

Why Do People Confess to Crimes They Did Not Commit?

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Most people can't imagine any set of circumstances, other than perhaps torture, under which they would confess to a crime they did not commit. And even fewer can imagine ever falsely confessing to a murder, a crime that can lead to a death or life without parole sentence. Yet today, false confessions occur with alarming frequency and most documented false confessions occur in murder cases.

According to the most recent data from the Innocence Project at Benjamin N. Cardozo Law School, 142 wrongfully convicted persons have been exonerated by DNA evidence. Of these 142, false confessions played a role in approximately 25% of the cases. Of those who have been wrongfully convicted of murders, the percentage of false confessors is even higher. Of the first thirty-seven DNA exonerations in the U.S. for crimes involving murder, two-thirds of the suspects had been convicted at least partly based on incriminating statements or confessions made during interrogations. In Illinois, of the 18 persons exonerated from death row, false confessions played a role in 11 of the cases. In a 2004 study of 125 "proven false confessions," Professors Steven Drizin and Richard Leo found that 81% of these confessions involved murders, leading them to surmise that murders suspects are most at risk of falsely confessing because it is in these cases -- where the pressure on the police to solve crimes is the greatest -- that police are most likely to employ the full range of coercive psychological interrogation tactics.

The primary contributor to false confessions is the interrogator's use of coercive psychological interrogation techniques, techniques that are so powerful that they not only induce false confessions from the mentally retarded, the mentally ill, juveniles and other vulnerable suspects, but they can lead persons with high intelligence, who are in full possession of their mental faculties, to confess to crimes they did not commit. In order to understand why false confessions occur, therefore, one must understand what it's like to be subjected to today's relentless psychological interrogation techniques.

The first step in any interrogation is to isolate the suspect. This is done by shepherding the suspect into a specially designed room out of eyesight and earshot of the suspect's family or friends. The rooms are small, cramped, and without furniture, save for a few chairs and perhaps a desk. If there is a table, it is usually not placed between the suspect and the interrogator. In such a setup, the suspect can lean on the table for support and the interrogator is prevented from invading the suspect's personal space. The walls are barren, there are no phones, clocks, or other items which could distract the suspect and the interrogator from the task at hand -- getting the suspect to confess.

The first stage of an interrogation usually involves a brief period of rapport building, during which time the interrogator is sizing up the suspect's body language and evaluating the suspect's response to bait questions ("what do you think should happen to the person who did this") to determine if the suspect is being deceptive. During this rapport building phase, the suspect is read his *Miranda* warnings, usually in a way which

discourages the suspect from invoking his rights (“we need to get these out of the way so you can tell me your side of the story”). Once the rights are waived, the interrogator abruptly accuses the suspect of committing the crime. Interrogators are trained to cut off any denials and to confront the suspect with true or false incriminating evidence (“we have your hair, your blood, your fingerprints”). These tactics are designed to destroy the suspect’s confidence that he will emerge from the interrogation without being harmed and to make the suspect think that he is powerless to bring an end to the interrogation unless he confesses.

Once the suspect is on the brink of hopelessness, the interrogator engages in tactics designed to persuade the suspect that the benefits of confessing outweigh the costs of continued resistance and denial. Here, the interrogator offers inducements to the suspect, ranging from low-end inducements like appeals to the suspect’s conscience (the “truth will set you free”) or religious beliefs (“God will forgive you”), to suggestions that confession will be treated more favorably by those in the system with the power to determine his fate (“judges react more favorably to remorseful defendants”), to the more coercive inducements which expressly or impliedly promise leniency or threaten harm. These “minimization” tactics suggest to the suspect two scenarios of how the crime was committed – one which is premeditated or cold-blooded, the other which is morally or legally justifiable (it was an accident, self-defense, or impulsive) -- and urge the suspect to choose the lesser of two evils. If a suspect claims he has no memory of the crime, interrogators often suggest that the suspect committed the crime during a blackout or under the influence of drugs or alcohol. These tactics build upon one another and are rehearsed again and again throughout the interrogation until a suspect breaks down and says “I did it.”

The “I did it” statement, however, is often not enough to close a case or to gain a conviction. Interrogators need full confessions, those which contain the intimate details of the crime and the anomalous crime scene facts that only the true perpetrator would know. In the best case scenario, the confession will also lead to corroborative evidence like the murder weapon or the proceeds of a robbery. Although detailed confessions, especially those which are corroborated are more likely to be true, the fact that a confession is detailed may simply be a function of poor or incompetent police work. Interrogators often contaminate the confession by inadvertently leaking these details to the unknowing suspect through the use of leading or suggestive questions, by showing crime scene photos to the suspect, or even by taking a suspect to the crime scene. Without a tape of the entire interrogation process, it may be impossible to tell if the details originated in the mind of the suspect or were suggested to the suspect by his interrogators.

Notwithstanding the role of psychological coercion as a primary factor in false confessions, some individuals—particularly the mentally retarded and juveniles—are more vulnerable to the pressures of interrogation and therefore less likely to possess or be able to muster the psychological resources or perspective necessary to withstand accusatorial police questioning. Because of their cognitive deficits and limited social skills, the mentally retarded often lack the ability to appreciate the seriousness of a

situation, may not understand the long term consequences of their actions, and tend to have short attention spans, poor memory, and poor impulse control. The mentally retarded tend also to be highly submissive (especially eager to please authority figures), compliant, suggestible and responsive to stress and pressure. As a result, people with mental retardation are disproportionately represented in the reported false confession cases.

There are good reasons why juveniles (persons under age 18) may also be more vulnerable to police pressure during interrogations. Juveniles are, of course, less mature than adults and have less life experience on which to draw. Like the mentally retarded, they may also be more compliant, especially when pressured by adult authority figures. They are thus less equipped to cope with stressful police interrogation and less likely to possess the psychological resources to resist the pressures of accusatorial police questioning. As a result, juveniles tend to be more ready to confess in response to police interrogation, especially coercive interrogation. In Drizin & Leo's study, juveniles comprised approximately one-third (33%) of the sample. Although more than half of the juvenile false confessors were aged fifteen and under (22/40), suggesting that children of this age group may be especially vulnerable to the pressures of interrogation and the possibility of false confession, the vast majority of juvenile false confessors (33/40) were ages fourteen to seventeen, the age range at which many alleged juvenile offenders are tried as adults.