



Main > People > Public Works

How Police Interrogation Works

by Julia Layton

Introduction to How Police Interrogation Works

There are "Law & Order" addicts everywhere who think they could get a perp to confess. A little glaring, some getting in the guy's face, a revelation that his fingerprints are all over the murder weapon and voilà! He's recounting his crime. In real life, police interrogation requires more than confidence and creativity (although those qualities do help) - - interrogators are highly trained in the psychological tactics of social influence.

Getting someone to confess to a crime is not a simple task, and the fact that detectives sometimes end up with confessions from the innocent testifies to their expertise in psychological manipulation. No two interrogations are alike, but most exploit certain weaknesses in human nature. These weaknesses typically rely on the stress that results when people experience contrasting extremes, like dominance and submission, control and dependence, and the maximization and minimization of consequences. Even the most hardened criminal can end up confessing if the interrogator can find the right combination of circumstances and techniques based on the suspect's personality and experiences. In the United States, scholars estimate that somewhere between 42 percent and 55 percent of suspects confess to a crime during interrogation.



Police interrogators are highly trained in psychological tactics. See more [police pictures](#).

Police interrogations weren't always so complex. Until the early 1900s in the United States, physical abuse was an acceptable (if not legal) method of getting a confession. Confessions obtained by "third degree" techniques -- deprivation of food and water, bright [lights](#), physical discomfort and long isolation, beating with rubber hoses and other instruments that don't leave marks -- were usually admissible in court as long as the suspect signed a waiver stating the confession was voluntary. Between the 1930s and 1960s, though, a crackdown on police tactics gradually changed the practice of interrogation.

While the Supreme Court had ruled as early as 1897 against involuntary confessions, it was in 1937 that things really started to change. In the case *Brown v. Mississippi*, the Supreme Court threw out a "voluntary" confession that was obtained after police officers repeatedly strung a suspect up in a tree and whipped him. The Court's decision was clear: Confessions obtained by force cannot be used as evidence at trial. By the 1950s, confessions were considered involuntary not only if police beat the suspect, but also if they held a suspect for an unnecessarily extended period of time, deprived him of [sleep](#), food, water or bathroom facilities, promised some benefit if the suspect confessed or threatened some harm if he didn't.

When the case **Miranda v. Arizona** reached the Supreme Court in 1966, coercive police interrogation took another blow. Ernesto Miranda had confessed to rape and kidnapping after two hours of interrogation, and the appeal to the Supreme Court alleged that Miranda was not aware of his rights to remain silent (the **Fifth Amendment**) and to counsel (the **Sixth Amendment**). The Court ruled in favor of Miranda, and the decision instituted what we've come to know as the "Miranda Rights." To safeguard against a suspect falling into an involuntary confession because he thinks he has no choice but to speak, the police must expressly, clearly and completely advise any suspect of his rights to silence and counsel before beginning an interrogation or any other attempt to get a statement from a suspect. The Miranda decision attempts to eliminate suspect ignorance as a contributing factor to involuntary confessions.

In looking for a replacement for illegal forms of coercion, police turned to fairly basic psychological techniques like the time-honored "good cop bad cop" routine, in which one detective browbeats the suspect and the other pretends to be looking out for him. People tend to trust and talk to someone they perceive as their protector. Another basic technique is maximization, in which the police try to scare the suspect into talking by telling him all of the horrible things he'll face if he's convicted of the crime in a court of law. Fear tends to make people talk. For a while, police tried such things as [polygraphs](#) to determine if the suspect was being deceptive, but polygraphs and polygraph training are expensive, and the results are almost never admissible in court. But some polygraph analysts, including a man named John Reid, began noticing that subjects exhibited certain outward, consistent physical signs that coincided with the polygraph's determination of untruthfulness. Reid went on to develop a non-machine-based system of interrogation based on specific types of questions and answers that uncover weaknesses the interrogator can use against a suspect to obtain a confession. Reid's "Nine Steps" of psychological manipulation is one of the most popular interrogation systems in the United States today. In the next section, we'll find out about this system.

Confessions and the Constitution

The primary Constitutional Amendments referred to in Supreme Court decisions regarding the admissibility of confessions are the Fifth Amendment, which guarantees a person's right to not incriminate himself, and the Fourteenth Amendment, which guarantees the right to due process, including a speedy trial. When the police hold and interrogate a suspect for three days without charging him with a crime, they've violated that suspect's right to due process. When the police string someone up in a tree and whip him until he confesses, they've violated that person's right not to incriminate himself (among other rights).

Common Interrogation Techniques

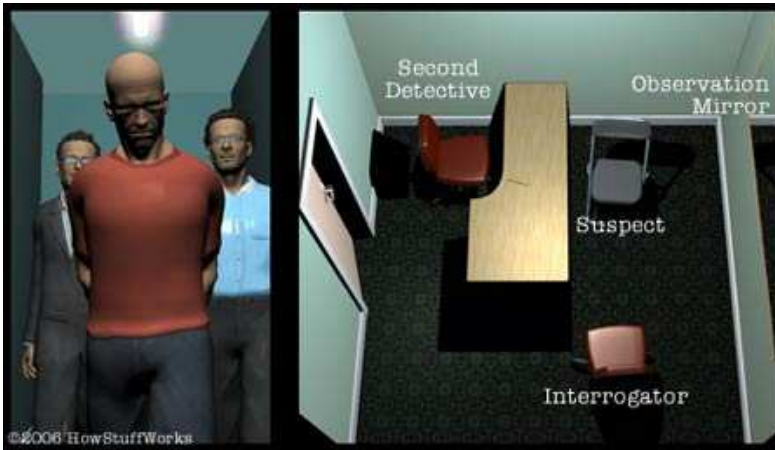
Modern interrogation is a study in human nature. Most of us are more likely to talk to people who appear to be like us. Once we start talking, it's hard for us to stop. Once we start telling the truth, it's harder to start lying. When a police officer tells us our fingerprints were found on the inside doorknob of a home that was robbed two days ago, we get nervous, even if we wore gloves the whole time we were inside.

With a few exceptions, the police are allowed to lie to a suspect to get him to confess. The belief is that an innocent person would never confess to a crime she didn't commit, even if she were confronted with false physical evidence of her involvement. Unfortunately, that's not always the case (more on false confessions in the next section), but it's a big part of the reason why the police are allowed to employ deceptive tactics in interrogation.

The psychological manipulation begins before the interrogator even opens his mouth. The physical layout of an interrogation room is designed to maximize a suspect's discomfort and sense of powerlessness from the moment he steps inside. The classic interrogation manual "Criminal Interrogation and Confessions" recommends a small, soundproof room with only three chairs (two for detectives, one for the suspect) and a desk, with nothing on the walls. This creates a sense of exposure, unfamiliarity and isolation, heightening the suspect's "get me out of here" sensation throughout the interrogation.

Bad Move

In the United States, as many as 80 percent of suspects waive their rights to silence and counsel, allowing police to conduct a full-scale interrogation.



The manual also suggests that the suspect should be seated in an uncomfortable chair, out of reach of any controls like [light](#) switches or [thermostats](#), furthering his discomfort and setting up a feeling of dependence. A one-way mirror is an ideal addition to the room, because it increases the suspect's anxiety and allows other detectives to watch the process and help the interrogator figure out which techniques are working and which aren't.

Before the nine steps of the Reid interrogation begin, there's an **initial interview** to determine guilt or innocence. During this time, the interrogator attempts to develop a **rapport** with the suspect, using casual conversation to create a non-threatening atmosphere. People tend to like and trust people who are like them, so the detective may claim to share some of the suspect's interests or beliefs. If the suspect starts talking to the interrogator about harmless things, it becomes harder to stop talking (or start lying) later when the discussion turns to the crime.



During this initial conversation, the detective observes the suspect's reactions -- both verbal and non-verbal -- to establish a baseline reaction before the real stress begins. The detective will use this baseline later as a comparison point.

One method of creating a **baseline** involves asking questions that cause the suspect to access different parts of his [brain](#). The detective asks non-threatening questions that require memory (simple recall) and questions that require thinking (creativity). When the suspect is remembering something, his [eyes](#) will often move to the right. This is just an outward manifestation of his brain activating the memory center. When he's thinking about something, his eyes might move upward or to the left, reflecting activation of the cognitive center. The detective makes a mental note of the suspect's eye activity.

The next step is to turn the questioning to the task at hand. The detective will ask basic questions about the crime and compare the suspect's reactions to the baseline to determine if the suspect is being truthful or deceptive. If the interrogator asks the suspect where he was the night of the crime and he answers truthfully, he'll be remembering, so his eyes may move to the right; if he's making up an alibi, he's thinking, so his eyes might move to the left. If the interrogator determines that the suspect's reactions indicate deception, and all other evidence points to guilt, the interrogation of a guilty suspect begins.

The Reid technique is the basis of the widely used "Criminal Interrogation and Confessions" manual we already mentioned. It lays out nine steps or issues guiding interrogation. Many of these steps overlap, and there is no such thing as a "typical" interrogation; but the Reid technique provides a blueprint of how a successful interrogation might unfold.

1. **Confrontation**

The detective presents the facts of the case and informs the suspect of the evidence against him. This evidence might be real, or it might be made up. The detective typically states in a confident manner that the suspect is involved in the crime. The suspect's stress level starts increasing, and the interrogator may move around the room and invade the suspect's personal space to increase the discomfort.



If the suspect starts fidgeting, licking his lips and or grooming himself (running his hand through his hair, for instance), the detective takes these as indicators of deception and knows he's on the right track.

2. **Theme development**

The interrogator creates a story about why the suspect committed the crime. Theme development is about looking through the eyes of the suspect to figure out why he did it, why he'd like to think he did it and what type of excuse might make him admit he did it. Does the

suspect use any particular mode of reasoning more often than others? For example, does he seem willing to blame the victim? The detective lays out a theme, a story, that the suspect can latch on to in order to either excuse or justify his part in the crime, and the detective then observes the suspect to see if he likes the theme. Is he paying closer attention than before? Nodding his head? If so, the detective will continue to develop that theme; if not, he'll pick a new theme and start over. Theme development is in the background throughout the interrogation. When developing themes, the interrogator speaks in a soft, soothing voice to appear non-threatening and to lull the suspect into a false sense of security.

3. Stopping denials

Letting the suspect deny his guilt will increase his confidence, so the detective tries to interrupt all denials, sometimes telling the suspect it'll be his turn to talk in a moment, but right now, he needs to listen. From the start of the interrogation, the detective watches for denials and stops the suspect before he can voice them. In addition to keeping the suspect's confidence low, stopping denials also helps quiet the suspect so he doesn't have a chance to ask for a lawyer. If there are no denials during theme development, the detective takes this as a positive indicator of guilt. If initial attempts at denial slow down or stop during theme development, the interrogator knows he has found a good theme and that the suspect is getting closer to confessing.

4. Overcoming objections

Once the interrogator has fully developed a theme that the suspect can relate to, the suspect may offer logic-based objections as opposed to simple denials, like "I could never rape somebody -- my sister was raped and I saw how much pain it caused. I would never do that to someone." The detective handles these differently than he does denials, because these objections can give him information to turn around and use against the suspect. The interrogator might say something like, "See, that's good, you're telling me you would never plan this, that it was out of your control. You care about women like your sister -- it was just a one-time mistake, not a recurring thing." If the detective does his job right, an objection ends up looking more like an admission of guilt.

5. Getting the suspect's attention

At this point, the suspect should be frustrated and unsure of himself. He may be looking for someone to help him escape the situation. The interrogator tries to capitalize on that insecurity by pretending to be the suspect's ally. He'll try to appear even more sincere in his continued theme development, and he may get physically closer to the suspect to make it harder for the suspect to detach from the situation. The interrogator may offer physical gestures of camaraderie and concern, such as touching the suspect's shoulder or patting his back.



6. The suspect loses resolve

If the suspect's body language indicates surrender -- his head in his hands, his elbows on his knees, his shoulders hunched -- the interrogator seizes the opportunity to start leading the suspect into confession. He'll start transitioning from theme development to motive alternatives (see the next step) that force the suspect to choose a reason why he committed the crime. At this stage, the interrogator makes every effort to establish eye contact with the suspect to increase the suspect's stress level and desire to escape. If, at this point, the suspect cries, the detective takes this as a positive indicator of guilt.

7. Alternatives

The interrogator offers two contrasting motives for some aspect of the crime, sometimes beginning with a minor aspect so it's less threatening to the suspect. One alternative is socially acceptable ("It was a crime of passion"), and the other is morally repugnant ("You killed her for the money"). The detective builds up the contrast between the two alternatives until the suspect gives an indicator of choosing one, like a nod of the head or increased signs of surrender. Then, the detective speeds things up.

8. Bringing the suspect into the conversation

Once the suspect chooses an alternative, the confession has begun. The interrogator encourages the suspect to talk about the crime and arranges for at least two people to witness the confession. One may be the second detective in room, and another may be brought in for the purpose of forcing the suspect to confess to a new detective -- having to confess to a new person increases the suspect's stress level and his desire to just sign a statement and get out of there. Bringing a new person into the room also forces the suspect to reassert his socially acceptable reason for the crime, reinforcing the idea that the confession is a done deal.



9. The confession

The final stage of an interrogation is all about getting the confession admitted at trial. The interrogator will have the suspect write out his confession or state it on videotape. The suspect is usually willing to do anything at this point to escape the interrogation. The suspect confirms that his confession is voluntary, not coerced, and signs the statement in front of witnesses.

It should be noted here that if, at any point during the interrogation, the suspect does somehow manage to ask for a lawyer or invoke his right to silence, the interrogation has to stop immediately. That's why it's so important to interrupt the suspect's attempts to speak in the initial stages -- if he invokes his rights, the interrogation is over.

The steps we've laid out here represent some of the psychological techniques that detectives use to get confessions from suspects. But a real interrogation doesn't always follow the textbook. Next, let's take a look at an actual police interrogation that ended with an admissible confession.

When You've Got Company

The Just Cause Law Collective warns that if you're arrested with friends, you've got to keep a cool head. Decide beforehand that no one's going to say a word until everyone has a lawyer, and remind yourself that police will try to play on the natural paranoia that arises when people are separated. The Collective offers a further warning regarding a group arrest: When you have your strategy discussion, don't do it in the back seat of a police car. If the officers stuffed you all into one car and walked away, they're recording you.

A Real Interrogation

On September 1, 2003, Detective Victor Lauria of the Novi Police Department in Detroit, Michigan, used his training in the Reid technique to interrogate Nikole Michelle Frederick. Frederick's two-year-old step daughter, Ann Marie, was brought to the emergency room near death, with obvious signs of extensive child abuse. Frederick was her primary caretaker and was watching Ann Marie in the time before the trip to the hospital. The interrogation took place over two days, with Frederick being charged with the crime immediately following the first sit-down.

Lauria began with a simple interview, just talking in a non-threatening way to establish Frederick's baseline reactions:

Lauria: How would you rate yourself as a mother?

Frederick: Um, I think I'm, I'm pretty good. I mean I, I am a little bad with being stern and stricter you know, letting them get away with things.

Lauria: How would you describe Ann Marie?

Frederick: She was a very hard baby. She would, uh, cry all the time. Always wanted to be held ... I mean Annie just, I mean she always looks like she's beaten. She's always climbing or you know. I always can see a little bit of bruising and scrapes or whatever on her back. Her shins are always bruised.

Since Frederick appeared to be making excuses for Ann Marie's injuries and setting up a justification --

"She was a very hard baby" -- and since she was taking care of Ann Marie when the injuries occurred, Lauria predicted guilt and began interrogating her. He proceeded to subtle confrontation, letting Frederick know how she would be caught:

Lauria: There's a whole line of study in police work that can determine how injuries occur and how old the injuries are.

Frederick: ... I don't even think we'll find out exactly what happened because the only one that really knows is her and it's gonna be awfully hard trying to get her to say if anything happened, you know. I'm not trying to be rude or anything, I was just wondering how long this is going to take.

Lauria: Well, like I said, one of the things we're able to do with those [bruises] is we can date bruises based upon you know whether they're new bruises just coming in, or whether they're bruises that are already starting to heal because, you know, doctors and forensic scientists and pathologists study those type of things...

Frederick: Okay.

Lauria: Can you think of any reason why they would determine that those bruises were caused in the last 24 hours and that somebody would suspect that you did this?

Frederick: Um, other than that I was there, no.

...

Lauria: Do you suspect anybody of doing this?

Frederick: No, I don't. And that's what I'm saying, and I, I'm having a hard time believing that it was inflicted on her because, like I said, we would have heard something too, you know...

Lauria: Out of all the people in the house that were there or came in last night, list all the people that you would vouch for that you would say absolutely would not do something to hurt Ann Marie.

Frederick: ... I know John wouldn't do it. I honestly don't think Brian would do it.

Lauria: Who'd vouch for you?

Frederick: Um, probably John. But see like I don't, I don't necessarily, uh, believe what the doctor's saying and how they were inflicted, whatever.

Detective Lauria began developing a theme about an out-of-control situation -- Frederick had not premeditated the abuse, she just hadn't been thinking clearly. But Frederick didn't like that theme. She asked the detective why he wasn't believing her story. Lauria then switched to an out-of-control "split second" in which Frederick had hurt Ann Marie. He explained that Ann Marie's injuries were definitely not from a fall. Someone else had inflicted them, possibly in a "split second" of irrationality. Frederick was listening now, apparently clinging to the "split second" qualification. Lauria further developed the theme by bringing up Ann Marie's difficult nature and how hard she was to care for -- blaming the victim, which Frederick had already shown a tendency toward. Frederick began nodding her head, and Lauria set up an alternative. He told Frederick that "without an explanation of what happened people would assume the worst." The implied contrast had already been set up: a cold-blooded, vicious attack on a toddler versus a momentary loss of self-control when dealing with a difficult child. The approach worked. According to Lauria's account:

Over two days of questioning Frederick never asked how Ann Marie was doing. Near the end of the interview I pointed this out to her. She tried to convince me that she had asked several times about Ann Marie's injuries. She then asked me for an update in her condition. I told her that Ann Marie was brain dead and that she was probably not going to survive. Frederick stated "Oh my God. I'm gonna go for murder." I then spent another 45 minutes with various themes in an attempt to get further information. After several attempts at denying any further knowledge or involvement in causing the injuries to Ann Marie she admitted to shaking her. After admitting to shaking her, Frederick broke down and cried. She then said "I killed that little girl. I killed that little girl."

Ann Marie died of her injuries, and Nikole Michelle Frederick stood trial for First Degree Felony Murder. She was found guilty and sentenced to life in prison without the possibility of parole.

Getting a guilty suspect to confess is the best way to ensure she'll be found guilty at trial and serve time for the crime she committed. The problem is that while a confession looks really good in court, it's not an infallible indicator of guilt. That's a big part of the controversy surrounding police interrogation tactics.

Five Techniques of Surviving a Police Interrogation (Without Confessing)

Taken from freeBEAGLES' recommendations for animal rights' activists (and others) on how to make it through a police interrogation without incriminating themselves or their peers:

1. Remain silent.
2. Remain silent.
3. Imagine the words "I invoke my right to remain silent" painted on the wall, and stare at them throughout the interrogation.
4. Momentarily break your silence to ask for counsel.
5. Cultivate hatred for your interrogator so you don't fall into his traps and start talking.

Controversy

Interrogation has always been a controversial subject. Any time a law-enforcement officer goes into a room with a civilian and shuts the door, people are going to question what happens inside. And any time that officer leaves the room with a confession, the questions are going to escalate. Was the confession coerced? Did the police violate the suspect's rights?

The real question is probably a much larger one: Can police interrogation ever be a fair process? How can a system designed to manipulate a suspect into confessing be non-coercive? The debate about the fairness and morality of police interrogation techniques is an ongoing one, with several issues at the forefront.

First, interrogation is **guilt-presumptive process**. The goal is to get the suspect to confess. Once the interrogation begins, a detective can unconsciously ignore any evidence of innocence in pursuit of a confession. This is a common psychological phenomenon -- people often "filter out" any evidence that does not fit with their already-formed viewpoint. Interrogation is designed to make a suspect extremely nervous, and signs of stress like grooming and fidgeting, which are taken as positive indicators of guilt, might just as easily indicate the stress of an innocent person being accused of a crime he didn't commit. There's also the issue of **latent coercion**. While police may not explicitly offer leniency for a confession or threaten punishment if someone won't confess, they may imply promises or threats in their language and tone. For instance, when detective Lauria told Nikole Frederick that "without an explanation of what happened people would assume the worst," Frederick may have understood that to mean that if she confessed to the crime but explained why she did it, the consequences would be less severe than if she kept her mouth shut.

In a more general way, a lot of the human rights concerns surrounding police interrogation have to do with the fact that psychological interrogation techniques bear an uncanny resemblance to "**brainwashing**" techniques. The interrogator is attempting to influence the suspect without the suspect's consent, which is considered an unethical use of psychological tactics. A lot of the techniques used to cause discomfort, confusion and insecurity in the brainwashing process are similar to those used in interrogation:

- Invading a suspect's personal space
- Not allowing the suspect to speak
- Using contrasting alternatives
- Positioning confession as a means of escape

The more stress a suspect experiences, the less likely he is to think critically and independently, making him far more susceptible to suggestion. This is even more true when the suspect is a minor or is mentally ill, because he may be poorly equipped to recognize or fight off manipulative tactics. A process designed to cause someone so much stress that he'll confess just to escape the situation is a process that leaves itself open to **false confessions**. Researchers estimate between 65 and 300 false confessions per year in the United States. Here are just a few false confessions that investigators have uncovered:

- **Peter Reilly, 1973**
Peter Reilly was 18 years old when his mother was found murdered in their home. After eight hours of interrogation by Connecticut police, he confessed to brutally murdering her. A jury convicted him of first-degree manslaughter based on his confession, and he served three years in prison before a judge set him free in the face of new evidence indicating someone else committed the crime.
- **Earl Washington, Jr., 1982**
Earl Washington, Jr., a man described by psychologists as "mildly retarded" with an IQ of 69, confessed to raping and murdering a 19-year-old woman after undergoing interrogation. He was convicted on the confession alone and spent 18 years in prison, half of that time on death row. Nine days before his scheduled execution, the governor of Virginia pardoned him because DNA evidence had revealed that the actual perpetrator was another man. ([Watch this video clip](#) of an interview with Earl Washington, Jr., after his release.)
- **The "Central Park Five," 1989**
After more than 20 hours of interrogation, five teenagers -- Raymond Santana, 14, Kharey Wise, 16, Antron McCray, 16, Kevin Richardson, 14, and Yusef Salaam, 15 -- confessed to raping and beating a woman jogging in Central Park in New York City. They spent between six and 12 years in prison (four out of the five were tried as minors) before another man confessed to the crime in 2001. DNA evidence confirmed that this other man was in fact the Central Park

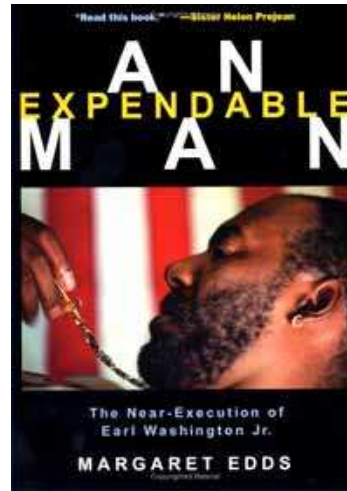


Photo courtesy [Amazon.com](#)
Earl Washington, Jr., a mentally retarded man, was almost put to death for a crime he confessed to but didn't commit. He was released from prison in 2000, nine days before his scheduled execution.

rapist.

- **Michael Crowe, 1998**

Michael Crowe was 14 years old when police interrogated him without a parent or other adult in the room. He eventually confessed to stabbing his 12-year-old sister to death after the interrogator told Michael of false physical evidence against him. He was charged with the crime, but at pre-trial hearings, a judge deemed his confession to be involuntary. DNA evidence later led police to the man who actually murdered the girl.

Michael Crowe's entire interrogation was videotaped, and that tape assisted the judge in determining that the confession was involuntary. Just videotaping the confession itself can do little to ensure the legality of the process that led up to it, and critics of police interrogation techniques point to mandatory taping of all interrogations from start to finish as a step in the right direction. Another possible solution to the problem of false confessions is to train police to recognize subtle signs of mental illness that make a false confession more likely. Many within the law-enforcement community cite prohibitive costs as a reason not to mandate solutions like these and maintain that the problem of false confessions is not as big as critics suggest. Still, most of us see one false confession that leads to conviction as one too many.

For more information on police interrogation and related topics, check out the links on the next page.

Lots More Information

Related HowStuffWorks Articles

- [How Brainwashing Works](#)
- [How Crime-scene Clean-up Works](#)
- [How Crime Scene Investigation Works](#)
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More Great Links

- [CourtTV: Fear Factor: How far can police go to get a confession?](#)
- [Dominance and Submission: How the Police Use Psychological Manipulation to Interrogate Citizens](#)
- [FindLaw: Confessions: Police Interrogation, Due Process, and Self-Incrimination](#)
- [Frontline: The case for innocence](#)
- [The Reid Technique: Case studies](#)
- [Scientific American Mind: True Crimes, False Confessions](#) - PDF

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