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# The Ineffectiveness of the Reid Technique in Law Enforcement Interrogations and How a Non-Accusatory Model of Interview Can Be Applied in Law Enforcement Interviews in the United States

Angie Chen

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The Ineffectiveness of the Reid Technique in Law Enforcement Interrogations and  
How a Non-Accusatory Model of Interview Can Be Applied in Law Enforcement  
Interviews in the United States

Angie Chen

Spring 2021

Pforzheimer Honors College Senior Honors Thesis

Pace University

Major: Criminal Justice

Thesis Advisor: Professor Demosthenes Long, Ed.D, JD

## **Abstract**

The research questions that this thesis explored were “Why the Reid Technique is Ineffective for Law Enforcement Interrogations?” and “How a Non-Accusatory Model of Interview Can Be Applied in Law Enforcement Interviews in the United States.” In recent years, the harmful effects of using a confrontational, adversarial interrogation method, such as the Reid technique, have emerged. These interrogation methods are based on pseudoscience. The effects of these types of interrogation methods can include psychological harm and false confessions. Professionals and officials in the law enforcement field are exploring new options for interviewing including non-accusatory methods such as the PEACE model. A non-accusatory method of interviewing can aid in obtaining more information while mitigating the risks of an accusatory method.

To explore these questions, interviews were conducted with Dr. Brent Snook and Mr. David Thompson. Dr. Snook is an academic that researches how science can be applied to the criminal justice system including in interviews and interrogations. Mr. Thompson is the Vice President of Operations for Wicklander-Zulawski, an investigative and consulting company that focuses on utilizing non-accusatory methods of interviewing. From these interviews, Dr. Snook and Mr. Thompson confirmed what has been published about the Reid technique and how it is an ineffective technique to use in modern law enforcement interviews. The PEACE model of interviewing is a model based in science that can be applied to law enforcement agencies in the U.S. The adoption of non-accusatory methods in certain U.S. law enforcement agencies suggest that change is possible. This adoption can be accelerated if a federal mandate is created that requires U.S. law enforcement agencies to adopt a non-accusatory method of interviewing like the PEACE model and discontinue use of accusatory methods such as the Reid technique.

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## **Introduction**

Law enforcement officers use several investigative techniques in order to solve crimes. Interviews of witnesses and interrogation of suspects are chief among these investigative techniques. How police investigators conduct these interviews/interrogations has been and continues to be a matter of public concern. In fact, several states now require police investigators to video tape suspect interrogations (Bang, Stanton, Hemmens, & Stohr, 2018). The current standard of interrogation in the United States is the Reid technique, which utilizes outdated psychology and pseudoscience. A new standard must be created in order to ensure a fair interrogation without coercion (Kozinski, 2018). One non-accusatory interview method that is popular in Europe and in Canada is the PEACE model. This model emphasizes the use of conversation to get information and does not encourage the use of coercive tactics such as deception or lying about evidence like the Reid technique encourages. This model can help curb false confessions and is beneficial for the overall investigation process (Vrij et al., 2017). This thesis examines how a non-accusatory method of interviewing can be utilized in the U.S despite the number of years that law enforcement officials have been using an adversarial technique to interrogate individuals. Furthermore, it will explore the shortcomings of the Reid technique along with the benefits of the PEACE model and other non-accusatory tactics of interviewing.

## **The Evolution of Police Interrogations**

Up until the mid-1930s, police interrogations could include physical abuse and tactics known as the third degree (French, 2019). The third degree could include blatant physical abuse, abuse that didn't leave a mark, such as waterboarding, beatings with rubber hoses and sandbags, isolation, starvation, and verbal threats (Kozinski, 2018). The use of the third degree was hidden from public view but slowly, people started becoming aware of the police obtaining convictions

using unethical tactics, which in turn made people, especially jurors, doubt the reliability of confessions. This led to reforms in the United States as well as a Presidential Commission's "Report on Lawlessness in Law Enforcement," also known as the Wickersham Commission Report. This report helped diminish the practice of the third degree and opened up a path for the development of psychological manipulation through accusatorial interrogation approaches (Vrij et al., 2017). A notable case that also aided in protecting individuals being interrogated is the *Brown v. Mississippi* (1936) case. In Brown, all three defendants were taken into custody to be interrogated and were whipped and beaten till they confessed. Utilizing these coerced confessions, the defendants were indicted, tried, convicted and sentenced to death. This case was appealed to the U.S Supreme Court and the Court ruled that the defendants' constitutional right of due process under the 14th amendment was violated by being tortured to the point of confession. The three defendants, Yank Ellington, Ed Brown, and Henry Shields, had their convictions reversed and received lighter sentences (Davis, 2018). This was a very important case that helped eliminate harmful, "enhanced" interrogation tactics.

The Reid technique was first developed in the 1940s by Fred Inbau and John Reid (formalized in 1962). However, Reid was the one to popularize this method (Kozinski, 2018; Vrij et al., 2017). Reid used his experience as a Chicago cop and a polygraph examiner to create a method of interrogation that utilized lie detection skills to identify a person's guilt and obtain confessions. This technique gained popularity as it was thought to be effective in eliciting confessions. Currently, John E. Reid & Associates, Inc. (Reid & Associates) trains interrogators and police in the U.S. on the federal, state, and local levels (French, 2019).

## **What is the Reid Technique?**

The Reid technique can be divided into three steps: the Factual Analysis, the Behavioral Analysis Interview (BAI), and the Interrogation. The Factual Analysis is where the available evidence is analyzed in order to determine possible suspects or leads and in the process, eliminate improbable suspects (Kozinski, 2018).

After identifying a potential suspect, the BAI is conducted which is a neutral information-gathering interview to determine guilt/innocence and acts as a gatekeeper for the “real” interrogation (French, 2019). This process usually lasts 30-40 minutes with the interviewer asking general, non-accusatory questions about the suspect in order for the interviewer to look at verbal and nonverbal cues, eye contact, demeanor, and posture in order to determine what is the suspect’s “normal” behavior. There will then be “behavior-provoking” questions that specifically elicit different verbal as well as nonverbal responses depending on if the suspect is being truthful or not by comparing their responses to how their behavior was during the non-accusatory questioning. The interviewer will then come up with a conclusion on whether or not the suspect is lying based on the cues given (Carey, 2009). The Reid Manual states that since the BAI acts as a gatekeeper for the interrogation, “only people who are believed to be guilty are interrogated” meaning that once a suspect makes it to the interrogation stage, the interrogator’s only objective is to get a confession admitting guilt (Kozinski, 2018, p. 311).

The interrogation stage is a highly confrontational, accusatory interaction that involves the interrogator already presuming the suspect is guilty and the main goal is to extract a confession (French, 2019). The Reid Manual describes the interrogation part of the technique as a nine-step process:

- 1. Positive Confrontation:** this is where the interrogator tells the suspect that they know the suspect is guilty. The statement should be unequivocal and said with confidence. The interrogator should attempt to cut off all denials of guilt from the suspect.
- 2. Theme Development:** the interrogator will offer different scenarios as to how the suspect is involved in the crime and present moral justifications or themes. The interrogator creates a narrative that places the blame on others or outside circumstances.
- 3. Handling Denials:** the interrogator should discourage the suspect from speaking if they ask for permission. The Reid Manual states that innocent people do not ask for permission but rather “promptly and unequivocally” denies their guilt.
- 4. Overcoming Objections:** suspects at this point will make objections to support their innocence and the interrogator should accept these objections as truthful in order to use them to further develop the theme/narrative.
- 5. Procurement and Retention of Suspect’s Attention:** the interrogator has to make sure they have the suspect’s attention and make sure that the suspect is focusing on the theme being created instead of possible punishments. This can be accomplished by closing the physical distance between the two subjects.
- 6. Handling the Suspect’s Passive Mood:** the interrogator needs to intensify the theme presentation and keep displaying a sympathetic demeanor, try to display understanding, and urge the suspect to tell the truth.
- 7. Presenting an Alternative Question:** the interrogator should ask a question that presents two choices and one of the choices should be a better justification for the crime. To further elaborate, the interrogator may offer a supporting statement to aid in pushing the suspect to choose the better alternative choice.



8. **Having the Suspect Orally Relate Various Details of the Offense:** once the suspect chooses the better justification, which means they have admitted their guilt, the interrogator should reinforce that admission and acquire a full oral review of the events of the crime by asking more questions.
9. **Converting an Oral Confession to a Written Confession:** the interrogator will obtain a written or recorded confession from the suspect using the suspect's own language (Orlando, n.d.).

The Reid Manual also encourages the use of false evidence, witness statements, and other non-existent evidence to play up the strength of the case that the police have against the suspect (Young, 1996).

Though the Reid technique might've been impressive at the time, it is now based on outdated, "folk psychology" that makes assumptions on human behavior and coercion. Many of these assumptions have since been proven inaccurate. Reid & Associates have updated their manual time and time again in an attempt to keep up with psychological developments but the technique still endorses methods that have been shown to increase the risk of false confessions (French, 2019).

### **Factors that lead to False Confessions**

A false confession is where a person admits their guilt for a crime that they did not commit or are responsible for. There are two main sets of risk factors that explain why people falsely confess to crimes that they didn't commit: Dispositional risk factors and Situational risk factors (Perillo & Kassin, 2011). Dispositional or personal risk factors are inherent in the suspect and includes:

- **Personality Characteristics:** some individuals have personality traits that make them more vulnerable to respond to situations with compliance and/or suggestibility when exposed to the pressures of interrogation (Kassin & Gudjonsson, 2004). People that have poor memory, low self-esteem, are not assertive, and have high levels of anxiety are prone to suggestibility. Compliance, as explained by Gudjonsson, has two major parts: one is an eagerness to protect one's self-esteem when with other people and a desire to please. The other is the inclination to avoid conflict and confrontation (Gudjonsson, 1989).
- **Youth:** juvenile individuals are a vulnerable population to falsely confess. Child witnesses have been shown to be more open to suggestibility and compliance when compared to adult witnesses especially when faced with authority figures (Kassin & Gudjonsson, 2004). Grisso (1981) looked at 491 felony cases that were referred to juvenile court and found that only 9% of suspects exercised their right to silence. When the other 91% were asked why they agreed to talk to the police, suspects stated that their main concern was their immediate situation of detention or release. Although many states allow an "interested adult" into interrogations with a juvenile suspect such as a parent or guardian, that does not affect the rate of waiving their rights as many "interested adults" urge compliance (Kassin & Gudjonsson, 2004).
- **Intellectual Impairments:** those that have intellectual impairments in cognitive and linguistic abilities are more at risk to falsely confess as they are unable to fully comprehend their rights or how to apply them. They may be unable to understand how their actions while making legal decisions may cause severe consequences (Kassin & Gudjonsson, 2004).

- **Mental Illness:** people with mental illnesses that include symptoms of distorted memories, warped perceptions, impaired judgment, a breakdown of reality, and lack of self-control may be more inclined to give false statements, information, and confessions (Kassin & Gudjonsson, 2004).

Situational factors are pressures due to the environment of being in custody and in an interrogation (Perillo & Kassin, 2011). The physical custody and isolation while an individual is being questioned are purposeful. Interrogators are taught to place suspects in a foreign environment, isolated and removed from any familiar surroundings, which causes increased anxiety. This, coupled with long interrogation times, fatigue, and starvation, can increase a person's desire to escape the situation by any means necessary (Ofshe & Leo, 1997). During the interrogation, the process of confrontation with strong statements of a suspect's guilt can drive a person to a state of despair where the only outcome they see is a confession (Kassin & Gudjonsson, 2004).

Kassin and Wrightsman (1985) classified false confessions into three categories: voluntary, coerced-compliant, and coerced internalized (Kassin & Wrightsman, 1985). Voluntary false confessions are where people who are innocent confess to a crime without any pressure from authorities. Some reasoning behind voluntary confessions can include: the desire for notoriety such as in high-profile cases covered in the media, the need to punish oneself, whether that need is conscious or not due to guilt over past wrongdoing, a break from reality where they do not realize the difference between fact or fiction, and finally the possible desire to help protect the actual offender (Kassin & Wrightsman, 1985). Coerced-compliant false confessions are confessions obtained from suspects during police interrogations where they confess to a crime they did not commit in order to escape an unwanted situation (such as an interrogation), avoid

implied and explicit threats as well as obtain possible rewards. Examples of incentives for people to confess can include the ability to go home, make a phone call, sleep, or avoiding being in confinement (Kassin & Wrightsman, 1985). The last category is the internalized false confessions where the suspects being interrogated are innocent but they are a part of a vulnerable population that is easily swayed by highly suggestive interrogation methods. These individuals are convinced through the interrogation process that they have committed the crime in question and may even create false memories throughout the process (Kassin & Wrightsman, 1985). When discussing the flaws of the Reid technique, the main concerns include coerced-compliant and internalized false confessions.

### **How can the Reid Technique Lead to False Confessions?**

The BAI step of the Reid technique is based on flawed and outdated psychology. The BAI relies on the investigators to be able to detect whether or not a person is lying or guilty based on inaccurate assumptions about human behavior. Such assumptions describe how those that are telling the truth do not fidget, sweat, or have improper posture and maintain eye-contact (Kozinski, 2018). Many scholars and researchers have cast doubt on the BAI and believe that it does not accurately distinguish between those that are telling the truth and those that are lying. Since these are unreliable assumptions, investigators have been shown to only be slightly better at detecting deception than laypeople, and there is doubt as to if training or experience will increase their abilities (French, 2019). Since the BAI is flawed, it fails as a gatekeeper for the second stage of the technique and exposes individuals to the interrogation stage.

Once the BAI is completed, the interrogator precedes with the interrogation on the assumption that the suspect is guilty and their main objective is to extract a confession. The Reid Manual states that interrogations should present the suspect's guilt as a fact and build a "theme"

or narrative that supports that fact (French, 2019). Part of creating a theme is cutting off denials from the suspect and utilizing closed-ended questions, but this can create the issue of tunnel vision or confirmation bias. The investigators are merely looking for facts that confirm what they believe is true and what fits the narrative of the suspect being guilty while ignoring or overlooking facts that may point to a different person (Vrij et al., 2017). The interrogators already view the suspects as guilty and just need the suspect to verify that but this causes investigators to miss other valuable information for the case or signs of innocence.

The practice of offering moral justifications or excuses for the crime that was committed is called minimization and it presents a narrative that minimizes the role a suspect played in the crime. This tactic eases a suspect into providing a confession by justifying their actions, but also suspects might infer that leniency may be given if a confession is provided (Russano, Meissner, Narchet, & Kassin, 2005). The implicit promise of leniency if a suspect confesses or admits guilt can increase the risk of innocent suspects falsely confessing in order to get out of their current predicament and hope that their innocence is proven later through the criminal justice system.

The use of false evidence and deceit in order to present what seems to be a strong case against the suspect is called maximization. This technique requires the interrogator to state that there is evidence of the suspect's guilt, such as fingerprint, hair, blood sample, eyewitness identification, etc., even if the evidence does not exist (Perillo & Kassin, 2011). Though controversial, the use of this type of deception was allowed in *Frazier v. Cupp*, 394 U.S. 731 (1969). The problem with maximization techniques is that it exposes suspects to false and misleading evidence that could create issues when suspects try to recall what they have experienced such as confabulating false memories. These false memories can include incorrect information about what they previously experienced as well as non-existent items that are now in

the narrative (Vrij et al., 2017). The Reid technique and other accusatorial techniques may lead a suspect to not trust their own memory, which Gudjonsson and MacKeith (1982) described as “memory distrust syndrome.” This is a condition in which people distrust their memory to the extent that they are now vulnerable to external influence and suggestions that can often lead to an internalized false confession believing that they must have committed the crime (Kassin & Gudjonsson, 2004). Kassin and Kiechel (1996) designed the computer crash paradigm which was the first paradigm that elicited false confessions in a laboratory setting. In this paradigm, participants that were innocent were accused of hitting a key on a computer keyboard that made the computer crash. This study found that 69% of the individuals that participated falsely confessed and signed a confession. Kassin and Kiechel point to factors such as minimization and maximization techniques as well as factors such as age and personal vulnerabilities that led to the participants falsely confessing (Russano, Meissner, Narchet, & Kassin, 2005).

The methods in the Reid technique that are designed to get guilty people to confess to a crime such as minimization and maximization techniques can also cause innocent individuals to confess. Those that support the Reid technique often argue that these methods would not cause innocent individuals to confess, but when innocent suspects are exposed to the conditions that the Reid technique creates during interrogation: stress, exhaustion, hunger, and anxiety, innocent individuals may confess in order to end their current predicament. In a Reid interrogation, it seems as if the only way out is to comply with the interrogator (Kozinski, 2018).

### **The Evolution of Non-Accusatory Methods of Police Interrogations**

In England, the public expressed dismay after several miscarriages of justice in high-profile cases were revealed including cases with false confessions from the suspect due to coercion. The Royal Commission on Criminal Procedure was created in 1981 and it concluded

that the factors leading to these wrongful convictions originated from the interrogation room where physically and psychologically manipulative techniques were used. These findings caused the need to create a new protocol, a new non-coercive interview technique (Vrij et al., 2017). The Police and Criminal Evidence Act (PACE) was passed in 1984. It limited coercive, physically, and psychologically manipulative tactics in interrogations and mandated that all custodial interrogations be audio-recorded (French, 2019). In 1993, The Royal Commission on Criminal Procedure further proposed the PEACE model, a non-accusatory method of interviewing created by a team of experienced detectives using current psychology (Vrij et al., 2017). Since the PEACE model has been adopted by the U.K., other countries have begun abandoning accusatory methods of interrogation such as the Reid technique and have amended their interrogation protocols to include the PEACE model and other non-accusatory information gathering tactics. Such countries include Norway, New Zealand, and Australia. Other countries including Sweden, Denmark, and Canada are slowly transitioning to this non-coercive technique (French, 2019).

### **What is the Peace Model and How is it Used?**

The acronym PEACE in reference to the PEACE model represents the required steps in this technique and stands for Planning and Preparation, Engage and Explain, Account, Closure, and Evaluation (Vrij et al., 2017).

- **Preparation and Planning:** in this phase, the interviewers are basically creating a written interview plan, organizing the evidence, and stating the objective of the interview. In this phase, the interviewers consider the characteristics of the interviewee that may be relevant to the interview.
- **Engage and Explain:** the interviewer should make sure that the interviewee is engaged by actively listening to the individual, build a rapport, and ensure that the interviewee

knows the purpose of the interview. The interviewer should explain the process and objectives of the interview as well as encourage the interviewee to bring up anything they believe to be relevant to the investigation.

- **Account:** this is the main part of the interview process where the interviewer is using appropriate questions and allows the interviewee to freely provide an account of the events that they experienced all while the interviewer is actively listening. The questions should be short and understandable to a person that is unaware of criminal justice jargon. Leading questions may only be used if absolutely necessary. The interviewer should not interrupt the individual while recounting their version of the narrative.
- **Closure:** during this stage the interviewer repeats and summarizes the individual's account of the story and allows for them to make any clarifications or to ask any questions.
- **Evaluate:** after the interview is complete, the interviewer should compare the individuals' statements against the evidence and how their story fits into the whole investigation. The interviewer will draw conclusions based on the individuals' performance and decide if further action is necessary (Orlando, n.d.).

The goal of the PEACE model is to gather information and look at the facts without deceptions or lies. Unlike Reid, the PEACE model allows for most of the talking to be done by the suspect or witness and questions them in a non-accusatory, open-ended question interview (Kassin, Appleby, & Perillo, 2010).

### **Research Questions**

The research questions that this thesis explored were “Why the Reid Technique is Ineffective for Law Enforcement Interrogations?” and “How a Non-Accusatory Model of



Interview Can Be Applied in Law Enforcement Interviews in the United States.” To investigate these questions, I used a qualitative approach and conducted semi-structured interviews with two experts in the field of law enforcement interviews and interrogations. The interviews were conducted and recorded via Zoom and the participants gave explicit permission to be recorded. Each of the interviews took about one hour to complete and the video recordings were stored in a password-protected laptop. The participants were given and signed a consent form that outlined the purpose of the interview in the context of this thesis and highlighted that participation in this research was voluntary. The interviewees were made aware that they were allowed to skip questions that they felt uncomfortable answering or didn’t want to answer and that they were allowed to stop the interview at any time or request to be excluded from the study. The participants also gave permission to be identified by name and to have their professional history included in this thesis in order to establish their expertise. The informed consent forms for both participants and the Pace University IRB Proposal Form were submitted to the IRB, however, IRB approval was not required for this study.

## **Methodology**

For this thesis, I interviewed Dr. Brent Snook who received a B.A. in Sociology from the Memorial University of Newfoundland and received his Masters and Ph.D. from the University of Liverpool focusing on Forensic Psychology. Dr. Snook is currently a tenured professor in the Psychology department at the Memorial University of Newfoundland and the Principal Investigator at the Psychology and Law Laboratory at said University. His research and publications focus on how science can improve the criminal justice system including in interview and interrogation methods (Memorial University of Newfoundland, 2017). His interest in interrogations and interviewing was sparked by his intrigue into how science can improve

policing. He realized that although interviewing is seen as a soft skill in law enforcement, it makes up about 50% of all the work that police do (Snook, 2021).

I also interviewed David Thompson who is the Vice President of Operations and an instructor for Wicklander-Zulawski, an investigative and training company that focuses on utilizing non-accusatory methods of interviewing. Mr. Thompson also creates and develops the interview/interrogation curriculums that is taught to law enforcement agencies (W-Z History, n.d.). He went to Canisius College in Buffalo, NY and received a Bachelor's degree in Psychology and Criminal Justice. Mr. Thompson is currently enrolled at Arizona State University for a masters in Forensic Psychology (Thompson, 2021). His interest in interviewing and interrogations began with his work in investigations in the private sector.

Mr. Thompson also is a Certified Forensic Interviewer by the International Association of Interviewers.

### **Primary Data- Interviews**

When asked about the Reid technique and what aspects of the technique are done well and what are some things that are problematic, Dr. Snook explained how the Reid technique has a good reach within police organizations. The Reid technique is prevalent throughout North America and the training itself has built inroads with police as well as other police organizations. Snook applauded the systematic process of the Reid technique especially having a book that outlines the actual methods used to train law enforcement officials. Dr. Snook noted that a lot of the tactics that the book outlines for this technique are not supported or backed by any empirical evidence; it is pseudoscientific in nature. The Reid technique is not grounded in peer review and those that have tested elements of this technique have stated that this technique is quite problematic. Though the book on the Reid technique is transparent about what they advocate for,

Dr. Snook is concerned about most of the methods that this technique calls for. As stated previously, the Reid technique advocates for using implied inducements that can often lead to false confessions. Another interesting concern that Dr. Snook brought up was the issue of statement admissibility. Many people, when arguing against the Reid technique, often uses examples where there is an innocent person that falsely confesses to a crime because of the tactics that the Reid technique advocates for but it also affects the confessions of those that are guilty. Dr. Snook brings up the example where there is a guilty individual that these tactics are used on and are successful in eliciting a confession but the judge may rule the confession inadmissible and throw out the statement if too much coercion was used. This confession may have been true and the individual may indeed be guilty but since the police used very intense tactics, the statement is thrown out and that individual may walk free. The law enforcement officers may have a lot of evidence against a suspect and may not have needed to use the harsh tactics that the Reid technique outlines in order to obtain a confession.

When asked about other methods of interrogation that could be better or could replace the Reid technique, Dr. Snook pointed to the PEACE model. This model, according to Dr. Snook, is very ethical and science-oriented. However, he advocates for the use of any method that has ethical standards and principles as its guiding ethos backed by empirical research. Dr. Snook likes any method that also utilizes sensible dialogue, good practices such as open-ended questions, and not any forms of coercion or deception. Just presenting the real evidence to the person in question and allow them to explain the events as they perceived them. The PEACE model may also be called by many people as conversation management where reciprocity and rapport building along with the use of evidence in a strategic way are aspects of an effective interview.

When asked about differences between the PEACE model and the Reid technique, Dr. Snook pointed out how different the mindsets are utilizing these methods. The Reid technique begins with the assumption and conclusion that someone is guilty. This leads to looking at things in a confirmatory way, these individuals using this technique begin with the decision that someone is guilty then finds evidence that confirms that belief. The PEACE model, on the other hand, is exploratory. This model seeks to find information and evidence that will later lead them to make a decision. The Reid technique also rests on the belief that being accusatorial is necessary in order to get a confession but in the PEACE model, using conversation management is completely different. The PEACE model explains what open-ended questions are and how to use prompts such as “explain” and “describe” to tap into a person’s memory. The PEACE model uses questions to gather information without the use of deception or nonverbal cues to deception such as in the Reid technique. Dr. Snook also pointed out that the Reid technique book states the need to treat suspects like they are on a lower moral plane which the PEACE model would never advocate for. The PEACE model advocates for treating people, suspects, and detainees as humans, like anybody else. Just because they have committed an offense doesn’t mean they don’t deserve a certain level of respect.

Dr. Snook also provided an example of the PEACE model being utilized in the U.S. in the state of Vermont. Dr. Snook had recently published a paper evaluating the program that he and his colleagues implemented in the Vermont State Police Department that started in 2019. In this paper, Dr. Snook evaluates the training component of the PEACE model and describes the different tiers to implementing and training using the PEACE model. Tier 1 is described as the tier where good communication and the fundamentals of conversation are taught to law enforcement officials. Tier 2 introduces trainees to good interview tactics including witness

interviewing and cognitive interviewing that are used with suspects and detainees. This tier really emphasizes the issues of false confessions, deception detection, and memory. This tier teaches critical thinking skills and further develops investigative skills as well. In Tier 3, the trainees become more specialized, learning things such as advanced cognitive interviewing with individuals that may be vulnerable including those that may have been traumatized and children. Tier 3 is also where law enforcement officials are taught more enhanced critical thinking and learn about biases such as confirmation bias, cognitive biases, and planning/structuring interviews. Tier 4 involves the use of evaluators. Evaluators are third-party people that are in charge of the oversight of the interviews and provide constructive criticism. They evaluate the interviews that law enforcement officials are conducting and ensure that there is no use of coercion and that the PEACE model is being used properly. The last tier, Tier 5, describes how one or two people should oversee the entire process of implementation in order to ensure that law enforcement officials are moving through the tiers correctly as well as promoting public engagement and explaining to the local community what is occurring within the training.

Empirically testing the PEACE model has its difficulties. When asked if the PEACE model has been empirically tested in Canada, Dr. Snook explained that it has not been evaluated wholly in North America. From his work, however, he has discovered that the PEACE model has been helpful in suspect interviewing in terms of getting more information out of people. The issue with evaluating this method in Canada is that coercion and aspects of the Reid technique are not readily used so it is difficult to show the reduction of coercion with the use of the PEACE model. Some other issues concerning the difficulty about empirically evaluating the PEACE model include obtaining data and ensuring that those that are trained in the PEACE model are actually utilizing this method correctly. People may be trained to be a PEACE interviewer but

may not implement the techniques that they were taught so would they be included in the evaluation of PEACE interviews? There would need to be a large sample of people who actually perform interviews using the PEACE model properly in order to evaluate the model. Dr. Snook points out that the Vermont State Police training with the PEACE model is the closest to empirically testing the model in North America though it is just evaluating the implementation. Dr. Snook argues that although the entire model has technically not been tested, the smaller components have been. There is research that shows that building rapport works and that asking open-ended questions works so there's the question of if the entire model needs to be tested if all the elements of the model have been proven to be effective. Dr. Snook agrees that the model should be tested and tested a lot but he hypothesizes that this model would be shown to be effective as the pieces that make it up are effective.

The U.S. justice system currently utilizes the Reid technique, an adversarial method. When asked how he thought a non-accusatory method of interrogation would integrate into the U.S. justice system, Dr. Snook states that it should integrate just fine. He pointed out that culture may play a role in the implementation of a new method but believes that communication fundamentals are not drastically different from country to country. The model advocates for fundamentals that are based on cognition, human interaction, and human principles so in his opinion, there is no reason why this model wouldn't work if implemented in the U.S.

Relating to culture and the current issues that the U.S. face including the distrust between citizens and law enforcement, Dr. Snook believes that this time would be the perfect opportunity to directly address the negative view of law enforcement and for law enforcement to adopt the PEACE philosophy. The PEACE mentality is about treating people fairly, with respect, and without judgment. This model emphasizes protecting individuals that may be vulnerable and to

make sure that no coercion or manipulation is utilized. This model could aid in promoting positive relationships between citizens and law enforcement especially if officers are better trained in communication skills and are genuinely interested in interacting with the community. This, however, requires that the officers have the right mindset and are open to accepting a new model of interviewing which may be difficult as people are often resistant to change.

Dr. Snook also helped emphasize some steps that may be helpful in the implementation of a non-accusatory method of interview. He believes that part of implementing a model like the PEACE model is willpower, organizations need the willpower and the desire to change the way they interview. There isn't a law or policy that prevents an organization from implementing a model such as the PEACE model, it just takes the right motivation. Another helpful way to promote the implementation of a non-accusatory method would be having the right leadership. The right leadership should appreciate science and promote a scientific culture within an organization to further change the interview process in a positive way. There must also be succession planning so that what is implemented had a lasting effect which can include mandates or policies that outline actions that need to be taken and maintained. Relating back to Tier 4 and 5 of implementing the PEACE model, there should be a group within the organization that oversees the interview process to ensure scientific-based interviews and ensures proper training.

All of that being said, when asked if it is possible to implement a model such as the PEACE model nationwide in the U.S., Dr. Snook said that it is not impossible but it does seem like a semi-Utopian dream. It would require mandates that told people how to interview individuals and a mandate like that would be difficult especially in the U.S. as each state is pretty independent. Dr. Snook also pointed out the political divide in the U.S. possibly leading to problems with implementation. A Republican state may reject the PEACE model if they see a

state such as Vermont, a Democratic state, implementing this model and may see it as some liberal agenda. A way to possibly amend that issue is having police officers be the ones to drive the implementation of a new method. Police officers should be the ones to push this PEACE model and other law enforcement officials and officers would listen to them more as there is more established trust than if some academic tells them why this method works.

In 2017, the W-Z firm where David Thompson is employed at, issued a press release that stated that the Reid technique would no longer be used by their firm to train law enforcement officials (W-Z Truth, n.d.). Mr. Thompson points out that from a positive standpoint, the Reid technique helped move interrogation away from more physically coercive techniques. Over time, however, research has shown how the Reid technique and the confrontational tactics that are used may increase the risk of false confessions such as using minimization tactics and deception. Although the Reid technique seemed like a better option and a more conversational method at the time of its conception, there are now risks that have been discovered through research that shows the Reid technique is quite unreliable.

When asked about his opinions on the PEACE model, Mr. Thompson spoke highly of this framework and that this investigative interview approach had been shown to be effective in obtaining information while mitigating the risk of false confession. Mr. Thompson points out that pieces of the PEACE model are incorporated in other methods of interviewing such as the cognitive interview, the participatory interview, and the Strategic Use of Evidence (SUE) technique, and the main goal of all of these non-accusatory methods is obtaining as much information as possible without deception.

The PEACE model and the Reid technique are quite different and Mr. Thompson points out one of the main differences between these two methods of interviewing is who is in charge of



the conversation. With the PEACE model and other similar methods, the witness, suspect, person of interest, etc. is the one that is speaking the most and is able to freely give information while the interviewer is guiding the way by utilizing open-ended questions. The Reid technique on the other hand, the interviewer is the one that is speaking the most, guiding the conversation, providing information or details and they're just trying to get confirmation from the interviewee(s). Another big difference that Mr. Thompson pointed out that Dr. Snook also noted the mindsets of these two methods. The Reid technique starts off with the presumption that the suspect being interrogated is guilty so they start to tunnel vision on this one person and the interviewer is only trying to confirm that guilt. The PEACE method, on the other hand, looks at the interview as separate from the investigation. The interview is independent of the evidence and the suspect is providing information that may not align with the evidence.

When asked if the PEACE model has been used by any law enforcement or prosecutorial agencies in the U.S., Mr. Thompson stated that their firm only teaches non-accusatory methods similar to the PEACE model to multiple law enforcement agencies in the U.S. as well as globally. All of the methods that the W-Z firm utilizes advocate for dialogue between the interviewer and the interviewee with the goal not being just a confession. There are no coercive techniques where emotional pressures mount up to the point where the subject breaks and falsely confesses. These techniques can include sleep deprivation and starvation due to long interrogations which can lead to a person becoming very vulnerable.

Mr. Thompson had a very similar response as Dr. Snook when asked if the PEACE model has been empirically tested in the U.S. stating that the closest study of the PEACE model in the U.S. was with the Vermont State Police but again, the study focused on the effectiveness of the training rather than the method itself. Mr. Thompson did point out how it would be

difficult to test the PEACE model because chunks of this model have been tested before such as rapport building and empathy so in theory, this model should work well but it is difficult to test a conversation.

When asked how a non-accusatory method of interviewing would integrate into the U.S. criminal justice system, Mr. Thompson had a positive view stating that many law enforcement agencies and federal agencies have requested training on non-accusatory methods. The U.S. has used an adversarial method like the Reid technique for a long time and Mr. Thompson sees a slow movement away from confrontational methods. He also stated that legislation would be helpful but it would be a difficult task to have a model such as the PEACE model applied nationwide. However, Mr. Thompson believes that a state by state implementation could be possible. The issue is that there will be personal biases from older law enforcement officials that have always used methods such as the Reid technique that are resistant to change so there needs to be leaders both in law enforcement organizations and politically who advocate for non-accusatory and empirically-based methods of interviewing. Mr. Thompson does see a slight shift in attitudes with some clients that he has worked with praising non-accusatory methods like the PEACE model. Utilizing non-accusatory methods, they are able to obtain more information and it is less risky in terms of mitigating negative effects such as false confessions as well as statement admissibility.

Finally, when asked about how the current calls to defund the police and reimagine public safety would affect implementing a non-accusatory method of interviewing to law enforcement agencies, Mr. Thompson says that these current issues that citizens have raised are valid. Law enforcement should reallocate funds to focus more on training especially in de-

escalation, mental health/wellness, and social and intangible skills such as conversation/communication skills.

### **Discussion/Conclusion**

The interviews with Dr. Brent Snook and Mr. David Thompson resulted in very similar opinions. They both agreed that the Reid technique is an ineffective, outdated interrogation technique used by law enforcement officials in the U.S. A non-accusatory method of interviewing can be applied to law enforcement organizations in the U.S. but applying a federal standard that mandates a specific method of interviewing will be difficult.

From speaking to both Dr. Snook and Mr. Thompson, it seems that a non-accusatory method of interviewing can be applied in law enforcement interrogations and interviews in the U.S. This is also evident based on the evaluation of the PEACE model training of Vermont State Police (VSP) where Dr. Snook was one of the trainers. The VSP officers that participated in this study filled out questionnaires Pre-Training and Post-Training for each Tier with questions that assessed the officers' knowledge and attitudes relating to police interviewing. In Post-Training, the officers also filled out a section asking questions about their feelings relating to the training sessions themselves. Though the evaluation was limited to just Tier 1 and Tier 2 training, the results were positive as many of the officers welcomed the PEACE model and there were improvements in the knowledge and some of the attitudes of the officers about law enforcement interviewing (Fallon et al., 2021). These officers reported a positive experience and it shows that this PEACE model training program is a great program to educate law enforcement officials about evidence and science-based interviewing practices (Fallon et al., 2021). Even though the VSP evaluation was limited to the training portion and not an empirical study of the PEACE model, the results thus far suggest that it is possible to train law enforcement officials on a non-

accusatory method of interviewing. It would be interesting to evaluate VSP or another law enforcement department on Tiers 3, 4, and 5 and see if those results are as positive as the results from Tier 1 and 2.

Dr. Snook raised an interesting point that leadership in the U.S. and in law enforcement organizations play a large role in changing the way law enforcement interviews are conducted. Both Dr. Snook and Mr. Thompson pointed out how there are and will always be people who prefer to do interviews the way they have always done them, those that are resistant to change. Mr. Thompson did state that the organizations that he has trained have been very open to receiving training on non-accusatory interviewing and the VSP also is an example of law enforcement officials becoming more open to shifting away from the Reid technique. So, with leaders that advocate for and attempt to train law enforcement officials using science-based, non-accusatory methods of interviewing such as the PEACE model, it would aid in further pushing the U.S. to stop teaching the Reid technique.

From the interviews, it seems that applying a mandatory federal standard for law enforcement interviews would be difficult to implement and it would be a more realistic goal to propose legislation in each of the states. Another interesting point that was brought up was how difficult legislation would be to pass in states due to political polarization. There is also the issue that law enforcement officials often have a lot of discretion when performing these interviews and each organization is different in the way they train. So, it seems like it would be a slow process to implement non-accusatory methods of interviewing and it would have to be on a state by state basis. There are many steps in the Reid technique that could be banned from law enforcement interviews if certain legislation is passed such as legislation against the use of deception, false evidence, the BAI, etc. It is not an unrealistic expectation to remove a technique

that has been ingrained in American law enforcement training and replace it with a new method. Law enforcement officials would have to be open to a new method of interviewing and learn techniques that are based on science such as rapport building, questioning techniques, and the science of memory while learning how the Reid technique is harmful (Snook, 2021).

Dr. Snook and Mr. Thompson supported what was stated in the literature review about why the Reid technique is ineffective for law enforcement interrogations. They also pointed out other issues that were not discussed in the literature. Dr. Snook, in particular, emphasized how the Reid technique, especially the BAI, is based largely on pseudoscience without empirical research or peer-reviewed. There are issues with the way that the conversation is structured and who is the one leading the conversation. With the Reid technique, the interrogator or interviewer is the one who leads the conversation and shuts down the subject if they start to say anything that doesn't align with the already presumed guilt of the subject (Orlando, n.d.). This technique is not helpful in gathering information as it doesn't allow the individual to speak freely and give as much information as possible. The confrontational tactics that the Reid technique advocates such as minimization, deception, and lying about evidence have been shown to contribute to false confessions (Thomson, 2021). The Reid technique forces the interrogator to decide if an individual is guilty and then that tunnel vision view of the individual makes the interrogator/interviewer only look at the evidence in a confirmatory way. They will only allow a conversation that confirms their belief and assumption of guilt. That is not the way interviewing should work and it is not a scientific way of interviewing a subject. The interviewer should look for and gather information and evidence and then coming to a decision later. (Snook, 2021).

Another major issue that was pointed out was the way the conversation was structured with Reid; it is highly likely that contamination will occur. The interviewer could possibly be

telling you all the details of the offense and feeding you very specific evidence that later is included in the confession to make it seem airtight. How would a person know all of these details if they weren't the offender? Their statement was contaminated by the interviewer and for those subjects in distress and/or are vulnerable, it could be very easy to manipulate them into confessing with those details (Thompson, 2021).

The Reid technique is an outdated technique with tactics based on pseudoscience and it has been criticized by many researchers about the risks that this technique creates. Interviewers should be objective in the way they conduct interviews and allow the subject to recount the events freely. The Reid technique creates unwanted results such as the issue of state admissibility and false confessions so there needs to be a change in the way that the U.S. law enforcement organizations conduct interviews with suspects, witnesses, victims, etc. Though Dr. Snook suggests a state by state process to implement a non-accusatory method of interviewing such as the PEACE model, there would be difficulties with achieving 100% compliance with a state by state approach and it is more likely for law enforcement agencies to comply with a new method of interviewing if there is a federal mandate through legislation. Again, this would be a difficult process to impose federally but not impossible. On a federal level, federal grants and funding may be limited or withheld from law enforcements organizations that do not comply with a non-accusatory method of interviewing which may force organizations to change the way they interview people. With the right leadership and willpower, the state of interviewing in American law enforcement organizations will improve.

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## Appendix

### Dr. Brent Snook Interview Questions

1. Can you tell me a little bit about your professional and educational background, specifically regarding, investigative interviewing and interrogation?
2. What are you currently working on at the Memorial University?
3. So, you also wrote an article in 2009 looking at the Reid method of interrogation and coercive strategies. In a few sentence, what are some things from the Reid technique that are done very well and what are some things that are problematic with this method?
4. Do you know of any methods of interrogation that would be better or could replace the Reid technique?
5. Can you point out some differences between the PEACE model and the Reid technique and some similarities between them as well?
6. To your knowledge, is the PEACE model used by any law enforcement or prosecution agency in the U.S.?
7. What are the different tiers to the PEACE model?
8. In an article written in 2010, you stated that there is a lack of empirical data on the state of training in Canada for witness, victim, and suspect interviewing. Has the PEACE model been empirically tested in Canada since then and if so, what were the results?
9. What is the progress so far in Canada with the PEACE model?
10. Do you think there will ever be a national method that will be adopted into Canada?
11. To your knowledge, you know, if it's been empirically tested in the US or just the training in Vermont?

12. The US justice system obviously uses a very adversarial method right now. In your personal opinion, how would a non-accusatory method of interrogation integrate into the US criminal justice system?
13. Relating to culture and current events and issues, there's currently a lot of distrust between citizens and law enforcement. How do you think that will affect the process of implementing a non-accusatory method?
14. So, do you see any other difficulties with applying a certain method with the US as compared to Canada?
15. Going back to the article you wrote in 2010, it outlined some steps that needed to be taken to implement a new method of investigative interviewing in Canada. Can you briefly explain those steps and may those steps be applied in the US?

#### **David Thompson Interview Questions**

1. Could you tell me about your professional background and educational background prior to joining the WZ firm, specifically regarding interviews?
2. What is your current role in the WZ firm and what does the firm do in terms of interviews and interrogations?
3. So, building off of what you said about the technique, I know in 2017 WZ had a press release and said that they would no longer be using the Reid technique to train police officers. So, in a few sentences, could you describe some things that were done well with this technique and some things that were problematic with the Reid technique?
4. What are your opinions on the PEACE model of interviewing?

5. Are there any other major differences between the PEACE and the Reid technique and how are those two similar in a way?
6. To your knowledge, do you know if this PEACE model or any non-accusatory method of interviewing is used by law enforcement or prosecutorial agencies in the US?
7. In another 2017 press release, it mentions a WZ nonconfrontational method of interview and it was used to train Chicago police officers. So how is that method similar to the PEACE model and how is it different?
8. Do you believe, like a singular method of interviewing should replace the Reid technique or like multiple methods should be used?
9. Do you know if the PEACE model specifically or any of the methods you've mentioned has been empirically tested or have been tested in the US? And what were the results?
10. Right now, the U.S. uses an adversarial method like the Reid technique. In your personal opinion, how would a non-accusatory method integrate into the U.S. criminal justice system and could it be integrated nationwide?
11. Relating to current events, there's currently a lot of distrust between citizens and law enforcement officials. So, do you think the current call to defund the police or reimagine public safety will affect implementing a non-accusatory method to these law enforcement agencies?
12. What difficulties do you foresee with applying a new interrogation method and what steps would need to be taken?