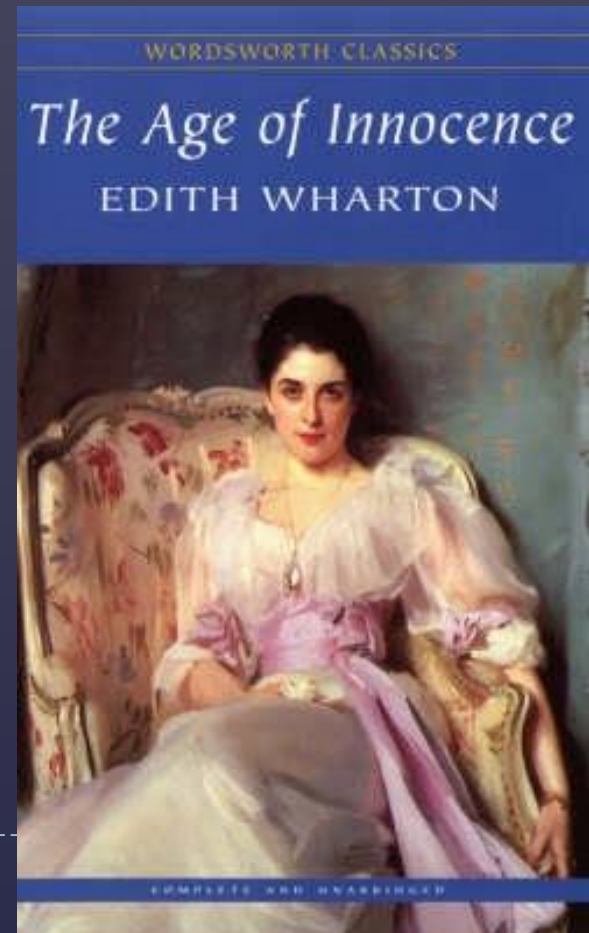# False Confessions in Police Interviews: Examples, Causes, Effects, Prevention

Allison D. Redlich, Ph.D.

Brandenburg State Police University; May 2024

Age of Innocence

▸ To date, 3,518 wrongful conviction-exonerations since 1989 in US (The National Registry of Exonerations)

▸ 445 (13%) are False Confessions

  ▸ Among DNA-based exonerations, 29% are FCs (61% in murder cases!)

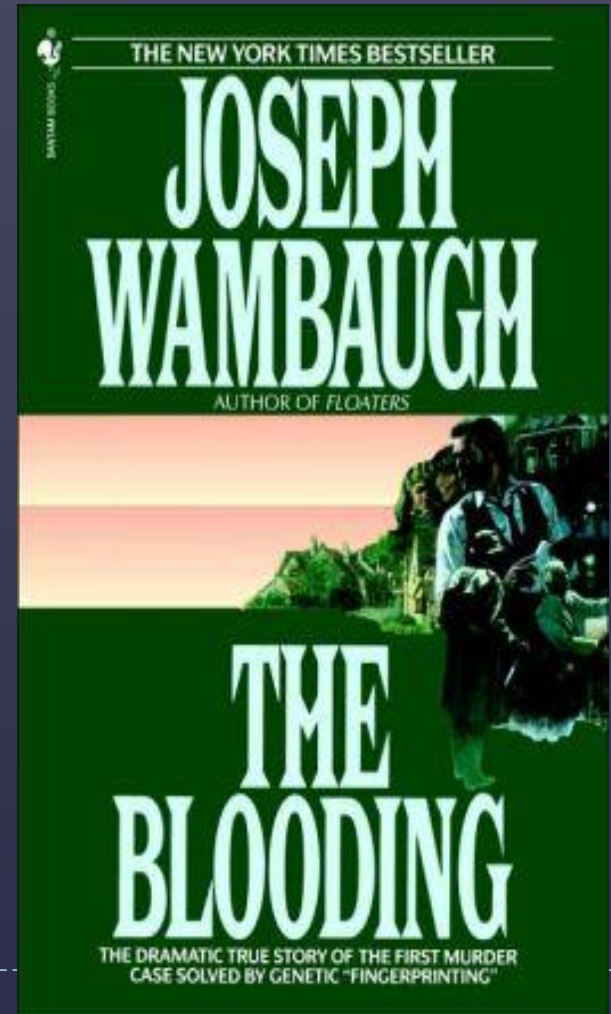 ▸ The very first DNA exoneration involved a false confession

WORDSWORTH CLASSICS

The Age of Innocence
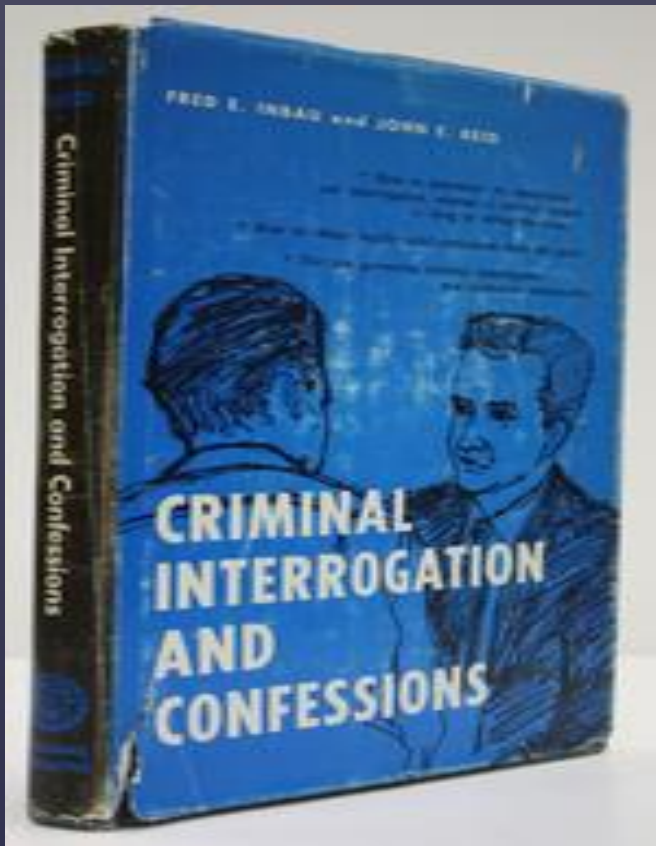EDITH WHARTON

COMPLETE AND UNABRIDGED

The Blooding

1983

1986

THE NEW YORK TIMES BESTSELLER

JOSEPH WAMBAUGH

AUTHOR OF *FLOATERS*

THE BLOODING

THE DRAMATIC TRUE STORY OF THE FIRST MURDER
CASE SOLVED BY GENETIC "FINGERPRINTING"

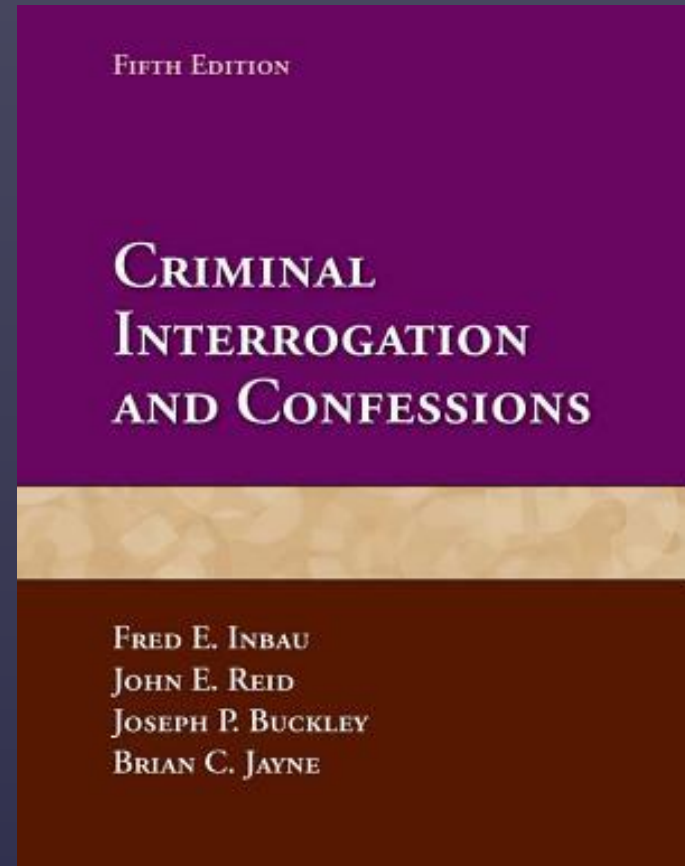# HOW DO FALSE CONFESSIONS HAPPEN?
(CAUSES)

Police Interrogation [Reid Technique]

STEP 1: MISTAKEN DECEPTION DETECTION

The Reid Technique

Behavioral Analysis INTERVIEW (BAI)

- Informal chat
- Non-verbal behavior, clues to deception
- Behavior provoking questions

Accusatory INTERROGATION

- Controlled and confrontational
- Guilt-presumptive
- 9 Steps of Interrogation

Vrij et al. (2006): BAI Questions and Expected Behaviors

Question	Label
Verbal cues	
Q1	Purpose
Q2	Guilt
Q3	Knowledge
Q4	Suspicion
Q5	Vouch
Q6	Credibility
Q7	Opportuni
Q8	Attitude
Q9	Think
Q10	Motive
Q11	Punishmer
Q12	Second ch
Q13	Objection
Q14	Results
Q15	Loved ones
Q16	Bait

Non-verbal cues	
Leg crossing	Liars are more likely to
Shifting in chair	Liars are more likely to
Performing grooming behaviours	Liars are more likely to
Leaning forward	Truth-tellers are more likely to
Establish eye contact	Truth-tellers are more likely to
Use of illustrators	Truth-tellers are more likely to
Answer quickly	Liars are more likely to
Sincerity	Liars' answers sound less sincere
Anxiety-induced behaviours	Liars are more likely to show anxiety-induced behaviours

Detection Deception

- Reid claims investigators can be trained to be 85% accurate in detecting deception

- Survey of ~1000 police officers, self-reported average level of accuracy: 77%

- But accuracy levels are ~50% (chance)

Vrij et al. 2006

The present experiment is the first empirical test of the BAI where the ground truth has been established. BAI is an interview technique developed by Inbau et al. (2001) and designed to evoke different verbal and non-verbal responses in liars and truth-tellers. Indeed, the BAI questioning led to differences between liars and truth-tellers but the difference was in the opposite direction to that anticipated by Inbau et al. They expected liars to be less helpful in investigations and to exhibit more nervous behaviour. In fact, liars were more helpful and displayed less nervous behaviour. For example, liars crossed their legs less and shifted posture less than truth-tellers. That is, liars sat more still and made fewer movements than truth-tellers, which is in alignment with deception research (DePaulo et al., 2003). The deception literature also provides an explanation for why liars were more helpful and displayed less nervous behaviour. Liars are typically more concerned with impression management than truth-tellers. Liars take their credibility less for granted than truth-tellers and are more aware of their responses and of the impact these responses have on others. Perhaps the main problem with Inbau's approach is that it fails to take into account the importance of impression management.
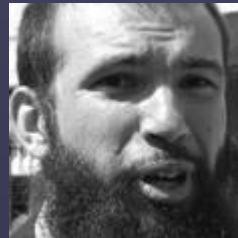
Inappropriate Emotions

▸ **Michael Crowe**
"oddly unemotional"

▸ **Jeffrey Deskovic**
"overly distraught"

▸ **Marty Tankleff**
"calm and not
crying"

The Marty Blog

STEP 1: MISTAKEN DECEPTION DETECTION

STEP 2:
PRESUMPTION OF GUILT

Presumption of Guilt

- Tunnel vision

- Confirmation bias

- Self-fulfilling prophecy

- Expectancy theory

STEP 1: MISTAKEN DECEPTION DETECTION
STEP 2: MISTAKEN PRESUMPTION OF GUILT

STEP 3:
APPLICATION OF MODERN DAY INTERROGATION [*ACCUSATORIAL*] TECHNIQUES

The Reid Technique

- http://www.reid.com

- 9-step Technique
  - Step 1: Direct, positive confrontation
  - Step 2: THEME DEVELOPMENT
  - Step 3: Handling denials
  - Step 4: Overcoming objections……

  - Step 9: Converting an oral confession into a written one

False Confession Risk Factors

- ## Situational Factors
  - ### Physical custody and isolation
  - ### Presentations of false evidence (lying and deceit)
  - ### Minimization

- ## Dispositional Risk Factors

Physical Custody and Isolation

▸ Most interrogations range from 30 minutes to ~2 hours

▸ Reid state that 3-4 hours is usually sufficient

▸ FCs: Average was 16.3 hours!

▸ Lengthy Interrogations
  ▸ Prolonged Isolation
  ▸ Sleep deprivation
  ▸ Hunger, basic needs
  ▸ Exacerbates the need to just have it STOP

Lying and Deceit

▸ You failed the infallible Computer Voice Stress Analysis.....we found your hair in your dead sister's hand.....

▸ Your father woke up from his coma and told us you did this to him......

▸ Humidity test

The Marty Blog

Minimization

- Minimize <u>Moral/Psychological</u> culpability
    - Reid's Step 2: THEME DEVELOPMENT
    - Providing a moral justification for the crime – accident scenario, self-defense

- Minimize <u>Legal</u> culpability
    - Implicit Promises of Leniency (allowed)
    - Explicit Promises of Leniency (not allowed)

False Confession Risk Factors

- Situational Factors
- Dispositional Risk Factors
  - Young Age
  - Mental health issues
  - Intellectual disabilities
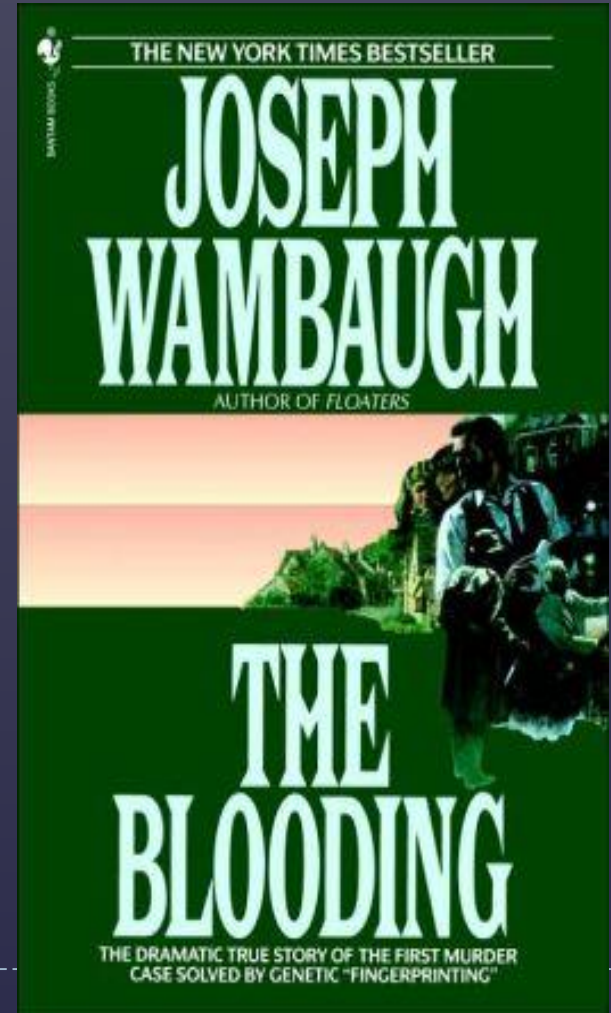 - *Anything that makes the suspect vulnerable*

The Blooding

1983   1986

The Blooding: Richard Buckland

- Dispositional Factors
  - 17 years old
  - Simple-minded, "thruppance short of a pound"
- Situational Factors: Interrogation
  - <u>Lengthy</u>: 15 hours
  - <u>Isolated</u>: Parents kept away for two days, told he's "helping with inquiries"
  - <u>Confrontational</u>: "We know that you're not telling the truth, and we *must* have the truth"
  - <u>Minimization</u>: Accident scenario...may be you're not to blame... "I don't think you *intended* to kill her"

The Blooding

- Highly publicized, high pressure-to-solve crime

- Statement was highly inconsistent

- BUT Statement appeared credible on it's face
  - Feelings: "I feel bad that I done something I shouldn't have done....I'm not quite sure what I done"
  - Motive: "Because I had an erection. I wanted to get rid of it somehow so I wanted to find out what is was really like so I done it."

HOW DO CONFESSIONS CORRUPT?
(EFFECTS)

Cumulative Disadvantage: A Psychological Framework for Understanding How Innocence Can Lead to Confession, Wrongful Conviction, and Beyond

Kyle C. Scherr[1], Allison D. Redlich[2], and Saul M. Kassin[3]

[1]Department of Psychology, Central Michigan University; [2]Department of Criminology, Law and Society, George Mason University; and [3]Department of Psychology, John Jay College of Criminal Justice, City University of New York
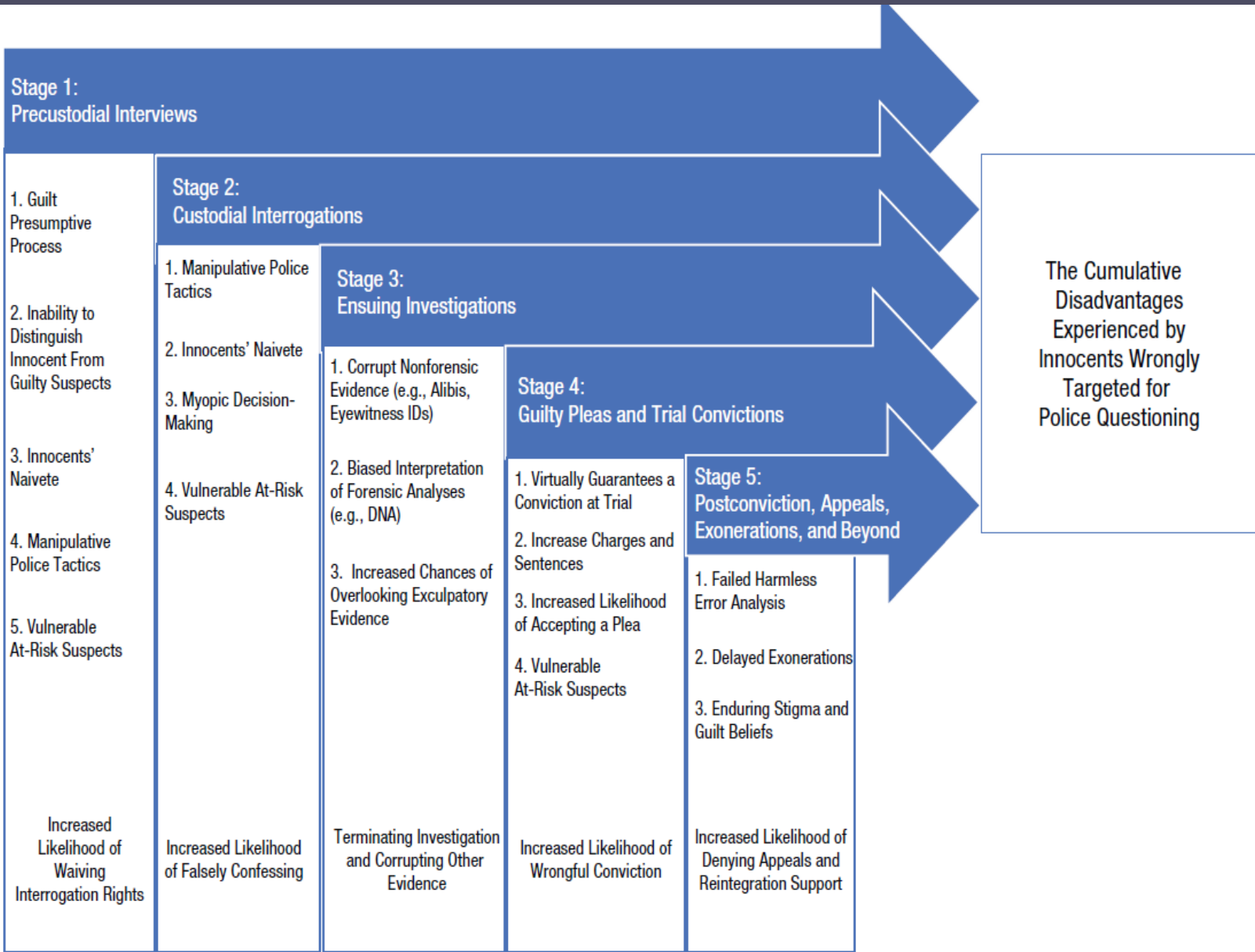
Fig. 1. Cumulative-disadvantage framework. The graphic shows the cumulative disadvantages that innocents can face when wrongly targeted for questioning. The headers in the arrows indicate the stages in the accumulation process, the text highlights important disadvantages at each point in the process, and the text at the bottom of each column indicates the major consequence at each stage of the cumulative disadvantageous process.

Police Investigation Ends

Case in Point: **Kevin Fox**

Subsequent Evidence Corrupted

▸ In the laboratory, CONFESSIONS found to

  ▸ Induce college students (up to 61%) to change their eyewitness choices [Hasel and Kassin, 2009]

  ▸ Induce actual fingerprint analysts to (unwittingly) change their 'match' decisions [Dror & Charlton, 2006]

  ▸ Induce polygraph examiners to 'see' deception [Elaad, Ginton, & Ben-Shakhar, 1994]

Kassin, Bogart, and Kerner (2012)

*Examined 241 DNA exoneration cases, comparing false confession cases with other cases

Table 2
Percentages of "Other Evidence" Errors in DNA Exoneration Cases That Contained Either a False Confession or a Mistaken Eyewitness

Case error	Forensic-science error	Informant error	No other errors
False confessions (N = 42)	67	24	31
Mistaken eyewitnesses (N = 163)	45	6	52

Note. Within each column, the percentages are significantly different at $p < .05$. Adapted from "Confessions That Corrupt: Evidence From the DNA Exoneration Case Files" by S. M. Kassin, D. Bogart, and J. Kerner, 2012, *Psychological Science, 23*, p. 43. Copyright 2012 by Association for Psychological Science.

Kassin, Bogart, and Kerner (2012)

Table 2. Temporal Order of the Evidence in the 46 Multiple-Error Cases Containing a Confession

Evidence type	Obtained first	Obtained second	Obtained third	Mean sequential position
Confession	30	15	1	1.37_a
Eyewitness	12	4	1	1.35_a
Informant	3	4	4	2.09_b
Forensic science	1	23	13	2.32_c

Note: Cell entries represent numbers of cases. Means not sharing a common subscript are significantly different, $p < .05$.

Confession Evidence Highly Valued

▶ "The introduction of a confession makes the other aspects of a trial in court superfluous" (McCormick, 1972)

▶ Confessions have even
'trumped' DNA

Trial Investigation Ends (i.e., Guilty Pleas)

- Confessions more likely to lead to guilty pleas

  - National Registry of Exonerations (2015)
    - Among those who falsely confessed, 24% pled guilty
    - Among those who did not falsely confess, 8% pled guilty

  - Same pattern among Innocence Project Cases
  - Same pattern among (presumably) true confession cases

Post-Conviction/Post Exoneration

- False confessors more likely to have 'harmless error' rulings

- Longer time to exoneration

- More likely to be stigmatized, even after exoneration

- Less likely to be seen as deserving of government assistance

- Preliminary evidence, even more likely to die prematurely

HOW CAN WE PREVENT FALSE CONFESSION?
(PREVENTION)

2012 Meta-Analysis: Summary of <u>**Experimental**</u> Studies (n = 12 studies)

Study Comparison	Meissner et al. (2012/2014)
Accusatorial vs. Direct	•MORE True confessions •MORE False confessions
Information-Gathering vs. Direct	•MORE True confessions •NO EFFECT False confessions
Information-Gathering vs. Accusatorial	•MORE True confessions •FEWER False confessions

2024 Meta-Analysis: Summary of **Experimental** Studies (*n* = 27 studies)

Study Comparison	Meissner et al. (2012/2014)	Updated Catlin et al. (2024)
Accusatorial vs. Direct	•MORE True confessions •MORE False confessions	•NO EFFECT True Confessions •MORE False confessions
Information-Gathering vs. Direct	•MORE True confessions •NO EFFECT False confessions	•MORE True confessions •NO EFFECT False confessions
Information-Gathering vs. Accusatorial	•MORE True confessions •FEWER False confessions	•NO EFFECT True Confessions •FEWER False confessions

Thank you!

Questions?

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