

FACT SHEET: The Reid Technique

John E Reid and Associates is the leading authority for training programs on conducting proper interviews and interrogations.

CORE PRINCIPLES: We teach that all investigators should adhere to the following Core Principles:

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 caution when questioning juveniles or individuals with mental or psychological impairments

Do not physically abuse the subject or threaten to do so

When false confession “experts” suggest that the Reid Technique causes false confessions, they cannot point to any such evidence:

As an example, consider the Court’s comments in the case *United States v. Jacques*, 784 F. Supp. 2d 48 (2011):

“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, whatever. Although Professor Hirsch insisted that “there is a wealth of information about the risks of the Reid technique,” he could point to none.”

State Supreme Court and Appellate Courts’ references to the Reid Technique

In a review of all 50 state Supreme Court and Appellate decisions and the District of Columbia that referenced the Reid Technique in a decision found that no state labelled the Reid Technique as coercive, illegal, prohibited, or that it violated due process.

The courts repeatedly stated that confessions must be evaluated on the totality of circumstances. As an example, in *State v. G.O.*, 124,676 (Kan. 2024), the court stated that “Voluntariness must

be determined from the totality of the circumstances.” The court elaborated that courts must examine: characteristics of the accused, details of the interrogation, police conduct, and pressures.

It has been well documented by numerous court decisions that false confessions are caused by interrogators engaging in coercive behaviors 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
- Interrogating suspects for an excessively long period of time
- Denying the suspect an opportunity to satisfy their physical needs
- Threatening the subject with a more severe punishment if they do not confess.
- Physically harming the suspect or threatening to do so

In one research effort, the author studied the first 110 DNA exoneration cases reported by the Innocence Project. The author reported that *“This study failed to find a single false confession of a cognitively normal individual that did not include the use of coercive tactics by the interrogator, such as...the use of physical force; denial of food, sleep or bathroom; explicit threats of punishment; explicit promises of leniency; and extremely lengthy interrogations.”*

(J. Pete Blair, “A Test of the Unusual False Confessions Perspective: Using Cases of Proven False Confessions” *Criminal Law Bulletin* (Vol 41, Number 2))

As stated above, we teach investigators never to engage in these coercive behaviors.

U. S. Supreme Court Recognition – In June 2004, in the case of *Missouri v. Seibert*, the United States Supreme Court referenced our company and our book, *Criminal Interrogation and Confessions*, as an example of law enforcement resources that offered proper training regarding Miranda. In 1994, the United States Supreme Court referenced our textbook, *Criminal Interrogation and Confessions*, in making their decision in the case *Stansbury v. California*.

Exonerating the Innocent - Over the years John E. Reid and Associates has assisted the Innocence Project (New York) on several cases as expert witnesses on proper interview and interrogation techniques, as well as the exoneration of one of their clients by obtaining a confession from the actual offender. This case was detailed in the story, “I Did It” in New York magazine (<http://www.reid.com/pdfs/ididit.pdf>). We have also assisted other attorneys (for example, Kathleen Zellner) in wrongful conviction cases.

International Recognition – Our firm has been awarded contracts for training from NATO; the Bavarian and Berlin Law Enforcement communities in Germany; and have conducted training programs in Bosnia-Herzegovina; the Czech Republic; United Arab Emirates; Singapore; Japan; Mexico; Canada; Belgium; South Korea; Oman; Saudi Arabia; Djibouti; Sudan; Tanzania; Barbados; Hong Kong; Malaysia; Brazil; Italy; England; Norway; India; Philippines; and Chile. Our training manual has been translated into Spanish, Portuguese, Chinese, Arabic and German.

Survey Results from 31,000 Reid Interview and Interrogation Course Graduates (2024)

98.99% of the respondents 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

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. Following their criticisms, we will provide our responses.

Criticism: 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.

Criticism: 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: As stated at the outset of this document, we teach investigators not to make promises of leniency, not to threaten the subject with a more severe punishment if he does not confess, never to create false evidence, and do not conduct an interrogation for an extensively lengthy period. We teach that if a subject adamantly maintains their innocence after 3 or 4 hours, the situation should be re-evaluated.

Criticism: 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, but rather ask them what they did or what was the sequence of events and evaluate whether or not the case facts and evidence support or contradict their statement.

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 was, 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 Behavior Analysis Interview (BAI) includes several behavior-provoking questions, 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 the interview of a daycare facility staff member 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."

Criticism: The goal of an interrogation is to secure a confession.

Response: 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

Criticism: 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. Current states that have enacted such legislation include Illinois, Oregon, California, Utah, Delaware, Indiana, Connecticut, and Colorado. There may be additional states that have enacted similar legislation so please check your state statutes.

Criticism: 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: Most of the academic 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 problems, including the following:

- The subjects (students/prisoners) had low levels of motivation to be believed or to avoid detection... there were no meaningful consequences if they failed to convince the interviewer of their "innocence" or if they failed to successfully conceal their "guilt."
- 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 - for example, in some studies after the subject related their story as to what happened concerning the issue under investigation, there were no follow-up questions, which are critical in evaluating a subject's credibility in a real life case investigation
- 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 guiding the interview regarding appropriate follow-up questions and the overall assessment of a subject's credibility.

Almost without exception, these assessment rules were not followed in the academic 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, as illustrated in the previous example if the subject states that he was not at the victim's home on the day of the murder, but video from a neighbor filming her kids playing soccer or 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.

Criticism: 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.

Criticism: 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

Regarding 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 be helpful in evaluating the subject's potential culpability.

Furthermore, as previously noted, the most important element in evaluating a suspect's potential involvement 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.

Regarding 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
- 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.

Regarding Contamination:

We teach investigators not to reveal details related to the commission of the crime.

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.

For additional information about the Reid Technique, visit our website at www.reid.com, and our book, *Criminal Interrogation and Confessions*, 5th edition.