

The Road to Perdition: Influence Tactics in Police Interrogations

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The Confession “Problem”: Three Prongs

Prong I. Prejudicial Impact

- “No other class of evidence is so profoundly prejudicial...Triers of fact accord confessions such heavy weight in their determinations that the introduction of a confession makes the other aspects of trial in court superfluous, and the real trial for all practical purposes, occurs when the confession is obtained.”

Supreme Court Justice William Brennan
(Colorado v. Connelly, 1986, p. 182)

Prejudicial Effects of Confessions Are Not Limited to Those on Jurors

- Police fail to pursue exculpatory evidence, or follow leads to other suspects
- Powerful police attempts to prove the defendant's guilt can taint evidence (e.g., biasing influence on other witnesses, deliberate distortion or falsification of evidence, Brady violations, etc.)
- Bail refused
- Prosecutors charge high, and less likely to plea bargain
- Defense attorneys pressure their client to plead guilty

Confession Evidence and Admissibility Rulings

- Judges are unlikely to exclude confession evidence unless it is elicited through explicit threats or promises, or overt maltreatment; or without proper Miranda warnings
- If the suspect is Mirandized, and confesses nonetheless, courts often automatically find the confession voluntary.
- Judges inappropriately assume that the jury will be able to recognize and discount coerced confessions

Confession Evidence and the Jury

- Confessions, as Justice Brennan suggests, exert powerful effects on juror verdicts, in most circumstances essentially ensuring a verdict of guilt.
- Jurors cannot fully obey judicial instructions to discount an improperly admitted confession
- Jurors are unable to recognize the influence of confession evidence on their verdicts
- Jurors cannot accurately judge coercive influences of police interrogations:
 - More sensitive to explicit than implicit incentives
 - More sensitive to threats than to promises of leniency
 - Completely insensitive to more subtle coercive influences

Confession Evidence Upon Appeal

- Appellate court must determine:
 - Was the confession involuntary?
 - Was admission of the confession “harmless error”
- To make these judgments, the court must:
 - Accurately judge coercive influences
 - Ignore a confession judged involuntary, and eliminate both direct and indirect influences on their judgments
 - Ignore the trial jury verdict while evaluating the strength of evidence without the confession
- Research has shown these conditions to be unrealistic

Prejudicial Impact: Conclusions

- Prejudicial impact ranges from initial investigation of the crime through all phases of the case, including appeal.
- No parties to the case are able to accurately judge:
 - The nature and impact of coercive interrogative influences;
 - The potential for such influences to elicit false confessions;
 - Their own or others’ abilities to understand and react appropriately to coerced testimony

The Confession “Problem”: Prong 2: Validity

Coercive interrogative influences can result in two forms of invalidity:

- The person may confess to a crime he or she did not commit at all
- The person may confess to a crime he or she did commit, but give an invalid account
 - Detective’s goal is first and foremost to elicit incriminating statements
 - To elicit some admission, the detective offers many face saving suggestions concerning how crime was committed, why, etc.
 - Suspect complies with these suggestions and gives an erroneous account
 - False account may affect charges for suspect and others

The Confession “Problem”: Prong 3:

Is the Confession “Voluntary?”

Whether valid or not, the confession may be “involuntary”—and hence inadmissible.

How Can the Expert Help?

Five Areas of Testimony

- Provide evidence that false confessions do occur
- Explain both interrogative and non-interrogative influences promoting false confession
- Explain the nature and impact of coercive interrogation practices
- Evaluate suspect vulnerabilities that enhance susceptibility to coercive practices
- Assist with or provide post admission narrative analysis to demonstrate likelihood of false confession

I. How Do We Know That False Confessions Do Occur?

1. Individual Case Accounts

- A number of individual case accounts of innocent persons who confessed (but were later proven innocent) have been detailed in the literature, and include:
 - Individuals who falsely confessed to a single crime (e.g., Peter Reilly)
 - Multiple individuals who all confessed falsely to the same crime (e.g., the “New York Jogger” case)
 - Single individuals who confess falsely to multiple crimes

2. Data From the Innocence Project

- The Innocence Project personnel have investigated claims of innocence among convicted defendants.
- To date, over 100 persons have been freed, many via DNA evidence, other new evidence proving innocence, location of the true culprit, etc.
- Of these, approximately 15% confessed falsely.
- Other systematic studies of proven wrongful convictions have likewise shown that false confession is among the most frequent causes of wrongful conviction

3. Surveys of Convicted or Incarcerated Defendants

- Gisli Gudjonsson conducted surveys in which he asked respondents whether they had ever confessed falsely to any charge.
- Large numbers of defendants report having confessed falsely on one or more occasions.

4. Laboratory Studies of Inducing False Confessions

- Saul Kassin has designed a laboratory procedure in which students have been led to not only confess falsely to crashing the experimenter’s computer—but also to develop false “memories” of how they caused the crash.

II. Why Do Suspects Confess Falsely?

A. To Terminate the Interrogation

- Stresses of the interrogation can be severe, particularly for vulnerable suspects
- Confession may be viewed as the only way to terminate the interrogation

B. To Escape Custody

- Suspects may feel such overwhelming need to escape custody that they are willing to do anything (including confess) if it will result in even temporary release. (e.g., junkies needing a fix)
- Many suspects do not accurately understand the implications of confession, and believe confession will “clear the matter up”, as police imply, and that no prosecution will result.
- More than 20% of those who confess falsely report having done so in order to be released

C. External Pressures and Considerations

- Threats or promises from others
- To protect another person
- To terminate the investigation and hence avoid discovery of unrelated crimes or information

D. Confession Serves Other Motives

- Desire to “belong” with the suspect’s peer group or actual perpetrators
- Desire for notoriety
- To take credit for the crime
- Desire to be incarcerated

E. Failure to Understand the Implications of Confession

- Innocent persons often believe that once they confess, subsequent investigation will clear them
- Do not understand prejudicial effects ranging from investigation through appeal—and difficulty discounting the confession.
- Police tactics lead the person to believe (s)he will not be charged at all, or will not be charged with a serious crime.

F.

Sense of Helplessness With Regard to Proving Innocence

- Police fabrications of evidence and other tactics have convinced the suspect that (s)he has been successfully framed, and that (s)he will be unable to prove innocence (coerced-compliant confession)
- Attention shifts to how to minimize the consequences
- Police convince the suspect that (s)he must take advantage of the detective's "help" during the interrogation in order to achieve the best legal outcomes—and can do so only through confession.

G.

Suspect Comes to Believe That (S)he Committed the Crime

- May simply come to believe (s)he must have committed the crime
- May also develop false memories of having committed the crime
- Both are known as "coerced-internalized" false confessions

G1: Coming to Believe In One's Own Guilt

- The suspect is presented with "evidence" (often falsified or misleading) against him
- The detective offers explanations for why the suspect might not remember accurately:
 - Intoxication
 - Stress, trauma related repression
- The suspect constructs a story—usually by guessing and adopting suggestions offered by the detective

G2: Coming to "Remember" Committing the Crime

- The suspect is led to doubt his or her own memory via preceding tactics of presenting false evidence combined with an explanation for memory failure
- The suspect is led to use various techniques that cause him or her to visualize and otherwise imagine or construct scenarios for motives and execution of the crime
- Laboratory research on "imagination inflation" and "confabulation" has shown such techniques to provoke creation of false memories

III.

The Nature and Effects of Coercive Interrogation Tactics:

How Can an Expert Aid With Assessments of Voluntariness?

"That we have power...to give or withhold our assent at will is so evident that it must be counted among the first and most common notions that are innate in us."

Descartes, Principles of Philosophy (1644/1984)

"The strongest knowledge—that of the total unfreedom of the human will—is nonetheless the poorest in successes, for it always has the strongest opponent; human vanity."

Nietzsche; Human, All Too Human (1886/1996)

What Does it Mean to be “Voluntary”

The Nuremberg Code:

- “The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, purpose and duration of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.”

Legal Perspectives on What is to be Considered “Voluntary”

- No specific guidelines for determination of voluntariness
- Judged in light of the “totality of the circumstances”
- Result is that explicit threats and promises are generally recognized as coercive, whereas more subtle tactics are judged more subjectively, and hence often go unrecognized; and likewise, obvious suspect impairments are recognized as compromising voluntariness; whereas more subtle impairments in “normal” people go unrecognized.

So, What is Coercive About Interrogation Practices?

A. Compromising Self-Regulatory Capacity

- Self-regulation refers to the ability to control oneself, including:
 - Control attention and thought processes
 - Control behavior
- Failures of self-regulation include:
 - Failure to control attention and focus upon relevant information (both new and information accessed from memory)
 - Failure to use cognitive resources to evaluate incoming information effectively
 - Failures to control behavior; Inability to suppress responses triggered by the immediate environment in favor of those serving long-term goals

Self-Regulatory Capacity is Easily Impaired

- Stress, unpleasantness, difficult social interactions
- Illness
- Previous exertions of effort or will
- Examples:
 - Resisting eating cookies impairs subsequent performance on problems of logic (and vice versa)
 - Stress during the day leads to dieting failures
 - Frustrating verbal interactions lead to poorer performance on problems of logic
 - Just thinking about spending much time alone compromises performance on IQ test and problems from GRE

Interrogations Compromise Self-Regulation in Two Ways:

- The interrogation may be conducted when the suspect is already sleep-deprived, suffering trauma, stress, or bereavement; exhausted from a full day's work or activity, and so on.
- The fact of being accused and interrogated, as well as the interrogation practices themselves create stress and deplete self-regulatory capacity

Interrogative Stresses Derive From Five Features of the Process

- Confinement
- Social Isolation
- Physical Discomfort
- Sense of helplessness and lack of control
- The aversive nature of the interrogation tactics

****Research has shown all to compromise cognitive performance and other efforts

Conclusions: How Does Depleting Self-Regulatory Capacity Affect Confession?

- Compromises ability to accurately analyze and evaluate information conveyed by interrogator, to retrieve relevant information from memory, and to form reasonable conclusions
- Undermines ability to resist immediate impulses generated by the interrogation and control one's behavior in order to maximize long term legal outcomes.

B. Aversive Tactics and the Need to Escape: “Confess, or this will never end!”

- The stresses of the interrogation compromise the ability to exert one's free will at all, through depletion of self-regulatory capacity.
- However, they also compromise ability to exert will in the particular direction of refusing to confess.
 - Confession may be viewed as the only option for terminating the stresses of interrogation or escaping confinement

C. Misinformation, Fraud and Deceit

Police Tactics Intentionally Mislead Suspects Regarding:

- The nature and purpose of the interview/interrogation
- The personal feelings and motives of the interrogator
- The choices available to the suspect
- The short and long-term consequences of these choices

General Goals of Conveying This Misinformation Are To:

- Break down the suspect's resistance to confession by convincing him that he is hopelessly "caught" or "framed" and cannot expect to escape legal consequences
- Convince the suspect that the interrogator is sympathetic to the suspect and wants to help him achieve the best outcomes
- Convince the suspect that confession to some version of the offense *during the interrogation* will result in the best outcomes for him

1. The "Borg Maneuver": Resistance is Futile

- Step 1 of the Reid Nine Step Method
- "Positive confrontation", whereby the suspect is apprised that the investigation conclusively indicates that the suspect is the guilty party
- Detective refers to evidence against the suspect, which may include both true and fabricated evidence
- False evidence may include false results of polygraph, falsified eyewitness evidence, false assertions concerning DNA, fingerprints, or other trace evidence and other physical evidence and witness or victim claims

Reinforce the Suspect's Sense of Futility Throughout the Interrogation

- Detectives are trained to never allow suspects to believe that denials will be effective:
 - Interrupt suspects to prevent them from even voicing denials—and generally dominate the interaction
 - Convey absolute confidence in suspects' guilt at all times
 - Counter any arguments or evidence of innocence offered by suspects with statements that the detective knows this is not true, and with claims or offers of other evidence in refutation

Effects of the "Borg Maneuver"

- Undermines self-regulatory capacity and will to resist by:
 - Increasing stress
 - Instilling sense of hopelessness
- May convince both innocent and guilty suspects that they will be convicted
- May convince innocent suspects that they "must have" committed the crime, despite failure to remember it
- Shifts suspects' focus from how to establish innocence to how to minimize the legal penalties
- May shift innocent suspects' focus from denial to trying to remember and understand how it happened

Phase II The Carrot and The Stick: Communicating Threats and Promises of Leniency

A. The Carrot: Communicating Promises of Leniency Through Sympathy, Flattery, and Theme Development

1. The Sympathetic Detective with The “Time-Limited Offer”

Inbau et al. Instruct Detectives:

- Tell the suspect that the purpose of the interrogation or interview is not to establish whether the suspect did the crime, but rather why it was committed, and what kind of person the suspect is.
- Flatter the suspect by telling him the detective doesn't believe the suspect is a bad person, but rather that the crime was committed for understandable reasons or under extenuating circumstances, and if true, this information is “important to know”.

To further motivate the suspect:

- Detective states or conveys the impression that (s)he believes the suspect is a good person, who just got into a bad situation, and that he wants to help the suspect
- States or implies that this “help” can only be given in the context of the current interaction (and only if suspect “tells the truth” (i.e., confesses to what detective assumes (s)he has done)
- States or implies that once the interrogation is completed the case will be handled by others with less sympathetic views or motivations. Hence, failure to confess and explain during the interrogation will do far reaching damage to the suspect's case

1a. Tell “Your Side of the Story”—Before It's Too Late!

- Detective presents the interrogation as a unique opportunity to establish:
 - Why and how the crime was committed
 - What kind of person the suspect is
- States or implies that these interpretations will affect:
 - Subsequent police investigations and conclusions
 - Whether the suspect is charged and if so with what crime
 - Ultimate reactions of judges and juries if the case goes to trial
- States or implies that if suspect does not establish these issues during the interrogation:
 - Other parties or co-perpetrators may determine the way the suspect's case is viewed and handled
 - The police investigation will not be as helpful to the suspect
 - Prosecutors, judges and juries will be confronted with a less sympathetic version of the evidence

Opportunity is Knocking: Just Now, and Just This Once

- “Have you ever heard the saying opportunity knocks once?”

“That means, you know, we all get one chance. Everybody gets one chance. Okay? And after that one chance comes it doesn't come back. And that---right now is your chance. ..And don't make things worse for yourself. Right now I mean you got to do the right thing, because you have too much life left.”

“This is your life we're going to talk about. You will decide today what is going to happen, not me.”

“You can sit there just like you're sitting inside of a burning building. If you're in a garage with your friends drinking beer and all of a sudden a fire starts, are you going to sit in that garage or are you going to get out of the garage?...And what you're doing, you're just sitting there. You're not fireproof. I'm just asking you not to make this thing any bigger than it is..You've got to make a difference to take care of you know who. Okay? No one else is going to do it for you..We need to start somewhere, and the first step is going to be why did this happen. Was it planned, or was it something that just happened that day on its own?”

“I’m not here to threaten you and I’m not here to promise you the time of day. All I know is this thing won’t go away. If you want people to believe this was a plan...This is your chance. This is your opportunity to put your side on the table...”

You’re A Good Person In A Bad Situation

- “You know, I think this thing bothers you a lot. And I think you probably got a pretty good heart, and I think you relive this thing and I think you think about it a lot...I don’t think you’re a cold blooded killer, or I know you’re not a cold-blooded killer. I think you feel bad about this, you know. I see there’s a lot of pain inside you. I can see that. I mean you feel bad..But you know, shit happens. I mean don’t put yourself in a bad position...”
- “Sometimes stuff happens. Bad things happen to good people. You shouldn’t be here. You should be taking care of your business..”

I’m On Your Side, I’m Doing This For You

- “I have my own conscience, okay? And I got to look at myself in the mirror. I got to know before I leave here I did everything that I could to see you get on the right track so you don’t have to go down for something you didn’t do. “
- “If I’m wasting my time with you, tell me now. I don’t have to sit here and talk to you. I’m—I’m concerned about you.”

What You Say in This Interrogation Can and Will Be Used For Your Benefit

- “You know what? There’s nothing you can do to change what’s happened. Okay? You can’t do anything. It’s done. Those guys are dead. They’re gone. There’s nothing you can do to change that. What you can do is do the best thing to work for the future. That’s all you need. That’s the only power you have in your hands right now. Work for the future because you have a future.”

“It’s about helping yourself. Okay? And explaining this thing and not making it bigger than—than what it is. You help—not only are you helping yourself, but you’re helping your friends too. You guys are explaining it. It’s not, like I said, it’s not a premeditated thing. You guys didn’t plan all this. It just happened. Okay? So who.....?”

Tell Your Side Before It’s Too Late:

- Polygraph Examiner:
“I’ve been doing this for a long time, and I’ve seen a lot of guys, young guys like you, make big mistakes. Okay? And I’m very concerned that you’re going to make the biggest mistake of your life. ...I believe you will tell the truth. But I am worried when you’re ready to tell the truth it just might be too late.”

Others Might Tell Their Side First and Leave You Holding the Bag

- “And you know what’s going to happen after, you know, everybody says exactly what happened and you’re---you’re back there and you’re the one screwing around with this thing. Who do you think they’re going to focus their attention on?”
- “You got to stand up like..like a man. You just can’t lay down there like a dead dog. You got to stand up. You got to defend yourself. You got to put your side on the table. Otherwise people are going to walk all over you. People are going to point fingers at you. People are going to lie about you.”

Others to Come Won’t Listen or Care

- Polygraph Examiner Interrogating Suspect;
“Right now we’re just talking. I’m not upset with you. I know what you’re saying to me. But when they stop talking to you and they’re not talking to you anymore, the detectives are going to do what they have to do. Okay? And I’m telling you something else. The detectives are very thorough. They’re going to get all the information and they’re going to present it to the DA, you know. And then decisions are going to be made. Okay? And they’re not going to be talking to you anymore. There’s nothing that you’re going to have to say that they’re going to be interested in hearing. They’ll just go with the information they got.”

Implies Confession May Not Result in Confinement

- Suspect: So then they’re going to send me to county jail?
- Polygraph examiner:
“Honest truth, I don’t know..I know that you’re still playing—if they think you’re playing a game with this thing, I know they’re not going to be real happy. I mean they can—there’s different ways they can work with this, you know.”

“We don’t want to make this situation any bigger than what it really is. Okay? This is not a situation where you guys planned this thing....we don’t want to make it bigger than what it really is. If you guys planned all of this, then I mean that’s really serious. But that’s not the case. And we knew that right from the beginning....And these other guys...they weren’t no angels? We know that. There’s always two sides to every story. Okay? Talk to us. Tell us exactly what happened, so we’ll know.”

2. Helping the Suspect “Tell His Side” Through “Theme Development”

The Goals of “Theme Development”:

- Reinforce the suspect’s own rationalizations and justifications for the crime
- Make it easier for the suspect to confess by allowing him to save face
- Suggest positive incentives for confession—such as relief of guilt, “doing the right thing,” gaining social approval for taking responsibility, etc.
- Convince the suspect that (s)he is “caught”---and that (s)he will achieve the best legal outcomes through immediate confession

The Problem:

- Inbau et al. claim that the investigator's themes will NOT communicate threats or promises of leniency to the suspect.
- Substantial evidence demonstrates that suspects and others DO understand theme-related statements to imply consequences for legal outcomes

The Method

Keep Suspects' Focus Away From Legal Implications Of What They Are Being Asked To Confess To:

- Never name the crime: Instead, refer to "this thing," "this situation," and so on.
- Direct suspect to moral, social implications of failing to confess, rather than legal consequences of confessing to a crime
- Refer to what you are doing as "clearing this up" or "straightening this out."

Themes Recommended for "Emotional" Offenders (Those prone to anxiety and guilt)

1. Others Would Have Done the Same

- Many people do this
- Anyone else would have done this in these circumstances, investigator included
- Investigator has friends or relatives who have done this
- Convey sympathy and understanding for why it happened

2. Minimize Moral Seriousness

- The investigator has seen far worse things
- Compare the offense with more serious offenses of the suspect and/or others
- Suggest that the offense is quite common

3.

Suggest a Less Reprehensible Motive Than Presumed

- Accident
- Financial need vs. greed
- Intoxication or drugs caused the crime
- Unplanned, but things got out of hand
- Self-defense
- Blame the suspect's emotional state
- Entertainment vs. urge to kill or destroy
- Meant to protect or help friends or family

4. Sympathize With the Suspect by Blaming Others

- Blame the victim
- Blame co-perpetrators
- Blame societal changes in values
- Blame others for the need for the crime (e.g., financial burden that causes robbery)
- Blame parents, relatives of the victim, homelife, suspect's neighborhood
- Blame circumstances

Example from Inbau et al. Manual: Posing the "Alternative Question"

- "You went over to her apartment with the intention of talking to her about the marriage separation and money settlement like normal human beings, but she probably started an argument with you, and she got so mad and unreasonable that she eventually backed you up to the kitchen table. "

"Now, if you were backed up to the kitchen table, and she was raising complete hell with you, and your hand rested on a knife, and you used it without thinking (implies less than first degree murder), I can understand that, and I can easily see how this could happen. That's one thing."

"But if you took the time to look in several drawers to find one and then you used it (implies first degree murder), that's different; if that's what happened, I don't want to talk to you further."

"However, if it was on the table and not in the drawer, and in backing while she was sticking her finger in your face and screaming at you, your hand then landed on it and you used it on her without thinking, I can understand how this happened...This is a most important point, Jack. Was it on the table or in the drawer?"

Example from murder case:

- “Even if you did shoot somebody, sometimes that happens for a reason. I mean sometimes there’s such a thing as self-defense, you know.....Maybe those guys started it, and I believe they did because those guys are knuckleheads. Yeah, maybe they didn’t deserve to die. But sometimes, you know, sometimes these guys bring it on themselves.”

5. Appeal to the Suspect’s Pride Through Flattery

- Flatter the suspect to increase positive rapport with the detective, to increase belief that detective is on the suspect’s side, to undermine resistance to the detective’s requests
- Flatter the plan or execution of the crime to motivate the suspect to take credit
- Complement the suspect’s sense of morality, conscience, or sense of responsibility to motivate him to “do the right thing” and take responsibility for the crime

6. Raise Fear of More Serious Charges To Motivate Confession to the Lesser Crime

- Example:
State that the alleged victim of statutory rape is claiming forced intercourse to motivate the suspect to admit to statutory rape to avoid the more serious charge

7. Cast Confession as Salvation From a Downward Spiral Into Criminal Life

- The suspect is lucky to be caught early on
- Gives the suspect chance to learn from his or her mistakes
- Prevents the suspect from engaging in more serious crimes

Themes Recommended for “Non-Emotional” Offenders

(Those who ordinarily do not experience a troubled conscience)

Themes for Non-Emotional Offenders Focus Upon:

- Eliciting more innocuous admissions (e.g., presence at the scene) as a stepping stone to gaining larger admissions
- Suggesting non-criminal intent for the act
- The existence of overwhelming proof of guilt
- Playing co-perpetrators against one another

B.

The Stick

Communicating Threats

- Explicit threats of harsher treatment if suspect fails to confess (grounds for exclusion)
- Implicit threats of harsher treatment if suspect fails to confess (more often viewed as acceptable by courts)

Threats Tend to be General, Rather Than Specific

- Imply the suspect will get harsher treatment from others down the line, but without stating any specific harsher penalty

Explicit Threats Tend to Concern Withdrawal of Alleged Help and Support

- Detective threatens to terminate interaction and withdraw “help” if suspect fails to cooperate.

Threat to Withdraw Help if Suspect Continues to Resist

- “You need to try to help yourself here. I can go back, I can explain to those detectives, and I can tell them to calm down and stop treating you like that. You know, right now this thing’s in my hand. Okay? To get this thing straightened out with you...But I can’t stay here all night. I mean I got a family to go home to. I’m, you know...so I’m going to leave. I can call the detectives and tell them I’m done.”

Summary:

How Are Interrogation Tactics Coercive?

- Impair Self-Regulatory Capabilities, Including:
 - Ability to think clearly and make reasonable judgments
 - Ability to control impulses and act in one’s own long term best interest
- Create Sufficient Distress Such That
 - Person is compelled to confess just to escape



Control the information suspects have access to and can focus on:

- Isolate the suspect
- Prevent access to friends, family, attorneys
- Interrupt the suspect, invade personal space, and refuse to discuss or allow the suspect to discuss topics of his or her choosing
- Distract and upset suspects to prevent them from thinking of counters to police themes and tactics
- Use tactics to focus suspects on the immediate interaction with the interrogator and its benefits, rather than long term legal consequences
- Control suspects' interpretation of information by theme development, misdirection and falsification of evidence
- In essence, force suspects to direct attention in specified directions and consider only specified interpretations and options

- Refuse to accept the suspect's responses, and continue to badger the suspect until (s)he confesses or refuses to continue
- Explicitly and implicitly threaten the suspect with undesirable outcomes if (s)he fails to cooperate
- Explicitly and implicitly promise more favorable outcomes in response to cooperation
- Knowingly mislead suspects concerning their rights, the purpose and methods of the interrogators, and the likely legal outcomes of the decision to confess

IV. Vulnerability to Coercion and "Competence to Confess"

Individuals With Enhanced Susceptibility to Coercion

- Juveniles
- Lower IQ suspects
- Anxious Suspects
- Psychopathology involving dissociation or other failures to monitor reality
- Dependent personality disorders
- High need for approval
- Highly suggestible, compliant
- Trusting of authority

EVALUATING THE CONFESSION

Detectives Use Specific Techniques to Make the Confession Seem Authentic and Voluntary

- Have the suspect use his own words and own handwriting where possible
- Have the stenographer make deliberate errors which the suspect must correct in his handwriting
- Use poor grammar and other phrasing to resemble the suspect's verbal style
- Have a female in the room to make physical coercion appear less likely

Assessing Authenticity Through Post-Admission Narrative Analysis

1. Detailed Comparison of the Suspect's Narrative to Known Facts and Evidence

- Is the narrative consistent with the facts and evidence?
 - What aspects are consistent, AND
 - What mistakes did the suspect make
- Did the suspect's narrative provide evidence *not known to police* at the time of the interrogation?
- Can the suspect explain apparent inconsistencies, anomalies, or gaps in evidence?

2. Assess Where the Suspect Learned the Narrative

- Did the suspect seem uncertain or confused?
- Examine transcripts to determine what evidence was "*fed*" to the suspect by the interrogators.
- Did the suspect appear to simply comply with the detective's suggestions—or parrot back what he was told?
- Did the suspect manifest "guilty knowledge" – that is, did he report things consistent with known facts and evidence that *were never mentioned by the detective*?

3. Assess Plausibility and Coherence

- Does the suspect's story make sense in light of all known evidence?
- Is the story internally consistent?

The End
Thank You!