

# Interrogation

The purpose of an interrogation is to offer the suspect morally acceptable reasons for committing the crime in an effort to elicit the first admission of guilt.

## I. Physical characteristics of interrogation room

- A. *The interrogation room should be a non-supportive environment that is away from the suspect's normal surroundings.*
- B. *It should be a quiet, private room, free of any outside noises or distractions.*
- C. *There should be no physical barrier (such as desk) between the suspect and the investigator. The two chairs should face each other about 4 to 5 feet apart.*

## II. The Reid Nine Steps to Interrogation

### 1. The Positive Confrontation

*The interrogator tells the suspect that based on the investigation, he/she is the one who committed the crime in question.*

### 2. Theme Development

*The interrogator offers the suspect reasons for committing the crime that will psychologically justify his/her behavior.*

### 3. Handling Denials

*The interrogator should recognize when a denial is going to be made (by the suspect's use of permission phrase) and attempt to interject a statement first.*

### 4. Overcoming Objections

*An objection is a statement offered by the guilty to allegedly prove an accusation is false. The interrogator should turn the objection around and use it to further the theme development.*

**5. Keeping the Suspect's Attention**

*At this stage, the guilty suspect may be beginning to think about the consequences and withdrawing into a shell. To recapture the suspect's attention, the interrogator should move closer to the suspect.*

**6. Handling Passive Mood**

*In step 6 the suspect is on the verge of confessing. The theme should be reduced to its essential elements, and the alternative question should be introduced.*

**7. Presenting an Alternative Question**

*In the alternative question the interrogator presents the suspect with two incriminating choices for committing the crime: "Did you plan this out or was it done on the spur of the moment?" Either choice is an admission of guilt.*

**8. Obtaining the Oral Confession**

*Once the suspect has accepted one side of the alternative question, the interrogator should then begin to develop the details of the crime verbally.*

**9. The Written Confession**

*After the suspect has verbally described the details of the crime, the oral confession is then converted into a written or recorded document.*

**III. Summary of Interrogation**

**A. Theme Development**

*Our primary job as interrogators is to give the suspect psychological justification for committing the crime.*

**B. Use of an Alternative Question**

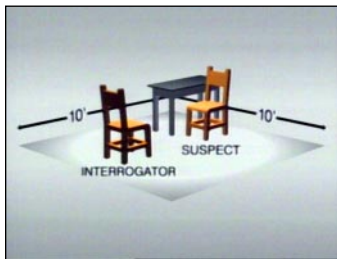
*When the suspect is ready to confess, the interrogator should offer the suspect a "good" reason versus a "bad" reason for committing the crime, and tell the suspect that the interrogator believes he/she did it or the good reason.*

# Interrogation

An interview is a non-accusatory conversation in which, through question and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim, or witness. Interrogation, in contrast, is an accusatory procedure designed to elicit from the subject an acknowledgement that he or she did not tell the truth during an initial statement, whether that person is a suspect who originally denied involvement in the issue under investigation, or a victim who fabricated the nature of the alleged offense.

## *Preliminaries*

Privacy is the principal psychological factor contributing to the successful outcome of an interview or interrogation. Typically, interrogator and suspect should sit in similar chairs, directly facing each other approximately 5 feet apart, without any physical barrier (such as a desk) between them. Minimize distractions that may disrupt privacy, such as phones ringing or interruptions from other people entering the room.



In a custodial setting, the interrogator must advise the suspect of his or her rights and obtain the proper waiver before asking any questions. If it is not a custodial setting, no warnings are required. Several legal precedents apply. The 1966 U.S. Supreme Court decision in *Miranda v. Arizona* (384 U.S. 436) established the rule that before a person in police custody (or otherwise deprived of his freedom “in any significant way”) could be interrogated, he must be given the following warnings:

1. That he has a right to remain silent, and that he need not answer any questions;
2. That if he does answer questions, his answers can be used as evidence against him;
3. That he has a right to consult with a lawyer before or during questioning by police;
4. That if he cannot afford to hire a lawyer, one will be provided for him without cost.\*

\*For a much more detailed analysis and discussion of the Miranda Warnings, as well as the legal issues involved in conducting a proper interrogation, see the text *Criminal Interrogations and Confession* by Fred E. Inbau, John E. Reid, Joseph P. Buckley, and Brian C. Jayne. The Fourth Edition, published in 2001, is available from John E. Reid and Associates, Inc. at 1-800-255-5747 or visit their web page at [www.reid.com](http://www.reid.com).

All of the warnings must be given in such a way that the suspect clearly understands what he or she is being told and the interrogation may be started only if he or she has indicated willingness to answer questions. The interrogator is not allowed to talk the suspect out of his or her refusal to talk. If at any time the suspect says that he or she wants a lawyer the interrogation must cease, the interrogator cannot talk the suspect out of his or her desire for a lawyer.



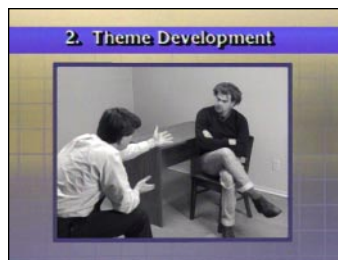
In the 1979 case of *North Carolina v. Butler* (441 U.S. 369) the Supreme Court ruled that the waiver needed before initiating any questions does not have to be a written one; an oral waiver is sufficient.

In the 1976 case of *Beckwith v. United States* (452 U.S. 341, 347) the U.S. Supreme Court held that focus of suspicion does not require the issuance of the warnings, only custody.

Interrogation of a suspect occurs only after a non-accusatory interview and when the investigator is reasonably certain of the suspect's involvement.

### ***Step 1: The Positive Confrontation***

Most interrogators enter the interview/interrogation room with a file summarizing results of the investigation. If the suspect clearly seems guilty, after an exchange of greetings the interrogator confronts the suspect with a statement of guilt. Otherwise, the statement should be less direct. Following this confrontation, the interrogator pauses to evaluate the suspect's reaction to the statement. Then the interrogator repeats the initial statement, puts the investigation file aside, sits down directly opposite the subject and makes the transition to a sympathetic and understanding person.



### ***Step 2: Theme Development***

The interrogator then presents "*moral justification*" for the suspect's criminal behavior. One way of doing this is to place moral blame for an illegal activity on another person or an outside set of circumstances. This appeals to a basic aspect of human nature. Many people minimize responsibility for their actions by placing blame on someone or something else. In a theft case, for example, the interrogator could suggest that the suspect was not paid enough by an employer or that someone left money where it was an open temptation. Often the suspect will say that other employees also stole, thereby making him or her just one of several thieves. Other moral justifications for criminal behavior are: unusual family expenses, desperate circumstances, a friend came up with the idea, retribution for an argument, or alcohol/drug dependence.

The interrogator presents this moral justification in a sympathetic and understanding way; an interest in working with the suspect to resolve the problem breaks the ice. The justification is voiced in a monologue, without giving the suspect an opportunity to speak until he or she is at the point of admitting guilt.