

Correcting Misinformation About the Reid Technique

Critics of the Reid Technique make several false and erroneous statements (in italics below) when describing the Reid process. In the following pages, we will list their criticisms and our responses.

- *The Reid Technique is an accusatory, confrontational process.*

Response:

The Reid Technique always begins with a non-confrontational, non-accusatory investigative interview. Throughout the interview process, the investigator should maintain a neutral, objective, non-judgmental fact-finder approach. No accusations of guilt should be made during the interview process.

The interview should begin with casual conversation, biographical information, employment information, etc. to acclimate the subject to the interview process, develop the subject's behavioral baseline and develop rapport.

The investigator should use open-ended questions to develop the subject's statement, alibi, story, version of events, or explanation of what happened.

After the subject relates their initial story or version of events, the investigator should then ask a series of questions to develop additional details, as well as questions to clarify the who, what, when, where, why, and how of the incident that is under investigation.

- *The Reid Technique involves psychologically manipulative tactics such as isolating the subject from others; exaggerating the legal consequences of the subject's behavior; making promises of leniency in return for a confession; creating false evidence; and conducting questioning for an exhaustively lengthy period of time."*

Response:

The Reid Technique is based on and has utilized "science-based methodology" for over 7 decades.

In their August 26, 2016 report - "Interrogation: A Review of the Science, High-Value Detainee Interrogation Group September 2016"- the High-Value Detainee Interrogation Group (established by President Obama) described science-based interviewing/interrogation (methodology) as including:

- the development of cooperation via rapport and trust
- The elicitation of information using productive questioning to enhance a subject's recollection

- the use of strategic questioning and assessment of verbal or story-based cues to evaluate credibility; and,
- the strategic withholding of evidence as a way to identify statement-evidence inconsistencies and resolve a subject's responses to discrepancies."

This description of science-based methodology from the High-Value Detainee Interrogation Group describes the Reid Technique process.

The following are the essential elements of the Reid investigative interview process:

- The Reid interview process is a non-accusatory, non-confrontational information-gathering conversation.
- Throughout the interview process, the investigator should maintain a neutral, objective, non-judgmental fact-finder approach.
- No accusations of guilt should be made during the interview process.
- All interviews should be conducted in accordance with the guidelines established by the courts, such as the appropriate advisement of rights, the presence of a parent or guardian for a juvenile, etc.
- The interview should begin with casual conversation, biographical information, employment information, etc. to acclimate the subject to the interview process, develop the subject's behavioral baseline and develop rapport.
- The investigator should use open-ended questions to develop the subject's statement, story, version of events or explanation of what happened.
- After the subject relates their initial story or version of events, the investigator should then ask a series of questions to develop additional details, as well as questions to clarify the who, what, when, where, why and how of the incident that is under investigation.
- During the interview, the investigator should attempt to resolve any inconsistencies or contradictions that may have surfaced from the interviews of other subjects or from the investigative information.
- If the subject offers an alibi for the period in question, every effort should be made to substantiate the alibi.
- We encourage investigators to follow the 80/20 rule – during the interview, the subject should do 80% of the talking and the investigator should do 20%.
- The investigator should observe the subject's verbal and non-verbal behaviors as a guide for the interview questions. It is important to remember that no behavior is unique to truth or deception – behavior must be evaluated in context and against the subject's normal behavioral patterns.

Numerous factors can affect a subject's behavior during the interview, including culture, mental capacity, emotional and psychological stability/impairments, physical condition, drugs and alcohol, the severity of the issue involved, and the subject's level of social responsibility...all of which the investigator must consider.

- 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 follow-up questions, which may in turn lead to the discovery of additional information, incriminating facts, or evidence.
- The investigator should not tell the subject what they know about the case but rather evaluate whether or not the subject's statement is consistent with what is known, or, on the other hand, if the case facts and evidence contradict what the subject has stated.
- In addition to the investigative questions, the investigator should utilize behavior-provoking questions during the interview.
- 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).
- The investigator should not show the suspect crime scene photographs that reveal corroborating 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 investigation and the interview.
- The interview (and any subsequent interrogation) should be recorded.

[It should be noted that the US Supreme Court understands the need for interrogations to be conducted in a private setting: "Often the place of questioning will have to be a police interrogation room because it is important to assure the proper atmosphere of privacy and non-distraction if questioning is to be made productive." (Culombe v. Connecticut (1961) 367 U.S. 568, 579)]

- *Reid investigators make their decision on a subject's guilt or innocence based on how they answer behavior-provoking questions*

Response:

The Investigative Questions are the core of the interview process.....not the behavior-provoking questions. An important interviewing principle of the Reid Technique is **Do not tell the subject what you know.**

As an example, John was found dead in his home on Saturday night. He had been shot in the head. John was a real estate agent and worked out of his home office. He had several real estate colleagues who occasionally also worked out of his home office. As part of the investigation, John's colleagues were interviewed, one of whom was Dennis. When Dennis was asked when was the last time he had been over to John's house, he said, "It's been quite a while, I would say at least a month, maybe 5 or 6 weeks since I was over there."

Unbeknownst to Dennis, when the police canvassed the neighborhood, they found a lady who lived across the street from John, who that Saturday morning was filming her kids playing soccer in the yard, and in the background, you could see someone approaching John's front door and then going into the house. A close examination of the video revealed that it was Dennis who went into John's house at about 10:00 am Saturday, the day of the murder. The fact that Dennis lied to the investigator about when he had most recently been at John's house was obviously very significantmore so than any behavioral observations.

In our book, *Criminal Interrogation and Confessions* we devote over 100 pages to discussing the proper way to conduct an investigative interview.

The Reid BAI also includes Behavior-provoking questions (BPQs), which are questions that most truthful individuals answer one way, while deceptive individuals oftentimes answer in a completely different manner.

Here is an example of two behavior-provoking questions from a daycare facility staff member being interviewed during a child sex abuse investigation:

The THINK question: "John did you ever think about engaging in sexual activities with any of the children here at the daycare facility?"

ANSWER: "I think that everyone working here has thoughts like that."

The PUNISHMENT question: "John, what do you think should happen to a staff member who has engaged in sexual activities with any of the children?"

ANSWER: "Well, I guess it depends on how often it happened."

- *The goal of an interrogation is to secure a confession. The Reid Technique is a guilt presumptive processinvestigators interrogate persons whom they believe to be guilty, and they will stop at almost nothing to secure the confession. Dr. Leo has testified that "...I think, for most police, and pursuant to police training, including the Reid method, a successful interrogation is where you get an incriminating statement. Even if that statement is not truthful, if it is incriminating, then it's successful, period."*

Response:

Clearly, the suggestion from Dr. Leo that a false confession is acceptable is completely absurd. *We recommend that investigators should never use the interrogation process as the initial means by which to assess a subject's credibility* – in other words, we recommend that following the initial non-accusatory investigative interview, various investigative steps, the collection of evidence, investigation of the alibi, etc., should be conducted and only when the investigative information identifies the probable offender should an interrogation take place.

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

The opposite of interrogating individuals whom the investigator believes to be guilty would be to interrogate all subjects, whether evidence indicated their possible involvement or not – such a situation would be completely unacceptable.

- *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 misrepresented 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.

- *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 on the value of verbal and nonverbal behaviors in the assessment of a subject’s credibility 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, and 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 several rules 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, a subject's verbal and nonverbal behaviors can help in the assessment of a subject's credibility.

Almost without exception, these assessment rules were not followed in any of the research studies used to evaluate the value of verbal and nonverbal behavior symptoms.

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.

- *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 (minimization techniques), but if they do not confess, they will face maximum punishment (maximization techniques)*

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 the 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.

- *Social psychologists often describe three investigator errors that they suggest can lead to a false confession:*

Misclassification – erroneously labeling an innocent person as guilty based on their demeanor and the behavior they displayed during the investigative interview

Coercion – using tactics that offer reduced punishment if the suspect confesses, harsher punishment if they do not

Contamination – revealing to the suspect details about the crime that only the police or the guilty person should know

Response

Re Misclassification: In the Reid Technique, we teach that several rules 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, a subject's verbal and non-verbal behaviors can help assess a subject's credibility.

Furthermore, as previously noted, 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.

Re: Coercion

As outlined above in the Reid Technique, the investigator should never 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 - if the subject remains adamant in his denials at the 3- or 4-hour mark, the investigator should re-evaluate the situation.
- 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, the investigator should not deprive the subject of the opportunity to leave the room.

Re Contamination:

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.... information that only the guilty would know. Corroboration is an essential element to establish the authenticity of the subject's statement.

The Core Principles and Best Practices of the Reid Technique that we have been teaching for decades include the following:

- 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 following the guidelines established by the courts - advisement of rights, the presence of a parent or guardian for a minor, etc.
- 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 - if the subject remains adamant in his denials at the 3 or 4 hour mark, the investigator should re-evaluate the situation.
- 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, the investigator should not deprive the subject of the opportunity to leave the room.
- The investigator should exercise special precautions when questioning juveniles or individuals with mental or psychological impairments.
- When a suspect claims to have little or no memory of the period when the crime was committed, the investigator should not misrepresent the case evidence to the subject.
- The investigator should never manufacture evidence implicating the subject.
- Investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.

- The central focus of the persuasion process is to propose to the suspect reasons and motives that will serve to psychologically justify or excuse their behavior, not legally justify or excuse their behavior.
- 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 interview and 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 further verify the details of his statement of involvement.

All investigators should adhere to the following principles of practice:

- Always treat the subject with dignity and respect
- Always conduct interviews and interrogations according to the guidelines established by the courts
- Do not make any promises of leniency
- Do not engage in any physical abuse of the suspect
- Do not make any threats of harm or inevitable consequences
- Do not conduct interrogations for an excessively lengthy period
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Exercise special caution when questioning socially immature juveniles or individuals with mental or psychological impairments
- The interview and interrogation should be recorded.

Survey Results from 31,000 Reid Interview and Interrogation Course Graduates

In September 2024 we surveyed 31,000 individuals who had graduated from our training program, *The Reid Technique of Investigative Interviewing and Advanced Interrogation Techniques*. Here are the response results:

98.99% said that they would recommend the training program to their colleagues.

98% of the respondents indicated that after attending the Reid training program their skill level in conducting interviews and interrogations increased to Above Average/Excellent

Here are the details:

94% of the respondents indicated that the behavioral models of truthful and deceptive subjects that they learned in the course helped them evaluate the credibility of their subjects on a regular basis

85% of the respondents indicated that during their investigative interviews, they asked many of the behavior-provoking questions that they learned at the training program (Punishment, Second Chance, Think, Bait, etc) on a regular basis

86% of the respondents reported that the behavior-provoking questions helped them to evaluate the subject's credibility on a regular basis

80% of the respondents reported that they utilized the Reid Nine Steps of Interrogation that they learned at the training program (theme development, responding to denials, utilizing alternative questions) on a regular basis

74% of the respondents reported that the application of the Reid Nine Step process has increased their ability to secure corroborated confessions on a regular basis

87% of the respondents reported that the application of the Reid Technique for both interviews and interrogations increased their ability to determine the subject's culpability for committing the act under investigation on a regular basis

55% of the respondents indicated that the confessions they obtained were utilized as evidence in court in almost all cases/on a regular basis