



## **The Investigator's Workbook**

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## **Principles of Practice: How to Conduct Proper Investigative Interviews and Interrogations\***

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

Since the mid-1970s, 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 (an expansion of a prior Investigator Tip), we will detail the procedures, guidelines, and best practices that we teach to all investigators, and will include references and supporting documentation.

Our purpose is to reinforce the core principles of practice that we believe are essential for conducting effective interviews and interrogations, which are the principles we teach in all our training programs.

### ***Conducting the Investigation***

When a crime has been committed, there are several general guidelines that should be followed in conducting a thorough investigation.

#### ***Developing the Case Facts***

“Fact analysis” refers to the investigator’s ability to identify from factual information the probable motivation for a crime, unique access requirements (for example, access to a particular type of weapon or vehicle, knowledge of a security code or possession of keys), the window of time during which the crime was committed (to establish opportunity), and propensity characteristics about the person who committed the crime (for example highly intelligent, emotional or a drug user, etc.).

The following are suggestions with respect to collecting and analyzing factual information:

- Prior to an interview, and preferably before any contact with the suspect, the investigator should attempt to become thoroughly familiar with all the known facts and circumstances of the offense.
- In cases involving a victim, such as a robbery or assault, the victim should be the first person interviewed, as well any witnesses.
- The investigator should interview those suspects who are least likely to be guilty first and work toward the suspect most likely involved in the offense.
- Remember that when circumstantial evidence or especially physical evidence points toward a particular person, that person is usually the one who committed the offense.

\*(Authored by John E. Reid and Associates, 2025)

- After obtaining information from the person providing the details regarding the commission of the crime (e.g., the investigating officer), consider the possibility that the fact-giver may have become so convinced of the suspect's guilt and so anxious to obtain a confession himself that he prematurely may have confronted the suspect with an accusation or may have indulged in some verbal abuse.
- Consider that a fact-giver may have worked so many hours or days on a case that, without any malicious intent, he may have withheld relevant information or even have supplied unfounded information to the investigator.
- While listening to a fact-giver's report of the incident in question, jot down notes regarding dates, time, and nicknames of participants or witnesses, and fill in the complete details later rather than interrupt the fact-giver who is presenting the report.
- In appropriate situations, encourage the person relating the details of a case to sketch the place of occurrence and to note on it any relevant points.
- When interviewing a person regarding the facts of a case, ask what he believes may have happened, who he believes to be the chief suspect, and why
- Regard cautiously the reliability of information submitted by a paid informer.
- View with suspicion any anonymous report implicating a specific person in a criminal offense.
- Ask a child victim of a sexual offense involving a stranger to describe the scene of the offense.
- During an interview with the presumed victim or other reporter of a crime that involves money or property rather than a physical offense, consider the possibility that no crime was in fact committed.

### *Specific Information of Value to Investigators*

- There are many kinds of information that an investigator should have available before conducting an interview and/or an interrogation of a suspect. Some of this information will be developed through investigative efforts; some will be obtained during a non-accusatory interview that precedes any interrogation.

### Information about the Offense Itself

The following information about the offense itself should be obtained: the legal nature of offensive conduct (for example, forcible or statutory [underage]rape, robbery, burglary, or plain theft) and the exact amount and nature of the loss date, time, and place of the occurrence (in accurate detail)

- description of the crime area and of the crime scene itself
- the way in which the crime appears to have been committed and known details of its commission (for example, implement used, place of entry or exit)
- possible motives for its commission
- incriminating factors regarding a particular suspect

#### Information about the Suspect or Suspects

The following information about the suspect(s) should be obtained:

- personal background information (for example, age, education, marital status, financial and social circumstances, gang affiliation, and criminal record, if any, present physical and mental condition, as well as medical history, including any addictions to drugs, alcohol, or gambling)
- attitude toward investigation (for example, hostile, cooperative)
- relationship to the victim or the crime scene
- incriminating facts or possible motives
- alibi or other statements (for example, oral, written, or recorded) that the suspect related to investigators
- religious or fraternal affiliations or prejudices
- home environment
- social attitudes in general
- hobbies
- sexual interests or deviation, but only if directly relevant to the investigation
- abilities or opportunities to commit the offense

#### Information about the Victim or Victims

The following information about the victim(s) should be obtained:

A. companies or other institutions:

- attitudes and practices toward employees and public
- financial status (for example, insurance against losses)

## B. Persons

- nature of injury or harm and details thereof
- age, sex, marital status, and family responsibilities (number of dependents)
- social attitudes regarding race, nationality, religion, etc.
- gang affiliation
- financial and social circumstances
- physical and mental characteristics
- sexual interests or deviations, but only if directly relevant to the investigation
- blackmail potentialities

If, following an interview, the investigator believes that the information developed is inadequate for an effective interrogation, he should consider postponing the interrogation until the investigation has been resumed, in pursuit of further details. In some instances, a delay for that purpose is not feasible, and the investigator may have to proceed on the basis of the limited information available.

### *The Essential 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, among other considerations.
- 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 to 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, suggesting the need for additional follow-up questions. It is important to remember that there is no behavior unique to deception – behavior must be evaluated in context and against the subject's normal behaviors. There are numerous factors that can affect a subject's behavior during the interview, including culture, mental and psychological impairments, physical condition, drugs and alcohol, etc. 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 questions, which may in turn lead to the discovery of additional incriminating facts or evidence

- The investigator should evaluate the subject's statement in conjunction with the case facts and evidence. If the subject offers an alibi, attempt to verify its authenticity.
- The investigator should not tell the subject what they already know about the case, but rather should see 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 Essential 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 - advisement of rights; presence of a parent or guardian for a minor; length of time, etc.
- The investigator should always treat the subject with dignity and respect
- 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, do 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 – do not lie to these subjects about evidence
- The investigator should never manufacture evidence implicating the subject
- 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 about incriminating evidence
- 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

- The investigator should attempt to place the blame for what the suspect did on some person or set of circumstances other than the suspect himself and build the subject up as “a good, honest, hard-working person who made a mistake in judgment due to ...”
- The investigator should focus the theme on why the suspect committed the act, not if
- The investigator should use an alternative question to develop the subject’s initial acknowledgement of what they did: “Was this the first time you did something like this, or has it happened many times before?”
- When the subject acknowledges what they did, the investigator should ask open-ended questions to develop corroborating information – the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc. 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

### **Primary Causes and Contributing Factors for False Confessions**

Before we discuss the “best practices,” it is relevant to consider the primary causes of false confessions.

Over 60 years ago, in the first edition of their book, Criminal Interrogation and Confessions, John Reid and Fred Inbau expressed concern about the possibility of a false confession from individuals with a “mental illness” and suggested that there were two ways to test the veracity of their incriminating statements:

- 1) determine if they could offer details about the crime that had been concealed from the public, and/or
- 2) refer to some fictitious aspects of the crime and test whether the subject will accept them as actual facts relating to the occurrence

In the last 60 years, there have been thousands of court decisions examining the admissibility of confessions. 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)

- 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

The knowledge that potentially false confessions may occur as a result of coercive behavior, such as threats of harm and promises of leniency, has been known to investigators for many decades, but undoubtedly the awareness was heightened with the development of DNA exonerations.

According to the Innocence Project website, to date, there have been 253 Innocence Project exonerations; approximately 29 % involved false confessions. In almost half of these cases, the subjects were under 18 years old or mentally impaired at the time of their arrest

According to The National Registry of Exonerations, of the exonerees with reported mental illness or intellectual disability, 72 percent had confessed. Forty percent of the exonerees who were under 18 years old at the time of the crime falsely confessed

*Clearly, individuals who are mentally impaired and juveniles should be considered more susceptible to false confessions than the population at large.*

While the overwhelming majority of confessions are true and accurate, certainly false confessions do occur.

**With very few exceptions, false confessions are caused by the investigator engaging in coercive or inappropriate behavior,** as illustrated in a careful examination of the first 250 DNA exoneration cases. As pointed out by Davis and Leo “Many, and perhaps most, of the interrogations in the (DNA exoneration) cases.... crossed the line of proper interrogation techniques through the use of explicit threats and promises, feeding suspects crime facts, and/or other coercive practices.”



This assessment was confirmed by J.P. Blair, who reviewed the first 100 DNA exonerations, 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."

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

### Primary Causes and Contributing Factors for False Confessions

The following are the primary causes and contributing factors that lead to false confessions:

#### **Physical abuse and the threat of physical harm**

The courts have long recognized that physically abusing the suspect or threatening them with physical harm can cause an innocent person to confess. In our book, Criminal Interrogation and Confessions, as well on our website, we document numerous cases in which the courts have ruled confessions to be inadmissible because the subject was physically beaten or abused, or he was threatened with physical harm if he did not confess.

*In one case, an 18-year-old father was being interrogated about the suspicious death of his 6-month-old child, he was told by the investigator, "You don't get punished in this justice system for telling the truth. You get punished by.... doing something intentional and showing no remorse. Those people are called killers. And what do you think happens to baby killers in prison? What do you think is going to happen? You're eighteen." A second investigator stated, "It's mandatory life."*

*The subject was also told, "And your life won't be long as a baby killer in prison. Check the history papers. Stay online when you get a chance in the county jail. See what happens to baby killers in jail.", and, "When you get convicted of this and you go over for sentencing in front of that judge, every judge wants to send a baby killer to prison forever."*

*The court found that these "baby killer" statements were threats of physical violence that case law has reasonably found to be indicative of improper coercion.*

#### **Threats of inevitable consequences**

An example of a threat of inevitable consequences would be telling a suspect that if he did not confess his children will be taken away from him, or, telling a suspect that "if you don't cooperate and tell us that you did this, I'm going to make sure that you never see your wife or kids again."

*In one case, the investigators threatened to have federal authorities charge the suspect with a crime for having his mother's gun in his room. They implied that he would not see his infant son grow up. They also threatened him by saying his mother would lose her Section 8 housing and end up in the street with all of his younger siblings if he did not admit to committing the armed robbery.*

### **Promises of leniency**

The courts have consistently found that advising a suspect of the potential penalties he may face based on the type of crime that he committed is not coercive, but that promising the suspect a benefit for confessing, such as receiving a shorter sentence, getting counseling instead of going to jail, or being able to go home and not getting arrested, can nullify a confession

*For example, in the interrogation of a man who allegedly abused a 7-year-old child, he was told by the investigator that the case would go away and would not proceed if he met the victim halfway and apologized to her... He further told the subject that he could put the case "in a drawer" if he admitted to some "inappropriate sexual stuff."*

### **Denial of rights**

In reviewing false confession cases, in a number of instances, the subject was denied their rights – they were in custody, but when they asked for an attorney, that request was ignored, or they advised the investigator that they did not want to talk anymore, but the interrogation continued. In some juvenile interrogations, they were denied the opportunity to see a parent or guardian in violation of the law.

*In a recent custodial interrogation, the subject made what the court viewed as an unambiguous invocation of his right to an attorney (and the court found that the interrogation should have been terminated) when he stated, "If I'm going to answer questions, I'm going to need a lawyer here." Seconds later, he restated his request: "I want to talk to you, but I just need my lawyer." And after an investigator asks, "here's what you're telling us—you do want your lawyer?" Defendant once more affirms his request: "I want to talk, yeah. But I need my lawyer present." The interrogation continued without a lawyer present*

### **Denial of physical needs**

In a number of false confession cases that lasted an excessively long period of time (in some cases 16 hours or more), the subject never had the opportunity to get something to eat or drink, sleep or use the washroom.

### **Excessively long interrogations**

In many false confessions cases, the interrogation process lasted an excessively long period of time. One study of 44 false confession cases noted that the average length of interrogation was 16.3 hours. Several individuals who gave false confessions subsequently stated that they

confessed just to end the process, just to be able to go home. They felt confident that the subsequent investigation would prove that they had nothing to do with the crime

*Over the course of almost two days, the police detained the suspect, a man of limited intelligence and little education, who was unaccompanied by a friend or an attorney, for about 30 hours and questioned him almost continuously for about 17 of those hours. The investigators persisted in telling the suspect that he was guilty, "hollering and screaming" at him...despite being aware of his mental limitations and despite his repeated denials. At one point, the suspect feared for his life and signed an incriminating statement.*

### **Disclosure of crime details**

Many false confession cases include details about the crime that only the guilty person should know. However, a careful analysis in many of these cases found that these details were revealed to the subject by the investigator (oftentimes inadvertently) during the questioning, or were revealed in photographs that the investigators showed the subject. The disclosure of crime details to the subject contaminates the confession in that it is difficult, if not impossible, to determine if the subject had independent knowledge of these details or was just repeating what he was told.

### **Failure to properly take into account the subject's mental limitations and/or psychological disabilities**

In numerous false confession cases, the subjects had severe mental limitations, a very low IQ, or several cases were found to be extremely psychologically susceptible to suggestions of their guilt. In those instances where it is readily apparent that the subject has a significant mental limitation, the investigator should not engage in active persuasion but rather engage in a logical sequence of questions. The key factor in these instances where there is a concern about the subject's mental or psychological capacity, is to establish in the confession that the subject offered corroborating information that the police did not know, such as the location of the murder weapon, the bloody clothes, or the stolen jewelry

*For example, in one case the defendant was being questioned about committing a robbery – he was 19-years-old with an IQ of 55, and the intellectual functioning of a nine-year-old. According to the court, "It was clear from the beginning of the interview that [the suspect] had mental handicaps." When the investigators asked him to read a sign out loud, he began sounding out the words, but could not read the word "monitored." He told the officers, "I am slow in the head," "I lose memory real fast," and "Can you bring me to memory?" The court found that the investigators "took advantage of his intellectual deficiencies to intimidate, coerce or trick him into signing a waiver of his Miranda rights and falsely confessing to the robbery."*

### **Failure to properly modify approaches with socially immature juveniles**

Socially immature juveniles, as well as very young subjects, can be more susceptible to suggestion (active persuasion) and are motivated to please persons in authority, so caution must be exercised in the questioning of these individuals. We detail the cautions the investigator must exercise when dealing with this group later in this document.

## **Failure to properly corroborate confession details**

A review of false confessions will reveal that a number of these confessions contain details that were significantly different than the actual crime, such as the subject stating that he stabbed the victim when the victim had been shot. The best form of corroboration is for the subject to reveal accurate details about the crime that were not disclosed by the investigators, or to disclose details that the investigators did not know.

*A classic example of a case in which the details offered by the subject, in what turned out to be a verified false confession, should have been seen as significant red flags, included the fact that the subject did not know what happened to the gun used in the murder he had allegedly committed; did not know how many times the victim was shot; did not know when the murder occurred; and, drew a picture of the crime scene but placed the body in the wrong location from where it was actually found*

To summarize our discussion up to this point, the primary causes and contributing factors for false confessions are the following:

- Physical abuse of the subject
- Threats of physical harm
- Threats of inevitable consequences
- Promises of leniency
- 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

***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 cautions 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 issue 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 from 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 the Reid Technique:

*From U.S. v. Jacques (United States v. Jacques, 784 F. Supp. 2d 48 (2011) “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](#).

### ***Preparing to Testify in a Confession Case***

In almost every confession case, the defense will challenge the admissibility of their client’s confession, oftentimes suggesting that it was the result of some inappropriate behavior by the investigator.

For those of you who have attended a Reid training program, you can testify that the Reid program teaches the following Core Principals 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 cautions 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 issue 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 from 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.

### **Claims Made by False Confession Experts and Defense Attorneys about the Reid Technique**

In anticipation of a “false confession expert” testifying for the defense, please review the following claims that outline many of the false confession experts will make:

Critics of the Reid Technique make several false and erroneous statements (in italics below) when describing the Reid process. In the following pages, we will list their criticisms and our responses.

- *The Reid Technique is an accusatory, confrontational process.*

### **Response:**

The Reid Technique always begins with a non-confrontational, non-accusatory investigative interview. Throughout the interview process, the investigator should maintain a neutral, objective, non-judgmental fact-finder approach. No accusations of guilt should be made during the interview process.

The interview should begin with casual conversation, biographical information, employment information, etc. to acclimate the subject to the interview process, develop the subject's behavioral baseline and develop rapport.

The investigator should use open-ended questions to develop the subject's statement, alibi, story, version of events, or explanation of what happened.

After the subject relates their initial story or version of events, the investigator should then ask a series of questions to develop additional details, as well as questions to clarify the who, what, when, where, why, and how of the incident that is under investigation. (See pages 1-2 for the suggested procedures for conducting an investigative interview.)

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

### **Response:**

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

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 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 around 10:00 am 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 BAI also includes Behavior-provoking questions (BPQs), which are questions that most truthful individuals answer one way, while deceptive individuals oftentimes answer in a completely different manner.

Here is an example of two behavior-provoking questions from 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."

- *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 on page 9, we describe 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.

- *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 on 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, 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 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".

Additionally, in a number of 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 is crime 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.***

- *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 – in other words, we recommend that following the initial non-accusatory investigative interview, various investigative steps, the collection of evidence, investigation of the alibi, etc., should be conducted and only when the investigative information identifies the probable offender should an interrogation take place.

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.

- *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. Given current judicial and legislative trends regarding the use of deception during an interrogation, investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence.

- *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 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.

- *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, 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 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 in the Reid Technique, the investigator should never make any promises of leniency, threats of harm, or inevitable consequences or physically abuse the subject.

The investigator should not conduct interrogations for an excessively lengthy period of time – 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 the subject acknowledges what they did, the investigator should ask open-ended questions to develop corroborating information – the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc.... information that only the guilty would know. Corroboration is an essential element to establish the authenticity of the subject's statement.

### **Questions to anticipate being asked about your interview and integration process:**

#### **The recording**

Was the entire contact with the subject recorded, both the interview and the interrogation?

Was there any time when the discussion with the subject was not recorded? If so, what was the reason?

#### **Subject Rights**

Was the subject in custody or was he/she free to leave?

If in custody, was the subject properly advised of his/her rights?

Did the subject demonstrate a knowing and intelligent waiver?

Did the subject exercise any of their rights in an unequivocal manner at any time during the process? Was such an invocation honored?

If the subject is a juvenile, were the rights properly explained to the subject?

Were any of the subject's rights denied during the interrogation process?

Was the subject allowed to use the washroom facilities?

Was the subject provided any drink or food?

Was the subject allowed to sleep?

#### **Subject Attributes**

Does the subject have or exhibit any mental or psychological factors that would affect his/her ability to make a voluntary and true statement?

Is there any language issue that may have precluded the subject's ability to properly understand the process, questions and situation?

Does the subject have prior experience with law enforcement?

Does the subject have the cognitive ability to make a knowing and intelligent waiver?

Was the subject under the influence of drugs or alcohol during the interrogation?

Was the subject suffering from any physical injury during the interrogation?

If the subject is a juvenile, does the law require that a parent or guardian be present during the interrogation? If yes, were they contacted?

### **Length of the interrogation**

How long did the interview of the subject last?

How long did the interrogation of the subject last?

Did the interrogation take place during the subject's normal waking hours?

Did the interrogation exceed a reasonable length of time based on the statements made by the subject?

### **The interrogation process**

Did the subject have access to the door? Was it unlocked?

Did the investigators make any threats of harm or inevitable consequences?

Did the investigators make any promises of leniency?

Did the investigators reveal details of the crime to the subject?

Did the investigators show the subject pictures of the crime scene?

Did the investigators engage in any coercive tactics?

Did the investigators deny the subject any of their rights?

Did the investigators deny the subject the opportunity to use the restroom? to get something to drink or eat? to sleep?

### **The confession**

Did the subject provide details that were consistent with the crime evidence?



Did the subject provide details that had been withheld by the police?

Did the subject provide details that the police did not know?

Did the subject write the written document? If not, did he read it or just sign it?

Did the subject provide the content of the written statement or was it written for him?

## **Conclusion**

**The REID Technique Core Principles and Best Practices** that we have been teaching for decades are:

- 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 – 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.
- The investigator should exercise special precautions when questioning juveniles or individuals with mental or psychological impairments.
- 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.
- When the subject acknowledges what they did, the investigator should ask open-ended questions to develop corroborating information – the location of the murder weapon or bloody clothes; how the subject gained entry into the building; where the subject sold the stolen jewelry, etc. Corroboration is an essential element to establish the authenticity of the subject's statement.
- The interview and 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 further verify the details of his statement of involvement.

**All investigators should adhere to the following principles of practice:**

- Always treat the subject with dignity and respect
- Always conduct interviews and interrogations according to the guidelines established by the courts
- Do not make any promises of leniency
- Do not engage in any physical abuse of the suspect
- Do not make any threats of harm or inevitable consequences
- Do not conduct interrogations for an excessively lengthy period
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Exercise special caution when questioning socially immature juveniles or individuals with mental or psychological impairments
- The interview and interrogation should be recorded.

In anticipation of a “false confession expert” testifying for the defense, please review the following Investigator Tips that outline many of the claims that false confession experts will make:

[Investigator Tips About the Reid Technique and False Confession Experts Sorted by Topics](#)

[Responding to a False Confession Expert in Your Case](#)

## [The Disingenuous Testimony from Social Psychologists About the Reid Technique](#)

There are dozens of additional Investigator Tips that you can review at <https://reid.com/resources/investigator-tips>.

If you have any questions or need any additional information, please send an email to Joseph P. Buckley at [jbuckley@reid.com](mailto:jbuckley@reid.com).