

I'm Dr. Richard Leo. I want to thank those at Psych-Law for inviting me to speak as part of their continuing education program for criminal law specialists.

I'm an associate professor of Criminology and Psychology at the University of California, Irvine. I obtained my PHD Doctorate degree at the University of California, Berkeley. My doctoral thesis was a study of the techniques used by American police agencies in the interrogation of suspects. In brief, I was allowed to attend 122 police interrogations at the Oakland police department in northern California and witnessed another 60 interrogations by video tape two other Bay Area police departments. I also attended five introductory in advanced training courses including an advanced training course at the federal law enforcement training center in Brunswick Georgia, where all federal police with the exception of the FBI, are trained. I also attended the introductory and advanced interrogation training courses from the Chicago based training firm, Reed and Associate.

I've published numerous articles, book chapters and books on police interrogation and confession. It was because of one of those articles that I was invited to attend the federal law enforcement training center.

My research has been found to be scientific in numerous state, federal and military courts. As of October, 2004, I've testified more than 100 times in 18 different states. On each occasion, I've been required to establish the scientific foundation for my research. On two occasions, I've testified for the California Attorney General's office for a case in which the defense was alleging that their client was innocent because three juveniles had confessed the same crime. My role in that case was to explain to the jury how police interrogation works and how it can lead to false confession from factually innocent individuals.

I've given dozen of lectures on police interrogation and confession to numerous professional organizations over the years, including; to judges, prosecutors, police, psychologists, and criminal defense attorneys.

I've taught interrogation training courses to police investigators in Florida, Louisiana and Texas.

The Reed Method is the primary method of interrogation in the United States. It was created by an individual named John Reed in the 1940s, who co-wrote a textbook entitled, "Criminal Interrogation and Confessions", a textbook which has become the bible of all police interrogation training in America. It is now in its fourth edition.

The Chicago-based training firm, Reed and Associates, goes around the country, putting on seminars to teach police officers and detectives the Reed Method of Interrogation. Virtually every detective in American has either been trained in the Reed Method directly through Reed and Associates or through similar interrogation training put on by someone else or by the police department to which they belong.

The Reed Method was not based upon any scientific or systematic research. It was created to replace the “third degree” or the rubber hose in the basement of the police station when the courts put an end to that practice in the 1940s.

Now, the first thing to know about the Reed Method, is that there’s a big difference between interviewing and interrogation. Interviewing is something police do to witnesses, victims and potential suspects. It involves asking friendly open-ended questions in a non-accusatorial and non-confrontational manner. The purpose of an interview is to get the truth and as much information as can be helpful in figuring out the truth and getting investigative leads. The ideal is to ask questions in the manner that is not leading, not suggestive and not manipulative. The interviewee should feel at ease and should do most of the talking in an interview.

By contrast, an interrogation is a very different activity. Police interrogate suspects only when they presume the guilt of the suspect and the purpose of the interrogation is to get incriminating statements and admission or a full confession. It is not necessarily to get the truth. Remember, the idea is that police detectives already know the truth or the detective thinks he knows the truth; in other words, that the suspect is guilty. And so, the purpose of interrogation is to confirm what the interrogator believes, not necessarily the truth. As a result, the interrogation is accusatory and confrontational. The detective is supposed to do most of the talking and the detective uses specialized interrogation techniques whose purpose is to manipulate a suspect’s perception. And these techniques include leading suggestive, sometimes even, coercive questioning methods.

The ultimate goal of an interrogation is to move the suspect from denial on the one hand to admission or confession. The Reed Method is simple to understand. The main idea as put forward by the Reed School is that the interrogator needs to change the suspects mindset by raising their anxiety and changing their perceptions about what will happen to them, depending on whether or not they confess.

The Reed Method seeks to accomplish this through a few primary interrogation techniques. First, the interrogator seeks to isolate the suspect from the environment from which the suspect feels comfortable and from any social networks for outside support. So the interrogator takes the suspect to the interrogation room which is typically in a remote room in the police station, and sometimes lets him stew before questioning. The idea here is to isolate the suspect and eventually to show the suspect that he, the interrogator, dominates and controls the interaction.

Second, the interrogator accuses the suspect of committing the crime in a competent unwavering manner. As mentioned earlier, once the detective decides to interrogate, he’s made up his mind; that the suspect is guilty, and the sole purpose of interrogation is to get incriminating statements, an admission or, ideally, a full confession – not to entertain the suspect’s alibi, denial or even reconsider whether the suspect is innocent or guilty. As a result, the interrogator will not only repeat his accusations often but he will also cut out the suspect’s denial, (the idea being that the less the suspect is able to verbalize his denials, the more likely he will be eventually, to break).

Third, the interrogator will attack the suspects alibis or denials as either illogical, impossible, inconsistent or simply contradicted by case facts, even if it is not and the interrogator will confront the suspect with real or fabricated evidence, a technique that is known as quote, unquote “the evidence ploy”.

The purpose of attacking the suspect’s alibi or denials and confronting the suspect with real or fabricated evidence is to convince the suspect that he’s caught; that there’s no way to escape the fact that everyone will think he is guilty and no one will believe his alibis or his denials. In short, it is to convince the suspect that he has no choice but to cooperate with the interrogator.

Fourth, the interrogator in the Reed Method confronts the suspect with what are called, quote unquote “themes”. A theme is a psychological excuse or justification for why someone would have committed an act. So, for example, in a murder case the interrogator may suggest the theme of an accident or perhaps self defense; that the suspect committed the crime accidentally. It was a mistake; not intentional or in self defense, to make the suspect feel that he is less blameworthy or less culpable for the underlying act – the death of the victim and therefore trying to make it easier for the suspect to admit to the killing.

The technique of using a theme culminates in the use of a good theme and a bad theme which in some ways is like the technique, “good cop, bad cop”. The idea is to contract the good theme for example, like killing in self-defense or as an accident or a mistake with the bad theme, for example, being a first degree, premeditated cold-blooded murder. The idea here is to give the suspect the sense that there are only two choices in terms of how the crime will be defined and what the consequences will be to the suspect – a good choice, a bad choice and that it is in his best interest obviously to take a good choice.

Sometimes the good theme and bad theme even imply that if you accept the good theme you might have no culpability or minimal culpability. For example, the officer may state that all he needs to know is whether the defendant raped the woman or was it consensual sex? The officer will want to know if he molested the child intentionally or were you so drunk, for example that you weren’t aware of what you were doing and it was completely unintentional. The officer keeps repeating that if you choose the good theme, we can understand. Everybody makes those kinds of mistakes. Accidents happen. The officer never offers the choice that the alleged event did not occur. He keeps portraying the good theme as being in the suspect’s best interest.

The Reed Method of Interrogation can lead individuals who are completely innocent to sometimes either come to doubt themselves and their memory and/or to make false statements, false admissions or false confessions. When an innocent individual comes to doubt their memory, or make a false confession, it is of course highly counter intuitive. One can clearly see how this can happen if one understands the process of interrogation, because the Reed Method of Interrogation if misused on an innocent suspect can lead the innocent suspect to perceive their situation in a way that makes sense to question their

memory or to agree to a false account. How can this happen? It happens because the Reed Method of Interrogation is intended to cause a suspect to think they are caught. They are trapped and there is simply no way out of the interrogation. They will inevitably be arrested, prosecuted and convicted, no matter what they say or do in the interrogation room. This is why the interrogator exudes confidence, repeats the accusations often, cuts off or rejects any denials, attacks the suspect's alibi, sometimes relentlessly, and offers explanations and confronts the suspect with real or false evidence. The idea is to convince the suspect that the case against him is air tight; objective, irreversible. No matter what the suspect says or does, he's gonna be arrested and prosecuted. It's futile to resist. Individuals who are naïve or inexperienced with the police or who have no idea that police can lie and make up evidence, as well as individuals of low intelligence or high suggestibility may come to doubt their memories in the interrogation room, especially in response to the false evidence ploys because they may come to believe that despite the fact that they have no memory of committing the crime, they must have done something because the police are unrelenting, attacking their explanations and alibis mercilessly and the police say they have all the evidence; that everybody is going to believe them and it makes the suspect look guilty.

Common false evidence ploys include the police telling the suspect that they found his fingerprints on the weapon or saying that the suspect's DNA was found on the alleged victim, or telling the suspect that an eye witness has identified him, or telling the suspect that his alleged accomplice has fingered him to the police or whatever else the police want to make up and insists incriminates the suspect.

The reason the Reed method can lead innocent suspects not only to doubt their memory, but also to make false statements or a false confession, is because once the suspect is moved to the point of hopelessness, as a result of the accusations, attacks on his alibi, and explanations and the evidence ploys, he may come to perceive that he has very little choice in the matter. If the suspect believes the interrogator, whether or not he continues to deny committing the crime, he will perceive that he is trapped, caught and powerless; that no matter that he is innocent, he will get convicted.

If a suspect believes this, then the good choice and bad choice offered by the interrogators use of themes may be persuasive. Given the fact that the suspect perceives he is caught and there is no way out, even if he is innocent, he may feel compelled to take the good choice, making him appear less culpable, in order to avoid the bad choice, which would make him appear more culpable. He may do this because he believes he's gonna get convicted anyway and as the interrogator is either implying or explicitly suggesting the good choice will lead to less punishment, a lower charge and/or a lower sentence or possibly no charges at all. Then the bad choice, which will lead to more punishment, for example a higher charge or a higher sentence. If the detective's use of the Reed Method of Interrogation is successful, in moving someone to this mindset, then it may make sense indeed for the suspect to perceive that it is in his self-interest to make a false admission or a false confession. This may make sense because the suspect may come to think that this is the only way to avoid an inevitably higher charge or sentence, given what the interrogator has told him, even though he or she is completely innocent.

An innocent suspect can be lead to say and possibly believe that it must have happened while he was asleep because he has no memory of it. It must have happened while he was blacked-out or drunk because he has no memory of it... or lead to believe, or made to believe that if he just agrees with something, that something accidentally happened, it will be in his self-interest.

The Reed Method of Interrogation can be very psychologically coercive on both suspects that are guilty as well as suspects who are innocent.