

## **The Reid Technique is a Non-confrontational, Non-accusatory Process**

Oftentimes defense attorneys, social psychologists, academicians, and members of the media describe the Reid Technique as an accusatory process, and they should (and many do) know better.

Over 55 years ago John E. Reid and his colleague, Northwestern Professor of Law Fred E. Inbau, described in the second edition of their book, Criminal Interrogation and Confessions, published in 1967, that the non-confrontational interview as an integral part of the investigation process, writing that “during the interview process, the investigator should assume a neutral position and refrain from making any statement or implications” about the subject’s guilt or innocence.

They suggested that the following areas of inquiry should be part of the interview process :

- Ask the subject if he knows why he is being questioned
- Ask the subject to relate all he knows about the occurrence, the victim, and possible suspects
- Obtain from the subject detailed information about his activities before, at the time of, and after the occurrence in question

All investigators understand that the initial contact with a subject (victim, witness or suspect) should be a non-accusatory, non-confrontational interview the purpose of which is to develop information – to give the subject an opportunity to tell their story, and to provide any information they may have as to the who, what, when, where, why and how of the issue under investigation.

In all investigations, we teach that the initial contact with any subject should be a non-accusatory, non-confrontational interview. Interrogation should only take place when the investigative information indicates the subject’s probable involvement in the commission of the issue under investigation.

In a previous Investigator Tip (**Principles of Practice: How to Conduct Proper Investigative Interviews and Interrogations** April 2022) we pointed out several 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 following the guidelines established by the courts; such as the appropriate advisement of rights; the presence of a parent or guardian for a juvenile; etc.
- 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 or withholding relevant information, thereby indicating 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 behavioral pattern. Numerous factors can affect a subject's behavior during the interview that the investigator must consider, including culture, mental and psychological impairments, physical condition, drugs and alcohol, and maturity.
- 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 that may in turn lead to the discovery of additional incriminating facts or 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 evaluate whether 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 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 crime 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 should be recorded.

When the information developed during the interview and investigation indicates the subject's probable involvement in the commission of the act under investigation, an interrogation may be warranted.

We teach that there are several types of statements that the investigator may make at the outset of the interrogation process, including the following:

- *As a result of the investigation that we have conducted and considering the information you gave me during our interview, the investigation indicates that there are some areas that we need to clarify.*
- *The results of our investigation indicate that you have not told me the complete truth about (issue)*
- *As you know, we have interviewed everyone in the area, and you are the only one that we cannot eliminate from suspicion.*
- *I have in this file the results of our investigation into the (issue). The results of this investigation indicate that you are the person who (committed the offense).*

An alternative approach is what is commonly referred to as the Non-Confrontational Approach. Using this approach the investigator begins the interrogation process **without making any statement about the subject's involvement**, but simply beginning with what we call a "third-person theme."

A third-person theme is a real or fictitious event about the investigator, friend, or past case depicting a similar type of offense to that of the suspect's. One of the benefits of using a third person theme is that it minimizes the frequency of denials because it is not specifically directed at the subject's behavior. The following example illustrates a third-person theme.

*"Jim, the reason I want to talk with you today is that you remind me of a fellow we had in here a couple of weeks ago. He was young and ambitious and a real go-getter. By working his way up the ladder at a bank, he went from clerk to teller, and finally, he was promoted to auditor within a period of 8 or 10 months. Everything seemed to be going well for him. He had a loving wife, two lovely children, and they were in the process of moving to a new home in a very nice subdivision.*

*One day, while he was balancing the books, he noticed a teller had failed to record a \$6,000 deposit. This was the amount that he needed to complete a down payment on his new home. On the spur of the moment, he decided to take the money. I don't think I have to tell you what happened next. The bank noticed the shortage after the customer called. This young auditor came under suspicion, and I remember him sitting right where you are, telling me how sorry he was for taking the money. The reason you remind me of him is that, just like him, you have a lot going for you. You are intelligent, ambitious, and I'm sure basically very honest. I think what happened to you is that on the spur of the moment you decided to do this to help pay bills for food or maybe clothes for your family. . . ."*

In summary, the Reid Technique begins with a non-confrontational, non-accusatory investigative interview in which the investigator is a neutral, non-judgmental, objective factfinder. During the interview, the investigator should not engage in any accusatory or confrontational behaviors.

When an interrogation is appropriate there are multiple statements the investigator can use to initiate the process.