

Vulnerability: What Characteristics Can Predict a False Confession?

An Honors Thesis (HONR 499)

by

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Abstract

According to the Innocence Project, approximately 30% of all DNA exonerations involved a false confession on behalf of the defendant. Scholars have found these false confessions are attributed to contextual factors, such as abuse from interrogators, sleep deprivation, and isolation over extended periods of time. The current research will build upon the existing literature by examining individual factors that may show risk for providing a false confession. I analyzed a sample of 460 wrongful conviction cases accessed from the National Archive of Criminal Justice Data ("Social Science Research of Wrongful Convictions and Near Misses, 1980-2012"). In the use of this data, I sought to answer the research question, "What suspect characteristics can predict a false confessor?" Beyond demographics, this study analyzed suspects' prior criminal history, victim-offender relationship, the presence of a cognitive impairment, and the presence of a co-perpetrator's confession. The study's major findings included that those with a cognitive impairment or intellectual disability and those whose co-perpetrators gave a confession were more likely to give a false confession, while those suspects who had any relationship with the victims were less likely to give a false confession.

Keywords: false confession, defendant, interrogation, interrogator, conviction, characteristics.

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PROCESS ANALYSIS STATEMENT

I first became intrigued by the topic of false confessions back in the Fall of 2019 when I took a criminal justice course with Dr. Taiping Ho on Ethics and Decision Making. Our final project was to pick a topic from an existing list and create a presentation and report on whichever ethical issue in the criminal justice system that we chose. I chose the topic of false confessions and the Reid Technique and it inspired a question: is it possible to predict an individual that is more susceptible to giving a false confession during a Reid interrogation? I thought if so, measures could potentially be put in place to protect those individuals. From there, my thesis project idea was born and I set out to do a research analysis on suspect characteristics being predictive of a false confessor.

Perhaps the most difficult part of the project was finding existing literature on the topic of false confessions, and finding an existing data set that could be used for my purposes. There is surprisingly little literature solely on the topic of false confessions; most literature centers around the Reid Technique and how it is theorized to produce false confessions. I spent many hours searching online databases like JSTOR and WorldCat, trying to find literature that would suit my needs for the project. Once I finally found a data set that I felt would work for my project, there were a few hoops that I had to jump through to be able to use it. I ended up reaching out to Dr. James Jones in the department of Research and Academic Effectiveness to help me. Because of the restrictions on the data set, Dr. Jones actually was the only one who was able to view the data. I was able to look at the codebook, which was how I selected what variables I wanted to use in my analysis, but Dr. Jones was the one who ran the analyses. Once he had the numerical results of the analyses, we worked together to interpret them. This was a challenge for me, as I felt as though I wanted to do these analyses, but I knew that I had to respect the rules of the ICPSR, which is where the data set came from.

After having the analytical portion of my thesis project done, I knew that it was time to select an advisor so that I could begin putting the pen to paper. Dr. Benjamin Gibbs of the Criminal Justice Department felt like an obvious choice to me – I had taken multiple classes with him, including a statistics class, and I knew that he was a published researcher, so he was familiar with the undertaking of writing an APA research paper. We began working together in the Spring of 2020, right before the COVID shutdown, so it was not until the Fall of 2020 when we really were able to work together (via Zoom, mostly). From there, the process was cyclical – I would write a section, submit it to Dr. Gibbs for review, and we would meet via Zoom to discuss my work and his suggested edits. We repeated that process for each section of the paper: the literature review, the data and methods section, the results, and the discussion and conclusion. We worked together, also, to create the tables in the paper and further interpret the results and the implications of those results.

I certainly learned a lot about myself while writing my thesis. I learned that I struggle with learning and collaborating virtually – I wish that it was something we could have done in person! I learned that this is a topic that I am passionate about – I believe that I did important and meaningful work here and that my findings could eventually lead to helping establish protections and safeguards in the criminal justice system for individuals who are more susceptible to giving a false confession.

Vulnerability: What Characteristics Can Predict a False Confession?

Introduction

False confessions have long presented a quandary for the American criminal justice system. They are among the leading causes of wrongful convictions in the United States. It is difficult to know at exactly what rate suspects falsely confess, research has shown that somewhere between 30-40% of wrongful convictions are due to false confessions (Garrett, 2011). False confessions lead to taxpayer dollars paying to incarcerate innocent people, costly reparation payments made to the falsely incarcerated post-release, and the loss of valuable time, life, and freedom for the individuals. More so, when the wrong person confesses, the true perpetrator slips through the cracks of the system, and justice goes unserved.

False confessions may seem counterintuitive; logically, no one should confess to a crime that they did not commit. Many different scenarios may engender a suspect to falsely confess to a crime. The suspect may believe that providing a confession, regardless of the validity of the statement, will end the interrogation and allow them to go home, that the interrogator has psychologically manipulated the accused into thinking that the suspect is guilty, or that the interrogator has promised leniency or to cut the suspect a deal in exchange for cooperation – a confession. Additionally, there may be groups or sub-groups in the population that are more likely to falsely confess to a crime during an interrogation. Demographics and other individual-level characteristics may leave a suspect vulnerable to providing a false confession. Prior research has shown that certain groups in the population are more (or less) vulnerable; juveniles (Cleary & Warner, 2016), those with cognitive impairments or intellectual disabilities (Jones, 2007), those who are not fluent in the English language or experience a language barrier

(Harley, 2014), those whose co-perpetrators gave a confession (Ofshe & Leo, 2021), those who did not graduate high school (Alexander, Natriello, & Pallas, 1985) and those suspects who have a relationship with the victim (National Academies of Sciences, Engineering, and Medicine, 2015).

The research of false confessions is limited (Garrett, 2011). Much of the existing literature focuses on the topic of the Reid Technique, the primary American technique of interrogation (Gallini, 2010), and environmental factors that contribute to false confessions (Ofshe & Leo, 2021). This literature focus is owed to what appears to be a causal relationship between the Reid Technique and false confessions. Additional studies have highlighted “warning factors” that may help to discern a false confession and looked at the actual substance of various false confessions (Garrett, 2010). A significant gap in the research remains. Little research has been done on demographic or individual-level factors that may contribute to one’s likelihood to falsely confess. Therefore, the current study attempts to fill this gap in the literature by examining various demographic and individual-level suspect characteristics to determine if a relationship between suspect attributes and the providing of a false confession.

The purpose of my study was to determine the suspect demographic variables and other individual-level characteristics that appear to be more susceptible to providing a false confession. I intended to identify what characteristics, if any, appear to make an individual more or less likely to give a false confession during an interrogation. My research question was, what suspect characteristics can predict a false confessor?

Literature Review

A false confession is a statement of guilt provided by an individual who is innocent of the crime of which he or she is being accused. One hundred years ago, false confessions would likely not have been such a shocking thing – if authorities wanted a confession, they would do so at any cost (Gallini, 2010). Interrogators often used physical abuse and extreme psychological coercion to obtain confessions from a suspect. Given these circumstances, it may not come as a surprise that many innocent men (and women) confessed to crimes that they did not commit (Gudjonsson & Kassin, 2010). Thankfully, our criminal justice system has evolved and adopted more humane methods of interrogation (Gallini, 2010); yet, false confessions are still a regular occurrence (Garrett, 2011).

A false confession is rarely a simple statement of guilt. A false confession is oftentimes very detailed, even though the false confessor does not know specific, first-hand details of the crime (Garrett, 2011). This disparity contributes to the air of confusion surrounding false confessions. Many times, investigators, though sometimes unintentionally, provide the false confessor with intimate details of the crime during the interrogation, which the confessor then weaves into the confession (Garrett, 2011). This makes the confession all the more convincing, which only worsens the situation for the innocent confessor. A confession in which the confessor was fed details of the crime during official questioning is referred to as a contaminated confession (Garrett, 2011). When contaminated confessions -false or not - are admitted as evidence during a trial, the defendant's due process rights are violated. Law enforcement and investigators are trained never to provide suspects with intimate and private details of the case being investigated (Garrett, 2011).

False confessions pose a very puzzling question for researchers as it is difficult to understand why any innocent person would falsely confess. In fact, before scientific revolutions allowed for the possibility of exoneration through DNA evidence, it was widely believed that an innocent individual could and would never confess to a crime he or she did not commit (Garrett, 2015). Despite the fascinating and confusing nature of the problem, there is a limited amount of existing literature on the topic (Garrett, 2011). Most of the existing research attempts to explain environmental, contextual, or individual factors that would cause a suspect to give a false confession. The majority of this research focuses on the “third degree” of interrogation and the Reid Technique.

The so-called third degree of interrogation (also known as first-generation interrogation tactics) are tactics of interrogation involving physical abuse and extended periods of confinement (Gudjonsson & Pearse, 2011). Physical abuse, or the threat thereof, during a criminal interrogation is now a banned practice, but it was not always seen as being illegally- or unethically-coercive. Physical harm can be very convincing and effective at producing cooperation. Many false confessions were direct products of these practices (Slobogin, 2016). Aside from blatant physical abuse, suspects were also routinely held in confinement before and during an interrogation for extended periods of time (Slobogin, 2016). Even if actual physical tactics were not employed, suspects would be manipulated psychologically. For example, suspects would be kept in a small, dark interrogation room for long periods of time, often during normal sleeping hours, deprived of food and drink, and separated from friends and family members (Gudjonsson & Pearse, 2011). After being held under those conditions, many

suspects would provide a confession – regardless of its authenticity – simply as a means to escape the situation.

Today, the Reid Technique is the most popular method of interrogation in the United States (Cleary & Warner, 2016). At the time it was envisioned, the Reid Method was a necessary and exciting change from the violent third-degree techniques of the past (Gallini, 2010). John Reid, a polygraph expert, often assisted in difficult criminal interrogations and was successful in extracting confessions from suspects (Gallini, 2010). Reid, along with Fred Inbau and other associates, composed the Reid Manual, also known as “the Interrogator’s Bible”, outlining a proposed accusatory-style process of interrogation (Gallini, 2010). Since the Reid Manual was published in the 1950s, nearly all law enforcement agencies across the United States have adopted the use of the practice (Gudjonsson & Pearse, 2011). *The Manual* is now published in its fourth edition (Gallini, 2010).

The Reid model outlines a two-part interview and interrogation; the interrogation portion totaling nine steps (Gallini, 2010). The end goal of the interrogation portion, or the ninth step of the process, is obtaining a confession from the suspect (Cleary & Warner, 2016). Because Reid was a polygraph expert, the Reid method of interrogation has aspects very similar to that of a polygraph or lie detector test. Interrogators that are Reid-trained are expected to analyze both verbal and nonverbal cues to determine a suspect’s guilt or innocence (Cleary & Warner, 2016). This initial assessment occurs during the Behavior Analysis Interview or the BAI, which precedes the nine-step process (Gallini, 2010). The assessment of guilt made by the interrogator during the Behavior Analysis Interview determines whether a suspect will proceed to the interrogation portion of the model.

The purpose of the two-part process is that, when executed properly, no innocent (or, not guilty) suspect makes it past the non-accusatory interview process. Only those suspects whom the interrogator is relatively certain of their guilt should proceed to the interrogation portion of the model. This is because the interrogation portion is a highly accusatory-style method of interrogation, designed to wear down a suspect's denials and objections and, ultimately, obtain a written and signed confession from the suspect (Spierer, 2017). Saul Kassin, a psychologist devoted to studying the topic of false confessions, sums the Reid interrogation up perfectly: [the interrogation is] is a guilt-presumptive process, a theory-driven social interaction led by an authority figure who holds a strong *a priori* belief about the target" (French, 2019). No innocent suspect in question should, theoretically, make it to the interrogation portion of the method. In fact, the first step of the nine-part interrogation instructs the interrogator to inform the suspect that they are certain of the suspect's guilt (Gallini, 2010). During the remaining eight steps, the interrogator is taught to offer a potential "moral excuse" as to why the suspect may have committed the crime, reject the suspect's denials, handle a suspect's psychological withdrawal or passive mood, offer different alternatives and scenarios as to how the crime took place, and, finally, obtain a written and signed confession from the suspect (Spierer, 2017). An interrogator's goal is to obtain a confession; in a perfect world, this would be parallel to uncovering the truth.

Proponents of the Reid method praise its effectiveness. The Reid Technique boasts an 80% success rate (Gudjonsson & Pearse, 2011). Roughly eighty out of every hundred people who are interrogated using this technique will issue a confession. Based on the highly accusatory and controversial nature of the Reid Technique, it may be unsurprising that the

method has drawn many more critics than it has proponents. Critics of the method argue that because the method prioritizes obtaining a confession, concern for truth and justice appears to be secondary (Gudjonsson & Pearse, 2011). Though the exact rate at which the Reid method produces false confessions is unknown, it is certainly higher than what other existing models of interrogation, such as the PEACE Model, produce (Gudjonsson & Pearse, 2011). This is especially true when compared to the non-accusatory and less-aggressive PEACE (Preparation and Planning, Engage and Explain, Account and Clarification, Closure, and Evaluation) Model that is utilized in the United Kingdom (Gudjonsson & Pearse, 2011). Designed to minimize false confessions and account for suspect vulnerabilities, the PEACE model has been proposed as an alternative to its counterpart, the Reid Technique (Gudjonsson & Pearse, 2011).

Other critics point to the ethical concerns surrounding the Reid Technique. Interrogators are permitted, encouraged even, to fabricate evidence and outright lie to suspects regarding evidence against them in order to obtain a confession (Gudjonsson & Pearse, 2011). Undoubtedly, the psychological manipulation at play during a Reid interrogation cannot be understated. Others claim that the Reid Technique is nothing more than a “human lie-detector test” (Spierer, 2016). Interrogators are trained to look for physical and emotional cues from the suspect during the BAI-portion that indicate guilt or innocence: looking “very worried” or “highly nervous”, avoiding eye contact, wriggling or fidgeting, a flushed face, changing posture, etc. (French, 2019). Not only does this training fail to consider the fact that any one of these behaviors could also be explained or exhibited by an innocent suspect who is under extreme stress or is extremely nervous, but it is also subject to discretion and different interpretations. In fact, studies have shown that Reid-trained interrogators, when asked to

differentiate liars from truth-tellers based on verbal and nonverbal cues, perform no better than chance (French, 2019). Those who are professionally trained to detect lies perform at an average accuracy rate of 54% (Gudjonsson & Kassin, 2005). It is no secret that the results of a polygraph or lie-detector test are not admissible in court because of the unreliability of the findings and the science behind the practice (Gallini, 2010). Confessions obtained pursuant to the Reid Technique – essentially, an extension of a polygraph – should not be treated any differently.

Among endless other concerns, including the underlying theory and the less-than-ideal false confession rate, many professionals in the field believe that the Reid Technique should not be permitted to be used on juveniles. Ariel Spierer (2017) argued that children are all the more susceptible to the psychologically manipulative and guilt-presumptive nature of the Reid Technique. Further, the Supreme Court has held that children are fundamentally different from adults in the eyes of the justice system under the Eighth Amendment; therefore, they must be treated as such (*Graham v. Florida*, 2010). Spierer reasoned that this Eighth Amendment protection should extend to the Fifth Amendment and require that children not be treated the same as adult suspects in the interrogation room (Spierer, 2017).

Along with juveniles, some other populations and subgroups are, inherently, more sensitive and susceptible to the dangers of the Reid Technique, such as those with cognitive impairments, those who did not graduate high school, and those who are not proficient in the English language. A study that assessed the impact of mild cognitive impairment on the ability to make decisions under “ambiguity and high risk” showed that patients with a cognitive impairment show memory impairment, poor ability to predict contingencies and make frequent

shifts between random decisions (Zamarian, Weiss & Delazer, 2010). Anyone with trouble making cognitive decisions under high stress and the inability to predict the consequences of those decisions will surely fare poorly in a Reid interrogation. Those who dropped out or did not graduate from high school show similar cognitive deficiencies, especially on the most disadvantaged students (minorities, lower-class, etc.) (Alexander, Natriello & Pallas, 1985). Perhaps unsurprisingly, studies show that those who did not graduate high school perform below the mark on cognitive tests in six categories: vocabulary, reading, math, science, writing, and civics (Alexander et al., 1985). These cognitive skills reflect and translate into various social, personal, and critical thinking skills; without these essential skills, an individual being interrogated may not be able to pick up on social cues, use critical thinking skills, or foresee the consequences of their decision. Additionally, those who are not proficient in the English language face, perhaps, an even larger myriad of issues in the legal system. Anna Harley, in her article titled "Language as a Barrier to Justice", says, "It is inevitable that a lack of knowledge or understanding of the courtroom's formal language, format, and structure of a defense, or understanding of rights is disadvantageous to those who lack the skills or knowledge assumed by the law." (Harley, 2014). A language barrier will severely handicap a suspect during a formal criminal interrogation.

Because of the seemingly direct relationship between the confrontational and psychologically manipulative Reid Technique and false confessions, much of the existing literature on the topic of false confessions centers around the use of the Reid Technique. Many researchers have studied the different tactics used in a Reid interrogation (minimization, using deceit or fabricating evidence, discouraging denials, leaving the suspect alone in the

interrogation room, etc.) and how they relate to the occurrence of false confessions (Cleary & Warner, 2016). Most who have examined the practice have concluded that even if direct causation between the Reid Technique and false confessions cannot be proven, the process is inherently biased by creating tunnel-vision (Gudjonsson & Kassin, 2005). There exists, however, a lesser amount of information on the substance of false confessions and individual cases in which a suspect provided a false confession to authorities.

Considering the shift from the physical abuse of the third degree to the theoretically more humane Reid Technique, and the rapidly-evolving technology of the 21st Century, one would expect fewer false confessions and a lower rate of wrongful convictions. Yet, these phenomena still occur in our criminal justice system on an all-too-regular basis. As a result, concerns have been raised and researchers have begun to examine the Reid Technique and its potential link to false confessions. Short of establishing a definite causal relationship between the two, juveniles have been identified as an especially vulnerable population and similarities in circumstances leading up to a false confession have been found. In doing this study, I intend to identify other potentially vulnerable populations: those who may be at a higher risk of giving a false confession due to their demographics or individual characteristics.

Data and Methods

The current study utilizes the data set “Social Science Research of Wrongful Convictions and Near Misses, 1980-2012 (ICPSR 34522)”, accessed through the National Archive of Criminal Justice Data. The data were collected through a study examining cases between 1980 and 2012 in which an innocent defendant was either wrongfully convicted of a violent crime, or was indicted but had their charges dismissed before conviction (“near misses”). The data contain

information on 260 cases in which the defendant was wrongfully convicted and 200 cases in which the defendant was wrongfully charged but not convicted (near misses), totaling 460 cases. The Chi-Square test of association and a binary logistic regression were used to determine the individual-level characteristics that may predict suspects providing a false incriminating statement or confession.

Dependent Variable

The dependent variable was the variable Confession. This is a binary categorical variable containing two attributes: no confession or incriminating statement given (0) or a false incriminating statement made or a false confession given (1). This variable originally had three attributes but did not contain adequate variance for multivariate analysis. Subsequently, I combined the attributes of false confession given (1) and false incriminating statement made (2) into one attribute, making it a binary variable. Overall, 75% ($n = 345$) of the sample neither gave a confession nor made an incriminating statement during the interrogation. However, 7.39% ($n = 34$) of the sample made a false incriminating statement during the interrogation and 17.39% ($n = 80$) gave a false confession.

Independent Variables

The independent variables primarily included the demographic characteristics of the defendant. The mean age of the sample at the time of the offense was 26.87 years ($SD = 8.935$ years; see Table 1). Over 96% ($n = 444$) of the sample consisted of male defendants (0 = male, 1 = female), with less than 3.5% of the sample consisting of female defendants ($n = 16$). The race/ethnicity variable initially included six attributes (Caucasian/white (0), African American/Black (1), Hispanic/Latino (2), Native American (3), Asian (4), Other (5)). Due to the

Table 1: Sample Descriptives

N = 460	Frequency	%	Mean	SD
Dependent variable				
Confession				
No confession or incriminating statements	345	75.00		
False incriminating statement made or false confession given	114	24.78	---	---
Missing	1	.22		
Independent variables: Offender/Criminogenic Characteristics				
Age of Offender	---	---	26.87	8.935
Sex				
Male	444	96.52	---	---
Female	16	3.48		
Race				
White	171	37.17		
Black	216	46.96		
Hispanic	50	10.87	---	---
Other	9	1.96		
Missing	14	3.04		
High School Graduate				
Yes	108	23.48		
No	125	27.17	---	---
Missing	227	49.35		
Cognitive Impairment or Intellectual Disability				
Yes	58	12.61	---	---
No	395	85.87		
Missing	7	1.52		
Fluent in English				
Yes	441	95.87	---	---
No	14	3.04		
Missing	5	1.09		
Previous Criminal Convictions				
Yes	211	45.87	---	---
No	167	36.30		
Missing	82	17.83		
Co-perpetrator Confessed				
Yes	83	18.04		
No	55	11.96	---	---
No co-perpetrator	299	65.00		
Missing	23	.05		
Relationship Between Victim and Offender				
Some relationship	206	44.78	---	---
No relationship	254	55.22		

lack of variance, I collapsed the variable to contain three attributes, combining Hispanic/Latino (2), Native American (3), Asian (4), and Other (5). The majority of the sample (46.96%) consisted of Black defendants ($n = 216$), while approximately 37% consisted of Caucasian/white

defendants ($n = 171$) and 12.83% consisted of Hispanic/Latino and Other defendants ($n = 59$). Ninety-six percent ($n = 441$) of the sample spoke fluent English (0 = no/not fluent, 1 = yes/fluent).

Approximately 23.5% of the defendants in the sample had graduated from high school or had obtained a GED at the time of the offense ($n = 108$), while more than 27% ($n = 125$) of the sample had not graduated from high school or obtained a GED (0 = no, 1 = yes). For the high school graduate variable, the remaining 47% ($n = 227$) of the sample cases were missing information. This data include a measure for cognitive impairment or intellectual disability. This measure is meant to be “as inclusive as possible” and includes low intelligence quotients (i.e. below 80), as well as emotional and personality disorders. Nearly 13% ($n = 58$) of the sample possessed either a cognitive impairment or an intellectual disability. While the vast majority ($n = 395$, 85%) suffered no such diagnosis (0 = no, 1 = yes).

The study also contained three criminogenic variables. Over 45% ($n = 211$) of the sample population had at least one previous criminal conviction – either criminal misdemeanor or felony – (0 = no, 1 = yes), while 36.3% ($n = 167$) had no priors. Unfortunately, the criminal history of 18% of the sample is not known. When looking at the individual case characteristics, 65% ($n = 299$) did not involve a co-perpetrator (0 = co-perpetrator did not confess, 1 = co-perpetrator did confess or make incriminating statements, 99 = no co-perpetrator). Of the 138 cases – 30% of the sample – that did involve a co-perpetrator, approximately 60% ($n = 83$) of the co-perpetrators either confessed or made incriminating statements during the interrogation, while the remaining 40% ($n = 55$) did not. The co-perpetrator variable measures only confessions or incriminating statements made by a co-perpetrator before or during the

defendant's conviction. In approximately 45% (n = 206) cases, the defendant and the victim had a relationship with one another, while the remaining 55% (n = 254) were strangers.

Quantitative Analytical Strategy

A binary logistic regression model ($\chi^2(427) = 48.068, p < .001$) was employed to answer the research question: what suspect characteristics can predict a false confessor? (see Table 2). This was an appropriate analytical technique due to the dichotomous nature of the dependent variable. I was unable to include the Fluent in English variable in the final model due to the lack of variance (Peduzzi, Concato, Kemper, Holford, & Feinstein, 1996; Vittinghoff & McCulloch, 2006). Twenty-two observations were omitted from the final analysis due to listwise deletion.

Results

A significant relationship was found between a suspect having a cognitive impairment or intellectual disability and giving a false confession during an interrogation. An individual with a cognitive impairment or intellectual disability was found to be over 10.6 times more likely to provide a false confession to authorities when compared to their mentally healthy counterparts. A significant relationship was also found between giving a false confession and if a suspect/defendant's co-perpetrator also confessed to the authorities. In the instance where a suspect's co-perpetrator gave a confession, the odds that the suspect gave a false confession were 3.7 times greater when compared with a suspect who did not have a co-perpetrator. Moreover, a suspect was 11.50% less likely to provide a false confession, relative to having no co-perpetrator, when their co-perpetrator did not confess. In events where a relationship existed between the suspect and the alleged victim, the suspect was 57.60% less likely to give a false confession during an interrogation.

Table 2: Binary Logistic Regression Results

Binary Logistic Regression			
Dependent Variable	False Confession		
	β	Odds Ratio	%
Offender Age	-.010 (.028)	.990	-1.00%
Gender of Defendant	-.345 (1.361)	.708	-29.20%
High School Graduate	-.901 (.485)	.406	-59.40%
Defendant has a cognitive impairment**	2.365 (.535)	10.644	964.40%
Race (White as reference)			
Black	-.726 (.467)	.484	-51.60%
Hispanic	-.578 (.758)	.561	-43.90%
Co-perpetrator status (No co-perpetrator as reference)			
Defendant's co-perpetrator confessed*	1.320 (.543)	3.743	274.30%
Defendant's co-perpetrator did not confess	-.122 (.781)	.885	-11.50%
Defendant has a relationship with victim*	-.859 (.409)	.424	-57.60%
Defendant has prior criminal convictions	-.504 (.436)	.604	-39.60%

* Denotes $p < .05$; ** Denotes $p < .001$; () standard errors

Discussion and Conclusion

The current study sought to fill a significant gap in the false confession literature by examining various demographic variables and individual characteristics of offenders that may enhance one's risk or vulnerability to give a false confession. Specifically, the study sought to

answer the research question: “What suspect characteristics can predict a false confessor?”

The study examined the relationship between suspect demographics (including gender, age, race, having a cognitive impairment or intellectual disability, being a high school graduate, speaking fluent English, etc.) and criminogenic characteristics (whether the suspect had a prior criminal record, whether the suspect had a co-perpetrator that confessed, and whether the suspect had any sort of relationship with the victim) and their probability of making a false confession. The results of the study support the hypothesis that some demographic variables and criminogenic characteristics suggest susceptibility in a suspect being a false confessor (or, predict someone who is less likely to falsely confess). There are three key findings of the present research and the results strongly imply the existence of demographic or criminogenic predictors of a false confessor (or, one who is less likely to be a false confessor).

First, suspects with a cognitive impairment or intellectual disability were, in this study, found to be more than ten times more likely than those without to make a false incriminating statement or give a false confession to authorities. Previous literature suggests that individuals with a cognitive impairment or intellectual disability have diminished critical thinking skills and trouble predicting the future consequences of their decisions (Zamarian et. Al, 2010). Studies have shown that someone with a cognitive impairment may shift frequently between random decisions and struggle with short-term and long-term memory. The findings of this study appear to be consistent with those claims. Without the ability to critically think and anticipate contingencies, it is unsurprising that an intellectually impaired individual would give a false confession when prompted or pressured. Further, an individual who struggles with both short-term and long-term memory could be easily convinced that he or she committed the crime of

which they are being accused and simply does not recall the events. This finding is especially concerning because nearly 13% of the sample was considered to have a cognitive impairment or intellectual disability.

The percentage of individuals in the general population that have a cognitive impairment or an intellectual disability ranges anywhere from 3%-5% (National Academies of Sciences, Engineering, and Medicine, 2015). Individuals with cognitive impairments, intellectual disabilities, and low IQ scores are found in this study at a rate that is between two and five times higher than the average rate in the general population. This is also consistent with prior studies and beliefs about individuals with intellectual disabilities and/or cognitive impairments. Although it is difficult to articulate a precise percentage, as methodological approaches vary between researcher and study, previous research has found that intellectually impaired or disabled individuals are represented in the prison and jail populations at much higher rates when compared to the average general population rate (Jones, 2007).

Second, those whose co-perpetrators gave confessions were found to be more than three times more likely than those without a co-perpetrator to give a false confession or make a false incriminating statement to authorities. Prior studies of the Reid interrogation method have shown that investigators and interrogators commonly use the tactic of telling a suspect that their co-perpetrator either is being investigated or already gave a confession in order to elicit a confession (Ofshe & Leo, 2021). If the co-perpetrator of a crime confessed, or if a suspect is lead to believe that the co-perpetrator confessed, they may feel as though nothing they say or do will change their fate. Even if the suspect is innocent, if they have been lead to

believe that they have been implicated, evading the seemingly inevitable may appear to be futile.

This finding provides credence to the Prisoner's Dilemma. The Prisoner's Dilemma describes situations where two prisoners are separately interrogated for a crime (Kuhn, 2019). The interrogators tell each prisoner that if neither of them confesses, they will both receive a lesser sentence, but if only one confesses, he will go free while the other suspect receives a greater sentence (Kuhn, 2019). If both suspects confess, they both receive a greater sentence than if neither of them had confessed (Kuhn, 2019). The idea is that the prisoners both have a personal dilemma in attempting to assess which option works in their best personal interest, confessing or not, and attempting to assess what their fellow prisoner will do (Kuhn, 2019). This may help to explain why a suspect may give a false confession when they are led to believe that the co-perpetrator of the crime is being interrogated or has already given a confession. The suspect is intrinsically driven to act in his or her best interest – giving a false confession and cooperating with authorities may appear to be in their best personal interest.

Third, those suspects who had a relationship with the victim were less likely to confess when compared to suspects and victims who had no existing relationship before the commission of the crime. These results mirror the findings of a 2012 study done on the experiences of victims of wrongful conviction (Irazola et al., 2012). In the study, a survey was given to 265 victims of wrongful conviction, yet, only approximately 4% ($n = 11$) of the sample had an existing relationship with the victim of the crime before its commission.

This phenomenon may occur for two different reasons. First, the suspect may be less inclined to give a false confession when he or she has a relationship with the victim of the crime

to protect or preserve that relationship. Another potential explanation purports that crime victims will be less likely to falsely identify the suspect as the perpetrator of the crime when he or she has a relationship with the suspect. Although it is possible there are cases of blatant maliciousness when a victim would falsely identify someone they know as the suspect of the crime, but, based on Irazola's (2012) findings, that appears to be a rare occurrence.

Based on previous literature on juveniles and the Reid Technique, I expected the age variable to be a significant finding. Prior researchers have suggested that juveniles are especially susceptible to providing a false confession when interrogated with the Reid method and many in the field argue that the Reid Technique should not be permitted to be used on juveniles (Spierer, 2017). However, the present analysis showed no significant causal relationship between age and providing a false confession. In addition, the education variable was statistically non-significant. Suspects who failed to graduate high school were no more likely to provide a false confession than those who had earned a high school diploma or equivalency. Prior research has suggested that those who failed to graduate high school show cognitive deficiencies and lack critical thinking skills (Alexander et al., 1985), so I anticipated those results to be significant.

Overall, this analysis indicates that there are groups in the population that are more or less, vulnerable than others to give a false confession. The current findings show that a suspect with a cognitive impairment or intellectual disability is at a higher risk to make a false incriminating statement or give a false confession than those suspects who do not. The findings also show that suspects of a crime with a co-perpetrator are more likely to give a false confession if the co-perpetrator of the crime confessed to authorities. The study also identified

a group who may be less vulnerable than average to give a false confession: those suspects who had an existing relationship with the victim of the crime before its commission. There are likely to be other vulnerable groups in the population that this study was unable to assess or include. The implications of these findings are vast. The criminal justice system should prioritize researching practices to protect these vulnerable individuals to stem the tide of false confessions.

Although I believe this research contributes significantly to the existing literature on false confessions, limitations exist. The data used in this study were collected by other professionals, not myself, and the intended use of these data were not specifically gathered for the purposes of this research. Subsequently, the data lacked some demographic variables and individual-level characteristics that may contribute to our knowledge of suspect susceptibility to giving a false confession. I was unable to include variables such as socioeconomic measures, education level (beyond high school), religious affiliation, employment status, and fluency in the English language. Previous literature has indicated that the lack of fluency in the English language would severely disadvantage a suspect during a criminal interrogation, as a language barrier may prevent a suspect from fully understanding their due process rights or the American criminal justice process (Harley, 2014). Another limitation to the study is the relatively small sample size. The data utilized in this study only covered the years 1980-2012. With technology rapidly evolving, exonerations, especially using DNA, are occurring more frequently than ever.

These limitations could be remedied by a future researcher collecting their own data through the current year, gathering a larger sample size, and adding more demographic

variables and individual-level characteristics to the research survey. This is a possible direction for future research. Another possible direction for future research would be assessing law enforcement or interrogation practices that increase or decrease the likelihood that a suspect will give a false confession.

Despite these limitations, the current study filled a gap that existed in the literature by examining demographic variables and individual-level characteristics that contribute to one falsely confessing or making a false incriminating statement. The three main findings of the study included that suspects whose co-perpetrator confessed were more likely to give a false confession compared to suspects who did not have a co-perpetrator, suspects who had an intellectual disability or cognitive impairment were more likely to give a false confession compared to suspects who did not, and suspects who had a relationship with the victim of the crime were less likely to give a false confession compared to suspects who had no relationship with the victim of the crime. The current study has enhanced our understanding of factors and variables that may increase or decrease one's vulnerability to giving a false confession and indicated that there exist populations who are especially vulnerable to giving a false confession.

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Dear National Archive of Criminal Justice Data;

I am writing to you in respect of a proposed research project being done by one of Ball State University's (BSU) students, Ms. Jeanne Shaner. Under the direct supervision of Dr. Bryan Byers and Dr. James Jones, Ms. Shaner would like to use the data set "*Social Science Research on Wrongful Convictions and Near Misses, 1980-2012 (ICPSR 34522)*" in order to complete her Honors Thesis project at BSU.

Based on the information provided, this project is utilizing de-identified, publically available data, in a secondary data analysis capacity. This type of project does not require Full IRB review. Ms. Shaner should be allowed to continue with her project.

If you have any questions, please feel free to contact me. Thank you for your time and support for one of our students.

Sincerely;

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