

In the case *State v. Wright* (Jan. 2012) Dr. Solomon Fulero, Professor of Psychology at Sinclair College, offered testimony about the Reid Technique – his testimony (quoted below) provides a perfect example of how “false confession experts” misrepresent what the Reid Technique is – **oftentimes attributing to the Reid Technique tactics that we teach should never be used by any interrogator.** After the quoted testimony of Dr. Fulero we provide some brief comments (in blue).

“Dr. Fulero testified regarding the Reid technique—a police interrogation method used to elicit confessions by making suspects believe that confessing is in their best interest.”

**The Reid Technique consists of a three phase process including Factual Analysis in which the investigator attempts to determine possible suspects based on motive, alibi, relationship to the victim, possessing the knowledge necessary to commit the crime, the presence of any incriminating evidence, etc; non-accusatory interview designed to develop investigative and behavioral information to determine investigative direction, followed by, when appropriate, an accusatory interrogation. The interrogation component is last element in the Reid Technique.**

“According to Dr. Fulero, the Reid technique usually involves the use of a bare interrogation room, containing only a desk and chairs, located within a maze of hallways at a police station.”

**We emphasize that in both the interview and the interrogation phase of the Reid Technique be conducted in a quite, private environment with a minimum of distractions – we never talk about locating the interview room “within a maze of hallways at a police station.”**

“The technique requires an officer to attempt to establish a rapport with the suspect so that the suspect will be more likely to talk and believe that the officer is on his or her side.”

**We each that in the interview phase that the investigator should maintain an objective and neutral role and attempt to develop rapport with the subject, and maintain a sympathetic and understanding manner in the interrogation.**

“The first step in such an interrogation is direct positive confrontation—for example, “We already know you're guilty, we're not here to talk about whether you're guilty, we're here to talk about what happened.”

**In the interview, which in the Reid Technique precedes any interrogation, the investigator does discuss with the subject his possible involvement in committing the crime. The subject is given the opportunity to discuss the case, his alibi, his relationship with the victim, etc. When the results of the interview and subsequent investigation indicate that the subject likely committed the crime, Step One in the**

**Reid Nine Steps of Interrogation begins with an accusation of guilt: “Jim, the results of our investigation clearly indicate that you did (issue).”**

“At this point a suspect is put in a hopeless position and is, therefore, more likely to accept what the officer suggests as a face-saving way out or an “incentive.” Incentives can include confessing to end the interrogation and escape the room, avoiding the consequences of threats, or accepting the ploy by the police that they believed what happened may have been an accident.”

**We never teach to create an environment in which the subject feels hopeless, and we teach that it is inappropriate and improper to offer the subject a promise of freedom (leaving the interrogation room) in return for a confession as well as making any threats to the subject – courts have consistently rejected these type of tactics.**

**There are instances in which we discuss with the suspect that his behavior may have been the result of self-defense or even an accident - In the case *State v. Fundaro* (Jan. 2012) the court found that rationalizing a defendant's actions (self-defense/accident) in such a way that he "might hope that he would not be charged with murder" did not render the confession inadmissible.”**

“Dr. Fulero further testified that an incentive could also be the presentation of an alternative question to the suspect. For example, “We already know that you did this, but the real question is whether or not this was planned or whether it was accidental.” Other alternative include suggesting that someone else was at fault, that the suspect was under the influence of drugs, or that the suspect was coerced. Dr. Fulero saw evidence of the Reid technique during Wright's interrogation. He described the Reid technique as psychologically coercive. Specifically, he referred to Defendant being asked if the crime was planned or accidental and whether he was on drugs.”

**The alternative question is offered when a suspect is ready to tell the truth about what they did and is phrased to address an element of the offense: Was this the first time or did it happen before? Was this the subject’s idea or was he talked into it? – it should never offer the suspect a promise of leniency or a threat of physical harm or inevitable consequences. In *People v. Benson* (2010) the court found that “The general assertion that the circumstances of a killing could make a difference was not materially deceptive. It is not deceptive to state that an accomplice to murder may be better off than the shooter.”**

**There are no coercive elements in the Reid Technique – all aspects of the technique are in full compliance with all of the guidelines established by the courts for admissible confessions. As one U.S. District court stated, “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.” *US v.***

**Jacques, May 2011, the US District Court of Massachusetts**

“He pointed to questions relating to the co-perpetrator taking advantage of and threatening Defendant, thus inviting Wright to attempt to minimize his culpability by blaming Dixon. These questions, according to Dr. Fulero, demonstrate that the officers were attempting to use the Reid technique to allow Defendant to save face and minimize his involvement in the crime by admitting to accident, drug use, or threats.”

**The Reid Technique is specifically designed to do everything possible to protect against a person making a coerced or false confession. In our training manual, courses and books we teach the following:**

- **Do not make any promises of leniency**
- **Do not threaten the subject with any physical harm or inevitable consequences**
- **Do not conduct interrogations for an excessively lengthy period of time**
- **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 he can reveal information that only the guilty would know**
- **Exercise special cautions when questioning juveniles or individuals with mental or psychological impairments**
- **The confession is not the end of the investigation – investigate the confession details in an effort to establish the authenticity of the subject’s statement**

**False confessions are not caused by the application of the Reid Technique, they are usually caused by interrogators engaging in improper behavior that is outside of the parameters of the Reid Technique – using improper interrogation procedures – engaging in behavior that the courts have ruled to be objectionable, such as threatening inevitable consequences; making a promise of leniency in return for the confession; denying a subject their rights; conducting an excessively long interrogation; etc.**

“Dr. Fulero also testified about the risks of false confessions. He stated that false confessions increase significantly after six hours of interrogation. Defendant was in custody for nearly thirteen hours, when the interrogation ended. According to the testimony, sleep deprivation is also a contributing factor to false confessions and Defendant had not slept the night before he was interrogated. Other factors that increase the possibility of false confessions are cognitive limitations, drug use, suggestibility, and personality type. Evidence of all of these was presented in the instant case.”

**The courts have consistently found that the length of an interrogation by itself is not definitive of the voluntariness of a confession, but one element to consider in the totality of circumstances, as well as the subject’s physical and emotional condition at the time of the questioning – we certainly agree that these elements must be given careful consideration by the investigator.**

One of the keys to determining the accuracy of a confession is the amount of corroboration provided by the suspect – dependent corroboration (offering the details the police withheld, such as the murder weapon; the nature of the assault, the items that were stolen, etc) as well as independent corroboration (information the police did not know, such as the location of the murder weapon, the bloody cloths or the stolen property).

In this case, *State v. Wright*, the court stated that **“there is nothing illegal about a police officer's use of the Reid technique during interrogations of suspects. Indeed, that technique has frequently been accepted as a legitimate investigative tool.”**

For more information on misrepresentations made by expert witnesses about the Reid Technique, click here to access a 12 page article entitled, Clarifying Misinformation about The Reid Technique.