

This Paper was recently brought to our attention:

Coming to PEACE with Police Interrogations: Abandoning the Reid Technique and Adopting the PEACE Method

by Delia Gavin, Candidate for Juris Doctor 2021; Loyola University New Orleans College of Law

The paper is replete with erroneous information – here are a few items:

1. *In describing the Juan Rivera case in which he had served 20 years in prison for a murder he did not commit Ms. Gavin erroneously states that law enforcement investigators used the Reid Technique in questioning Mr. Rivera.*

The Core Principles of the Reid Technique are:

- Always treat the subject with dignity and respect
- Always conduct interviews and interrogations in accordance with the guidelines established by the courts
- Do not make any promises of leniency or threats of harm or inevitable consequences
- Do not conduct interrogations for an excessively lengthy period of time
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Exercise special cautions when questioning juveniles or individuals with mental or psychological impairments

When an interrogation is conducted, and the investigators do not follow these principles they are not using the Reid Technique.

False confessions are not caused by the application of the Reid Technique, they are usually caused by investigators engaging in behavior that the courts have ruled to be objectionable, such as threatening inevitable consequences; making a promise of leniency in return for the confession; denying a subject their rights; conducting an excessively long interrogation; denying the suspect an opportunity to satisfy their physical needs, etc.

2. *“The Reid technique is considered a confrontational method of interrogation. Confrontational methods of interrogation require the police to accuse the suspect of the crime and encourage the suspect to “make an emotional decision to confess.” ”*

The Reid Technique always begins with a non-accusatory, non-confrontational interview in which the investigator is a neutral, objective, non-judgmental factfinder. The interview focuses on developing the subject’s story, version of events, activities during the time period in question, alibi, relationship with the victim, etc. It is only when the

investigation indicates the subject's probable involvement in the commission of the crime that an interrogation would be appropriate.

See "A Description of the Reid Technique"

<https://reid.com/resources/investigator-tips/a-description-of-the-reid-technique>

3. *The Reid interview is referred to as the Behavior Analysis Interview (BAI). "The most important part of the BAI and the primary reason for conducting the interview focuses on the subject's nonverbal reactions after being asked 'behavior provoking' questions."*

In fact, the most important part of the interview is to develop investigative information – the who, what, when, where, how, and why of the subject's statement/activities. For example, if the subject states during the interview that he had not been in the victim's home for several weeks, and yet a video camera on an adjacent building shows him entering the victim's residence on the day of the murder his effort to conceal that information is clearly very significant.

See "A Description of the Reid Technique"

<https://reid.com/resources/investigator-tips/a-description-of-the-reid-technique>

4. *"In recent years, the Reid Technique has received harsh criticism. Moreover, one of the top trainers of the method, Wicklander-Zulawski & Associates, decided in 2017 that they would stop teaching the Reid Technique."*

The core elements of the Reid Technique are universally incorporated into almost all interview and interrogation training programs.

See "Don't Be Fooled – They Use the Core Elements of the Reid Technique."

<https://reid.com/resources/whats-new/2019-don-t-be-fooled-they-use-the-core-elements-of-the-reid-technique>

5. *"Though proponents of the Reid Technique argue that the main goal is not to obtain a confession, the way that the method is taught and advertised says otherwise. The last three steps of the interrogation are specifically geared towards extracting a confession and developing it into a statement that would be admissible in court."*

The purpose of an interrogation is to learn the truth. In most instances, this consists of the guilty suspect telling the investigator what he did regarding the commission of the crime under investigation. The obvious reason for this outcome is that interrogation should only occur when the investigative information indicates the suspect's probable involvement in the commission of the crime. However, there can be several other successful outcomes:

- the subject discloses to the investigator that he did not commit the crime but that he knows (and has been concealing) who did
- the suspect may reveal that while he did not commit the crime he was lying about some important element of the investigation (such as his alibi – not wanting to acknowledge where he really was at the time of the crime), or
- the investigator determines the suspect to be innocent

6. *“Additionally, investigators using the Reid technique are permitted to lie during the interrogation.”*

In 1969 the United States Supreme Court ruled in *Frazier v. Cupp* that misrepresenting evidence to a suspect (in this case falsely telling the suspect that his accomplice had confessed) “is, while relevant, insufficient in our view to make this otherwise voluntary confession inadmissible. These cases must be decided by viewing the “totality of circumstances....” Numerous court decisions have upheld the investigator’s capacity to verbally misrepresent evidence during an interrogation.

See Reid Policy on the Use of Deception During an Interrogation

<https://reid.com/resources/investigator-tips/reid-policy-on-the-use-of-deception-during-an-interrogation>

7. *Even though scientific research shows that body language is not a reliable indicator of deception, Reid technique instructors continue to tell police to monitor it during the BAI and use it to determine whether the person is guilty.*

The scientific research referenced above typically consists of studies along the following lines: half of a group of college students were assigned the role of stealing money out of a professor’s desk drawer and then instructed to deny it when they were interviewed – so the “test” is can the “investigator” accurately identify the guilty persons? One reason for the lack of accuracy in these research studies is that they do not mirror the context and structure of real-life interviews.

See Detection of Deception: Research vs. Reality

<https://reid.com/resources/whats-new/2010-detection-of-deception-research-vs-reality>

8. *Further, the Reid technique's high-pressure environment places juveniles and people with mental process issues (184) at an even greater risk of falsely confessing.*

We teach the following:

Exercise extreme caution when interrogating juveniles, suspects with a lower intelligence or suspects with mental impairments. This class of suspect is more susceptible to false confessions and, therefore, the investigator should be cautious in utilizing active persuasion such as discouraging weak denials, overcoming objections or engaging in deceptive practices. Proper corroboration of a confession will be critical with this class of suspect.

See A Quick Guide to Best Practices for THE REID NINE STEPS OF INTERROGATION®

<https://reid.com/resources/investigator-tips/a-quick-guide-to-best-practices-for-the-reid-nine-steps-of-interrogation>

9. *The PEACE model is a non-confrontational method of interrogation, which allows law enforcement to engage in fact-finding rather than accusatory confession extraction.... The PEACE method intentionally uses the term 'investigative interview' instead of 'interrogations' because it "is based on a human and ethical philosophy." Instead of entering the interview with a predetermined assumption of guilt, this method takes an approach that requires interviewers to focus on information gathering. Interviewers must remain open-minded and be objective fact-finders throughout the investigative interview. Interviewers are specifically trained to avoid the use of manipulation, coercion, or deception.*

The Reid Behavior Analysis Interview is a non-accusatory, non-confrontational interview in which the investigator is a neutral objective factfinder. Our BAI interview procedure focuses on developing information about the subject's activities during the time period in question, possible alibi, their relationship with the victim, etc.

One of our courses is The Reid P.E.A.C.E. Method of Investigative Interviewing.

It is interesting to note several cases in which the courts used our guidelines for the questioning of such individuals as a means by which to measure the validity of confessions in their respective cases.

In *People v. Elias* the Appeals Court pointed out several prescribed Reid procedures that were not followed by the investigator, resulting in a confession that was found to be involuntary:

1. A non-accusatory interview was not conducted before initiating an interrogation
2. The investigator misrepresented the case evidence when questioning a 13-year-old
3. There was no corroboration of the incriminating statement
4. There was contamination - disclosing details of the crime

In *US v. Preston* the US Court of Appeals reviewed the confession of an eighteen-year-old with an IQ of sixty-five. The court pointed out that the investigators did not follow the cautions we suggest when interviewing individuals with mental limitations.

In July 2014, at the National Association of Criminal Defense Attorneys conference, the attorneys were encouraged to use the information on our website (www.reid.com) and our book, *Criminal Interrogation and Confessions* as a reference for proper police practices as opposed to what the investigators did in their respective cases. During the presentation, Attorney Nirider told the audience that "There's a lot of gold in the Reid. interrogation manual and on reid.com and we really.... encourage you guys to go there and cite that material."

In *State v. Belaunde* the Superior Court of New Jersey, stated in their opinion that "No case supports the contention that using the Reid technique renders an adult's confession inadmissible. A suspect will have a "natural reluctance ... to admit to the commission of a crime and furnish details." ...Therefore, "an interrogating officer ...[may] dissipate this reluctance and persuade the person to talk ... as long as the will of the suspect is not overborne." ...Recognizing that the "[q]uestioning of a suspect almost necessarily involves the use of psychological factors," our Supreme Court held that "appealing to a person's sense of decency and urging him to tell the truth for his own sake are applications of psychological principals," that are permissible..... Likewise, "[t]he fact that the police lie to a suspect does not, by itself, render a confession involuntary."

From *U.S. v. Jacques* (United States v. Jacques, 784 F. Supp. 2d 48 (2011))

"In his declaration and at the hearing, Professor Hirsch explained that the primary cause of "coerced compliant" confessions are certain interrogation methods employed by law enforcement, including a widely used method known as the Reid technique....Beyond his own intuition, however, Professor Hirsch offered no basis for concluding that these tactics had any tendency necessarily to cause false, rather than true, confessions.

... Professor Hirsch's declaration offered no other evidence of the danger of certain police interrogation tactics, and the Reid technique in particular, except to say that "the use of these tactics [employed in the Reid technique] and their correlation with false confessions are extensively documented in the literature....Despite this broad statement, he did not provide any further explanation..."

In sum, the proffered expert testimony to the effect that the Reid technique enhanced the risk of an unreliable confession lacked any objective basis for support whatsoever. Although Professor Hirsch insisted that "there is a wealth of information about the risks of the Reid technique," he could point to none."

For additional details about The Reid Technique visit our website at www.reid.com, and in particular, our Investigator Tips. <https://reid.com/resources/investigator-tips>