

The Essential Elements of The Reid Technique: A Fact Sheet

Since 1947, John E. Reid and Associates has been conducting investigative interviews and, when appropriate, interrogations.

For over six decades, we have been teaching investigators from law enforcement, government agencies, and the private sector from around the world proper interview and interrogation procedures. In this document, we will detail the procedures, guidelines, and best practices that we teach to all investigators. We will also respond to criticisms of the Reid Technique by defense attorneys, academicians, and false confession “experts”.

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

- the development of cooperation via rapport and trust
- the elicitation of information using productive questioning to enhance a subject’s recollection
- the use of strategic questioning and assessment of verbal or story-based cues to evaluate credibility; and,
- the strategic withholding of evidence as a way to identify statement-evidence inconsistencies and resolve a subject’s responses to discrepancies.”

This HIG description of science-based methodology describes the Reid Technique process.

The following are the essential elements of the Reid Technique interview and interrogation process:

The Elements of the Investigative Interview

- The initial contact with the subject (absent a life-saving circumstance) should be a non-accusatory, non-confrontational interview.

- All interviews should be conducted in accordance with the guidelines established by the courts, such as providing the appropriate advisement of rights and ensuring the presence of a parent or guardian for a juvenile as required by law.
- Throughout the interview, the investigator should maintain a neutral, objective fact-finder demeanor. During the interview, the investigator should not engage in any accusatory or confrontational behaviors.
- The interview should begin with casual conversation, biographical information, employment information, etc., to acclimate the subject to the interview process, develop rapport, and develop the subject's behavioral baseline.
- The investigator should use open-ended questions to develop the subject's statement, story, version of events, or explanation of what happened. In the interview, the investigator should do about 20% of the talking, and the subject should do about 80%.
- The investigator should observe the subject's verbal and non-verbal behaviors as a guide for the interview questions, suggesting when the subject may be editing, fabricating or withholding relevant information, indicating the need for additional follow-up questions.
- The investigator should evaluate the subject's statement in conjunction with the case facts and evidence. If the subject offers an alibi, the investigator should attempt to verify its authenticity.
- The investigator should not tell the subject what they already know about the case but rather should evaluate if the subject's statement is consistent with what is known or if the case facts and evidence contradict what the subject has stated.
- The investigator should utilize investigative and 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)
- Do 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 interview/investigation
- The interview (and any subsequent interrogation) should be recorded.

The Elements of the 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 in accordance with the guidelines established by the courts, such as the advisement of rights or the requirement for a parent or guardian to be present when a minor is questioned, etc.
- The investigator should always treat the subject with dignity and respect
- The investigator should not make any promises of leniency, should not physically abuse the subject, or make threats of physical harm or inevitable consequences
- The investigator should not deny the subject any of their rights
- The investigator should not conduct interrogations for an excessively lengthy period of time
- 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 caution when questioning juveniles or individuals with mental or psychological impairments
- The investigator should never manufacture evidence implicating the subject
- The investigator should begin the interrogation with a statement of involvement
- Following this initial statement, the investigator should engage in a monologue presentation (theme) in which he/she proposes to the suspect reasons and motives that will serve to psychologically justify or excuse their behavior, not legally justify or excuse their behavior
- When the subject acknowledges that they committed the act that is under investigation, the investigator should ask open-ended questions to develop corroborating information, such as the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc. Corroboration is an essential element to establish the authenticity of the subject's statement.

- The interrogation should be recorded.
- The subject's confession is not the end of the investigation...the investigator should continue to develop additional details about the subject's behavior before and after the commission of the crime, and to verify the details of his statement of involvement

Claims Made by Defense Attorneys, Academicians, and False Confession "Experts" about the Reid Technique

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.

As outlined above, the interview should begin with casual conversation. 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:

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

Response:

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

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

Unbeknownst to Dennis, when the police canvassed the neighborhood, they found a lady who lived across the street from John, who, that Saturday morning, was filming her kids playing soccer in the yard, and in the background, you could see someone approaching John's front door and then going into the house. A close examination of the video revealed that it was Dennis who went into John's house at about 10:00 am Saturday, the day of the murder. The fact that Dennis lied to the investigator about when he had most recently been at John's house was obviously very significant much more 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 investigative interview does include several behavior-provoking questions, which are questions that generally most truthful individuals answer one way, while deceptive individuals often answer in a completely different manner.

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

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

Subject 1: "Absolutely not, never....these are children."

Subject 2: "I think that everyone working here has thoughts like that."

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

Subject 1: "They should be fired and prosecuted for child abuse."

Subject 2: "Well, I guess it depends on how often it happened."

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 outlined above, we described the proper procedures that the investigator should follow in conducting the investigative interview and interrogation. We never suggest that the investigator should isolate the subject, deny the subject any of their rights, make promises of leniency or threats of harm or inevitable consequences, or create false evidence. In fact we teach investigators not to engage in any of these behaviors.

Criticism:

Reid-trained investigators are taught to use the subject's verbal and nonverbal responses as the basis for their assessment of the subject's truthfulness.... A process which research has demonstrated is completely unreliable.

Response:

The overwhelming majority of research studies investigating the value of using a subject's verbal and nonverbal behaviors as a basis for assessing their credibility are significantly flawed in their design.

For example, many of the studies use 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 which subjects were "innocent" and which were "guilty" based on the verbal and nonverbal behaviors.

The fundamental weakness in these types of studies is that the "subjects" had nothing at stake...they were not facing any significant consequence if they were identified as the offender.

Additionally, in several research studies, there was no opportunity to ask the subjects 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 crime they actually committed.

The evaluators were generally no better than chance at determining which was the crime the inmate committed versus the one he was lying about. In an actual case investigation, after the subject tells their story to the investigator, they will ask the subject a series of questions to develop additional details, during which the subject's deception would often become apparent. In this study, there were no follow-up questions at all.

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

- The interviews of the subjects were not conducted by investigators trained in investigative interviewing techniques...as mentioned, 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 valuation of the subject's Behaviors.....namely:

- In the studies, there was no attempt to establish a behavioral baseline for each subject so as 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 behaviors 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.

Criticism:

- *The goal of an interrogation is to secure a confession. The Reid Technique is a guilt presumptive process- investigators interrogate persons whom they believe to be guilty, and they will stop at almost nothing to secure the confession.*

Response:

We recommend that investigators should never use the interrogation process as the initial means by which to assess a subject's credibility. We teach that unless there is a life-saving circumstance, the initial contact with the subject should be a non-accusatory investigative interview, in conjunction with various investigative steps, the collection of evidence, investigation of the alibi, etc. When these steps have been completed and the investigative information identifies the subject as the probable offender, then an interrogation would be appropriate.

The purpose of an interrogation is to learn the truth. In most instances, this consists of the guilty suspect telling the investigator what he did regarding the commission of the crime under investigation. The obvious reason for this outcome is that interrogation should only occur when the investigative information indicates the suspect's probable involvement in the commission of the crime. However, there can be several other successful outcomes:

- the subject discloses to the investigator that he did not commit the crime but that he knows (and has been concealing) who did
- the suspect may reveal that while he did not commit the crime, he was lying about some important element of the investigation (such as his alibi – not wanting to acknowledge where he really was at the time of the crime), or
- the investigator determines the suspect to be innocent

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

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. incontrovertible or dispositive evidence.

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 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 6 decades 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

Re Misclassification: In the Reid Technique, as outlined above in our discussion about evaluating a subject's verbal and nonverbal behaviors during the investigative interview, we teach that several rules should be followed in the evaluation of a subject's behavior symptoms:

- Establish the subject's normal behavioral pattern/baseline and then look for changes from that norm or baseline
- Read all behavioral responses across all three channels of communication: verbal, paralinguistic, and nonverbal
- Read behavioral clusters - the overall behavioral pattern - not single, isolated observations
- Consider timing and consistency for all nonverbal responses
- Always evaluate behavior symptoms in conjunction with the case evidence and facts

- Always evaluate the potential impact of possible factors, such as the subject's mental capacity, psychological stability, maturity, culture, and physical well-being, on their behavior symptoms

If these rules are followed, a subject's verbal and non-verbal behaviors can help assess a subject's credibility.

Furthermore, as previously noted, the most important element in evaluating a suspect's potential culpability in committing a crime or an act of wrongdoing is not their behavioral responses, but the content of their statement as compared to the case facts and evidence. The essential element to evaluate during an investigative interview is whether or not the case facts and evidence support the subject's story or contradict what the subject has stated.

Re: Coercion

As outlined above, we teach that the investigator should never make any promises of leniency, threats of harm or inevitable consequences, or physically abuse the subject.

The investigator should not conduct interrogations for an excessively lengthy period of time – if the subject remains adamant in his denials at the 3- or 4-hour mark, the investigator should re-evaluate the situation.

The investigator should not deny the subject any of their rights.

The investigator should not deny the subject the opportunity to satisfy their physical needs.

In a non-custodial interrogation, the investigator should not deprive the subject of the opportunity to leave the room.

Re Contamination:

When conducting an investigation, the investigator should not tell the subject details about the crime, so that when a subject acknowledges they committed the act that is under investigation, 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.

Causes of False Confessions

In the last 60 years, there have been thousands of court decisions examining the admissibility of confessions. While the overwhelming majority of confessions are true and accurate, certainly false confessions do occur.

Common characteristics of the majority of false confessions include the following elements, all of which are the result of inappropriate conduct by the investigator:

- Physical abuse of the subject
- Threats of physical harm
- Threats of inevitable consequences (threats that if the subject did not confess, he would be sent to the penitentiary for more serious crime; threats that his family members would be arrested, etc.)
- Promises of leniency (that if he confessed, he would be released from custody; that he would not be prosecuted; that he will be granted a pardon; that he will receive a lighter sentence than the law prescribed)
- Denial of rights
- Denial of physical needs
- Excessively long interrogations
- Disclosure of crime details
- Failure to properly take into account the subject's mental limitations and/or psychological disabilities
- Failure to properly modify approaches with socially immature juveniles
- Failure to properly corroborate confession details

A review of false confession cases indicates that *individuals who are mentally impaired and juveniles should be considered more susceptible to false confessions than the population at large.*

With very few exceptions, false confessions are caused by the investigator engaging in coercive or inappropriate behavior. This assessment was confirmed by J.P. Blair, who reviewed the first 100 DNA exoneration false confession cases and reported that:

- "This study failed to find a single false confession of a cognitively normal individual that did not also include the use of coercive tactics by the interrogator....such as the use of physical force; denial of food, sleep or the bathroom; explicit threats of punishment; explicit promises of leniency; and extremely lengthy interrogations."

Best Practices that investigators should follow to prevent the possibility of obtaining a false confession

The best way to avoid false confessions is to conduct interrogations in accordance with the guidelines established by the courts, and to adhere to the following Core Principles and Best Practices:

- Do not make any promises of leniency
- Do not threaten the subject with any physical harm or inevitable consequences
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Withhold information about the details of the crime from the subject so that if the subject confesses, the disclosure of that information can be used to confirm the authenticity of the statement
- Exercise special caution when questioning juveniles or individuals with mental or psychological impairments
- Always treat the subject with dignity and respect
- Conduct an interview before any interrogation. Absent a life-saving circumstance, the investigator should conduct a non-accusatory interview before engaging in any interrogation
- Conduct an interrogation only when there is a reasonable belief that the suspect committed the offense under investigation or is withholding relevant information
- Attempt to verify the suspect's alibi before conducting an interrogation
- When interrogating a non-custodial suspect, do not deprive the suspect of his freedom to leave the room
- Do not conduct excessively long interrogations
- When a suspect claims to have little or no memory for the time period when the crime was committed, the investigator should not lie to the suspect concerning incriminating evidence
- Electronically record the interview and interrogation
- The confession is not the end of the investigation.

Following the confession, the investigator should investigate the confession details in an effort to establish the authenticity of the subject's statement, as well as attempt to establish the suspect's activities before and after the commission of the crime.

It is interesting to note what the courts have stated about “experts” who testify that the Reid Technique causes false confessions:

From *U.S. v. Jacques* (*United States v. Jacques*, 784 F. Supp. 2d 48

“In his declaration and at the hearing, Professor Hirsch explained that the primary cause of “coerced compliant” confessions are certain interrogation methods employed by law enforcement, including a widely used method known as the Reid technique....Beyond his own intuition, however, Professor Hirsch offered no basis for concluding that these tactics had any tendency necessarily to cause false, rather than true, confessions.

... Professor Hirsch's declaration offered no other evidence of the danger of certain police interrogation tactics, and the Reid technique in particular, except to say that “the use of these tactics [employed in the Reid technique] and their correlation with false confessions are extensively documented in the literature....Despite this broad statement, he did not provide any further explanation...”

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.”

In *State v. Belaunde* (December 2019) the Superior Court of New Jersey, stated in their opinion that *“No case supports the contention that using the Reid technique renders an adult’s confession inadmissible. A suspect will have a “natural reluctance ... to admit to the commission of a crime and furnish details.” ...Therefore, “an interrogating officer ...[may] dissipate this reluctance and persuade the person to talk ... as long as the will of the suspect is not overborne.”*

For additional information on proper interview and interrogation procedures, visit our YouTube channel - [The Reid Technique Tips](#), our [Investigator Tips](#) on reid.com, and our book, [Criminal Interrogation and Confessions](#).