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The New Yorker magazine article entitled "The Interview" by Douglas Starr, published December 9, 2013, profiled John E. Reid and Associates. "Today, John E. Reid and Associates, Inc., trains more interrogators than any other company in the world. Reid's clients include police forces, private security companies, the military, the F.B.I., the C.I.A., and the Secret Service - almost anyone whose job involves extracting the truth from those who are often unwilling to provide it. The company interview method, called the Reid Technique, has influenced nearly every aspect of modern police interrogations, from the set up of the interview room to the behavior of detectives."

Throughout the article the author references statements critical of The Reid Technique that were offered by Professor Saul Kassin, and social psychologists Dr. Richard Leo and Dr. Richard Ofshe. Unfortunately, Mr. Starr did not reference any of the information that we provided directly to him regarding the issues that were raised or the information that we have posted on our website regarding these issues. Consequently we will do that here. All of the quotes are from the article.

Professor Kassin: "He believes that the Reid Technique is inherently coercive. The interrogator's refusal to listen to a suspect's denials creates feelings of hopelessness, which are confounded by the fake file and lies about the evidence."

Information Mr. Starr ignored:

In an email sent to Mr. Starr on January 15, 2013 we provided him with the following information:

The principles that form the core of the Reid Technique are successfully used everyday. Underlying the foundation of the Reid Technique are the following principles/guidelines:

- 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

Everyone who attends any of our training programs or reads our materials understands that our position has always been to treat the subject with dignity and respect - we are empathetic and understanding.

In terms of lying about evidence, in 1969 the United States Supreme Court in the case of

Frazier v. Cupp, upheld the defendant's confession even though the police had falsely told him that his accomplice had confessed. The court stated, "The fact that the police misrepresented the statements that [the suspected accomplice] had made is, while relevant, insufficient in our view to make this otherwise voluntary confession inadmissible. These cases must be decided by viewing the 'totality of circumstances...'"

In our book, Criminal Interrogation and Confessions, 5th ed, 2011 we make several recommendations with respect to misrepresenting evidence during an interrogation:

1. Introducing fictitious evidence during an interrogation presents a risk that the guilty suspect may detect the interrogator's bluff, resulting in a significant loss of credibility and sincerity. For this reason, we recommend that this tactic be used as a last resort effort.
2. This tactic should not be used for the suspect who acknowledges that he may have committed the crime even though he has no specific recollections of doing so.
3. This technique should be avoided when interrogating a youthful suspect with low social maturity or a suspect with diminished mental capacity. These suspects may not have the fortitude or confidence to challenge such evidence and, depending on the nature of the crime, may become confused as to their own possible involvement if the police tell them evidence clearly indicates they committed the crime.

Professor Kassin: "In the mid-nineteen nineties, Kassin devised an experiment to explore how easy it was to induce false confessions. Two students would sit at a table with a computer. One student, an accomplice of the researchers, would read individual letters from a chart for the other to type, at varying speeds. The experimenter would warn the students not to hit the ALT key – hitting it would cause the computer to crash. The program was programmed to crash sixty seconds after the experiment began, and the experimenter would angrily ask the participants if they had hit the forbidden key. Ripping a page out of his notebook, he'd scribble an admission and demand that the student sign it. These conditions gave a baseline confession rate, after which various Reid tactics were used to see which ones provoked additional false confessions.

The first time Kassin tried the experiment, with seventy-five participants, the students were so intimidated by the accusatory question that about a quarter of them signed the confession."

Information Mr. Starr ignored:

In an email sent to Mr. Starr on March 22, 2013 we provided him with links to several Power Point programs that are available on our website (at no cost) – one of which is entitled, "What is the Reid Technique?" In that Power Point program we point out that an investigator's first contact with a subject should never begin with an accusatory statement, but rather a non-accusatory investigative interview. It is only when the information developed during the interview, as well as other investigative procedures and steps, indicate that the subject is withholding relevant information that would be appropriate to initiate an interrogation. In most of the research efforts designed by academics, they do not follow the protocol established in real life investigations.

To further illustrate this point, Professor Kassin conducted a second study focusing on the hypothesis that lying to a suspect about having incriminating evidence actually encourages

innocent people to confess. The study used a cheating paradigm in which participants (college students) were instructed not to help another person (a confederate within the study) with a particular task. In half of the cases, the other person asked the participant for help, which most provided. All participants were then accused of helping the confederate with the task and advised that cheating would be a violation of the University's honor code. Under this condition, none of the innocent participants confessed and 87% of the guilty participants confessed.

A second group of half innocent and half guilty suspects were not only accused of cheating but also told that there was a hidden video camera in the room which would eventually reveal their guilt or innocence. Under this circumstance 93% of the guilty suspects confessed and 50% of the innocent suspects “confessed.”

A careful examination of the process used in this study indicates that these innocent participants did not confess to helping the other person at all. Rather, they signed a prepared statement to that effect. Further, and of most importance, they were reassured that if the hidden camera exonerated them they would not get into any trouble by signing the statement.

If this interrogation tactic were used during an actual criminal interrogation, the confession would be suppressed by the courts. Encouraging suspects to sign a prepared confession by offering them a promise that if future evidence exonerates the suspect the confession will not be used against them, clearly shocks the conscience of the court and community. In other words, the innocent participants in this study were manipulated into believing that signing the confession would not result in any negative consequences.

Dr. Richard Leo: “As Kassin and his colleagues were examining interrogations in the lab, social psychologists were observing them in the field. In the mid-nineteen-nineties, Richard Leo, a law professor at the University of San Francisco who had undergone Reid training, spent more than nine months sitting in on nearly 200 interrogations at the Oakland, Hayward and Vallejo police departments. He found that most police officers used key elements of the Reid Technique, but many skipped the initial interview and went straight to the interrogation.”

Information Mr. Starr ignored: As published on our website, it is interesting to note that Dr. Leo did not find any false confessions in these 200 interrogations.

Dr. Richard Leo and Dr. Richard Ofshe: “He [Dr. Leo] and Richard Ofshe, a social psychologist, have observed what they call ‘persuaded’ false confessions – an innocent suspect, worn down, fabricates a story to satisfy his questioners.”

Information Mr. Starr ignored: In an email sent to Mr. Starr on March 22, 2013 (and supplemented on our website) he was provided with the following information:

In the first 250 DNA exonerations there were 41 false confessions or 16%. According to Attorney Brandon Garrett these confessions “all involved very long interrogations, and most involved vulnerable juveniles or mentally disabled individuals.”

The Innocence Project lists on their website the following causes for false confessions:

- duress
- coercion
- intoxication
- diminished capacity

- mental impairment
- ignorance of the law
- fear of violence
- the actual infliction of harm
- the threat of a harsh sentence
- Misunderstanding the situation

We agree. In fact we distribute at all of training seminar a specialized handout that points out the need to exercise extreme caution when interviewing juveniles or individuals with mental impairment – here is a link to that document on our website:

<http://www.reid.com/pdfs/20120929d.pdf>

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.

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

Douglas Starr statement: “The Reid interrogation technique is predicated upon an accurate determination, during Behavioral Analysis, of whether the suspect is lying. Here, too, social scientists find reason for concern. Three decades of research have shown that nonverbal signs, so prized by the Reid trainers, bear no relation to deception.”

Information Mr. Starr ignored: In an email sent to Mr. Starr on March 22, 2013 he was provided with the following information:

Two studies conducted under federal grants from the National Security Agency identified significantly high degrees of accuracy for investigators identifying truthful and deceptive subjects during real life Behavior Analysis Interviews. The studies are detailed in our book, *Criminal Interrogation and Confessions*, 5th edition 2013.

Most of the detection of deception research that “experts” refer to in making this criticism [that a subject’s behavior symptoms can not be evaluated for indications of truth or deception] involve studies that were conducted in the laboratory using students to commit mock crimes. Laboratory detection of deception research studies do not produce helpful results for a number of reasons:

- The subjects (students) had low levels of motivation to be believed (in the case of innocent subjects) or to avoid detection (in the case of guilty subjects).
- The interviews of the subjects were not conducted by investigators trained in interviewing criminal subjects.
- The studies did not employ the type of structured interview process that is commonly utilized by investigators in the field.
- In most studies there was no attempt to establish behavioral baselines for each subject so

as to identify unique behaviors within a particular individual.

- The research was based on the faulty premise that there are specific behavior symptoms that are unique to truth or deception (see discussion below).
- There was little consideration given to evaluating behaviors in context. For example, identifying whether specific nonverbal behaviors are appropriate given the verbal content of the suspect's response, identifying the consistency of a suspect's statements across time and with known evidence, and so on.

However, when researchers attempt to design studies which more closely approximate the setting of real life field interviews, they show a marked increase in the ability of researchers to detect deception. Consider the following:

- High-stake lies are detected at higher rates than low-stake lies.

(O'Sullivan, M., Frank, M. G., Hurley C. M., and Tiwana, J. (2009). Police Lie Detection Accuracy: The Effect of Lie Scenario. *Law and Human Behavior*, 33, 6, 530–538 published February, 2009. The authors point out that their results “suggest that police professionals perform significantly better when they are judging material that is high stakes, and therefore, more similar behaviorally to what they experience on the job. . . . The results suggest that it is a mistake to generalize from mean lie detection accuracy estimates obtained from college students. . . .”

- When an investigator understands the context in which an interview is taking place (for example the case facts and background information) accuracy in the assessment of a subject's behavior symptoms greatly increases.

(Blair, J., Levine, T., and Shaw, A. (2010). Content in Context Improves Deception Detection Accuracy. *Human Communication Research*, 36. The study demonstrated that when evaluators knew the context in which the interview took place “they performed significantly better than chance and significantly better than 40 + years of research suggests they would. Clearly, knowledge of the environment in which deception occurs facilitates accurate deception judgments beyond what is possible based on observations of nonverbal leakage.”

- Accuracy in detecting deception with real-life suspects is significantly higher than suggested by studies that use subject's in a mock crime scenario.

(In their research paper entitled, “Detecting True Lies: Police Officers' Ability to Detect Suspects' Lies,” (*Journal of Applied Psychology*, 2004) the authors asked 99 police officers to “judge the veracity of people in real-life high-stakes situations.” The authors describe this study as unique because they tested “police officers' ability to distinguish between truths and lies in a realistic setting (during police interviews with suspects), rather than in an artificial laboratory setting.” The results were that “the “accuracy rates were higher than those typically found in deception research.”

- Training and experience in the field of behavior symptom analysis significantly increases the ability to detect true and false statements.

(Strategic Use of Evidence During Police Interviews: When Training to Detect Deception Works. *Law and Human Behavior*, 2006 the authors report that trained interviewers “obtained a considerably higher deception detection accuracy rate (85.4%) than untrained interviewers.”

Also see “Police Officers’ judgments of veracity, tenseness, cognitive load and attempted behavioral control in real-life police interviews,” (*Psychology, Crime & Law*, 2006)

Ironically, Mr. Starr quotes professor of psychology, Aldert Vrij, as a critic of an investigator’s ability to discern truth or deception from the behavior displayed by a subject during the interview, but ignores Mr. Vrij’s comments which he published in 2012 in which he stated that future detection of deception research efforts should be conducted in a way that “better mirror the situations in which practitioners assess veracity” than they have in the past [using mock crimes as the basis for research], and that “deception researchers should collaborate with experienced practitioners.” <http://www.reid.com/pdfs/20120929a.pdf>

Douglas Starr statement: “Last fall, I travelled to Washington, D.C., to meet James Trainum, who spent 17 years as a homicide detective before retiring. He was trained in the Reid Technique and used it for years, but he came to doubt it after a murder investigation in 1994.” Mr. Starr then goes on to relate the details of what Mr. Trainum believes was a false confession caused, at least in part, by use of the Reid Technique.

Information Mr. Starr ignored: In our book, *Criminal Interrogation and Confessions*, and on our website, we point out that if an interrogator does not see progress within a 3 or 4 hour time period of initiating an interrogation the investigator should re-evaluate the situation and consider terminating the interrogation. In the false confession case that Mr. Trainum expressed concern about, the interrogation lasted 16 hours! We teach not to conduct these kind of lengthy interrogations.

As we stated earlier, when investigators do not follow proper practices they can create an environment for a false confession.

Douglas Starr statement: “In 1990, after a flurry of false confession scandals in Britain, the government appointed a commission of detectives, academics, and legal advisors to develop an interview method that would reflect up-to-date psychological research. After two years work, the commission unveiled their technique, called PEACE, for Preparation and Planning, Engage and Explain, Account, Closure, Evaluate. The method differed dramatically from previous practices. Police were instructed not to try to obtain confessions but to use the interview as a way to gather evidence and information, almost as a journalist would. . . . Some American law-enforcement officers are trying to develop approaches similar to PEACE.”

The first part of The Reid Technique is the non-accusatory interview (consisting of the same elements of what is being called the PEACE model) in which the subject is interviewed about the issue under investigation – his activities during the time period in question, his relationship with the victim, his whereabouts at the time of the incident, etc – the interviewer is developing investigative information to answer the questions who, what, when, where, how and why. In our book, *Criminal Interrogations and Confessions*, we devote 7 chapters to the interview process.

We welcome a discussion of proper and improper interrogation issues – we simply ask for the discussion to include objective information from both perspectives.