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Nana F. Owusu  
no777075@wcupa.edu

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False Confession in Wrongful Convictions and the Effect of Recording Custodial Interrogations  
Through Exoneration

A Dissertation

Presented to the Faculty of the  
Department of Public Policy and Administration  
West Chester University  
West Chester, Pennsylvania

In Partial Fulfillment of the Requirements for the  
Degree of  
Doctor of Public Administration

By

Nana F. Owusu

May 2021

## Dedication

My heart goes out to all the innocent victims' families: the children, parents, siblings, grandparents, nieces, nephews, aunts, uncles, and cousins. I want to dedicate my dissertation to every innocent person who has been wrongfully accused. To those that could not afford bail, to the innocent people that have been executed, to those still waiting for justice, those currently innocent on death row, to those exonerated, to those that have been compensated for their lost time, to those that have not been compensated, and lastly to future victims of wrongful convictions.

## Acknowledgments

First, I would like to salute my Heavenly Father! Through the Most High's strength, grace, and favor, the program went smoothly, and I must give all praise. Next, to my amazing parents Christiana Amonoo and Thomas Owusu. Not only for their love and support throughout the DPA journey but also for instilling in me the importance of education, determination, and hard work. Next, my spiritual mother, Rosemond Arthur. Thanks for praying for me before every semester and/or exam. Those prayers favored me and pulled me through, and for that, I want to say thank you. I want to thank my niece, nephews, and younger cousins for motivating me to set a good example. Knowing you all look up to me encouraged me to keep pushing.

Dr. Turner, thank you for accepting to be my dissertation Chair. It has been a privilege to work by your side. Your guidance, leadership, and knowledge have helped me academically and personally. MY dissertation committee, Dr. Wade and Dr. Kline thank you for your guidance, direction, and willingness to help me produce the best study.

Lastly, I would like to take the time to acknowledge every professor I encountered throughout this academic journey. Thank you. To all the virtual classmates and friends (#MyDay1Tynslei Spence-Mitchell) I made, you helped encourage me along the way. The journey was smoother, having someone to ride along with. Thank you.

## Abstract

To reduce false confessions and guilty pleas, twenty-seven states have passed a law to have all custodial interrogations electronically recorded. According to the Innocence Project briefing book (2017) on the electronic recording of interrogations, electronic recording is audio and audiovisual (Innocent Project, 2017). This study explores the factors that lead to false confessions and guilty pleas in wrongful convictions. The literature explains how deprivation, coercion, violence, and evidence fabrication can lead to false confessions and guilty pleas. Using the comparative/experimental research approach to study two groups (27 states with recording laws and 27 states (including territories) with no recording laws), the study determines if the rate of wrongful convictions by false confessions through the number of convictions /exonerees amongst states that require police interrogation and those that have not done so, it is unknown if states that do not record determine if states the require interrogational recording have seen a decrease in false confessions and guilty pleas. The research questions are examined through a T-test, dependent and independent. Comparing the mean score of two separate measures of the same sample, the results prove if false confessions are reduced when police interrogations are recorded. The implications of these findings arise from the population source. Looking at the exoneration population of closed cases narrows the conclusion of false confessions to only those exonerated. Another population issue encountered in this research study is the unknown number of wrongful convictions not available in this sample or information on innocent and currently incarcerated individuals.

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## Chapter 1: Introduction

### Overview

Innocent people are incarcerated and sentenced for crimes they did not commit. For more than 80 decades, lawyers, activists, and journalists have shed light on the causes and consequences of wrongful convictions. However, it was not until recent years that criminologists and other social scientists began to study and explore the issue of wrongful convictions (Leo, 2005). Wrongful convictions were mentioned in newspapers and magazine articles; however, around the 1990s and early 2000s, the awareness of wrongful convictions expanded to television documentaries, movies, and scholarly articles (Leo, 2005 as cited in Warden, 2003a). Research conducted by the Innocence Project at Cardozo Law School found that about two-thirds of homicide cases that lead to DNA exonerations were false confessions (Leo, 2005 as cited in White, 2003, p. 225). These high statistics of wrongdoing committed by the criminal justice system have caused the public to lose faith in the justice system. Loss of faith in returns weakens the entire administration of criminal justice. New justifiable steps and actions must be taken to build the criminal justice system's faith (Furman, 2003).

Based on reports provided by the National Registry of Exonerations, African Americans have more wrongful conviction cases than Whites. African Americans hold just 13% of the U.S population. As of 2016, innocent defendants exonerated stood at 47% African American. According to the National Registry of Exonerations reports from 2017, Black individuals were given longer prison sentences (average of three years), and overall waited longer to be exonerated. On average, it takes about 14.2 years for a black person to be exonerated and 11.2 years for a White person (Gross, Possley, Stephens, 2017). The social construction framework substantially explains why Black people are more prone to wrongful convictions.

This social construction framework's root was discovered after public policy scholars noticed how the political world was constructed socially. According to Christopher M. Weible and Paul A. Sabatier, some policies positively affect target groups with benefits or negatively with burdens. This means that rather than being based on reality, it was based on emotions, values, and symbols and categorized into target groups (Sabatier & Weible, 2014 as cited in Edelman 1964, 1988; Luke, 1989). Target groups refer to the people affected by public policies, whether good or bad. Essentially, such effects of target groups expose stereotypes. The classified four groups are advantaged, contenders, deviants, and dependents (Sabatier & Weible, 2014). African Americans tend to fall into the deviant and dependents group (Pierce, Siddiki, Jones, Schumacher, Pattison, and Peterson, 2014). Those in these groups are usually considered illegal aliens, criminals, and terrorists (deviants). This group has no political power or benefits and carries burdens). Economics, power, and political resources are never equally distributed. Dependents have little to no political power. Represented by this group are single mothers, unemployed, poor, and children and those in poverty (Sabatier & Weible, 2014).

This research study intends to determine the rate of wrongful convictions, false confessions in particular, through the number of exonerees within states that require police interrogation to be recorded and states that do not. Exactly, this study will answer questions: is there a significant difference between states with recordings laws and states without recording laws? (1), and have states with recording laws reduced their rate of false confession? (2). This study will collect the number of exonerations before and after states passed laws to record interrogations and from the states that do not have interrogation recording laws. The findings will be compared to states with no interrogation recording laws to determine the effectiveness and whether other states

should adopt such laws. The participants for this study are from the National Registry of Exonerations, a registry providing thorough information about all known exonerations since 1989 that occurred in the United States. The approximate number of participants is difficult to determine because every state has a different number of exonerations.

### **Theoretical framework**

Criminal Justice and Public Administration are similar, for they both have the assignment of making sure communities are safe and robust by implementing public policy laws. While this research's subject matter is related to criminal justice, public administration theories will explain the cause of this research problem. The merging of the two academic fields seems relatively new as there are not many scholarly articles discussing the interdisciplinary. However, the merging of the two studies is more evident in higher education as few schools begin to offer the combined programs. At Anna Maria College, they offer a program called the Criminal Justice MPA program. Their objectives are for students to obtain valuable managerial, strategic planning, public policy skills and training needed to hold leadership positions in law enforcement, the court system, corrections, private security and, other criminal justice careers (Criminal Justice MPA Specialization Overview, n.d). In Columbia Southern's MPA- Criminal Justice Administration, their program focuses on societal problems and how to resolve such problems with analytical and problem-solving teachings. This program is valuable to those interested in public managers roles or those wanting to improve or increase their skill in practice (Criminal Justice Administration Concentration, n.d). Lastly, the University of Wisconsin Milwaukee- Criminal Justice/Public administration program teaches foundations to understand criminal justice policy, conceptual and analytical skills, and effective management skills to utilize in public agencies and programs. Knowledge in these skills will prepare public officials/

administrators to make complex choices, implement programs, and work with various people, both within and outside the public sector. They are also knowledgeable on overcoming financial, legal, political, and organizational challenges. Professional education in public administration will benefit criminal justice employees in quantitative analysis, organization management, decision analysis, and understanding of government institutions and legal procedures (Criminal Justice / Public Administration, n.d). Criminal justice personnel (law enforcement officers, correction officers, judges, etc..) like public administrators, carry extreme responsible in that they both work for all citizens (Wilson-Davis, 2019). These conceptual areas create a framework that suggests how policing structures are followed and need reformation.

This research's foundation is organizational behavior, human behavior theory, and institutional theory, which will explain why wrongful convictions continue to occur. Though wrongful conviction is a criminal justice matter, these three concepts are all public administration approaches that will explain the issue's theoretical background.

In law enforcement, slight progress has in the interrogation interview process has been made. We now see less physical torture and abuse. However, psychological torture still exists and continues the occurrence of false confessions. Organizational behavior is "a field of study that focuses on the behavior, attitudes, performances of the people within an organization. It is especially concerned with the influence of people within an organization" (Vasu, Stewart, & Garson, p. ix, 1998). The behavior describes the culture of a workplace. The organization's culture arises from its perception, responses, feeling, thinking, and behavior (Vasu, Stewart, & Garson, 1998). From the overall understanding of public security and law enforcement management's structural behavior, we can see how leadership, decision-making, communication, and behavior lead to false confessions. This theory will explain why law enforcement structures

and behave the way they do. Interrogation techniques, policies, and training are part of the behavior and management culture that produce false confessions in false convictions. Law enforcement interrogators (police and detectives) who interrogate suspects are taught the Reid technique during their training.

The Reid technique is an interrogation method that uses coercion, contamination, deception, and more to make the suspect confess. Some examples of these are manipulation, isolation, food deprivation, water, sleep, etc. Policies such as the Early Guilty Plea Scheme is a systematic program that offers suspects a much shorter sentence when they plead guilty. For example, Brian Banks, a former football player, was falsely accused of rape when he was 16 years old. Under his lawyer's advisement, he pled guilty and was sentenced to 5 years of prison, five years of probation, and had to register as a sex offender. Even though he was innocent, his lawyer believed that the risk of losing and having to serve 41 years to life was high (Rakoff, 2014 and California Innocence Project, 2012). A more detailed discussion on these trained techniques and policies that explain the behavior and culture of law enforcement will be reviewed in the literature review.

Coercion and manipulation continue not only because it minimizes the cost of trials in the states but also increases the department's budgetary funds and personal benefits such as office politics and internal advancements (Godsey, 2017). Office politics is the "competition for power" (Gove, 2011, para 2). When battling for power, one is determined to win at all costs, no matter who may get harmed in the process. This fight usually involves manipulation and selfness to gain success and power (Gove, 2011). As for internal advancements, Archbold describes these promotional advancements. The desire behind achieving advancements relies on one wanting a

leadership position. An officer may also seek internal advancements to fulfill their personal goal (Archbold, 2012).

Maslow's hierarchy of needs (human behavior theory) gives the theoretical framework to support why people are driven or look for individual gain. Maslow's hierarchy contains five levels of needs. The one specific to this scenario is the self-esteem need. According to Maslow's self-esteem needs, people are looking for respect, success, self-confidence, and recognition (Berman et al., 2013). Self-esteem in law enforcement is gained through awards such as high-performance evaluation scores, choice of shift assignment, recommendation letters, specialty assignments, compliments, and promotions (Johnson, 2017).

Though Maslow's theory still manifests today, the 1954 theory has changed over time. Now, a personal gain can refer to needs not related to work. Individuals may want to enhance their lifestyle outside of work to upgrade their car or buy a new home (Berman et al., 2013). Detectives want to get a confession from a suspect. The drive behind it may not always serve justice but close the case. Achieving a confession can cause a detective to make progress internally and gain a hero's status. Such status and advancement encourage a detective to use manipulative tactics during the interrogation (Ahuja, 2018 as cited in Godsey, 2017).

When it comes to the entire organization, a false confession of economic rationality may be required. Achieving a certain number of confession/convictions or an arrest for some departments increase their yearly budget (Ahuja, 2018 as cited in Godsey, 2017). Mark Godsey, professor, former federal prosecutor of N.Y., and wrongful conviction activist, wrote a book *Blind Injustice : A Former Prosecutor Exposes the Psychology and Politics of Wrongful Convictions* explaining the correlation between arrests and funding. In the chapter "Blind Ambition," Godsey mentions how budgetary demands are a part of the factors that force police



and prosecutors to convict a suspect and solve cases. A law enforcement department and office's future annual budgets rely on the number of arrests and convictions acquired the prior year. Meaning that more arrests and convictions (compared to the prior year) will cause the budget to increase the following year, fewer arrests and convictions decrease the budget, and about the same arrests and convictions will keep the same budget from the previous year. Godsey states how everyone in his office was motivated and aggressive.

Law officers are concerned about their reputation, want to look good and move up. Officers who are not aggressive with their cases are not strong. Employees within the department or office would chatter in gossip ("Did she screw up?" "What happened?" Godsey, p.77, 2017). Continuous loss within a short period would also cause coworkers to question the officer's level of competence or dedication. If you consistently lost your cases, your case would be given to someone else (Godsey, 2017). These same principal seen here can be applied to primary and secondary schools. Schools with high standardized test scores (not including ACT or SAT) receive more funding, which means that a school's yearly funding depends on its achievement test scores. Like detectives and prosecutors, teachers who perform well regularly get a pay raise (Thompson, 2018).

The last theoretical framework that supports the ongoing issue within wrongful conviction is the institutional theory. Like the organizational behavior theory, the institutional theory explains the organizational structure, strategy, and practices (Crank, 2003). The institutional theory also explains social norms (MacCormick, & Weinberger, 2013). As defined by Secord and Backman (1974) cited in David Yoong (2011), social norms are actions or behaviors shared amongst group members deemed fitting during specific matters. Social norm practices considered appropriate in police interrogations are the causes of false confessions such

as police misconduct and abuse of power. Although investigators must abide by the due process law during the interrogation process, rules not explicitly stated are why questioning occasionally goes left and results in false confessions (Yoong, 2011).

When it comes to behavior, structures, and practices of false confessions, these result from best practices guides within an organization. Predictable methods of reducing recurring problems in wrongful convictions pertaining to false confessions are known. However, since false confessions are still occurring during the interrogation, they still are invalid. Crank (2003) suggests that best practices be tailored to specific departments because general principles may not work for other departments (Crank, 2003).

In 2019, there were 143 exonerations across the United States for official misconduct, mistaken witness identification, and false confessions. Together the 143 innocent individuals served 1,908 years (Selby, 2020). Due to innocent people continuously being released from prison and death row, the criminal justice system's inaccuracy gains the public's attention (Furman, 2003). The problem in this research study is why false confessions continue to occur for instances such as courts and police working together and trying to avoid trial costs are why confessions are encouraged, whether it is true or false. False confessions start during police interrogation through specific interrogational tactics (Leo & Davis, 2010). Due to false confessions given in interrogational rooms, some states have passed laws to record everything that takes place at the time of questioning. Physical torture has reduced with safeguards established, yet wrongful convictions still are not avoided. The same techniques to convince a guilty person to confess are the same techniques that push innocent people to confess falsely. Intimidation and psychological issues are amongst the few that persuade innocent people to confess to crimes (Furman, 2003). Lengthy interrogations also play a role innocent people falsely

confessing. If the police need to find the suspect in severe cases, the interrogation time is extended. For that reason, 70% of the exonerated population contributed by false confessions for murder (National Registry of Exonerations, 2015). New techniques are needed, and all states should record interrogation questioning. Particular details on techniques will be in the last chapter in sections recommendation and future research. The benefits of recording interrogation will be stated in the conclusion section to support why all states must record their custodial interrogations.

### **Purpose of study**

The purpose of the research study is to determine if recording custodial interrogations are effective methods to reduce false confessions in wrongful convictions. Recording the entire custodial interrogation, videotape or audio, gives proof of everything in the interrogation room to ensure that extreme measures were not taken. A video camcorder or a recorder present at the time of interrogation can deter police or detective misconduct. Recordings also allow a current supervisor to monitor and improve interrogation methods.

This study can inform policymakers if recording custodial interrogations reduces false confessions in wrongful convictions. If the result proves it to be a valid policy in reducing the occurrence, other states who have adopted the law can begin to look for that. However, suppose results show no change in the occurrence of false confession in the states that record interrogations. In that case, public administrators and lawmakers will know not to invest in recording because it is ineffective.

### **Research question and hypothesis**

1. Is there a significant difference between states with recordings laws and states without recording laws? (Dependent (paired sample t-test))

- Hypothesis: States with recording laws will have fewer false confessed convictions
- 2. Have states with recording laws reduced their rate of false confession? (Dependent (paired sample t-test))
- Hypothesis: States after passed recording laws will have fewer false confessed convictions

### **Significance of study**

The research is worth exploring because the criminal justice system wrongfully incarnates innocent individuals. People also falsely confess because all odds are against them, and their chances of winning a trial are minimal (National Registry of Exonerations, 2015). The purpose of this study is to explore the factors that lead to false confessions in wrongful convictions. Some of the factors to be studied that can lead an innocent person to give a false confession are deprivation, coercion, violence, and evidence fabrication. Scholarly articles will support the factors.

Twenty-seven states have passed a law to have all custodial interrogations electronically recorded to reduce false confessions. This research aims to determine the false conviction rate caused by false confession through the number of convictions/exonerees within states that mandate police interrogation recordings and the states that do not determine if states requiring interrogational recording have seen a decrease in false confessions and guilty pleas.

### **Definition of terms**

Keywords: wrongful conviction, exoneration, false confession, guilty plea, coercion,

- Wrongful conviction - when the "government determines that a convicted individual factually did not commit the crime" (Irazola, Williamson, Stricker, & Niedzwiecki, 2013, pg. i).
- Exoneration-when government, by pardon or judicial order, admits that a convicted person is innocent (Irazola et al., 2013, pg. i).

- o False confession- admission to a criminal act that the confessor did not commit (Hritz, Blau, and Tomezsko, S., 2010).
- o Guilty plea - a bargain of plea where the prosecutor agrees to reduce a specific charge or sentencing in exchange for the guilty plea (Guilty Pleas Law, n.d)
- o Coercion- to put a person in fear using expressed or implied threats of violence or intimidating behavior (What is Coercion Law, n.d)

### **Assumption/limitation**

The limitations to be encountered with this research come from the sampling population. Only looking at the exonerated population where the case has been closed narrows the conclusion to only those exonerated. Another limitation of this research study is that it is unknown how many other wrongful convictions have occurred that are not available in this sample or information on innocent and currently incarcerated individuals. To heighten the limitation more, a higher exoneration rate in certain states may not mean that recording interrogations are ineffective but because of population. The last limitation spins around the research's hidden goal that all states should record interrogations to lessen false confessions. The limitation stems from budgets. All jurisdictions may not be able to afford electronically recording devices or record every interrogation and train employees on the equipment. The cost has been the reason why some officers oppose recording interrogation interviews. Specifically, the equipment cost's expense to set up and train officers on using the equipment is where the issue seems to lie(Sullivan, 2005). However, according to The Justice Project (2020), the cost to record interrogations is relatively inexpensive and super-efficient. While The Justice Project agrees with Sullivan (2005) that the most expenses lie on the front end, they state that no more expenses are needed after the front end expenses and training. They also indicated how front-end

costs could be balanced with funding from the federal, state, or local government (The Justice Project, 2020).

The Innocence Project states how the cost to record custodial interrogations is inexpensive in addition to The Justice Project. In 2015 they created a report on how much the expenses would cost and where to purchase items. For example, \$50 could purchase a digital video camera from most retailers. The report included screenshots of video camcorders from Walmart \$15.56 (plus 4 G.B. memory card 9.95= \$25.51), Best Buy \$35.61, and Amazon \$49.99. These are the expense rate for the cheapest option. A more high-tech option that includes microphones, software, and wiring could cost about \$500. The following costs the Innocence Project cover are storage and transcription. For storage, they mention the result from a conducted survey (participants were law enforcement personnel from 450 jurisdictions that record interrogations) that 70% of agencies and departments storage their recordings on computer servers, and 60% store recordings on DVDs. Transcription comes at no cost, for that is the prosecutor's office's responsibility (The Innocence Project, 2015).

## **Summary**

The overall purpose of this study is to recognize and acknowledge these factors of false imprisonment from numerous articles and confirm that the public demands a change in the justice systems and better-collected evidence.

## **Outline of Chapters**

After background information of the study's overview, problem statement, the study's significance, and research question and hypothesis have been addressed. The following paragraphs will expose the study's process and result. The existing literature on false confessions and wrongful convictions will be reviewed in chapter two. The exploration of history reveals that

convicting innocent people dates back to the 1600s with the 1692 Salem Witch Trials in Massachusetts. Next, past standard procedures that promote the occurrence of wrongful convictions are clarified. False confessions are produced due to persuasion, contamination, isolation, confrontation, and minimization (Chapman, 2013; Leo, 2009). False confessions and guilty pleas are encouraged because they allow criminal cases to close more quickly, and it saves state money from going to trial (Leo, 2009; Johnston & Smith, 2017). A criminal trial's average cost is \$600,000 (Self Defense Fund, 2018).

The methodology of this research study is explained in chapter three. This chapter will explain the concept, how variables will be measured, definitions, how participants were selected, the avenue of collecting data, and finally, how the information is analyzed. The study will use quantitative methods, precisely the comparative/experimental research approach. This style compares two groups while having one group influenced without random assignment. The use of quantitative methods and quantitative data will examine the frequency of false convictions in states required by law to record interrogations and states without. Participants for this study were drawn from the National Registry of Exonerations. This registry provides comprehensive information on all known exonerations since 1989 in the United States.

To be further detailed in this chapter will be data collection. The bulk of the data gathered are from primary and secondary sources. News articles, media coverage, nonprofit organizations, and the national exoneration databases will be collected. The number of exonerations before and after recording custodial interrogation laws passed will be collected. The number of exonerations in states is not required to record interrogation in the same years collected from the before and after states that do require interrogation recordings. Legal sites were assessed to determine court laws in states that show significant results. Next to be discussed is the analysis of the collected

data. Data will be evaluated by race, state, the year the recording law passed, year of conviction, age. Finally, a statistical t-test will determine if there is a significant difference between states with recordings laws and states without recording laws and determining if states with recording laws reduced their false confessions rate.

Chapter four will detail the analysis and the two research questions results. The quantitative method that was used to explore each question was SPSS. The exact test used to produce results will be listed, and a thorough explanation of each table. Descriptive of the study will also be mentioned. The last chapter, five, will detail an overall summary of the research project. Chapter five will also explain the study's limitations, recommendations, future research, and hopes for the future.



## Chapter 2: Literature Review

### **Introduction**

This literature review will explore the history of wrongful criminal convictions in the United States and the procedures that promote wrongful convictions. A wrongful conviction occurs a "government entity has determined that the originally convicted individual factually did not commit the crime" (Irazola, Williamson, Stricker, & Niedzwiecki, 2013, pg. i). An exoneration is when a "government entity, by way of a pardon or judicial order, concedes that a convicted person is indeed innocent" (Irazola et al., 2013, pg. i). On average, an exoneree spends 12.5 years in prison before being vindicated (Ellis, 2011) or discharged due to their innocence. While factors such a race, age, and prior criminal history encourages wrongful convictions (Smith & Hattery, 2011), this literature will focus on the procedures of false confessions such as guilty pleas and interrogations.

It is wrong that the systems continuously punish innocent people. Wrongful convictions are a relevant topic in public administration because individuals are frequently exonerated. This topic is essential because innocent people have been wrongfully convicted or put on death row for procedures that lead to false confessions or false guilty pleas. In 1991, Isaac Wright Jr. was wrongfully convicted and sentenced to life imprisonment after representing himself for "drug kingpin" (Zoukis, 2019) charges. Specifically for "being the mastermind behind the largest drug distribution networks in the New York/New Jersey areas" (Bowles, 2017). While in prison, he studied law, represented himself again, and reversed his kingpin charge. However, this did not set him free just yet. Other charges against him totaling over 70 years kept him confined (Bowles, 2017).

According to Zoukis (2019), in 1996, Wright appeared in court again, representing himself and through cross-examination with James Dugan, a veteran police detective. Dugan admitted to framing Wright, which was orchestrated by Somerset County prosecutor Nicholas L. Bissell, Jr. In the Bowles article (2017), it specifies the framing as Bissell ordering a false report from police officers. He produced misleading testimonies from witnesses to state that Wright was their drug boss by making secret deals with defense attorneys (Bowles, 2017). Bissell's confession led to Wright's exoneration and ended his seven-year maximum-security imprisonment. After the framing confession, Dugan pleads guilty for official misconduct. Michael Imbriani, the trial judge, was sent to prison for theft charges and Bissell, committed suicide when the U.S. Marshals' entrance kicked down his hotel room door (Zoukis, 2019).

As of March 19th, 2021, 2,754 individuals have been exonerated in America (National Registry of Exoneration, n.d). To blame has been poor police work, interrogations, and prosecutions. When reflecting on this issue, questions brought up: are there any common factors within all the wrongful convictions, what procedures are no longer practical, and what needs to be implemented or modified. It is crucial to examine the common procedures criminal justice servants follow that lead to wrongful convictions. The government is supposed to be all things transparent, effective, efficient, equal, and most importantly, accountable within their entity (servants) and to the public they serve (Denhardt & Denhardt, 2011). Public servants have to serve the public, be accountable, honest, and ethical, (Denhardt and Denhardt, 2011). However, wrongful convictions are doing the opposite. Wrongful conviction is convicting innocent people of the public, more specifically and disproportionately African American men. Public administration can manage government policies, budgets, ethics, and justice. This literature review will point out policies and procedures that promote wrongful convictions.

To understand the importance of wrongful convictions, we must review the procedures that encourage wrongful conviction and the hardships that an exoneree may encounter due to being wrongfully convicted. Frequent broadcast on media outlets of successful exonerations is increasing every year, making it known that many people were falsely imprisoned. However, the number of exonerations does not compare to the number of innocent people being convicted (Mitchell, 2013). This issue is important because once an innocent person is pardoned, they do not go back to their previous life. Though forgiven, they cannot go back into society as if nothing ever happened. For that reason, many exonerees face similar boundaries as actual felons. The worst part of the issue, not every state awards compensation to the innocent for their time lost. Fifteen states, by law, do not compensate exonerees or any other service for that matter.

## **History**

Massachusetts 1692 dates to one of the earliest cases of wrongful convictions in the United States, the Salem Witch Trials. During the 1600s, witchcraft was a capital crime. The case was brought forth by a group of young girls who called themselves witches and accused others in the community of also being witches. The people of that time believed that Satan's presence was within the community, so when the witchcraft allegations came about, the public panicked. The young girl's allegations against the other claimed witches resulted in their convictions based solely on the claims. During this period, dreams and visions gave much weight to convictions, for they were typically accepted when the case occurred. For the accusations' punishment, women were convicted and or hanged (Johnson, 2018).

Before discussing wrongful conviction procedures, it is necessary to look at the overall incarceration rate in the U.S. The United States currently holds the most considerable incarceration rate in the world. Within the last forty years, the incarceration rate has risen over

500% (The Sentencing Project, 2019). Though it did not happen overnight, the most noticed time was in the 1970s. America takes the lead in the most incarcerated population. Disproportionately, the U.S. equates to about four percent of the world's population (according to research from the Sentencing Project); however, in terms of prison populations, 22 percent of the world's prison population (Lopez, 2016). The U.S.'s incarcerated population spiked in the early 1970s. In response to the increasing wave, state and federal lawmakers passed laws to extend prison sentences for crimes such as drugs, murder, and between (Lopez, 2016). However, the one harsh sentencing policy that led to mass incarceration was the "three-strikes" law, created in 1994 to toughen crime sentencing. The policy's purpose was to reduce crime by convicting felons with life sentences after their third felony offense (Benekos & Merlo, 1995; (Lopez, 2016).

Further looking into mass incarceration, the racial breakdown is predominantly Black. African Americans are six times more likely to be imprisoned than White people and three times as likely than Latin American individuals (Lopez, 2016). The Sentencing Project conducted a research study to determine that high crime rates in black neighborhoods were the reasoning for African American overrepresentation in prisons. This same research concluded that racial bias or past criminal records influence prison sentencing (Lopez, 2016).

Racial bias and past criminal records are also a non-procedural leading factor to wrongful convictions. As of 2019, about 2.3 million people are being held in the criminal justice system. These criminal justice systems include "state prisons, federal prisons, juvenile correctional facilities, local jails, and country jails, military prisons, immigration detention facilities, civil commitment centers, state psychiatric hospitals, and also prisons in the U.S. territories" (Sawyer and Wagner, 2019, para 2). Yearly on average 600,000 people go to prison (Sawyer and Wagner, 2019). A prison is defined The Lectric Law Library as a "building designated by law or

used by the sheriff, for the confinement, or detention of those whose persons are judicially ordered to be kept in custody" (Prison, n.d). On average, 10.6 million people go to jail each year (Sawyer and Wagner, 2019). "Jails are places that confine persons accused of crimes and awaiting trial or convicted of a crime" (Jail Law and Legal Definition, (n.d). According to a study conducted by Ohio State University, about 11,500 prisoners are innocent (Housley, 2017). From the criminal defendant's population sentenced to death, nearly 4.1% are innocent. By 2014, a total of 144 defendants sentenced to death were exonerated (Maron, 2014).

David Vasquez of Virginia was the first person to be exonerated after being pardoned by the Governor for DNA confirming his innocence. Sentenced in 1984 for murder, Vasquez had a slight mental illness and admitted to murder to escape the death penalty (Innocence Project, 2008). He denied all the accusations until detectives Carrig and Shelton told him that his fingerprints were found in the victim's home. Although the evidence against him was fabricated, Vasquez replied to the evidence he could have been at the house from visiting. The logistical question was uncertain, but Vasquez proceeded to say that he had had sex with Hamm, the victim. He said ropes when asked what he tied her hands with. Detective Shelton then told him it was not ropes. Vasquez changed his answer and said he used his belt, which was wrong again. He said, "a coat hanger?" Shelton said, "No, it was not a coat-hanger—remember cutting the Venetian blind cord?" Vasquez replied, "Ah, it was a thin rope." Shelton then asked Vasquez how he had killed Hamm. "I grabbed the knife and just stabbed her, that's all," said Vasquez. When Shelton said that was wrong and that he hung her, Vasquez said, "Okay, so I hung her." During the second round of interrogations, he admitted to having horrible dreams about going to a girl's house, her bedroom, then tying her up (National Registry of Exoneration, 2014).

By 2011 there was a total of 850 exonerations processed, according to University of Michigan law professor Samuel Gross, with a possibility of more who have yet to become known (Innocence project, 2011, para 4). Before the mid-'80s and the first exoneration, books and films recognized wrongful convictions, but they did not affect criminal justice theories or practices. At that time, a wrongful conviction was not an essential public matter to the government. The light started to shed on wrongful convictions when the innocence movement began to undermine the criminal justice accuracy and DNA testing (Zalman, 2006). In 2018, two bills were signed by Pennsylvania's Governor Tom Wolf to help wrongfully convicted individuals. These bills will allow innocently convicted people to get access to justice. The first law, Act 146, will provide innocent people with ample time to file a petition in court upon the new arrival of evidence that can confirm their innocence. The second law passed, Act 147, permits a person to request DNA testing to secure their freedom after they have pleaded guilty or served time on their sentence (Innocence Project, n.d).

### **Guilty Pleas**

By the common law, requirements must be met for a plea deal to be qualified and accepted. First is an offender's age. When the crime occurs, the defendant should be of legal age, and the offense must either be fine-worthy and/or worthy of a prison sentence with a max of 7 years (Dutu, 2012). A plea deal is a result of plea bargaining. This procedure takes place in a criminal case where both the prosecutors and the defense come to an agreement that a defendant can plead guilty in exchange for a lighter sentence or charge, eliminating the need for a trial. Most criminal cases are closed by plea bargains (Hollander-Blumoff, 1997) to speed up a case's resolution. However, in cases that result in criminal charges, the excellence of prosecution works should overstep efficiency (Dutu, 2012). When it comes to guilty pleas, wrongful conviction

occurs because an innocent person is pressured. When agreeing to the plea, the innocent person hopes that the plea will be a trade for their freedom, even when there is solid evidence that can exonerate them. (Innocence staff, 2017).

Being ill-informed can lead an innocent person to plead guilty. The Brady Rule (named after *Brady v Maryland*) occurs when prosecuting attorneys fail to unveil valuable information. Failing to disclose vital information at trial allows jurors to decide on false facts, leading to a wrong verdict (Brady Rule, n.d). A defendant aware of all the facts will think that they are responsible for the crime and sign a guilty plea. An example of a Brady violation is *State v. Gardner*. In this case, Gardner "was charged with vehicular manslaughter" (McMunigal, 2007). While driving on the highway, Gardner crossed into opposing traffic and hit a pickup truck. This accident resulted in three severe injuries and one death. Testing revealed that Gardner had marijuana in his system and was sleep-deprived. Gardner admitted to being sleep-deprived, and he pled guilty due to not sleeping the previous night. This led to Gardner's decision to plead guilty to the collision. Unfortunately, prosecutors failed to make him and the court aware that his front tire had blown out and caused the accident. The driver behind Gardner is the person that came forth to be a witness that he saw Gardner's left front tire blow out, leading his car to go to the left" and cause the accident. If it were not for the testimony of this driver, "Gardner would have been wrongly convicted for falsely pleading guilty and would have served a prison term of at least four years" (McMunigal, 2007).

False guilty pleas can be accepted and admitted when all facts are intentional not provided, such as the Gardner case or when the risk of losing the trial is high like the Banks case mentioned on page 4. A guilty plea or when a defendant enters a guilty plea, it means that they accept the charges against them for a reduced sentence in return. The sentencing is greatly

reduced when the plea is accepted before trial then when the defendant is found guilty at trial for the same charges (Tata & Gormley, 2016). Because of a reduced sentencing, many innocent defendants have falsely pleaded guilty. In fact, the Early Guilty Plea Scheme (EGP) policy created by Better Case Management is what leads to false guilty pleas. Though this sentencing scheme is to motivate truly guilty individuals, it is the same sentencing scheme that threatens the criminal justice process and promotes wrongful encouragement.

The root of this scheme was developed to make plea deals accepted in the preliminary stages have vast benefits for the defendant as it encourages efficiency and savings (Johnston & Smith, 2017).

The EGP is a policy by the BCM to ensure that court time is used effectively and efficiently. The BCM brings together numerous ways to improve the way that cases are handled in the criminal justice system (Johnston & Smith, 2017)—promoting government efficiency dates to 1911 when Fredrick Taylors published *Principles of Scientific Management* (founder). About this theory, Grant (2012) mentions Taylor's approach to promoting efficiency. Taylor's theory came at the crisis of factory production and motivation. He believes that work should be produced efficiently with a significant profit (Grant, 2012). Taylor's scientific management on efficiency has paved the way for many new organizations. Plea bargaining happens to be one of the many that emerged as a judicial practice after the American Civil War (Alshuler, 1979 as cited in Heydebrand & Seron, 1990)). However, it did not become entirely popular until the growing of proceedings and caseloads generated by World War I draft cases and the Prohibition period in 1919 (Heydebrand & Seron, 1990).

The goals of BCM are to

- Decrease the number of hearings.
- Maximum participation and engagement of every participant within the system



- Efficient compliance with the CrimPR, Practice and Court Directions

The BCM created a new case management initiative called the Early Guilty Plea (EGP) Scheme to fulfill their goals. A defendant is afforded the largest reduction of serving time, approximately 33%, if they enter a guilty plea at the initial court hearing. If the defendant enters the guilty plea after the first hearing, their reduction of sentencing is reduced to 25%. If the defendant enters their plea deal agreement on the trial's day, their sentencing is only shortened by 10%. This is how the EGP scheme fulfills its goal to save on court administrative costs by avoiding trial. The earlier the defendant accepts a guilty, it incentivizes them to avoid a trial to skirt harsh sentencing. According to Self Defense Fund (2018), the average cost of a criminal trial such as the death penalty can cost close to \$1.3 million. A non-death trial cost around \$600,000 (Self Defense Fund, 2018)

*Table 1*

#### **Timing of Guilty Plea**

Timing of guilty pleas	Time Reduced
Enters the guilty plea at the first court hearing	33%
Enters guilty plea after the first hearing	25%
enters guilty plea on the day of trial	10%

(Table created with data from Johnston & Smith, 2017)

Complainants and witnesses are not required to attend court to save both time and money. The expense of trial that is being avoided comes from the need for an expert witness, private investigator, attorney legal fees, administrative fees, and more (Self Defense Fund, 2018; Johnston & Smith, 2017) (Table 2 break down the one-line item into a table). According to the New South Wales (2019) communities & justice department, the early guilty plea also contains benefits such as permitting police officers to get back to fighting crime, allowing defendants to enter rehabilitation sooner, reducing court backlog, reducing the stress of victims, and more (New South Wales 2019). The guidelines were created primarily emphasizes for defendants who

willing wish to enter a guilty plea (Johnston & Smith, 2017). A guilty plea is agreed upon for an exchange of reduced sentencing. The defendant waives their right to a trial, receiving particular types of evidence, and the rights against enforced self-incrimination and confrontation (Moriarty & Main, 2011).

*Table 2*  
*Cost of Trial*

	Defense Attorney	Legal Assistant	P I Defense Investigation	Expert Witness	Court Cost	Bail Bond Expenses	TOTAL Cost
Murder or Manslaughter	\$672,000	\$386,000	\$38,000	\$49,000	\$55,000	\$25,000	\$1,225,000
Non-Death	\$320,000	\$160,000	\$15,000	\$25,000	\$35,000	\$15,000	\$570,000

(Self Defense Fund, 2018)

### **False confessions**

As the case of false confessions continues to increase, important questions for social scientists, mental health professionals, policymakers, and the public as well have been raised (Leo, 2009). DNA and non-DNA evidence exonerations in the past two decades have proven that false confessions produced by police play a crucial role in wrongful convictions (Leo, 2009). False confessions happen primarily in cases of homicides or high-profile cases. The interrogational process must first be understood (Leo, 2009) to understand how an innocent person can give a false confession.

Chapman (2013) defines a confession in legal terms as a "criminal suspect's oral or written acknowledgment of guilt, that often includes details about the crime," and a coerced

confession as a "confession that is obtained forcefully or by threats" (Chapman, 2013, p.113). During interrogations, police officers will encourage a suspect to confess because closing the case is important and leaving a prolonged open case to be an unwanted outcome. Due to the rush of closing a case, the pressure is placed on officers to get a confession from suspects, which pushes officers to commit forced interrogation tactics. Along with that, the number of confessions obtained by an officer depicts their interviewing skills. (Chapman, 2013). In 2004 most United States law enforcement agencies conducted no interrogation recording. As Sullivan (2004) mentioned, recording took place before a suspect gave their final statements or confessing, leaving the entire questioning process unrecorded. Recordings were not practiced and filmed for fear of tapes hindering interviews, and the cost of recording every interview would be too costly. Bills have been passed in 26 states to mandate electronic recordings (video or audio) of any felony case under investigation (Sullivan, 2004).

In Chapman (2013), she explains Saul Kassin's three descriptions of the components psychological process of current police interrogation. The three processes that obtain confessions include isolation, confrontation, and minimization. Isolation is practiced to increase a suspect's fear and wish to getaway. Procedures of confrontation tactics involve interrogators making claims with real and fake evidence to assist their allegations. Lastly, minimization is when an investigator shows compassion and narrates sound reasoning for the suspect committing the crime to receive leniency (Chapman, 2013). More procedure techniques that lead to false confession are intruding personal space, tampering with lights or the thermostat, and more. One-way mirrors are also another technique that permits other officers to observe indications of exhaustion, weakness, fear, and withdrawal, or to read a body language/human behavior (Chapman, 2013).

## **Cause of false confessions**

### *Coercion error*

Leo (2009) stated that the moment detectives falsely classify an innocent person as guilty, they become exposed to harsh interrogation. If hard evidence does not exist, obtaining a confession becomes the mission, particularly in high-profile cases where solving the crime is the top priority. The pressure to close the case is the leading factor to police-produced confessions using intense psychological police methods. Psychological coercion is when police use interrogational tactics that make suspects feel like they have no option but to give in to an interrogator's demands (Leo, 2009). "Psychologically coercive interrogation techniques include deprivations (of food, sleep, water, or access to bathroom facilities), incommunicado interrogation, and induction of extreme exhaustion and fatigue" (Leo, 2009, p.335). According to Maslow's Hierarchy of Needs, it is the most basic need that all humans need and look for. This need is called physiological (Poston, 2009). Maslow states that fulfilling the physiological need is important so that the body can work in harmony to complete the task of basic survival (Poston, 2009).

### *Contamination error*

Leo (2009) states that a detective's goal is to provoke a persuasive confession to incriminate the suspect. For instance, in false-confession cases, interrogators are well skilled in creating, implying, or prompting reasoning to the suspect's motivation. A detective will use scenario-based incentives as a method to explain the motive. Interrogators take part in creating the false confession by their acts of coercing suspects to accept suggested facts of the crime which can then taint a suspect's "postadmission narrative" (Leo, 2009, p.333).

## **Types of false confession**

### *Voluntary force confession*

A voluntary false confession is a confession "that is offered outside the presence of police interrogation" (Leo, 2009, p.338). A suspect is prone to act upon a voluntary false confession based on their psychological states or needs. As McCann (1998) states, someone could voluntarily confess because they think they want to be punished or feel they should be punished (McCann, 1998). Besides police, someone from outside can also pressure the suspect to confess. A false voluntary confession can also be given if the individual suffers from any underlying psychological disorder or psychiatric disorder. A person may also give a voluntary false confession to protect the real criminal or to provide themselves with an alibi for a separate crime or, lastly, to seek revenge on someone (Leo, 2009). Gudjonsson (2017) states that voluntary confession can also result from absolutely no pressure at all (Gudjonsson, 2017).

### *Compliant force confession*

A compliant false confession is when the confession is given due to police coercion, stress, or promise to receive some sort of benefit. The benefit is usually to end the interrogation process, receive mercy, or avoid extreme punishment. When the confession is made, the suspect is fully aware of their innocence and false confessions (Leo, 2009).

### *Persuaded force confession*

A suspect can be persuaded to give a false confession when the interrogation tactics cause them to doubt their memory. After doubting their memory, the suspect then believed that they committed the crime even when they cannot remember acting out the crime. McCann (1998) calls this coerced internalized false confession. An explain how being nervous, exhausted, and confused can make a suspect question themselves if they did it or not (McCann, 1998 as cited in

Kassin, 1997). Leo (2009) described it starts first with the interrogator making the suspect question their innocence. This is achieved with extreme, extensive, and deceiving accusatorial interrogation where the interrogator will continually accuse the suspect of doing the crime. The interrogator will accuse the suspect with fabricated evidence. The suspect will inform the interrogators of their innocence. However, after a while, the suspect will lose hope. They become convinced(Leo, 2009), or as Gudjonsson (2017) states, "the false confessor gives in to pressure" (Gudjonsson, p.158, 2017) when the interrogators assure thorough explanation of how they perform the crime without remembering. Interrogators use alcohol or drugs as a cause for not remembering, blackouts if the suspect was brought in intoxicated (Leo, 2009).

### *Interrogations*

The purpose of police interrogation is for the law enforcers to establish guilty or innocent through aggressive interviewing (Kassin, 2008). Interrogations are vital to the criminal procedure and are the second encounter with a judicial officer after an arrest (Mueller, 1961). American police interrogation forbids confessions from being brought forth from dangerous actions, threats, or promises. However, questionable confession tactics allowed are the presentation of false evidence. Police are allowed to overly boost their allegations by telling a suspect that evidence proves that they are guilty of a crime like DNA or an eyewitness, even if it is not valid. Research shows that tricks like these cause innocent people to confess because being told there is evidence against you can alter a person's insight, beliefs, recollection, and behaviors (Kassin, 2008). A case of false evidence (not conviction) can be explained through Michael Crowe's case. Michael Crowe's 14-year-old sister was stabbed to death in 1998. After extensive interrogation lasting nine hours, Crowe began to think, after being told that there was extensive physical evidence pointing at him, that he did it. Evidence against him was that his hair was found in his

sister's hand and that he failed an "infallible Computer Voice Stress Analyzer Test" (Redlich, & Meissner, 2009, p.124). This led him to confess to the murder. He stated that he killed his sister but could not explain how he did it. He self-diagnosed himself with a split personality. He thought that bad Michael killed the sister due to jealous rage, and good Michael blocked the incident. Charges against Crowe eventually dropped when someone from the neighborhood had Crowe's sister's blood on his attire (Kassin, 2008).

During harsh intimidating tactics, submissions and false confessions can be made to escape the interrogation, escape jail/prison time, or get a reward. Kassin (2008) relates this pressure to observing obedience and social influence in Milgram's study. In Stanley Milgram's study, which observed obedience to authority, he found that his participants were susceptible to authority and obeyed the experiment leader's instructions. (Kassin & Israels, 2014). Like the public compliance observed in Milgram's study, false confessions are also an act of public compliance. Along with intimidation, many innocent people are prompt to confess for reasons for attention, to punish themselves, feel guilty, benefit, or to protect a loved one (Kassin, 2008).

Next, one can confess to a crime when they are innocent because they are vulnerable. When weak and defenseless, extreme interrogation tactics can force one to believe that they committed the crime. It may seem as though it is common sense to not confess to a crime that you did not commit, yet about "20 to 25% of all DNA exonerations" (Kassin, 2008, pg. 249) are comprised of innocent people who confessed (Kassin, 2008, pg. 249). Innocent confessors are convicted even after withdrawing the confession because the courtroom faces two different claims, a confession, and a withdrawal. When this occurs, a judge must determine if the confession was given willingly and accept it as evidence. Next, the jury must determine if the defendant is guilty beyond a reasonable doubt. However, the average person cannot recognize a

true confession from a false one. Jurors tend to lean toward confessions, even if confessions are forced. Shockingly, police cannot exactly differentiate between truths and lies (Kassin, 2008).

### **The Reid Technique**

An interrogation method called "the Reid Technique" is a way to extract a confession from the suspect. This same strategy can also cause false confessions. This technique "comprises three components: factual analysis, interviewing, and interrogation" (Ahuja, 2018, p.3). More specifically, Vrij (2004) defines this technique as an interrogation technique that persuades hesitant suspects to speak during police interrogations and interviews. This method permits interrogators to use deception (Vrij, 2004). The Reid Techniques was created by John E. Reid, a law school graduate, police officer, and polygraph examiner. Although polygraph exam proves truths, Reid believed in and preferred confessions through interviewing. In an interview, Reid appreciated the determination of truth or deception-based solely on psychological changes (attitude, behavior, etc.) (Inbau, Reid, Buckley, and Jayne, 2013).

The Reid technique is criticized for "psychologically swaying individuals with trickery and deception" (Vrij, 2004) and its increase in false confessions, especially with juveniles, people with mental disabilities, and language barriers (Leo, 2009). The method's ability to deceive suspects that there's evidence (ex: fingerprints) against them and asking leading questions during the confession (Vrij, 2004), or proposing a suspect to choose one of two alternative situations for what happened (Black & Fennelly, 2020) are some reasons why it has been condemned.

New York's "most brutal crime" (Parascandola, 2018, para 1), the Central Park Jogger, occurred in 1989 when a female jogger was attacked and raped. Five Black and Latino innocent teenage boys were arrested and convicted. The REID techniques used in the Central Park Jogger



case to convict the teenage boys resulted from false confessions. False confessions can be very detrimental to a case, for it "defines the case against a defendant" (Leo, 2009, p.340). In the Central Park Jogger case, the false confessions carried a lot of weight. Though the confessed statement and contradicted DNA evidence did not fit the incident's time and location, it was all overlooked (DuVernay, 2019). The Central Park five case closed in August 2002, when the actual rapist Matias Reyes, convicted for prior murders and rapes, confessed. Reyes's DNA was tested against the sample collected at the crime scene in 1989. His DNA matched the sample and confirmed his confession (Stratton, 2015).

During the trial of this compelling case, only the confession (coercion) of five boys was recorded, not the entire interrogation. This specific case brought forth the advocacy of recording the entire interrogation in 25 states (Storey, 2019). On November 27th, 2020 Governor Andrew Cuomo of New York signed a law, the Central Park Five Law, that juveniles in custodial interrogation must have the entire interrogation recorded to prevent forced confessions in non-violent offenses and not just the confession, which happened to the five young men's case (Adams, 2020). The young men of Central Park Five (all alive today) are now referred to as The Exonerated Five. They sued the state of New York in 2002 and won a \$41 million settlement in 2014, the most significant wrongful conviction settlement payment in U.S. history (Stratton, 2015).

### **Miranda warnings**

Lastly, the use of torture to obtain confessions has been one reason why innocent people confess. This issue was resolved in 1936's Supreme Court case *Brown v. Mississippi*. This case excluded all confessions extracted by torture. From 1936 to 1966, the reduction of torture to extracted confessions reduced, indicating success in the justice system. However, according to

Gross, Possley, & Stephens (2016), when the Miranda warning became a law, false confession began to increase again. The Miranda warning encouraged the interrogation styles we see today: isolation, deception, manipulation, and exhaustion. How these styles make innocent defendants confess will later be discussed. Initially, the Miranda warning became a law to eradicate violence during interrogations through the Supreme Court's decision in *Miranda v. Arizona*. The Miranda Warning Act, named after *Miranda v. Arizona*, keeps suspects protected against abuse during police interrogations. Although Miranda warnings prevent bodily abuse, it has opened doors for psychologically abuse.

By court orders, police must recite Miranda warnings before they begin questioning. Then, the interrogation process can begin, and defendants waive their right to silence. Most people waive their rights early on due to the difficulty of refraining from a conversation with an officer. From 1966 until presently, hundreds of innocent people who falsely confessed after receiving their Miranda warnings have been exonerated. Due to not knowing what occurs in interrogation rooms, it is difficult to determine what occurs in interrogation rooms. Luckily, changes are being made. About fifty years ago, recording interrogations was quite rare, especially in FBI interrogations. In 2016, the FBI and 23 states required electronic recordings of interrogations (Gross, Possley, & Stephens, 2016).

### **Wrongfully conviction challenges: housing, social, and health**

Besides the states that provide monetary compensation on a varied basis, there are no specific benefits catered to exonerees. A few states only provide educational assistance (Ellis, 2011). The Innocence Project, a nonprofit organization that steps in to provide and protect the innocent after the government fails to do so. The Innocence Project supports exonerees with workshops, social events, housing, medical treatment, and locating their family and birth

certificates (Support the Exonerated, n.d). For the states that provide compensation, exonerees are hampered with challenging tax problems like if the compensation should be considered their gross income and have them wait at least three years before obtaining an award (Ellis, 2011).

Being wrongfully convicted not only takes away time from your life, but researchers have also concluded that serving many years in prison makes you age quickly. A 50-year-old prisoner will have similar health conditions as a 60-year-old free man. Along with aging, they also suffer from anxiety, poor social skills, depression, and insomnia (Ellis, 2011). When an exoneree has been release for their innocence, many do not return to their old life. Many, when initially convicted, are in their youth or young adult years. Considering the average 12.5 years that innocent people are convicted, exonerees have no assets, relatives, or friends who have either died, relocated, or simply lost touch upon the time of release. This leaves many with no home to return to. Because it sometimes takes years before an exoneree's name is cleared, they face the same hardships as criminals, like obtaining employment and housing. Exonerees with no difficulty clearing their name do not have assistance programs available to them because they are innocent and do not qualify for programs available to ex-convicts. Lastly, another challenge exonerees face is minimal schooling due to being convicted young. Minimal schooling and or training makes it difficult for them to go after current jobs (Ellis, 2011).

### **Non-governmental organizations and Collaborations**

Many nonprofit organizations have stepped in light of the government not creating programs and providing services to help wrongfully convicted individuals. Steven Rathgeb Smiths, author of *NGOs and contracting, 2005* promotes the importance of nonprofits and collaborative communications between employees, organizations, and the public. Considering that public administration has evolved to the new public management, the government now

provides service to the public by contracting out, which means hiring non-governmental organizations (NGOs) such as independent contractors, nonprofit and for-profit organizations. Letting NGOs step in allows the government to cut their spending, be flexible and responsive. Nonprofits can quickly start innovative programs for a community or specific client group and at a lower cost. NGO as a public policy tool that brings public managers and NGOs to the frontline of debates on citizenship and democracy. NGOs are an avenue that allows citizens to participate and represent important social movements that can compel the government, private organizations, and other citizens to change a particular policy (Ferlie, Lynn, & Pollitt, 2005). As we can see, the three top organizations involved with wrongful convictions are bringing awareness to the issue one case at a time. Collaboration amongst organizations is beneficial as it can cut down the cost of transactions, staff, and resources. If we look at three of the largest nonprofits providing services within the wrongfully convicted community, they have collaborated with other NGOs and for-profit organizations. Community connection and volunteering opportunities allow an organization to achieve its multiple goals (Ferlie et al., 2005). With the emergence of public administrations connections with nonprofit organizations, several organizations have formed to promote and defend the cause of wrongful convictions. The three to be discussed are The Center on Wrongful Convictions, the National Registry of Exonerations, and the Death Penalty Information Center.

The Center on Wrongful Convictions of Youth (CWCY) is the only Innocence Project in the United States that provides services to wrongfully convicted children and adolescents. This organization was founded in 2009 and has utilized advocacy, litigation, education, and outreach to assist wrongfully convicted youth. Steven Drizin and Bernardine Dohm are the co-founders. The CWCY has a collaborative project between Northwestern University School of Law's

Children and Family Justice Center (Little, 2011). Little (2011) further discusses why the organization developed. The organization for children and adolescence came about after Steven was doing juvenile justice-related work, representing children charged with crimes in juvenile and adult court. He came across a case where an eleven-year-old boy had been charged for murdering his neighbor, an eighty-three-year-old woman. The evidence against him was his confession. Which he later stated that he did not commit the crime. At that point, Steve began a decade-long search to understand why children are more vulnerable to confessing to crimes they did not commit than adults (Little, 2011).

"The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at the University of California Irvine, the University of Michigan Law School and Michigan State University College of Law" (National registry of exonerations, n.d). It was founded in 2012 and provided information on exoneration cases in the United States starting from 1989 (National registry of exonerations, n.d). The Death Penalty Information Center (DPIC), a nonprofit organization, collects a death-row exoneration database since 1972. (Death Penalty Information Center, n.d). The top three states with the most exonerated people from death row are Florida, Illinois, and Texas. Florida currently holds the most exonerations from death row at 29 people. Demographic specifics are as follows: Black-17, White-7, Latino-5. Illinois comes in second with 21; Black=14 White=4 Latino=3. With the most exonerees from death row, in third place, is Texas. Texas demographic breakdown is Black= 3 White=6 Latino=2 Other=2 (Death Penalty Information Center., n.d). Noticing that African Americans have more releases in comparrison with the top two states, the social construction theory can further explain why Black people are more prone to wrongful convictions.



## Chapter 3: Methodology

### **Introduction**

Twenty-seven states have tried to reduce the rate of false confessions related to wrongful convictions by recording interrogations (Innocence Project, n.d). This study aims to determine if states with mandatory interrogation recording laws have fewer false confessions than states with no interrogation recording laws. The number of false confessions will determine the frequency of false confessions before and after interrogation laws passed in each state. This information will be gathered from the National Registry of Exoneration, where the year of conviction is provided for all exonerees. In addition to the literature review, this chapter will sketch out the research design to determine if recording interrogations have reduced false confessions than the other 27 states and if those states should implement recording laws. The findings from this research will also explain theoretical connections to the social construction theory (target groups) and organizational theory (relationships in organization environment: justice officials and administration).

### **Concepts**

The comparative/experimental research approach will be used for this study because these methods allow two groups (27 states with recording laws and 27 states with no recording laws) to be compared and contrasted and allow one group to be influenced without random assignment. The goal of using quantitative data and analysis is to examine the frequency of false convictions in states required by law to record interrogations and those without. This answer will be studied through legal briefs, media coverage and popular sources, the National Registry of Exoneration, and legal sites. The method will incorporate secondary sources about a wrongful conviction from various Innocence Projects when each state commenced its interrogation

recording laws. After all the data has been collected and analyzed, the difference of false confession rates with recording laws against states with no laws will be determined. The research hypothesis is that when police interrogations are monitored with audio/video recordings, the rate of false confessions is reduced.

### **Measurement**

This portion will explain how the variables will be measured. To answer the research question "Do states with interrogation recording laws have a fewer occurrence of false confessions?" quantitative research methods will be used to determine the relationship between the independent variable (states with recording laws) and dependent variable (number of false convictions) (Babbie, 2010 and Muijis, 2010). This method presents the opportunity to examine if recording interrogations have made a difference in reducing false confessions from deprivation, coercion, violence, and evidence fabrication. Numerical and descriptive information to be measured is from the National Registry of Exonerations, the Innocence Project, news articles on states required to record police interrogations. These measurements can determine frequency and percentages by breaking down the data statistically through numerical analysis and generalization (Babbie, 2010 and Muijis, 2010). All levels of measurement will be used to analyze the data. Below, the Methodology Table (table 3) presents the variables and measurements that this research will use. The explanation section describes each variable. Variables, states, years, and rates will be mentioned and applied in chapter four to run the SPSS test. Demographic descriptive of variables race, age, and gender can be found in appendix B.



*Table 3*  
*Methodology Table*

<b>Variable</b>	<b>Measurement</b>	<b>Explanation</b>
<ul style="list-style-type: none"> <li>○ States</li> <li>○ Years</li> <li>○ Rate</li> <li>○ Race</li> <li>○ Age</li> <li>○ Gender</li> </ul>	<ul style="list-style-type: none"> <li>○ Nominal</li> <li>○ Ordinal</li> <li>○ Interval</li> </ul>	<ul style="list-style-type: none"> <li>○ All states (with and without recording laws, including U.S territories)</li> <li>○ The year that interrogation recording law passed (by state)</li> <li>○ To compare the rate of false confession from states with recording laws against states without recording laws</li> <li>○ Race of exoneree</li> <li>○ Age at the time of conviction</li> <li>○ Gender of exoneree</li> </ul>

### **Sampling**

The sampling method will be a mix of convenience and purposive, both a form of non-probability and non-random sampling. Convenience sampling, known as accidental sampling, is where a group or population is selected because they meet a particular requirement. Examples of particular criteria include easy access, location proximity, time availability, or participants' volunteering. In this study, the exoneree population will be the participants. Purposive sampling is a sampling technique that is the intentional selection of participants based on the qualities that the participant holds. Because purposive is an intentional selection and non-random, it also does not require a set number of participants (Etikan, Musa, & Alkassim, 2016). The exoneree population is different in every state, making this sampling technique the best for this study.

Using these sampling methods will allow all the exonerees in the sample to be considered, which will help obtain the most effective accurate count and the percentage of wrongful convictions caused by false confessions. The sampling population for this research will be drawn from the exonerated population because they have been victims of wrongful convictions. Since the number of exonerations is low, the entire population of exonerees in a

given year will all be considered. Exonerees have also been chosen as the target population because wrongfully convicted individuals with open cases and currently incarcerated can be challenging to track. To get access to the exoneree list, the National Registry of Exonerations (NRE) (co-founded in 2012) is a public database that collects thorough information on every exoneration in the United States, since 1989 will be accessed (National Registry of Exonerations, n.d).

### **Data Collection**

Using preexisting data from a database and nonprofit organization (Innocence Project) to gather quantifiable data, the first information to be collected and identified will be the 27 states with recording laws. This information will be collected from the Innocence Project's research on custodial interrogations' recordings. The year in which state law takes effect will also be collected. This information will assist in answering the research question. The NRE's database will be the primary source of information gathering. It provides a database of information (demographics, numerical, and descriptive) on all exonerations identified since 1989 to obtain the count of wrongful convictions. The NRE provides a filtered database allowing only the necessary information on exoneration to be accessed, such as state, county, year of conviction, and exoneration.

After confirming the status and the date of legal approval, the data will be recorded on an Excel spreadsheet to filter and create a visual representation. Legal briefs, court proceedings, media coverage, and accessible sources (Public Access to Court Electronic Records (PACER), Westlaw, Innocence Project (Nonprofit), and the NRE) will assist with additional information on cases related to exonerees. Furthermore, to determine whether there is a difference in states with laws requiring police interrogation recording, the data's primary basis will come from the

frequency of exonerations. The frequency recording will collect the number of wrongful convictions by false confessions within the given year. Reliability in this research will be assured by no researcher bias. Having no relationship with family members, friends, or relationships with wrong convictions will promote objectivity. Maintaining data records and quantitative SPSS testing will provide a trail and ensure that results are consistent and valid. Also, alternative explanations of data beyond statistical testing will be discussed.

### **Data Analysis**

Once all information has been collected and entered into Excel, it will be transferred to SPSS and modified as needed. Though redundant, the Excel software will be required at the last stage of analysis. The first analysis will be performed through statistical testing, which will obtain basic descriptive data to get a general idea of the entire collected data, such as sample size and gender. This will provide estimates of where the results may lead. The following questions that will answer the research question will be examined through a T-test, dependent t-test (paired sample t-test). Dependent t-test compares the mean score of two different measures of the same sample (Abu-Bader, 2010). Once explored and tested, these questions will prove if false confessions are reduced when police interrogations are recorded. All statistical testing will be done on the Statistical Package for the Social Sciences, specifically, Hearne Statistic Standard Grad Pack Student IBM SPSS v26.

1. Is there a significant difference between states with recordings laws and states without recording laws? (Dependent (paired sample t-test)
  - Hypothesis: States with recording laws will have fewer false confessed convictions
2. Have states with recording laws reduced their rate of false confession? (Dependent (paired sample t-test))
  - Hypothesis: States after passed recording laws will have fewer false confessed convictions

Further descriptive statistics will be provided to summarize any differences based on demographic variables like age, gender, and race. The difference in crime types (murder, rape, aggravated assault, robbery, etc.) will also be explained. The final analysis will be operated on Excel. Descriptive information from the Excel spreadsheet will create graphs and tables (for color attractiveness) that will visually represent findings such as male-female ratio, age ratio, crime type proportions, and provide the percentages. A pinned map showing which coast has more recording laws will also be studied and determine why certain parts of the country may not have laws that protect people from false confessions.

## Chapter 4: Results and analysis

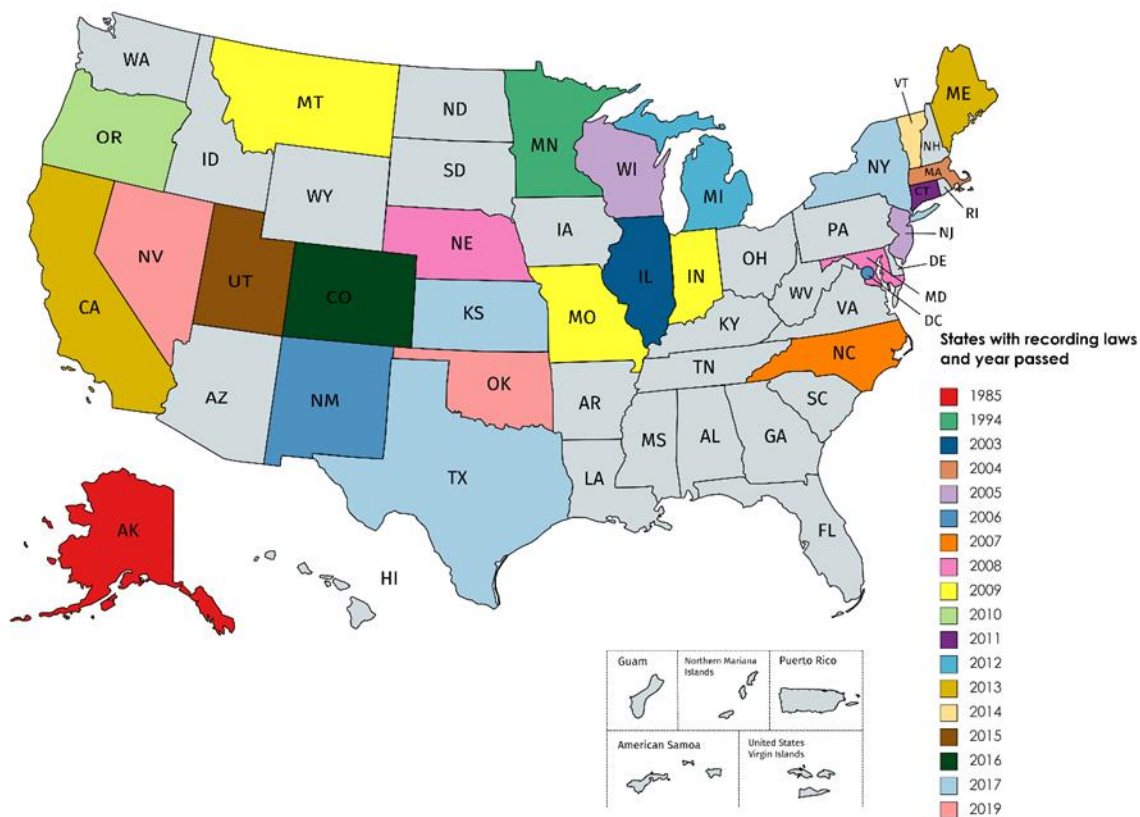
### **Introduction**

Often, the criminal justice system wrongfully convicts and incarcerates innocent people. This research's primary focus lies in determining the rate of false confession convictions in states that require and do not require recording police interrogations. The hypothesis is that states with recording laws will have fewer false confessed convictions. It will be described later whether this law is effective and whether other states should implement interrogational recording laws. Recording the entire custodial interrogation by video or audio is said to deter law enforcement officers from manipulating suspects to confess falsely. This research will also explore if states with recording laws have reduced their false confessions rate. In this chapter, statistical tests, paired sample t-test (dependent), and two-sample t-test (independent) were used to explore the research questions. The analysis of the results will be discussed.

### **Demographics/Descriptive Findings**

Amongst the total of 2729 exonerations, 335 were cleared and freed on the contributing factor of false confession. Calculating the percentage by division ( $335/2729$ ) false confession results in approximately 12.27% of exonerees. Two hundred and fifty-four exonerations were from the 27 states (states shown in Figure A) that now have recording laws. Seventy-eight exonerations were from the remaining states (Chart, Figure B) that do not require interrogation to be electronically recorded. However, not all 335 exonerated individuals did not participate in the study. Each research questions' sample differs based on the time span.

Figure A. State With Recording Laws Map



Created with mapchart.net

(2/15/2021) Map created, labeled, titled, and color-coordinated on MapChart.net/usa.html

Highlighted in Figure A indicates the twenty-seven states that must record police custodial interrogations. The figure also shows the year each state passed its recording laws.

Figure B. States Without Laws False Confessions Exonerations

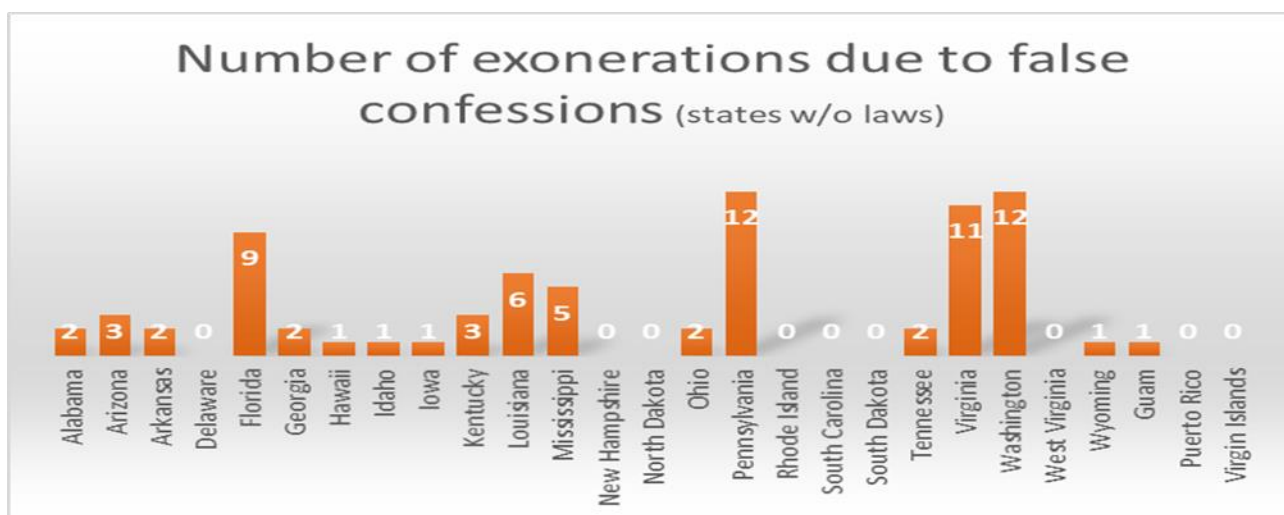


Figure B. Chart represents the states and U.S territories with no recording laws and their exoneration count due to false confessions' contributing factor.

### **Research Questions**

The purpose of this research was intended to answer whether there is a substantial difference in false confessions between states with and without recording laws. The hypothesis was that states with recording laws would have fewer false confession convictions.

1. Is there a significant difference between states with recording laws and states without recording laws?

Research question - is there a significant difference between states with recording laws and states without recording laws? To determine if there is a difference in the number of false confessions between states with and recording laws, the mean (amount) of false confessions that occurred after a law passed will be compared to the number of false confessions in states without recording laws. In this question, two different groups were compared to determine significance. The first group is the number of false confessions since the states passed their laws.

Group 2 is drawn from the exonerated list for states without laws. Each state was counted as one contributor in the group, and the score identifies with the number of false confessions by exoneration from each state (SPSS data view Appendix C).

- The independent variable - (level of measurement -numeric) Group (group 1- state w laws; group 2- states without laws)
- The dependent variable -(level of measurement - numeric) score (number of false confessions in each state).
- Statistical test - An independent-sample t-test was performed to see if there is a difference in false confession counts between states with laws and states without laws.

Interpreted results.

There was a statistically significant difference in the scores for states with laws (Mean=.778, Standard Deviation=2.00) and states without laws (M=2.88, SD=3.89) conditions;  $t(52)=-2.50, p = 0.015$ . The study found that states with recording laws influence the number of false confession convictions. Specifically, the results suggest that states with interrogations recording laws have statistically significantly lower false confessions than states without recording laws. These numbers were pulled from the SPSS output for the independent sample t-test shown in table 4. The table's highlighted numbers are the data used to answer the research question. Appendix C shows the data view entry to get the output. The numbers and letters explain the table. The “M” stands for the mean of the two groups (group 1, state w laws; group 2, states without laws). So, the .778 mean for states with laws is the average score for group 1. Group 2 average mean score is 2.88. The “SD” stands for standard deviation, which lets you know how far each score is from the mean. From this particular output, each number of false confessions in each state (group 1) is about 2.00 scores from the .778 mean average and 3.89 scores from group 2’s 2.88 mean. The “T” is the t-distribution and lets you know if the test outcome happened by chance. In terms of this specific test, the independent t-test, “T,” is defined by the degrees of freedom (df). The df indicates how the amount of data the test contains. So, in this test, there are 52 individual values. The "P" in this outcome represents the tests' significance level and determines whether the hypothesis is true or false.

*Table 4*  
*Group Statistic, Research Question 1 Output*

Group Statistics					
	Group	N	Mean	Std. Deviation	Std. Error Mean
Score	1	27	.7778	2.00640	.38613
	2	27	2.8889	3.89609	.74980



Table 5  
Independent Samples Test, Research Question 1 Output

		Independent Samples Test								
		Levene's Test for Equality of Variances		t-test for Equality of Means					95% Confidence Interval of the Difference	
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	Lower	Upper
Score	Equal variances assumed	9.218	.004	-2.503	52	.015	-2.11111	.84339	-3.80349	-.41873
	Equal variances not assumed			-2.503	38.884	.017	-2.11111	.84339	-3.81718	-.40504

- The study's next question is whether the states have reduced their convictions for false confessions since the law was passed.

The number of false confession convictions will determine the frequency of false confessions before and after recording interrogation laws passed in each state. To determine so, an SPSS dependent t-test will be conducted to compare the difference between the mean score of two separate measures of the same sample (Abu-Bader, 2010). The dates of adopted laws were confirmed from sources such as the International Journal of Police Science & Management and Rocky Mountain Innocence Center. The following results were obtained from the national registry of exonerations. Using the date that the law passed, the date will determine what year to filter in the database. For example, Alaska's recording interrogation law was passed in 1985, making it the first state to pass this law. In the exoneration registry database, Alaska, years 1984 and 1986 will be filtered out of the entire data. Analyzing the year prior and one year immediately after, the results are low. Out of the 27 states, only three states produced data (Table 6).

*Table 6*  
*One Year Before and After Data Results*

Law passed	State	Race	Age	Conviction	Gender
2003	Illinois	Black	19	2004	Male
		Black	47	2004	Male
		Black	26	2002	Male
		Hispanic	15	2002	Male
2009	Missouri	Black	17	2008	Male
2005	Wisconsin	Black	17	2006	Male

With many zeros in the results for convictions the year prior and after, there was not much data to answer the research question adequately. Therefore, the time span to test the law's effect was increased to two years. Analyzing 2 years before and two years after, the results slightly increased, specifically in Illinois (Table 7).

*Table 7*  
*Two Years Before and After Data Results*

Law passed	State	Race	Age	Conviction	Gender
2003	Illinois	Black	19	2004	Male
		Black	47	2004	Male
		Black	26	2002	Male
		Hispanic	15	2002	Male
2009	Missouri	Black	17	2008	Male
2005	Wisconsin	Black	17	2006	Male

With still many zeros in convictions two years before and 2 years after the law passing, the next analysis examines a bit further to 5 years back and 5 years after laws passed. For the third analysis, a third cut-off was set in 2014 (1985-2014). Five years after 2014 put us in 2019.

*Table 8*  
*Five years before and after Data Results*

Law passed	State	Race	Age	Conviction	Gender
2013	California	Hispanic	21	2008	Male
2011	Connecticut	Black	16	2007	Male
2003	Illinois	Black	15	1998	Male
		Black	15	1998	Male

		Black	16	1998	Male
		Black	15	1999	Male
		Black	17	1998	Male
		Black	17	1998	Male
		Black	19	1998	Male
		Hispanic	17	1998	Male
		Hispanic	28	1998	Male
		Hispanic	18	2000	Male
		Hispanic	23	2000	Male
		White	24	2000	Male
		Hispanic	25	2000	Male
		Hispanic	26	2002	Male
		Black	19	2004	Male
		Black	47	2004	Male
		Black	22	2005	Male
		Black	23	2005	Female
		Black	17	2006	Male
		Black	18	2006	Male
		Black	32	2006	Male
2012	Michigan	Black	14	2008	Male
2009	Missouri	Black	17	2008	Male
2009	Montana	White	21	2014	Female
2007	North Carolina	Black	16	2002	Male
		Black	35	2003	Male
2005	Wisconsin	Black	17	2006	Male
		White	53	2001	Male

Observing the data from a 5-year span (Table 8) increased the data by including 5 more states, California, Connecticut, Michigan, Montana, and North Carolina. After evaluating the excel sheet, statistical tests were performed to provide accurate results and support or reject the hypothesis.

**Research question** - Have states with recording laws reduced their false confession rate?

To determine whether the number of false confessions has decreased since recording laws passed, the number of exonerations before and after the recording law passed were collected and compared. The time span for comparison was one year before and after, 2 years before and after,

5 years before and after, and lastly, 11 years before and after. The hypothesis was that states that pass the recording law would reduce false confession convictions.

- The independent variable - (level of measurement - numeric) false confession scores in before1, before2, and before5
- The dependent variable - (level of measurement - numeric) after1, after2, after5.
- Statistical test – A Dependent t-test (paired sample t-test) was used to answer this research question. It compares the difference between group mean scores for two repeated measures of the same sample specifically, before and after.

*Interpreted results.*

The statistical difference were as follows (paired difference table 7)

Conviction 1 =  $t(26) = .000$ ,  $p > 0.0005$

Conviction 2 =  $t(26) = -.811$ ,  $p > 0.0005$

Conviction 5 =  $t(26) = 1.79$ ,  $p > 0.0005$

Due to the means of the six test scores and the direction of the t-value, it can be

concluded that there was not a statistically significant difference in the false confession scores for the year prior and the year after. Following the 1 year before results found .11 (mean)  $\pm$  .424 (Std. dev) to the year after .11 (mean)  $\pm$  .424 (Std. dev) ( $p < 0.0005$ ); an improvement of .000  $\pm$  .277m (mean difference). The 2 year study showed an increase of .07  $\pm$  .47 (mean difference) from .111 (mean)  $\pm$  .423 (Std. dev) to .185  $\pm$  .786. The increase in means shows that two years after adopting the recording law, states with recording laws increased their false confession convictions rather than reducing them. The last test studied, 5 years before and after mean scores, went from .777(mean)  $\pm$  2.69 (Std. dev) to .296 (mean)  $\pm$  1.35m (Std. dev), totaling the mean difference of .481  $\pm$  1.39). The mean difference suggests that the conviction of false confessions reduced within five years of the law passed compared to five years before the law passing. However, according to the three significant levels of  $p = 1.000$ ,  $p = .425$ , and  $p = .085$  (all higher than 0.05), the test concludes that the statistical significance was nonsignificant.

Table 9  
Paired Samples Statistics, Research Question 2 Output

		Paired Samples Statistics			
		Mean	N	Std. Deviation	Std. Error Mean
Pair 1	ConvicBefore1	.11	27	.424	.082
	ConvicAfter1	.11	27	.424	.082
Pair 2	ConvicBefore2	.1111	27	.42366	.08153
	ConvicAfter2	.1852	27	.78628	.15132
Pair 3	ConvicBefore5	.7778	27	2.69377	.51842
	ConvicAfter5	.2963	27	1.35348	.26048

Table 10  
Paired Samples Test Research Question 2 Output

		Paired Samples Test							
		Paired Differences					t	df	Sig. (2-tailed)
		Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
					Lower	Upper			
Pair 1	ConvicBefore1 - ConvicAfter1	.000	.277	.053	-.110	.110	.000	26	1.000
Pair 2	ConvicBefore2 - ConvicAfter2	-.07407	.47442	.09130	-.26175	.11360	-.811	26	.425
Pair 3	ConvicBefore5 - ConvicAfter5	.48148	1.39698	.26885	-.07115	1.03411	1.791	26	.085

The difference was not as significant as hoped. After the t-tests were performed, it was concluded that many false confession convictions could have occurred before or after the law passed. However, they have not been exonerated yet. Additional research concluded that exonerations take a long time. On average, an exoneration occurs about 11 years after a conviction (Badami, 2016). Therefore, determining the occurrence of convictions from an exonerated list is hard to determine. The process that leads to an exoneration can be quite long

due to its requirements. To gain the attention/involvement of an Innocence Project, the convicted person must write the Innocence Project a letter asking for help only after they have used up all their appeals and are innocent. Once a letter is received, a questionnaire is set back for the person to fill out. Once filled out, it must be returned with appellate briefs and court opinion copies (here is where delays arise). If the claim of innocence is present, the case is reviewed. In the third step, interns (law students) must gather all documents related to the case, such as transcripts, expert reports, crime scene photos, appellate documents, witness statements, toxicology reports, and more (FAQ, 2019). This particular requirement is what makes the process long. Trail transcripts and documents that provide lawyers with conviction details can be difficult to track. Depending on the case's length, trial transcripts may not be easy to come across. As cases get older, documents can wander from court storages to relatives, garages, or even trashed. The trial attorney's files are also important documents that are needed. The document kept in a lawyer's file includes original police reports, charging documents, forensic reports, expert reports, the attorney's notes during the trial, filed motions, and more (Badami, 2016). Greater delays can also arise if the attorney dies without leaving their files accessible.

Witnesses also have to be tracked, and new evidence has to be brought forth (Badami, 2016). If new evidence and all appropriate documents to determine innocence can be found, legal staff, volunteer lawyers, and the case review committee will begin to review the case and proceed to the fourth and final step. Through this final step, the Innocence Project will accept the case, start an investigation, and act as a legal representative (FAQ, 2019).

After learning that the exoneration process can take up to eleven years, an in-depth analysis was encouraged. For that reason, the collected data was explored for 11 years to determine if the average exoneration period affected the law's effectiveness to then determine the

result on states with recording laws reducing their rate of false confession to be significant at eleven years. From 2013 to 2019, some laws were recently passed. Therefore, the study's participants only included the states whose laws were passed between 1985 to 2010. Ending in 2010 allows the eleven-year study period to end in the current year, 2021.

- The independent variable - (level of measurement - numeric) false confession scores in ConvicBefore11
- The dependent variable - (level of measurement - numeric) ConvicAfter11
- Statistical test – A Dependent t-test (paired sample t-test) was performed. This test compares the difference between group mean scores for the before and after of the same sample's two repeated measurements.

*Interpreted results.*

*The statistical difference were as follows (paired difference chart): Conviction 11 =  $t(27) = 1.16$ ,  $p > 0.0005$*

The last test looked at convictions 11 years before and 11 years after the recording laws were passed. The means went from 11 years before 2.11 (mean)  $\pm$  8.27 (Std. dev) to 11 years after .63 (mean)  $\pm$  1.80 (Std. dev), totaling the mean difference of  $1.48 \pm 6.58$ ). The differences in means (ConvicBefore11 and ConvicAfter11) signify a difference in false confession convictions since the law passed. The difference implies that there has been a reduction, though the significance level stands at  $p = .253$ . This result indicates that more research needs to be conducted before the hypothesis can be confidently accepted or rejected.

*Table 11*  
Paired Samples Statistics, Research Question 1 Output

		<b>Paired Samples Statistics</b>			
		Mean	N	Std. Deviation	Std. Error Mean
Pair 1	ConvicBefore1 1	2.11	27	8.271	1.592
	ConvicAfter11	.63	27	1.801	.347

Table 12

Paired Samples Test, Research Question 1 Output

**Paired Samples Test**

Paired Differences

		Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference		t	df	Sig. (2-tailed)
					Lower	Upper			
Pair 1	ConvicBefore11 - ConvicAfter11	1.481	6.589	1.268	-1.125	4.088	1.168	26	.253

**Summary**

Although there were not as many exonerations for false confessions after recording laws had passed, the question of how false confessions continue to occur after laws have been passed to record interrogation came to light the end of the analysis. Additional research concluded that suspects still willingly confess falsely. Kassin and five other researchers performed a study to determine if video recording interrogations would influence a suspect's actions or decision-making. This study's participants included real interrogational suspects from a small Northeastern city's police department that recorded interrogations regularly, sometimes without informing the suspect. Randomly selected, the study's participants were divided into two. One group knew they were being recorded, while the other group did not. The research's final result is that those who are aware of being recorded, like those who do not know being recorded, show low consciousness by speaking, giving up their Miranda rights, and confessing. None of the notified suspects refused or hesitated to continue the interrogation (Kassin, Russano, Amrom, Hellgren, Kukucka, & Lawson, 2019).



## Chapter 5: Conclusion and discussion

### **Introduction**

From the findings in chapter 4 using quantitative methods, we now know that states with recording laws will have fewer false confessed convictions than states without recording laws. After states passed their recording laws, they had fewer false confessed convictions. We also know that while recording interrogation has a major effect in less false confession, it may not be the factor. Based on the studies purpose to determine if is there a significant difference between states with recordings laws and state without recording laws and if states with recordings laws have reduced their rate of false confession, this chapter will discuss the research limitations, recommendations, and the area of focus for future research base on the findings. The findings consistent with the literature will also be discussed.

### **Limitations**

This study encounters a few limitations. An issue with the sample size, instrument utilized to collect data, and limited access to current incarcerated data are present. First is that the sample population was drawn from closed cases of exoneration. Looking through the exoneration population narrowed the sample to only those exonerated. According to prison policy initiative reports, 2.3 million people are the property (prison, jail, detention, etc.) of the American criminal justice system (Sawyer & Wagner 2020). While the exact number is unknown, it has been said that approximately 1% of the prison population is innocent people. This means of the 2.3 million, about 23,000 innocent people are incarcerated (Schwartzapfel, & Levintova, 2011). Then the total amount of exonerees since 1989 is taken into consideration, 2749 exoneree is about 12% of the incarcerated innocent population. This means about 87% of innocent people are missing from the study's sample because they have not yet been exonerated.

The leaves those innocent and currently incarcerated for false confession are excluded from the study. Which then affected the result. Small sample populations are difficult to obtain statistical significance.

The next limitation this study must consider is each state's population individually. State with higher exoneration counts before or after their laws passed may not mean that recording interrogations are ineffective. However, it can just mean that a state will have many exonerations because they have a large population.

The last limitation stems from the research's goal to encourage other states to record their interrogation interviews to lessen false confessions. Budgeting for electronic recording devices, equipment, and necessary employee training are some of the reasons why some states are not interested in recording interrogations. Knowing that hypothesis 2, recording interrogation cannot confidently prove a reduction in wrongful convictions, it can deter other states from recording interrogations; however, it serves many other benefits.

### **Benefits**

The biggest advantage recording an interrogation provides is a true sense of what actually transpired during the interview between the suspect and officer(s). Awareness of recording can prompt officers to use appropriate tactics and steer away from inappropriate interviewing behaviors (Sullivan, 2005). Recording interrogations has been the number one recommended way to reduce the false confessions that lead to wrongful imprisonment. While recording interrogation interviews is a great method to reducing false confessions, the advantages of recording interrogation go far beyond reducing false confessions. In fact, recording interrogations can save years of a suspect's life, allow the public to feel safe, builds trust in the

criminal justice system, protects and teach law enforcers and prosecutors, and even save taxpayers' dollars from lawsuits (Sullivan, 2005 and The Justice Project, 2020).

#### *Law enforcers/prosecutors*

Record interrogations also serve as a good thing for law enforcers and prosecutors. Recording grants officers the opportunity to concentrate solely on the interview and suspect's behaviors and statements and not have to worry about taking notes. The recording also allows officers to go back and retrieve missed information and recollect their memory. Lastly, recordings can teach and train instruction manuals for new officers and experienced officers. Such footage can teach what to avoid (Sullivan, 2005).

#### *Public trust and safety*

When the public knows that interrogations are recorded, their trust in police, detectives, and the overall criminal justice system procedures increases. The recording lets them know that everything was collected right, and nothing is being hidden(Sullivan, 2005). Recording interrogation can help single out innocent individuals, convicting the true criminal. In cases like the Central Park Five and Jerry Frank Townsend, who was wrongfully convicted, left the real criminal to commit four more rapes and two more murders. Convicting the true suspect makes the public feel safe by reducing potential harm from the criminal (The Justice Project, 2020). Civil lawsuits from wrongful convictions can cost a state anywhere from hundreds of thousands of dollars to millions (The Justice Project, 2020). This then allows taxpayer dollars to be used for something beneficial to the public instead of correcting law enforcers' and prosecutors' mistakes.

#### **Recommendation**

The ultimate goal is reducing false confessions and building back faith in the criminal justice system by avoiding wrongful convictions. At the beginning of this research, this study

intended to observe a massive difference in recording interrogations (reduced false conviction) after the laws were passed so that other states may implement interrogation recording laws.

Though there was a difference in means, the significance level does not confidently support the observed difference. For that reason, additional studies must be considered because a difference was still noticeable; however, recording interrogations may not be the only reason they have lower rates of a false confession than states that do not record interrogations.

Recommending the other states that do not record interrogation is still highly advised because the result ultimately reveals that there is a difference in the long run. Results show a reduction of wrongful convictions in false confessions. Therefore it is recommended that states implement such laws. In addition to recommending the states that are not required by law to record their police interrogations, more recommendations are needed. To put an end to false confessions, a multi-dimensional solution is needed. Meaning, to stop the occurrence of false confession, multiple policies must be put in place to reach a goal.

New ways to reduce false confessions should be put to action because they still occur and have stolen many years of life from exonerees. A suggested policy recommendation to reduce convictions by false confession is the court's admissibility of false confession testimony experts. On a Zoom interview that took place November 3, 2020, with Nan Feyler (interviewee), Executive Director of the Philadelphia Innocence Project, I learned about one particular policy that the organization was seeking to have implemented. Nan Feyler discusses how in Pennsylvania, an eyewitness analyst can get on the stand in court and tell jurors how mistakes can happen. However, a false confession analyst cannot take the stand and share reasons why defendants may make a false confession. During the analysis in chapter 4, it was discovered that false confessions will still occur even when suspects are aware they are being recorded, whether

voluntary or compliant. As a last result, to persuade jurors if the defendant is truly innocent, the defendant's lawyer should call forth a false confession analyst to explain to the jurors how false confession can be produced.

Custodial confessions during interrogations are powerful evidence for a prosecutor. Being such an important piece for prosecution, if a defendant wishes to challenge the authenticity of their confession during a trial with a testimony expert, a prosecutor will go against the testimony expert's admissibility. Judges are well-informed of the occurrence of false confessions so they may allow an expert to testify (Watson, Weiss, & Pouncey, 2010). A false confessions testimony expert may be admissible in court if it pertains to the defendant's mental state, a broad explanation of the matter, or a specific discussion on the particular factors present in the defendant's confession (Perez, 2012). However, the notion of a false confession testimony expert in court is complicated, mainly because an innocent person would not incriminate themselves by admitting to something they did not do (Perez, 2012). When a defendant's requests go against the authenticity of their own confession, a testimony expert is needed to cast the jury's doubt. However, this can be difficult to prove or be permitted in court if a false confession was produced voluntarily and no police misconduct (Watson, Weiss, & Pouncey, 2010).

Conducted studies have shown how an innocent person can falsely admit to a crime even when no physical abuse or manipulation has occurred. So, expert testimony on false confessions should be allowed in court at the defense lawyer's discretion to explain. An expert should be allowed, especially if the confession occurred before the defendant acquired a lawyer.

In a crime investigation course, CRIM JUST 340 CRIM INVEST, Bloomsburg University, Spring, 2014 I learned about eyewitness misidentification (another type of wrongful

conviction). The lesson was taught with a video that tested the memory to identify. The video explained how a person could be crossing the street with a black sweatshirt and shorts. However, a nearby witness can believe that the person crossing the street was wearing a black jacket with jeans. Our own memory may not always be true, as we think eyewitness experts are often used in court to let the jurors and members of the court know how simple it is not to remember what you just saw. For these reasons, expert testimony on false confessions should be allowed in court at the defense lawyer's discretion. Depending on what made the defendant confess, whether it be persuasion, contamination, isolation, confrontation, or fear, if an expert can discuss the theory and history behind how the defendant's falsely confessed, it can sway the juror thinking and ultimately end the wrongful conviction of false confession.

Referring back to the literature that describes existing literature and examples on case studies concerning how long interrogation produces a false confession, reducing interrogation length is the first recommendation. In the Michael Crowe case (mentioned on pg. 28), we see that after nine hours of extensive interrogation, Crowe begins to think that he killed his sister after he was told there was large physical evidence against him. Similarly, in the Central Park Five case (pg. 31), they all also falsely confess after 14-30 hours of interrogation (Redlich & Kassin, 2009). Examples of these cases, along with articles published by the National Registry of Exonerations (2015), we know how long interrogations play a role innocent people falsely confessing. After several hours, suspects become tired, fatigued, and say anything so they can be released. The literature also shows that when detectives need to find a suspect during serious crimes, interrogations are prolonged (National Registry of Exonerations, 2015).

According to Cutler & Leo (2016), interrogations that last over six hours usually result in a false confession. An empirical study points out that most custodial interrogations generally last

less than an hour Cutler & Leo (2016). Therefore there should be a maximum number of hours in which interrogation should not go over. Because Cutler & Leo (2016) states most false confessions happen after six hours, a law must be passed where interrogation cannot be over 3 hours to reduce the incidence of false confessions. Ives (2007) also suggest that reducing the length of interrogations leaves less chance of potential pressure, voluntarily statements, or compliance (Ives, 2007)

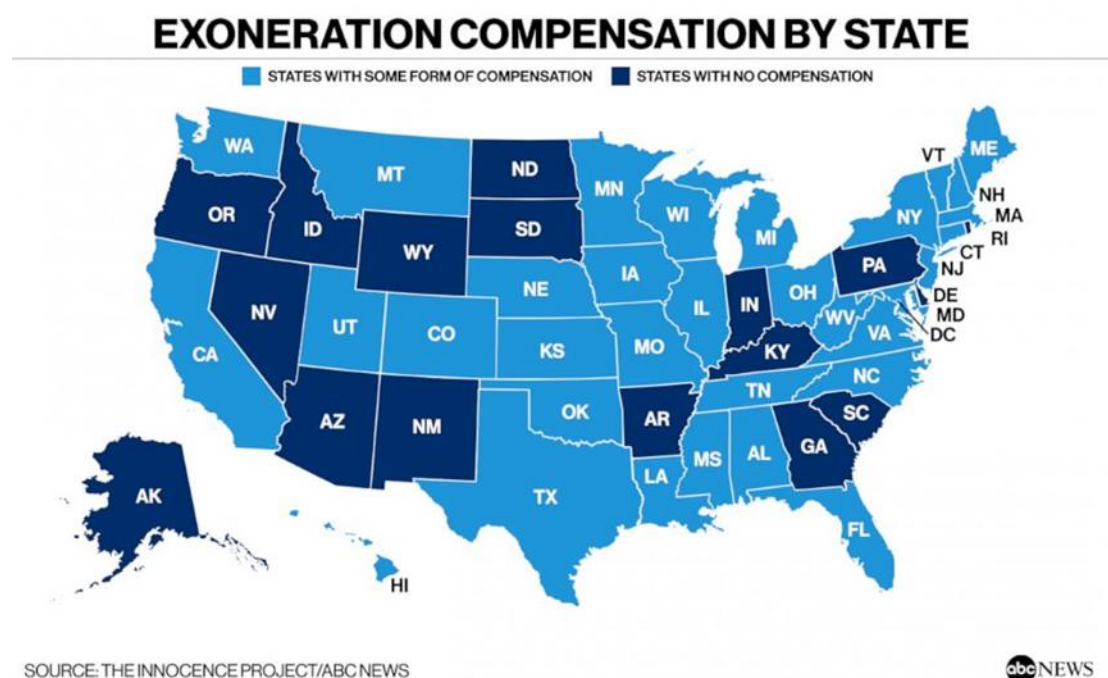
### **Future research**

A difference of means can positively confirm that states with interrogation recording laws (since passed) have fewer false confessions than the states that do not have recording laws. It can also confidently confirm that states with interrogation laws had lower means of false confession 2 years, 5 years, and 11 years after the law passed. However, due to nonsignificant levels of  $p = .05$ , further research must be done. The quantitative test results from chapter four let us know that recording interrogations are not the only reason states with the laws had lower means. What needs to be studied next is what else caused these states to have lower means than the states that do not record interrogation laws.

The first potential area to explore should determine if there is a relationship between state compensation for wrongful imprisonment and false confessions. Since this research study confirms that recording interrogation laws is not the only factor to lower false confessions, further research can explore if state compensation and interrogation laws positively impact low false confession convictions. As of 2019, 17 states have no exoneration laws, meaning those states do not compensate exonerees that the state unjustly imprisons (Keneally, 2019). Of the 17 states that do not compensate exonerees, 13 states do not have interrogation recording laws. A quick first assumption is that states with compensation and recording interrogation laws have

fewer false confessions. This theory is worth exploring because it adds an extra independent variable (state compensation). To present this study, an SPSS two-way ANOVA test can be performed. Using a two-way ANOVA, you can test if two independent variables will affect a dependent variable. Below is figure C, from ABC News, 2019 showing the 17 states that do not compensate. This map can be compared to Figure B (page. 42), which shows which states do not have recording interrogations laws.

*Figure C. Exoneration Compensation by State*



Another additional advised research to explore would be District Attorney involvement in prosecuting. According to Cornell Law School's legal definition, a district attorney is a government-elected lawyer representing a district within a state. Their role is to evaluate police arrest reports, determine criminal charges, and indicting criminal cases (District Attorney, n.d)

Depend on their goals, I believe it can affect the number of convictions, specifically, false confession wrongful imprisonment in a particular state and county. For example, Philadelphia's



former District Attorney, Lynne Abraham, was known for being tough-on-crime for her frequent seek of maximum punishment and death sentences (Jackman, 2019). For a district attorney with this reputation, high conviction rates are expected. The current District Attorney of Philadelphia, Larry Krasner, aims to re-examine cases with possible police or prosecutorial misconduct and defective science (Jackman, 2019). Since he took office in 2018, his office has exonerated 18 people. (Melamed, 2021). Whether a district attorney's office is lenient or tough on crime can affect a state's wrongful conviction rate or exoneration rate. Therefore this would be useful research to explore as further research on the occurrence of false confession.

### **Conclusion**

This study addressed factors that lead to false confessions in wrongful convictions. Literature explained that deprivation, coercion, violence, and the fabrication of evidence in interrogations room could lead an innocent person to confess falsely. For that reason, twenty-seven states have passed a law to have custodial interrogations electronically recorded. The purpose of this study was to determine the rate of false confession through the number of exonerees within states that mandate police interrogation recordings and states that do not. This study also aimed to determine if states requiring interrogational recording have seen a decrease in false confessions and guilty pleas.

My wish for this dissertation is to enlighten one on false confession factors or the effectiveness of recording interrogation and stimulate further research that will make the chance of a wrongful conviction by false confession impossible and nonexistent. Life is very precious and ultimately short. No one should be put in a position where they falsely confess and be convicted for a crime they did not commit. That allows the real criminal to commit more crimes, and it serves no justice. It also undermines the public's trust in the criminal justice system.

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**Figures**

Figure 1 Self Defense Fund. (2018). How much does it cost to have a court trial? Retrieved

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## Appendices

**States required to record interrogations.**

*Year law was passed and  
Number of false confession convictions before and after law  
based on the exonerated registry*

State	Year	Convictions before	Convictions after
Alaska	1985	0	2
California	2013	10	1
Colorado	2016	2	0
Connecticut	2011	4	2
D.C	2006	1	0
Illinois	2003	91	10
Indiana	2009	5	0
Maine	2013	0	0
Massachusetts	2004	5	1
Maryland	2008	2	0
Michigan	2012	10	0
Minnesota	1994	0	0
Missouri	2009	6	0
Montana	2009	1	1
Nebraska	2008	5	0
New Mexico	2006	0	0
New jersey	2005	4	0
North Carolina	2007	10	1
Oregon	2010	1	0
Utah	2015	1	0
Vermont	2014	0	0
Wisconsin	2005	7	3
Kansas	2017	1	0
Nevada	2019	4	0
New York	2017	44	0
Oklahoma	2019	5	0
Texas	2017	14	0



### States With Recording Laws Basic Demographics

#### Alaska-

Race	Age	Year	Sex
Native American	20	1999	Male
Native American	17	1999	Male

#### California-

Race	Age	Year	Sex
White	22	1987	Male
Black	25	1987	Male
Hispanic	21	1998	Male
White	43	1999	Male
Hispanic	21	2008	Male
Black	37	1990	Male
White	30	1985	Female
Black	32	1995	Male
Hispanic	23	1995	Male
Hispanic	13	2013	Male
Black	23	2000	Male

#### Colorado-

Race	Age	Year	Sex
Hispanic	14	2000	Male
White	28	2004	Female

#### Connecticut-

Race	Age	Year	Sex
Unknown	44	2018	Female
Black	16	2007	Male
White	41	1992	Male
White	42	1973	Male
Black	24	2018	Female
White	18	1998	Male

#### D.C.-

Race	Age	Year	Sex
Black	17	1994	Male

#### Illinois-

Race	Age	Year	Sex
Black	14	1961	Male
White	14	1996	Male
Black	14	1988	Male
Black	14	1994	Male
Black	14	1977	Male
Black	14	1997	Male
Black	15	1995	Male
Black	15	1998	Male

Black	15	1993	Male
Black	15	1999	Male
Black	15	1998	Male
Black	15	2002	Male
Black	15	1995	Male
Black	16	1994	Male
Black	16	1997	Male
Black	16	1994	Male
Black	16	1998	Male
Black	17	1998	Male
Black	17	2006	Male
Black	17	1995	Male
Black	17	1994	Male
Black	17	1998	Male
Black	17	1995	Male
Black	17	1998	Male
Black	17	1992	Male
White	17	1987	Male
Black	17	1988	Male
Black	17	1976	Male
Hispanic	17	1998	Male
Black	17	1978	Female
Black	17	1995	Male
White	18	1989	Male
Black	18	2011	Male
Black	18	1994	Male
Black	18	1985	Male
Black	18	2006	Male
Hispanic	18	2000	Male
Hispanic	18	2014	Male
Black	19	1994	Male
Hispanic	19	1993	Male
Black	19	1992	Male
Black	19	2004	Male
Hispanic	19	1985	Male
Black	19	1989	Male
Hispanic	19	1985	Male
Black	19	1998	Male
White	19	1982	Male
Black	19	1990	Male
Black	19	1991	Male
Black	20	1985	Male
Hispanic	20	1995	Male

Black	20	1995	Male
Black	20	1991	Male
Black	20	1996	Male
Black	21	1989	Male
Black	21	1983	Male
White	21	1989	Male
Black	21	1987	Male
Black	21	1985	Male
Black	22	1986	Male
Black	22	1990	Male
Black	22	2005	Male
Hispanic	22	1995	Male
Hispanic	22	1982	Male
Hispanic	23	2000	Male
Black	23	1994	Male
Black	23	1991	Male
Black	23	2005	Female
White	24	2000	Male
Black	25	1997	Male
Hispanic	25	2000	Male
Black	26	1997	Male
Black	26	1990	Male
White	26	1982	Male
Hispanic	26	2002	Male
White	27	1989	Male
Black	28	1988	Male
Hispanic	28	1999	Male
Black	28	1983	Male
Black	29	1986	Male
Black	30	1994	Male
Black	30	1997	Male
Black	30	1983	Male
Black	31	1994	Male
Black	32	2006	Male
]Black	32	1999	Male
Black	32	1985	Male
Black	34	1989	Male
Hispanic	35	1991	Male
Black	35	1984	Male
Black	37	1990	Male
Black	38	1996	Male
Black	38	1990	Male
White	39	1997	Male

White	41	1993	Male
Black	41	1999	Male
Black	43	1986	Female
Black	44	1996	Male
Black	45	1997	Male
Black	47	2004	Male
Black	47	2013	Male

**Indiana-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	30	1991	Male
White	14	1977	Male
White	27	1990	Male
White	32	1991	Male
White	42	1995	Male

**Maine**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
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**NONE EXOERATED FOR FALSE CONFESSIONS****Massachusetts-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Asian	17	2011	Female
White	23	1984	Male
White	17	1987	Male
White	36	1990	Male
White	18	1989	Male
Hispanic	24	1983	Male

**Maryland-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	23	1991	Male
White	28	1989	Male

**Michigan-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	14	2008	Male
Black	17	1998	Male
Black	18	1995	Male
Black	18	1995	Male
White	21	1998	Male
Black	23	1997	Male
Black	26	2006	Male
White	29	1999	Male
Black	34	1985	Male
Black	35	2000	Female

**Minnesota-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
-------------	------------	-------------	------------

**NONE EXOERATED FOR FALSE CONFESSIONS**

**Missouri-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	16	1998	Male
Black	17	2008	Male
White	20	1987	Male
Black	25	1983	Male
White	37	1996	Male
White	39	2000	Male

**Montana-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	21	2014	Female
White	31	1995	Male

**Nebraska-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	19	1990	Male
White	20	1989	Male
White	21	1989	Female
White	24	1956	Male
White	26	1989	Female

**New Mexico-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
-------------	------------	-------------	------------

**NONE EXOERATED FOR FALSE CONFESSIONS**

**New jersey-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	20	1996	Male
Black	24	1988	Male
Black	28	1996	Male
Black	30	1996	Male

**North Carolina-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	15	1984	Male
Black	16	2002	Male
Black	18	1976	Male
Black	19	1984	Male
Black	20	2001	Male
Black	20	2001	Male
Black	25	1993	Male
Black	26	1988	Male
Black	27	1988	Male
Black	35	2003	Male
White	37	2013	Male

**Oregon-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
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White	57	1991	Male
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**Utah-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Hispanic	40	2004	Female

**Vermont-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
-------------	------------	-------------	------------

**NONE EXOERATED FOR FALSE CONFESSIONS**

**Wisconsin-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	16	1997	Male
Black	17	2006	Male
Black	20	1996	Male
White	24	1997	Female
Black	25	2005	Male
White	27	1991	Male
White	29	1990	Male
White	38	1990	Male
Hispanic	43	2014	Male
White	53	2001	Male

**Kansas-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	22	1982	Male

**Nevada-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
White	18	2002	Female
White	26	1980	Female
White	28	1995	Male
White	33	1993	Male

**New York-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	14	1990	Male
Black	14	1990	Male
Black	14	1990	Male
Hispanic	14	1990	Male
Black	14	1986	Male
Black	15	1994	Male
Black	16	1986	Male
Black	16	1993	Male
Black	16	1990	Male
White	16	1990	Male
Hispanic	16	1997	Female
Black	16	1991	Male
Black	17	1976	Male
Black	17	2009	Male

White	17	1990	Male
Black	18	1976	Male
Hispanic	18	1991	Male
Black	18	1994	Male
Black	18	2007	Female
Black	19	1999	Male
White	19	1986	Male
Black	19	1998	Male
Black	19	1997	Male
White	20	1989	Male
Hispanic	21	2002	Male
Black	21	1980	Male
Black	21	1997	Male
Black	21	1973	Male
Hispanic	22	2006	Male
Black	23	1989	Male
Asian	23	2005	Male
Black	24	1973	Female
Black	24	1997	Male
White	25	1991	Male
White	25	1992	Male
Black	26	1976	Male
Black	26	2009	Male
White	28	2004	Male
White	29	1996	Male
White	30	1985	Male
Black	32	2004	Male
Black	32	1996	Male
Black	33	1998	Female
White	34	1997	Male

**Oklahoma-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Native American	17	1995	Female
Black	18	2005	Male
White	26	2009	Male
Black	27	1988	Male
White	29	1988	Male

**Texas-**

<u>Race</u>	<u>Age</u>	<u>Year</u>	<u>Sex</u>
Black	11	1996	Female
Hispanic	16	1995	Male
White	17	2001	Male
White	17	2002	Male
White	19	1993	Male
White	20	1994	Male

White	21	1994	Male
Hispanic	22	1989	Male
White	22	1994	Male
Hispanic	23	2009	Male
White	25	1993	Male
White	32	1992	Male
Black	33	1966	Male
Black	39	2000	Male



## SPSS Data View: Question #1

Question # 1 Data	
Group	Score
1	1
1	0
1	2
1	0
1	10
1	0
1	0
1	0
1	0
1	0
1	1
1	0
1	0
1	0
1	1
1	0
1	0
1	0
1	0
1	0
1	0
1	0
1	1
1	0
1	0
1	0
1	0
1	0
1	3
2	2
2	2
2	3
2	0
2	9
2	2
2	1
2	1
2	1
2	1
2	3
2	6
2	5
2	0
2	1
2	2
2	13
2	0
2	0
2	0
2	0
2	2
2	0
2	11
2	12
2	0
2	1

## SPSS Data View: Question #2

Question # 2 Data					
Before 1	After 1	Before 2	After 2	Before 5	After 5
0	0	0	0	0	0
0	0	0	0	1	0
0	0	0	0	0	0
0	0	0	0	1	0
0	0	0	0	0	0
2	2	2	4	14	7
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	1	0
0	0	0	0	0	0
1	0	1	0	1	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	2	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	1	0	1	1	1
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0

Question #2.1 Data	
Before 11	After 11
0	2
0	0
0	0
0	0
0	0
43	9
0	0
0	0
0	1
0	0
0	0
0	0
3	0
0	1
0	0
0	0
3	0
4	2
0	0
0	0
0	0
4	2
0	0
0	0
0	0
0	0
0	0

## CITI Certification



Completion Date 04-Nov-2020  
Expiration Date 04-Nov-2023  
Record ID 33187820

This is to certify that:

**Nana Owusu**

Has completed the following CITI Program course:

**Social & Behavioral Research - Basic/Refresher**

(Curriculum Group)

**Social & Behavioral Research - Basic/Refresher**

(Course Learner Group)

**2 - Refresher Course**

(Stage)

Not valid for renewal of certification  
through CME.

Under requirements set by:

**West Chester University of Pennsylvania**

**CITI**  
Collaborative Institutional Training Initiative

Verify at [www.citiprogram.org/verify/?wc52855c9-ee60-444b-8e9f-0506b75dc7ef-33187820](http://www.citiprogram.org/verify/?wc52855c9-ee60-444b-8e9f-0506b75dc7ef-33187820)

## IRB Approval



Office of Research and Sponsored Programs | West Chester University | Ehinger Annex  
 West Chester, PA 19383 | 610-436-3557 | www.wcupa.edu

**Protocol ID # 20201214A**

*This Protocol ID number must be used in all communications about this project with the IRB.*

TO: Nana Owusu  
 FROM: Nicole M. Cattano, Ph.D.  
 Co-Chair, WCU Institutional Review Board (IRB)  
 DATE: 12/10/2020

Project Title: Procedures that Increase Wrongful Convictions: False Confession

**Notification of Initial Study Exemption Determination**

**Exempt From Further Review**

This Initial Study submission meets the criteria for exemption per the regulations found at 45 CFR 46.104 (3)(i). As such, additional IRB review is not required.

The determination that your research is exempt does not expire, therefore, annual review is not required and no expiration date will be listed on your approval letter. If changes to the research are proposed that would alter the IRB's original exemption determination, they should be submitted to the WCU IRB for approval, using the IRB application form (check off I.G. Revision).

Your research study will be archived 3 years after initial determination. If your Exempt study is archived, you can continue conducting research activities as the IRB has made the determination that your project met one of required exempt categories. The only caveat is that no changes can be made to the application. If a change is needed, you will need to submit a NEW Exempt application. Please see [www.wcupa.edu/research/irb.aspx](http://www.wcupa.edu/research/irb.aspx) for more information.

However, it is very important that you close-out your project when completed or if you leave the university. Faculty mentors are responsible for oversight of student projects and should ensure exempt studies are completed and closed-out before the student leaves the university.

The Principal Investigator and/or faculty mentor is responsible for ensuring compliance with any applicable local government or institutional laws, legislation, regulations, and/or policies, whether conducting research internationally or nationally. Please contact the WCU Office of Sponsored Research and Programs at [irb@wcupa.edu](mailto:irb@wcupa.edu) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole M. Cattano".

Co-Chair of WCU IRB

WCU Institutional Review Board (IRB)  
 IORG#: IORG0004242  
 IRB#: IRB00005030  
 FWA#: FWA00014155