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Internalized False Confessions

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As I wrote this chapter, my attention was drawn to a courtroom in South Carolina, where 41-year-old Billy Wayne Cope was just convicted for the rape and murder of his 12-year-old daughter Amanda. Cope awoke one morning to find the oldest of his three daughters face down, cold and lifeless in her bed. It looked as if she had been strangled to death. Cope's wife worked the night shift, so she was not home. Immediately he called 911, but when the police arrived they treated him more like a suspect than a grief-stricken father. Based on an erroneous first impression that there was no sign of a forced entry and belief that Cope showed "too little emotion," the police interviewed him twice, sent him to the hospital for a physical examination, and then took him to the station for questioning that would begin late at night and extend into the early morning.

For more than 24 hours, Cope vehemently asserted his innocence despite persistent charges and accusations (e.g., "I swear before God, standing right here . . . I did not do anything to my daughter"). During that time, he waived his rights, volunteered to be examined, and five times offered to take a polygraph test: "So you have faith in the polygraph test?" he was asked. "Yes," he replied. The next morning, after spending the night in jail, without food or drink, bewildered, still separated from family and friends, and without counsel, Cope was administered a polygraph test by a police examiner who reported to him that he failed (in fact, a leading researcher who later scored the charts indicated that Cope had actually passed). Devastated by the result, Cope wondered aloud if a person could commit such a heinous act without knowing it—an idea suggested to him the previous night by his interrogators. According to the examiner, Cope broke down and admitted that "I must have done it." He then allegedly followed this admission with a full narrative story of how he molested and strangled his daughter, cleaned up, and went back to sleep.

Cope spent the next two and half days in jail, alone, still lacking contact with family, friends, or an attorney. He then handwrote a second confession in which he said that he had sexually assaulted and killed Amanda within the context of a dream. At that point, the police took him back to the house, where he reenacted on videotape—and in vivid and gruesome detail—how he had awakened in the middle of the night, molested and

killed Amanda while in a dissociated state, suddenly realized what he had done, went back to sleep, forgot what had occurred the next morning, then once again recalled his actions. This reenactment was followed by a fourth, even more detailed, confession typed by one of the detectives and signed by Cope.

Serving as an expert witness for the defense in this case, I believed that Cope's confessions were taken under highly stressful circumstances, that police investigators used interrogation tactics that put innocent people at risk, and that Cope's statements were filled with contradictions and factual errors. None of this meant that Cope was innocent or that his confessions were false. Shortly thereafter, however, DNA tests revealed that the donor of the semen and saliva found on Amanda's dead body was not Cope but a sex offender, who was new to the neighborhood, and who had broken into other homes, raping and killing other girls in the same way. One would surmise from this DNA exoneration that Billy Wayne Cope would have been released from jail, freed, and compensated. Yet just hours after the DNA results were received, the police told Cope's wife in an egregious lie that the semen was her husband's, wired her, and sent her to jail to try to get her husband to confess again, which he did not (she died of surgery complications shortly thereafter, believing that the semen was her husband's). When the DNA was later matched to James Sanders, a serial offender, the prosecutor—armed with a police-induced confession that now did not match the facts of the crime, and lacking any evidence whatsoever of a link between the two men—charged Cope with conspiracy, arguing that he had pimped his daughter out to Sanders. The only additional evidence at trial was presented by a female friend of Cope's late wife who was corresponding with the defendant. She presented two confessional notes allegedly received shortly before trial that Cope had sent to her from jail. But Cope denied writing these notes, which were penned on paper he had no access to and in a handwriting that was likely not his own. As for the witness, she had once before been charged with forgery in another matter. In short, there was no evidence of Cope's involvement other than his original confessions. Yet after only five hours of deliberation, a South Carolina jury voted to convict him.

In criminal justice, confession evidence is a prosecutor's most potent weapon—so much so, as one prominent legal scholar put it, that its introduction makes other aspects of a trial "superfluous" (McCormick, 1972, p. 316). Confessions play a vital role in law enforcement and crime control. They are also a recurring source of controversy, however, in large part because people sometimes confess to crimes they did not commit, only to be exonerated later (Drizin & Leo, 2004; Gross, Jacoby, Matheson, Montgomery, & Patel, 2004; Gudjonsson, 2003; Kassin, 1997a; Leo & Ofshe, 1998; Scheck, Neufeld, & Dwyer, 2000). Confessions are proved false when it is later discovered that no crime was committed (e.g., the presumed murder victim is found alive); when extrinsic evidence shows that the confessor could not have committed the crime (e.g., he or she was demonstrably elsewhere at the time or too young to have produced the semen found on the victim); when the real perpetrator, having no connection to the defendant, is apprehended and inculpated in the crime (e.g., by guilty knowledge, ballistics, or physical evidence); or when scientific evidence affirmatively establishes the confessor's innocence (e.g., he or she is excluded by DNA test results on semen, blood, hair, or saliva).

Indeed, as the post-conviction DNA exoneration numbers accumulate, research shows that 15–25% of cases had included confessions in evidence (www.innocenceproject.org/). [AQ1]

False confessions arise in different ways and for different reasons. By reviewing the wrongful convictions that have stained the pages of American legal history, and by drawing on social-psychological theories of social influence, Kassin and Wrightsman (1985) introduced a taxonomy of false confessions that distinguished among three types: voluntary, coerced-compliant, and coerced-internalized (see Kassin, 1997a; Wrightsman & Kassin, 1993). *Voluntary* false confessions are self-incriminating statements that are offered to police without external pressure. Coerced-*compliant* false confessions are those in which a suspect confesses to police in order to escape an aversive interrogation, avoid an explicit or implied threat, or gain a promised or implied reward. This type of confession is a mere act of public compliance by a suspect who knows that he or she is innocent but is highly stressed and comes to decide that confession is more cost-beneficial than denial, at least in the short term. Finally, coerced-*internalized* false confessions are statements made by an innocent but vulnerable person who, as a result of exposure to highly suggestive and misleading interrogation tactics, comes to believe that he or she may have committed the crime—a belief that is sometimes supplemented by false memories. Over the years, this classification scheme has provided a useful heuristic framework for the study and analysis of false confessions and has been adopted, critiqued, and refined by others (Conte, 2000; Gudjonsson, 1992, 2003; Inbau, Reid, Buckley, & Jayne, 2001; Kassin, 1997a; Kassin & Gudjonsson, 2004; Lassiter, 2004; McCann, 1998; Ofshe & Leo, 1997).

Uniquely, confessions are incriminating statements made by crime witnesses who are not bystanders or victims but alleged perpetrators. Common sense tells us that regular eyewitness can make mistakes but that innocent people do not confess to crimes they did not commit. For this reason, there is little, and I would argue insufficient, systemic concern about the reliability of the memories that these latter witnesses report. This chapter focuses on the internalized types of false confessions, those characterized by a change in the suspect's beliefs and sometimes accompanied by the formation of false memories that support those beliefs. To understand the nature of these false confessions, how they occur and why, it is important to examine some documented cases to see what they have in common, describe the methods of police interrogation that induced these confessions, review basic theories of social influence effects on cognition that are of relevance to the problem, and describe forensically specific studies of the factors that put innocent people at risk.

THE WAREHOUSE OF INTERNALIZED FALSE CONFESSIONS

In looking at cases that involve possibly internalized false confessions, it is important to realize that proof consists of some combination of a suspect's self-reports; background information about the suspect, sometimes including his or her criminal background, IQ, and personality test scores; police reports that describe what the suspect said and did

during interviews and interrogations; audiotapes and videotapes of the process, if available; and a body of extrinsic evidence indicating the confessor's guilt or innocence. When it comes to the question of internalization in these cases, the depth of the belief change may be a matter of dispute. For example, Ofshe and Leo (1997) have questioned whether an innocent confessor's acceptance of responsibility is ever fully or permanently internalized. Instead they describe the effect as temporary, unstable, and situationally adaptive and the confessor as "neither certain of his innocence nor of his culpability" (p. 209). This difference of opinion raises a question that resembles prior debates among cognitive researchers over whether misleading post-event information overwrites and alters a witness's memory for the event (e.g., Loftus, Miller, & Burns, 1978; Belli, Lindsay, Gales, & McCarthy, 1994; Weingardt, Loftus, & Lindsay, 1995) or merely coexists in storage with an intact and still retrievable memory (e.g., Dodson & Reisberg, 1991; McCloskey & Zaragoza, 1985).

Although the case study approach is inherently limited, making it impossible to measure or secure behavioral proof of internalization, I believe that this criticism is misplaced (see also Kassin & Gudjonsson, 2004). Certainly in the internalized false confession cases that have been identified, the beliefs that are formed appear to be more temporary than permanent, and the cognitive product is more one of uncertainty and inference than of full-fledged acceptance and internalization. In some cases, these newly formed beliefs are buttressed by false memories of varying detail, but in other cases they are not. Nevertheless, as will become evident shortly, some degree of acceptance was evident in numerous cases—as when false confessor Paul Ingram was "brainwashed" into thinking that he had committed horrific acts of sexual violence as part of a satanic cult (see Nathan & Snedeker, 1995; Ofshe & Watters, 1994; Wright, 1994). More important, albeit on a lesser scale, this phenomenon was also observed in a controlled laboratory experiment, which is later described in greater detail (Kassin & Kiechel, 1996). This type of internalization also bears close resemblance to well-documented suggestibility effects in children (Bruck & Ceci, 1999; Ceci & Bruck, 1995), the misinformation effects produced under hypnosis (McConkey & Sheehan, 1995), the creation of false memories for words in a list (Roediger & McDermott, 1995) and autobiographical experiences that did not occur (Loftus, 1997), the "thought reform" effects of indoctrination in prisoners of war (Lifton, 1956; Schein, Schneier, & Barker, 1961), and the so-called recovery of false trauma memories in psychotherapy patients (de Rivera, 1997). In the interrogation room, the typical result is a detailed confession not only of what occurred—but when, where, how, with whom, and even why.

At the time that Kassin and Wrightsman (1985) identified and defined coerced-internalized false confessions, very little systematic research had been published on misinformation effects—and there was nothing on the creation of false autobiographical memories. The science offered little guidance. In his typically precocious manner, Munsterberg (1908) long ago wrote about a Salem witch confession involving "illusions of memory" in which "a split-off second personality began to form itself with its own connected life story built up from the absurd superstitions which had been suggested to her through the hypnotising examinations" (p. 147). After reading through a number of more recent cases, however, we noticed that this process by which innocent people come

to accept blame for crimes they did not commit followed a predictable course, as if it was scripted. Indeed, Gudjonsson and MacKeith (1982) suggested that this type of confession was the product of "memory distrust syndrome," a form of source amnesia in which people develop a profound distrust of their memory, rendering them vulnerable to influence from external cues and suggestions.

The South Carolina trial of Billy Wayne Cope clearly depicted the process. Even if one were to argue in the absence of supportive evidence that Cope had conspired to invite his daughter's rape and murder, his confessions—which tell stories about his own actions, which did not occur, while omitting all mention of an intruder—were factually incorrect. Yet after suffering through a highly aggressive interrogation and a night alone in jail, and following false feedback about a failed polygraph, Cope became confused, lost confidence in his own memory, wondered about a possible blackout, and concluded that "I must have done it." From there, he constructed a vividly detailed confession that fit the facts of the crime scene as the police knew them to be at the time (e.g., "Amanda was asleep on her stomach . . . I started strangling her with my hands . . . Then I fixed the doors in Amanda's bedroom so that they would lock.").

Numerous other stories illustrate this phenomenon. In a classic case, 18-year-old Peter Reilly returned to his Connecticut home one night to find that his mother had been murdered. Reilly immediately called the police but was suspected of matricide. After gaining his trust, one detective told Reilly that he failed a lie-detector test, which was not true, and which indicated that he was guilty despite his lack of a conscious recollection. After hours of relentless interrogation, Reilly underwent a chilling transformation—from denial through confusion, self-doubt, and conversion ("Well, it really looks like I did it"), followed by the utterance of a full written confession ("I remember slashing once at my mother's throat with a straight razor I used for model airplanes . . . I also remember jumping on my mother's legs."). Two years later, independent evidence regarding the timeline revealed that Reilly could not have committed the murder, and that the confession even he came to believe was false. Reilly was released from prison and was never retried (Barthel, 1976; Connery, 1977).

In a third case, Paul Ingram—a religious Christian, and a deputy sheriff in Olympia, Washington—was accused of raping his daughter, sex abuse, and satanic cult crimes that included the slaughter of newborn babies. After two dozen interrogations, which extended for 5 months, Ingram was detained, hypnotized, provided graphic crime details, and told by a police psychologist that sex offenders typically repress their offenses. At one point, he was urged by his pastor to confess. Ingram eventually "recalled" his crimes, pled guilty, and served his full sentence of 20 years in prison until he was released in 2003. Yet there was no physical evidence to prove that some of the crimes to which he confessed had even occurred. Serving as a consultant for the state in this case, Ofshe (1992) concluded that Ingram was "brainwashed" into thinking he was part of a satanic cult. To demonstrate Ingram's potential for suggestibility, Ofshe manufactured a phony crime. Ingram denied the new charge at first, but after 24 hours he submitted a full confession—and embellished the story. This case is fully described in three books: *Remembering Satan* (Wright, 1994), *Making Monsters* (Ofshe & Watters, 1994), and *Satan's Silence* (Nathan & Snedeker, 1995). [AQ2]

In a fourth case, in California, 14-year-old Michael Crowe—and then his friend, Joshua Treadway—confessed to the stabbing death of Michael's younger sister Stephanie. At first, Michael vehemently denied the charge. Eventually, however, Michael conceded that he was involved: "I'm not sure how I did it. All I know is I did it." This change in belief followed from three separate, highly charged interrogation sessions during which Michael was told that his hair was found in Stephanie's grasp, that her blood was in his bedroom, that all means of entry to the house were locked, and that he had failed a voice stress lie test—all claims that were false. Failing to recall the crime, Michael was persuaded that he had a split personality, that "good Michael" blocked out the incident, and that he could imagine how "bad Michael" had killed her. The charges against the boys were later dropped when Richard Tuite, a drifter who had a history of violence and who was prowling the area that night, was found with Stephanie's blood on his clothing. Tuite was eventually prosecuted and convicted (Drizin & Colgan, 2004).

SOCIAL INFLUENCES OF INTERROGATION

To understand the inducement to confess, it is necessary to know what methods of social influence are used in the interrogation room. Techniques vary and are described in the manuals that are available to train law enforcement professionals. The most popular of these manuals is Inbau, Reid, Buckley, and Jayne's (2001) *Criminal Interrogation and Confessions*, which was first published in 1962, is now in its fourth edition, and forms the basis for the popular Reid technique.

According to Inbau et al. (2001), police begin a two-staged process with an open, nonconfrontational *interview* designed to determine whether the suspect is telling the truth or lying and, hence, whether or not to proceed to *interrogation*. Despite substantial evidence to the contrary (see Meissner & Kassin, 2002; Vrij, 2000), investigators are trained in this method to believe that they can make judgments of truth and deception at high levels of accuracy by analyzing the suspect's verbal and nonverbal behavior. Thus, it is clear that interrogation is by definition a guilt-presumptive process, a theory-driven social interaction led by an authority figure that has already formed a strong a priori belief, confidently held but often erroneous, that the suspect is guilty. As in other domains of social interaction, this presumption of guilt paves the way for a range of cognitive and behavioral confirmation effects (Kassin, Goldstein, & Savitsky, 2003).

As for the interrogation itself, Inbau et al. advise police to conduct the questioning in a special room at the station that is small, barely furnished, and soundproof. The goal is to isolate the suspect, denying access to familiar people and places, in order to increase the incentive to escape and to insulate the suspect from outside sources of information and support. Against this physical backdrop, the Reid approach to interrogation is a multistep procedure that begins when a detective confronts the suspect with a strong and unwavering assertion of guilt. This confrontational phase may last from minutes to several hours until the suspect falls into a state of despair. As part of this process, investigators are trained to interrupt all efforts at denial, label the suspect a liar, overcome all objections, and refuse to allow the suspect to mount a defense. This confrontational

phase may even be bolstered by the insinuation or outright presentation of incontrovertible evidence, which may or may not be true—a tactic that significantly increases compliance (e.g., Kassin & Kiechel, 1996). As the stress of interrogation intensifies, and as the beleaguered suspect comes to realize that denial does not provide a means of escape, detectives begin to develop scripted themes designed to help psychologically justify, minimize, or excuse the crime charged. Showing sympathy and understanding, and urging the suspect to cooperate, detectives offer moral justification and a face-saving alternative construal of the alleged guilty act (e.g., suggesting to the suspect that he or she was intoxicated, peer pressured, provoked, or acting in self-defense, or that his or her actions were accidental). Using these minimization techniques, detectives imply that the suspect's alleged actions were morally defensible, which encourages confession by the implication that leniency may be forthcoming (Kassin & McNall, 1991; Russano, Meissner, Narchet, & Kassin, in press). [AQ3]

Conceptually, this multistep procedure is designed to get suspects to incriminate themselves by increasing the anxiety associated with denial, breaking them down into a state of despair, and minimizing the perceived consequences of confession. In this way, confession appears as a rational, cost-effective means of escape. The detective thus gets the suspect to make a simple admission, then to recount the details of the crime, ultimately converting that statement into a full written confession. It is clear that these methods are used with some frequency. John E. Reid and Associates report that they have trained more than 150,000 law enforcement professionals in seminars on interviewing and interrogation (www.reid.com/index.html). Leo (1996) observed 182 videotaped and live interrogations at three police departments in California, in which 64% of suspects made self-incriminating statements. He found that the detectives used a mean of 5.62 different techniques per interrogation and that those described above were particularly common.

THE PROCESS OF INTERNALIZATION

The cases described earlier and others illustrate that there is a predictable, if not scripted, process that gives rise to internalized false confessions. In one form or another, the process contains five components: (1) There is a suspect who is rendered highly vulnerable to manipulation as a function of dispositional characteristics (e.g., young, naïve, mentally retarded, suggestible, or otherwise impaired) and there are more transient factors associated with the crime, custody, and interrogation (e.g., extreme stress, feelings of isolation, sleep deprivation, the influence of drugs). (2) Knowingly or unknowingly, the police confront the suspect with false but allegedly objective and incontrovertible evidence of his or her involvement—evidence in the form of a failed polygraph, an eyewitness, a fingerprint, a shoeprint, or a DNA sample. (3) Often with guidance from police, the suspect reconciles his or her lack of memory with the alleged evidence by presuming that he or she had blacked out, dissociated, repressed, or otherwise failed to recollect the event. (4) The suspect makes a tentative admission of guilt, typically using a language of inference rather than of direct experience (e.g., "I guess I did it," "I may

have done it," or "I must have done it" rather than "I did it"). and (5) The suspect may convert the simple admission into a fully detailed confession in which confabulations of memory originate from his or her exposure to secondhand sources of information (e.g., leading questions, overheard conversations, crime scene photos, and visits to the crime scene), often facilitated by various imaginational exercises (e.g., "Think hard about how you would have done it.").

Focusing on how police have persuaded innocent suspects to accept responsibility for a crime they did not commit and cannot recall, Ofshe (1989) identified a number of common interrogation tactics, such as exhibiting strong and unwavering certainty about suspect's guilt, isolating the suspect from all familiar social contacts and outside sources of information, conducting sessions that are lengthy and emotionally intense, presenting false but allegedly incontrovertible proof of the suspect's guilt, offering the suspect a ready physical or psychological explanation for why he or she does not remember the crime, and applying implicit and explicit pressure on the suspect, in the form of promises and threats, to comply with the demand for a confession.

As profound a form of influence as this seems, the construction of an internalized false confession may not be unique. Reviewing de Rivera's (1997) analysis of people who recover false memories from childhood only later to retract these reports, Kassin (1997b) likened this process of police interrogation to that of the recovery of false memories of childhood abuse in psychotherapy patients. In both situations, an authority figure claims, often with certainty, to have privileged insight into the individual's past; the individual is in a heightened state of weakness and malleability; all interactions between the expert and individual occur within a private, highly insulated setting devoid of external social or reality cues; and the expert ultimately convinces the person to accept a negative and painful self-insight by citing objective symptoms of this truth and invoking such concepts as dissociation, repression, alcoholic blackout, or multiple personality disorder (for related analyses, see Kopelman, 1999; Ost, Costall, & Bull, 2001).

Over the years, two conceptually distinct models—one focusing on self-perception and the other on the misattributions that result from faulty source monitoring—have been proposed to explain how people might come to believe that they were involved in a crime or some other act they did not commit. In the same year that the United States Supreme Court referred to modern police interrogations as "inherently coercive," Bem (1966) theorized that false confessions may result from a process of self-perception. Bem's self-perception theory states that to the extent that internal states are weak or difficult to interpret, people infer what they think or how they feel by observing their own behavior and the situation in which that behavior took place. Interested in the criminal-forensic implications of "when saying is believing," Bem suggested that making a false confession could distort a person's recall of his or her own behavior if that confession is emitted in the presence of cues that are normally associated with telling the truth. To demonstrate, Bem had subjects in a laboratory experiment perform a task that required them to cross out some words but not others from a master list. To establish two colored lights as discriminative stimuli, one for truths and the other for lies, he then asked subjects general questions about themselves and instructed them to answer truthfully when the room was illuminated by a green light and to lie in the presence of an

amber-colored light. Next, the experimenter announced several words taken from the initial task. After some words, he instructed subjects to lie and after others to tell the truth about whether they had previously crossed the word out—again, while in the presence of a green or amber light. In a third and final phase, subjects were asked for each word to recall whether they actually had or had not crossed it out. The result was that false statements made in the presence of a truth light produced more errors in the recall of actual performance than did false statements made in the presence of the lie light or none at all. Under conditions normally associated with truth telling, subjects thus came to believe the lies they had been induced to tell.

Pondering the implications for criminal justice, Bem (1967) noted that "a physical or emotional rubber hose never convinced anyone of anything" and that "saying becomes believing only when we feel the presence of truth, and certainly only when a minimum of inducement and the mildest and most subtle forms of coercion are used" (pp. 23–24). It is important not to generalize without disclaimer from Bem's laboratory experiment to real-life police interrogations. Still, case studies and anecdotal reports indicate the existence of internalized confessions, and self-perception theory provides one possible explanation for the first phase of this phenomenon, the formation of a false belief. For example, Driver (1968) described a common tactic in which police ask the suspect to repeat his or her story over and over again and suggested that "If duped into playing the part of the criminal in an imaginary sociodrama, the suspect may come to believe that he was the central actor in the crime" (p. 53). Such a transformation in self-perception appears to have afflicted 13-year-old Jerry Pacek, who in 1958 confessed to and reenacted for police a woman's murder that he did not commit. When asked to recount the experience more than 30 years later, "Jerry said he confessed so many times, to so many people, his memory of what happened that week is just a blur" (Fisher, 1996, p. 187). [AQ4]

Focusing more on consciousness and memory, Foster (1969) likened the process of interrogation to hypnosis, suggesting that it can produce a "trance-like state of heightened suggestibility" so that "truth and falsehood become hopelessly confused in the suspect's mind" (pp. 690–691). Consistent with this notion, Weinstein, Abrams, and Gibbons (1970) found that hypnotized subjects in whom a false sense of guilt was induced were less able than others to pass a polygraph-based lie detector test. Within a contemporary framework that takes into account the confusion that plagues internalized false confessors, Henkel and Coffman (2004) recently argued that the reality-distorting processes of police interrogation provide fertile ground for source-monitoring confusion and the formation of internalized false confessions. According to this account, a suspect who cannot recall the details of having committed a crime but has access to information about it faces a cognitive source-monitoring dilemma: to differentiate between memories that arise from direct personal experience and those that emanate from his or her own thoughts, dreams, and imagination exercises, or from external but secondhand sources of information (e.g., leading questions, overheard conversations, photographs of the victim, or live visits to the crime scene).

A source-monitoring framework focuses on how people make attributions for the sources, contexts, or origins of their own memories (see Johnson, Hashtroudi, & Lindsay, 1993). As reviewed by Henkel and Coffman (2004), research has shown that real or

imagined objects, actions, or events are sometimes misattributed in context to direct perception or experience—and that this source confusion is most likely to occur when the imagined material is plausible, vivid, easy to imagine, the subject of repetition, and similar to objects, actions, or events previously experienced. This problem is evident in eyewitness situations in which an innocent person, familiar looking because he or she was seen in one situation (e.g., in prior mug shots; present as a bystander), is later confused in a witness's memory and "transferred" to another situation, say the crime scene, only to be mistakenly identified as the criminal in a lineup (Ross, Ceci, Dunning, & Toglia, 1994).

Of relevance to the internalized false confessions that sometimes emerge during interrogation, research alluded to earlier in this section indicates the profound biasing effects on autobiographical memory of exposure to photographs of nonwitnessed events (Koutsaal, Schacter, Johnson, & Galluccio, 1999; Lindsay, Hagen, Read, Wade, & Garry, 2004), verbal misinformation (Loftus & Hoffman, 1989), reports of co-witnesses (Gabbert, Memon, & Allan, 2003), imaginational exercises (Mazzoni & Memon, 2003; Thomas & Loftus, 2002), dream interpretation (Mazzoni, Loftus, & Seitz, 1999), and sheer repetition (Begg, Anis, & Farinacci, 1992). All of these biasing techniques inflate the likelihood of illusory recollections compared with that found in appropriate control conditions. Indeed, *imagination inflation* is the descriptive term that has been coined to refer to increased levels of false memories following the use of imaginational exercises (Garry, Manning, Loftus, & Sherman, 1996). Interestingly, too, research shows that people are particularly susceptible to misinformation effects when the scenes they are trying to recall are negative and highly emotional (Porter, Spencer, & Birt, 2003). In short, there is reason to believe that innocent people under the influence of police interrogation are often at risk for source confusion and the formation of false memories.

INTERNALIZED FALSE CONFESSIONS IN THE LABORATORY

Until recently, there was no empirical evidence for this phenomenon. To be sure, eyewitness researchers had found that misleading post-event information can alter actual or reported memories of *observed* events (e.g., Loftus et al., 1978; McCloskey & Zaragoza, 1985)—an effect that is particularly potent in preschool children (Ceci, Ross, & Toglia, 1987; Ceci & Bruck, 1995) and adults under hypnosis (e.g., Dinges et al., 1992; Sheehan, Statham, & Jamieson, 1991). Other studies indicate that it is possible to spontaneously produce false "recollections" of words in a list (e.g., Roediger & McDermott, 1995) and implant isolated childhood experiences that were supposedly forgotten or repressed (Hyman, Husband, & Billings, 1995)—like being lost in a shopping mall (Loftus, 1993). But can people's memory for their own *actions* similarly be altered? Can people be induced to accept guilt for outcomes they did not produce?

As noted earlier, the cases involving internalized false confessions appear to have had two factors in common: an innocent person whose memory is rendered vulnerable to manipulation and the presentation of false evidence. Kassin and Kiechel (1996) thus developed a laboratory paradigm designed to test the hypothesis that the presentation of

false evidence can lead individuals who are vulnerable to confess to a prohibited act they did not commit, to internalize responsibility for that act, and to confabulate details consistent with that belief. Two subjects per session participated in this experiment (actually there was only one subject and a confederate). The confederate was to read a list of letters and the subject was to type these letters as quickly as possible on the keyboard of a personal computer. Before the session began, subjects were warned not to press the ALT key positioned near the space bar or else the computer would malfunction and data would be lost. After 60 seconds, the computer supposedly crashed, at which point a distraught experimenter accused the subject of hitting the forbidden key. All subjects were innocent and all initially denied the charge.

In each session, the subject's vulnerability was manipulated by varying the pace of the task, fast or slow. The second factor was the presentation of false evidence in the form of a confederate who told the experimenter that she did or did not witness the subject hitting the forbidden key. Three levels of influence were then assessed. To elicit *compliance*, the experimenter quickly handwrote a confession and prodded subjects to sign it. To measure *internalization*, he recorded the way subjects privately described the experience when away from the experimenter. As subjects left the lab, they met a waiting subject, actually a second confederate, who presumably overheard the commotion. This confederate asked what happened. The subject's reply was then coded for whether he or she accepted the blame for what happened (e.g., "I hit a key I wasn't supposed to and broke the computer."). Finally, although the session appeared to be over, the experimenter brought subjects back into the lab, re-read the letters they typed, and asked if they could reconstruct how and when they hit the ALT key. This was used to probe for evidence of *confabulation*, to see if subjects would concoct details to fit their newly formed belief (e.g., "Yes, here, I hit it with the side of my hand right after you called out the 'A'."). Afterward, subjects were carefully debriefed about the study—its purpose, the hypothesis, and the need for the use of deception.

Overall, 69% of all subjects signed the confession, 28% internalized guilt, and 9% manufactured details to support their newly created false beliefs. More important were the effects of the independent variables. In the baseline slow pace/no witness group, 35% of subjects signed the confession but none exhibited internalization or confabulation. Yet in the fast pace/witness group all subjects signed the confession, 65% internalized guilt, and 35% concocted supportive details. In short, people were induced to confess and internalize guilt for an outcome they did not produce. In some cases they even went on to support that newly created belief of *what* they did with a false memory of *how* they did it. As predicted, the risk is increased both by personal vulnerability and the presentation of false evidence, a trick often used by police and sanctioned by the courts. Indeed, in *Frazier v. Cupp* (1969), the U.S. Supreme Court considered a case in which police told the defendant that the person who provided his alibi had confessed, which [AQ5] was false, and it refused to exclude the resulting confession. Since that time the Court has repeatedly declined to reconsider the issue (Magid, 2001).

Follow-up studies using variants of this computer crash paradigm have replicated and extended this effect. In an experiment conducted in the Netherlands, Horselenberg, Merckelbach, and Josephs (2003) accused college students of crashing a computer by

hitting a prohibited key and obtained even higher rates of compliant false confessions, internalization, and confabulation—even when the subjects were led to believe that confession would bear a financial consequence. Redlich and Goodman (2003) also obtained high rates of compliance in this paradigm despite leading subjects to believe that they would have to return for 10 hours without compensation to reenter the lost data. Demonstrating an important limitation of this effect, Klaver, Gordon, and Lee (2003) found that the false confession rate declined from 59% when subjects were accused of hitting the ALT key, as in the original study, to 13% when they were accused of hitting the less plausible Esc key. Focusing on individual differences in vulnerability, other researchers observed particularly high false confession rates in response to false evidence among stress-induced males (Forrest, Wadkins, & Miller, 2002) and among juveniles, 12 to 16 years old, who are more vulnerable to the effect than adults (Redlich & Goodman, 2003).

It is clear that some people are dispositionally more vulnerable than others to make and internalize false confessions under interrogative pressure. To assess individual differences in this type of vulnerability to interrogation, Gudjonsson (1984) devised a memory-related instrument. Known as the Gudjonsson Suggestibility Scale (two parallel forms were created, GSS 1 and GSS 2), the test involves reading a narrative paragraph to a subject, who then free-recalls the story, immediately and after a brief delay, and then answers 20 memory questions—including 15 that are subtly misleading. After receiving feedback indicating that he or she had made several errors, the subject is then retested, presumably for the purpose of obtaining a higher level of accuracy. Through this test-retest paradigm, researchers can measure the extent to which subjects exhibit a general *shift* in memory as well as a tendency to *yield* to misleading questions in the first and second tests. Added together, these two scores are used to determine a subject's *Total Suggestibility* (see Gudjonsson, 1997). Indeed, Scullin and Ceci (2001) created a similar video-based test to measure individual differences in suggestibility among preschool children.

As a general rule, individuals who score high on interrogative suggestibility also tend to exhibit poor memories, high levels of general anxiety, low self-esteem, and a lack of assertiveness. Among crime suspects, "alleged false confessors" (those who confessed to police but later retracted the statements) obtained higher scores, and "resistors" (those who maintained their innocence throughout interrogation) obtained low scores relative to the general population (Gudjonsson, 1991). Research also shows that suggestibility scores on the GSS increase as a function of prolonged sleep deprivation, a state that often plagues suspects who are detained and questioned late at night (Blagrove, 1996), and as a function of alcohol withdrawal, also a common problem in criminal justice (Gudjonsson, Hannesdottir, Petursson, & Bjornsson, 2002). As for a link between suggestibility and internalization, Sigurdsson and Gudjonsson (2001) compared personality test scores of prison inmates who self-reported that they had confessed falsely to police with those of other prison inmates. They found that those who seemed to have internalized guilt, at least in part, were significantly more suggestible, as measured by the GSS.

[AQ6]

Finally, it is important to distinguish among the possible cognitive outcomes of this social influence-based process of internalization. Right from the start, Kassin and

Wrightsman (1985) had defined internalized false confessions as those in which the suspect comes to believe at some varying level of certainty and for some varying period of time that he or she is guilty, and that this false belief may or may not be accompanied by an alteration in memory. A perusal of internalized false confession cases supports the conclusion that police-induced changes in a suspect's beliefs are more common and not necessarily followed by changes in his or her memories.

This is an important distinction. Noting that people hold many autobiographical beliefs for events that they cannot recall, Scoboria, Mazzoni, Kirsch, and Relyea (2004) proposed that plausibility, belief, and memory represented a series of nested effects related to autobiographical accounts—that an event must be seen as plausible before it is believed and that it must be believed before it can generate a memory. To test this hypothesis, these investigators compiled a list of 10 childhood events that varied in their plausibility (e.g., getting lost in a mall, losing a toy, having a tooth extracted, getting abducted by a UFO). For each question, subjects rated how plausible it is that this event occurred to them before the age of six, the strength of their belief that it occurred, and their memory of that occurrence. On average, plausibility ratings were higher than belief ratings, which, in turn, were higher than memory ratings. More to the point, memories were nested within beliefs, and beliefs were nested within perceptions of plausibility. The relevance of this nesting hypothesis to the manifestations of internalized false confessions is clear. In the original computer crash study described earlier, Kassin and Kiechel (1996) found that more subjects signed a false confession (compliance) than believed they were guilty of hitting the prohibited ALT key (internalization)—and only a subset of those who believed they were guilty also generated false memories of how they did it (confabulation).

PROSPECTS AND PROPOSED SOLUTIONS

As DNA exonerations accumulate, raising serious and fundamental concerns about the reliability of police-induced confessions, it is necessary that police, prosecutors, defense lawyers, judges, and juries learn how to better assess this evidence. Kassin, Meissner, and Norwick (in press) videotaped male prison inmates confessing to the crimes for which they were incarcerated and concocting false confessions to crimes they did not commit. Neither college students nor police investigators were able to distinguish significantly between the true and false confessions. Archival analyses show that confessions tend to overwhelm alibis and other evidence of innocence, resulting in a chain of adverse legal consequences (Leo & Ofshe, 1998; Drizin & Leo, 2004). Indeed, some prosecutors will refuse to admit innocence in the presence of a confession even after DNA tests appear to exonerate the confessor. This is what happened in the tragic conviction of Billy Wayne Cope described earlier. Grief stricken and subjected to relentless interrogation, Cope confessed to the rape and murder of his daughter after he was told that he failed a polygraph he trusted. Afterward, DNA tests showed that the semen taken from the victim belonged to a serial sex offender, not to Cope. Rather than drop

[AQ7]

the charges, however, the prosecutor took Cope to trial, persuaded a jury to convict him of conspiracy, and stated to the press afterward that "the verdict vindicated police" (Dys & Pettibon, 2004).

The problem in judging police-induced confessions, including those that ultimately prove to be false, is that the statements typically contain vivid and accurate details about the crime. To a naïve observer, false confessions appear voluntary and accurate and to be the product of personal experience. As a matter of speculation, one might expect that judges and juries would be fooled more by internalized false confessions than by compliant false confessions because they are not retracted quickly or with confidence and because they result from a deeper, more profound, less intuitive form of social influence.

There are two policy implications that follow from the problems that arise from internalized false confessions. The first concerns the interrogation practice of lying to suspects about the evidence, a form of trickery that is permissible (*Frazier v. Cupp*, 1969) and is frequently used (Leo, 1996). Laboratory experiments have shown that the presentation of false evidence increases the risk that innocent people, particularly those vulnerable to manipulation, will confess to acts they did not commit and even at times internalize blame for outcomes they did not produce (Kassin & Kiechel, 1996; Horselenberg et al., 2003; Redlich & Goodman, 2003). In light of this research as well as numerous false confession cases in which the presentation of false evidence was implicated (as when Billy Wayne Cope was told that he failed the polygraph, feedback that led him to question his own memory), the courts should revisit their approval of this interrogation practice, realizing the ways in which deception increases the risk of false confessions.

A second implication concerns the full videotaping of interrogations. For judges, juries, and other decision makers, evaluating a confession should involve a three-pronged analysis. The first prong is to consider the conditions under which the suspect confessed and the extent to which coercive social influence techniques were used. The second is to consider whether the confession contains details that are accurate in relation to verifiable facts of the crime. An overlooked but necessary third prong concerns a requirement of *attribution* for the source of those details. A confession can prove guilt if and only if it contains information knowable only to a perpetrator that was not derivable from pictures, leading questions, and other secondhand sources. To accurately judge the probative value of confessions, then, fact finders must have access to a videotape recording of the entire interview and interrogation in order to assess voluntariness and trace the origin or source of accurate details.

Currently, only four states (Minnesota, Alaska, Illinois, Maine) have videotaping requirements. In many other police departments, however, the practice is conducted on a voluntary basis. Several years ago, a National Institute of Justice study revealed that many police and sheriff's departments conducted their own videotape interrogations and that the vast majority found the practice to be useful (Geller, 1993). More recently, Sullivan (2004) interviewed officials from 238 police and sheriff's departments in 38 states who voluntarily recorded custodial interrogations and found that they enthusiastically favored the practice. Among the self-reported benefits cited are that recording permits detectives to focus on the suspect rather than taking copious notes; that it in-

creases accountability; that it provides an instant replay of the suspect's statement, often revealing information that was initially overlooked; that it enables a more objective and accurate record than does a reliance on memory; and that it reduces the amount of time detectives spend in court defending their interrogation conduct. For these reasons, a mandatory videotaping requirement has many advocates among legal scholars, social scientists, and law enforcement professionals (Drizin & Colgan, 2001; Drizin & Leo, 2004; Gudjonsson, 2003; Kassin, 2004; Slobogin, 2003).

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[AQ1]AU: As meant?
[AQ2]AU: 1992 a or b?
[AQ3]AU: Please update.
[AQ4]AU: 1996 or 1966? See reference list.
[AQ5]AU: As meant?
[AQ6]AU: Please supply full reference for Gudjonsson 1991 or delete this citation.
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