

## Common Erroneous and False Statements About the Reid Technique

### 1. The Reid Technique is an accusatory and confrontational process

#### Response

*The Reid Technique is clearly a non-accusatory, non-confrontational process*

- The initial contact with the subject (absent a life-saving circumstance) should be a non-accusatory, non-confrontational interview.
- All interviews should be conducted following the guidelines established by the courts, such as the appropriate advisement of rights; the presence of a parent or guardian for a juvenile; etc.
- Throughout the interview, the investigator should maintain a neutral, objective fact-finder demeanor. During the interview, the investigator should not engage in any accusatory or confrontational behaviors.
- The interview should begin with casual conversation, biographical information, employment information, etc. to acclimate the subject to the interview process, develop rapport, and develop the subject's behavioral baseline
- The investigator should use open-ended questions to develop the subject's statement, story, version of events, or explanation of what happened. In the interview, the investigator should do about 20% of the talking and the subject should do about 80%.
- The investigator should observe the subject's verbal and non-verbal behaviors as a guide for the interview questions – suggesting when the subject may be editing or withholding relevant information, thereby indicating the need for additional follow-up questions
- It is important to remember that there is no behavior unique to truth or deception – behavior must be evaluated in context and against the subject's normal behavioral pattern. Numerous factors can affect a subject's behavior during the interview that the investigator must consider, including culture, mental and psychological impairments, physical condition, drugs and alcohol, and maturity.
- A subject's verbal and nonverbal behaviors are not a substitute for evidence but can help identify when a subject may be less than candid during the interview, prompting additional questions that may in turn lead to the discovery of additional incriminating facts or evidence.
- If the subject offers an alibi the investigator should attempt to verify its authenticity.
- The investigator should not tell the subject what they already know about the case – but rather evaluate whether the subject's statement is consistent with what is known or if the case facts and evidence contradict what the subject has stated.
- The investigator should not reveal all of the details about the crime (it is critical to withhold crime details that can later be used to confirm the authenticity of the subject's acknowledgment of what he did)
- Do not show the suspect crime scene photographs that reveal corroborating crime details.
- The investigator should evaluate the subject's possible involvement in the issue under investigation based on the investigation, case facts, factual evidence, and information developed during the interview/investigation.

- The interview should be recorded.
2. **The Reid Technique is based on the faulty premise that investigators can determine the subject's truthfulness or deception based on their verbal and non-verbal behaviors during the interview**

### Response

*When following proper procedures, guidelines, and principles of practice the evaluation of a subject's behavior can be critically important in developing follow-up questions and identifying areas that require further investigation*

- Most of the research studies have shown that evaluators were no better than chance at determining the truthfulness of a subject based on their verbal and nonverbal behaviors. However, when you examine the "research studies", there are numerous deficiencies, including the following:
  - The subjects (students/prisoners) had low levels of motivation to be believed or to avoid detection... minimal consequences
  - The interviews of the subjects were not conducted by investigators trained in investigative interviewing techniques
  - The studies did not employ the type of structured interview process that is commonly utilized by investigators in the field
  - In most studies, there was no attempt to establish a behavioral baseline for each subject to identify changes from their normal behavioral pattern as they answered investigative questions
  - The research was based on the faulty premise that there are specific behavior symptoms that are unique to truth or deception...in fact, there are no behaviors unique to truthfulness or deception
  - There was no consideration given to the various factors that can affect a person's behavioral responses, such as
    - Age/maturity
    - Cultural influences
    - Mental capacity
    - Emotional and psychological stability
    - The subject's physical condition at the time of the interview (drugs, alcohol, medical issues, etc.).
  - Furthermore, in most research studies the interview is evaluated in a vacuum. In the real world, the investigative interview of a subject takes place in the context of an investigation. For example, by the time the investigator interviews a suspect they may already have developed information about the subject's relationship with the victim, their whereabouts at the time of the crime, their financial situation, and/or other relevant background information.
  - In the Reid Technique, we teach that there are several rules that should be followed in the evaluation of a subject's behavior symptoms:

- Establish the subject's normal behavioral pattern/baseline and then look for changes from that norm or baseline
- Read all behavioral responses across all three channels of communication: verbal, paralinguistic, and nonverbal
- Read behavioral clusters - the overall behavioral pattern - not single, isolated observations
- Consider timing and consistency for all nonverbal responses
- Always evaluate behavior symptoms in conjunction with the case evidence and facts
- Always evaluate the potential impact of possible factors, such as the subject's mental capacity, psychological stability, maturity, culture, and physical well-being on their behavior symptoms

If these rules are followed, investigators can be reasonably accurate in assessing a subject's credibility. Almost without exception, these assessment rules were not followed in the research studies.

**PLEASE NOTE:**

The most important element in evaluating a suspect's potential culpability in committing a crime or an act of wrongdoing is not their behavioral responses but the content of their statement compared to the case facts and evidence. The essential element to evaluate during an investigative interview is whether or not the case facts and evidence support the subject's story or contradict what the subject has stated.

For example, if the subject states that he was not at the victim's home on the day of the murder, but video from the apartment building across the street shows him entering the subject's home on the day of the murder, the fact that he lied about that outweighs any verbal, paralinguistic or nonverbal behavioral responses he might make during the interview.

**3. The Reid interrogation process denies the subject their rights and utilizes threats of harm and/or inevitable consequences if the subject does not confess, contrasted with promises of leniency and lesser punishment if the subject does confess – often referred to as maximization/minimization techniques**

Response

*The Reid Technique never teaches, endorses, or encourages the use of threats of harm, promises of leniency, denial of rights, or to conduct interrogations for an excessive length period of time*

- Interrogations should only be conducted when the case investigative information indicates the subject's probable involvement in the commission of the crime. The purpose of an interrogation is to learn the truth.
- The investigator should conduct all interrogations in accordance with the guidelines established by the courts - advisement of rights; presence of a parent or guardian for a minor; length of time, etc.
- The investigator should always treat the subject with dignity and respect

- The investigator should not make any promises of leniency, threats of harm or inevitable consequences, or physically abuse the subject
- The investigator should not conduct interrogations for an excessively lengthy period of time
- The investigator should not deny the subject any of their rights
- The investigator should not deny the subject the opportunity to satisfy their physical needs
- In a non-custodial interrogation do not deprive the subject of the opportunity to leave the room
- The investigator should exercise special cautions when questioning juveniles or individuals with mental or psychological impairments
- The investigator should never manufacture evidence implicating the subject
- The investigator should begin the interrogation with a statement of involvement
- Following this initial statement the investigator should engage in a monologue presentation (theme) in which he/she proposes to the suspect reasons and motives that will serve to psychologically justify or excuse their behavior – not legally justify or excuse their behavior
- The investigator should attempt to place the blame for what the suspect did on some person or set of circumstances other than the suspect himself and build the subject up as “a good, honest hard-working person who made a mistake in judgment due to ...”
- The investigator should focus the theme on why the suspect committed the act, not if
- The investigator should use an alternative question to develop the subject’s initial acknowledgement of what they did: “Was this the first time you did something like this or has it happened many times before?”
- When the subject acknowledges what they did, the investigator should ask open-ended questions to develop corroborating information – the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc. Corroboration is an essential element to establish the authenticity of the subject’s statement.
- The interrogation should be recorded
- The subject’s confession is not the end of the investigation...the investigator should continue to develop additional details about the subject’s behavior before and after the commission of the crime and to verify the details of his statement of involvement

#### 4. **The Reid Technique encourages investigators to lie about the evidence in the case**

##### Response

*The Reid policy on the use of deception during interrogations is that investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.*

- In 1969 the United States Supreme Court upheld the use of misrepresenting evidence to the subject. The case was *Frazier v. Cupp* (394 U.S. 731). In that case, the Supreme Court upheld the admissibility of the defendant’s confession, which, in part, was the result of the police falsely telling the subject that his accomplice had confessed. The

Court held that the misrepresentations were relevant, but that they did not make an otherwise voluntary confession inadmissible. In reaching this conclusion, the Court judged the materiality of the misrepresentation by viewing the “the totality of circumstances.”

- It is important to highlight the Court’s reference to an “otherwise voluntary confession,” the clear implication being that if the subject’s rights were honored; if there were no threats of harm or inevitable consequences; if there were no promises of leniency; and if the investigator followed the guidelines established by the courts, then misrepresenting evidence, in and of itself, will not jeopardize the admissibility of the confession.
  - There is a consistent consensus of opinion by the courts that lying about evidence in an “otherwise voluntary confession,” will not render a confession inadmissible. It is the view of the courts that behaviors such as threats of harm or inevitable consequences, denial of rights, promises of leniency or other such coercive behaviors will jeopardize the admissibility of the subject’s confession.
  - In recent years several states have enacted legislation that prohibits law enforcement investigators from lying to juveniles about the case evidence.
  - Given current judicial and legislative trends regarding the use of deception during an interrogation, investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.
5. **In the Reid Technique, investigators suggest to the suspect that they had a psychologically acceptable reason for committing the crime, thereby essentially suggesting they will receive a reduced punishment**

### Response

*The core of the Reid interrogation process is “theme development,” in which the investigator presents a moral or psychological excuse for the subject’s behavior. The interrogation theme reinforces the subject’s rationalizations or justifications for committing the crime.*

- As part of an offender’s decision to commit a crime or, in the case of a spontaneous crime, following it, it is natural for him/her to justify or rationalize the crime in some manner. Psychologists refer to this internal process as “techniques of neutralization.”
- Neutralization theory has shown that criminals use techniques such as denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners, and appeal to higher loyalties to neutralize the feelings of guilt or shame associated with their actions. This theory proposes that people who commit crimes often use techniques of neutralization to deflect responsibility for their actions and justify their criminal behavior.
- With this basic understanding of human nature in mind, it is a very effective approach during interrogation for the investigator to shift the blame for what the subject did onto the victim, an accomplice, or some other circumstance that prompted the suspect’s behavior because in most instances the subject has already done that in their own mind.
- Over 62 years ago, in the first edition of their book, *Criminal Interrogation and Confessions*, authors John E. Reid and Fred E. Inbau recognized this core element of human nature - that when we do something wrong it is our “natural inclination” to shift

the blame for our behavior to the victim, an accomplice or some other influencing factor - and developed an interrogation process called “theme development” in which the investigator offers the subject an excuse or “justification” for their behavior. When we develop themes, we are appealing to the subject’s pre-existing justifications, indicating that we understand them, which in turn makes them feel more comfortable telling us the truth about what they did.

The following Investigator Tips expand on and add to the discussion of **Common Erroneous and False Statements About the Reid Technique**

*Why the Reid Technique is so Successful*

*Preparing to Testify in Confession Cases (Parts One and Two)*

*The Reid Technique is a Non-confrontational, Non-accusatory Process*

*The Reid Behavior Analysis Interview: Part 1: Do the Case Facts and Evidence Support the Subject's Story? Part 2: The Interview Structure and the Value of Behavior Symptom Analysis*

*Is offering a suspect a moral or psychological excuse for committing the crime the same as offering them a promise of leniency if they confess?*

Re False Confession “Experts”:

*Richard Leo's Boilerplate Statement Regarding Police Interrogation Practices*

*Responding to a False Confession Expert in Your Case*

*What Do False Confession Experts Say in Their Reports?*

*What False Confession Experts Say About the Reid Technique and Our Responses*

*Clarifying Misrepresentations about Interrogation Techniques (updated 5/23)*

*The Truth About the Research Social Psychologists Use as the Basis for Testimony Regarding Fals and/or Coerced Confessions*

*The Disingenuous Testimony from Social Psychologists About the Reid Technique*

*A General Outline of Richard Leo's Testimony on False Confession Issues and Reid Responses*

