

False Confessions in a Post-DNA World

The problem of false confession is alarming. Just after publication by Barry Scheck in his text on and his writings on [DNA](#) and establishment of the Innocence Project, he found 77 wrongful convictions and individuals wrongfully imprisoned in California. Since then, the courts have increasingly recognized the need to look at the manner in which confessions are conducted. Recent research at the University of North Carolina was done on the phenomenon of contamination. In this phenomenon, individuals take on versions and statements of the police coming to believe them. This is seen especially in individuals with subaverage IQs and developmental disabilities who are in a situation wherein threats and inducements are used to extract statements. These individuals are looking to do anything to extricate themselves from an unbearably stressful situation. Gudjonsson has written extensively in this area. He published instruments which measure suggestibility as well as compliance to authority and acquiescence to authority. Recent research shows that there is extrapolation from the sample in Sweden to the U.S. with mathematical correction.

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The recent case of Amanda Knox subjected to hours and hours of overbearing interrogation is a good example of the misuse of interrogation techniques. Unfortunately the Reid Technique routinely used by the police and law enforcement relies on diminishing the self-worth of an individual, manipulation, dissuasion, and use of threats and inducements to extract statements from defendants. Moreover, Perrotti (2010) in a presentation to the American College of Forensic [Psychology](#) spoke of the interplay between the present stressors and interrogation and the past history of the individual. For example, individuals are threatened with loss of their family, spouses, and [children](#). During their formative years, the situation of interrogation would reignite these fears and cause marked anxiety and increase the belief that one should say anything they can to extricate from the situation.

These same issues and concerns arise with respect to Miranda. Individuals mirandized before confession are routinely asked do they understand their rights and routinely answer yes or no. There is no test to determine whether they do in fact understand their rights or are they simply mimicking an answer. Research in law and human [behavior](#) notes substantial errors with Spanish-speaking defendants because of the difference in Spanish dialects and the wording in English of the Miranda statements. Again, there is testing for Miranda by Grisso, who has written extensively in the area of competency and the need for objective assessments. He, in fact, established an instrument for evaluation of competency with juveniles named the Juvenile Competency Assessment Instrument.

This writer has been told by defendant counsel that the problem with juries that they, in cases of false confession, state: "I would never confess to anything like that." However, jurors and other fact-finders need to look at the fact that they indeed are not the individual who makes the alleged false confession and they need to understand and comprehend that individual in the situation of interrogation. There have been enough wrongfully imprisoned individuals, some for longer than twenty years, in this country to devote more of our attention and time to the judicial system in America.

Grisso, Tom, et al., (2003). *Evaluating Competencies*. *Kluwer*.

Perrotti, Michael J., (2010). *Assessment of False Confession*. *American College of Forensic Psychology, San Francisco*.

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