

**Reid Technique, an effective 45-year-old interrogation technique? Or an outdated
technique?**

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Abstract

The Reid Technique is a 45-year old technique that has not been revised. It is the most widely used method of interrogation but has led to numerous wrongful convictions. The Reid Technique has the ability to be an effective tool but shouldn't be the only interrogation tool used by law enforcement agencies. There are other methods of interrogation that can be used other than the Reid Technique.

Keywords: wrongful convictions; Reid Technique

Effectiveness of Reid Technique

The Reid technique is the most utilized interview/interrogation technique by most law enforcement agencies. When used correctly, it is considered the most effective technique in the criminal justice system. Unfortunately, the key words are "when used correctly". There are cases such as Oregon State V. Jackson, where the Reid technique was improperly used and led to a confession to be suppressed (Setting the Record Straight on the Reid Technique, 2023). There are new techniques like the Reid technique such as the Kinesic interview method and the Preparation and Planning, Engage and Explain, Account, Closure and Evaluate (PEACE) method, which have been proven to reduce the number of false confessions (Orlando, 2013).

To effectively employ the Reid technique, a law enforcement officer needs to go through the Reid Program. The Reid Program consists of seven different courses of four days or less, which law enforcement should take that would effectively help them to protect and serve their communities. However, the keyword is "should", it is not required for a law enforcement officer to complete the Reid Program (*John E. Reid and Associates, Inc.*, n.d.). The Reid Program consists of eight principles: 1. Do not make promises of leniency; 2. Do not threaten the subject with any physical harm or inevitable consequences; 3. Do not conduct interrogations for an excessively lengthy period; 4. Do not deny the subject any of their rights; 5. Do not deny the subject the opportunity to satisfy their physical needs; 6. Do withhold information about the details of the crime from the subject so that if the subject confesses the disclosure of that information, it can be used to confirm the authenticity of the statement; 7. Do follow all Miranda requirements; 8. Do exercise special caution when questioning juveniles or individuals with mental or psychological impairments; 9. Always treat the subject with dignity and respect. Anyone who has gone through the program has not had anything negative to say. This includes

other countries that participate in the Reid Program, including Norway, which has the model criminal justice system (Setting the Record Straight on the Reid Technique, 2023).

Unfortunately, there are law enforcement who improperly apply the Reid technique. Some law enforcement officers conduct accusatory interviews. Also, provide details of the crime, make threats, or even provide false promises of leniency to elicit a confession. A prime example of that is State v. Jackson where the Oregon Supreme Court supported a lower court's decision to withhold a confession because of threats and promises provided during an interview using the Reid technique. During the proceeding, the Reid process was described as isolated. Law enforcement put the suspect purposefully in a small room to induce anxiety, confronted the suspect with accusations of guilt, and mentioned they had strong evidence against the suspect. Furthermore, law enforcement showed sympathy and justifications or rationalization to the suspect, so the suspect could minimize the crime and confess to end the interview (Setting the Record Straight on the Reid Technique, 2023).

The power of the confession

Did you know that once a confession is obtained from the suspect, the investigation stops? Those who falsely confess, have pled not guilty and proceeded to trial, the jury conviction rates range from 73% to 81%. These staggering statistics show that confessions (whether false confessions or not) have more impact on verdicts than other evidence. Juries do not fully omit confessions even when they are deemed to be in result of coercion. Confessions may seem to close cases efficiently but is it efficient? According to the Innocence Project, in 25 percent of their DNA exonerating cases, an innocent person falsely confessed. To elaborate further, some suspects had falsely confessed and were still convicted even after DNA and other evidence contradicted their confession. Unfortunately, this is the case even with safeguards implemented

such as the pretrial suppression hearing after juries determine the validity of a confession (Kassin, 2010).

An unfortunate example of suspects who had falsely confessed but were still convicted even after DNA and other evidence contradicted their confession is the infamous Central Park Jogger case of 1989. In the Central Park Jogger case, five boys confessed after long and excruciating interrogations. During pre-trial, DNA testing recovered from the victim excluded the boys. However, they were still convicted on a theory no evidence that there was a sixth unidentified accomplice whom law enforcement had failed to identify. After the serial rapist who was incarcerated for a different rape confessed, 13 years later the boys were exonerated. This is not an isolated wrongful conviction. Research shows in an analysis conducted that 125 false confessions who went to trial were convicted even though there was no other evidence present or the evidence contradicted the confession (Kassin, 2010).

Criminal Justice Reform

The criminal justice system acknowledges the need for reform and in response to the concern of the Reid technique, alternative approaches have been explored. These alternative approaches focus on building rapport, developing trust, and trying a more empathetic and information-gathering approach. These approaches have a good balance of protecting the suspect's rights, the well-being of the individual, and obtaining accurate information. These approaches also enhance transparency and minimize the risk of false confessions. A prime example of an alternative approach is the Planning, Engage and Explain, Account, Closure and Evaluate (PEACE) model used by the United Kingdom (Galvano, 2023).

When using the PEACE method, law enforcement officers allow the suspect to completely tell their story without interruptions. After the suspect is done speaking, then the law enforcement officers confront the suspect with inconsistencies, contradictions, or any other evidence. Law enforcement officers are prohibited from using deception during the interview. The PEACE model is a five-step process identical to the acronym. The first letter "P" for planning consists of having a written interview plan. The interview plan focuses on the objectives of the interview and the order of the interview. Furthermore, the objectives should consist of the time a suspect has been in custody, the topics to be discussed, and the points necessary to prove the offense or provide a defense. Also, the law enforcement officer should be well versed on the suspect's background, i.e. cultural background. The cultural background could affect how someone prefers to be addressed. The second letter "E" for Engage and Explain consists of having engagement with the suspect. Ideally, the law enforcement officer should establish a rapport but at a minimum should use active listening. The law enforcement officers should explain the reasons for the interview and its intent. Moreover, they should explain in its entirety the process of the interview and expectations (goal of the interview). Law enforcement officers should encourage the suspect to mention anything they believe is relevant to the case. The third letter "A" for Account, consists of law enforcement officers using appropriate questions and active listening to obtain the suspect's account of events. Questions asked should be short, clear, and concise. The goal is to help clarify and expand the account. Multi-part questions should be avoided due to possible confusion, and questions that suggest a particular answer should also be avoided. Questions that suggest a particular answer should be used as a last resort. The fourth letter "C" for Closure is self-explanatory, how to close the interview. Closure should be planned to avoid a sudden end to the interview. The intent is for law

enforcement officers to summarize the suspect's account of events, allowing them to make clarifications and ask questions. The last letter, "E" for Evaluate, is also self-explanatory. The law enforcement officers should evaluate the interview and assess how the suspect's account fits with the investigation. Also, determine if further action is needed, and reflect on their performance during the interview (Orlando, 2013). Countries such as Great Britain and Norway, also use another alternative method to the Reid technique called the Kinesic Interview. The Kinesic Interview analyzes the person's behavior, and its purpose is to detect deception. The Kinesic Interview method is similar to the Reid technique. The term Kinesics is the study of nonverbal communication. It consists of two phases, the first being the "Practical Kinesic Analysis Phase" and the second being the "Practical Kinesic Interrogation Phase." The analysis phase consists of the interviewer using several techniques to observe and analyze the suspect's behavior. The goal is to determine the suspect's truthful and deceptive behaviors or at least to determine those areas most sensitive to them. There are four fundamental stages of the interview: (1) orientation, (2) narration, (3) cross-examination, and (4) resolution.

Conclusion

Furthermore, the law enforcement officer uses information gathered during the first phase to lead the interrogation toward a specific subject. The ultimate goal is to "break the cycle of deception" during the interrogation; this includes confronting the suspect's negative response and emotional state. There are over 30 practical kinesic principles to guide law enforcement officers in this process. The first and most important principle is that "no single kinesic behavior, verbal or nonverbal, proves a person is truthful or deceptive. The other principles include people are better able to control verbal than nonverbal kinesic signals and attack a denial. The law

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enforcement officer should review the real or circumstantial evidence with the subject every 3 to
5 minutes.

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