

Revisiting Misinformation About the Reid Technique

In the publication, “From Third-Degree To Third-Generation Interrogation Strategies: putting science into the art of criminal interviewing”, * there are several statements about the Reid Technique that require correction.

The author refers to the Reid Technique as “accusatorial interviewing.”

As we have stated in our book, *Criminal Interrogation and Confessions* (45th ed, 2013) and in numerous Investigator Tips on our website, (www.reid.com under Resources) and as we teach at all of our training programs, the following describes the Reid interview process:

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

- The investigator should observe the subject's verbal and non-verbal behaviors as a guide for the interview questions. It is important to remember that no behavior is unique to truth or deception – behavior must be evaluated in context and against the subject's normal behavioral patterns. Numerous factors can affect a subject's behavior during the interview, including culture, mental capacity, emotional and psychological stability/impairments, physical condition, drugs and alcohol, the severity of the issue involved, and the subject's level of social responsibility...all of which the investigator must consider.
- A subject's verbal and nonverbal behaviors are not a substitute for evidence but can help identify when a subject may be less than candid during the interview, prompting additional follow-up questions which may in turn lead to the discovery of additional information, incriminating facts or evidence.
- The investigator should not tell the subject what they know about the case but rather evaluate whether or not the subject's statement is consistent with what is known or on the other hand, if the case facts and evidence contradict what the subject has stated.
- In addition to the investigative questions, the investigator should utilize behavior- provoking questions during the interview.
- The investigator should not reveal all of the details about the crime (it is critical to withhold crime details that can later be used to confirm the authenticity of the subject's acknowledgment of what he did).
- The investigator should not show the suspect crime scene photographs that reveal corroborating details.
- The investigator should evaluate the subject's possible involvement in the issue under investigation based on the investigation, case facts, factual evidence, and information developed during the investigation and the interview.
- The interview (and any subsequent interrogation) should be recorded.

The author states that research has failed to produce empirical evidence supporting the validity of assessing behavior to determine culpability

It is accurate to say that almost without exception, research studies that attempt to determine whether or not investigators can accurately evaluate a subject's credibility based on their verbal and nonverbal behaviors yield results that are no better than chance....in other words investigators achieved an accuracy equal to 50-50..... flipping a coin.

However, the overwhelming majority of research studies are significantly flawed in their design.

For example, in many of the studies using students as "subjects" they are assigned different roles

- some are "guilty" of the crime, such as stealing money from a teacher's desk drawer, and others are "innocent." A number of the "guilty" students are instructed to lie about their status when they are subsequently interviewed by one of the research staff about their possible involvement in the theft. In reaching their conclusions the evaluators were generally no better than chance at determining the subject's status - "innocent" or "guilty".

Another issue to consider is that in a number of research studies there was no opportunity to ask the subject follow-up questions after they told the investigator their story. For example, in one study several inmates are on camera telling us about two different crimes that they committed - one which they actually did commit, and one which they are lying about - they did not commit. The viewer/investigator is supposed to then determine which is the crime that they committed. The evaluators were generally no better than chance at determining which was the crime the inmate actually committed. In an actual case investigation, after the subject told their story the investigator would ask a series of questions to develop additional details, during which the subject's deception would oftentimes become apparent.

Here are some additional problems with the overwhelming number of such studies:

- The subjects (students/prisoners) had low levels of motivation to be believed or to avoid detection... there were no significant consequences if their deception was identified.
- The interviews of the subjects were not conducted by investigators trained in investigative interviewing techniques...there were very few if any follow-up questions to probe for additional details.
- The studies did not employ the type of structured interview process that is commonly utilized by investigators in the field.

The Research Studies Did Not Follow the Established Protocol for the Evaluation of the Subject's Behaviors

- In most studies, there was no attempt to establish a behavioral baseline for each subject so as 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, whereas in the real world, the investigative interview of a subject takes place in the context of an investigation. For example, by the time the investigator interviews a suspect, they may already have developed information about the subject's relationship with the victim, their whereabouts at the time of the crime, their financial situation, and/or other relevant background information.

In the Reid Technique, we teach that there are several rules that all investigators should follow in the evaluation of a subject's verbal and nonverbal 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 at the time of the interview on their behavior symptoms.

If these rules are followed, a subject's verbal and nonverbal behaviors can help in the assessment of a subject's credibility.

Almost without exception, these assessment rules were not followed in any of the research studies conducted by social psychologists/researchers to evaluate the value of verbal and nonverbal behavior symptoms.

** Here is a perfect example of why it is so important to establish the subject's normal behaviors before attempting to assess the credibility of their statement:

During the interview, the subject exhibits the following behaviors:

- ▶ Poor listener
- ▶ Fidgets, constantly taps their fingers on the table/desk, or squirms in the seat
- ▶ Excessive talking..... Blurts out answers before questions are even completed

An investigator may conclude that the subject is exhibiting the behaviors suggestive of a deceptive individual, but these can be behaviors exhibited by individuals diagnosed with Attention-Deficit/Hyperactivity Disorder (ADHD).

If the investigator had not established the subject's normal behaviors at the outset of the interview (biographical information, casual conversation, etc.), they may have evaluated the subject's behavior as indications of deception.

The first stage (of the Reid Technique) comprises the behavioral analysis interview (BAI)... Composed of approximately fifteen provocative questions, the BAI is strategically designed to induce verbal and non-verbal responses from the interviewee

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, they oftentimes refer to the interview as "composed of several provocative questions" – referred to as behavior-provoking questions.

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 over abundance 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 after she had claimed that she decided to sell some of the large bills back to the vault because she was taking quite a few in large bills from her customer transactions – the teller tape contradicts that statement:

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 (in 20's) 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 during his interview was when the last time he had been over to John's house was, either for a social occasion or to work out of the real estate 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 on 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, but rather would make up an excuse, such as going over to the real estate office in John's house to finalize a contract.

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 any time, 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, or if they contradict what the subject is telling the investigator.

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

As for the use of behavior-provoking questions, here is an example of two behavior-provoking questions from a daycare facility staff member being interviewed during a child sex abuse investigation:

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

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

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

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

Reid's interrogation stage comprises nine psychological steps.....Each step is designed to increase the suspect's anxiety, minimize his or her perceived responsibility associated with the crime, and tacitly suggest that a confession is the fastest and best way to end the interrogation.

The Essential Elements of the Reid Interrogation Process

- Interrogations should only be conducted when the case investigative information indicates the subject's probable involvement in the commission of the crime. The purpose of an interrogation is to learn the truth.

- The investigator should conduct all interrogations following the guidelines established by the courts - advisement of rights; the presence of a parent or guardian for a minor; etc.
- The investigator should not make any promises of leniency, threats of harm or inevitable consequences, or physically abuse the subject.
- The investigator should not conduct interrogations for an excessively lengthy period of time.
- The investigator should not deny the subject any of their rights.
- The investigator should not deny the subject the opportunity to satisfy their physical needs.
- In a non-custodial interrogation, the investigator should not deprive the subject of the opportunity to leave the room.
- The investigator should exercise special precautions when questioning juveniles or individuals with mental or psychological impairments. The investigator should not misrepresent the case evidence to these subjects.
- When a suspect claims to have little or no memory of the period when the crime was committed the investigator should not misrepresent the case evidence to the subject.
- The investigator should never manufacture evidence implicating the subject.
- Investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.
- **The central focus of the persuasion process is to propose to the suspect reasons and motives that will serve to psychologically justify or excuse their behavior – not legally justify or excuse their behavior.**

One of the primary reasons that the Reid Technique is so successful in helping investigators resolve criminal investigations and to secure an acknowledgment of guilt from the offender is that the process is built on an understanding of human nature.

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.**” *

Gresham Sykes and David Matza first introduced the neutralization theory of criminology in the 1950s, and it focuses on how individuals who engage in criminal activity can justify their actions

to themselves and others. According to the theory, criminals use techniques such as denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners, and appeal to higher loyalties to neutralize the feelings of guilt or shame associated with their actions. This theory proposes that people who commit crimes often use techniques of neutralization to deflect responsibility for their actions and justify their criminal behavior.

“I didn’t really hurt anybody,” “They had it coming to them,” and “I didn’t do it for myself” are, as Sykes and Matza point out, examples of neutralizations. Neutralizations, also called rationalizations, are defined as justifications and excuses for deviant behavior.

Sykes and Matza identified five key techniques of neutralization:

The Five Techniques of Neutralization

1. *Denial of Responsibility*: Individuals who commit crimes may argue that their actions were beyond their control or that they were forced into committing the crime by circumstances beyond their control.
2. *Denial of Injury*: Individuals may argue that their actions did not cause any harm or that the harm caused was not significant enough to warrant punishment.
3. *Denial of the Victim*: Individuals may argue that the victim of the crime was deserving of the harm inflicted upon them.
4. *Condemnation of the Condemners*: Individuals may argue that the individuals or institutions that are punishing them are themselves corrupt or immoral.
5. *Appeal to Higher Loyalties*: Individuals may argue that their actions were justified because they were acting in the service of a higher moral or ethical principle.

According to criminal psychologist Shadd Maruna, Professor of Justice and Human Development at the Law School of Queen's University Belfast in Northern Ireland, studies indicate that the majority of criminals either make excuses for or attempt to justify their actions.... "as a way to mitigate the guilt."

Maruna: "Criminologists have interviewed every imaginable sample of individuals who break laws and found remarkable consistency in the use of what we call ‘techniques of neutralization’. There have been studies of deer poachers, terrorists, rapists, shoplifters, cyber hackers, murderers—you name it. And yet the individuals involved tend to use a very consistent and discernible number of post-hoc rationalizations to account for what they did."

“Neutralization 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 an 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.

Given the use of rationalizations by criminal offenders, the suggestion by an investigator that an accomplice talked them into committing the act under investigation, suggesting that the victim was accidentally shot, suggesting that the subject’s financial pressures caused him to act out of character, or blaming the victim for doing or saying something that provoked the incident are oftentimes simply justifications that the subject has already adopted.

The child molester who is sitting in jail is not thinking, “Yea, I’m where I belong” but rather, “I’m a misunderstood person ... people don’t understand me...I loved those boys, and I would not do anything to hurt them.” The interrogation of such an individual would focus on how he loved these boys, that he was just trying to express his affection for them, and that he would never do anything to intentionally harm them.

When we develop themes, we are appealing to the subject’s pre-existing justifications so as to create an environment in which they feel that we understand them, which in turn makes them feel more comfortable revealing to us the truth about what they did. Consequently, one of the primary reasons that the Reid Technique is so successful in helping investigators resolve criminal investigations and to secure an acknowledgment of guilt from the offender is that the process is built on an understanding of human nature.

* Source: *What is Neutralization Theory of Criminology? Its Relevance in Modern Times, Implications for Justice System and Criticisms* written by [Anita Sharma](#), published in [Social Science CriminologyLaw](#), March 23, 2023

When the Reid Technique is properly applied, it can be one of the most effective means by which to eliminate the innocent and identify the guilty.

- O'Neill, Desmond S; Theses and Dissertations, originally published in 2017