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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHEN THEY SEE US – A HIT ON JUSTICE SYSTEM

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The incident took place in 1989, when one evening around 30 teenagers were causing trouble, harassing and hurting homeless people. That night a white woman of around 28 years of age, named Trisha Meili was jogging in the park. The girl was raped and beaten very badly. For 12 days she was in comma struggling for her life.

The five black boys were arrested in this case for the crime which they never committed. They were known as Central Park 5. The age of the innocent boys was between 14 to 16 years.

Who were Central Five?

The Central Five were Raymond Santana – 14 years, Kevin Richardson – 14 years, Yusef Salaam – 15, Antron McCray -15 years and Korey Wise – 16 years. For about 7 long hours these kids were interrogated without their parents. The interrogation was done before the video tape confessions. They were forced to admit that they restrained, assaulted and touched Meili. The evidence of DNA which was taken from the semen at the crime scene did not match. Then the five accused took back their statements and they admitted that their statements were taken by coercion by the Police officials.

In an interview with one of the guardians, it came out that Salaam heard the beating and torture which was given to Korey Wise and the officers came up to him stating that he will be the next. Salaam was very fearful and frightened. He believed that he would never be able to come out of this situation.

New York in late 80's and 90's was more savage than today. Race relations were exhausted when it came to the police. Meanwhile Donald Trump seemed to be convinced that the teenagers were guilty. He spent dollars over newspapers titled :” Bring back death penalty, bring back our Police”. His statements were that he wants to hate these murderers and is looking forward to punish them.

Were they Convicted?

The Central Five were found guilty after 2 trials for Rape, Robbery, Assault and Attempt to Murder. The conviction was for 6 to 13 years of rigorous imprisonment.

The creators of the Netflix series - "When They See Us" sued for defamation Linda Fairstein against the Central Five

A former prosecutor Linda Fairstein tried criminal case against the Central Five. She was a part of District Attorney's office, Manhattan. She filed a suit against the producer, director and the writer of Netflix. Andrew Miltenberg, Fairstein's attorney told CNN that the series was actively promoted and marketed as a real story, despite “depicting her at places where was never present” and “making those decisions which she never took.”

Ms. Fairstein, is portrayed as a chauvinist, unscrupulous felon. Fairstein contend in the federal suit, that each and every scene in the series was erroneous and calumnious.

She professes that when she headed the sex crimes unit at the Manhattan District Attorney's Office, she did not prosecute the case of central five personally. But she concede that she provided the technical assistance to the prosecutor and also served as a witness. Fairstein claims that she lost contracts, speaking publicly and legal work because of the series. She is striving actual and punitive damages and injunction against the defendants.

DuVernay revealed that Fairstein tried to confer her depiction in the show. She also tried to negotiate on the script and other things.

What is the Reid Technique?

The Reid Technique is a method of Interrogation by the police. It is also known as The 9 Steps Reid Technique. The Reid technique outlays a blue print of 9 Steps for Interrogation that are as follows:-

1. Confrontation

The interrogator discloses the facts of the case and the evidence to the suspect in a confident manner that he is involved in the crime. The stress level of the suspect increases and the interrogator may increase the discomfort by moving around the room, invading the personal space of the suspect. If the suspect starts licking his lips, fidgeting or grooming themselves the interrogator observes these indicators and he gets assured that he is on the right track.

2. Theme Development

The interrogator creates an imaginary scene that why the suspect has committed the crime. This technique is to go in depth of the eyes of the suspect and know the reason behind the commission of the crime. The interrogator tells a story to observe the behaviour of the suspect. The suspect can either excuse or justify his part. The interrogator speaks very softly in a soothing voice to pacify the suspect a fallacious sense of security.

3. Stopping Denials

By letting the suspect to deny their guilt will ultimately increase their confidence. An interrogator intervenes all denials and tells the suspect to listen and they will get a chance to talk. The interrogators stop the suspects from the denial, which lowers down their confidence and they don't have a possibility to ask for a lawyer. If the process of denial slows down then the interrogator knows that the suspect is very close to confession.

4. Overcoming Objections

Once the theme is fully developed by the interrogator, the suspect may offer simple denials. Like I can never commit such crime, I swear on my mother etc. An interrogator handles the denials differently and these objections might give some information which can turn against the suspect. An interrogator may tell the suspect that it is a one-time mistake and it can happen with anybody. If the interrogator, does the job rightly, an objection can end up looking like an acceptance to guilt.

5. Getting Suspect's Attention

At this point of time, the suspect should be infuriated and bewildered. He will be looking out for some help to escape the crime. The interrogator tries to take advantage as he pretends to be the suspect's ally. The interrogator may offer physical gestures of comradeship, such as patting his back.

6. Suspect Loses Resolve

If the body language of the suspect denotes surrender e.g, elbows on his knees, heads in his hands etc. the interrogator subjugates the opportunity to start leading the suspect towards divulgence. The interrogator tries to increase the stress level of the suspect by establishing eye contact with him. If the suspect wails, the interrogator is aware that it is an affirmative indicator of remorse.

7. Alternatives

An interrogator puts forward two contrary motives of the crime. Sometimes beginning with a minor aspect and the other one as major one. The interrogator builds up the juxtapose between the alternatives until the suspect gives a signal of choosing one, like increased signs of surrender or nodding of the head. Then, the interrogator accelerate things up.

8. Bringing Suspect into Conversation

Once the suspect chooses between the alternatives, the confession begins. The interrogator persuades the suspect to tell about the crime and he might also involve another interrogator to increase the stress level and to break the suspect to tell the truth. The other interrogator also encourages the suspect to accept his crime, reinforcing the plan that the confession is accomplished.

9. The Confession

This is the final stage of an interrogation. It's all about getting an honest confession. All interrogations are recorded virtually and are used as evidence. There are other tools also that are used other than words during confessions e.g. maps or sketches of the crime scene, apology letters. The confessions should be substantiated to verify the authenticity.

The Critics however claim that it is very easy to generate erroneous confessions especially with teenagers. The Reid Technique is interdicted in many countries because they result in unfair convictions.

Reid Technique is a combative, guilt-presumptive and a manipulative process to deracinate a confession, not certainly genuine confession.

Netflix wins Defamation Case

Primetime Emmy Awards winner, 2019, Netflix and the director Ava DuVernay of *When They See Us* witnessed their first experience of success. However, it was fugacious after the disclosure that streaming service will be sued for traducement.

The series traverse the stages before five black teenagers were charged with Rape, a crime they did not commit. The episode depicts the interrogation 'Reid Technique' which is "universally rejected".

In the Finale of "When they see us", Ryan was taken for the interrogation of the suspects by the detective. The statements were squeezed out of them after 42 hours of cross examination and browbeat, without bathroom breaks, food and in absence of their parents.

The case was filed against the streaming service and the director of the show by a US Police Training Firm. John E. Reid and Associates opposed that the series has deceptively described the interrogation method called Reid Technique. Judge Manish S. Shah ruled that the series' portrayal of interrogation was protected by law. The ruling was mentioned under 1st Amendment which safeguards freedom of speech and expression.

The series was about the real story of 5 black and Latino boys that were wrongly convicted and accused of the crime which they never did.

A federal judge pronounced in favour of Netflix and director Ava DuVernay. Hence, Netflix would not be held liable in When They See Us Defamation Case.

