



False confessions

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As illustrated by numerous cases in recent years, DNA exonerations of innocent individuals have cast a spotlight on the counterintuitive problem of false confessions. Studying the underlying psychology scientists have found that (1) innocent people are often targeted for interrogation because police make erroneous but confident judgments of deception; (2) certain interrogation techniques—namely, lengthy sessions, presentations of false evidence, and minimization themes that imply leniency—increase the risk that innocent people will confess; (3) certain individuals are particularly vulnerable to influence—notably, those with mental health problems or intellectual impairments, which render them overly compliant or suggestible, and children and adolescents, who exhibit ‘immaturity of judgment’; (4) confession evidence is highly persuasive in court as a matter of common sense, increasing perceptions of guilt, even among judges and juries who see the confession as coerced, and even at times when the confession is contradicted by exculpatory information; (5) *Miranda* rights to silence and to counsel are not sufficiently protective, so proposals for reform have centered on the mandatory recording of interrogations, from start to finish, and a shift toward using investigative interviewing—a less confrontational, less deceptive means of questioning suspects. © 2017 Wiley Periodicals, Inc.

How to cite this article:

WIREs Cogn Sci 2017, e1439. doi: 10.1002/wcs.1439

INTRODUCTION

Throughout human history, in criminal justice and other settings, confession evidence has proved to be common, potent, and persuasive as a matter of common sense. Referring to the place of confessions in the U.S. courts, one legal scholar stated, many years ago that ‘the introduction of a confession makes the other aspects of a trial in court superfluous’ (Ref 1, p. 316).

Persuasive as it may be, confession evidence is fallible. Over the course of recent history, a number of cases have been documented involving people wrongfully convicted on the basis of admissions and confessions to crimes they did not commit. Within the data base of the Innocence Project—an organization founded in 1992 by Barry Scheck and Peter Neufeld for the purpose of testing post-conviction claims of

innocence through the use of DNA evidence—false confessions were a contributing factor in over 25% of case in the United States, all involving rapes and murders—the crimes for which DNA evidence typically is found (<http://www.innocenceproject.org/>). In the broader population of wrongful convictions identified by the National Registry of Exonerations, which includes non-DNA cases and a more diverse sample of crimes, false confessions have contributed to 13% of wrongful convictions. In both samples, the percentage of false confessions is highest, ironically, in homicides—where the sentencing consequences are the most severe (<http://www.law.umich.edu/special/exoneration/Pages/about.aspx>).

It is not possible to estimate or extrapolate a prevalence rate from these numbers. As the known instances do not include false confessors not prosecuted because their innocence was established before trial or those who pled guilty to lesser crimes, thereby preempting critical scrutiny of their cases, it is clear that DNA exonerated false confessors represent a mere partial sample of the total population of such cases. Also not represented are statements made during interrogations outside the criminal

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Conflict of interest: The author has declared no conflicts of interest for this article.

justice system—such as military intelligence gathering and employment settings. What is clear that modern police interrogation techniques are psychologically potent, especially when used in excess; that false confessions occur with some degree of regularity, not only in the United States but all over the world; and that the risk is increased in particularly vulnerable suspects (for reviews, see Refs 2,3). It is also clear that there are three types of false confessions—*voluntary* (when innocent people confess without prompting or pressure from police), *compliant* (when innocent suspects acquiesce to the demand for a confession in order to escape a stressful situation, avoid a perceived threat, or gain a perceived reward), and *internalized* (when innocent suspects, exposed to highly suggestive interrogation tactics, come not only to capitulate in their behavior but also to believe they committed the crime). This typology was introduced many years ago⁴ and is now generally accepted by psychologists and practitioners alike (see also Refs 5,6).

In an effort to understand the psychology of false confessions, scientists have addressed the following questions: (1) why do police often target innocent people for suspicion? (2) What approaches to interrogation, if any, and what techniques, increase the risk that innocent people will confess to crimes they did not commit? (3) What types of people, if any, are particularly vulnerable in these settings? (4) What is the persuasive effect of confession evidence on judges, juries, and other decision-makers? Finally, (5) what procedures and practices can be used to minimize false confessions, thereby absolving the innocent and enabling police to pursue and identify the actual offenders? This article is structured around these essential questions.

THE PRE-INTERROGATION INTERVIEW: HOW INNOCENTS BECOME SUSPECTS

During the course of an investigation, police identify suspects for the accusatory process of interrogation. Sometimes, this determination is based on witnesses, informants, a suspect's own history, or other extrinsic evidence. Often, however, it is based on a clinical hunch quickly formed during a neutral pre-interrogation interview, the purpose of which is to determine if the suspect is responding in a manner that is truthful or deceptive.

During an interview, investigators are trained to ask provocative but non-accusatory questions and then to observe changes in the suspect's verbal and

non-verbal behaviors (e.g., eye contact, pauses, facial expressions, posture, fidgeting) purported to betray the leakage of anxiety that accompanies lying. For a person who is under suspicion, an investigator's judgment at this stage can determine whether that suspect is interrogated or sent home. Interrogation training manuals claim that investigators can be trained to 85–90% levels of accuracy (the most popular approach is the 'Reid Technique,' as described in Ref 7).

Despite these claims, research has consistently shown that the demeanor cues touted by training manuals, while they may betray anxiousness, do not empirically discriminate between truth-telling and deception.⁸ Hence, laypeople on average are only 54% accurate; training produces modest or no improvement compared to naive control groups; and police—as well as other so-called experts—are only slightly more accurate, if at all.^{9–11} Research also shows that police exhibit a response bias toward seeing deception.^{12,13} In studies specifically aimed at testing the Reid technique, the results are no more impressive.^{14–17}

The problems associated with police judgments of truth and deception can have serious consequences. Notably, it means that the interrogation is by definition a guilt-presumptive process, a theory-driven social interaction led by an authority figure who holds a strong belief about the suspect and single-mindedly seeks a confession. In a laboratory experiment that illustrates the danger of this process, researchers had some lay participants but not others commit a mock crime, after which all were questioned by lay interrogators who by random assignment were led to presume guilt or innocence.¹⁸ Consistent with a good deal of research on self-fulfilling prophecies, the results showed that interrogators who presumed guilt asked more incriminating questions, conducted more coercive interrogations, and tried harder to get the suspect to confess. In turn, this more aggressive style made the suspects sound defensive and led observers who later listened to the tapes to judge them as guilty, even when they were innocent. Follow-up studies have confirmed variants of this latter chain of events in the context of suspect interviews.^{19,20}

PROCESSES OF INTERROGATION: CONFESSION AS THE PRODUCT OF SOCIAL INFLUENCE

In the past, American police routinely practiced 'third degree' methods of interrogation on suspects

brought into custody—inflicting physical pain or mental anguish to extract confessions and other types of information from crime suspects. Except for the controversial ‘enhanced’ interrogation techniques that were sometimes used on suspected terrorists, these methods of interrogation have been replaced by more psychological approaches that rely on trickery and deception (for an historical overview, see Ref 21).

In the influential Reid technique described by Inbau et al.,⁷ police are advised to isolate the suspect in a small, private room, which increases his or her anxiety and motive to escape. A nine-step process then ensues in which an interrogator combines both negative and positive incentives—one one hand, confronting the suspect with accusations of guilt, without opportunity for denial, assertions that may be bolstered by true or false presentations of incriminating evidence; on the other hand, offering sympathy and moral justification, minimizing the crime and leading suspects to see confession as an expedient means of ‘escape.’ Once the suspect is persuaded to admit guilt, the interrogator looks to convert that admission into a full narrative confession that details what the suspect did, how, and why. Both observational studies and police self-report surveys suggest that these techniques are commonly employed.^{22–26}

In recent years, research psychologists have developed laboratory methods aimed at isolating the effects of two types of interrogation trickery on people accused of wrongdoing: *Maximization*, the set of confrontational processes—which can lawfully, in the United States, include the presentation of false incriminating evidence—designed to refute suspects denials and thrust them into a state of despair; and *minimization*, the set of processes designed to minimize the appearance of moral culpability and thereby lessen the perceived punitive consequences of confession. When combined, these tactics exploit the human decision-making tendency to over-value immediate rewards and punishments relative to future consequences.²⁷

In the first laboratory experiment of this nature, researchers introduced the ‘computer crash paradigm’ to test the hypothesis that false evidence would increase the rate at which innocent people confess to prohibited acts they did not commit—and internalize the belief in that confession.²⁸ In this study, the experimenter accused college students typing on his keyboard of causing the computer to crash by pressing a key they were pre-instructed to avoid. Despite their innocence and initial denials, subjects were asked to sign a confession. In some sessions but not

others, a confederate said she witnessed the subject hit the forbidden key. When presented with this false evidence, many subjects confessed; some even internalized the belief in their guilt.

Follow-up experiments have replicated this false evidence effect even when the confession was said to bear a financial consequence or future commitment of time,²⁹ particularly among children and adolescents who are both more compliant and suggestible than adults,³⁰ in laboratory subjects who were sleep deprived for a full night,³¹ and in a situation in which subjects were accused of stealing money in a computerized gambling experiment.³² In one dramatic demonstration of this effect, college students were confronted with misinformation about their past ostensibly derived from their own family members. As a result, 70% went on to generate emotional false memories of having committed a crime in early adolescence that had brought them into contact with police.³³

Introducing an alternative approach that enables the assessment of both true and false confessions, other researchers tested the hypothesis that minimization techniques—in which interrogators suggest to suspects that their actions were morally excusable (e.g., spontaneous, accidental, induced by alcohol, provoked by the victim, or pressured by peers)—would lead people not only to infer leniency upon confession, as if an explicit promise had been made (see Ref 34), but to confess to crimes they did not commit. Specifically, researchers devised the ‘cheating paradigm’ in which subjects were paired with a confederate for a problem-solving study and instructed to work alone on some trials and jointly on others.³⁵ In a *guilty condition*, the confederate sought help on a problem that was supposed to be solved alone, inducing a violation of the experimental prohibition; in an *innocent condition*, the confederate did not make this request. The experimenter soon ‘discovered’ a similarity in their solutions, separated the subject and confederate, and accused the subject of cheating. The experimenter tried to get the subject to sign an admission by promising leniency outright, making minimizing remarks, using both tactics, or using no tactics. Overall, the confession rate was higher among guilty subjects than innocent, when leniency was promised than when it was not, and when minimization was used than when it was not. Importantly, minimization by itself—just like an explicit offer of leniency—reduced the diagnosticity of outcomes by increasing not only the rate of true confessions (from 46 to 81%) but also the rate of false confessions (from 6 to 18%) (Box 1).

BOX 1

The process of police interrogation is a lesson in obedience to authority. In 1963, social psychologist Stanley Milgram published his first classic obedience experiment in which 65% of subjects obeyed the command to deliver increasingly painful electric shocks to a confederate (this elegant research is summarized in his 1974 book, *Obedience to Authority*).

The parallels between police interrogations and the obedience experiments are striking. In both venues, the subject is isolated from friends and family in a controlled space, whether the laboratory or an interrogation room. In both venues, the subject is confronted by a figure of authority—an experimenter or a detective; the subject then engages a contractual agreement to proceed—volunteering for payment ahead of participation in Milgram's study; signing a waiver of *Miranda* rights in the interrogation setting.

Once the situation is in place, the authority figure uses deception to reframe the purpose and consequences of the subject's actions. In Milgram, subjects were told that they would be testing the effects of punishment on a learner by administering painful shocks. In an interrogation, suspects are led to believe that confession serves their personal self-interest better than denial. In both venues, the authority figure proceeds to make a series of unwavering demands. Milgram used four scripted prompts culminating in 'You have no other choice, you must go on'; the Reid technique offers a series of nine steps, culminating in 'converting the oral admission into a written confession'. In both cases, full obedience is achieved through escalating acts of compliance, culminating in 450V in Milgram—and, of course, a full confession in the interrogation room.

VULNERABLE SUSPECTS: THE INDIVIDUAL DIFFERENCES FACTOR

Some suspects are dispositionally more vulnerable to influence than others—and at greater risk for false confessions. Hence, clinical psychology has played an important role in the scientific study of confessions. Focusing on personality traits, Gudjonsson (2003) has found that individuals who are prone to

compliance in social situations are especially vulnerable because of their eagerness to please others and a desire to avoid confrontation, particularly with those in authority.³⁶ Individuals who are prone to suggestibility—whose memories can be altered by misleading questions and negative feedback—are also more likely to confess under interrogation. Most importantly, Gudjonsson notes that people who are highly anxious, depressed, delusional, or otherwise psychologically disordered are often at a heightened risk to confess under pressure. Hence, when people are asked if they had ever confessed to a crime they did not commit, those with mental health problems are more likely than others to self-report such instances.^{37,38}

Individuals who are mentally retarded, as measured by standardized IQ tests, are also overrepresented in the population of false confessors.³⁹ There are several reasons for concern about people who are intellectually limited: (1) they do not comprehend their *Miranda* rights to silence and to counsel⁴⁰; (2) they do not grasp the criminal justice consequences of the inculpatory statements they may be asked to give⁴¹; and (3) they are more acquiescent, compliant, and suggestible in response to questions.^{42,43}

Last but not least, youth is a particularly notable risk factor (Box 2). Archival databases indicate that juveniles are disproportionately represented in the population of false confessors. Out of the first 200 DNA exonerations in the United States, 35% of all false confessors were 18 years or younger (Ref 39; of all persons arrested for murder and rape, only 8 and 16%, respectively, are juveniles—see Ref 44). In fact, whereas an estimated 14–25% of all wrongful convictions historically contain false confessions in evidence, 44% of exonerated juveniles are wrongly convicted because of false confessions—and this number increases to 75% among the youngest juveniles, 12–15 years old.⁴⁵

Although merely suggestive, these criminal justice statistics are consistent with a large body of research. In one experiment, researchers examined variations in the age of subjects using the computer cash paradigm described earlier and found that false confession rates varied as a function of age: 78% among 12- and 13-year-olds compared to 72% among 15- and 16-year-olds and 59% of young adults.³⁰ Similar results were obtained in responses to hypothetical vignettes.⁴⁶ Self-report studies have also yielded higher false confession rates amongst youths than adults. In one large-scale study, researchers collected self-report data on interrogation experiences from 23,771 adolescents in seven European

BOX 2

The infamous Central Park jogger case in New York City illustrates the point that juveniles are at risk. In 1989, a female jogger was beaten, raped, and left unconscious in Central Park. She survived but could not recall what happened. After 2 days of intense interrogations, five African- and Hispanic-American boys, 14–16 years old, confessed to the attack. Strictly on the basis of these confessions, the boys were tried, convicted, and sent to prison. Four of the confessions were videotaped and shown at trial. The hours of interrogations that preceded these statements were not recorded. The tapes were dramatic, with each defendant describing in vivid (though, in many ways, inaccurate) detail how the jogger was attacked, when, where, and by whom, and the role that each played.

Thirteen years later, Matias Reyes, in prison for three rapes and a murder committed after the jogger attack, stepped forward and confessed. He said that he was the Central Park jogger rapist and that he acted alone. Investigating his claim, the district attorney's office questioned Reyes and discovered that he had accurate knowledge of the crime not previously known to police. In addition, DNA testing revealed that Reyes was the source of the semen samples recovered from the victim—which, early on, had excluded the boys. In 2002, the defendants' convictions were vacated. Twelve years later, the city of New York agreed to pay the exonerees \$41 million in damages. By exposing five false confessions, emanating from a single investigation, this case raises serious questions about the interrogation of juveniles.

countries—Iceland, Norway, Finland, Latvia, Lithuania, Russia, and Bulgaria. Overall, 11.5% (2,726) said they had been interrogated by police. Within this group, 14% reported having given a false confession—rates that are substantially higher than are found among older high school, college, and university students, and adults.⁴⁷ In the United States, other researchers interviewed one hundred and ninety-three 14- to 17-year-old males who were incarcerated for serious crimes.⁴⁸ A majority reported that they were subject to high-pressure police

interrogations. Overall, 28.5% said they made a true confession; 17.1% reported making a false confession.

The link between youth and a vulnerability to false confessions under pressure is not hard to explain. Developmental psychologists had observed these tendencies long before the scientific study of confessions. Indeed, it is now generally recognized that juveniles exhibit an 'immaturity of judgment' that manifests itself in short-term decision-making, heightened responsiveness to rewards and punishments that are immediate rather than delayed, a relative inability to account for long-term consequences, and susceptibility to influence from external sources^{49,50}—tendencies that are further exacerbated by stress.^{51,52} The vulnerability is also consistent with neuroscience research indicating that the regions of the brain associated with emotion regulation and planning are not fully developed in adolescents. The National Institute of Mental Health⁵³ thus referred to the teenage brain as 'A work in progress.' In an amicus curiae brief to the U.S. Supreme Court in *Roper v. Simmons*,⁵⁴ the American Medical Association et al. (2004) noted that adolescents, compared to adults, focus on short-term gain and think less about future consequences. These tendencies, which are pervasive can put juveniles at risk in a harsh interrogation setting in which confession offers a expedient means of escape.⁵⁵

NAÏVE FACTFINDERS: CONFESSION EVIDENCE AS PERSUASIVE

When a suspect recants his or her confession, pleads not guilty, and goes to trial, a judge determines in a pretrial hearing if the confession was voluntary and hence admissible as evidence. If the confession is admitted, the jury must then determine the credibility of the confession and whether the defendant guilty beyond a reasonable doubt. In these cases, one might imagine that these fact finders provide an effective safety net. But mock jury experiments have instead demonstrated that confession evidence is potent and difficult to overcome.

Over the years, mock jury studies have shown that confessions have more incriminating impact than other potent forms of evidence⁵⁶—even when it is logically and legally appropriate to discount them. In one study, mock jurors were heavily influenced by a defendant's confession, relative to the same case facts absent the confession—even when it was indisputably induced by an explicit promise of leniency.⁵⁷ In a second study, mock jurors were influenced by a

‘secondary confession’ reported by a jailhouse informant, or snitch—even when told that this cooperating witness had a motive to lie.⁵⁸ In a third study, people often chose to vote guilty on the basis of a defendant’s confession to police even when the defendant was later excluded by DNA testing.⁵⁹ Hence, confessions have been described as ‘inherently prejudicial’ (Ref 39, p. 9590).

In an experiment that illustrates the potent impact of confessions, subjects were presented with one of three versions of a murder trial transcript.⁶⁰ In a low-pressure version, the defendant was said to have confessed to police immediately upon questioning. In a high-pressure version, participants read that the suspect was interrogated aggressively by a detective who waved his gun in a menacing manner. A control version contained no confession in evidence. Presented with the high-pressure confession, participants appeared to respond in the legally prescribed manner. They judged the statement to be involuntary and said it did not influence their decisions. Yet when it came to the all-important measure of verdicts, this confession significantly boosted the conviction rate. This increase occurred even when subjects were specifically admonished to disregard confessions they found to be coerced. This precise pattern of results—an increase in guilty verdicts from confessions perceived to be coerced—was later replicated in an experiment involving 132 experienced judges.⁶¹

There are three reasons why judges and juries are easily overwhelmed by confession evidence. First, common sense leads us to trust statements against self-interest. Most people believe that they would never confess to a heinous crime they did not commit. People are also not aware of the personal and situational risk factors that would make this happen. Time and again, research has shown that the psychology of false confessions is counterintuitive, not known to the average person as a matter of common sense.^{62–65}

The second reason is that most confessions contain not just an admission of guilt but a full narrative that describes the crime. In an analysis of 38 false confessions drawn from the Innocence Project’s DNA exoneration files, one researcher found that 36 contained accurate and often vivid crime details, that were not in the public domain, ‘that only the perpetrator could have known.’⁶⁶ These confessors were factually innocent and had no firsthand basis for guilty knowledge, so it is clear that police must have communicated these details, inadvertently or on purpose during the process of interrogation. To further confuse matters, a content analysis of twenty false confessions revealed that in addition to telling a story

of what the defendant allegedly did, how, when, where, and why, many false confessions contained explicit assertions that the confession was voluntary; physical reenactments, hand-drawn maps of the crime scene, apologies, and expressions of remorse.⁶⁷ Whether a confessor is guilty or innocent, these statements are highly persuasive.

Basic cognitive research reveals a third reason for the power of confessions in court: Confessions taint the perceptions of witnesses, forensic examiners, and others who ultimately contribute evidence. This effect is consistent with psychological research on cognitive coherence, by which any probative item of evidence can color the appraisal of other evidence.⁶⁸ Put another way, confessions can set into motion *forensic confirmation biases*—a class of effects through which preexisting beliefs, expectations, motives, and situational context influence the collection, perception, and interpretation of evidence during the course of a criminal case.⁶⁹ Controlled experiments illustrate how confessions can corrupt eyewitnesses, alibis, polygraph examiners, and others. Indeed, these effects may help to explain by 78% of DNA exonerations containing a false confession also contained one or more additional errors in evidence, most of which were obtained *after* the confession.⁷⁰

PROPOSALS FOR REFORM: HOW TO SOLVE THE PROBLEMS

In the landmark case of *Miranda v. Arizona*,⁷¹ the U.S. Supreme Court described custodial police interrogation as ‘inherently coercive’ and ruled that police must inform suspects in custody of their constitutional rights to silence and to counsel. Only if suspects waive these rights ‘voluntarily, knowingly, and intelligently,’ said the Court, can the statements they produce be admitted into evidence.

Although this ruling was presumed to protect people who stand accused, its benefits in the wake of 50 years of experience are unclear. One problem is that some suspects lack the capacity to understand and apply these rights. This is particularly problematic for young adolescents (e.g., Ref 72) and adults who are mentally retarded (e.g., Refs 40,41). Even in normal adults, research shows that a suspect’s capacity may be compromised by interrogation stress and other situational factors.^{73,74}

A second limitation stems from the fact that most people waive their rights, thereby allowing themselves to be interrogated.^{75–77} There are several possible reasons for this phenomenon. After viewing

numerous interrogations, one researcher notes that detectives are adept at convincing suspects to waive their rights.⁷⁸ Others note that many suspects waive their rights because they believe that invoking *Miranda* will lead police and others to infer their guilt.⁷⁹ Offering a third reason, I proposed that innocent people in particular waive their rights precisely because they are innocent and believe that they have nothing to fear or to hide.⁸⁰ This hypothesis was tested in a mock crime study in which 81% of innocent participants signed a waiver compared to only 36% of those who were guilty.⁸¹

In short, these two sets of limitations, exposed by 50 years of psychological research, suggests that the Court's assumptions concerning waiver decisions that are knowing, intelligent, and voluntary are problematic and not sufficiently protective of the accused. Even well adjusted, intelligent adults are at risk of succumbing to police pressure—despite *Miranda*.⁸⁰

Mandatory Recording of Interrogations

Because most suspects fail to activate their *Miranda* rights, it is clear that other safeguards are needed. In a White Paper of the American Psychology-Law Society entitled: 'False Confessions: Risk Factors and Recommendations,' the first and most urgent recommendation for reform was to mandate the video recording of all suspect interrogations, from start to finish: 'Without equivocation, our most essential recommendation is to lift the veil of secrecy from the interrogation process in favor of the principle of transparency.'³

There are numerous advantages to a videotaping policy. To begin, the presence of a camera will deter interrogators from using highly coercive tactics—and it will also deter frivolous defense claims of coercion where none existed. In a mock crime and investigation experiment, 61 experienced police officers interrogated a guilty or innocent suspect. Before each interrogation, half the investigators were informed that their session would be surreptitiously recorded; the others were not informed. Behavioral coding of these recordings revealed that camera-informed interrogators were less likely to use various high-pressure tactics aimed at eliciting a confession.⁸¹

A second presumed advantage is that a videotaped record will provide an objective and accurate record of the process by which a statement was taken—which is a common source of dispute in courtrooms all over the country. For judges needing to determine if a confession was voluntary, a clear and an accurate record will enable them to observe the pressures brought to bear on a defendant. For

juries empowered to render verdicts, that same clear and accurate record will also enable them to determine the source of any crime details contained within the final confession. In a study that assessed the accuracy of police reports, 16 police officers investigated a mock crime, interrogated two innocent suspects, and filed an incident report. All sessions were covertly recorded; the recordings were later used to assess the reports. Results showed that police understated their use of various interrogation tactics—and that participants who later read a police report, compared to those who read a verbatim transcript, saw the process as less pressure-filled; they were also more likely to misjudge innocent suspects as guilty.⁸²

Additional advantages favor law enforcement. As a result of recent reforms in many states, researchers interviewed law enforcement officials from hundreds of departments that record custodial interrogations and found that they strongly embraced the practice.⁸³ Among the benefits cited were that recording permitted detectives to focus on the suspect rather than take copious notes, it provided an instant replay of the suspect's statement that sometimes contained incriminating comments that were initially overlooked, it reduced the amount of time detectives had to spend in court defending their interrogation practices, and it increased public trust in law enforcement.

Finally, from research point of view, it is important to note that it is important not only that sessions be recorded in their entirety but also that the camera adopt a neutral 'equal focus' perspective that shows both the suspect and his or her interrogators. In studies in which mock interrogations were taped from three different camera angles (suspect focus, interrogator focus, equal focus on both), subjects who saw only the suspect judged the situation as less coercive than those focused only on the interrogator. By directing visual attention at the accused, the camera leads jurors to underestimate the pressure actually exerted by the 'hidden' detective.⁸⁴ Presented with a more balanced perspective, mock jurors and judges make more informed judgments of voluntariness and guilt.^{85,86}

Reform of Interrogation Practices

Additional calls for reform are aimed at altering the practice of interrogation. To address the fact that some individuals are malleable and that certain interrogation tactics put innocent people at risk, for example, one possibility is to find ways to protect the most vulnerable suspect populations (juveniles, people with intellectual impairments or mental health

problems) and limit or outright ban the use of the most perilous police interrogation practices (lying to suspects about the evidence, minimization tactics that imply leniency).

Thinking large, another approach is to wholly reconceptualize how police approach the processes of interviewing and interrogation. Reforms in Great Britain are instructive in this regard. In the 1980s, after a series of high-profile false confession cases, British police transitioned to a process of ‘investigative interviewing,’ in which the primary objective is to gather information, not necessarily get confessions. In 1993, British police started to use the PEACE model, using this mnemonic to describe the five parts of this approach—*Preparation and Planning* (organizing the evidence and planning the interview), *Engage and Explain* (establishing a rapport and communicating the purpose of the interview to the suspect), *Account* (conducting a ‘Cognitive Interview’ to get the compliant suspect to speak freely and ‘conversation management’ to open up the non-compliant suspect), *Closure* (addressing discrepancies that may appear in the suspect’s narrative account), and *Evaluation* (comparing the suspect’s final statement to evidence, trying to resolve inconsistencies, and drawing conclusions). Within PEACE, deception is outlawed; interviewers seek to establish

rapport with the suspect and listen, not interrupt; and all sessions should be audio or video recorded (Ref 87; for a proposal to use PEACE in Canada, see Ref 88).

The British experience—which has not hampered criminal investigations, while accompanied by a cessation of false confessions (see Ref 89)—suggests that investigative interviewing provides an effective and safe alternative to the accusatorial approach embodied by the Reid technique. In an empirical comparison of the two approaches, researchers conducted a meta-analysis, statistically combining the results of twelve laboratory experiments in which guilty and/or innocent subjects were questioned using accusatorial and/or information gathering methods as opposed to simple direct questioning.⁹⁰ As measured by outcomes, the results showed that while the accusatorial approach boosted both true and false confession rates, information gathering increased the rate of true confessions without also yielding false confessions. Put differently, information gathering produced outcomes that were more accurate or ‘diagnostic.’ At least tentatively, it appears that investigative interviewing—via PEACE or other similar approaches—can be used to solve crimes without unnecessary risk to suspects who turn out to be innocent.

WEB RESOURCES

The Central Park Five (2012 documentary; Ken Burns, Sarah Burns, David McMahon; Official trailer, 2:26) (<http://www.pbs.org/video/2322841144/>).

National Science Foundation VIDEO: *Why Do Innocent People Confess?* (Saul Kassin, May 5, 2016, 2:57) (http://www.nsf.gov/discoveries/disc_summ.jsp?cntn_id=138531).

The Innocence Project web site (<http://www.innocenceproject.org/>).

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