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Suspect Interviews and False Confessions

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Abstract

In this article, we review two influential methods of police interviewing practice and their associations with false confessions. These are the Reid technique, which is commonly used by police forces in the United States, and the PEACE model, which is routinely used in the United Kingdom. Several authors have recently expressed concerns about the guilt-presumptive and confrontational aspects of the Reid technique and its association with false confessions and recommend that it be replaced by the PEACE model. Anecdotal case studies and DNA exonerations have shown that false confessions are more common than previously thought and are typically associated with two main causes: manipulative/coercive interrogation techniques and suspects' vulnerabilities in interviews. The main challenge for the future is to develop interview techniques that maximize the number of noncoerced true confessions while minimizing the rate of false confessions. In the meantime, the electronic recording of police interviews, which provides invaluable transparency and accountability, is the single best protection against police-induced false confessions.

Keywords

police interviews, false confessions, Reid technique, PEACE model

Police interviewing is best conceptualized as a dynamic and interactive social process, the outcome of which is influenced by a number of factors (e.g., nature of the interrogation, age and motivation of suspect, intelligence, mental health, personality, and access to legal advice). The principal objective of police questioning—whether interviewing witnesses, victims, or suspects—is to gather relevant information about a suspected or reported crime. In the interests of fairness and justice, it is important that the information elicited is accurate (i.e., truthful and precise), complete, coherent, and credible and that it is obtained fairly and meets legal criteria for evidential purposes.

The purpose of this article is to compare and contrast, within the context of false confessions, two police interview techniques: the Reid technique and the PEACE model, used in the United States and United Kingdom, respectively.

Police Interviews

Interviewing in the United States

Leo (2008) points out that, contrary to popular myths of the American justice system, “the goal of police interrogation is not necessarily to determine the truth” (p. 23). Leo discusses the police interviewers' focus on obtaining a confession from suspects rather than on truth or fact finding. This focus on confessions has a long history, and obtaining a confession still

remains an important goal of the psychologically oriented Reid technique (named after one of the original authors) that replaced the “third degree” (i.e., the use of physical force during interrogation, deprivation of food and sleep) in the United States. The Reid technique is the most popular and frequently used police interview technique in the United States (Inbau, Reid, Buckley, & Jayne, 2001). It encourages interviewers to use a two-stage process. The first stage is a nonaccusatory interview (known as a behavioral analysis interview, or BAI), in which general background information about the suspect is obtained, rapport and trust are built, and a determination is made about whether or not the suspect is lying about the offense. If the suspect is judged to be lying, then the interview progresses to a nine-step accusatory approach, typically referred to as “interrogation” (Inbau et al., 2001). In this article, we use the term *interview* to encompass both of the Reid technique stages. Masip, Herrero, Garrido, and Barba (2010) have identified fundamental problems with the BAI (i.e., lack

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of grounding in science, unfounded commonsense beliefs, and inaccurate recommendations).

Kassin and Gudjonsson (2004) argue that the nine-step Reid technique can be reduced to three general phases: “custody and isolation” (i.e., the suspect is detained and isolated, anxiety and uncertainty are generated in order to weaken resistance), “confrontation” (i.e., the suspect’s guilt is assumed and he or she is confronted with alleged incriminating evidence that may or may not be genuine; denials are rejected, even if they happen to be true, and the consequence of continued denial is emphasized), and “minimization” (i.e., the interrogator tries to gain the suspect’s trust and provides face-saving excuses for the crime, including suggesting that it was an accident or that the victim deserved it).

It is generally accepted that the Reid technique is effective in breaking down denial and resistance and eliciting confessions. The authors of the technique claim an 80% confession rate and state that, of the remaining 20%, “a small percentage of them could have been innocent” (i.e., they presume that a very high percentage of suspects they interrogate are guilty of the suspected offense; Inbau et al., 2001, p. 364). This claim of success has not been scientifically verified, and serious concerns about the technique’s association with false confessions have been raised (Kassin, 1997). In view of this, some authors (Bull & Soukara, 2010; Meissner & Lassiter, 2010; Snook, Eastwood, Stinson, Tedeschi, & House, 2010) have recently recommended that the guilt-presumptive and confrontational processes inherent in the Reid technique should be replaced by a noncoercive technique such as the PEACE model used in the United Kingdom. Importantly, the inherently deceptive and manipulative nature of the Reid technique (e.g., presentation of false evidence, minimization of the offense) raises important ethical/professional issues and concerns about its political legitimacy in a modern liberal society (Skerker, 2010). Skerker discusses three possible negative consequences of the Reid technique: risk of false confession, harm to police–community relations, and professional corruption of police interviewers. However, he does not consider these concerns “to be sufficient to rule out these interrogations on prudential grounds” (p. 114), provided interrogators are well trained and monitored and interviews are video recorded and corroborated.

Interviewing in the United Kingdom

The development of a formal police interview training approach in the United Kingdom began in the early 1990s following some landmark cases of miscarriage of justice involving confession evidence in which police interviewing and the courts came under close scrutiny and criticism (Gudjonsson, 2003). The authorities in England and Wales were quick to respond; they set up two Royal Commissions, which have initiated fundamental changes in laws and procedures, including those governing police interviews.

The PEACE model (PEACE is an acronym for Preparation and Planning, Engage and Explain, Account and Clarification, Closure, and Evaluation) has been in continuous use in the

United Kingdom since 1993, when it was rolled out as part of a national training package for police officers. It is now being employed in many countries around the world, including New Zealand and Norway (Bull & Soukara, 2010). The PEACE model was developed out of sound psychological principles—following valuable collaborative work between academics, psychologists, police practitioners, and lawyers—and was intended to take into account vulnerabilities of some interviewees, with the aim to minimize the risk of false confession (Shawyer, Milne, & Bull, 2009). The initial planning and preparation stages require the interviewer to be well prepared for the interview, including possessing good knowledge about the case and the interviewee. The remaining phases involve an interview process, its closure, and its evaluation. The focus centers on fairness, openness, workability, accountability, and fact (truth) finding rather than merely obtaining a confession. Leading questions, heavy pressure, and psychological manipulation are avoided, thereby potentially reducing the risk of false confession while still producing true confessions (Shawyer et al., 2009).

Unlike their American counterparts, U.K. police interviewers are not allowed to lie to suspects or present them with false evidence in order to obtain a confession, further reducing the likelihood of a false confession (Kassin et al., 2010). In addition, the entire interview process in all interviews in England and Wales is electronically recorded. Initial reports on the PEACE model were positive, although the first major review of progress identified concerns in relation to communication skills, training and supervision, and the quality of interviews with witnesses (Clarke & Milne, 2001). To improve interview training and supervision, Griffiths and Milne (2006) recommend a “five-tier” approach to reflect introductory, intermediary, and advanced interviewing skills training, as well as training in supervision and coordination of interviews in serious and complex cases.

Bull and Soukara (2010) point out that very few studies have actually investigated what happens during police interviews and that even fewer studies have investigated the relationship between police interview tactics and suspects’ responses and behavior. Notable exceptions with regard to the latter are the studies by Leo (1996) in the United States and by us (Pearse & Gudjonsson, 1996, 1999) in the United Kingdom.

In an early study following the introduction of the PEACE model, we (Pearse & Gudjonsson, 1996) found no evidence of intrusive tactics or challenges by police; but in the later study of more serious criminal cases, we (Pearse & Gudjonsson, 1999) found that some police interviewers in the United Kingdom resorted to aspects of the American-style Reid technique in order to break down resistance in serious cases. The latter typically resulted in unreliable and in some instances false confessions (Gudjonsson, 2003). In more recent studies, Bull and Soukara (2010) discovered that police interviewers were generally complying with the PEACE model and that the manipulative and coercive techniques we (Pearse & Gudjonsson, 1999) identified were not present. However, Bull and Soukara found no clear relationship between the types of tactics used and confessions, although the researchers found that, unlike

some other U.K. studies, confessions often did not occur at the beginning of the interview and that when confessions were made, there had been more confrontation and greater pressure in the police interview. The current authors are not aware of any reported real-life cases of false confession involving the PEACE model, but this has not been empirically investigated (Bull & Soukara, 2010). It is important to note that the PEACE model is still producing a high rate of confessions (Bull & Soukara, 2010; Gudjonsson, 2003).

Collaborative practice and research into police interviews continues in the United Kingdom. As a result, training for police officers has become more clearly defined, with a structure designed to better reflect an officer's career development that is consistent with published national standards; new legislation includes specific witness categories with more specific procedures, making treatment of witnesses much more formal and better regulated; and since September 2001, there has been a noticeable increase in the numbers of terrorist suspects detained by U.K. police forces. One of the real tests of an effective model is its ability to evolve and adapt to its changing environment. For example, The Garda Síochána, the police service of the Irish Republic, has designed a model with the flexibility to adapt to the motivation and characteristics of interviewees rather than to their status as a witness, suspect, or victim. Thus, the interviewing officer needs to be adaptable enough to accommodate both cooperative and uncooperative individuals and vulnerable witnesses or suspects. This departure from the more traditional training approach is worthy of further review and evaluation. The PEACE model and the adapted Irish model enable the principles of the cognitive interview technique to be included for enhancing recollection among cooperative suspects (Fisher & Perez, 2007).

False Confessions

Most people find it unthinkable that anybody would confess or plead guilty to a serious crime of which they were innocent, but people do. For example, there have been more than 240 individuals proven innocent through DNA evidence in the United States since 1989, when the first DNA-exoneration case occurred, and of those, between 15% and 20% involved false confessions to serious crimes, such as murder or rape (Kassin et al., 2010). Kassin and Gudjonsson (2004) point out that this is likely to represent only the "tip of the iceberg," because murder and rape are the most likely crimes to leave DNA evidence available for exoneration. The DNA-exoneration cases focus almost exclusively on police-induced false confessions. Interestingly, after one false confession case in the United Kingdom, the resultant national inquiry led to radical new legislation requiring electronic recording of interviews and improved police training (see Gudjonsson, 2003 for details of the "Confait Case"). Regrettably, no such strategic response appears to be forthcoming from the United States despite alarming recent evidence about the frequency of false confessions.

Field studies comprise anecdotal case histories, including DNA exoneration, and surveys of prisoners, suspects at police stations, mentally disordered patients, and community samples

from several countries in Europe (Gudjonsson, 2010b). The community surveys among young people at the higher levels of mandatory education inform us that, of those interviewed by police as suspects, the base rate of guilt (i.e., the proportion of those who committed the offense, admitting it to police) ranges between 44% and 67% in different countries, with the highest rates of guilt (i.e., participants claiming to have committed the offense about which they were interrogated) being consistently reported in Icelandic samples (Gudjonsson, 2010b). In terms of vulnerabilities, history of substance misuse and victimization are commonly associated with false confession among young people (Gudjonsson, Sigurdsson, & Sigfusdottir, 2009). The base rate of guilt in real-life (field) cases of police interviews is unknown and is likely to vary across countries, jurisdictions, and type of crime being investigated. Young age, mental disorders, suggestibility, compliance, and manipulative police techniques are commonly thought to be associated with false confessions (Kassin et al., 2010). These types of vulnerabilities are best conceptualized as potential risk factors rather than as definitive markers of unreliability (i.e., unsafe confessions; Gudjonsson, 2010a).

It is generally accepted within the psychological community that false confessions fall into distinct types: voluntary or police induced (Kassin et al., 2010). Voluntary false confessions typically result from attention-seeking behavior; a wish for notoriety; protecting the real perpetrator (e.g., a peer, a partner); or underlying psychopathology, such as need for punishment or revenge or an inability to distinguish what is real and what is a fantasy. Police-induced false confessions, according to the influential Kassin and Wrightsman (1985) conceptual framework, can be further broken down into two distinct types: compliant or internalized. The former involves the interviewee not being able to cope with the custodial and interrogative pressures and giving a knowingly false confession in order to escape from the immediate stress of the situation. Internalized false confessions are more psychologically sophisticated and typically result from subtle manipulation of the interviewee's belief in their guilt (e.g., being persuaded that there is incontrovertible evidence of their involvement in the crime even if the suspect has no recollection of committing it).

The two types of police-induced false confessions are seen as resulting from three types of error: misclassification error (i.e., the police investigator mistakenly classifies an innocent person as being a guilty suspect), coercion error (i.e., firmly believing in the suspect's guilt, the interviewer will apply coercive tactics consisting of threats and/or inducements to confess), and contamination error (i.e., the police either deliberately or inadvertently provide the suspect with crime-related detail that is subsequently presented in court as knowledge that must have come from the real offender; Leo & Drizin, 2010).

False confessions: The Reid technique versus the PEACE model

The extent to which the Reid technique and the PEACE model elicit false confessions is unknown. Since, unlike the Reid

technique, the PEACE model is neither guilt presumptive nor overtly confrontational, it is widely assumed that it is less likely to elicit false confessions (Kassin et al., 2010; Meissner, Russano, & Narchet, 2010). Prior to the introduction of the PEACE model in the early 1990s in the United Kingdom, there were a number of cases of miscarriage of justice, although not all of these were due to coercive police interview tactics (Gudjonsson, 2010a). Any realistic comparisons between the two different techniques with regard to eliciting false confessions would need to consider the base rate of guilt among those interrogated. The higher the base rate of guilt of those interrogated, the lower the risk of false confession (Kassin & Gudjonsson, 2004). This kind of a comparison is easier to achieve from laboratory experiments than from field (real-life) studies in which the crucial variables (e.g., guilt, innocence, strength of the evidence against the suspect, suspect's age) can be manipulated and controlled. Meissner, Russano, et al. (2010) present some emerging laboratory data showing that the inquisitorial U.K.-type interview technique is superior to the accusatory Reid-type technique in producing fewer false confessions and an increased number of true confessions when the CI technique of Fisher and Geiselman (1992) is used.

Of course, the limitation with all laboratory studies is that they cannot mimic the high stakes of real-life interviews, in which a number of highly complex factors interact—including fear and stress over involuntary confinement, the intensity and duration of the questioning, idiosyncratic vulnerabilities, the legal rights of the suspect in different countries, the presence and advice of lawyers, and the strength of the evidence against the suspect.

Conclusions

Kassin et al. (2010) argue for fundamental reforms in police interview practice and policy in the United States. These reforms include mandatory video recording of all interviews from beginning to end; prohibition of the use of interviews that use psychological manipulation and trickery, principally the Reid technique; greater awareness of the risk of false confession and improved protection of vulnerable suspects, including juveniles and the mentally disordered; proper administration and understanding of suspects' legal rights prior to interviews; and training of police officers about the risk of false confession. Several authors have argued that the guilt-presumptive and confrontational processes inherent in the Reid technique should be replaced by the PEACE model or a similar noncoercive technique. No doubt, such a reform will be strongly resisted by American police authorities. The Reid technique has a long history, and its prescriptive nature and *apparent* effectiveness undoubtedly make it attractive. Authorities in the United States have been less responsive than those in the United Kingdom in addressing issues associated with the negative aspects of deceptive police interview techniques and in actively doing something to reduce the likelihood of miscarriage of justice resulting from police-induced false confessions.

In the United Kingdom, academics and clinical practitioners have worked more collaboratively with police investigators than have their U.S. counterparts in developing and implementing police interview training and conducting research into false confessions (Gudjonsson, 2003). Importantly, Meissner, Hartwig, and Russano (2010) call for more positive collaborative work between academics and police practitioners in the United States. The main challenge for the future is to develop transparent and accountable interview techniques that maximize the number of noncoerced true confessions while minimizing the rate of false confessions.

Recommended Reading

- Gudjonsson, G.H. (2003). Psychology brings justice: The science of forensic psychology. *Criminal Behaviour and Mental Health*, 13, 159–167. A readable article about the scientific development of forensic psychology relevant to police interviews and confessions.
- Gudjonsson, G.H. (2003). (See References). Provides an international perspective and detailed vignettes about police interviews, miscarriage of justice, false confessions, and expert testimony.
- Kassin, S.M., Drizin, S.A., Grisso, T., Gudjonsson, G.H., Leo, R.A., & Redlich, A.P. (2010). (See References). A comprehensive article that brings together scientists from social psychology, forensic and clinical psychology, and law, with important recommendations for fundamental reforms in the United States.
- Lassiter, G.D., & Meissner, C.A. (Eds.). (2010). *Police interrogations and false confessions*. Washington, DC: American Psychological Association. A comprehensive, highly accessible overview of interrogation and false confessions.
- Skerker, M. (2010). (See References). A fascinating interdisciplinary investigation into the practice and ethics of interrogation in the United States.

Declaration of Conflicting Interests

The authors declared that they had no conflicts of interest with respect to their authorship or the publication of this article.

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