

Frequency of False Confessions and Relevant Remedies

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Introduction

- ❖ False confessions represent a deep, systemic flaw in America's criminal justice system, the true extent of which remains unknown due to the very nature of false confessions.
- ❖ Between 1989 and 2016, there were 1,934 confirmed exonerations of wrongly convicted people, many of whom were likely sentenced based on false confessions (Norris et al., 2019).
- ❖ This number is expected to be just a small fraction of the reality of the numbers of wrongful convictions.
- ❖ Of these 1,934 confirmed wrongful convictions, 12.1% were at least in part due to a false confession; this percentage was higher -- 21.3% -- in homicide cases (Norris et al., 2019).
- ❖ There are three categories of false confessions:
 - ❖ voluntary, in which innocent people confess to crimes without being interrogated or compelled
 - ❖ compliant, in which people confess under duress or bribery
 - ❖ internalized, in which innocent people are led to believe through false evidence or similar methods that they committed the crime (Kassin et al., 2010).
- ❖ A number of factors can cause a person to make a false confession, including interview environment factors, such as interviewer conduct or interviewee feelings of fear or desire to leave the interview quickly, and external factors, such as feelings of loyalty leading to a desire to cover for someone else or fear of worse external consequences for telling the truth (Drake et al., 2015).

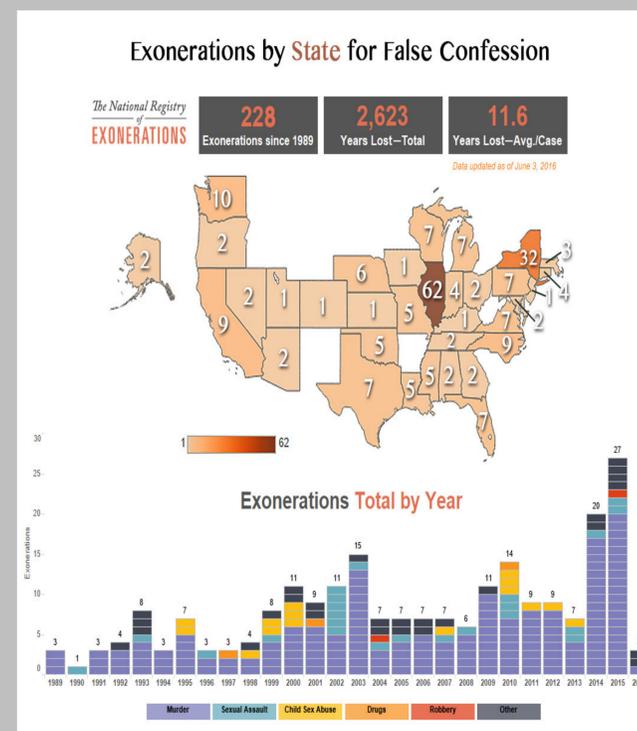
Forensic Implications

- ❖ Research has identified some individuals for whom the possibility of false confession is higher than average, including adolescents, individuals with intellectual disabilities, and individuals under the influence of substances such as alcohol or drugs (Kassin et al., 2010; Schatz, 2018).
- ❖ Symptoms of ADHD, being on medications for ADHD, and experiencing previous hardship were all factors showing a positive correlation with false confessions among adolescents (Gudjonsson et al., 2012).
- ❖ Identifying risk factors for false confessions is relevant in any case in which a confession is used as evidence.
- ❖ Defense attorneys who suspect their clients are innocent can be better equipped to challenge a confession's validity if they are well versed in the research surrounding false confessions.
- ❖ Individuals for whom false confession is of greater likelihood can be better served by the justice system if they can be identified before interrogation and provided with modified interrogation circumstances.
- ❖ In particular, identifying suspects with intellectual disabilities presents a forensic challenge to in-field officers (Schatz, 2018).
- ❖ This is especially relevant when considered along with the fact that those with intellectual disabilities are less likely to comprehend interrogation processes and much more likely than non-disabled persons to falsely confess to a crime (Cloud et al., 2002).
- ❖ To reduce these risks, individuals who may have an intellectual disability could be interrogated with a forensic psychologist present or in a familiar environment.

Future Research

- ❖ Research is needed to help determine the best and simplest method for police officers to identify suspects with intellectual disabilities.
- ❖ Further research is needed on interrogation techniques that best prevent intellectually disabled and other people from falsely confessing.
- ❖ Such research could prove vital for police training.
- ❖ In addition, more research is needed to find interrogation tactics that can succeed in eliciting confessions from guilty individuals without resulting in false confessions.

Figure 1. Michigan Law School. (June 2016). *Exonerations by State for False Confessions*. Retrieved from <http://www.takepart.com/feature/2016/06/17/false-confessions-interrogation>



Conclusion

- ❖ Existing research has already demonstrated that one of the best ways to protect suspects who falsely confessed to a crime from wrongful conviction is the electronic recording of 100% of police interrogations, regardless of the nature of the crime (Kassin et al., 2010).
- ❖ In spite of this, only half of the states in the U.S. currently require interrogations to be recorded (Innocence Project, 2019).
- ❖ Decreased use of interrogation techniques that rely heavily on stressful or uncomfortable environments, presentation of false evidence, or bargaining will likely result in a reduction of the frequency of false confessions.

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