**Jim:** I don't want to be facing the death penalty. In order for me to escape that, I have to provide a service and that service is this. And I have to testify as to what they determine is the truth. If my story doesn't fit what they think is true, then I'm not going to get the deal. So maybe he did do it. Maybe what he testified to is the truth and all of that.

But it's that tunnel vision thing. It's that lack of corroboration thing. It's that lack of the investigative mindset of being critical and the critical thinking. But yes, definitely that sort of heavy-handed thing has numerous times in the past led to false testimony by cooperators, informants, witnesses. 100 percent.

**Bob:** Okay, I want to back up all the way back to Jay's first interview that we know of on the record, the night that he was picked up and he was interviewed. That was where there was two or three hours of pre-interview that was undocumented. I think your quote from *Serial*, at least the way that Sarah Koenig had quoted you was, "That's where the mischief can happen."

**Jim:** Yes.

**Bob:** So there's all this pre-interview time and then they start interviewing him and he starts to give this narrative about how Adnan had killed Hae and he had helped. There was a segment, I don't know if you remember it or not, in that interview where the detectives get him to admit that he helped plan the murder the night before and it's a weird line of questioning where it's, "But you helped him."

And he kind of says, "Well, no."

"Well, he called you the night before, right?"

And you hear some confusion from Jay, he's like, "The night before he called you and told you this was the plan and you were going to assist him by taking the car" or whatever.

And he say, "Yes," he did.

So at that point, in my opinion, unknowingly, Jay had just confessed to accessory before the fact, which is why they were going to send him up with a murder charge if he didn't do the plea deal. How do you think that's part of that interrogation once he had told them that he had helped plan the crime the night before, which wasn't part of his original narrative? Do you think from that point forward that that would affect how he testified going forward from there?

**Jim:** The part that you're talking about, that was what I refer to as the "recap video." It's the final version of his confession, right? Because nothing else was recorded up to that point. So, as you know yourself, you're not only trying to get the person to admit to the crime but you're also trying to get the person to include various elements in order so that you can make the prosecution of the crime easier. That's how you kind of get them to admit to consent, things along that line. Once he's locked into that version of it, even if he retracts it later on, they're going to try to beholden him to the version where he's the most culpable.

**Bob:** Right.

**Jim:** So that's how they have the most leverage over him.

**Bob:** Exactly and Jay had testified at trial when Gutierrez was cross examining him, he testified that the police had told him on a number of occasions that if he didn't give up Adnan, that they were going to charge him with the murder as well. And I think that's—

**Jim:** That's a very common technique that's very, very inappropriate. It's caused many, many problems in the past.

**Bob:** As far as that part goes, in your opinion, do you think that it's a possibility that Jay's entire narrative could have been coerced?

**Jim:** Well, there's a difference between it being coerced and it being reliable. It could very well have been—I mean, you can put a gun up to somebody's head and still get a reliable statement from them.

**Bob:** Right.

**Jim:** But the likelihood of them saying something to get that gun away from their head that might not be true is pretty damn high. So even if he was coerced, you want to look at, is the information that he has given, is that reliable information? Can it be corroborated by one of those two methods, or both of them, that I talked about earlier? So that's the key right there.

I think in all likelihood, based on what I remember, I'm sure that these tactics were used. I'm sure that they generated a situation where the potential for an unreliable confession or statement existed. But just because they're there doesn't make the end result a bad statement. You have to look at the evidence that was provided in that statement and at that point determine

whether or not it can be corroborated. Whether or not it was provided by the detective rather than the suspect and you go from there.

It's funny because there's a lot of different types of false statements. One type of false statement is the person was not there, had nothing to do with it, and everything that they said is totally false. There's other types of false statements that some of the stuff is true and can be corroborated and some of the stuff isn't and it's just total b.s. Sometimes that happens because the person is trying to protect somebody, trying to minimize their own involvement so they're going to leave some details out. They really don't want to tell the cops that, "Yeah, I was out there buying drugs." You know, so they kind of leave out small things like that.

Other times the details are screwed up because of the interrogators. Let's say that I'm the interrogator and I'm asking you about a crime that you did commit. I know that you did A but I also think that you did B. Well, you didn't do B. Okay? And you're telling me, you said, "Yeah, I did A but I didn't do B." Well, I know you did B in my own mind because of the tunnel vision thing. In order for you to escape that inevitable consequence and to get that benefit, you have to tell me you did B. "Okay, I did B." We screw up cases like that all the time because we are just too confident in what we think we know.

**Bob:** The next question I wanted to ask, and a lot of people have asked me to ask you this, is during *Serial* you commented that in your opinion, this investigation was, I think you had said was "better than most" or "above average," something like that, is that correct?

**Jim:** Yeah.

**Bob:** But the little bit you've discovered since then, I know that's not much, do you still have that same opinion?

**Jim:** Well, when I was talking about that—unfortunately the interrogation issues that we were talking about, the interview issues, and all that sort of thing, that's way too common across the board when it comes to investigations. In this case, what I was referring to is, especially at first, the detectives were being extremely methodical, they were going where the evidence was taking them. And I think one of the examples that I used—and they weren't being overly aggressive.

One of the examples that I used was with Jenn, the detectives at that point think that Adnan has something to do with this. They're looking at him as a suspect, her phone has popped up in his cell phone log during the time that they're really looking at. So they go talk to her and she doesn't want to talk to them and a lot of departments I know would have snatched her up, dragged her down, and they would have been going at it for a long time. They backed off. So she came back to them, and like I said, they began to—they followed

the evidence where it took them. They weren't pushing it and overall, like I said, I've looked at a lot of different investigations and this wasn't all that bad.

**Bob:** How do you feel about the—I guess you kind of answered that already as far as you feel about the interrogation tactics. It sounds like they're problematic but they're more common than we'd like to think.

**Jim:** Yep, in my opinion, they're problematic. However, it's a standard approach that is used by law enforcement with witnesses, with suspects, and it's, like I said, one of the things you have to look for is what did they do with the information after they got it? One of the things I did look at is were there other things that potentially could have been done that could have strengthened their case? I think that if they had done those things, then we probably wouldn't be having this conversation today because I think that they would have probably helped to erase doubts one way or the other. Either Adnan would not have been convicted or we wouldn't have any doubt about his guilt today.

**Bob:** What are some of these examples that you're referring to?

**Jim:** Just off the top of—one thing is, of course, videotape the interrogations of Jay from start to finish. What you have to be careful of is shifting from an evidence-based investigation to a suspect-based investigation too soon. When you're in an evidence-based investigation, you're collecting information, you're gathering data. You don't really have a suspect yet and so you're just getting everything from every place that you can. As soon as you get a suspect, you begin to focus on gathering information to prosecute the suspect. And that's a necessity, you have to do that at some point.

But oftentimes, if you jump on it too soon, and maybe sometimes we don't think about, "Okay, what else can we do before we arrest our suspect that could potentially strengthen our case?" We get in too much of a hurry. Like, just as an example, and I don't know all the circumstances surrounding that night. But they're interviewing Jay. Jay's giving up this information about Adnan. I mean, he's cooperating with them. Potentially one of the things that they could have done was to have Jay make a pretext phone call to Adnan and record it. "Hey, the cops have been by. They just talked to me." Or, "They're coming by the house, I haven't talked to them yet. What should I say?" Or just get him talking on the phone, something along that line.

**Bob:** Yeah, that's something that I've thought about too. It's a common technique in situations like this. What better evidence could you have than to have him have a conversation with his accomplice and record it? I was always wondering why they didn't do that either.

**Jim:** Well one reason, like I say, always try to look for alternative explanations for why things were done or not done. Maybe, possibly they thought that when they picked up Jay, word might get back to Adnan and he might have split. Or



he might have destroyed evidence or whatever like that. So they were in a rush. I think I would have done more, like searching Jay's house, trying to gather evidence along that line, which wasn't done. But in fairness, every single case, I don't care how good the investigator, there's always things that could have been done, should have been done, that weren't done. However, anybody can always come up with other stuff that could have been done that would have made it stronger, or weaker, you know.

**Bob:** Right. And I think you said it best earlier when you said if they had done some of the things, it would have eliminated doubt one direction or the other. You know, like for me, I've thought of things like that phone call or testing all the fingerprints and running them through the system. And testing the DNA that was found on the scene or interviewing and documenting interviews with all of the witnesses that would have corroborated Jay's testimony. All the people that he said he saw that day, you know, we don't have any interviews from any of those people. There could be an innocent explanation to that or there can be a guilty explanation to why they would or wouldn't do those things.

**Jim:** But you know, some of it is that especially in a place like Baltimore, you got your next case right behind you. Where you got other cases that you still need to work on. So you can't investigate everything to the ninth degree, you have to have a cutoff point somewhere. That could be an explanation why somethings weren't done in this case. Or why things were done differently. That's just one possibility.

**Bob:** Sure.

**Jim:** You can investigate something to death [laughs].

**Bob:** Yeah, and I know that too. It's in this case, it seems like the overall case by the time they went to trial was so weak, I just can't figure out why they drew the line where they drew it. It's like they had, without having any physical evidence, and having this one witness with all these different versions of his story, it would seem to me like that line they would draw to say, "Okay, this is enough," would have been a few steps further than where they decided to draw that line.

**Jim:** Right.

**Bob:** Before I let you go today, Jim, I wanted to ask you, last week I emailed you parts of an interview with Debbie and the reason I wanted you to look at it as someone that's an expert in these things, the sections of the interview where the police had asked Debbie about places where Adnan and Hae had had sex. She gave them a parking lot, and a park, the things that fit their narrative and their follow up question was whether or not Hae had told her that they had had sex in a hotel and she says no. And they asked if Adnan had told her about a hotel. She said no.

Then a couple pages later Ritz interjects and asks the same questions again, asking about a hotel again. It struck me as odd because a hotel has never been a part of their narrative. Jay has never said anything about a hotel. At the point she was being interviewed, Adnan was already arrested, he was getting ready to go to the grand jury. Everything in the narrative had nothing to do with the hotel and then it seemed to me that they were going out of their way to try to get some information out of Debbie about a hotel. As someone with your expertise, what did you make of that exchange?

**Jim:** I mean, that could just be them exploring a rumor that they heard. Or possibly this detective might have in the back of his mind thought that they had to have had sex at other places rather than just parking lots or whatever like that. It could be something as innocent as that. Like I said, somebody heard a rumor, had a suspicion, had a gut feeling there was something else there and they just went to explore it.

**Bob:** Okay, so maybe they had heard something from somebody about a hotel or something and they were maybe just trying to corroborate that rumor or whatever.

**Jim:** I'm purely speculating, but yes. I mean, that could be an explanation as to even why they were asking that question.

**Bob:** Okay, and then the last thing I wanted to ask you about, and it doesn't really have much to do with any of this. It's just while I have a trained, respected expert on the phone—

**Jim:** [Laughs]

**Bob:** [Laughs] At least in my mind, I don't know what everyone else thinks about you [laughs].

**Jim:** I know a lot of other people have another word for me, I'm sure.

**Bob:** [Laughs] Right. There's been a lot of discussion going on lately about the final resting place of Hae's body and the disinterment process and so without getting into all that with you, I just wanted to ask if you don't mind, first of all, have you ever been at a disinterment where a body was found buried and it had to be dug up?

**Jim:** Yes.

**Bob:** Okay. In those situations, the process of excavating and disinterring the body, can you describe the process as far as the digging? As far as, I've dealt with bodies in rubble of a fire, not so much in dirt, but our process is always to move the rubble or the dirt away from the body and not move the body away from the dirt because you're trying to maintain the resting position. Is that accurate to you? Can you describe kind of how that process goes?

**Jim:** Well, yeah. It's basically like an archaeological dig and in fact, frequently, we would bring in archeologists to actually do the work for us. When I worked— what I'm thinking about in particular was buried a bit deeper than this. But yes, you do work basically around the body, exposing the body, taking dirt down around the body so it's kind of elevated. You want everything to be removed, photographed, and placed and all that. It's very meticulous. It takes a lot of time. That's the only way that you can really capture the scene and capture all the evidence that is there.

**Bob:** Okay, I think I started with you past your bed time, so we've got to be way past your bedtime now.

**Jim:** [Laughs]

**Bob:** [Laughs] Okay, Jim, well I really appreciate you taking the time to interview with us today. I'm sure it's been really enlightening for all the listeners and it was great to hear from you and I could sit and talk and after speaking with you a little bit over the last few weeks, I could sit and talk and tell war stories with you all night long. But my wife is going to want me to go to bed at some point too.

**Jim:** And you've got the deer to go hunting tomorrow, right?

**Bob:** Right, yeah, first thing in the morning. So I'll let you go, Jim, and I want to thank you so much taking the time to interview today.

**Jim:** Oh, thank you for having me. I appreciate it. Take care.

**Bob:** Yep, take care, Jim.

### **[00:50:46] Interview Recap and Next Week's Episode**

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What a great interview. I hope all of you found Jim as informative as I did. It's really interesting to hear someone's perspective on interrogation techniques in general without applying them to known speculation about this case. And I realize that a lot of you listening are advocates and supporters of freeing Adnan and have dug so deeply in the weeds of this case that you're already aware of all the inconsistencies that surround it. And I'm sure it's frustrating to you that Jim's opinion of the investigation is that it was a decent investigation and they followed the evidence.

But what you have to remember is Jim was tasked with evaluating the documents of the case and following the train of logic that the detectives went through. It wasn't his job to go through and do what we've done and especially what the *Undisclosed* team has done, which is spend months and months and months investigating every piece of that documentation to find out whether it was accurate or not.

If you look at this investigation, according to the police official record, it does appear that they followed the evidence. Anonymous tip leads to Adnan, which leads to pulling his cell

phone records, which leads to Jenn, who leads to Jay, who gives them Adnan. That is most definitely the most logical way to track that investigation if all of those things were true. But thanks to the brilliant work of Rabia Chaudry, Susan Simpson, and Colin Miller, we know that there's a lot more to this story.

The value of Jim's interview was to give us a better understanding of what goes on in the interrogation room. And I really, really enjoyed hearing from Jim. I could have talked to him all day long. He's an incredibly knowledgeable person and the questions that we have about these interrogations are right in his wheelhouse. So I want to thank Jim Trainum one more time for taking the time out of his very busy schedule to spend an hour with us today and share some of his expertise on this subject with us.

Moving forward, after the last few episodes, everybody is emailing and wanting to know more about Don. Well there's a piece of that puzzle that's been missing for sixteen years and over the last several weeks, there's been a combined team effort happening to try to get to the bottom of it. Between a few listeners, Susan, Rabia, and myself, this week we were able to confirm some suspicions and fill in a major gap in this investigation, next week on *The Serial Dynasty*.

#### **[00:53:12] Credits / Thanks / GoFundMe Update**

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Thank you to [Jonny Rose of Slightly Subversive Music](#) for creating all the music for our show.

Thank you to Jill from [Pod Transcription](#) for generating all of our transcripts which can found at [SerialDynasty.com](#) under the [Transcripts tab](#).

Thank you to [Tate Krupa](#) who designed all of our logos and is currently working on the new *Truth and Justice* podcast logo.

As always, thanks to Shaun T at [Shaun T Fitness](#) for funding the program.

And another huge thank you to all of you listeners for all of your support. Your support and dedication to this movement is the driving force to the pursuit of truth and justice. Your ideas, thoughts, and theories are what has helped us to fill in the gaps and complete the picture of what happened on January 13, 1999. I appreciate all of the emails and tweets and Facebook messages, every one of them makes a difference.

And I want to thank all of you who have contributed to the GoFundMe fund to help launch us into the next chapter of this movement, the *Truth and Justice* podcast. The fund has now climbed over \$10,000. We're over 2/3 of the way there. Thanks to all of your support, we will have the resources to continue this movement indefinitely, long after this case, and with many cases to come.

If you'd like to contribute and help us to reach this final leg of our goal, go to [GoFundMe.com/TruthandJustice](#). Or go to [SerialDyansty.com](#) and click the GoFundMe link.

And since we now have all the wheels in motion to be confident that we can continue this march, next week will be the last week of *The Serial Dynasty* podcast. On October 18<sup>th</sup>, the podcast name will officially be changed to *Truth and Justice*.

Now for those of you that are worried, that does not mean that it's brought an end to this investigation. We are working on new cases but I'm also fervently working on reaching our goal in solving this case. So on the 18<sup>th</sup>, the name will change, but the content will continue on. But just don't be surprised when the name and the logo change in your subscription to iTunes or wherever you get your podcast. Please continue to send all of your thoughts and theories into [theories@serialdynasty.com](mailto:theories@serialdynasty.com).

Reach out to me on Twitter at [@SerialDynasty](https://twitter.com/SerialDynasty). Check out the *Serial Dynasty* Facebook page, and please keep your eyes and ears open and keep in touch.

For now, I'm signing off and until next week, this has been *The Serial Dynasty*.

**[00:56:31] End of Episode**

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Transcription by



\* Portions of transcripts are adjusted for reading clarity.  
Always consult the audio before quoting.