Preventing False Confessions during Interrogations

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Abstract

This study addresses the causal-result relationship of the phenomenon of false confessions during police custody interrogations. Every day in American jurisprudence suspects and witness are interviewed by law enforcement in criminal cases. Officers are usually cognizant of their cases and the circumstances surrounding it. Constitutional issues of Miranda Warnings are usually adhered to, and the background information of the interviewee and their relationship to the crime has been established. Yet the instances of false confessions continue to surface despite scholarly studies, extensive research and preventive training on this phenomenon. What induces a person to confess to a crime that is later revealed they knew nothing about has baffled law enforcement, the judicial, and laymen alike for decades. Law enforcement claim that those who have falsely confessed to crime related facts and circumstances only the guilty could have known. Does law enforcement bear an ethical responsibility to corroborate false confessions to crimes? Detectives are often admonished to “own their cases”. Ownership of a case means to know every detail and nuance that surrounds a case so completely that the detective should be able to quickly identify an instance of false confession despite the insistence of the interviewee. According to Shaw & Porter (2014), persons of low IQs or limited mental capacities are often the victims of wrongful conviction based on false confessions. Others have presented various theories to explain the re-occurrence of false confessions. In this examination of false confessions we will see cases and theorize its causes and discuss proven preventive techniques to reduce its re-occurrence.

Keywords: Confessions, Ethical Issues, Interrogation, Coercion.

Introduction

False confessions are described by Hritz [1] as "an admission to a criminal act-usually accompanied by a narrative of how and why the crime occurred-that the confessor did not commit” [1]. False confessions may have many different causes but the result is usually convictions for crimes that the confessor knew nothing about. Dr. Richard Leo [2] has identified three causes for false confessions: voluntary, compliant, and persuaded [2]. Whenever a case of exoneration is featured in the media questions arise as to this can of thing can happen in a post-DNA Criminal Justice System, but according to information presented by the Innocence Project (2015) 23% of wrongful convictions were based on false confessions or admissions [3].

Background

More that twenty-five years ago the phenomenon of false confessions began to be researched as to its causes. Kassin & Wrightsman [4] studied false confessions and concluded that the main factors of voluntary, coerced, and coerced-internalized are the three major categories of false confessions [4]. But much more research was needed on this subject to determine if an innocent person could really be convinced that committed a crime they were not involved in, and under what conditions does it happen under. In the 1990s
simple research was conducted with volunteers that were asked to take a typing test. The participants thought that the test was a simple word per minute test, but before starting were shown a specific button and was told or to push the button, or it will ruin the test. During the test the controller would switch off the machine then accuse the typist of pushing the button. The experiment revealed that some of the typists could be made to believe that they pushed the forbidden button [2].

Some would believe that an innocent person would find it relatively easy to resist any temptation to falsely confess to a crime but Guyll [5] differ in this opinion and suggest “innocent suspects underestimate the threat of interrogation and that resisting pressure to confess can diminish suspect’s physiologic resources and lead to false confession [5]. Incredibly under lab conditions people can come to visualize and recall details of a false memory of criminal behavior... not only juveniles, but adults as well [6]. Police are not allowed to physically use high stress techniques such as waterboarding, but an interrogation of a suspect for twenty hours could illicit the same physiological effect according to Harmon prolonged stress and subsequent changes in the body’s hormone levels can have a negative effect on memory and learning...information presented by the captor can become part of the suspect’s memory [7].

Voluntary False Confessions

Drizin [2] describes voluntary false confession as knowingly giving an affirmative response with little or no police pressure. These can be people that come forward and falsely confess to crimes for a variety of reasons including limited mental ability, a need for notoriety, to protect someone else, guilt of the way they treated the victim; even Munchausen Syndrome. According to the Wall Street Journal [8] “young people are more prone to admitting to guilt for crimes that they did not commit” [8]. The case of State v. Lamonica [9] Lamonica was arrested and convicted of multiple counts of aggravated rape of his two sons after coming forth and confessing to the crimes despite the boys insisting that the crimes never happened. Lamonica who was suffering from clinical depression, some anxiety and guilt, and feelings of worthlessness. Lamonica at trial claimed this his confession was false but none the less was convicted [9].

The voluntary false confession is the first category of false confessions in which a person, that is usually not even a suspect comes forward and places themselves in the spotlight of a case as the guilty party. Cases of particularly high profile or news worthiness has a high stands greater chance a false confessor. Gudjonsson [10] placed those who suffer feelings of guilt, need to protect another, self-esteem issues, mental illness or even to take revenge on another as the most popular reasons [10]. More than two-hundred people came forward in 1932 and claimed to be the kidnapper and murderer of famous aviator Charles Lindbergh’s baby, more than thirty confessors admitted to the murder of Elizabeth Short [11].

Compliant False Confessions

Compliant false confessions differ from voluntary false confessions because the person making the false confession tends to initially deny an accusation, but at some point during the interview, or interrogation becomes compliant with the accusation and the police theory of how the crime occurred; usually to make the session stop or to gain a reward. Leo [12] believes that compliant confessors eventually succumbs to police
interrogation pressure [2]. Compliant confessors are more likely when the suspect is a juvenile, mentally handicapped, grieving the death of a loved one, or because he hasn’t slept in days [13].

**Pursuaded False Confession**

Persuaded false confessions most often occur when the confessor is usually someone of low intelligence, or Persuadable confessors knows that he is innocent but has uncertainty’s concerning an underlying feeling of guilt. Even though they cannot remember the crime these persons can be easily convinced that they played a part in the crime, and will associate what they are being told during the interview to integrate those facts into their own memories. Persuadable confessors will learn of the details of a crime either through police interview, media, or another source and rehearse that information while applying themselves to the scenario until the story makes sense to them. Once this occurs an interviwner, and even the confessor himself may not be able to distinguish their story from the truth. According to Leo [8] persuadable confessors are especially vulnerable to interview techniques in which the interview gives details of a crime then ask the confessor to fill in the blanks [8]. In the case of Crowe v. City of San Diego in which the United States Court of Appeals, Ninth Circuit, ruled that Michael Crowe was persuaded to confess to the murder of his twelve-year old sister after hours of denying in a police interrogation [14].

**Coercion False Confession**

In the case of Fox v. Hayes [15] The United States Court of Appeals, Seventh Circuit, ruled that Kevin Fox was coerced to confess to the rape and murder of his three-year old daughter after fourteen hours of interrogation in a small, windowless room, Kevin Fox simply gave up [15]. John E. Reid began his career as a polygrapher in 1947, and decades later has become regarded as one of the most preeminently experts in the field of police interrogation techniques with the advent of The Reid Technique; a popular interview method taught and used all over the nation. The Reid Technique involves three different components -- factual analysis, interviewing, and interrogation [16]. This technique has been roundly criticized by false confessions experts as a major source of the problem concerning false confessions. In an article about the Reid Technique, Novella [17] wrote that Reid's most famous case, and the one that established his fame, was later found to be in error-the 1955 case of Darrel Parker, who was convicted of killing his wife based upon a confession obtained by Reid himself [17], despite the claim from Reid that when properly followed his method is specifically designed to weed out innocent persons as suspects.

**Coerced-Reactive False Confessions**

The definition of a coerced-reactive false confession according to McCann [18] is the individual is pressured or induced to confess by some other person other than law enforcement [18]. Coerced-reactive false confessions are unique in that law enforcement is the secondary party involved in the genesis of the false confession. Spouses, relatives, gangs, and friends can be sources of promises, threats, and pleas that pressure the coerced-false confessor to come forward and introduce themselves to law enforcement as the guilty party.

**Solutions and Recommendations**

Law enforcement has an ethical responsibility to prevent false confessions; there are few other miscarriages of justice that damages the
fabric of jurisprudence more than the conviction, incarcerating or worse, the execution of an innocent person. Despite an apparent knowledge of details of a crime, motive, and opportunity of the confessor to have committed the crime, every good detective knows that a confession to a crime is only as good as its corroboration with tangible facts. Detectives have the legal and ethical obligation to know every detail of their case. Detectives are admonished to know every detail and nuance of a case with such familiarity that they are well prepared to recognize and debunk an instance of false confession.

Recognizing what a false confession is primary in addressing this phenomenon. Officers should be educated on false confessions personalities profiles and limit interrogations to persons who posses a high probability of being a viable suspect in the crime Leo. Training of law enforcement personnel that conduct criminal interrogations to be sensitive to the psychological causes and vulnerabilities that may influence suspects to confess to a crime that they did not commit.

**Ethical Issues Associated with this Forensic Area**

The ethical issues focus on the major developments in research addressing the link between corruption and growth, the multifaceted character of corruption, and the potential for corruption to counterbalance strides towards more significant trade openness. The foundation of the paper is formed by an examination of the relevance and extent of the impact of corruption on growth, the influence of corruption on financial performance, and the connection between governance quality and corruption. This article contributes to the literature by providing evidence on the causal mechanisms and transmission channels in the corruption-growth connection, the function that corruption has with regard to economic growth, and the interaction between corruption and democracy. An overview of the conception of corruption within U.S. democratic liberalism, including the consisting of bribery. The relationship between markets and corruption, including in regard to the impact that markets have on government, is discussed.

Corruption, commonly defined as the abuse of public power for private gain, is an endemic feature of political life around the globe. Corrupt practices are widely condemned and a consistent target of laws and investigations, even in regions where such behavior is common. There have been few comprehensive assessments of what research has learned about the impact of corrupt officials on ordinary citizens, the costs of corruption and poor governance, the underlying causes of corruption and weak governance, and the role of income and wealth as both a cause and a consequence of corruption [19].

In this paper the goal is to explore the impact of democracy on corruption, the underlying conditions that create corrupt incentives, the propensity of the public employee to engage in corrupt behavior, and the relationship between regulations, institutions and corruption. The purpose of this paper is to gain a profound understanding of the interconnection among institutional beliefs as an operation of the interaction of educational accomplishment and corruption, community perceptions of amplified corruption, corruption as a vital aspect hindering socioeconomic strategies, and the destructive effects of corruption [19].
Applications in Diverse Forensic Settings

There is a huge amount of study on the grounds and penalties of corruption, educational interest is relatively fresh. In fact most of this writing points in time from the last fifty years. A majority of the scholars charged to take on the concerns of the relationship joining corruption and fiscal advance thought that it could essentially play a constructive role under undeniable conditions. There were theoretical creators of the grease-the-wheel school of thinking. For instance, recommendations that corruption can advance economic development in countries with privileged antagonistic towards growth by incentivizing elected officials to assist entrepreneurs, lower investor doubt on upcoming government intervention, and damaging bad economic strategies [20].

Some critics thought that perhaps corruption in certain occurrences may deliver a solution to a vital hurdle to expansion. In specific, it would assist in promoting wealth creation, reduce the red tape, and permit entrepreneurs and minorities from antagonistic prejudice against them. Most notoriously, it was argued that during reconstruction, corruption perhaps could be the unique way of surrounding customary laws or governmental regulations which impede financial development. As a matter of fact, it was believed to be good or proficient governance in such a case that may essentially be worse for financial development than an inflexible, overcentralized, corrupt bureaucracy is one with an inflexible, overcentralized, truthful bureaucracy [20].

Future Research Directions

Homicide or felony cases are often reliant on eye witnesses who give faulty or false testimony or evidence because of mistaken identity between the time the crime or infraction was committed and the actual court date. Also, the witness can be propositioned, intimidated by lawyers and police officer and detectives, or offered a fee to compromise their testimony. Thereby altering the facts as they actually were to what they are desired to be by the authority’s false representation or lazy police work.

The Innocent Project was co-founded by Barry Scheck who is one of several individuals that started this unique crime solving scientific approach to assisting the Criminal Justice system. Crime solving and interrogation tactics in the policing system has taken a drastic back seat to actually utilizing sound old fashion police work. Nowadays, the detectives are catching solid citizens, interrogating them without reading them their Miranda rights, coercing them into confessions; sending them through the court system knowing that they have the wrong individual, destroying innocent citizen’s lives as they are sentenced to life in prison or worse. There have been many documentaries that have exposed the criminal justice system and their tactics concerning their cruel methods of misrepresenting the legal system.

The authorities predominately focus their attention on the minority community, that is because they are mostly uneducated in the area of the legal system or knowing their basic Constitution right listed in the United States Constitution. They are least to be able to afford an experienced attorney, they are easily intimidated by the authorities, and they don’t understand the language of the legal lingo used by investigating officers. In other words, the authorities prey on easy targets to fill
their jails or quota’s and the minorities are often their primary targets.

Knowing all this to be facts, the Innocent Project was put into operation, which is an non-profit legal organization located around the world just to represent the inmates that have become a victim of our powerful American criminal justice system. It has been responsible for exonerating over three hundred inmates that were wrongly convicted of crimes they actually didn’t commit; but have become a product of the legal misrepresentation and malpractice stated above. Joining forces with Barry Scheck is Peter Nuefld who got the project up and running in the Yeshiva University in New, York City in 1992. In 2014 alone, in the first quarter, the Innocent Project exonerated twenty five inmates that were on death row or facing life in prison. This non-profit legal organization is committed to exonerating wrongfully convicted individuals through the use of DNA testing primarily and they are also reforming the criminal justice methods to prevent tentative injustices. Currently, the Innocent Project has managed to, with a scientific research, using DNA and forensic, freed 329 wrongfully convicted inmates, plus 18 that have spent prison time on death row.

There was more influence to initiate this endeavor; the United States Department of Criminal Justice performed a study with the interest of the United States Senate and several others, in concern about the incorrect identification of suspects by the so called eye witnesses. The percentage of incorrect witnessing incidents was greater than seventy percent across the entire study. Deciding that science was a positive alternative to perfect nonbiased objective fact finding in police work, the Innocent Project was consider a positive first start attempt to reform the current way the justice system was getting their facts. So, Nuefl and Scheck moved forward in conjunction with the Cardozo School of Law in New, York City.

The National Innocence Project Organization, however, only take on cases that can be solved by using DNA post testing to prove innocence. DNA exonerations in the United States have been steady increasing; these stories have been becoming more familiar as more individuals become released after DNA post testing has been performed. This can only mean that the criminal justice system has not fully embraced the DNA posting method whole heartedly. Instead, it has continued to utilize the antiquated system of lazy justice. Police officers and judges that are advancing their personal agenda to alter the outcome of the verdict to fit their personal agenda, this is unacceptable.

These adverse behaviors cannot be ignored or over looked and allowed to continue and plague our criminal justice system. In the south as well as the north, the power and influence of the judges over the sentencing process is grossly misrepresented, their throwing the book at innocent citizens that have been victimized by the bureau. It is even evident that the judges know this but hesitate to change the system by insisting that the Constitution is strictly followed in their court of law. For example, eighteen inmates were sentenced to death prior to the Innocent Project in 1992; the project took their case, established their innocence and gained their release. The average sentence lived out by prisoners on death row etc. before being exonerated is thirteen and a half years.
People of color are almost fifty percent DNA exonerated, there have been successful exonerations in over thirty-five different states including Washington, DC. The Innocent Project has been involved in one hundred and seventy-two of the three hundred and fourteen DNA exonerations in the United States. There have been numerous others that have been helped by Innocent Project Network Organizations, attorneys that are linked to and assist in the mission to reform the criminal justice system collectively. Also, plus or minus fifty percent of the inmates that have been exonerated have been financially compensated for the amount of years they have suffered unjustly.

Mainly, the problem is, when dealing with cases that take months and years to make it to court, the witness by this time has no human ability to recall accurately the critical facts that would have been fresh on the mind a year or long ago. The human brain has is not capable of accurately recalling acute details in regards to remembering detailed instructions, scene in a movie, or events as an eye witness’s account. The same incident witnessed by several different individuals will have little similarities as they explain details. Thereby, inducing inaccurate details and conclusions in delicate cases that is determining the faith of awould be innocent citizen caught up in a misrepresentation of justice which will cost them their liberty or their life. In the meantime as the inmates spend time in prison, the system eventually will assimilate him or her and change their way of thinking and their rational concept of who they are. The prison system is a hard life, the fear of being taken advantage of by hardened criminals, the prison guards are not looking out for the welfare of the inmates, and your family is left to fend for themselves in a society that has not learn to recognize the difficult situation that has been dealt to the love ones. The authorities are gradually accepting the merits and the good works of the Innocent Project here in the United States and around the world.

Conclusion

The leading section argues the preceding writings on corruption and salary disparity, and the next section assesses the past literature about economic growth and salary inequality.

**Corruption-Pay Inequity Nexus**

- Corruption is the misuse of trusted authority for private benefit. It is by and large recognized as the misuse of government office to remove payment in the delivery of public services. It is one of the foremost problems to partisan, fiscal, and social growth. It undercuts the rule of law and chips away at the institutional foundations of good governance upon which sustained development and progress hinge on. The indigent in the community are often the toughest hit by the consequences of corruption, remaining the most dependent on public amenities and the least capable of compensating the elevated expense related with deceit, enticement and other forms of corrupt actions, to achieve those amenities [21].

**Economic growth-Income Disparity Nexus**

- Economic growth provides contradictory predictions concerning the effects of economic growth on the dissemination of pay and the salaries of the poverty-stricken. Some examples display that economic growth improves development and lowers discrimination. Economic growth might affect the indigent via two means: comprehensive development and modifications in the dissemination of pay. They discover that economic
growth unreasonably boosts income of the low-income quintile and lowers income disparity. Approximately 40 percent of the extended effect of economic expansion on the income increase of the poorest quintile is the consequence of lessening in income inequality. Approximately 60 percent is owed to the influence of an economic advancement on cumulative expansion [21].

The majority of studies of the connection between dishonesty and financial development concentrate on emerging countries. However, is the influence of corruption in the industrialized world also harmful and vital? The question is raised whether corruption is beneficial in completely restructured financial systems; however perhaps not given the illustrations of corruption remain in all locations of reconstruction. Nevertheless, corruption may enact a similar part in an industrialized country if authority displays the quality so cold-heartedness, overcentralization and sclerosis due to extreme rule. It is believed the state government size and expenditure levels manipulate the amount of corruption taking place [20].

Additional models demonstrate economic deficiencies, for example, information irregularities and businesses costs, might be particularly binding on the indigent who do not possess collateral and adequate credit histories. As a result, rigorous enforcement of these credit limitations will excessively affect the indigent. Additionally, these credit restraints diminish the effectiveness of capital distribution and intensify income disproportion by hindering the flow of money to indigent persons. Since this view, economic growth assists the indigent by both increasing the effectiveness of wealth allocation and by lessening credit restrictions that more comprehensively confine the poor [21].

The theoretical forecasts of the results of economic sector growth on pay inequity are not undisputed. The lessons on the dissemination of pay assumes that there might be an upturned u-shaped association among income inequity and financial growth. As individuals transfer from lesser income agronomic sector, income inequity grows. Nevertheless, as the agronomic sector minimizes combines with the agronomic pay increasing, this movement reverses and income inequity lowers. Furthermore, the sectorial model is vital for the correlation between financial growth and pay inequity implies economic growth might lower inequity to a less significant extent in countries having greater modern sectors [21].

References


9. State V. Lamonica, KA 1366 Court reporter 89 (Court of Appeals of Louisiana First Circuit 2010).


14. Crowe V. County of San Diego, Nos. 05-55467, 05-55542, 05-56311, 05-56364. Find Law 3 (United States Court of Appeals, Ninth Circuit 2010).

15. Fox V. Hayes, No. 08-3736 Find Law: 36 (United States Court of Appeals, Seventh Circuit 2010).


