

The suggestion that the Reid Technique is prohibited in Great Britain (or any country) is a false statement

In a recent court case (*Radilla-Esquivel v. State*) and an article discussing false confessions, there were references that “the Reid Technique is prohibited in some countries.” That is a false statement.

In some countries, for example, Great Britain, it is prohibited for investigators to lie to a subject about evidence in a case. In the United States the Supreme Court has ruled that it is acceptable for investigators to misrepresent evidence to a subject during an interrogation. The leading case is *Frazier v. Cupp* (1969) in which the police had falsely told Frazier that his accomplice had confessed. Frazier subsequently offered a full confession. The Supreme Court held that the misrepresentations of evidence were relevant, but that they did not make an otherwise voluntary confession inadmissible – the “totality of circumstances” must be considered.

Great Britain has prohibited investigators from lying to a subject about the evidence in the case – they have not prohibited the Reid Technique.

On the subject of misrepresenting evidence to a subject, we state the following in our book, *Criminal Interrogation and Confessions* (5th ed., 2013):

In an interrogation we recommend the following with respect to introducing fictitious evidence during an interrogation:

- 1. Introducing fictitious evidence during an interrogation presents a risk that the guilty suspect may detect the investigator’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. Clearly, there are disadvantages to introducing evidence, real or fictitious, during early stages of an interrogation.*
- 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. Under this circumstance, the introduction of such evidence may lead to claims that the investigator was attempting to convince the suspect that he, in fact, did commit the crime.*
- 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.*

Some false confession experts suggest that misrepresenting evidence to a subject causes false confessions. The facts and the courts do not support this statement. Consider the following decision in *US v. Graham* in which the court pointed out that while there are a number of cases in which statements elicited from a defendant in response to police deception were found involuntary, **"these cases all involve significant aggravating circumstances....** such as, subjecting the accused to an exhaustingly long interrogation, the application of physical force or the threat to do so, or the making of a promise that induces a confession."

In a research paper published in the *Criminal Law Bulletin*, "A Test of the Unusual False Confession Perspective: Using Cases of Proven False Confessions," the author studied the first 110 DNA exoneration cases reported by the Innocence Project. The author reported that, **"This study failed to find a single false confession of a cognitively normal individual that did not include the use of coercive tactics by the interrogator..."** The author identified coercive interrogation tactics as "the use of physical force; denial of food, sleep or bathroom; explicit threats of punishment; explicit promises of leniency; and extremely lengthy interrogations."

In other words, it is not the misrepresentation of evidence that is the genesis of a coerced or even false confession, but the "aggravating circumstances" or "coercive tactics" present during the interrogation.

The Reid Technique is built on a core of principles that include the following:

1. Always conduct interviews and interrogations in accordance with the guidelines established by the courts
2. Do not make any promises of leniency
3. Do not threaten the subject with any physical harm or inevitable consequences
4. Do not deny the subject any of their rights
5. Do not deny the subject the opportunity to satisfy their physical needs
6. Always treat the subject with dignity and respect