The Investigative Interview:

Assessing Subject Credibility

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The Authoritative Text - Our book, Criminal Interrogation and Confessions (5th edition, 2013) 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.
The Investigative Interview: Assessing Subject Credibility

I. INTRODUCTION

A. History of Material
   * Founded in 1947
   * Original research initiated over 50 years ago
   * 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

C. Characteristics of an Interview

   .
   .
   .
   .
   .
   .

D. 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

   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
Behavior Symptom Analysis

E. The Interview Environment
   • As private as possible
   • Minimize as many distractions as possible
   • No physical barriers between the interviewer and the subject

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.
Behavior Symptom Analysis

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

3. Control over the environment (Setting and Proxemics)

X

- A is the Intimate zone, extending out about 1 ½ feet
- B is the Personal zone, extending from 1 ½ to 4 ½ feet
- C is the Social zone, extending from 4 ½ to 12 feet
- D is the Public zone, extending out from 12 feet

4. Intelligence (not education)

5. Emotional and Psychological stability

6. Maturity

7. Culture

8. Physical Condition

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

<table>
<thead>
<tr>
<th></th>
<th>Truthful</th>
<th>Questionable</th>
<th>Deceptive</th>
</tr>
</thead>
</table>

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

F.  Behavioral Attitudes Common to Both Truthful and Deceptive

NERVOUS      FEARFUL      ANGRY      QUIET

ATTITUDES

TRUTHFUL        DECEPTIVE
Behavior Symptom Analysis

**POSTURE**

**TRUTHFUL**

• Truthful subjects usually **do not** engage in SPC when they answer key questions (positive)

**DECEPTIVE**

• Deceptive subjects oftentimes **do** engage in SPC when they answer key questions (negative)

**SIGNIFICANT POSTURE CHANGES**

**TRUTHFUL**

• Truthful subjects usually **do not** engage in SPC when they answer key questions (positive)

**DECEPTIVE**

• 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**

• Truthful subjects use illustrators when they describe events or physical activities

**DECEPTIVE**

• Deceptive subject’s are oftentimes more restricted in their use of illustrators
**Behavior Symptom Analysis**

**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. **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 30 to 60% of the time.

- Use caution with extremes

**TRUTHFUL**

Maintain eye contact when answering key questions

**DECEPTIVE**

Avoid eye contact when answering key questions
Psychological Principles of Verbal Behavior: “Did you do (issue)?”

- Denial
- Evasion (qualification)
- Omission
- Truth

- “No I did not”
- “Why would I do something stupid like that?”
- Shakes head “No”
- 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.
Behavior Symptom Analysis

**VERBAL BEHAVIOR SYMPTOMS**

<table>
<thead>
<tr>
<th>TRUTHFUL</th>
<th>DECEPTIVE</th>
</tr>
</thead>
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### Truthful Individual

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

### Deceptive Individual

<table>
<thead>
<tr>
<th>ATTITUDE</th>
<th>NON-VERBAL</th>
<th>VERBAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overly Anxious</td>
<td>Erratic &amp; rapid SPC on key questions</td>
<td>Answers too early</td>
</tr>
<tr>
<td>Defensive</td>
<td>Frequent gestures</td>
<td>Irrational answers</td>
</tr>
<tr>
<td>Unconcerned</td>
<td>Barried posture</td>
<td>Mental blocks</td>
</tr>
<tr>
<td>Evasive</td>
<td>Rigid &amp; Immobile</td>
<td>Avoids realistic words</td>
</tr>
<tr>
<td>Overly Polite</td>
<td>Slouched, overly casual</td>
<td>Specific denials</td>
</tr>
<tr>
<td>Guarded</td>
<td>Lacks frontal alignment</td>
<td>“I don’t know” “I can’t recall”</td>
</tr>
<tr>
<td></td>
<td>Hand over mouth or eyes</td>
<td>One word answers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Qualifies answers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refers to God or religion</td>
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Using Open-ended Questions During the Investigative Interview (Part 1)

March / April 2017

(Please Note: If you wish to print and share an Investigator Tip with your colleagues, the John E. Reid ‘credit and permission’ statement following the article must be included.)

When evaluating an account, such as what happened to a victim, a suspect’s alibi, or what a witness saw or heard, the investigator should elicit this information by asking an initial open-ended question early in the investigative interview. An open-ended question is one that calls for a narrative response. The following are examples of open questions:

- Please tell me everything you know about the fire at your warehouse.
- Please tell me everything that happened to you after school last Friday night. (Question aimed toward a claim of rape, battery, or robbery.)
- Please tell me everything about the accident you witnessed.
- Please tell me everything you did from noon on Friday until you went to bed. (Question designed to evaluate an alibi.)

Too often, investigators elicit this type of information by asking closed questions. For example, in a case involving a robbery that occurred at 7:45 P.M., the investigator might ask a suspect, “Where were you last Friday at 7:45?” The guilty suspect is likely to lie to this highly focused question by providing a fabricated statement and the investigator is left with the difficult task of detecting deception based on a single observation of behavior.

There are a number of benefits of asking an initial open-ended question early during an interview. First, because the subject is free to include or exclude whatever he wants to within his or her response, unless dealing with a fabricated victim’s account, the subject is unlikely to include false information, as open questions do not invite fabrication. Information that is volunteered during a response to an open question—for example, a subject’s alibi—will probably all be truthful, although perhaps incomplete. Second, the subject’s response to an initial open question can be evaluated for editing, where the subject intentionally excludes specific information within the account. Finally, responses to open questions generally do not commit the deceptive subject to a position of denial, whereas a series of closed questions may cause the subject to stick to a lie he told early during the interview process.

To illustrate these points, consider the following response to an open question concerning a subject’s alibi, where the issue under investigation is a drive-by shooting that occurred at 6:45 P.M. The open question asked of the suspect was, “Please tell me everything you did from noon on Friday until you went to bed.”

Over the noon hour I was shooting buckets with some friends and we decided to go to the McDonald’s on Sunset for lunch. We hung around McDonald’s for a while and went over to a friend’s house to see who was there. We were at her home for a while and sat and talked. After that we wanted to see a movie. The movie ended at around 7:00. Eventually, we went over to Paul’s house, talked and stuff and I walked home from Paul’s house around 9:00. I spent the rest of the night on the phone and listening to CDs in my room. I probably fell asleep around 11:00 or so.

The above alibi does not include any false information, even though the subject was involved in the shooting incident (notice that the subject never stated that he went to the movie). As will be described shortly, this alibi can be analyzed for editing and, by asking clarifying questions, the investigator may be able to establish that the suspect, in fact, had no alibi at the time of the crime. Had the investigator elicited the alibi by asking a direct question—“Where were you at 6:45 last Friday night?”—the subject is likely to lie and is now committed to the position that he was at a movie when the drive-by shooting occurred, as illustrated by the following dialogue:

Question (Q): Where were you at about 6:45 last Friday night?
Response ®: I was with Paul and Greg at a movie.
Q: What movie was that?
R: Hell or High Water.
Q: When did you leave the movie theater?
R: The movie ended around 7:00, so it would have been about 7:10 or 7:15.
Q: And then what did you do?
R: We were in Paul’s car and he drove to his house where we talked for a while and I walked home at 9:00.

Eliciting an alibi in the above manner actually forces a guilty suspect to lie to the investigator’s questions. It is an obvious principle of interviewing, but one worth mentioning: it is always more advantageous to have a subject omit part of the truth than to fabricate information through a lie. Developing truthful information that was omitted from a response is much easier than learning the truth from a subject who is committed to a lie already told. Open questions do not invite a guilty subject to the investigator’s question.
Phrasing Open Questions

Our social instincts teach us to ask open questions in a noninvasive manner (for example, “How was your day at work?” or “What happened at school today?”). These questions are certainly adequate to afford a person willing to disclose problems at work or school to reveal that information. However, they clearly are ineffective for the person motivated to deceive.

During the interview of a person suspected of involvement in a crime or fabricating an event, the initial open question should be phrased in the broadest sense possible (for example, “Tell me everything you did....”). The investigator also does not want to place any parameters within the question that might limit the subject’s response. Therefore, when questioning a wife concerning domestic violence, question 1 is improperly asked, whereas question 2 is properly asked:

1. Why don’t you start off by telling me what your husband did to you?
2. Please tell me everything that happened here this evening.

The first question is improper because it assumes that the husband in some way injured the wife and also limits the response to her husband’s physical actions. The second offers no direction to the wife and she can report whatever she chooses.

Typically truthful accounts will start off at some point in time prior to the main event. Before responding to an open question, however, a deceptive subject may ask the investigator, “Where would you like me to begin?” or “What would you like to know?” The investigator should respond, “Wherever you want to begin” or “Everything that happened.”

Eliciting a Full Response

Once the subject starts responding to the initial open question the investigator should allow him to continue with his response without asking any questions. If the investigator does interrupt the account by asking a question, the truthful subject may edit the account to provide what he believes the investigator wants to know. Also, interruptions as a result of questions break the subject’s flow of ideas and continuity of the account, which restricts the investigator’s ability to evaluate the account for edited information.

To encourage a full response to the initial open question, the investigator may use a technique called forced silence. After the subject pauses, the investigator might say something like, “all right” or “okay,” followed by silence. Inevitably, the subject will break the silence and continue with his response. When the response is complete the subject will generally let the investigator this with a statement such as, “And that’s everything I did.”

(In the May/June Investigator Tip we will continue with Part 2: Evaluating the Response to an Open-ended Question)

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