

The Reid Technique of Interviewing and Interrogation

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The Original

John E. Reid and Associates began developing interview and interrogation techniques in 1947. The Reid Technique of Interviewing and Interrogation is now the most widely used approach to question subjects in the world. The content of our instructional material has continued to develop and change over the years. John E. Reid and Associates is the only organization that can teach the current version of our training program on The Reid Technique of Interviewing and Interrogation.

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U. S. Supreme Court Recognition – In June 2004 in the case of *Missouri v. Seibert*, the United State Supreme Court referenced our company and our book, Criminal Interrogation and Confessions, as examples of law enforcement resources that offered proper training. In 1994 the United States Supreme Court referenced our textbook, Criminal Interrogation and Confessions, in making their decision in the case *Stansbury v. California*. Courts throughout the country have recognized The Reid Technique as the leading interview and interrogation approach used today in both the law enforcement and business communities (see our web page for details).

99% of Reid Technique Confessions Admitted – in a recent survey of Minnesota and Alaska law enforcement investigators trained by John E. Reid and Associates, 3,153 (99.4%) of their 3,162 confessions were admitted by the courts.

The acknowledged leader in the field – “When asked which vendors they rely on most for building their own skills and that of staff, a **whopping 80%** of security pros cited John E. Reid and Associates.” (IOMA Security Director’s Report)

Satisfaction – Not only do we guarantee satisfaction with our services and training programs, but also because of the continued high quality of instruction, hundreds of organizations require that all new staff members attend one of our training programs. Here is a measure of the success students have with The Reid Technique:

- 95% of the respondents to a survey of 2,000 Reid students reported that using The Reid technique helped them to improve their confession rate
- The majority of the respondents said they increased their confession rate by more than 25%; almost a quarter of the respondents said they increased their confession rate as much as 50%
- 97% of the respondents reported that using The Reid Technique increased their case resolution rates
- 100% of the respondents reported that they thought the benefits they received attending The Reid technique seminar was worth the investment they made to attend the program

The Reid Consortium - The Reid Consortium is a program offered to preferred clients in which they receive special discounts on course registration fees and training materials for their department or agency, as well as free seats at our seminars.

The Reid Preferred Group of Associations (RPGA) – The RPGA is a program offered to associations in which their members receive special discounts on course registration fees and training materials.

Specialization – Our firm has developed a series of specialized courses that are the exclusive proprietary property of the firm. These are programs that contain copyright protected material that no other organization can utilize. These programs include

- *The Advanced Course on The Reid Technique of Interviewing and Interrogation*
- *The Reid Technique of Investigative Interviewing for Child Abuse Cases*
- *Hiring the Best: Applicant Interviewing Techniques and Strategies*

One of our most recent books, [The Investigator Anthology](#), contains 11 chapters devoted to specialized interview, interrogation and investigative techniques for specific types of criminal activity.

Certification – The Reid Institute, a membership of professional investigators, offers a Certification program designed to enhance the investigative skills of those who meet the rigid standards required to achieve certification.

Internet- Our web site, www.reid.com, provides investigators with timely legal updates, new developments, the “Monthly Investigator Tip” and is used regularly by prosecutors from around the country as a resource for proper interview and interrogation techniques.

Testimony Expertise - On a regular basis our firm is contacted and retained by Prosecuting Attorneys from around the country as expert witnesses or consultants on proper interview and interrogation techniques. We provide extensive information for practitioners and members of the judiciary on our web page as to the issues of false confessions, example confession testimony, case decisions, relevant research and more.

Government Recognition - Our expertise on the topic of behavior symptom analysis, interviewing and interrogation techniques was recognized by the National Security Agency which awarded John E. Reid and Associates (in conjunction with Michigan State University) a sole source bid for a scientific study on the use of behavior symptoms in the detection of deception. The results of the study were published in the Journal of Forensic Sciences.

GSA Contract - The General Services Administration awarded a Federal Supply Schedule contract to John E. Reid and Associates, Inc. effective April 23, 2004. Our contract number is GS-02F-0164P

International Recognition – Our firm has been awarded contracts for training from NATO; the Bavarian and Berlin Law Enforcement communities in Germany; and have conducted training programs in Bosnia-Herzegovina; the Czech Republic; United Arab Emirates; Singapore; Japan; Mexico; Canada; Belgium; and, South Korea. Our training manual has been translated into both Spanish and German.

The Authoritative Text - Our book, Criminal Interrogation and Confessions (5th edition, 2011) is considered by the courts and practitioners to be the “Bible” for interviewing and interrogation techniques. The book has been translated into Chinese, Japanese and Turkish.

POST Recognition – State Police Officer Standards and Training Boards accredit and oftentimes reimburse tuitions to officers attending John E. Reid and Associate seminars (see our web page for a complete listing).

Staff Experience- The accumulated experience level of our instructors exceeds 250 years, during which time they have conducted over 75,000 interviews and interrogations. Many of the staff hold a Masters of Science Degree in the Detection of Deception. On a daily basis our firm is retained to provide interviewing services for businesses, law enforcement, attorneys and government agencies.

Real Life Videotapes - At our seminars we show a wide variety of real life video taped interviews and interrogations that include theft, arson, abduction, homicide, sexual harassment, burglary and child abuse cases. These tapes can only be shown at seminars conducted by John E. Reid and Associates, Inc.

REID PRODUCTS

Books

- Essentials of The Reid Technique: Criminal Interrogation and Confessions (Abridged)
- Criminal Interrogation and Confessions- 5th Ed. (textbook)
- The Investigator Anthology
- The Reid Investigator Notebook
- Reid Subject Interview Pads

Audio

- Employee Theft Investigations (audio)
- Sexual Assault Interrogations (audio)
- Child Abuse Investigations (audio)
- Telephone Interviewing Techniques (audio)
- Interviewing Techniques for Harassment Investigations (audio)

CD Rom

- The Reid Technique of Interviewing & Interrogation
- Hiring the Best - Interviewing For Integrity
- Hiring the Best - Pre Employment Interviewing on CD Rom
- "Employee Theft" - Application of The Reid Technique
- "Child Sexual Abuse" - Application of The Reid Technique

Packages

- The Law Enforcement 5 pack

For more information about our company services, training programs and products visit our web page at www.reid.com.

THE REID TECHNIQUE OF INTERVIEWING and INTERROGATION

I. INTRODUCTION

A. History of Material

- * Founded in 1947
- * Original research initiated over 50 years ago
- * 1962 Criminal Interrogation and Confessions, Fred Inbau & John Reid; second edition 1967; third edition 1986; fourth edition 2001; fifth edition 2011
- * Training programs since 1974

B. Program Content

Behavior Symptom Analysis – *The verbal and nonverbal behavioral characteristics that distinguish a truthful person from one who is withholding or fabricating relevant information*

The Behavior Analysis Interview – *The structure for the interview that is designed to elicit both factual and behavioral information so as to suggest investigative direction*

The Reid Nine Steps of Interrogation – *The interrogation process that is designed to obtain an admission of guilt*

C. Distinction Between an Interview and an Interrogation

Characteristics of an Interview

-
-
-
-
-

Interview Goals:

Develop Investigative Information: The subject's version of events
The details of the event – who, what , when,
where, why and how questions
Independent sources to corroborate the story/facts
Possible motives and opportunity to commit the
crime

Develop Behavioral Information: Based on the verbal and nonverbal channels of
communication assess whether or not the subject's
behavior symptoms fit the "profile" of a truthful or
deceptive individual

Characteristics of an Interrogation

-
-
-
-
-
-
-

Introduction

D. Always try to conduct a non-accusatory interview prior to any interrogation. The purpose for doing so is to develop rapport with the subject; assess their general attitude and demeanor; give them an opportunity to tell their story; and, develop insight into possible interrogational approaches.

E. The Interview Room

-
-
-

F. Seating Arrangement

II. BEHAVIOR SYMPTOM ANALYSIS

- A. The verbal and nonverbal aspects of behavior which are symptomatic of the truthfulness of a suspect, victim, or witness.
 - 1. Verbal –

 - 2. Nonverbal –

- B. General Principles of Behavior Symptom Analysis
 - 1. Nonverbal behavior can be more reliable than verbal.
 - 2. Nonverbal behavior is responsible for more than half of total communication.
 - 3. Nonverbal behavior will either support and enhance the credibility of an answer, or suggest discomfort and possible deception, indicating the need for follow-up questions.
 - 4. The behavior of the interviewer can influence the suspect's behavior. (mirroring)
 - 5. Behavior symptoms become more revealing as anxiety in the suspect increases.

- C. Factors Which May Influence the Reliability of the Behavior Symptoms Displayed by the Suspect
 - 1. Importance of the issue to the suspect and society
 - 2. Level of social responsibility

Behavior Symptom Analysis

3. Control over the environment (Setting and Proxemics)

X

A is the _____ zone, extending out about _____ feet
 B is the _____ zone, extending from _____ to _____,
 C is the _____ zone, extending from _____ to _____,
 D is the _____ zone, extending beyond _____,

4.

5.

6.

7.

8.

D. Rules for the Evaluation of Behavior Symptoms

- Establish the subject's normal behavioral pattern and then look for changes from same
- Evaluate nonverbal behavior for TIMING and CONSISTENCY
- Evaluate the overall behavioral pattern – behavioral clusters – not single observations
- Always evaluate behavior symptoms in conjunction with the case evidence and facts

Behavior Symptom Analysis

E. Tabulation Sheet for Areas of Behavioral Assessment

Truthful Questionable Deceptive

Attitude:
Posture:
Significant Posture Changes:
Illustrators:
Gestures:
Eye Contact:
Verbal Content:

F. Behavioral Attitudes Common to Both Truthful and Deceptive

NERVOUS FEARFUL ANGRY QUIET

G. Description of the Truthful and Deceptive Suspects

ATTITUDE

TRUTHFUL

DECEPTIVE

POSTURE**TRUTHFUL****DECEPTIVE*****SIGNIFICANT POSTURE CHANGES*****TRUTHFUL****DECEPTIVE**

- Truthful subjects usually do not engage in SPC when they answer key questions (positive)
- Deceptive subjects oftentimes do engage in SPC when they answer key questions (negative)

ILLUSTRATORS

Illustrators refer to when person uses their hands to illustrate, demonstrate or emphasize their response.

TRUTHFUL**DECEPTIVE**

- Truthful subjects use illustrators when they describe events or physical activities
- Deceptive subject's are oftentimes more restricted in their use of illustrators

GESTURES

There are three general categories of Gestures – Grooming; Protective; and, Supportive. For the most part, gestures refer to when a person’s hand comes in contact with themselves – they are tension relieving activities.

TRUTHFUL

- Truthful subjects usually do not engage in the use of gestures when they answer key questions

DECEPTIVE

Deceptive subjects oftentimes do engage in the use of gestures when they answer key questions

Examples:

EYE CONTACT

Normal eye contact between two people talking to each other who don’t know each other is about _____ % of the time.

-

Basic Principle:

-

-

NLP:

-



Psychological Principles of Verbal Behavior: "Did you do (issue)?"

- | | |
|---------------------------|--|
| • Denial | • "No I did not" |
| • Evasion (qualification) | • "Why would I do something stupid like that?" |
| • Omission | • Shakes head "No" |
| • Truth | • Admission - "Yes I did" |



Verbal Behavior Principles - The Underlying Principle

- A deceptive subject, if given a choice, will usually choose to reduce anxiety within their response.
- Therefore, they oftentimes will try to lie by omission or evasion; whereas responses from the truthful person seem to invite anxiety.



Evaluating Verbal Responses

- Does the subject's response provide a definitive answer to your question?
- Never assume what you think a subject intended to tell you or what you think the subject probably meant to say.

VERBAL BEHAVIOR SYMPTOMS

TRUTHFUL

DECEPTIVE



Additional Considerations: Use of Pronouns

- **Missing “I”:** When a subject relates a story in the first person (“I”), and then drops the “I” from a sentence, it suggests that the person is trying to disassociate himself from that particular time period or event



Use of Possessive Pronouns

- **“My, our, your, his, hers, their”** reveal an attachment. A suspect may change the pronoun or drop it completely when opting not to show possession or admit association.

Truthful Individual

<i>ATTITUDE</i>	<i>NON-VERBAL</i>	<i>VERBAL</i>
Composed	Smooth Posture changes	Reasonable answers
Concerned	Open gestures, good eye to eye	Smooth tone of voice & speech
Cooperative	Maintains frontal alignment	Complete clear answers
Direct and Spontaneous	Leans forward	Uses realistic words
Sincere	Open palms	Volunteers information
Open	Upright, open, casual	No long delays Direct, credible responses

Deceptive Individual

<i>ATTITUDE</i>	<i>NON-VERBAL</i>	<i>VERBAL</i>
Overly Anxious	Erratic & rapid SPC on key questions	Answers too early
Defensive	Frequent gestures	Irrational answers
Unconcerned	Barriered posture	Mental blocks
Evasive	Rigid & Immobile	Avoids realistic words
Overly Polite	Slouched, overly casual	Specific denials
Guarded	Lacks frontal alignment Hand over mouth or eyes	“I don’t know” “I can’t recall” One word answers Qualifies answers Refers to God or religion

III. THE BEHAVIORAL ANALYSIS INTERVIEW

A. Interview Segments:

Non-Threatening Questions

Biographical Information
 Employment Information
 Casual Conversation

Investigative Questions

Allow the subject to tell their story
 Ask questions to clarify details of the story
 Ask direct questions to develop additional information not
 addressed in the initial story or in the clarification questions
 Develop information to ascertain motive and opportunity

Behavior Provoking Questions

PURPOSE
HISTORY/YOU
KNOWLEDGE/SUSPICION
VOUCH
PUNISHMENT
THINK
SECOND CHANCE
INVESTIGATION RESULTS
BAIT

Research on Behavior Provoking Questions

- **NSA Study published in May, 1994 in The Journal of Forensic Sciences**
- **The video taped interviews of 60 subjects - 30 truthful and 30 deceptive - were edited so that only 15 behavior provoking questions/answers were shown.**
- **Reviewers were 85% accurate in identifying who was truthful/deceptive**

PURPOSE

“Jim, do you know what the purpose of this interview is?”

Principle: Truthful subjects feel comfortable discussing the issue and offer specific details.

Truthful:

Deceptive:

HISTORY / YOU

“Jim, we are investigating the (issue). If you had anything to do with (issue), you should tell me that now.”

Principle: Truthful subjects offer spontaneous, direct and sincere denials.

Truthful:

Deceptive:

KNOWLEDGE / SUSPICION

"Jim, do you know who (issue)? Now, let me say this, if you only have a suspicion I want you to tell me that, even though you may be wrong. I will keep it confidential and not report it to that person. Jim who do you think (issue)?"

Principle: When a name is offered, with substantiation, it is usually from a truthful person.

Truthful:

Deceptive:

VOUCH

"Jim, is there anyone that you work with, that you know well enough that you could vouch for; someone that in your opinion would not be involved in doing something like this?"

Principle: Truthful people usually eliminate other individuals from suspicion.

Truthful:

Deceptive:

PUNISHMENT

"Jim, what do you think should happen to the person who (issue)?" or "What do you think should happen to the kind of person that would (issue)?"

Principle: Truthful subjects usually offer an appropriately strong punishment.

Truthful:

Deceptive:

THINK

"Jim, did you ever think about (issue) even though you didn't go through with it?"

Principle: Truthful subjects tend to offer direct denials, particularly as the seriousness of the issue escalates

Truthful:

Deceptive:

*Behavior Analysis Interview****SECOND CHANCE***

“Jim, do you think that the person who did this (or the kind of person that would do something like this) should be given a second chance?”

Principle: Truthful subjects usually reject the idea of leniency – no second chance.

Truthful:

Deceptive:

INVESTIGATION RESULTS

“Jim, how do you think that this investigation will come out on you?”

Principle: Truthful subjects usually express confidence that the investigation will exonerate them.

Truthful:

Deceptive:

*Behavior Analysis Interview****BAIT***

In asking the Bait question, the interviewer implies the possibility of developing incriminating evidence, and asks the subject how he would explain such evidence.

“Jim, is there any reason that it will?”

“Now, I’m not that you did this but”

Principle: Truthful subjects usually spontaneously reject the implication of the bait question.

Truthful:

Deceptive:

Sources for the Bait Question:

*Nine Steps of Interrogation***THE REID NINE STEPS OF INTERROGATION****Step One:****DIRECT POSITIVE CONFRONTATION**

A. "I have in this file the results of our investigation into the (issue). The results of the investigation clearly indicate that you are the person who (issue)".

B. Behavioral pause to assess the verbal and nonverbal reaction.

C. Truthful Reaction:

Nonverbal

Verbal

D. Deceptive Reaction:

Nonverbal

Verbal

E. Transition - *"I want to sit down and spend some time with you to see if we can get this thing straightened out. Here is what I think that we are looking at..."*

Sit down

Place file on the side

Assume interrogational posture

Begin Theme development

*Nine Steps of Interrogation***Alternative Confrontation Statements**

“Jim, the results of our investigation indicate that _____

or, the results of our investigation indicate that _____

(When multiple subjects have been interviewed, an alternative confrontation statement that may be appropriate is:

“Jim, as you know I’ve interviewed everyone in the area and _____

Step Two: THEME DEVELOPMENT

- A. In a monologue the interrogator proposes to the suspect reasons and motives that will serve to psychologically justify or excuse the suspect's criminal behavior.
- B. General Rule: attempt to place the blame for what the suspect did on some person or set of circumstances other than the suspect himself.
- C. The theme is developed as to why the suspect committed the act, not if he committed the act.
- D. Theme statements:
 -
 -
 -

*Nine Steps of Interrogation***Step Three: HANDLING DENIALS**

- A. Many deceptive suspects introduce their denials with permission phrases:
- "Can I say one thing?"
"Just let me explain..."
"But sir..."
- B. The interrogator, using verbal statements and non-verbal gestures, interjects before the words "I didn't do it" are voiced.
- C. Use first names and command phrases, such as:
- -
 -

Combine with physical gestures:

- D. Truthful suspects usually do not ask to talk, and they do not move beyond step three - their denials strengthen

Step Four: OVERCOMING OBJECTIONS

- A. An objection is a statement or reason that is offered to allegedly prove that an accusation is false: "I don't need any money – I've got plenty of money" in the bank." Normally offered by only the guilty.
- B. Introductory phrases are used to indicate an objection: "That's impossible"; "That's ridiculous"; "I couldn't have done that".

- C. When the objection follows, use statement of agreement or understanding, and discuss how bad it would be if the objection was not true.

D. Sample Dialogue:

S: "I would never do something like that." (Introductory phrase)

I: "Why is that Jim?" (Draw out objection)

S: "I don't need money; I have plenty of money in the bank."
(Objection)

I: "I hope that's true Jim, because then that tells me that this was a spur of the moment thing where maybe you needed some money right away and it was left out when it shouldn't have been and you gave into temptation." (Positive discussion indicating that if the objection was true then that speaks favorably for the subject)

"On the other hand Jim, if you didn't have any money then that tells me that you were looking for an opportunity to do something like this and that it was probably planned out." (Negative discussion indicating that if the objection was not true then it speaks poorly for the subject)

"But Jim, I don't think that you planned this thing out."

Step Five: PROCUREMENT AND RETENTION OF SUSPECT'S ATTENTION

- A. The suspect is on the defensive, may withdraw and focus his thoughts on punishment.
- B. Interrogator attempts to regain the suspect's attention by intensifying the theme and by establishing physical closeness.
- C. Physical gestures of sincerity are used to establish attitude of understanding.

*Nine Steps of Interrogation***Step Six: HANDLING SUSPECT'S PASSIVE MOOD**

- A. The suspect is becoming less tense, appears defeated, is listening to your theme and may begin to cry.
Handling tears:
- B. Intensify the theme and brief it down to one or two sentences, underlying the essential elements.
- C. Begin introducing the components of the alternative question while remaining in close physical proximity.

Step Seven: PRESENTING AN ALTERNATIVE QUESTION

- A. The alternative consists of a question in which the suspect is offered two incriminating choices concerning some aspect of the crime - based on an assumption of guilt.
- B. The alternative should contrast an desirable action (good reason) with an undesirable action (bad reason).
- C. The alternative should be followed by a supporting statement in which the interrogator tells the subject that he thinks it was done for the good reason.
- D. Examples:
 -
 -
 -
 -

*Nine Steps of Interrogation***Step Eight: HAVING SUSPECT RELATE THE VARIOUS DETAILS OF THE OFFENSE**

- A. Following acceptance of an alternative, use a statement of reinforcement: "Joe, I was sure that that was the case all along".
- B. Use open ended questions to obtain details of the offense.
- C. Obtain corroboration - facts that only the guilty would know.

Step Nine: CONVERTING AN ORAL CONFESSION INTO A WRITTEN CONFESSION

- A. Use third party to witness the oral confession.
- B. Forms of written confession: written by suspect, written by interrogator, recorded, taken down by stenographer.
- C. Establish the voluntariness of the statement

Interviewing Witnesses

(May 2011 Investigator Tip from www.reid.com)

A witness is anyone who possesses direct information pertinent to an investigation. Sometimes witnesses are forthcoming and fully cooperative, other times they are reluctant to get involved and occasionally they are deceitful in an effort to protect themselves, an accomplice or loved one. There are many factors that may influence the accuracy of a witness' statement including trauma, passage of time, prejudices, influences of drugs or alcohol, age, and psychological/ physiological disorders. Finally, witnesses are interviewed in a number of different settings, ranging from a totally uncontrolled setting (outside a bank that was just robbed) to a semi-controlled environment (the witness' home or office) or in a controlled setting (the investigator's office).

With all these variables, obviously there is no single best technique to develop information from a witness. Consequently, this web tip will present a number of different concepts relating to witness interviews which the investigator will need to appropriately apply. There is, however, a single underlying principle: The more time the investigator spends talking to the witness, the more information will be learned. Regardless of how cooperative a witness may be, the investigator should never accept a witness's first version of an event as final and complete. A witness rarely initially volunteers all the information he or she possesses; the investigator must draw it out by asking follow-up questions and perhaps even consider using memory-enhancing techniques.

1. Identifying a good witness. Consider that a pedestrian was struck by a car when crossing the street. By the time the police officer arrives on the scene, ten individuals have congregated around the accident. The officer may be tempted to approach a person in the crowd and ask, "Did you see what happened?" This direct approach to locate a witness is likely to produce a response such as, "I can't help you. I just got here."

The officer would be much more productive in identifying a knowledgeable witness by initially asking an individual in the crowd, "Do you know who may have seen this happen?" This question is likely to produce a response such as, "That woman over there was here when I arrived and by the way she's acting it looks like she saw the whole thing." Armed with this insight, the officer could approach the identified woman and state, "Ma'am, I understand that you were here when this happened. Would you help me out by telling me what you saw and heard?"

It may also be beneficial to observe the behavior of potential witnesses in a crowd to identify a person who is likely to possess information and be willing to share it. The individual may appear animated in discussing the incident with those around them, appear approachable by exhibiting an open posture and a friendly facial expression. When the investigator attempts to make eye contact the willing witness may turn toward the investigator and return mutual gaze.

2. Interview multiple witnesses separate from each other. Consider that three people witnessed the same fight in a bar. If the investigator approaches them and asks, “What did you see?” one witness is likely to do most of the talking while the other two nod in agreement. Three individuals can witness the exact same event but their recollections of the event may differ slightly. To account for individual differences, it is important that the investigator conduct three separate interviews. This technique is also useful to identify possible biases or omissions within a particular witness’ statement.

3. Create the most private environment possible for the interview. Almost every witness statement attributes blame to someone or something for the observed event. Psychologically, pointing a finger at a responsible person is difficult for most individuals. This difficulty increases substantially when a witness’ statement incriminates a friend, family member or accomplice. To ease the psychological burden of implicating others, the investigator must afford the witness privacy.

Once a witness is selected from a crowd it would be appropriate to escort the witness 15 or 20 feet from the crowd before asking questions about the occurrence. In some situations, it may be appropriate to place the accused person in custody in the back seat of a squad car and then privately question the witness out of the accused person’s presence. There may be instances where the witness’ statements will be so critical to the successful prosecution of the guilty that the investigator may choose to interview the witness in the confines of an interview room in a law enforcement center. Regardless of the circumstance, the important message is that once a witness is located the investigator should do whatever is possible to afford the witness privacy before expecting that person to provide accurate and meaningful information.

4. Do not elicit personal information from the witness (full name, address, telephone number) early during an interview. The reason many witnesses are reluctant to offer information is the fear of getting involved in the legal system (testifying in court, being named as a source of information to obtain an arrest warrant, etc.) Consequently, once an investigator identifies that a person may have information pertinent to an investigation, the information should be elicited in a casual manor, e.g., “Good evening sir. I’m a police officer investigating this incident. Can you tell me what happened?” Only after the witness has provided the desired information should the investigator elicit personal information.

For much the same reason, the investigator should refrain from taking written notes early during the interview. Not only does note-taking remind the witness of the permanency of the statement, but it can be a distraction and affect the natural flow of information. Once the witness has made a complete oral statement the investigator can pull out a pen and paper and document what was said.

5. Introduce each area of the interview with an open question. Research and empirical observations clearly indicate that the most effective technique to develop full and accurate information from a witness is to start with a broad question, e.g. “Please describe the car for me” than to ask a series of closed-ended questions, e.g. “What color was the car?”; “Was it a van or sedan?” “How old do you think the car was?”

When asking an open question the investigator should not influence the witness’ statement by making assumptions within the question. Witnesses are often nervous when talking to an authority figure and may be eager to please the investigator by saying what they think the investigator wants to hear (or already knows). Consider that a woman heard a loud noise coming from the liquor store across the street and saw a person run out of the store following the sound. As it turns out, the liquor store was just robbed and the clerk was shot dead. It is improper to ask this witness “Describe the man who robbed the liquor store” because the question assumes that the robber was a man and that the person being described is the person who robbed the liquor store. Rather, the investigator should ask “Describe the person you saw leave the liquor store after you heard the loud sound.”

Once the witness starts to respond to the investigator’s open question, the investigator should not interrupt the account. Rather, he should encourage the witness to fully respond to the question with phrases such as “please continue,” “I understand,” or “alright.” Certainly, during the course of an open account additional questions will occur to the investigator. However, if the investigator interrupts the witness’ response with a detail question, e.g. “How many shots did you hear?” the interview will quickly deteriorate to an undesirable question and answer session.

6. Ask clarifying questions before detail questions. As the name implies, clarifying questions are intended to draw out further information about a topic mentioned within an open response. Examples of clarifying questions include, “Tell me more about what you heard prior to the fight;” “Describe the vehicle that struck the woman;” or “Tell me again about what caused you to step out of your house?”

Detail questions seek specific answers and should be reserved for the conclusion of the interview. They fill in gaps of missing information not volunteered by the witness through the use of open or clarifying questions. Examples of detail questions are, “What time did this happen?” “What color was the car?” “Did he strike him with his left or right hand?” Because detail questions force the witness to offer specific information, they are the most likely questions to elicit false information. Failure to offer a definitive response to a detail question holds a negative connotation – the witness is stupid, the witness is uncooperative, the witness is withholding information. Consequently, witnesses are prone to lie to detail questions.

7. Memory- enhancing techniques. It is the investigator’s goal to develop accurate and complete information from a witness. The previously listed techniques are designed to increase the accuracy of information. To increase the amount of information a witness

recalls, consider these tactics:

Traumatized witnesses should always be re-interviewed at a later date. Especially when the witness is also a victim, it is important to gain immediate information in an effort to quickly identify a possible suspect and collect relevant evidence. Frequently, however, a traumatized witness will be able to recall further information 24 or 48 hours following the incident. After taking the initial report, the investigator should prepare the traumatized witness for a second interview with a statement such as the following:

“Linda, I know this has been difficult for you and I really appreciate your assistance. In cases like this, I have found that a person will remember more about what happened if given some time to think about it. I would like to talk to you again tomorrow afternoon to update you on our investigation and to find out what else you remember. Would that be alright?”

Have the witness write down their recollections. Many individuals are kinesthetic thinkers in that the act of writing will help stimulate and organize memories. This should not be introduced as a “written statement” but rather as a technique to assist the witness’ recollection. For example, the witness may be given a sheet of paper with the numbers one through ten listed as a column and asked to write down, in sequence, ten recollections about the event. Once this task is completed, the investigator can ask the witness to try to add two more recollections following each of the ten points.

Consider using cognitive interviewing techniques. These specialized techniques are specifically designed to enhance a person’s recall. They require a cooperative witness and should be utilized in a controlled environment. The witness should be relaxed and comfortable. It may also be appropriate to ask the witness to close their eyes to help concentrate.

The first technique involves recalling the incident in reverse order. The witness would be asked to start their story with the last recollection, and working toward the first recollection. The investigator could also ask the witness to tell their story from a different perspective. For example, in a hit and run accident, the witness could be asked to tell the story from the victim’s perspective.

A second concept within cognitive interviewing involves asking hypothetical questions about the recalled event. In the process of answering these questions, further memories may be stimulated within the witness. Examples of these questions include:

“Did he remind you of anyone you know?”
 “Why do you think he was dressed the way he was?”
 “What do you think the man did for a living?”
 “Where do you think he was from?”
 “Did the man mention any names?”

Conclusion

Developing accurate and complete information from witnesses is critical to any criminal investigation. This information may determine whether or not a crime was committed, the direction in which an investigation goes and the identification of the perpetrator of a crime. Yet, too often, investigators engage in procedures that fail to identify valuable witnesses to a crime, or question witnesses with techniques that result in missing or erroneous information. Of primary importance, investigators need to create a private environment to interview witnesses which will, in turn, allow for more structure within the interview. Specifically, the investigator should start the interview by asking open questions followed by clarifying questions. Only at the conclusion of the interview should the investigator ask detail questions, take written notes and obtain personal information about the witness.

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