

The Reid Behavior Analysis Interview:

Part 1: Do the case facts and evidence support the subject's story?

The most important element in evaluating a suspect's potential culpability in committing a crime or an act of wrongdoing is the content of their statement compared to the case facts and evidence. This underlying principle is almost always ignored by social psychologists, defense attorneys, or academicians who are critical of interrogation techniques in general and the Reid Technique specifically.

When they discuss and describe the Reid Technique investigative interview process, called the Behavior Analysis Interview (BAI), it is usually along the following lines as illustrated in the testimony of Richard Leo:

“A. And this is a pre-interrogation investigative method that Reid & Associates calls behavior analysis, where you, if you follow the Reid method, you ask somebody fifteen to twenty hypothetical questions; and in the Reid training, you're supposed to look at the person's body language and make a decision about whether or not, based on their body language in response to the questions, as well as the content of their answers, whether they're telling the truth or lying. And that can become the basis for interrogating somebody.....Essentially it is training the person to be a human lie detector. And that has been discredited, the behavior analysis interview method, pre-interrogation.”

Social psychologists, defense attorneys, or academicians who are critical of the Reid Technique never reference the underlying principle that all investigators follow: Do the case facts and evidence support the subject's story?

Here are three examples of this principle.

A bank teller (we will call her Susan) incurred a \$1,500 shortage in her cash drawer. In describing the sequence of events Susan stated that on the day in question, she was working as the drive-up window teller. She said that “the way things were going I was obtaining more large bills than I was passing out (referring to her transactions). So not to keep an overabundance of large bills in my drawer I took \$1,500 – 11 \$100 bills and 8 \$50 bills – and went over to sell them back to the vault but Mary was on the phone, so while I was waiting for her to finish the call I saw that two customers had driven up to the window and I did not want to keep them waiting so I went back to the window and put the \$1,500 in a side drawer in my work area. We got very busy at that point so it was a few hours before I went to get the \$1,500 out of the drawer and when I opened the drawer it was empty, so I assumed that Mary had come over to get it, so I went over to her to get a credit slip for the \$1,500 and Mary said that she never got a chance to come over to get the money.”

One of our basic principles for conducting the investigative interview is to not tell the subject what information we have, but rather, to ask them what happened and see if the information that they provide is consistent with the information that we already have or know. In the above case,

the investigator had in his possession the teller tape, which he brought to Susan's attention later in the interview:

Investigator: "And at 7:29 you entered the \$1,500 transaction to sell."

Susan: "To sell out, yes."

I: "Why was it that at the time you bought the \$2,000 you just didn't give her the \$1,500 at that time?"

S: "I was wrapping it."

I: "Ok. Now your first transaction of the day doesn't occur until 11:35, there's a 6-minute gap there."

S: "No that's 7:35."

I: "Right, I stand corrected."

The teller tape reflects and is confirmed by Susan in the above dialogue that she decided to sell the \$1,500 back to the vault **before** she had any customer transactions...contrary to what her original story was. If the investigator had brought to her attention the teller tape and the documented sequence of events before asking her what happened that day, it would have been very unlikely that Susan would have adopted the position that she only decided to sell the money back to the vault **after** a series of customer transactions.

In a second example, on a Saturday night, John was found dead in his basement, shot in the head. John worked in real estate and had a home office, which several of his co-workers also utilized on a regular basis. As part of the investigation, we interviewed a number of John's colleagues, including a co-worker we will call Dennis. One of the questions that we asked Dennis was when was the last time he had been over to John's house either on a social occasion or to work out of the office. Dennis replied that it had been quite a while, at least 4 or 5 weeks ago.

Unbeknownst to Dennis, the police had canvassed the neighbors and found a lady who lived caddy corner from John who was filming her kids playing soccer in the yard that Saturday morning and in the background, you could see somebody going up to John's front door and then entering the home at about 10:00 am that morning. When the film was enhanced it was Dennis going into John's house the day of the murder. The fact that Dennis lied about the last time he had been to John's house was incredibly important. If we had done the interview differently, revealing to Dennis early in the interview that we had him on video entering John's house on the day of the murder, he obviously would not try to claim that he had not been to John's house for 4 or 5 weeks.

In a third example, a woman was given a prescription by her dentist for Percodan (Oxycodone tablets). When she gave the pharmacist the prescription, he noticed it was written for 40 tablets. Questioning the number of tablets, he called the dentist's office to confirm the accuracy of the prescription. The office advised him that the prescription was written for 10 tablets, not 40, suggesting that the patient had changed the number on the prescription, which the patient denied. Several days later, we interviewed the patient, whom we will call Margaret. During the interview, Margaret was adamant that she did not change the prescription and said that the dentist's office obviously made a mistake when they wrote the prescription. As Margaret related the sequence of events when she went to the pharmacy, she said that when she handed the

prescription to the pharmacist, “he noticed that it had been changed.” This statement was not consistent with Margaret's story that the dentist’s office made a mistake when they wrote the prescription – if her statement was accurate, then there was no change made to the prescription at anytime, so her reference to the fact that the pharmacist “noticed the change” was a disclosure of what she had done. Margaret subsequently went on to acknowledge that she did change the prescription from 10 tablets to 40 tablets and acknowledged that this was not the first time that she had altered a prescription.

As these three cases illustrate, the essential element to evaluate during an investigative interview is whether or not the case facts and evidence support the subject’s story....if they do not the investigator should continue the investigation of the subject.

In addition to the above consideration, one of the key elements in any investigation is to attempt to verify the subject’s alibi.

Part 2 The Interview Structure and the Value of Behavior Symptom Analysis

Referring again to the testimony of Richard Leo:

*“A. And this is a pre-interrogation investigative method that Reid & Associates calls behavior analysis, where you, if you follow the Reid method, **you ask somebody fifteen to twenty hypothetical questions**; and in the Reid training, you're supposed to look at the person's body language and make a decision about whether or not, based on their body language in response to the questions, as well as the content of their answers, whether they're telling the truth or lying. · And that can become the basis for interrogating somebody... ..Essentially it is training the person to be a human lie detector. · And that has been discredited, the behavior analysis interview method, pre-interrogation.”*

The Reid Behavior Analysis is much more than “15 to 20 hypothetical questions.”

The following is a description of what we teach about conducting the investigative interview:

At the outset of the interview, the investigator must be sure to comply with all legal requirements, such as the appropriate advisement of rights. It is imperative that throughout the interview, the investigator maintains an objective, neutral, non-judgmental, fact-finding demeanor. There should be no accusatory statements made during the interview.

The Behavior Analysis Interview (BAI), should consist of three types of questions: questions about the subject’s background; questions that are relevant to the specific issue that is under investigation; and, behavior-provoking questions.

The background questions generally focus on biographical information about the subject, which may include questions about the subject’s employment activities or if the subject is a student, their school activities; and, they may include some casual conversation about recent events (a news item, a sports event, a weather situation, etc.).

The purpose of spending several minutes on these topics is to establish rapport with the subject and to acclimate the subject to the interview environment and, most importantly, to establish a behavioral baseline – the subject’s normal behaviors (posture, eye contact, use of illustrators, etc.).

The investigative questions will deal with the issue that is under investigation. One of the first things the investigator should do is ask the subject an open-ended question that invites the subject to tell their story. If it is a victim, what happened? If it is a witness, what did they see or hear? If it is a suspect, what were their activities on the day in question? After the subject relates their initial story or version of events the investigator will then ask a series of questions to develop additional details and to clarify the who, what, when, where, why, and how of the incident under investigation.

During this segment of the interview, the investigator would explore for any precipitators that may have provoked the incident, or for any procedural or policy violations that may have contributed to the situation. 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 time period in question, every effort should be made to substantiate the alibi.

In our book, *Criminal Interrogation and Confessions*, 5th edition 2013, we devote several chapters to the topic of Investigative Questions.

The third type of question that we utilize in the interview is called a behavior-provoking question (BPQ). BPQs are questions that most truthful individuals answer one way, while deceptive individuals oftentimes answer in a completely different manner. The investigator will present these questions as casual inquiries.

Here is an example of a behavior-provoking question, which is referred to as the punishment question - "Jim, what do you think should happen to the person who did this (issue)?" The principle of response is that most truthful subjects usually offer appropriately strong punishment. For example, in a homicide investigation, the truthful person may say, "He should spend the rest of his life in jail." Whereas the deceptive individual, who is thinking about himself, may say something like "That’s hard to say... I guess it depends on the circumstances."

In an investigation of a childcare worker allegedly touching a young boy’s genitals, he was asked the THINK question: "Did you ever just think about sexually touching any of the children here at the daycare facility?" He answered, "I think that everyone who works has thoughts about that." When asked the PUNISHMENT question, "What do you think should happen to a staff member who has sexually touched a child here at the facility?" he answered, "I guess it depends on how often it happened."

In *Criminal Interrogation and Confessions*, we discuss numerous behavior-provoking questions that can be asked during the interview.

At the conclusion of this non-accusatory interview, the investigator will evaluate the investigative and behavioral information developed during the interview, as well as the information, facts, and evidence developed during the investigation up to this point, and then make one of several possible decisions: the investigator may eliminate the subject from further investigation, the investigator may determine that the investigation of the subject should continue, or the investigator may decide to initiate the interrogation of the subject.

Over the years researchers in the academic community have conducted a number of research studies on an investigator's ability to detect deception; more specifically these studies have attempted to determine if the nonverbal and verbal behavior symptoms that are used by practitioners to help them assess the credibility of suspects are, in fact, reliable indicators of truth or deception.

In the overwhelming majority of these studies, the results have been rather dismal, essentially suggesting that nonverbal behaviors (and to a lesser extent verbal cues) offer little value in assessing a suspect's credibility.

In the High-Value Detainee Group report, they stated that “Discerning whether someone is telling the truth or not, in the absence of any other information than that provided within the interview, is extraordinarily difficult. A meta-analysis of more than 120 studies [primarily laboratory studies where ground truth was known] showed that behavioral differences between truth-tellers and liars are few, weak, and unreliable. This laboratory research, with approximately 25,000 participants, showed that when someone tries to determine veracity based on speech or behavior alone, they achieve only about 54% accuracy, where 50% accuracy is achieved by chance [2,3].” (Interrogation: A Review of the Science, High-Value Detainee Interrogation Group, 2016)

In light of these results, why would field practitioners place any reliance on the behavior displayed by a suspect during an investigative interview for indications of truth or deception? One reason is that the vast majority of research studies do not mirror the context and structure of real-life interviews that are conducted in the field, and, as a result, have very little relevance to the real world. Here are a few of the problems with the laboratory studies referenced by the HIG:

- The subjects (oftentimes college students) had low levels of motivation to be believed (in the case of innocent suspects) or to avoid detection (in the case of guilty suspects). In real-life interviews the consequences of not being believed or being detected as guilty are significant.
- The interviews of the subjects were not conducted by investigators trained in interviewing criminal suspects.
- 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 behavioral baselines for each suspect so as to identify unique behaviors within a particular individual.
- The research was based on the faulty premise that there are specific behavior symptoms that are unique to truth or deception.
- There was little consideration given to evaluating behaviors in context. For example, identifying whether specific nonverbal behaviors are appropriate given the verbal content of the suspect's response, identifying the consistency of a suspect's statements across time and with known evidence, and so on.

Recent research efforts that have more closely attempted to mirror real life interview circumstances have demonstrated a significant increase in an investigator's ability to evaluate accurately a subject's behavior symptoms. Consider the following:

- High-stake lies are detected at higher rates than low-stake lies.
- When an investigator understands the context in which an interview is taking place (for example the case facts and background information) accuracy in the assessment of a subject's behavior symptoms greatly increases.
- Accuracy in detecting deception with real-life suspects is significantly higher than suggested by studies that use subject's in a mock crime scenario.
- Training and experience in the field of behavior symptom analysis significantly

The Distinction between "guilt and innocence" and "truth and deception"

At a recent conference for defense attorneys, one of the speakers was describing some of the behaviors that she said John E. Reid and Associates teaches as being suggestive of a deceptive person. One of the behaviors she said that Reid views as deceptive was the statement, "I don't know." What the attorney failed to say (or perhaps, even to consider) was that all behaviors must be viewed in context.

For example, if a person was asked what they did 7 weeks ago on Thursday night between 6:00 pm and midnight, it would be completely reasonable for the subject to respond, "I don't know." However, if a person was asked if they had anything to do with killing their next-door neighbor last night, and they responded, "I don't know," a very different assessment would be made.

As we pointed out previously, one of the problems with detection of deception research was that "The research was based on the faulty premise that there are specific behavior symptoms that are unique to truth or deception."

In May 2016 we published on our website an Investigator Tip entitled, "There is no behavior unique to lying" which addresses the issue of behavior symptom analysis in some detail, as well as our YouTube presentation by the same title. From these postings:

“Behavior symptom analysis involves the study of inferences made from observing another person’s behaviors. On a daily basis we make dozens, if not hundreds, of inferences based on behavioral observations, such as that man is angry, that girl likes me, my child is hungry, my son did something wrong, that driver is lost, those two people don’t like each other, Aunt Martha is not taking her medications. This is such a natural phenomenon that it is easy to forget that there is an underlying process leading to these inferences. For example, a six-week-old child is heard crying in the nursery. The child was last fed four hours ago and eats about every four hours. The nature of the crying in the past has been relieved by feeding the child; ergo, the child is hungry.

Within the scope of detecting deception, there are two broad inferences that are made through behavioral observations. The first involves inferences of guilt or innocence, that is, “Did this person engage in a particular criminal act?” The second involves inferences of truth or deception, that is, “When this person says such and such, is he telling the truth?”

For case-solving purposes, it is important for an investigator to appreciate the distinction between “guilt” and “lying.” Consider the following exchange during an interview:

Q: “Have you ever thought about setting fire to your house for the insurance money?”

A: “Well sure. I think everyone has thoughts like that.”

This suspect’s verbal response to the investigator’s question is truthful. Yet, the content of the response infers guilt with respect to setting fire to his house. Research in the field of behavior symptom analysis generally indicates higher accuracies in identifying guilt or innocence, than truth and deception.

Finally, it is important to understand that some behavioral inferences have a higher probability of being correct than others. Consider that a suspect can clearly be seen on a surveillance video leaving the hotel room in which a woman was found raped and murdered. Upon questioning, the suspect denies ever being in the room. The fact that the content of his verbal behavior is contradicted by the video evidence strongly suggests the suspect’s guilt regarding the commission of the crime.

During this interview, the suspect’s posture was rigid and frozen and, when asked if he had ever met the victim, he dusted off imaginary lint from his trousers. Furthermore, the suspect was wringing his hands and sweating even though the temperature in the room was set at a comfortable level. Although these behaviors are suggestive of the subject’s deception and possible guilt, they are much less so than the documented lie, as evidenced by the videotape.

To appreciate the nature of these inferences, it must be realized that communication occurs at three distinctly different levels:

1. *verbal channel*—word choice and arrangement of words to send a message
1. *paralinguistic channel*—characteristics of speech falling outside the spoken word

1. 3. *nonverbal channel*—posture, arm and leg movements, eye contact, and facial expressions

When evaluating a suspect's behavior for detection of deception purposes, there are five essential principles that must be followed in order to increase the probability that subsequent inferences will be accurate. Failure to recognize any of these principles increases the probability of making erroneous inferences from a suspect's behavior.

There are no unique behaviors associated with truthfulness or deception. The behavioral observations an investigator makes of a suspect do not specifically correlate to truth or deception. Rather, they reflect the subject's internal emotional state, cognitive processes, and internal physiological arousal experienced during a response. The emotional states most often associated with deception are fear, anger, embarrassment, indignation, or hope (duping). The cognitive processes may reveal concern, helpfulness, and confidence versus offering an unrealistic explanation for the crime, being defensive, or being overly polite. There are also internal physiological responses that cause external behavioral responses such as a dry throat, skin blanching, pupillary dilation, or blushing. Observed in isolation, certainly none of these behaviors should cause an investigator to conclude that a subject is telling the truth or lying.

Evaluate the consistency between all three channels of communication. When a suspect sends behavioral messages that are consistent within all three channels of communication, the investigator can have greater confidence in his assessment of the credibility of the subject's response. However, when inconsistencies exist between the channels, the investigator needs to evaluate possible causes for this inconsistency.

Evaluate paralinguistic and nonverbal behaviors in context with the subject's verbal message. When assessing the probable meaning of a subject's emotional state, the subject's paralinguistic and nonverbal behaviors must always be considered in context with the verbal message. Consider the following two examples:

Question: Mike, have you ever been questioned before concerning theft from an employer?

Response: Well, um, two years ago I worked at a hardware store and they had an inventory shortage so all of the employees were questioned and, in fact, I did take some things from there. [Subject crosses his legs, looks down at the floor, and dusts his shirt sleeve.]

Question: Joe, did you steal that missing \$2,500?

Response: No, I did not. [Subject crosses his legs, looks down at the floor, and dusts his shirt sleeve.]

These two subjects displayed identical paralinguistic and nonverbal behaviors during their responses. However, the interpretation of the behaviors is completely different. In the first example, the subject is telling the truth, but he feels embarrassed and possibly even threatened in revealing his prior theft. In the second example, the verbal content of the subject's response does not explain the accompanying nonverbal behaviors, so the investigator should consider these

behaviors as reflecting possible fear or conflict— emotional states that would not be considered appropriate from a truthful subject, given the content of the verbal response.

Evaluate the preponderance of behaviors occurring throughout the interview. One of the findings learned through research is the importance of rendering opinions based on evaluating the subject's behavior throughout the course of an entire interview. When evaluators in research studies were only exposed to individual questions within the interview, their accuracy was considerably less than when evaluating the subject's responses to all of the interview questions. Similarly, the confidence of assessing behavior over a five-minute interview will be considerably less than if the behavioral assessments were made over a 30- or 40-minute interview.

Establish the subject's normal behavioral patterns. Certainly, there are non-deceptive reasons for a suspect to exhibit poor eye contact, respond to questions quickly or slowly, scratch themselves, yawn, clear their throat, or change their posture. Before any of these behaviors can be considered a criterion of deception, the investigator must first establish what the subject's normal behavioral patterns are. Consequently, at the outset of each interview, the investigator should spend several minutes discussing nonthreatening information (perhaps casual conversation or collecting biographical information) so as to establish a behavioral baseline for the particular subject. Then, as the interview progresses and the subject exhibits behavioral changes when the issue under investigation is discussed, these changes may take on added significance.

The evaluation of a subject's behavior for indications of truth or deception is a complicated endeavor and should be considered only one factor in the assessment of the subject's possible involvement in the issue under investigation.

The assessment of a subject's potential involvement in the issue under investigation should be based on the case facts, evidence, investigative information (such as proving the subject's alibi to be false), and the behavior displayed by the subject during the investigative interview.