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A Test of the Unusual False Confession
Perspective: Using Cases of Proven False
Confessions

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I. Introduction

There is little debate that false confessions can and do occur, and that a confession is one of the most powerful pieces of evidence that the prosecution can present.¹ Because of the evidentiary power that confessions have, interrogation induced false confessions are widely recognized as one of the major causes of wrongful convictions.² The purpose of this study is to expand our knowledge about false confessions by quantitatively analyzing cases of proven false confessions that have resulted from actual interrogations in the light of one of the compliant false confession perspectives. In order to achieve this purpose, it is necessary to first briefly discuss the different types of interrogation induced false confessions.

II. A Primer on Types of Interrogation Induced False Confessions

Two general types of interrogation induced false confessions are com-

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¹ Hugo Adam Bedau & Michael L. Radelet, Miscarriages of Justice in Potentially Capital Cases, 40 *Stan. L. Rev.* 21 (1987); C. Ronald Huff, Wrongful Conviction and Public Policy: The American Society of Criminology 2001 Presidential Address, 40 *Criminology* 1 (2002) (hereafter Huff, *Wrongful Conviction*); Fred E. Inbau et al., *Criminal Interrogation and Confessions* (4th ed. 2001); Saul M. Kassin & Lawrence Wrightsman, Confession Evidence, in *The Psychology of Evidence and Trial Procedure* 67 (Saul Kassin & Lawrence Wrightsman eds., 1985); Richard A. Leo, Inside the Interrogation Room, 86 *J. Crim. L. & Criminology* 266 (1996); Richard A. Leo & Richard J. Ofshe, The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation, 88 *J. Crim. L. & Criminology* 429 (1998).

² Huff, *Wrongful Conviction*, supra note 1; Barry Scheck et al., *Actual Innocence: Five Days To Execution And Other Dispatches From The Wrongly Convicted* (2000); *Wrongly Convicted: Perspectives on Failed Justice* (Saundra D. Westervelt & John A. Humphrey eds., 2001).

monly recognized.³ The primary difference between these two types of false confession is whether or not the false confessor actually believes that he/she committed the act to which he/she is confessing. When the false confessor comes to believe that he/she actually committed a crime, the confession is commonly referred to as internalized. An internalized false confession is generally believed to follow a three-step process.⁴ First, the interrogator attacks the suspect's confidence in his or her memory. Next, the interrogator suggests that the suspect committed the crime but does not remember having committed the crime due to some form of amnesia or blackout. Finally, after the suspect accepts that he/she must have committed the crime, the interrogator and suspect work together to produce a detailed confession. Extensive experimental and quasi-experimental research has been conducted into the causation of this type of false confession. Additionally, the leading interrogation manual, *Criminal Interrogations and Confessions*,⁵ recognizes this type of false confession and contains explicit instructions about how to prevent the three-step causal process from occurring. Because this area of false confessions has been extensively researched and is not a point of much contention, this study will not focus on internalized false confessions.

False confessions that occur when the suspect does not believe that he/she committed the crime are still the subject of much debate. This type of false confession is commonly referred to as a compliant false confession.⁶ Currently, two major perspectives dominate the discourse about compliant false confessions. The primary point of contention between these perspectives is whether or not modern, legally permissible interrogation tactics can cause ordinary people to falsely confess. These perspectives are discussed in detail next.

A. Compliant False Confession Perspectives

1. *The Unusual False Confession Perspective*

Proponents of the unusual false confession perspective suggest that cognitively normal individuals will falsely confess only when exposed to legally impermissible, coercive interrogation tactics.⁷ These tactics include the use of physical force; denial of food, sleep, or bathroom; explicit threats of punishment; explicit promises of leniency; and extremely lengthy

³ Gisli H. Gudjonsson, *The Psychology of Interrogations and Confessions: A Handbook* (2003); Richard J. Ofshe & Richard A. Leo, *The Social Psychology of Interrogation: The Theory and Classification of True and False Confessions*, 16 *Studies L. Pol. & Soc'y* 189 (1997).

⁴ Richard A. Leo, *False Confessions: Causes, Consequences, and Solutions*, in *Wrongly Convicted: Perspectives on Failed Justice* 36 (Sandra D. Westervelt & John A. Hymphrey eds., 2001); Gudjonsson, *supra* note 3.

⁵ Inbau et al., *supra* note 1.

⁶ Gudjonsson, *supra* note 3; Inbau et al., *supra* note 1; Kassin & Wrightsman, *supra* note 1; Ofshe & Leo, *supra* note 3.

⁷ Inbau et al., *supra* note 1.

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interrogations. This perspective posits that the use of these legally coercive interrogation tactics may overwhelm the rational restraints that would normally keep innocent suspects from confessing falsely.

The unusual perspective also suggests that false confessions may occur when cognitively sub-normal individuals are exposed to normal, legally permissible interrogation tactics. Two broad categories of sub-normal individuals are recognized. The first category is the mentally handicapped; this category includes those with low intelligence or mental illness. This perspective posits that the mentally handicapped may falsely confess when exposed to modern interrogation tactics because they generally lack assertiveness, experience diminished self-confidence, exhibit heightened respect for authority, and may experience inappropriate self-doubt.⁸ The second category of sub-normal individuals is comprised of juveniles. This perspective posits that juveniles may exhibit many of the traits that make the mentally handicapped vulnerable to falsely confessing, and that the presence of these traits, in addition to the general lack of maturity of juveniles, may make juveniles susceptible to confessing falsely.

It must be noted that this perspective argues that the presence of one or more of these factors (mental handicap, juvenile status, or coercive interrogation tactics) is necessary but not sufficient for a false confession to occur. In other words, the presence of one or more of these factors does not mean that any resulting confession will be false; rather, the perspective posits that the presence of one of these factors indicates that a confession may be false.

One study has provided some support for the propositions of the unusual false confession perspective. Cassell analyzed nine proven false confessions that led to wrongful convictions and were reported in Leo and Ofshe's 1998 study.⁹ Cassell's analysis indicated that eight of the nine confessions involved people who were either mentally ill or had low IQs. The remaining case involved a confession that Cassell felt should have been excluded from court because it violated voluntariness standards. Cassell's 1999 study was limited in that it consisted of a small sub-sample that was drawn from Leo and Ofshe's study;¹⁰ therefore, it is uncertain whether the results are generalizable to the broader population of wrongful convictions resulting from false confessions or false confessions in general.

2. The Ordinary False Confession Perspective

While the ordinary perspective does not dispute the unusual perspective's claim that juveniles and the mentally handicapped may be vulnerable to modern interrogation tactics, it rejects the claim of the unusual perspective that cognitively normal individuals will not falsely confess when exposed to modern interrogation tactics. Specifically, the ordinary perspective posits

⁸ Inbau et al., *supra* note 1.

⁹ Paul Cassell, *The Guilty and the 'Innocent': An Examination of Alleged Cases of Wrongful Conviction from False Confessions*, 22 Harv. J.L. & Pub. Pol'y 523 (1999).

¹⁰ Cassell, *supra* note 9.

that “contemporary methods of psychological interrogation can, and sometimes do, cause cognitively and intellectually normal individuals to give false confessions to serious crimes of which they are entirely innocent?”¹¹ Under this perspective, compliant false confessions are believed to be induced through a two-step process.¹² It is furthermore suggested that this two-step process can cause both true and false confessions.¹³ The first step requires the interrogator to convince the suspect that his or her situation is hopeless. This hopelessness is primarily the result of the suspect’s belief that negative consequences are unavoidable. The interrogator is able to convince the suspect of the unavoidability of consequences through repeated accusations of guilt, the presentation of real or fictitious evidence, and/or by stopping the subject’s attempts to deny guilt. This perspective posits that the use of false evidence by an interrogator increases the likelihood that a false confession will occur. Experimental studies by Kassin and Kiechel, as well as Redlich and Goodman, have generally supported this proposition;¹⁴ however, these studies were specifically designed to examine internalized false confessions, so that it is unclear whether or not the results generalize to compliant false confessions. Once a suspect is convinced that the situation is hopeless, the interrogator proceeds to step two.

During step two, suspects are presented with inducements to confess. These inducements are believed to move suspects toward confession by convincing them that the benefits of confession outweigh the costs of a continued claim of innocence.¹⁵ These inducements generally fall into two categories.¹⁶ The first is a “hard sell” technique that is referred to as maximization. According to this perspective, “maximizations” attempt to increase the subject’s perceptions of the negative consequences of continuing to deny having committed the crime. Maximizations involve tactics such as exaggerating the seriousness of the offense and suggesting that others will think poorly of the suspect if he/she does not confess. The second category of modern interrogation tactics is a “soft-sell” technique that is referred to as “minimization.” Minimizations seek to reduce the target’s perceptions of the negative consequences of confessing. Common minimization tactics include offering face-saving excuses, blaming the victim, and citing

¹¹ Leo, *supra* note 4, at 37.

¹² Leo, *supra* note 4.

¹³ Leo, *supra* note 4; Ofshe & Leo, *supra* note 3.

¹⁴ Saul M. Kassin & Katherine L. Kiechel, *The Psychology of False Confessions: Compliance, Internalization, and Confabulation*, 7 *Psychol. Sci.* 125 (1996); Allison D. Redlich & Gail S. Goodman, *Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility*, 27 *Law & Hum. Behav.* 141 (2003).

¹⁵ Leo, *supra* note 4.

¹⁶ Saul M. Kassin & Karlyn McNall, *Police Interrogations and Confessions: Communicating Promises and Threats by Pragmatic Implication*, 15 *Law & Hum. Behav.* 233 (1991).

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extenuating circumstances. The use of “soft-sell” and “hard-sell” tactics together is referred to as the “min/max technique.”¹⁷

While min/max statements are not explicit threats or promises, proponents of the ordinary false confession perspective believe that they communicate promises of leniency and threats of punishment to suspects that are similar to the explicit treats of punishment and promises of leniency that are prohibited by the law. Kassin and McNall conducted a series of two studies that involved having college students read interrogation transcripts that contained various minimization, maximization, threat, or promise statements, and then suggest how much punishment they thought that the suspect in the interrogation would receive.¹⁸ These studies have generally provided some support for the belief that min/max statements may be perceived as being similar to explicit threats or promises. It is therefore believed that the use of these inducements can cause both innocent and guilty suspects to confess because both perceive that they will receive fewer negative consequences if they confess and more negative consequences if they do not confess. The first Kassin study, however, also asked the college students to estimate what percentage of people receiving the different interrogation statements would falsely confess. The results did not indicate that those receiving minimization or maximization messages would be more likely to confess than those who received a control message; therefore, it is unclear that minimization or maximization statements can cause false confessions.

B. The Unusual Perspective’s Criticisms of the Ordinary Perspective

Proponents of the unusual false confession perspective reject the model of compliant false confessions proposed by the ordinary perspective and suggest the supporting research is problematic for two reasons. First, they claim that some of the designs are so removed from actual field conditions that the research findings do not generalize to what occurs during actual interrogations.¹⁹ For example, Inbau and associates suggest that generalizing Kassin and McNall’s experimental findings about college student’s opinions of punishment²⁰ is inappropriate.²¹ One reason for this is that the experimental subject is not the target of the actual interrogation, and therefore the students may perceive the messages very differently than a criminal suspect who is actually being interrogated.

The second criticism is that experimental designs feature consequences so minor in comparison to those of confessing to a criminal act that the motivation for the subjects to resist confession cannot be generalized.²² For

¹⁷ Kassin & McNall, *supra* note 16.

¹⁸ Kassin & McNall, *supra* note 16.

¹⁹ Inbau et al., *supra* note 1.

²⁰ See *supra* note 18 and accompanying text.

²¹ Inbau et al., *supra* note 1.

²² Inbau et al., *supra* note 1.

example, Inbau and associates argue that Kassin and Kiechel's false evidence experiment²³ lacks any significant consequence for confession, and because of this, the "false confessions" that were generated in the experiment do not reflect what occurs during actual interrogations.²⁴

As can be seen in this brief review of the literature, neither the "unusual" nor "ordinary" perspective has provided overwhelming evidence that it is correct. The unusual perspective, in particular, has only been supported by one study. The purpose of this study is to enhance our knowledge about false confessions by examining the claims of the unusual false confession perspective. Because the unusual perspective has suggested that laboratory experiments lack several key features of actual interrogations, and therefore cannot be generalized to actual interrogations, this study tests the claims of the unusual perspective using proven cases of actual, "real-life" false confessions that resulted from interrogations. The methodology of this study is discussed next.

III. Methodology

Sample

The sample for this study was taken from the first 110 DNA exoneration cases reported by the Innocence Project.²⁵ The Innocence Project's collection of cases was chosen because it is the only one for which conclusive evidence of all of the convictee's innocence is available. All of the subjects in the Innocence Project collection have been excluded as the perpetrator of the crime for which they were convicted through DNA testing, and all of the subjects have either had their convictions reversed by a court or were pardoned by the governor of their respective states. The first 110 cases were chosen because these cases have been extensively examined and reported on in the literature.²⁶ It has been argued that the Innocence Project's collection should be representative of wrongful convictions in serious cases where biological evidence is present because the innocence project collects information on all cases of wrongful convictions that were discovered using DNA in the United States and selects serious cases for review in a manner that is essentially random.²⁷

Twenty-three of the 110 cases were identified as involving police

²³ See *supra* note 18 and accompanying text.

²⁴ 1 Inbau et al., *supra* note 1.

²⁵ Innocence Project (2004), Cardozo School of Law, available at www.innocenceproject.com (last accessed Jan. 1, 2004).

²⁶ Innocence Project, *supra* note 25; Scheck et al., *supra* note 2; Welsh S. White, *Confessions in Capital Cases*, 2003 U. Ill. L. Rev. 979 (2003).

²⁷ White, *supra* note 26.

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induced false confessions or statements.²⁸ Additional sources of information about these cases were also sought, including published excerpts of interrogations, interviews of false confessors, court decisions, newspaper accounts of interrogations, and books written about specific cases.²⁹ The twenty-three cases were then reviewed and either included or excluded in the current study based on the criteria discussed next.

Because this study is concerned with interrogator induced false confessions, the suspect had to confess to an interrogator for the case to be included in the sample. For the purposes of this study, a confession was defined as a statement in which the suspect directly accepted responsibility for the criminal act in question. In other words, the suspect had to say "I did it" in some manner. This criterion excluded cases that involved only inculpatory statements, such as demonstrating knowledge of details that were believed to be known only by the police. This was done because many cases have demonstrated that the police either accidentally or intentionally leaked the "secret" information during interrogation. Additionally, accidentally leaking information that links one to a crime is qualitatively different from taking direct responsibility for the commission of a criminal act. Two cases were classified as admissions and excluded from this study (see Table 1).

²⁸ White, *supra* note 26.

²⁹ See Appendix for a complete listing of information sources by case.

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Table 1. Coding of Cases

Name	Excluded	Exclusion Reason	Mental Handicap	Juvenile	Coercive Tactics
Cruz, R.	Yes	D			
Danziger, R.	Yes	OC			
Fritz, D.	Yes	OC			
Hernandez, A.	Yes	A			
Jimerson, V.	Yes	T			
Linscott, S.	Yes	A			
Miller, R.	Yes	D			
Ollins, L.	Yes	OC			
Rainge, Willie	Yes	T			
Saunders, O.	Yes	OC			
Snyder, W.	Yes	DC			
Vasquez, D.	Yes	D			
Williams, D.	Yes	T			
Williamson, R.	Yes	D			
Bradford, M.	No			X	X
Godschalk, B.	No				X
Gray, A.	No		X		X
Jones, R.	No				X
Lloyd, E.	No		X		
Ochoa, C.	No				X
Ollins, C.	No			X	
Townsend, J.	No		X		
Washington, E.	No		X		

Note: A = Admission, D = Dream Statement, DC = Disputed Confession, OC = Other's Confession, T = Testimony of Another Person.

This definition of interrogator induced false confessions also excluded dream-type statements. A dream statement occurs when the suspect relates a dream or vision that they had about the crime to the interrogator. Dream statements may contain information that the interrogator believes can only be known by the perpetrator of the crime. This makes dream statements similar to inculpatory statements; therefore, dream statements were excluded from this study. Four cases were classified as dream statements and excluded from this study (See Table 1).

In four cases in the Innocence Project collection, the confession of another person that also implicated the wrongfully convicted subject was used as evidence against the wrongfully convicted at trial. Because these cases did not involve interrogation-induced statements of the wrongfully convicted subject to an interrogator, they were excluded (see Table 1).

In three cases, the untrue testimony of another person was used at trial to convict the wrongfully convicted person. Once again, these cases were

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excluded because they did not involve an explicit statement of guilt made by the confessor to an interrogator (See Table 1).

Finally, one case involved a situation in which the interrogator claimed that the suspect confessed but the suspect denied the confession. Because whether or not the suspect confessed was unclear, this case was classified as a disputed confession and excluded (see Table 1).

Of the first 110 cases reported on the Innocence Project website, the Innocence Project identified twenty-three (21%) as involving false confessions or admissions to an interrogator. Using the definition of interrogator induced false confessions for this study, the sample was reduced to nine (8% of the 110). All nine subjects included in this study were male.

Coding

Each case was coded for the three variables that the unusual perspective posits are necessary conditions for a false confession to occur. Because most interrogations are not recorded and it is extremely difficult to acquire the recordings of the few interrogations that have been recorded, information about the interrogations was derived from secondary sources (see Appendix for a complete listing of these sources by case). Two coders coded each of the cases for the three variables, and their agreement was 100%.

The first variable was mental handicap. A case was coded as mentally handicapped if the account mentioned that the suspect possessed an IQ below 80, was retarded, or suffered from some form of mental illness. When reported, the IQ or specific mental illness of the suspect was also recorded.

The second variable was juvenile. If the suspect was under 18 years of age at the time of his interrogation, he was coded as a juvenile. If the suspect was 18 years of age or older at the time of the interrogation, they were not coded as a juvenile.

The third variable was coercive tactics. Cases were coded as involving coercive tactics if the interrogator used physical force, made explicit threats, and/or made explicit promises. The specific threat or promise was also recorded when it was available. Additionally, using the coercion coding guidelines reported by Leo,³⁰ interrogations that exceeded six hours in length were coded as coercive. If the actual duration of the interrogation was reported, this was recorded. Any case that did not meet at least one of these criteria was coded as non-coercive.

IV. Findings

As can be seen in Table 1, four (44%) of the false confessors suffered from some form of mental handicap. Two (22%) of the false confessors were juveniles at the time of their confessions. Coercive tactics, which should have resulted in the confession being excluded from court, were pres-

³⁰ Leo, *supra* note 1.

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ent in five (56%) of the cases. Two (22%) of the false confessions possessed multiple factors. All of the cases contained at least one of the factors predicted as necessary conditions for a false confession to occur.

Three (75%) of the mental handicap cases (Gray, Townsend, and Washington) involved subjects with low IQs. Reported IQs ranged from 60-79 with a mean of 69. One (25%) of the mental handicap cases (Lloyd) involved an individual who was identified as a manic depressive and prone to delusions at the time of his interrogation.

Physical force was allegedly used against the false confessor in two of the coercive cases (Bradford and Jones). In four (80%) of the coercion cases (Bradford, Godschalk, Gray, and Ochoa), an explicit threat was allegedly made to the false confessor. Two of these threats were statements to the effect that the suspect would receive the death penalty if he did not confess. In the case of Bradford, it appears that the interrogator threatened to kill Bradford if he did not confess. Bradford was also promised a reduced sentence if he confessed. Three of the coercion cases (Gray, Jones, and Ochoa) also involved interrogations that exceeded six hours. Four of the coercion cases (Bradford, Gray, Jones, Ochoa) appear to have contained multiple factors that should have rendered the confession involuntary in court.

Because the major point of contention between the unusual and ordinary perspectives is whether or not cognitively ordinary individuals will confess when exposed to modern interrogation tactics, it is useful to consider the "cognitively normal" (non-juvenile, non-mentally handicapped) individuals that were included in this study. As can be seen in Table 1, three "cognitively normal" individuals were included in this study (Godschalk, Jones, and Ochoa). All of these suspects confessed after allegedly being exposed to coercive tactics. One was beaten, all were explicitly threatened, two were exposed to excessively long interrogations, and all three cases contained multiple coercive factors.

V. Discussion

This study failed to find a single case that did not include at least one of the conditions that the unusual false confession perspective posited were necessary for a false confession to occur. The false confession cases that were included in this study did not feature ordinary (legally non-coercive) interrogations of normal individuals; rather, the findings suggest that false confessions in wrongful conviction cases may be the result of unusual (legally coercive) interrogations, the interrogation of unusual (sub-normal) suspects, or both. While certainly not conclusive proof that false confessions to criminal acts will not happen to ordinary people under ordinary interrogation circumstances, this study suggests that there may be some merit to the claims of the unusual false confession perspective, and that the unusual perspective should not be lightly dismissed.

These findings are not presented as evidence that the ordinary false confession perspective is incorrect; rather the results are presented to suggest two points. The first is that the ordinary perspective model may be miss-

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ing important factors. For example, if one combines the subjects that were juveniles and/or possessed a mental handicap in this study, it appears that the personal characteristics of the suspect were a factor in 66% of the cases; however, the model proposed by the ordinary perspective does not include any personal characteristics. This suggests that including some of the personality characteristics that have been suggested by the unusual perspective in the ordinary model may increase the explanatory power of the model. Also, recall that it is the characteristics associated with mental handicap and juvenile status (such as deference to authority and inappropriate self-doubt) that are predicted to cause false confessions by the unusual perspective. These characteristics may also be present in other segments of the population that are not ordinarily identified as sub-normal. The presence of these characteristics in otherwise "normal" individuals could cause false confessions. Future research should explore this possibility.

The second point is that the unusual perspective's criticisms of the experimental designs used to test the ordinary perspective may hold some merit. Specifically, some of the experimental designs that have been used to test parts of the ordinary model may not accurately reflect conditions that produce actual true or false confessions in the field. In order to increase our confidence in the generalizability of our findings to actual field conditions, experimental designs should be modeled after real interrogations to the maximum extent that is ethically possible. For example, rather than having college students read transcripts and give their opinions about how much punishment the suspect in the transcript would receive or what percent of people would falsely confess, a more ecologically valid design would have some subjects commit a transgression, expose the subjects to a limited interrogation, and then ask the subjects their opinions about punishment or other relevant constructs. An even stronger design would observe whether or not the subjects were willing to confess before asking for their opinions about relevant constructs.

This study also brings another unusual perspective criticism of experimental designs to the forefront. This study failed to find a single false confession of a cognitively normal individual that did not also include the use of coercive tactics by the interrogator; yet, experimental studies have routinely produced false confessions from seemingly cognitively normal individuals without the use of legally coercive interrogation tactics. The unusual perspective posits that this is because the experimental studies lack consequences that are anywhere near as severe as those facing the suspect of an actual criminal interrogation, and therefore, the experimental findings are not generalizable to what occurs during actual interrogations. While Inbau and associates are probably correct that it is not ethically possible to make the potential consequences of an experimental interrogation match those of a criminal interrogation,³¹ this does not mean that we cannot learn anything about "real" interrogation from laboratory studies. We may be able to gain some understanding about how potential consequences impact the decision

³¹ Inbau et al., *supra* note 1.

to confess by varying the consequences of confession in our experiments. While these consequences would probably not be as severe as those arising from an actual crime, varying the experimental consequences would at least give us an idea about whether or not subjects are less likely to confess when consequences are more severe. If small differences in the level of consequences produce relatively large differences in false confession rates, this could lend support to the unusual perspective's argument.

Finally, practitioners have generally expressed an unwillingness to accept the findings of the experimental false confession research that has been conducted to date. Because false confessions can result in serious negative consequences for the confessor and alter the course of legal proceedings, it is important that we make an attempt to convince practitioners that our research findings are of value. Implementing the above-mentioned suggestions might help researchers to make some inroads in this area.

VI. Policy Implications

While this field of research is not mature enough to support sweeping policy changes, two suggestions can be gleaned from the results of this study. The first is that the confession of a juvenile or mentally handicapped person should be viewed with suspicion and carefully scrutinized before it is considered to be valid. The best way to scrutinize these cases is through the suggestion discussed next.

The second suggestion that can be derived from this study is that interrogations should be recorded whenever possible. Numerous wrongful conviction scholars have also made this recommendation.³² As was mentioned earlier, the majority of the false confessions in this study involved the use of tactics that should have rendered the confession involuntary. In some of these cases, the suspect claimed in court that coercive tactics were used to elicit the confession, and the police claimed the opposite. One can assume that the courts allowed the confessions because there was no evidence to support the claims of the defendant, and the police involved in the case were viewed as being more credible than the defendant. If the interrogations had been recorded, this would not have happened. The judge or jury would have been able to examine the recording and objectively determine which side's claims were true. Recording would serve to protect the defendant from coercive tactics and at same time shield the police from false claims of coercion. Recording would also allow experts to carefully review the interrogations of mentally handicapped and juvenile suspects for indications that their confessions were false. Because coercive tactics could be present at any point during the interrogation process, the entire interrogation (not just the confession) should be recorded. Since coercion could occur nonverbally as well as verbally, recordings would preferably involve videotaping, and the videotape should show both the interrogator and the suspect.

³² Gudjonsson, *supra* note 2; Leo, *supra* note 4; Ofshe & Leo, *supra* note 1; Scheck et al., *supra* note 2.

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Addendum: Limitations

This study was limited by two factors. The first limitation was that information about interrogations was derived exclusively from secondary sources, and these secondary sources may have contained inaccurate information. Wherever possible, multiple sources were used to derive information about the interrogation of a specific suspect. In instances where accounts were in conflict, the case was coded as not containing the variable in question. This conservative approach made it more difficult to classify a confession as containing one of the factors that have been suggested by the unusual false confession perspective. Additionally, this approach should have eliminated most of the occurrences of inaccurate information. However, it is still possible that some of the information in this study was inaccurate. Given the small sample size of this study, a few errors could significantly impact the results of the study. It is also possible that some of the cases contained additional factors that were not reported by the secondary source authors. If this was the case, the specific details of the findings would change, but the general finding of support for the unusual false confession perspective would not be altered.

The second limitation is that all of the false confessions in this study resulted in wrongful convictions. This suggests that generalizing the results beyond wrongful conviction cases would be tenuous. It is possible that the factors that the unusual perspective posits are necessary for a false confession are simply factors that make it more likely that a false confession case will be identified and overturned; however, it should be noted that the wrongful conviction collection reviewed for this study featured many cases that did not involve any of the unusual perspective variables, and yet, these cases were overturned. These cases simply did not involve false confessions.

Additionally, it is commonly believed that the wrongful conviction cases reported in the literature represent only a fraction of the universe of wrongful convictions.³³ It is therefore possible that other false confession-wrongful conviction cases that would alter the findings of this study exist and that these cases have not been reported in the literature. If these cases do exist, it is the duty of researchers to report them so that they can be evaluated and contrasted with the results of this study. It is also possible that false confessions of the type posited to occur by the ordinary false confession perspective happen only in cases that do not result in wrongful convictions or contain biological evidence.

While the above-mentioned limitations suggest that the results of this study should be regarded cautiously, this study does serve to enhance our knowledge about false confessions. The current study represents the first time that a review of the Innocence Project cases has quantitatively analyzed cases in an attempt to test the unusual false confession perspective. This study also provides some support for the unusual false confession perspec-

³³ Ronald C. Huff et al., *Convicted But Innocent: Wrongful Conviction and Public Policy* (1996).

tive's contention that false confessions are not the result of the ordinary interrogations of normal people; rather this study suggests that false confessions that lead to wrongful convictions may be the result of legally coercive interrogations, the interrogation of juveniles or the mentally handicapped, or both. Additionally, these findings suggest some new directions for future false confession research, such as utilizing more ecologically valid designs and including additional variables in our models.

Appendix: Sources of Case Information

Bradford, Marcellius

Center on Wrongful Convictions. (2003). *The Illinois exonerated: Marcellius Bradford*. Retrieved January 7, 2003, <http://www.law.northwestern.edu/depts/clinic/wrongful/exonerations/Bradford.htm>

Cohen, S. (2002, June 1, 2002). Locked up at 14, freed at 29—'I haven't begun to live'. *Chicago Tribune*.

Innocence Project. (n.d.). Marcellius Bradford. Retrieved December 8, 2002, from http://www.innocenceproject.org/case/display__profile.php?id=96

People v. Ollins, 235 Ill. App. 3d 158, 176 Ill. Dec. 224, 601 N.E.2d 922 (1st Dist. 1992).

White, W. S. (2003). Confessions in capital cases. *University of Illinois Law Review*, 2003, 979-1036.

Cruz, Rolando

Center on Wrongful Convictions. (2003). *The Illinois exonerated: Rolando Cruz*. Retrieved January 7, 2003, <http://www.law.northwestern.edu/depts/clinic/wrongful/exonerations/cruz.htm>

Innocence Project. (n.d.). *Rolando Cruz*. Retrieved January 19, 2002, from http://www.innocenceproject.org/case/display__profile.php?id=07

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