

CHAPTER ONE

THE REID TECHNIQUE

When John E. Reid was first taught the polygraph technique by Fred Inbau, who at the time was the director of the Chicago Police Scientific Crime Detection Laboratory, the polygraph technique represented a fairly unstructured procedure that relied extensively on interrogation techniques. By the time Mr. Reid established a private polygraph practice in 1947, he had made several significant contributions to the polygraph technique, which culminated in a clinical procedure of diagnosing truth and deception without reliance on interrogation. As his business grew, he trained additional staff members, who continued to refine the procedures through their observations and experiences.

Specifically, Reid and his associates developed a structured interviewing format that permitted evaluation of a person's truthfulness independent from a polygraph examination. This procedure, termed a Behavior Analysis Interview, has become a standard investigative technique, especially since the passage of the Federal Employee Polygraph Act of 1988, which greatly restricts a private employer's use of polygraph.

In addition to his insights of a subject during an interview, John Reid was a very successful interrogator. Much of his success must be attributed to Fred Inbau, who was instrumental in developing a structured approach to the interrogation process built around sound psychological principles. In the 1930s, the "third-degree" was commonly employed to obtain confessions and Inbau, with his background as an attorney and law professor, recognized that an interrogator's use of intimidation and coercion could cause an innocent person to confess. Applying accepted psychological principles, Inbau and Reid developed a structured approach to the interrogation process that, in no way, relied on coercion or intimidation to elicit the truth. This technique evolved into "The Reid Nine Steps of Interrogation."

In 1974 the "Reid Technique of Interviewing and Interrogation" was first taught to outside investigators. The success participants had in applying the Reid Technique to their investigations caused an increased interest by others to learn the technique. Presently, John E. Reid and Associates conducts more than 200 seminars addressing interviewing and interrogation across the country every year.

The Reid Technique involves three different components -- factual analysis, interviewing, and interrogation. While each of these are separate and distinct procedures, they are interrelated in the sense that each serves to help eliminate innocent suspects during an investigation, thereby allowing the investigator to focus on the person most likely to be guilty and to interrogate that individual in an effort to learn the truth. The remainder of this chapter will present an overview of the Reid Technique.

Factual Analysis

Both an interview as well as an interrogation are facilitated by analysis of investigative findings. Proper factual analysis assists the investigator in the following ways:

1. Eliminate improbable suspects
2. Develop possible suspects or leads
3. Increase confidence in identifying truthful or guilty suspects through the interview process
4. Identify proper interrogational strategies

From the nature of a crime the investigator may be able to speculate about the gender and age of the offender, whether or not the victim knew the offender, the motivation for the crime, and whether or not the crime was premeditated or spontaneous. For example, in an employee theft case, through analysis of opportunity, access, motivation, tenure, and disgruntlement, the investigator can frequently narrow down a large group of employees with opportunity or access to the stolen money or merchandise to a few employees who are much more likely to be guilty.

In recent years much has been written about "criminal profiling" and it is appropriate here to differentiate between profiling a crime scene, and applying factual analysis to the investigative process. Criminal profiling purports to identify characteristics about the type of person who would commit the crime based on analysis of the crime scene. This is a deductive procedure which makes general inferences from specific observations. Criminal profiling is a guide to locate possible suspects.

Factual analysis, on the other hand, is an inductive approach where each individual suspect is evaluated with respect to specific observations relating to the crime. Consequently, factual analysis relies not only on crime scene analysis, but also on information learned about each suspect. For example, if the crime under investigation appeared to be spontaneous and motivated by a real and immediate need, each suspect would be evaluated with respect to their personality (to evaluate impulsive behavior) and their motives (to evaluate the extent of immediate needs). Applying factual analysis, therefore, results in establishing an estimate of a particular suspect's probable guilt or innocence based on such things as the suspect's bio-social status (gender, race, occupation, marital status, etc.), opportunity and access to commit the crime, their behavior before and after the crime, their motivations and propensity to commit the crime, and evaluation of physical and circumstantial evidence.

One of the key functions of factual analysis during an investigation is to establish an initial expectancy of a suspect's guilt or innocence, which tends to increase the confidence and accuracy in rendering an opinion of the suspect's probable involvement in a crime, once that suspect is interviewed. As an example, if a suspect was determined through factual analysis to be probably innocent of an offense, and also exhibited typical truthful behavior during an interview, then the investigator has two sources of

information upon which to base a truthful opinion (factual analysis and behavior analysis). Statistically, this has the effect of increasing the confidence of a decision beyond the accuracy of either independent evaluation taken alone. On the other hand, if this same suspect (who was considered as probably truthful based on factual analysis) did not exhibit clear indications of truthfulness during a Behavior Analysis Interview, the investigator would be cautious in eliminating the individual from suspicion. This check and balance system serves as a safeguard from mistakenly believing that a guilty suspect is innocent, or conversely, that an innocent suspect is guilty.

Factual analysis, therefore serves not only as a means to efficiently sort through and classify a large group of suspects, but also as a quality control procedure for investigators in that it requires consistency within independent evaluations. When both assessments are consistent, the investigator can have a great deal of confidence in either eliminating a suspect from suspicion, or considering a suspect as more likely to be involved in the criminal behavior.

Finally, factual analysis frequently will identify characteristics about the suspect and the crime which will be helpful during an interrogation of the suspect believed to be guilty. Examples of some of these assessments include the probable motivation for committing the crime, whether or not the crime was spontaneous or premeditated, and whether or not the suspect acted alone or in concert with others. Through factual analysis the suspect's personality type can also be evaluated, which will often suggest particular interrogational strategies that may be effective, and other strategies which should be avoided.

The Behavior Analysis Interview

Through our contact over the last 50 years with many different investigators across the country, we realize that the terms interviewing and interrogation do not have a universal meaning. As a general observation, many investigators consider an interview as an information-gathering session with a victim or witness (someone who is not a suspect). An interrogation, on the other hand, is frequently considered an accusatory question and answer session held with a suspect.

Throughout this text, when we use the word "interview" we are referring to a non-accusatory question and answer session with a witness, victim or a suspect. In addition to standard investigative questions, we advocate the asking of structured "behavior provoking" questions to elicit behavior symptoms of truth or deception from the person being interviewed. This structured procedure is referred to as a Behavior Analysis Interview or BAI.

An interrogation, on the other hand, is an accusatory process -- accusatory only in the sense that the investigator tells the suspect that there is no doubt as to his guilt. The interrogation is in the form of a monologue presented by the investigator, rather than a question and answer format. The actual demeanor of the investigator during the course of an interrogation is understanding, patient, and non-demeaning. The following chart

lists some of the differences between an interview and an interrogation:

INTERVIEW	INTERROGATION
1. Non-accusatory	1. Accusatory
2. Dialogue - question and answer format	2. Monologue - discourage the suspect from talking until ready to tell the truth
3. Goals <ul style="list-style-type: none">a. Elicit investigative and behavioral informationb. Assess the subject's truthfulnessc. Profile the subject for possible interrogation	3. Goals <ul style="list-style-type: none">a. Elicit the truthb. Obtain a court-admissible confession if it is believed that the suspect is guilty
4. Note-taking following each response	4. No note-taking until after the suspect has told the truth

A Behavior Analysis Interview (BAI) consists of a fairly structured non-accusatory question and answer session with the suspect. During the 30 - 40 minute interview, the investigator begins by asking background questions such as the suspect's address, age, marital status, and occupation. In addition to establishing personal information about the suspect, these questions also permit the investigator to evaluate the suspect's "normal" verbal and nonverbal behavior such as the latency of the suspect's response to questions, the nature and degree of eye contact, as well as general demeanor and posture. After the suspect's normal behavior has been established, the investigator asks "behavior-provoking" questions which are designed to elicit different verbal and nonverbal responses from truthful and deceptive suspects. Interspersed with behavior-provoking questions are investigative questions which evaluate the suspect's alibi, reported opportunity and access to commit the crime, explanation for incriminating evidence, etc. Regardless of the probable guilt of the suspect, the investigator does not accuse the suspect of lying during a Behavior Analysis Interview.

The BAI serves several important functions. Primarily, it provides objective criteria to render an opinion about the suspect's truthfulness through evaluating responses to the behavior-provoking and investigative questions. In addition, the BAI facilitates the eventual interrogation of guilty suspects. This is done by establishing a working rapport with the suspect during the non-accusatory BAI, and developing insight about the suspect and his crime to facilitate the formulation of an interrogation strategy. The latter

procedure is referred to as "profiling" the suspect for interrogation.

Sequence of Interviews

Following the initial investigation it is typical for a number of possible suspects to emerge. Through factual analysis, some of these suspects will be judged to be much less likely to be involved in the offense than others. The Reid Technique advocates first interviewing those suspects least likely to be involved in the offense and working toward the suspect or suspects most likely to be involved. While it does add to the length of an investigation, the benefits of conducting a formal interview of at least a couple of probably innocent suspects during an investigation has the following benefits:

1. Suspects who are probably innocent are an excellent source of information about how the crime could have been committed and who committed it. Because the person realizes that he is a suspect in the crime, he is highly motivated to talk about rumors, violations of policy, or unusual occurrences happening around the time of the offense. In addition, he will be quite open in discussing other suspect's possible motivations, propensities or changes in behavior since the investigation started. Much of the valuable investigative information we learn on a case comes from innocent people we interview -- not from records, documents or information provided by a fact giver. The innocent suspect who is familiar with other possible suspects, the crime scene, or company procedures is, by far, a much better source of information.
2. In a crime involving a living human victim, such as a rape, robbery or assault, the investigator should first conduct a formal interview of the victim. If the victim's account is truthful, learning the exact details of the crime will be necessary to conduct an effective interview of the guilty person. On the other hand, if the claim appears to be falsified, much investigative time is saved by carefully scrutinizing the victim's account. Too often, the "interview" of the alleged victim consists of nothing more than obtaining the necessary information to file a proper report under the assumption that everything the victim reported is factual.
3. Sometimes the probably innocent suspect turns out to be the guilty party. All of our staff have experienced situations where the first or second person interviewed was scheduled early because of an initial belief of the person's probable innocence. However, after conducting the interview it was clear that the person could not be eliminated and subsequent interrogation revealed the person's guilt.
4. A defense attorney may attack a confession on the grounds that other possible suspects were not questioned. Questioning multiple suspects on the same case increases the investigator's credibility in court when stating that suspects other than the defendant were carefully investigated.

The following abbreviated interview will illustrate the format of a Behavior Analysis Interview investigating an employee suspected of theft. The behavior provoking questions are abbreviated with brackets; the first listed response is more

indicative of truthfulness and the second response is more indicative of deception:

I: "Let me start out this morning by having you spell your last name for me."

S: "Smith, S M I T H"

I: "And your first name?"

S: "Andrew"

I: "What do most people call you?"

S: "Andy"

I: "Andy what is your address?"

S: "2567 N. Franklin apt. #3"

I: "Is that Chicago?"

S: "Yeah, 60021"

I: "How long have you lived there?"

S: "About 2 months now."

I: "Do you share the apartment with anyone? Do you have a roommate?"

S: "Yeah, a friend from high school."

I: "What is the monthly rent you guys pay?"

S: "\$650 in all, we both pay \$325 and split utilities."

I: "And what is your present age?"

S: "19"

I: "And what is your marital status -- divorced, separated, single, engaged?"

S: "I've never been married."

I: "How long have you worked for Jason's Department Store?"

S: "About 2 months now."

I: "So you started working there about the same time you got an apartment?"

S: "Yeah. Before this job I was living at home. As soon as I got the job, my friend and I got the apartment."

I: "Now is this a full-time position?"

S: "Yes."

I: "What is your position there?"

S: "I work in the men's department, selling clothes and working the register."

I: "Are you paid by the hour?"

S: "Yeah. My current salary is \$6.75 per hour and next month I will move up to \$7.00. On some of the stuff we sell we get commissions."

I: "Andy, what is your understanding for the purpose of the interview with me today?" [PURPOSE]

S: (Truthful) "Well, last Sunday morning when the bookkeeping department was making up the deposit, they said that the deposit envelope from the men's department was missing, but I know for sure that I put it in the safe. So the reason I am here is to prove that I didn't steal it."

S: (Deceptive) "Well, I guess they have misplaced a deposit envelope and I'm just here to help them find out what might have happened to it."

I: "That's essentially right. According to the information I received, last Sunday morning when the store was putting together the deposit from Saturday's sales, they discovered that the deposit envelope from your department was missing. The total amount of cash that should have been deposited from your register that night was

about \$3,000. Andy, you should realize that if you stole that money the investigation will clearly indicate that and you should tell me that right now." [HISTORY/YOU]

S: (Truthful) "I put that whole deposit in the safe. I didn't steal any money from it!"

S: (Deceptive) "I didn't even know about the shortage until Monday when they told me."

I: "Do you know who did steal this money?" [KNOWLEDGE]

S (Truthful): "Well, I know that I didn't and the only other people who handled our register funds are two people in bookkeeping. But I don't know which of those two stole it."

S: (Deceptive): "I don't even know if the money was taken."

I: "Who do you suspect may have stolen this money? Now let me say this. A suspicion may just be a gut feeling on your part and you might be completely wrong. It is important that you let me know about your suspicions. Any name you give me will not be released back to that person. Who do you think may have done this?" [SUSPICION]

S: (Truthful) "Like I said, it's got to be one of the two people in bookkeeping, because I'm the only other person who handled that deposit and I know I didn't steal it. Now I don't really know those ladies too well, but one of them, Nora, is older, maybe around 40 or so, and the other one is about my age and started working about the same time I did. I don't know either of them personally, but I have to think that Sue, the younger one, is more likely to be involved in this."

S: (Deceptive) "I really can't say. I mean it could be anyone who was in the bookkeeping area that day -- if the deposit really was taken by someone. There are a lot of people who go into that office. I just couldn't say."

I: "Let me ask you this -- is there anyone who had access to this money that you know well enough to be able to vouch for them, and say that you just don't think this person would do this?" [VOUCH]

S: (Truthful) "I don't know Nora socially outside of work, but in talking to her she just seems like an honest person to me. So I suppose I could vouch for her."

S: (Deceptive) "Oh, I haven't been there long enough to get to know anyone well enough to, you know, say they wouldn't do this."

I: "Do you think this \$3,000 was really stolen?" [THINK STOLEN]

S: (Truthful) "Well, I know that I collected about \$4,200 in cash and checks from the register that day and I personally took it up to bookkeeping, where I put it in the safe. Since the deposit is missing, I think it's got to be stolen."

S: (Deceptive) "I really don't know. It could be a bookkeeping error, maybe someone accidentally threw it away. I can't say."

I: "Who would have had the best opportunity to take this money if they wanted to?" [OPPORTUNITY]

S: (Truthful) "Well, it would be either me or the two people in bookkeeping. I don't see how anyone else could have taken it."

S: (Deceptive): "It's really hard to say because I don't know the people there very well, like I said. I just don't know who is in and out of the bookkeeping office, or who was there that morning, or really anything about this."

I: "How do you feel about being interviewed concerning this missing deposit?" [ATTITUDE]

S: (Truthful) "Oh, I don't mind at all. I want to prove to them that I didn't steal it and hopefully through these interviews they will be able to catch the thief."

S: (Deceptive) "I don't feel one way or the other. It's just something that I have to do to keep my job."

I: "If we are unable to resolve this issue through these interviews, do you think the police should be called in to conduct their own investigation?" [AUTHORITY]

S: (Truthful) "I assumed that the police were already involved in this -- I mean this is a crime. But sure, whatever it takes."

S: (Deceptive) "Um. I don't know. It's really kind of an in-house problem and I just don't know. That's not up to me."

I: "I'd like you to walk me through exactly what you did last Saturday after the store closed." [ALIBI]

S: (Truthful) "Well, we closed at 9:00 and I closed out my register by counting all the cash and putting the total on a deposit slip. As I recall, there was about \$3,100 in cash. I then banded the checks -- I don't tally them for the total amounts, but I do indicate how many checks I collected and I think it was 32 or 33. The cash and checks, as well as the deposit slip and register tape were all put in a 8 1/2 by 11 envelope and I sealed the envelope and wrote on the outside, Men's Department, along with my name. At about 9:15 or 9:20 I went upstairs to bookkeeping with the envelope and I put it inside a slot on top of the safe. I remember pushing it all the way in to make sure that it dropped. After that, around 9:30, I left."

S: (Deceptive) "Well, I went through the normal closing procedures and sealed the envelope and took it up to the bookkeeping office after 9:00 and then left. It was pretty much a normal night."

I: "Andy, is there any time where, for whatever reason, you may have taken a deposit home accidentally and then put it in the safe the following morning?" [BORROW]

S: (Truthful) "No, never."

S: (Deceptive): "You mean where I might have forgotten to put the envelope in the safe? No, I can't remember doing anything like that."

I: "What was your first reaction when you found out that the deposit was missing?" [REACTION]

S: (Truthful): "I couldn't believe it. I mean, there's no doubt at all that I put it in the safe and I was hoping that someone misplaced it, but they said that they searched the whole office. I was worried because it didn't make me look very good since I'm a new employee and everything."

S: (Deceptive) "Well, I guess I was surprised, but I still think that somebody could have misplaced it or maybe threw it away."

I: "How do you feel toward the person who stole this money?" [FEEL TOWARD GUILTY]

S: (Truthful) "Angry. Because of what they did the suspicion has focussed on me -- and it's their fault."

S: (Deceptive) "How do I feel? I don't even know who it is, so I really don't have any feelings."

I: "During the time that you've worked at Jason's, have you ever just thought about taking money from there? You know, where the thought crossed your mind, even though it's not something you would actually do?" [THINK]

S: (Truthful) "No way. Not at all."

S: (Deceptive) "Sure. I guess anyone who works around money has those kinds of

thoughts."

I: "Tell me Andy, why wouldn't you steal this \$3,000?" [OBJECTION]

S: (Truthful) "Because I'm honest. I don't steal. I simply wasn't raised that way."

S: (Deceptive) "It's not right. Besides I wouldn't be so stupid to take my own deposit envelope. If I would take money it wouldn't be my own."

I: "Once I complete the interviews of all the people who may have handled that deposit, and review all of the investigative information and evidence, how do you think the results of the investigation will come out on you?" [RESULTS]

S: (Truthful) "Well, it better be that I'm innocent because I didn't steal any money from that deposit!"

S: (Deceptive) "I hope that it is in my favor, although I've never been through anything like this before. I've always been kind of a nervous person, even though I haven't done anything wrong."

I: "Have you ever been questioned before about taking money or merchandise from anywhere?" [HAPPEN BEFORE]

S: (Truthful) "No, this is the first time anything like this has ever happened to me."

S: (Deceptive) "Yeah, at my first job they thought I took some stuff, but nothing ever came of it."

I: "Is there anytime at all that you've ever taken money or merchandise from somewhere without permission?" [CONTROL]

S: (Truthful) "Oh, when I was younger I took money from my mother's purse, and I remember shoplifting candy when I was in grade school. I'm sure there's probably something from school, maybe a book or something from a locker that I took."

S: (Deceptive) "No, never, at least nothing I can think of."

I: "What do you think should happen to the person who stole this \$3,000?" [PUNISHMENT]

S: (Truthful) "First, whoever stole it should apologize to me for putting me through this and then they should certainly be prosecuted."

S: (Deceptive) "I don't know what the company policy is -- it's not really up to me."

I: "Do you think under some circumstances the person who took this money should be given a second chance?" [SECOND CHANCE]

S: (Truthful) "No way. If you give them a second chance, they'll steal again."

S: (Deceptive) " Well, maybe if they agreed to pay back the money, or if it was just the first time something like this happened."

I: "Why do you think someone did steal this money?" [MOTIVE]

S: (Truthful) "Maybe it was the way they were brought up or maybe they don't care what people think of them. Some people steal just to steal or are just plain dishonest."

S: (Deceptive) "I don't know why people do things. I really can't help you out there."

I: "Andy, something you may not be aware of is that most drop safes have a counting mechanism on the underside of the drop slot. Very simply, the force of an envelope entering the safe causes a counter to advance in increments of one. Now, if you in fact put that envelope in the safe last Saturday the counter should read 11, because we verified that the 10 deposits from earlier in the day were all there -- 11 is the total number of envelopes that should have been dropped. Now, I don't know if this particular safe is equipped with that mechanism, but if it is, can you think of any reason why the counter would indicate 10 drops instead of 11?" [BAIT]

S: (Truthful) "If it does, it's not from my envelope because I know for sure I put that envelope in the safe."

S: (Deceptive) "Gee, I don't know very much about mechanical things. But no machine works all of the time -- maybe it got stuck or something."

I: "Did you talk to your roommate or parents about the theft or that you would be interviewed concerning this?" [TELL LOVED ONES]

S: (Truthful) "Well sure, I did. I talked to my mom and dad last Monday night and I went over the whole thing with my roommate and girlfriend."

S: (Deceptive) "No, this doesn't really concern them."

I: "On a scale of 1 to 10, ten being the best and one being the worst, how would you rate Jason's Department Store as a place to work?" [RATE COMPANY]

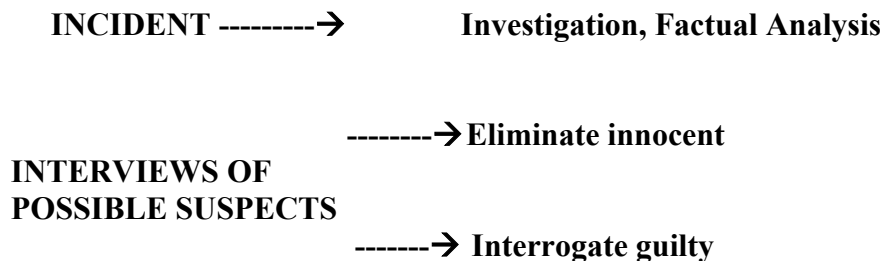
S: (Truthful) "I'd give them a 7 or 8. The pay's a little low to start out with, but after the probationary period you make a pretty good wage."

S: (Deceptive) "Maybe a 5."

Of course, this interview does not consist of all of the interview questions and reveals less than half of the behavior the suspect is displaying -- i.e., only his verbal responses. A very significant aspect of behavioral analysis involves evaluating the suspect's other components of communication, his attitudes, nonverbal and paralinguistic behaviors. As a general statement, these other assessments will either reinforce or contradict a subject's verbal response. The final diagnosis of truth or deception is made by evaluating the consistency between the suspect's verbal statements and his nonverbal behavior, along with the investigative information and evidence.

Nine Steps of Interrogation

The interrogation of a suspect should only occur when the investigator is reasonably certain of the suspect's involvement in the issue under investigation. As illustrated by the flowchart below, interrogation should take place after the case facts have been developed, analyzed and investigated, and generally speaking, after all the possible suspects have been interviewed and evaluated in terms of access, motive, alibi, etc. When the results of this process warrant a reasonable conclusion that a particular person(s) committed the act in question, interrogation becomes appropriate.



Step One -- The Positive Confrontation

Following the interview, the investigator should step out of the room for a short period of time. Upon returning, he should have in his hand a folder containing the results of the investigation. The investigator should stand directly in front of the suspect and in a confident manner and tone of voice confront the suspect with a statement of guilt. The basic confrontation statement should be brief, exact, and unequivocal, such as the following: "Andy, I have in this file the results of our investigation into the disappearance of \$3,000 from the store last Saturday. The results of our investigation clearly indicate that you are the person who took this money." This type of accusation is made only in cases where the suspect's guilt seems very clear.

In those cases where the investigator may prefer to use a statement that is less direct, he may say, "The results of our investigation indicate that you have not told us the complete truth about the missing \$3,000."

Following this confrontation, the investigator should pause momentarily to evaluate the suspect's behavioral reaction to the statement. The deceptive suspect will usually drop his eyes, change postures in the chair, and offer a vague denial such as "I don't know what you're talking about." The truthful suspect who has been wrongly accused, on the other hand, will usually lean forward in the chair, maintain direct eye contact with the investigator, appear legitimately shocked or perhaps even angry, and reply in a very direct and spontaneous fashion that the investigator is wrong. "I don't care what your investigation says. I did not steal that money." In either case, however, the investigator should not allow the response to deter him during this initial phase of the interrogation. He should respond by repeating the initial statement of involvement and then placing the investigation file aside, sit down directly opposite the suspect. "Andy, there isn't any doubt at all that you are the person who took this money. I want to sit down here with you and see if we can't get this thing straightened out." With this statement and the accompanying action of sitting down the investigator is making the transition to a sympathetic and understanding person.

Step Two -- Theme Development

Once the investigator sits down, he should present some type of moral justification for the suspect's act of theft. This presented justification is called a theme. One effective means of presenting this justification to the suspect is to place the moral blame for his actions on some other person or some outside set of circumstances. This procedure is founded on a very basic aspect of human nature -- most people tend to minimize their responsibility for their actions by placing blame upon someone or something else.

In employee theft cases, the guilty suspect may place blame for his behavior on such factors as inadequate income, poor security measures by the employer, or someone else who did not do his job (left the money out or left the money drawer unlocked). The suspect may even justify his behavior by pointing out that other employees are engaged

in similar activities. In burglary cases, the suspect may justify his theft by blaming unusual family expenses, desperate circumstances (e.g., no job but a family to support), or a friend for suggesting the idea.

In the previously-used employee theft example, the investigator might develop the following theme that places blame on the suspect's inadequate income:

"Andy, I know that during your two months here you have done an exceptional job. You have demonstrated your capabilities time and time again. That is why it becomes so important for us to clear this matter up. I am convinced that what you did here was out of character, and I believe it happened because of the strain all of us are under to pay our bills and take care of our families. The way our economy is going, we just can't keep up. We are falling further and further behind. The cost of everything just keeps going up, but the money we make doesn't always go up as much as it should, so we fall behind. I am convinced most of the people I talk to are good, hard-working people who have simply made a mistake. They have done something against their better judgment because they are under the strain of trying to pay everyday bills on a paycheck that is simply not adequate. I'm convinced, Andy, that if you had gotten the kind of pay you needed to keep up with things, we wouldn't be sitting here today. This wasn't an act of the criminal we read about -- this was something you did because you saw no other way to make ends meet."

The investigator should present this moral justification in a sympathetic and understanding way, underscoring his interest in working with the suspect to resolve the problem. He should also present this justification as a monologue, discouraging the suspect from engaging in lengthy discussions until he is at the point of wanting to tell the truth.

Step Three -- Handling Denials

During the initial stages of an interrogation, the suspect will very rarely sit quietly and listen to the investigator without making some effort to refute the assertions being made. Almost all suspects, innocent or guilty, will attempt to deny their involvement in the act under investigation. The more often a suspect denies his involvement in an act, the more difficult it becomes for him to eventually tell the truth. Therefore, the investigator should closely observe the suspect to anticipate when he is about to offer a denial.

A guilty suspect will oftentimes introduce his denials by asking permission to speak with such phrases as, "May I say something?" or "If you just let me say one thing..." Were the investigator to allow the suspect to make his full statement, each of these introductory remarks would be followed by the denial, "I didn't do it." Therefore, whenever a suspect asks to speak during this phase of the interrogation, the investigator should respond by saying, " Andy, just hold on for a minute. Let me explain to you exactly what we know." He should then continue with the development of his theme. This exchange may occur on several occasions during the interrogation, but as a general rule, the guilty suspect's denials weaken in time. In many instances, guilty people will

change from a defensive position of offering denials to what they perceive as an offensive tactic -- offering objections. (Step 4)

The following is an example of the exchange that may take place as the investigator initially confronts the suspect, begins the development of the theme, and handles the denials presented by the suspect:

Investigator: [*Positive Confrontation Statement*] "Joe, the results of our investigation clearly indicate that you are the person who broke into the Village Jewelry Store last week."

Joe: [*Suspect's Initial Denial*] (After pause) "You think I could do something like that?"

Investigator: [*Restatement of Accusation*] "Joe, there isn't any doubt about it. What I would like to do now is to sit down with you to see if we can get this thing straightened out. You see, Joe, in situations like this, the important thing for us to understand is the circumstances that led you to this kind of thing." [*Theme Development*] "Now, I know how tough things have been for you since you got laid off last year. The way the"

Joe: [*Permission Phrase For Denial*] "But sir, may I just explain something?"

Investigator: [*Discouraging Denial*] (Interrupting Joe) "Joe, just listen to me for a minute. I want you to know how important this is. Joe, the way today's economy is destroying so many lives with inflated prices and unemployment, we see people like you making mistakes like this all the time." [*Returning To Theme*] "You see, Joe, I know you would have never done something like this had you not felt that there was no alternative."

Joe: [*Permission Phrase For Denial*] (interrupting the interrogator) "Please, sir, can't I just say one thing?"

Investigator: [*Discouraging Further Denials and Returning To Theme*] "Joe, let me finish this because I know the pressure you must have been under to pay your family food bills, the rent, and to buy clothes for your kids." (The suggestions presented during the theme represent the guilty suspect's justifications for his crime. If he did not justify the crime to help out his family, he will not relate to these theme concepts and the investigator should develop a different theme).

Joe: [*Permission Phrase For Denial*] (interrupting the interrogator) "I understand what you're saying but..."

Investigator: [*Discouraging Further Denials and Returning To Theme*] (interrupting Joe) "Joe, just hear me out on this. Let me explain everything to you and then I'll listen to you."

The innocent suspect, however, will generally not ask permission to speak when he wants to make a statement. Instead, he will, without any display of etiquette, promptly and unequivocally state that he had absolutely nothing to do with the theft. Innocent denials will strengthen in time, and the suspect will begin to assert control over the interrogation. In the event of such a development, the investigator must begin to modify the intensity of his position and begin a probing search for some other information such as the suspect's suspicions about who may have committed the crime. This will help explain to the suspect why he was questioned. It is very rare for an innocent suspect to move past this denial state. He remains steadfast in the assertion of his innocence. The sincerity with which he presents his case is a clear indication of his truthfulness.

Step Four -- Overcoming Objections

When a guilty suspect realizes his attempts to deny any involvement in the incident under investigation are unsuccessful, he will usually try to assert some control over the interrogation by making objections he believes will support his claim of innocence. In a typical employee theft case, the two common objections offered by the guilty are: "I would never do anything like that -- I love my job," or "I don't need to do something like that -- I have all the money I need in the bank."

The suspect's objections clearly indicate the investigator is making substantial progress in his pursuit of the truth. Generally, the investigator should accept these objections as though they were truthful; indeed, his response should be a statement of agreement. The investigator should then use the objection to his advantage in the further development of his theme.

"Andy, I hope that's true -- that you do love your job. That just reinforces my point. Now I know you are basically an honest person, a good hard worker, who just made a mistake. You see, Andy, if you did not love your job it would be an indication that you very well might be the kind of person who would plan on taking revenge against an employer he did not like that you were probably looking for the opportunity to do something like this for a long time, and that you didn't care who got hurt along the way. But I'm sure you're not that kind of person, Andy. You love working here, and that's why I'm convinced it had to be a severe set of circumstances that would cause someone like you to step off the right track."

The majority of objections that suspects offer during an interrogation can be categorized into the following general groups:

1. Emotional Objections

"I'd be too scared (nervous) to do something like that."

"I loved her." "I like my job."

"I could never hurt anybody."

2. Factual Objections

"I don't even own a gun." "I wasn't even there that day." "I don't even know him."

"It's impossible because the security is too good." "I wouldn't even know how to do something like that." "I don't need money, I have \$5,000 in my account." "I don't even have the combination to the safe."

3. Moral Objections

"I'm a good Catholic (Protestant, Jew) and that kind of thing is against our religion." "I wasn't brought up that way." "A person who would do something like this is really sick."

Statements of this type are feeble arguments supporting innocence, even in those instances where they may be partially true. In any event, the investigator should not argue

with the suspect over the statement, nor should there be any indication of surprise or irritation. The investigator should act as though the statement was expected. Such a reaction will have a discouraging effect upon the suspect, who will perceive that he made the wrong statement, or at least an ineffective one. The following illustrates another example of overcoming an objection (in an armed robbery case):

Investigator: [*Theme Development*] "Joe, I don't think this was your idea or something you planned well in advance. I think that you and some of your buddies went into that liquor store, saw that there weren't any customers around and one of your buddies told you to go up there and get the money and you just didn't know how to stop it. Then this whole thing happened with the gun and everything else."

Suspect: "But that's ridiculous."

Investigator: [*Follow-through*] "Why is it ridiculous, Joe?"

Suspect: [*Objection*] "Because I don't even own a gun."

Investigator: [*Overcoming Objection By Agreement and Understanding, and By Pointing Out Negative Aspects of Situation If Objection Was Untruthful*] "I'm glad you mentioned that, Joe, because it tells me that it wasn't your idea to do this -- that one of your buddies talked you into this, handed you the gun, and then the whole thing happened. You see, Joe, if you did own a gun and carried it in that night ready to use it, to kill somebody if they got in your way, that's one thing. But if the other guy stuck it in your hand, to use just to scare everybody, that's something else again..."

(Continuation of Theme Development)

If the investigator is successful in his efforts to overcome a suspect's objection, oftentimes the suspect will psychologically withdraw and begin to focus his thoughts on what he perceives to be the impending punishment he may have to face. Essentially, he decides to out-last the investigator by tuning out the investigator's statements.

Step Five -- Procurement and Retention of Suspect's Attention

At the outset of the discussion on Step Five, it should be noted that at this stage of the interrogation we are dealing with guilty suspects -- the innocent or truthful suspect will not move past Step Three, denials. He will insist that irrespective of what the investigator has to say, he did not commit the act in question. An innocent suspect will not offer objections as the guilty usually do, but will be adamant in his rejection of any suggestion of guilt.

Following the objection stage, the suspect often becomes pensive, withdrawn, and quiet. Essentially, he is content to allow the investigator to dominate the conversation and simply tunes out the message. It is most important during this phase of the interrogation that the investigator procure the suspect's attention so that he listens to the theme (which reinforces the suspect's justification for his crime) and does not allow the suspect to focus or concentrate his thoughts on punishment (which would only serve to reinforce his resolve to deny the crime).

One of the techniques used to recapture the suspect's attention is to close the

physical distance between the investigator and the suspect. Before describing the details of this procedure, it is necessary to briefly review the concept of personal space. Each individual (from the person out forward) has several zones of space around him. The first zone of space, the intimate zone, extends from the person out about 18". This area is reserved for loved ones and close personal friends. If a stranger were to come up to you, face-to-face, less than 18" away, it would present a very uncomfortable situation. The second zone, 18" to 4 1/2', is called the personal zone. It is in the personal zone area where most personal conversations and exchange of personal, private information take place. Following this area is the social zone (4 1/2'- 12 1/2') and the public zone (beyond 12 1/2'). There is very little exchange of personal information in these latter two zones.

At the outset of the interrogation, the investigator generally is seated about 4 1/2' to 5' from the suspect, usually in the social zone area. As the interrogation proceeds, and particularly as the investigator observes the suspect becoming quiet, looking down to the floor, and giving the general appearance of withdrawing from the conversation, it is appropriate for the investigator to lean forward or to unobtrusively pull his chair slightly forward so that he approaches the suspect's intimate zone area. This closer proximity often regains the suspect's attention because, while perhaps not consciously aware of the change in the physical distance, the suspect senses the difference. Usually he will now look at the investigator, and by so doing indicate that his thoughts are focused back on what the investigator is doing and saying.

Verbally, in Step Five, it is important for the investigator to emphasize the essential elements of the selected theme, and begin to channel the theme down to the probable alternative components.

Step Six -- Handling the Suspect's Passive Mood

Once the investigator has regained the suspect's attention, and as he continues to stress the essential theme elements, he will probably be facing a suspect who is not only listening to what is being said, but one who is also feeling a sense of defeat. For the most part now, the suspect realizes the ineffectiveness of his previous efforts to thwart the investigator by making denials or offering objections, and has basically resigned himself to the fact that telling the truth seems inevitable.

At this state of the interrogation, the suspect may begin to cry. Rather than leave the room for a few minutes to let the suspect "cry it out," the investigator should commiserate with the suspect and offer encouragement by attempting to relieve his embarrassment. Oftentimes crying is an indication of the suspect's feelings of remorse.

The investigator may say to a crying suspect: "Joe, I know how much you've tried to keep this inside, but I'm glad to see those tears because they tell me you're sorry this thing ever happened -- you are sorry you did this, aren't you, Joe?"

During this final phase of the interrogation many suspects do not cry, but express their emotional state by assuming a defeatist posture -- slumped head and shoulders,

relaxed legs and a vacant stare. In general, the suspect will appear passive, downcast, and perhaps depressed. In order to facilitate the impending admission of guilt, the investigator should intensify the theme presentation and concentrate on the central reasons he is offering as psychological justification. For example, in an armed robbery case where the general theme development had centered on the suspect's dire circumstances forcing him into a desperate act (versus committing the robbery for drug money), the central justification for the crime may be focused down to just one or two key sentences.

"Joe, I'm sure you were over your head with a thousand different things -- the bills, the kids, no job, no light at the end of the tunnel -- and this money appeared to solve all your problems; it seemed to be the only way out, the only chance you had to try to take care of your family, to try to catch up and get something going for you -- you never saw any other alternative -- no other way out of the terrible situation you were in."

As the investigator repeats these central statements, he should continue to display an understanding and sympathetic demeanor in urging the suspect to tell the truth, perhaps even using gestures of sympathy such as a hand on the suspect's shoulder.

Step Seven -- Presenting an Alternative Question

The alternative question is one in which the investigator presents to the suspect two incriminatory choices concerning some aspect of the crime. The elements of the alternative are developed as logical extensions from the theme. If the theme focused on contrasting impulsive, spur of the moment behavior with planned, premeditated behavior, the actual alternative question may be: "Did you plan this thing out or did it just happen on the spur of the moment?"-- either choice is an admission of guilt. The components of the alternative question contrast a desirable action with an inexcusable, undesirable action (as developed in the theme). For example, in a rape case the alternative may be: "Is this the first time something like this has happened, or have you done this kind of thing hundreds of times before?" The choice of "the first time" reflects that aspect of the theme development wherein the investigator had suggested that the victim had led the suspect on by her style of dress and behavior and that any man is susceptible to urges in that kind of situation. On the other hand, the choice "hundreds of times" is developed from the concept that if a person "does this kind of thing all the time," it indicates that they simply are out to hurt people no matter what the circumstance, and that kind of person is not worth spending time with to correct the situation.

The alternative question should be based on an assumption of guilt; it should not be something to the effect of "Did you do this or didn't you?", because such a question phrasing invites a denial. In addition, the alternative question should not address possible consequences associated with telling the truth, as illustrated in the following example: "Did you plan this thing out well in advance, where this was first degree premeditated murder, or did it just happen on the spur of the moment, where it was just manslaughter?" This type of alternative question should not be used because it clearly implies that if the suspect accepts the latter choice, his punishment will be less.

The investigator should try to phrase the alternative question so that the suspect's acknowledgement that he did commit the crime can be made in as few words as possible. Therefore, the actual alternative question may be followed by what is referred to as a supporting statement -- a statement which encourages the suspect to choose the more understandable side of the alternative. Considering our previous two examples, the alternative questions and accompanying supporting statements would be: "Did you plan this thing out or did it just happen on the spur of the moment? I think it just happened on the spur of the moment, didn't it, Joe?" And, "Is this the first time something like this has happened or have you done this kind of thing hundreds of times before? I think this is the first time, isn't it, Joe?"

By merely requiring a suspect to nod his head or say the word "yes" it is much easier for him to admit his guilt than requiring some type of narrative response. Once the suspect accepts one side of the alternative he has made his first admission of guilt. The investigator's task now becomes one of developing this admission into a legally acceptable confession.

Step Eight -- Having the Suspect Orally Relate Various Details of the Offense

Once the suspect has accepted one side of the Alternative Question (Step Seven), the investigator should immediately respond with a statement of reinforcement, which is essentially a statement that acknowledges the suspect's admission of guilt. As an illustration of this verbal sequence, consider the following:

Investigator: (Alternative Question) "Jim, is this the first time something like this has happened, or have you done this kind of thing hundreds of times before?" (without waiting for an answer, continue) "I think this is the first time isn't it, Jim?"

Suspect: "Yeah."

Investigator: (Statement of Reinforcement) "Good Jim, that's what I thought all along."

The statement of reinforcement simply confirms the suspect's admission of guilt. It is essential that the investigator is prepared for the suspect's acceptance of the alternative because any uncertainty or hesitation on his part at this crucial moment may allow the suspect the opportunity to retract his admission. The statement of reinforcement, therefore, should be expressed in an elated tone of voice immediately following the suspect's acceptance of the alternative.

Pursuant to the statement of reinforcement, the investigator's objective is to obtain a brief oral review of the basic sequence of events involved in the commission of the crime, while obtaining sufficient detail to corroborate the suspect's guilt. The initial questions asked at this time should be brief, concise and clear, as well as questions which only call for a limited verbal response from the suspect. It is premature to ask such an all-encompassing question as, "Well, just tell me everything that happened." The suspect has very probably been quiet and listening to the investigator for some time now, and must be gradually allowed to furnish the details of the crime, a bit at a time. Furthermore, the questions should be open-ended, and should not yet contain realistic or emotionally

charged terminology. Continuing with our example dialogue (in an arson case in which a factory was set on fire by an ex-employee), the initial questions may be similar to the following:

Investigator: "Good, Jim, that's what I thought all along. Did you use a match or a lighter?"

Suspect: "A match."

Investigator: "What did you light with the match?"

Suspect: "Some old rags on the dock."

Investigator: "Did you pour anything on the rags?"

Suspect: "Not exactly."

Investigator: "What do you mean, not exactly?"

Suspect: "Well, there was a can of gasoline on the dock that I kicked over. The gas got on the rags."

Investigator: "Did you bring the gas can with you?"

Suspect: " No, it was already there. They used it for the lawn mower they had for outside."

Investigator: "What part of the dock were the rags on that you started on fire?"

Suspect: "They were over by the side door by the supervisor's desk."

Investigator: "What did you do after you started the fire?"

Suspect: "I didn't do anything ... I just watched it for a while and left."

Investigator: "When you watched the rags burn, did anything else catch on fire?"

Suspect: "Yeah, some cartons they had all stacked up by the door."

Investigator: "Anything else?"

Suspect: "Everything ... I mean once the boxes started, it spread all over the place -- they had a lot of boxes and stuff piled up. It all started to burn."

Investigator: "Then what did you do?"

Suspect: "I got scared. I mean, I didn't think it would happen that fast, so I left."

Investigator: "Jim, did you plan this thing out for a long time?"

Suspect: "No, I mean when they fired me, I just got ticked off. I didn't think the whole place could burn up like that."

During this initial questioning, it is important to remain in reasonably close proximity to the suspect and maintain eye contact. The questioning should not only focus on what the suspect did at the time of the act, but also information should be developed as to the suspect's activities before and after the commission of the crime. Once a brief verbal statement has been obtained about the overall activities involved, the investigator should initiate a series of detailed questions to develop information that can be corroborated by subsequent investigation. (Caution should be exercised throughout this process about the taking of handwritten notes; doing so may dissuade some suspects from continuing with their verbal statements.)

After this full verbal statement has been completed, it may be necessary to return to the suspect's choice of alternatives, or to some other statement that the suspect has made, to establish his actual purpose and intent at the time of the crime. For example, if in the arson case, it was reasonably certain that there was no gasoline can on the dock,

and that the suspect actually brought the gas can with him, he should be confronted with that fact.

Investigator: "Jim, you said earlier that the gasoline can was already on the dock -- that it was a gas can they used for their lawn mowers. Now, Jim, it is important to get to the whole truth. We know that there was no gas can on the dock. My concern is whether you brought the can with you filled to the top so you could pour it all over, or if it just had a little bit in it. Jim, was the gas can full when you brought it in or did it have just a little bit of gas in it? It probably just had a little in it, didn't it, Jim?"

If the investigator is accurate in his statement that the suspect brought the gas can with him, then, when first confronted with this belief, the suspect will appear uncomfortable, perhaps change posture and divert his gaze away from the investigator. This deceptive behavior would be a clear indication for the investigator to continue in his effort to seek an acknowledgement that the suspect brought the gas can with him.

Step Nine -- Converting an Oral Confession to a Written Confession

When the investigator is satisfied that he has obtained an accurate verbal account of the crime with sufficient supporting detail, it is appropriate to reduce the oral confession to a written document. However, in some instances the investigator may feel that it would be appropriate to get another person to witness the oral confession before attempting to obtain a written statement. To accomplish this, the investigator should advise the suspect that he is going to step out of the room for a few minutes, and upon doing so, should locate a second person to serve as a witness.

When the investigator and witness return to the room, the witness may be introduced as someone who has been involved in the investigation. Immediately thereafter, the investigator should repeat the essential details of the suspect's confession to the witness, after which the witness should ask a few confirming questions of the suspect. For example, the investigator may say, "Jim, this is Mr. Senese, who has been working with me on this matter. Mr. Senese, Jim explained to me that he did set fire to the ABC Factory last Tuesday night at about 11:00 p.m. He said that after he got fired, he was pretty upset and so he broke into the dock area through the side door, poured some gasoline he brought with him on some rags and set a match to it. He said that the fire spread to the boxes stacked on the dock, that he watched it burn for about 10 minutes and then left." The witness might then ask a number of follow-up questions to allow the suspect to provide spontaneous information to the witness, e.g., "Jim, is that the complete truth?"; "Did anyone help you start this fire?" "How did you get into the building?" "What did you do with the gas can?"

When converting an oral confession into a written statement (Step Nine), there are basically four formats that may be used:

1. A statement written by the suspect;
2. A statement written by the investigator which is subsequently read and signed by the suspect;
3. A statement taken down by a secretary or stenographer which is then transcribed into a typed document for the suspect to read and sign; and,
4. A tape-recorded or video-recorded statement.

Irrespective of the format utilized, there are several basic guidelines that should be followed in the execution of any written statement. In a custodial setting, even though the Miranda warnings were given and the appropriate waiver obtained before the interrogation, it is advisable, nevertheless, to repeat the warnings at the beginning of the documented confession, making reference to the fact that the suspect had received them earlier.

The investigator should keep in mind at all times that the statement must be readable and understandable by someone who is not familiar with what the suspect has done. Leading questions should be avoided, the confessor's own language should be used, and full corroboration should be established.

Certainly any errors, changes, or crossed-out words should be initialed by the suspect, with an "OK" written in the margin by the suspect to acknowledge his awareness of and agreement with the correction or change. The statement should reflect the fact that the subject was treated properly, that there were no threats or promises made, and that the statement was freely given by the suspect.

An investigator should always seek to take as full and complete a confession as reasonably possible. The first page of a confession should include a date and the current time. When the suspect has completed reading the written statement, the investigator should ask the suspect to write down the current time, and place his name after it (while pointing to the place for the signature.) The investigator should avoid asking the suspect to "sign here" because the word "sign" has a legal stigma attached to it. The suspect should sign each page of the statement in the presence of the investigator and a witness, who should then subsequently sign each page as well.