

# What's Interrogation gotta do with it: Defending Confession Cases

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# John E. Reid and Associates

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*Hereby Certifies That*

***Deja Vishny***

*Attended and successfully completed a Course  
on*

## **The Reid Technique of Interviewing and Interrogation**

December 6 - 8, 2004

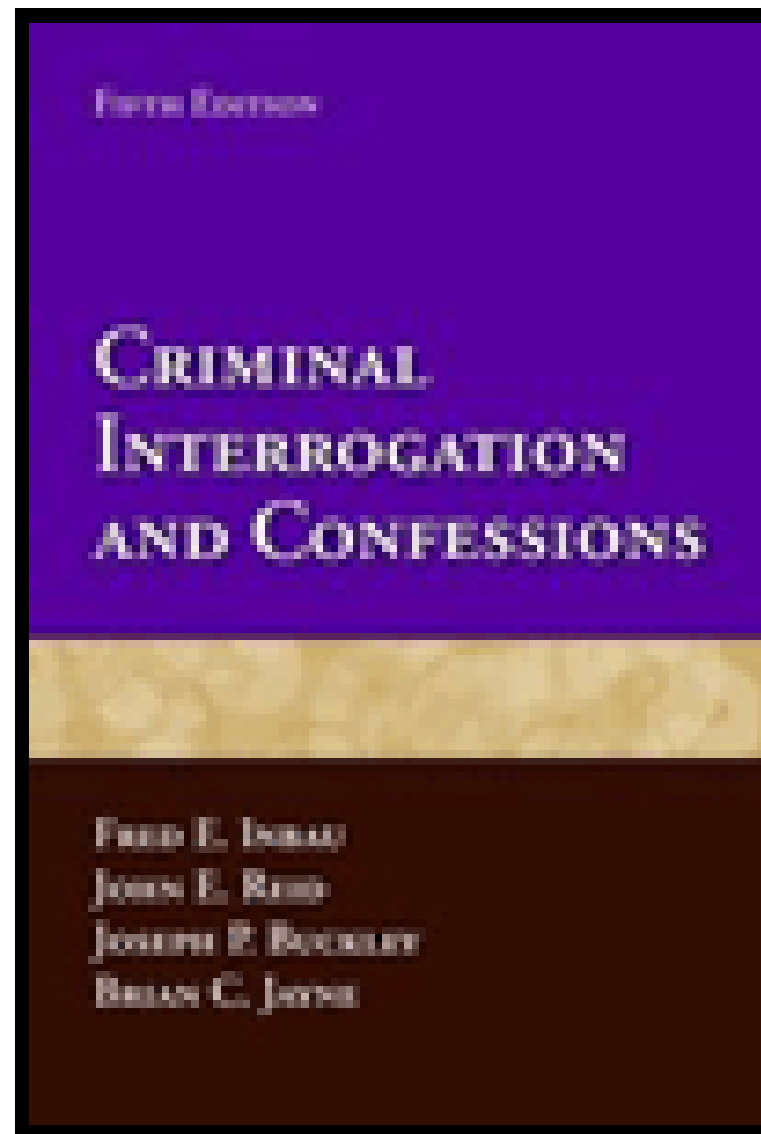


*William P. Schrieber*  
Course Instructor

*James J. Bobul*  
Course Instructor

# The Bible of Interrogation

[www.reid.com](http://www.reid.com)



# Modern interrogation

- Case is strong/bait questions
- Situation is hopeless
- Detective is on their side
- “Truth” will help → lesser penalty

# Reid Technique

- Behavior Description Interview
- Bait Questions
- The Nine Steps

# Behavior Description

- 17+ Questions
- Evaluate Answers for “truthfulness”
- Body Language Assessment

# **so-called nine steps**

- 1. Confront suspect with “truth”**
- 2. Theme development**
- 3. Cut off denials/manage objections**
- 4. Keep suspect engaged at all costs(procure attention/handle mood)**
- 5. Alternative question**
- 6. Construct post-admission narrative**
- 7. Written/ signed confession**

# Bait Question





# Theme Development

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# Theme Development



# cut off denials



**Are you super  
guilty**

**or just guilty???**



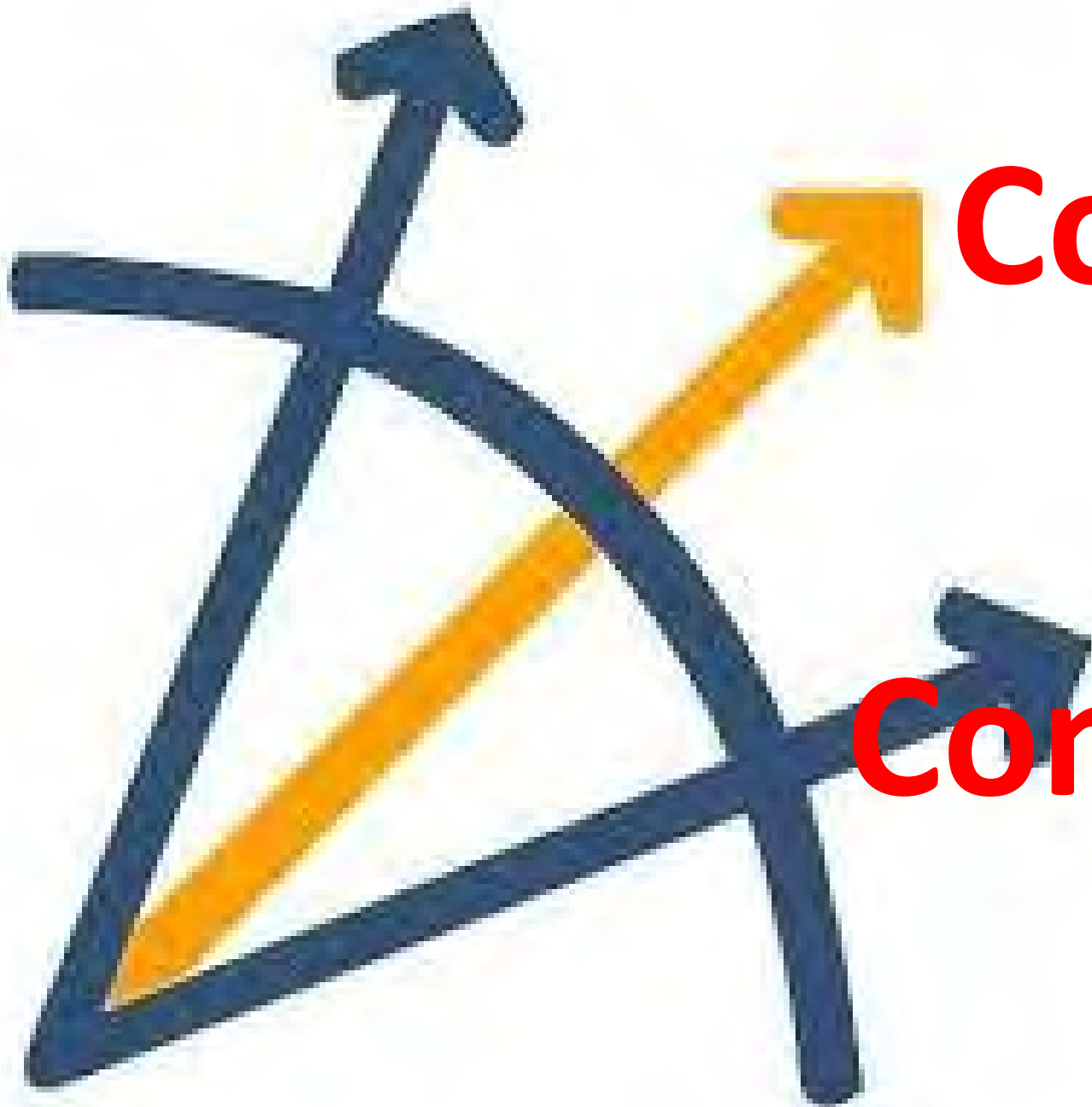
# Interrogation in a Nutshell

# Three Errors

**Misclassification**

**Coercion**

**Contamination**



# Superheros to the rescue!



# Defense Preparation



# Trial before plea





# Before you Litigate: Client Interview

- Social, psych, medical history
- Arrest
- Food, meds, sleep
- Impact of interrogation techniques
- Tipping point
- Expectations after confession
- Source of information in statements

**Get  
Releases**





# records

**Juvenile- all placements**

**Supervision**

**Victimization in incarcerated settings**



# Medical

**Medical Conditions**

**Physical Disabilities**

**Psychological issues**

**Medications/on & off**

**Benefits: SSI, SSDI, Medicaid**

**Involuntary hospitalizations**

# Covid Survivor

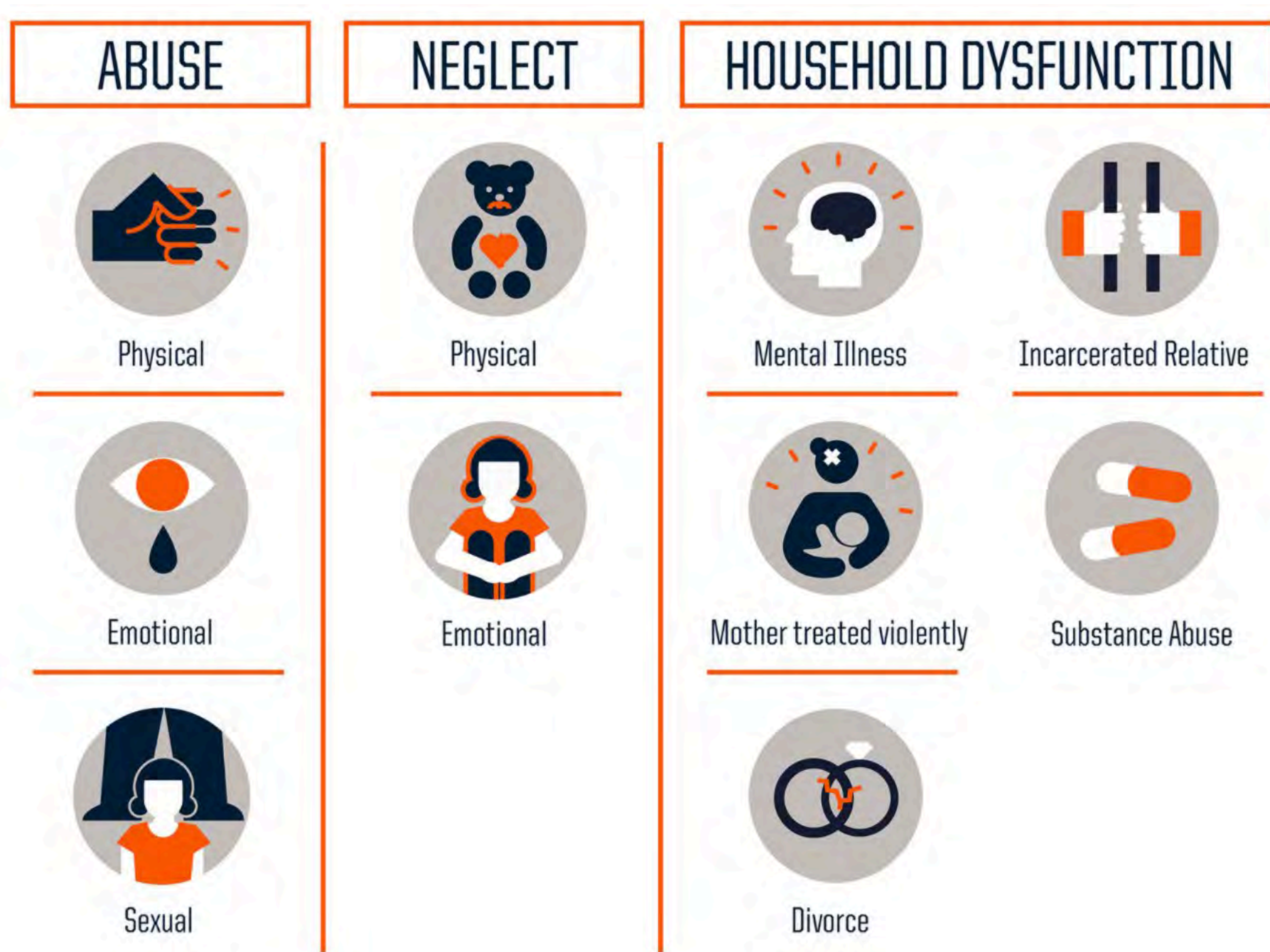
# Substance Abuse

- Drug/Alcohol use
- History of treatment
- Under influence / withdrawal during interrogation





# Adverse Childhood Experiences Questionnaire



# Adverse Police Experiences



# Literacy evaluation

- Have client read  
complaint
- Phonics  
& Comprehension
- Math



### **Critical Literacy**

Whose voice is being heard?  
Whose is being silenced?

### **Digital Literacy**

What digital technology is  
used to locate, organize,  
understand, evaluate and  
create information?

### **Media Literacy**

Can you interpret techniques  
and understand how media  
messages are constructed?  
How do media messages  
manipulate and affect societal  
development?

## **Types of Literacies...**

### **Informational Literacy**

What information is needed?  
Can you locate, evaluate and  
use needed information  
effectively?

### **Cultural Literacy**

Do you understand text in  
relation to their contexts?

### **Scientific Literacy**

Do you know and understand  
scientific concepts and  
processes?

### **Financial Literacy**

Can you make informed judgements  
and effective decisions about the  
use and management of your  
money?





# Housing

- Who does client live with/relationship
- Rely on others to assist w/ basics
- Payee or guardian
- Is Client a caregiver for anyone



# Work History

**Fired due to  
inability to do  
the job?**

# Suggestibility

**Give client hypotheticals: what would he do if...**

**See if you can get them to change what they'd do...**

# Family

- **Family members with mental/cognitive/physical disabilities**
- **Family substance abuse**
- **Foster care**
- **Adopted: Birth parent records**

# Interview family



before you litigate:  
review the interrogation

Coercion  
True/False  
Contamination

# Re-analyze Police Conclusions

that day, he wasn't as engaged, and he went into a inner struggle, physically. He'd sit there, head down, withdrawn, motionless, answers would be muffled. Uh, totally contrary to what he chose to be involved with or engaged with.

It was his demeanor that I felt, from all the years of training and experience I've had with dealing with people, an inner struggle, a conflict. He was hiding something. It was not going be a ten-minute interview as to what he saw. There was something more.

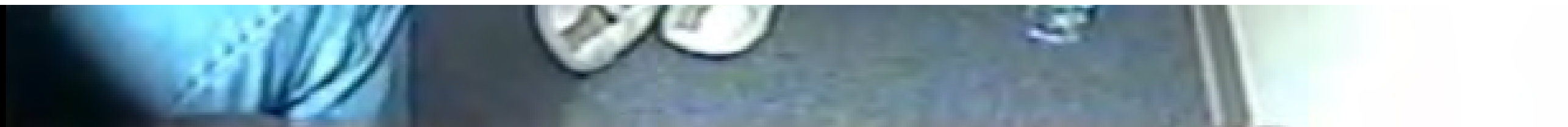






You were absolutely right in seeking these records, it was a very good call. This kid has had problems since kindergarten, particularly in the social area. It is noted, for example from as early as 3rd grade that he can't look an adult in the eye, is withdrawn, doesn't function with others etc. He has been in special ed classes since grade school and according to the last report in Sep 05, has trouble understanding vocabulary both to and from him.

He has been continually diagnosed, by school personnel, as having a learning disability. I suspect there is a personality disorder. He is easily intimidated, apparently, and withdraws into himself in confrontational situations.



# Stereotype Threat

**When a person feels at risk of conforming to negative stereotypes about his or her race.**



# Subpoena training Materials

**The Reid Technique of Interviewing and  
Interrogation for Investigators**

**Part One: An Overview**

**Joseph Buckley**

**President**

**John E. Reid and Associates, Inc.**

*ESSENTIALS OF THE REID TECHNIQUE*

**CRIMINAL  
INTERROGATION  
AND CONFESSIONS**

*(SECOND EDITION)*

Fred E. Inbau  
John E. Reid  
Joseph P. Buckley  
Brian C. Jayne



## **A Field Guide to The Reid Technique**



*The application of the Reid Technique to unique and specific issues.*

**Brian Jayne AND**

# **Investigate**

**Past cases**

**Emails**

**Social Media**

**Disciplinary information**



**Q: Were you pressuring him?**

**A: No, we told him we needed to know the truth, we've been doing this a long time and we can tell when people aren't telling the truth.**

# Bring in the right experts



**Clinical  
Psychologist**



**Research Psychologist**



**Police Practices  
Expert**



**Social Scientist**



**Psychiatrist**



**Miranda...**

**Voluntariness...**

**MiraMiranda...VoluntVolunta  
riness...**

**ContContamination...**

**Contamination...**



a message to the judge



this is a false confession!

# **Rules of Motion Cross**

- Try not to annoy the judge**
- Talk to the appellate court**

**active listening**

**You gotta love that transcript**

**ask why**

**(& other follow up questions)**



**Federal voluntariness test:  
coercion overbears free will**





***State v. Rees***

**2000 ME 55**

# Voluntariness Myth:

Coercion is:

**Yelling**

**Fist pounding**

**Physical Abuse**



*State v. Hunt*

2016 ME 172



SEX  
OFFENDER  
REGISTRY

***State v. Akers***

**2021 ME 43**



***Who's statement is this anyways?***

# Reliability???

## Rule 403



**Chapters for Cross**



# Chapters for Cross: Training General to Specific



## **The Reid Technique of Interviewing and Interrogation**

John E. Reid is  
Executive Director  
of the Center for  
Effective  
Interviewing and  
Interrogation  
Techniques



# Chapters for Cross

- Details on Miranda Warnings???
- Physical surroundings
- Police control of environment
- Time
- Denials

# Chapters for Cross

- Special legal knowledge
- Leading questions
- Things not asked

# Chapters for Cross

## Case Weaknesses



Your case is pretty weak.  
I suggest interrogation

# Chapters for Cross

purpose was to  
get confession







# The truth couldn't be:

- He was at home
- He was playing video games
- Saw nothing in bonfire

# **You weren't:**

- **At the scene**
- **No video**
- **No physical evidence of  
Brendan being there**

*from Milwaukee police department  
training materials*

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**INTERROGATION  
OF  
HOMICIDE SUSPECTS**

**"GET THAT CONFESSION"**

# Chapters for Cross

- Bait Question/False Evidence
- Themes developed
- Alternative Question

**Impeach with training records**



# training materials

- A. Do not make statements which could be perceived as promises of leniency
1. "I want to help you out on this thing."
  2. "It would be best (better) if you told me what happened."
  3. "If you were drunk when this happened, I can explain that to the judge who will probably give you a break."
- B. Avoid statements that imply inevitable consequences
1. "It doesn't matter if you tell me you did this, you're still going to prison."
  2. "There isn't a judge or jury in the country who would believe you. I can guarantee that you are going to be convicted of this."

# training materials

D. The alternative question should not threaten consequences or offer promises of leniency

1. Examples of improper alternative questions

"Do you want to cooperate with me and tell me what happened, or spend the next five to seven years behind bars?"

"Do you want to be charged with first-degree murder, which will mean life in prison, or was this just manslaughter?"

"Are you going to get this straightened out today, or do you want to spend a few days in jail?"

Contrast the theme  
development stage  
with the post-  
admission narrative

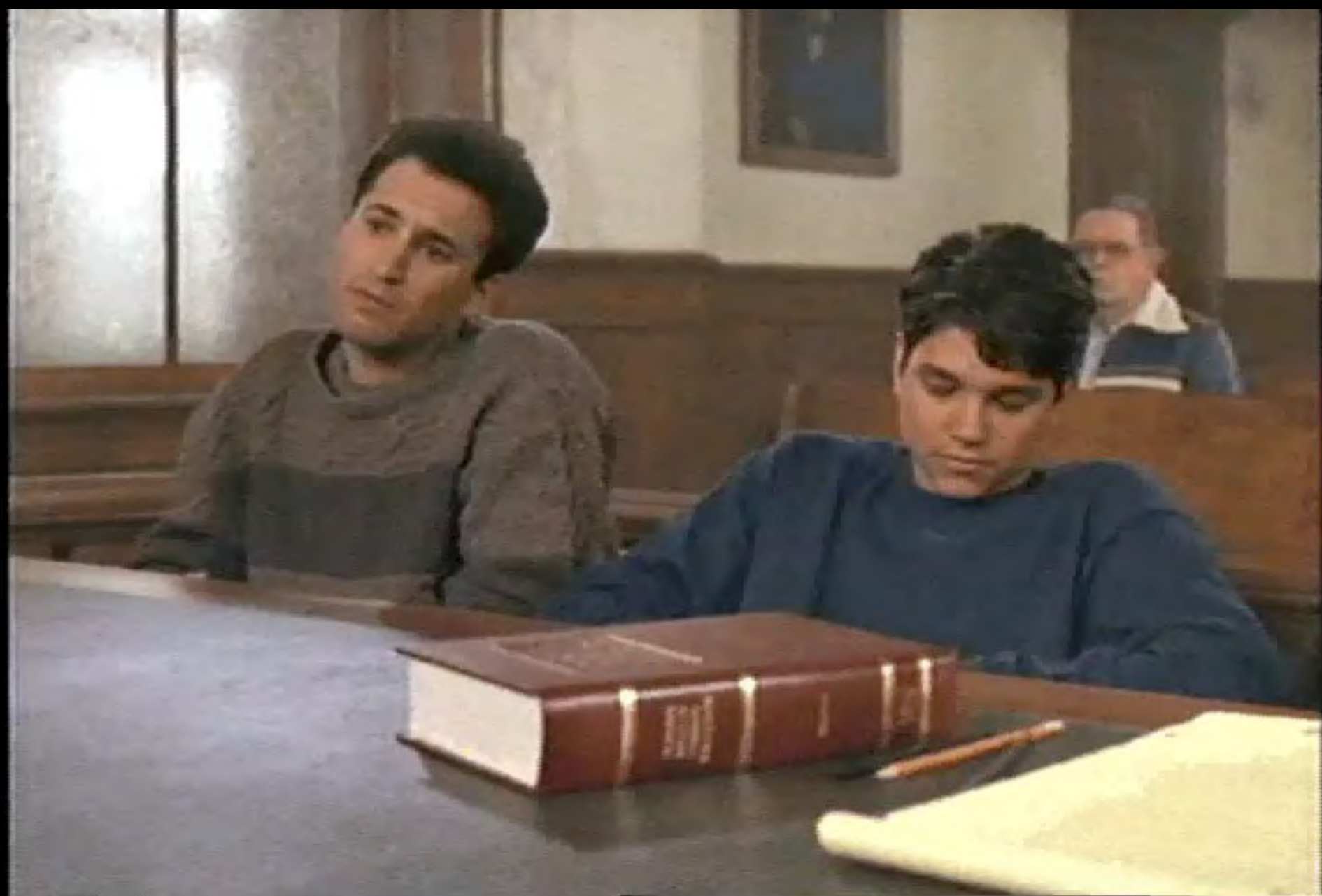
Feeding Facts?

Contamination

# Use the Tapes

- **Play the parts the prosecutor omits**
- **Differences from direct exam**
- **Contrast Tape from written report**





**Impeach with  
the tape**



# Use the Tapes

- **Coercive techniques**
- **Language of the cop & client**
- **Inconsistent with evidence or common sense**
- **Contamination by cop**

# BE A TRUE BELIEVER



DAVE COVERLY

"You know, we just might win that trial today."