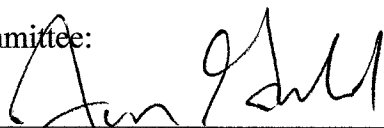


FALSE CONFESSIONS: EXAMINING WHAT INCREASES THE ODDS OF
WRONGFUL CONVICTION

by

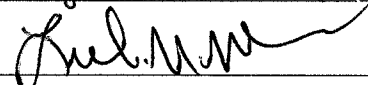
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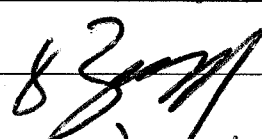
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False Confessions: Examining What Increases the Odds of Wrongful Conviction

A thesis submitted in partial fulfillment of the requirements for the degree of Masters of Arts at George Mason University

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DEDICATION

This is dedicated to my husband Eric, for his support and patience; to my committee, thank you for your faith in me.

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I would like to thank the following people who made this possible: Dr. Jon Gould, Dr. Cynthia Lum, Dr. Linda Merola, Eric Ohlsen and Kathy Ohlsen.

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ABSTRACT

FALSE CONFESSIONS: EXAMINING WHAT INCREASES THE ODDS OF WRONGFUL CONVICTION

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George Mason University, 2010

Thesis Director: Dr. Jon Gould

False confession research identified two important findings: who is most likely to falsely confess and which interrogation tactics most commonly lead to a false confession. It is generally accepted that false confession evidence is one of the leading causes of wrongful convictions (The Justice Project, 2007; Drizin & Leo, 2004). This study seeks to determine if the defendant's characteristics identified as being related to giving a false confession also increase the odds of a case ending in wrongful conviction or if crime-related attributes increase the odds. The sample consists of 122 interrogation-induced false confession cases that span from 1971 to 2002 taken from the dataset published by Dizen and Leo (2004). The study used chi-square analysis and logistic regression, finding that while the literature determines that juveniles are more likely to falsely confess, there is no statistically significant finding suggesting that they are more likely to

be convicted once that confession occurs. Whereas having a low mental capacity does significantly increase the odds of a case ending in wrongful conviction. Additionally, cases that contain a co-defendant who also falsely confesses or that have multiple charges increase the odds of a case ending in conviction, while age of the victim and number of victims showed no significant findings.

CHAPTER 1: Introduction

The best piece of evidence that law enforcement can obtain is a confession (Sangero, 2007; The Justice Project, 2007; Drizin & Leo, 2004; Kassin, 2003; Leo & Ofshe, 1998; Leo, 1996a;;). While confessions are only intended to be a piece of the greater evidence against an individual, the confession alone can stop an investigation and begin the prosecution (Leo & Ofshe, 1998; Leo, 1996a). The criminal justice system primarily measures the success of law enforcement and of prosecutors by their closure and conviction rates (Albert and More, 2003; Cole, 2003). Thus, it is understandable that police focus on using their resources to elicit an admission of guilt which will assist in both arrest and conviction rates (Leo, 2008). Leo (1996a) suggests that what happens in the police interview room significantly affects all other outcomes of the criminal justice system. The concern arises when the tactics used by law enforcement elicit a confession from an innocent individual. While rare, false confessions are one of the leading causes of the innocent being wrongfully convicted (The Justice Project, 2007; Drizin and Leo, 2004). However, it is important to note that false confessions themselves do not necessarily lead to individual harm, as defined by deprivation of liberty. It is the failure to recognize the confession evidence as false that progresses the case to further stages within the criminal justice system and closer to a possible wrongful conviction that leads

to harm. Greater knowledge in this area could allow for additional empirical evaluations and better assessments of safeguards against wrongful conviction.

Thus, this study attempts to extend prior research by examining if variables that are shown to lead to false confessions, such as being part of a vulnerable population and some police interview techniques, are also related to the outcome of a wrongful conviction. In addition, case-specific variables, such as age of victim, number of victims, or multiple charges, raise the egregiousness of the crime which could be related to a case ending in a wrongful conviction. This exploratory analysis is a small step to link specific variables related to false confession cases to the harm caused by wrongful incarceration. It is expected that both sets of variables will show an increase in the likelihood of wrongful conviction. This knowledge would empirically evaluate the theoretical assumptions presented in false confession literature. It also provides benefits by adding the element of organizational climate and pressure and the role this plays in wrongful convictions.

In order to explore this question, I will first review the background information on the nature of interrogations today and its role within the criminal justice system. Immediately following this section will be the Theoretical Rationale which will directly address why a false confession would not be recognized. The two primary reasons theorized in this study are issues associated with false confessions occurring and organizational pressure that may be associated with the case itself. However, before beginning the review, two important definitions are provided to conclude this chapter:

harm and interrogation-induced false confession. This portion will provide how these two terms will be used within the study and why these definitions were chosen.

Harm

There are a variety of ways harm can be defined. In the false confession literature, harm has often been defined as loss of liberty. In an attempt to further the goal of doing justice, it is our obligation as a society, at best, to eliminate, and, at least, to reduce the time that innocent individuals spend behind bars. In a sample of 125 known interrogation-induced false confessions, Drizin and Leo (2004) looked at the outcomes of false confession cases and found, regardless of conviction, that many individuals who falsely confessed spent time incarcerated at other stages of the criminal justice system. Of the 125 cases, 71 cases were not successfully prosecuted. Of these 71 individuals, 70% were held in custody, leading to a deprivation of liberty (Drizin & Leo, 2004). The largest percentage of individuals who were in custody but not convicted spent less than a month in jail (32%) (Drizin & Leo, 2004). However, the second largest portion of this group (24%) spent more than a year in custody, followed closely by 22% of the individuals who spent two to six months in custody (Drizin & Leo, 2004). For individuals in this sample who were wrongfully convicted, Drizin and Leo (2004) found that the most frequent sentence was life in prison, followed by the death penalty (23% and 20%, respectively). This is not surprising, as 81% of Drizin and Leo's (2004) sample is associated with individuals accused of murder.

This study shows that harm, caused by loss of liberty, can occur at any stage of the criminal justice system. While it may be assumed that the harm increases as a case moves forward in the criminal justice system, it is difficult to ascertain if the individuals who were not convicted were also the individuals who spent more time in pre-conviction detainment based on the information in this study. As I am unable to determine length of incarceration based solely on the stage at which each case was concluded within the criminal justice system, wrongful conviction will be the basis of harm.

The use of wrongful conviction as the basis of harm, rather than the stage of the criminal justice system at which a case concludes, is an acceptable decision for two primary reasons. First, those who are wrongfully convicted receive severe sentences; therefore, the most extreme harm is caused to these individuals compared to those who served months or up to a year in pre-trial detainment (Drizin & Leo, 2004). Second, for individuals who are wrongfully convicted and serve shorter sentences, there are lingering effects that are harmful to this individual upon release.

While harm is typically associated with incarceration, harm does not cease when a sentence is served. Until exoneration, this conviction may affect the civil liberties of the wrongfully convicted permanently. First, parole is an extended restraint on individuals who are released, and the risk of technical violations could result in a continuation of time spent in prison. Second, all but two states place restrictions on individuals' ability to vote if they have been convicted of a felony, some for life (Reiman, 2005).

Eric Wilson, one of the “Norfolk Four” who were wrongfully convicted, was convicted of rape but not murder and has completely served his sentence (Wells and Leo, 2008). Without official exoneration, Wilson will continue to register as a sex offender for the rest of his life, will be required to report to authorities and will likely have difficulty finding and keeping employment (Leo, 2008 b). Wilson said, “I’m going to be embarrassed with this for the rest of my life,” and he hopes only to be able to “buy some land on which to become completely [sic] self sufficient [sic] in order to deal with as few people as possible” (Eric Wilson as cited by Wells and Leo, 2008, p. 235).

Wilson represents a useful example of additional harms beyond the scope of incarceration that can be suffered by individuals who are wrongfully convicted. Therefore, the choice to select wrongful conviction as the basis for harm can incorporate harmful effects that occur in addition to pre-trial incarceration. Certainly, a more detailed analysis that allows for consideration of actual time spent imprisoned, regardless of conviction status, would be beneficial in best addressing harm as defined only as incarceration. Given that this is an initial study of how case specific variables lead to this harm, it is recommended that detailed analysis be considered for future studies.

Interrogation-Induced False Confession

In the current study, every case is associated with an interrogation-induced false confession. When examining the research question of why some cases end in wrongful conviction and others do not, failure to recognize a confession as false is an important component. Because interrogation manuals, such as Inbau et al.’s “Criminal

Interrogations and Confessions,” focus on the use of psychological techniques to elicit a confession and lie detecting strategies to confirm its validity, it is presumed that police have a misconception that they can evaluate when suspects are lying (Kassin, 2003). Thus, when the police successfully obtain a confession through interrogation, they may be less likely to take additional corroborative steps. In comparison, if an individual provides a confession to law enforcement without prompting, these confessions would likely be corroborated and therefore, determined to be untrue. For this reason, Sangero (2007), Leo and Ofshe (1998) and Ayling (1984) argue that law enforcement should require corroboration for all confessions. Thus, for this study, examining confessions that were prompted due to interrogation removes the possibility that the results of the study may be altered because of the way the confession was obtained. Additionally, interrogation is the primary manner in which all confessions are obtained.

Therefore, this study contains only confessions that were obtained through police interrogation. A confession is considered any one of the following: full or partial admission or full or partial confession (Pearse et al., 1998; Leo, 1996a). A full confession is when the suspect admits committing the crime with intent, whereas a partial confession is when the suspect admits the crime but not intent (Pearse et al., 1998). Similarly, a full admission could include an individual admitting that he committed the act but arguing that it was in self defense, whereas a partial admission may only include the suspect admitting to being present but not guilty of the alleged crime (Pearse et al., 1998). Lack of confession should, therefore, be defined as an individual who provided no

incriminating evidence to the police (Pearse et al., 1998; Leo, 1996a). Leo (1996a) found in a study of interrogation practices that 64% of individuals interrogated provided some form of admission or confession.

In order for the confession to be considered false after it occurs, the confession must possess one of four characteristics: the crime did not occur, the suspect's involvement in the crime is physically impossible, the identification of the true perpetrator is established or DNA evidence excludes the false confessor as a possible suspect (Drizin & Leo, 2004).

CHAPTER 2: Background

Nature of Interrogations and Their Role in the Criminal Justice System

There are two models of the adversarial system: The Truth Model and the Government Control Model (Leo, 2008). The first model attempts to find the truth and requires the State to prove “beyond a reasonable doubt” that a defendant is guilty of a crime (Leo, 2008, p. 14). It is believed that the adversarial system will encourage each party to fully explore the facts and that exploration will lead to the truth of a particular situation (Leo, 2008).

The Government Control Model places restrictions on this process, understanding that “the greatest danger to an enlightened citizenry is the state itself, because of the possibility that concentrated state power may become unaccountable and persecute the innocent” (Leo, 2008, p.14). This model puts the state’s power in check by providing defendants with procedural rights including, but not limited to, disclosure of facts found by the prosecution (Leo, 2008). Therefore, the pure pursuit of “truth” is outweighed by the concern for the occurrence of injustice by the State (Leo, 2008).

The Government Control Model is a better reflection of what is actually occurring in the American adversarial system and is intended to protect against the possibility of unfairness, injustice, and wrongful conviction (Leo, 2008). It requires that individuals involved in the criminal justice process, acting on behalf of the state, be independent of

each other and held accountable during every stage, including interrogations (Leo, 2008). Yet, police actions are not independent of prosecution; interrogations are not electronically recorded or visible to the courts. Thus, these state agents cannot be held accountable.

It can be argued that interrogations themselves should be considered adversarial. What society typically understand about the criminal justice system is that interrogations are truth-seeking missions, focusing on acquiring the facts of the crime, and the court system is where the adversarial action takes place (Leo, 2008). In the court system, the defense and prosecution take the facts of a crime and frame them in order to further their particular agenda. This framing of an issue by lawyers tells the jury not only “what to think about, [but] they may often suggest how to think about an issue” by simplifying complex decision-making by providing digestible messages that typically support a particular side’s opinion of a case (Brown-Dean, 2003, p.5). Under the truth seeking model, Americans assume that the police and interrogation practices are impartial. However, Leo (2008) argues that interrogations should be included in the adversarial paradigm as “they are anything but neutral or impartial in their collection and construction of case evidence” (p.11). Police see their role in the criminal justice system as assisting the prosecution by obtaining confessions, and thus, their primary goal in the interrogation process is to elicit these confessions (Leo, 2008).

Additionally, police are skeptical of criminal procedures which might be viewed as tilting in favor of the defendant (Leo, 2008). Police believe they are acting in the best

interests of justice and tend not to see the possibility for error on their part or that the tactics used may unknowingly elicit false confessions (Leo, 2008). The police believe they must use “a certain amount of pressure, deception, persuasion and manipulation” in order for the “‘truth’ to be revealed”(Gudjonsson, 2003, p. 7). Furthermore, studies suggest that police believe they have the ability to determine if individuals are lying and to weed out the guilty from the innocent with little error (Kassin & Fong, 1999 as cited by Leo, 2008). Kassin et al. (2007) surveyed 631 police investigators on their interrogation practices and opinions. The survey found that responding police officers believed they were able to detect lies with a 77% accuracy rate (Kassin et al., 2007). This is higher than the 45 to 65% detection rate that empirical evaluations found to be law enforcement’s actual ability at truth and lie detection (Kassin et al, 2007). These assumptions of the criminal justice process and how it “should” work lead detectives to possess a false sense of confidence, allowing them to accept their theory of the crime as true (Leo, 2008). Thus, detectives use the skills and resources available to them to acquire confessions as a means to “circumvent adversarial procedure through largely hidden processes that are often regarded as coercive” (Leo, 2008, p.33).

Leo (2008) argues that if interrogations are indeed adversarial, the secrecy of these practices competes with the overarching goals of the adversarial system. Seeking the truth should not require deception, and, if police are to be held accountable, then it can’t be done in secret. It has been recommended by numerous scholars who focus on interrogation practices and false confessions that the use of electronic recordings of

complete interrogations would provide needed checks and balances to ensure that the goals of the criminal justice system are upheld: protection of rights, balance of state power, truth-seeking and fairness (Kassin et al., 2009; Gould, 2008; Leo, 2008; Kassin et al., 2007; Sangero, 2007; The Justice Project, 2007; Sackman, 2006; Blair, 2005; Sullivan 2004 & 2005; Drizin & Leo, 2004; Drizin & Reich, 2004; Leo & Ofshe, 1998; Leo, 1996a; Ayling, 1984). These types of safeguards would also prove beneficial in cases determined to be possible wrongful convictions.

CHAPTER 3: Theoretical Rationale

False Confessions

As discussed above, the underlying principle of the Government Control Model is that “there can be no worse error in an adversarial system of criminal justice than the wrongful conviction of an innocent person” (Leo, 2008, p15). Twenty-five percent of the known wrongful convictions as determined only by DNA evidence are associated with false confessions, second only to poor eyewitness identification (The Justice Project, 2007). Leo and Ofshe (1998) and Leo (2008) argue that the tactics taught in Inbau’s manual can produce interrogation-induced false confessions and that the risk for false confessions increases when juveniles or individuals with a low IQ or mental illness are being questioned. The common misconception is that no individual would falsely confess to a serious crime he did not commit, regardless of the tactics used during an interrogation (Leo, 2008). However, three police tactics have been identified as needing reform due to coerciveness: Minimization, presentation of false evidence, and length of interrogation (Kassin et al., 2009).

Minimization tactics are used to offer the suspect moral justification, normalization of the crime and alternative explanations for the crime that do not include premeditation (Kassin et al., 2009). Law enforcement officers will often appear sympathetic to the suspect, stating they understand the behavior, suggesting they would

behave that way, or telling a story about a friend who behaved that way (Kassin et al., 2009). The goal of these tactics is to get the suspect to a place where confession does not appear to be a damaging decision. Kassin et al. (2009) states these types of tactics also tend to imply leniency if a confession is made. Leo (1996a) found, in an observational study of 122 interrogations, that tactics that are associated with minimization often include offers of moral justification (34%), praise or flattery (30%), and minimizing the seriousness of offense (22%). Tactics that are used less often, but are also associated with minimization, include minimizing facts/nature of crime (6%) and minimizing the nature of questioning (1%). This last cluster includes the types of tactics that raise concern when considering coerciveness.

The presentation of false evidence is also a tactic that is legal and has been associated with eliciting false confessions (Kassin et al., 2009). The law does prevent evidence from being fabricated (such as faked tapes, statements or lab results), but interrogators can suggest it exists (Kassin et al., 2009). This type of false evidence may be particularly damning to populations who are considered vulnerable, such as juveniles and individuals with low IQ's (Kassin et al., 2009). Kassin et al. (2009), Leo (2008), Gross et al. (2005), Drizin & Leo (2004), Pearse et al. (1998) and the American Bar Association agree that vulnerable populations, such as juveniles and mentally disabled and ill suspects, have difficulty comprehending and withstanding the pressures of police interrogation and deserve extra protection during this process. Inbau (1991) also argues that "special protection must be afforded to juveniles and to all other person of below-

average intelligence, to minimize the risk of untruthful admissions due to their vulnerability to suggestive questions” (p. 9-10 as cited by Kassin et al., 2009). Specifically, the training manual published by Inbau et al. (2001) argues that false evidence presentation is problematic to these populations (as cited by Kassin et al., 2009).

The last tactic, length of interrogation, is one of the factors where there is a large difference between average interrogations and those which elicit false confessions. Leo (1996a) found that the average interrogation was 1.6 hours, with the longest being between four and five hours. Blair (2005) argues that six hours should be considered coercive. In Drizin and Leo’s 2004 study of false confessions, the average false confession interrogation was 16.3 hours (Drizin & Leo, 2004).

Interestingly, Kassin et al.’s (2007) study used factor analysis to determine what police behaviors clustered together and found that respondents who expressed greater confidence in their ability to detect deception, respondents who typically conducted lengthier interviews, and respondents who had specialized training in tactics were more likely to use the “Isolation, Rapport, and Minimization” cluster of tactics (Kassin et al., 2007). The latter two groups were also more likely to use the cluster of tactics associated with “Presentation of Evidence” (Kassin et al., 2007). However, it should be noted, Kassin et al. (2007) do not report if the presented evidence was falsified or misleading. These findings suggest that law enforcement officers who are more likely to use the problematic cluster of tactics, may also be less likely to recognize the confession as false given their overconfidence in detecting lies. If this is true, then these particular false

confession cases would be expected to have greater odds of ending in wrongful conviction primarily because the detectives would feel confident in the validity of the confession.

In addition to specific interrogation tactics used by law enforcement, there are two groups that are more prone to falsely confess, as discussed above: juveniles and individuals with a low IQ. The American Bar Association (ABA) concurs with social science research stating that juveniles and individuals with mental deficiencies are the largest population of false confessors. Citing work completed by Saul Kassin, the ABA provides recommendations, such as considering the defendant's age and IQ while also considering the "length of interrogation, tactics employed, claims about existing evidence, express or implied threats or promises, offers to let them go home if they would confess, etc" (abanet.org). The U.S. Supreme Court also recognized the likelihood of false confessions by the mentally disabled and cited examples of false confessions in *Atkins v. Virginia*, when the Court prohibited the death penalty for this population (Drizin & Leo, 2004).

Pearse et al. (1998) researched England and Wales' 1984 Police and Criminal Evidence Act (PACE), which attempted to address the need to protect these individuals. This law required a competent adult be present for any interrogation of an at-risk suspect; however, Pearse et al. (1998) indicated that even this law fails these populations because police have difficulty identifying who the individuals are who require protection (other than the obvious juvenile population). Drizin and Leo (2004) argue that, to assist in

protection, if a suspect associated with a vulnerable population produces a confession that cannot be corroborated, then the confession should be required to be reviewed by a psychologist, the state attorney and the criminal investigation commander. This would allow for these potential false confessions to be recognized and, therefore, the case no longer moving forward in the criminal justice system.

In reviewing false confession literature, it is agreed that individuals who falsely confess commonly belong to vulnerable populations. A study focused on the wrongfully convicted and exonerated individuals found that 72% of those who were wrongfully convicted due to false confession were part of a vulnerable population (Gross et al., 2005). Additionally, individuals who were juveniles or mentally disabled were far more likely to falsely confess than non-vulnerable populations (42% and 39% respectively). However, this study only had 51 cases of false confessions which were exonerated (Gross et al., 2005). While there is an understanding that these populations are more likely to falsely confess than their non-vulnerable counterparts, the sample is too small to say with confidence whether these populations are also more likely to be convicted after a false confession occurs or whether current safeguards for these populations allow for confessions to be recognized as false before the case moves through prosecution. It is doubtful, however, that the knowledge of vulnerable populations carries over to actual safeguards being practiced. As Pearse et al. (1998) described for those with mental disabilities and as shown in Meyer and Rebbucci's (2007) study on juvenile interrogations, there appears to be a contradiction between law enforcement's general

understanding that juveniles are different than adults and how they treat these vulnerable populations in the interrogation room, which is similar to adults.

Sensationalism and Public/Organizational Pressure

Starting in the late 20th century, political influence, media and public opinion began to influence the way criminal justice organizations perform (Garland, 2001). Prior to then, Garland (2001) argues that criminal justice organizations were run primarily by criminal justice professionals who focused on procedures and processes which handled typical and standard crimes. But, in the late 20th century, the criminal justice system moved from a relatively insulated environment to one in which these external influences altered how law enforcement agencies conducted business and measured success (Garland, 2001). Since then, the criminal justice system has been required to be reflective and responsive to these external forces (Garland, 2001).

Felson (2002) argues that crime is typically uninteresting, non-dramatic and the result of the convergence of an offender, suitable target, and the absence of a capable guardian. However, the media sensationalizes crime, leading us to believe that crime is indeed dramatic (Felson, 2002; Roberts et al., 2003). This begins with the news media, which brings crime into the homes and minds of people who typically would not have experienced actual victimization (Roberts et al., 2003; Garland, 2001; McGarrell and Castellano, 1997). Garland (2001) suggests that this creates a separation between classes, and Roberts et al. (2003) would add that this separation leads to an “us” versus “them” mentality. Felson (2002) would concur that the public has difficulty believing that they

or their families are capable of committing crimes leading to a misunderstanding that criminals are not like them. Additionally, the media portrays criminals as “monolithic, pathological, and violent; crime is analysed [sic] from a simplistic prey-predator paradigm”(Kappeler et al, 1993 as cited by Roberts et al., 2003). Thus, the media provides the public with “regular, everyday occasions in which to play out the emotions of fear, anger, resentment, and fascination that our experience of crime provokes” (Garland, 2001, p.158). This leads to the sensationalism of crime and the public’s demands on the criminal justice organizations. These demands lead to the quantitative performance measure such as arrest and closure rates, causing a circular chain of events that easily leaves room for failure to recognize a false confession case and moving it forward in the criminal justice system.

In addition, the media does not provide an accurate representation of the crime problem (Roberts et al., 2003). In fact, the media does not even claim to representatively cover the types of crime which are most common (Roberts et al., 2003). Rather, they tend to focus on sensational crime events or violent events which frequently involve women or children as victims (Garland, 2001). This evokes fear in the public, as they believe that crime rates are increasing and criminals are becoming more dangerous, despite what the statistics show (Roberts et al., 2003; Garland, 2001). This fear further propels public demands, requiring action by politicians and the criminal justice system. These demands continuously focus on the quantity of closures and convictions.

Politics also plays a vital role in the cycle that leads to a false confession case moving forward in the criminal justice system. While prior to the late 20th century, politicians limited their role in the criminal justice system, crime now plays a vital role in elections, budgeting resources, as well as the creation of criminal justice policy (Roberts et al., 2003; McGarrell & Castellano, 1991). Politicians can directly affect how the criminal justice system operates, and therefore, the message organizations send to their police officers regarding how to conduct investigations. This, as discussed above, can lead to a failure to recognize false confession evidence, as political concerns are not always achieved by pursuing the overarching goal of doing justice.

An example of how politicians can directly affect how police organizations operate can be found by examining the authority political actors have over the position of a Police Chief. The selection of a department's Police Chief is, in many cases, politically motivated, and chiefs must respond consistently to the politicians who appointed them as well as to the public and special interest groups (Rainguet & Dodge, 2001). There is limited job security for this type of administrator, as most chiefs do not have an employment contract or agreement, making them more susceptible to immediate repercussions for their choices (Rainguet & Dodge, 2001). Rainguet and Dodge (2001) state that the average tenure for chief in a major city is 2.5 years. While they argue that there may be some benefits to high turnover, turnover typically causes major disruptions to the organization (Rainguet & Dodge, 2001).

In their qualitative study, 7 out of the 10 police chiefs interviewed mentioned politics as one of the major reasons for their departure (Rainguet & Dodge, 2001). One in particular spoke to the types of atypical crimes in a community that almost led him to be fired stating:

What happened in [the city] was the disruption of events that have occurred the last year put an incredible amount of pressure on the community and the department, on the administration of the department and on me personally in the department. And those things are pretty well-known. A major homicide investigation, significant rioting by students, a significant increase in heroin overdose deaths, some, a couple other not-so-high profile but very traumatic homicides in the community, and this is a community that averages one homicide a year, and normally those are typical, you know, there's a relationship involved, and there's a crime of passion, and these two high-profile "who-done-its" and one very brutal relationship... an overdose, and an in-custody death. Just a lot of really traumatic things (Rainguet & Dodge, 2001, p.279).

The police union gave this individual a "no confidence" vote because of the atypical criminal events that occurred in that jurisdiction during one year, but he was saved by a relationship with his elected official (Rainguet & Dodge, 2001). However, he was ultimately pushed out when the Mayor retired (Rainguet & Dodge, 2001).

In addition to removal based on public pressure, the political figure responsible for the hiring and firing of the police chief may remove them for electoral reasons or political differences. Even if a Chief of Police is not removed, politicians, especially mayors, have been shown to be influential in the management of law enforcement agencies (Skogen & Frydel, 2003). Thus, in understanding the role of political involvement, public opinion and the media influence, it could be expected that concern

for results, coupled with a sensationalized crime (such as a violent crime that has multiple or young victims) could increase the criminal justice organization's desire to resolve that crime quickly both to manage the media stories, as well as to show that the organization is effective at dealing with the crimes that evoke the most fear in the public and cause the most political concern.

It is important to note that the changes in organizational climate do not directly "cause" false confessions. However, they can directly impact how an organization handles standard practices such as interrogations, documenting confession evidence and corroboration of that evidence. It could be expected that obtaining a false confession or wrongfully convicting an innocent individual would be considered politically problematic and affect how the agencies involved are viewed. However, with the pressure from the public, the media and politicians regarding violent crime coupled with the rarity of false confessions, it is likely the external pressures associated violent crime will outweigh internal concerns that a confession might be false. Failing to properly safeguard allows for failure to recognize the false confession and brings the case closer to the possibility of the wrongful conviction.

Failure to Recognize

While it is now accepted that false confessions do occur, "the criminal justice system is poor at discovering, admitting to, or remedying its errors" (Drizin & Leo, 2004). Furthermore, it is argued that if law enforcement obtains a false confession and fails to recognize it, it gets progressively more difficult to remedy the mistake in each

subsequent stage of the case (Drizin & Leo, 2004). It is reasonable to assume that no agency wants to be responsible for wrongfully convicting the innocent and that failing to recognize or acknowledge a false confession would continue the case further along in the criminal justice system.

Much of the literature that speaks to this issue has focused on an interrogator's ability to detect lies during interrogations, overconfidence and tunnel vision. Over the years, investigators have used a variety of methods to bolster their ability to detect lies, including polygraphs, truth serums, voice stress analysis, behavioral analysis and statement analysis (Leo, 2008). Truth serums were ultimately determined to be exceptionally coercive, and thus, unconstitutional (Leo, 2008). The remaining methods have shown little empirical evidence suggesting that they are effective (Leo, 2008).

Regardless of the empirical evidence, behavioral and statement analysis are included in training manuals and are considered reliable by the law enforcement community (Leo, 2008). These manuals provide sets of questions that are argued to elicit different responses from innocent and guilty individuals. This type of training, which claims that this skill set will allow interrogators to detect lies 85% of the time, leads detectives to believe that they are capable of discerning the guilty from the innocent (Leo, 2008; Meyer & Rebbucci, 2007). As the detective's confidence increases, argues Kassin (2003), interrogations increase in pressure and coercion. When guilt is presumed, possibly in error, police choose to officially interrogate a suspect (Kassin, 2003).

Gudjonsson (2003) would concur, arguing that, by the time law enforcement determine the need to interrogate a suspect:

The interrogators have already decided, on the basis of the pre-interrogation interview, that the suspect is guilty or very probably guilty. What remains is to persuade the suspect to confess and give a written confession, no listening is required until a confession is forthcoming (p. 29).

The confidence in the ability to detect lies sets the tone of the rest of the interrogation, and interrogators feel justified in their methods. From this point, facts provided by a suspect may be considered lies, and police focus their investigation entirely on this individual without continuing to search for other likely suspects or evidence that would disprove their theory, resulting in “tunnel vision” (Gould, 2008).

Kassin (2003) conducted a study to determine if a predisposed belief of guilt affected an interrogator’s interrogation plans. The study found that when “interrogators” were attempting to get a confession from someone who was innocent, they had to try harder and use more pressure than they did with a guilty suspect (Kassin, 2003). This study, however, used students who were trained in interrogation techniques, who then interrogated student “suspects,” some of whom were “innocent” and others “guilty.” There are concerns that this study would not be generalizable to the greater police population. However, additional studies comparing trained law enforcement and average individuals show that professionals do not accurately predict innocence or guilt at a higher rate that was statistically significant, only that they are more confident in their

assessment due to training (Ekman & O'Sullivan, 1991 as cited by Kassin, 2003; DePaulo & Pfeifer, 1986).

It is reasonable to expect police to be overly confident in their assessment of a suspect's guilt or innocence. They have been trained to assume they can accurately determine if an individual is lying or telling the truth. Thus, failure to recognize a false confession could also be associated with organizational teaching and demands for success rates rather than individual attitudes about a case or suspect, as Worden (1989) found when studying arrest. In this study, Worden (1989) argues that organizational reinforcement, whether formal or informal, affects individual police behavior and formal decision making more than individualized attitudinal factors. When considering the organizational teachings associated with interrogations, theory suggests that criminal justice organizations focus on quantitative measures of success and neglect the need for quality assurance.

Dilulio (1993) argues that the criminal justice system is required to provide impractical measures of success and that these measures may create unintended and harmful effects because the public pressure placed on criminal justice organizations by citizens is unrealistic compared to what the organizations can actually achieve. Albert and More (1993) argue that law enforcement agencies are required to measure reported crime rates, arrests, clearances and response times to measure their effectiveness. If formal or informal expectations of police interrogators are that closure rates and conviction rates are the primary measures of success, then it is not surprising that Leo

(2008) argues that interrogators see their primary goal as obtaining a confession rather than impartial fact-finding.

While false confession literature focuses on the inability to detect lies, overconfidence and tunnel vision, it must also be considered that standard quantitative measures of success, which do not focus on actual effectiveness, can affect police work. Police are trained to handle their work flow in such a way that they do not recognize the possible implications. Thus, police officers and detectives are doing what is expected of them, but the expectations focus on issues that are counterproductive to conducting higher quality police work. Interrogation practices are no different. Ultimately, detectives focus on what their agencies require of them: closure rates.

In considering investigation practices and quantitative performance measures, the police's primary focus is to "identify criminal offenders and develop evidence to be used in prosecution" (Albert & More, 1993, p. 111). As discussed above, the best evidence that can be obtained is confession evidence. By only measuring the end result, this focus does not address the quality of interrogations and investigations. Thus, in determining where scarce resources should be allocated, quantity appears to outweigh quality; however, the quality of evidence is crucial in recognizing if a case contains a false confession. This recognition is what would halt a false confession case before it moved to prosecution.

Similar to police performance measures, Cole (1993) suggests that performance measures for the courts lack assessment in the quality of justice, focusing instead on rates

of convictions, dismissals, guilty pleas and sentences. This attention to quantitative performance measures and punitive sanctions lacks a focus on quality, limiting the possibility that a false confession is recognized and increasing the risk that a case moves forward through prosecution. The demand for quantity, the misconception or misrepresentation of what these statistics represent and the assumption that punishment outweighs quality of police practices leads to the failure to recognize false confession evidence. As Garland (2001) argues, these end results are associated with an increasingly punitive public demanding immediate results, and the agencies are responding to these demands (Garland, 2001).

While researchers have developed an understanding of who is likely to falsely confess and why, what leads to a wrongful conviction could be more complex. Wrongful conviction requires a failure to recognize from many components of the criminal justice system, including even a jury of the defendant's peers. Understanding both the possibility that interrogators are overconfident and/or have tunnel vision as well as organizational teachings that focus on quantitative measures rather than quality assurance is perhaps only the beginning of determining why false confession evidence is not recognized. It is also likely that certain cases cause an increased desire or pressure for both the investigators and their particular organization to close a case. Roberts et al. (2003) argues that public opinion about crime and crime policies is an influential component of how the criminal justice system responds to crime. As discussed earlier, a majority of identified false confession cases are associated with crimes against a person,

such as murder or rape (Drizin & Leo, 2004). These cases raise the egregiousness of the crime being investigated due to their violence and traumatic result. However, not all cases receive the same attention, and some case-specific variables may continue to raise the level of egregiousness or sensationalism of the crime. This could increase the desire to close the case and get a conviction, thus increasing the likelihood that false confession evidence would not be recognized.

CHAPTER 4: Hypothesis

This study is interested in what variables increase the odds that a false confession case will end in wrongful conviction. In examining the literature on interrogation practices, vulnerable populations, organizational behavior and public demands, some key variables emerge. The false confession literature shows a trend that juveniles and individuals with a low IQ are more likely to confess and that these populations also comprise a substantial group of individuals who are also wrongfully convicted. Further, interrogation tactics have been shown to lead to a false confession and this confession is often believed by law enforcement because they have faith in the tactics used, and believe that they are capable of detecting lies. The organizational literature suggests that external forces, such as political demands, public pressure and organizational climate can affect how police behave in their routine activities, as well as how the organization measures its own success. Thus, it is concluded that a case moves from a false confession to a wrongful conviction because there is a failure to recognize that the evidence is false. Both the false confession variables, as well as the case specific variables, will be examined to determine which, if any, are more likely to result in a case ending in wrongful conviction.

For this reason, I focus on two specific research questions. The first is broken into two sub-hypotheses aimed at what is known about false confession research in order to determine if the variables associated with why a false confession occurs is also related

to the odds of a case moving forward in the criminal justice system. The first one focuses on vulnerable populations. While it is known that juveniles and individuals with low mental capacity are more likely to falsely confess, it is not known if the safeguards intended to help these populations reduce the odds that their cases will end in wrongful conviction. Given the limited safeguards currently provided, I hypothesize that false confession cases which contain a suspect who is either a juvenile or is noted as having mental disabilities will be associated with an increased likelihood that the case ends in conviction.

The second sub-hypothesis is focused on if there is a co-defendant who also falsely confesses. This variable is important in two ways. First, multiple false confessions would indicate to law enforcement that there is corroboration for each of the false confessions. Second, law enforcement typically confronts a suspect with a co-defendant's confession. As the confession presented is false, this variable also attempts to tap into the construct of presentation of false evidence to elicit a confession, a tactic that is commonly associated with why individuals falsely confess (Leo, 1996a; Kassin et al., 2007; Kassin et al., 2009). Though police, in presenting a false confession statement to a co-defendant, may not yet know the evidence is false, it would produce similar results to intentionally presented false evidence, as the suspect believes there is evidence that points to his or her guilt. This variable is theorized to be important, though this study cannot speak to the result being associated with presentation of false evidence or that police felt the confession was corroborated. Nonetheless, it is still meaningful to know if

this variable increases the chances of wrongful conviction so future exploration can address why certain results were found. Therefore, I hypothesize that false confession cases which have one or more co-defendants who also falsely confess will increase the likelihood of a case ending in conviction.

The second hypothesis focuses on the idea that organizational pressure, due to the type of case being presented, is related to a case ending in wrongful conviction. This, too, is broken into two sub-hypotheses. The first is associated with the age and number of victims. Given that pressure is stronger when the public exhibits fear and anxiety, it is expected that cases involving a child (based on the legal definition) or multiple victims could exert more pressure. These pressures, as discussed above, could lead to law enforcement failing to recognize a false confession. Thus, I hypothesize that false confession cases which contain victims under the age of 18 or multiple victims will result in an increased likelihood that the case ends in conviction.

In addition to age and number of victims, the gravity of the offense may also exert pressures for the same reasons. The majority of the sample is associated with murder charges; therefore, this hypothesis focuses on the number of charges associated with the case. This hypothesis presumes that additional charges would indicate a more egregious crime in the eyes of the public. I, therefore, hypothesize that false confession cases which contain multiple charges will increase the likelihood that the case ends in conviction.

Both these hypotheses focus on why the criminal justice system may fail to recognize a false confession, and ultimately, why the odds of the case ending in a false confession may increase. As there is no reason to make the test more relaxed or stringent than standard social science protocol, I will use a significance level of $p < 0.05$ to test all hypotheses. For clarity the specific hypotheses are listed below:

Hypothesis 1a: False confession cases which contain a suspect who is either a juvenile or is noted as having mental disabilities will increase the likelihood that the case ends in conviction.

Hypothesis 1b: False confession cases which have one or more co-defendants who also falsely confess will increase the likelihood of a case ending in conviction.

Hypothesis 2a: False confession cases which contain victims under the age of 18 or multiple victims will increase the likelihood that the case ends in conviction.

Hypothesis 2b: False confession cases which contain multiple charges will increase the likelihood that the case ends in conviction.

CHAPTER 4: Methodology

Data

Data for each false confession case will come from two publicly available sources: the Lexis-Nexis Academic news database and a list of 40 false confessions and their outcomes as provided by Richard Leo and Steve Drizin and published on the Innocence Project's website (http://www.innocenceproject.org/docs/Master_List_False_Confessions.htm).

All data will be secondary source material. The Innocence Project's data overlaps with the sample being used in this study and provides the data associated with the dependent variable. Dependent variables for cases not listed on this website will be gathered using the Lexis-Nexis Academic news database. These searches will also corroborate the information provided by the Innocence Project. The independent variables of interest will also be obtained from the Lexis-Nexis Academic news database, as these variables are associated with publicly available case information. In the event that news sources do not provide the necessary information, open source searches will be conducted and each variable will be verified by two independent sources.

Sample

The sample contains 122 cases of known false confessions as published by Drizin and Leo (2004). The initial sample contained 124 cases; however, two cases were

eliminated due to lack of available information on either the dependent variable or more than one of the independent variables. The unit of analysis for this study will be a false confession case. This sample as published provides the case names of the individuals who falsely confessed and the year the confession was elicited (Drizin & Leo, 2004). This sample purposely contains only false confession case associated with interrogation-induced false confessions (Drizin & Leo, 2004). This sample excludes false confessions provided to law enforcement for other motives, thus allowing this study to focus solely on the relationship between false confessors continuing through the justice system, police interrogation tactics and criminal justice organizations' discretion.

Additionally, this sample is stated by the authors as being one of the largest collections of proven interrogation-induced false confessions (Drizin & Leo, 2004). In order for the confession to be considered proven false, a case must have one of four characteristics: the crime did not occur, the suspect's involvement in the crime is physically impossible, the identification of the true perpetrator is established or DNA evidence excludes the false confessor as a possible suspect (Drizin & Leo, 2004). Leo and Drizin (2004) corroborated the information through primary and secondary source material, including review of interrogation transcripts or audio or video records, interviews with attorneys, police and suspects associated with the case, police reports, transcripts of trials, electronic media, articles, books and a review of court decisions (Drizin & Leo, 2004).

As only a limited number of false confessions include the information needed for Drizin and Leo (2004) to consider a case “proven,” this sample is conservative. While conservative analysis is beneficial, as it does not contain cases which may be disputed as not being false, it excludes probable false confessions or false confessions which have gone unnoticed. Not having full knowledge of which cases comprise the actual population reduces the sampling frame and creates a concern for external validity.

Additionally, the initial sampling from which this data set is derived may further reduce to whom this study is generalizable. Drizin and Leo (2004) identified disputed cases to consider for the data set of proven false confession cases, eliminating those that were not interrogation-induced false confessions. Initial identification was done by “the authors systematically identif[ying] disputed confessions primarily through electronic media and legal database searches” (Drizin & Leo, 2004, p. 924). It is likely that cases would have been eliminated prior to this examination due to failure to recognize the confession as false. While the intention was to develop a comprehensive data set, the fact that the majority of the cases contained murder, and that the remainder are primarily Part 1 crimes, suggests that identification of less egregious cases may not have been possible, therefore excluding them. This is not to suggest that Drizin and Leo were biased in their selection process based on crime type, but if identification of cases began with a media review, cases with a lower egregiousness may not have been publicized, nor are these types of cases frequently identified and written about within the false confession literature.

Certainly, it could be expected that a suspect could falsely confess to any type of crime given the correct circumstances; however, the false confession may be difficult to prove with respect to particular crime types, such as car theft. These cases would be less likely to gain media attention if discovered. Lastly, less egregious crimes are more likely to result in little to no jail time. Thus, if a suspect did falsely confess, and the repercussions were not as severe, the stakes to prove innocence are not high compared to the relatively difficult processes of continuing to maintain and prove innocence. This is seen in plea bargain cases where defendants make rational choices between risking trial versus taking a less severe punishment, sometimes regardless of possible innocence.

Understanding that there are unidentified cases of false confession, it is possible that there is something unique about these cases that lead them to go unnoticed which this study cannot address. For this reason results should be considered cautiously. While ideally a sample would be randomly drawn from all interrogation-induced false confessions, at this time no such list exists. Likely, a larger sample would still contain similar deficits. While there are some difficulties with this sample, research in this area has not been examined. This sample is useful in providing exploratory analysis on this issue to guide future inquiries.

Key Variables

The dependent variable of interest will be the stage at which the false confession case was concluded. This variable was originally coded by the Innocence Project in four ordinal level categories: 1. post-arrest/pre-indictment; 2. post-indictment/pre-conviction;

3. acquittal; and 4. conviction. For this study, the variable of interest is dichotomous: convicted and not convicted. Thus, the dependent variable will be re-coded, grouping the Innocence Project's Groups 1, 2 and 3 as 'not convicted' and Group 4 as "convicted."

The independent variables will encompass two types of variables, those typically associated with why an individual would falsely confess and those unique to a specific case which may lead to the continuation of a case through the justice system. The variables associated with the false confession literature will include: whether or not the suspect is a juvenile, has a low mental capacity, or if a co-defendant in the case has falsely confessed. The additional variables will include crime type, whether or not the victim was a juvenile and whether or not there were multiple victims.

Vulnerable Populations and Co-Defendants Variables

The age of the suspect is coded as a dichotomous variable. If the suspect was under the age of 18 at the time of the confession this will be coded as a "yes," and all other ages will be coded as "no." The literature does not suggest that further breakdown of this variable is needed. Similarly, if it was found that the suspect has a low or borderline IQ, the case will be coded as a "yes," and all others will be coded as a "no/not known." Further breakdown by actual IQ is not necessary based on false confession literature, nor is this type of data feasibly obtainable. One concern with this variable is the possibility that the mental ability of the suspect was not associated with the confession. Therefore, it is possible that individuals will be included in the "no/not known" category who indeed have a lower mental capacity. This risk is acceptable

because if mental ability is known, it is typically discussed both in news articles and false confession literature.

The variable of co-defendants will be coded as either “yes” or “no.” The “yes” will indicate that the case contained at least one co-defendant who also falsely confessed. The “no” will be all others. The number of co-defendants who falsely confessed would be beneficial to this study as it would point to the quantity of false confession evidence being presented; however, this information is not always available. For consistency this variable will remain dichotomous.

Case Variables Associated with the Crime

The variables associated with the case are the number of charges and the age of the victim. The crime type variable is unique in that it can be coded in a number of ways. Ideally, the study would code and analyze this variable in two ways. The first would include each crime type separately. In this study that would include nine crime type categories. The second analysis would code clusters of crime types. For example, there will be a “rape category” and a “rape/robbery” category. However, with a sample of 122 individuals, over 80% of which contain at least a murder charge, there is not the variability needed to look at specific crime types or crime type clusters. However, all crime types that have two primary charges include either murder, rape or attempted rape. Thus, if a crime contains more than one category, it includes at least one common part I crime against person. The variable will be coded as a dichotomous variable with “yes” indicating that the case has more than one primary charge and “no” indicating that the

case only contains one primary charge. A note of caution regarding this variable: The crime type can change as the case moves through the criminal justice system, such as a plea bargain agreement that reduces the charge. This study will focus solely on the crime type that was determined at the onset of the investigation and not consider changes to crime types as the state and defendant reach a plea agreement.

The variable of “multiple victims” will also be a dichotomous variable. It will not distinguish between a case with a number of victims that were harmed in one incident versus a case that contained a number of incidents that each harmed a single victim. This measure is not ideal, as an individual accused of serial rape or murder may produce different results than someone who committed a mass murder or rape. However, in order to have enough variability within the variable, these cases will need to be combined. With a larger sample, future studies could parse out these different scenarios, but this study accepts the deficit as the purpose of the variable is tapping into the possibility of a raised awareness of the crime in the community or the criminal justice agency. Regardless of the number of incidents which occurred, awareness of the crime to the criminal justice system or the public would be heightened both for a mass murder or a serial murder.

Lastly, the variable of age of victim will either be coded as a “yes” if the victim is under the age of 18 and a “no” for all others. In cases of multiple victims, the variable will be coded based on the age of the youngest victim. It would be beneficial to code the variables based on actual age, or at minimum as a young child, teenager, or adult in order

to better address the difference of ages on outcome. However, this information is not always known.

A final note of caution regarding the variables used in this study focuses on the variables that are not being addressed: the race of the victim and the race of the offender. It is recognized that race, as in many criminological studies, is an important and relevant consideration. In a review of Lexis news sources, race was, at times, difficult to ascertain, as was the socioeconomic backgrounds of both the victim and the alleged suspect. For the individuals who were wrongfully convicted, race was more frequently mentioned in the news sources and, therefore, information about race was easier to obtain reliably. Out of the 43 wrongful convictions in this sample, 77.5% (n=31) had identifiable races. Of those individuals, 71% were minorities (58% Black and 13% Hispanic). As the defendant's race could not be determined in a majority of the cases in the sample, this variable was excluded from this study. However, race has been shown to be an exceptionally important variable when considering case and sentencing outcomes and, therefore, could provide meaningful analysis of how the criminal justice system responds to false confession cases as associated with race.

Analysis

There will be two statistical methods used in this study: Chi-square analysis and logistic regression. Chi-square will be used to determine if there is a relationship between the independent and dependent variables, assuming all else is equal. Then logistic regression will be used to determine if any of the variables are associated with a

statistically significant increase or decrease in the odds of a case ending in conviction.

Logistic regression attempts to predict the outcome of a case (conviction or no conviction) starting with a base model and then adding independent variables to determine if these variables improve that model (Feild, 2009). In this study, the sample contains 43 convictions out of 122 cases, thus the base model will predict that cases will not result in a conviction and be accurate 64.8% of the time. By adding the independent variables, I hope to see an increase in that accuracy rate.

CHAPTER 5: Findings

The data included 122 cases of interrogation-induced false confessions. Of this sample, 64.8% were not convicted (n=79), and 35.2% were wrongfully convicted (n=43). Vulnerable populations comprise 48% of the sample: 29.5% were under the age of 18 (n=36), and 21.3% (n=26) were considered to have a low mental capacity, with some overlap. There were three cases that contained individuals who were considered low mental capacity juveniles. Cases that contained co-defendants who also falsely confessed comprise 37.7% of the sample. Victims who were over the age of 18 were the majority of the sample (76.2%); and only 11.5% of the sample contained multiple victims. Descriptive statistics that provide both the percentage and frequency of each main variable are listed below in Table 1. As the table reflects, the dependent variable and all key independent variables listed provide enough variability to meet the standards for both chi-square and logistic regression.

TABLE 1. Dependent and Independent Variables Descriptive Statistics

Variable	%	Count
Convicted	35.2	43
Vulnerable Population		
Juvenile	29.5	36
Low IQ	21.3	26
Co-Defendant also Falsely Confessed	37.7	46
Victim Under the age of 18	23.8	29
Multiple Victims	11.5	14

Crime Type is the only main variable not included in table 1. As mentioned above, crime type can be analyzed in a number of ways. Table 2 represents the crime types per case. There are some categories that have as few as one case while others have 72 cases, such as murder. Additionally, 80 percent of the cases contain the murder crime type. Thus, there is limited variability between the crime type variable. Therefore, this case will be coded as a case containing either one charge (n=88) or a case containing multiple charges (n=34).

TABLE 2. Crime Type for False Confession Cases

Crime Type	%	Frequency
Arson	3.3	4
Attempted Murder	1.6	2
Attempted Rape/Abduction	0.8	1
Bank Robbery	1.6	2
Murder	59.0	72
Murder/Abduction	2.5	3
Murder/Arson	0.8	1
Murder/Burglary	1.6	2
Murder/Rape	13.9	17
Murder/Robbery	3.3	4
Rape	4.1	5
Rape/Burglary	0.8	1
Rape/Abduction	0.8	1
Rape/Attempted Murder	4.1	5
Terrorism	0.8	1
Theft	0.8	1

A chi-square analysis was done to determine if there is a relationship between the independent and dependent variables as a first step to running the logistic regression model. Findings suggest that there appears to be a statistically significant relationship between having a low IQ and the case ending in conviction ($X^2=5.009$; $DF=1$; $p<.013$). Additionally, the existence of multiple charges appears related to the case ending in conviction ($X^2=25.797$; $DF=1$; $p<.0001$). The regression model indicates that cases involving a defendant who has a low IQ have increased odds of that individual being convicted by 4.273 times. This means that individuals who have a low IQ are over four times more likely to be convicted if they falsely confess than individuals who do not have a low IQ and falsely confess. This is a statistically significant finding at the $p < .05$ level.

The largest increase in odds of conviction in false confession cases is the case having multiple charges (11.918), which shows a significant finding at the .001 level. Individuals who are charged with multiple crimes and falsely confess are nearly 12 times more likely to be convicted than those who falsely confess to a crime with only one charge. The model also found that if there is a co-defendant who also falsely confesses, the odds increase by 4.185 for that individual being convicted at a significant rate ($p=0.01$). The remaining variables all appear to show a decrease in the odds of a case ending in conviction; however, none of these variables show a statistically significant decrease.

TABLE 3. Logistic Regression: Wrongful Conviction Outcome for Defendant and Case Variables

Variable	B (SE)	Odds Ratio	CI (95%)		Significance
			Low	High	
Defendant Variables					
Defendant is a Juvenile (1)	-0.398 (.564)	0.672	0.223	2.028	0.481
Defendant has a Low IQ (1)	1.452 (.585)	4.273	1.358	13.448	0.013
Co-Defendant also Falsely Confessed (1)	1.431 (.517)	4.185	1.519	11.525	0.006
Case Variables					
Victim Under the Age of 18 (1)	-0.511 (.574)	0.600	0.195	1.849	0.374
Multiple Victims (1)	-1.258 (.807)	0.284	0.058	1.382	0.119
Multiple Charges (1)	2.478 (.457)	11.918	4.286	33.146	0.0001

R²=.286(Cox & Snell), .395 (Nagelkerke). Model X²=41.267, $P < .0001$.

For all variables, the odds ratio fits between the lower and upper bound of the confidence interval. For the statistically significant variables, this suggests that the sample population's odds ratio may be similar to the actual population's odds ratio, and could show a meaningful increase in odds. For the variables which are not statistically

significant, the odds ratios cross over 1 and, therefore, this mean that there could either be an increase or a decrease in the odds of a case ending in conviction. This model, with all variables added, is an improvement over the model containing only the dependent variable. The -2 log likelihood took five step iterations to reach 117.078, compared to the model where only the constant is present, which reached 158.354. Additionally, the model containing all variables better predicts case disposition by 16% (64.3% and 80.3% respectively).

In an effort to determine the effect of removing the insignificant variables, a backward-stepwise model was conducted. While there are minor improvements in the -2LL with each additional variable that remains in the model, overall the model remains able to predict 80.3% as long as the significant variables are not removed. Additionally, both the full model and the model removing variables contain a similar R^2 statistic indicating a moderate strength. Thus, removal of all non-significant variables would not alter the relevant findings mentioned above. While this is useful knowledge, theoretically, these variables are of interest and exclusion would not be beneficial to the larger research question.

In order to ensure the model isn't being unduly influenced by specific cases, a review of the residual was conducted. No major issues were found. Cooks Distance and all DFBetas were all less than one, indicating that no case seriously altered the results. When reviewing leverage statistics, there were five cases which were greater than three times the average value. Each case was reviewed and none of the five cases were rare or

obscure cases. A review of studentized residuals found that no more than 5% of the data set contained values above two. Additionally, none had values above 2.5. Based on these findings, it appears that the model is a good fit with few, if any, outliers.

Last, a review of the independent variables was conducted to ensure that they are not too highly correlated. Findings suggest that there are no visible problems with the independent variables. Each variable has a tolerance higher than 0.01 and a VIF statistic less than 2. Additionally, when variables were removed from the data set, there was no instability among coefficients that would signal problems with multicollinearity.

As the model appears to be a good fit for the data, with no visible data issues, based on the regression findings, I turn back to the two main hypotheses which address the main research question of which variables increase the odds of an interrogation-induced false confession case ending in conviction. Hypothesis 1a has two components addressing vulnerable defendant populations. Based on the findings, I rejected the null hypothesis that there is no difference between a defendant who has mental disabilities and one who does not in determining if the case will end in conviction. However, the null hypothesis stating that there is no difference between a juvenile suspect and an adult suspect in determining if the case ends in conviction cannot be rejected. Hypothesis 1b addresses the presence of co-defendants who also falsely confess. The results indicate that I can reject the null hypothesis that there is no difference between cases which have a co-defendant who falsely confesses and those which do not in determining if the case would end in conviction. Lastly, Hypothesis 2a and 2b address the issue of egregiousness

or sensationalism of a particular crime. The results indicate that the null hypothesis which indicates that there is no difference between cases which has one charge and those with multiple charges in determining if the case ends in conviction can be rejected. However, the results indicate that the null hypothesis for 2a associated with age or number of victims, cannot be rejected.

CHAPTER 6: Discussion

False confession and wrongful conviction studies are limited as they cannot ethically or practically be conducted with an experimental design, by manipulating conditions to determine if an intervention would improve or decrease the likelihood of false confession cases ending in conviction. The inability to examine issues in this way limits the causal inferences that can be drawn as all studies are at risk for low internal validity. For this reason, this study does not attempt to make causal inferences, for example, that having a low IQ causes wrongful conviction. Instead, I am attempting to determine if these variables are an influencing factor in a case ending in wrongful conviction once a false confession occurs.

When focusing on relationships between the independent and dependent variables, there are three areas that warrant further attention: the construct of egregiousness, the role of co-defendants, and how the criminal justice system responds to vulnerable populations. All of the false confession cases included in this data set are associated with serious crimes. The concern is that the egregiousness of the crime overall cannot easily be measured. While the study produces a significant finding associated with a case involving multiple charges, it was also hypothesized that a case having multiple victims or at least one victim who was under the age of 18 would show significant results. It is possible that, given the already egregious nature of the crime

types available in this sample, that there are construct validity issues with the variables attempting to measure egregiousness. Construct validity is threatened when theoretical ideas are not measured in a way that tap into that abstract idea. If this study did not measure these constructs appropriately, it will affect the ability to make conclusions. While it has been theorized by Garland (2001) that the variables included in this study do tend to raise the sensationalism of a crime, inadequate development of this construct may have led to the insignificant findings.

Future studies in this area should include the role of media presence for a particular case, which could identify which particular crimes the public was concerned about, thereby raising the pressure on the criminal justice system in that jurisdiction. Additionally, it could be important to determine if the specific crime was an anomaly for the people and place where the crime occurred. While a single murder in an affluent neighborhood could gain great public and media attention, a murder in a poor inner-city neighborhood with high crime rates may be considered a normal occurrence and draw little to no media presence. However, when that same inner-city neighborhood is the location of serial murders, this raises the sensationalism and brings media attention. The serial killer from the Englewood neighborhood in Chicago is one such case, where the neighborhood is considered to be impoverished, has problems with drugs and prostitution and has the largest concentration of sex offenders in the city of Chicago (Girardet, 1999). Crime is an everyday occurrence there, but when a serial killer targets the community, the media and police pay attention. This case brought great police, FBI and media presence.

Terry Hillard, the Chicago Police Department superintendent, stated that officers “worked night and day tracking leads, knocking on doors, and on stake outs, and searching dozens of abandoned buildings” (“Chicago man charged in serial killing,” 2000). One of the suspects in this case falsely confessed and was sentenced to death (“Chicago man charged in serial killing,” 2000). It is likely that this type of community typically does not see this level of police involvement for the majority of crimes committed in this neighborhood, thus raising the sensationalism of the event.

Thus, when considering the construct of egregiousness or the sensationalism of a particular case, it may be important to determine the crime rates of a particular place and if this crime meets the same patterns of the community. It would also be important to determine the race of the victim and of the alleged offender. Literature suggests that race plays an important role in death penalty cases. It has been found that if the defendant is black and killed a white victim, the punishment is more severe (Brewer, 2004). If punishment is more severe, it is plausible that the death of a white victim could also lead to greater media attention throughout the case, rather than only seeing this disparity in sentencing. As this dataset primarily contains crime types associated with capital offenses, race should be considered as well. Thus, the construct of egregiousness is still valid and requires more exploration. This area is not typically addressed in wrongful conviction literature and would add to the evidence base.

This study did find that cases involving a co-defendant who also falsely confessed significantly increased the odds of a case ending in wrongful conviction. This

variable is theorized as being important in two ways. First, an additional false confession corroborates the first and, therefore, may increase police confidence that they have the correct assailant. Second, if the first false confession is presented by the police to the second suspect, it would likely have a similar effect on the second suspect as the presentation of false evidence. This is considered to be an interrogation tactic that is unduly coercive. This study is unable to determine which construct, if not both, this variable is addressing.

Two points should then be considered in further examination of this variable. First, it is reasonable to expect law enforcement to fail to recognize a confession as false when multiple individuals provide corroborating information. Two co-defendant falsely confessing may indicate that law enforcement made an accurate assumption of guilt. However, to the second point, it should be concerning that both individuals falsely confessed, a rare event in itself. An example of a case that should have been reviewed for interview techniques -- due to the number of individuals who falsely confessed, as well as an example of how co-defendants can elicit additional confessions -- is the case of the Norfolk Four.

When considering the story of the Norfolk Four, police actions likely defied ethical codes of conduct and provide a concrete example of tunnel vision (Wells & Leo, 2008). In this case the investigators' theory of the crime did not support scientific DNA evidence found. Instead of releasing the suspects who falsely confessed, police altered their theory so they could continue prosecution of these individuals despite evidence

suggesting innocence (Wells & Leo, 2008). Here investigators believed that one false confession corroborated the other suspect's false confession, but the methods used to acquire those confessions are possibly unethical. Thus, future research should qualitatively analyze how this variable interacts with other factors within false confession cases to determine if there are other similarities with these co-defendant cases that could assist identification of these confessions as false.

One of the most interesting findings in this examination is that individuals with low IQ's see a significant increase in the odds of any false confession ending in conviction, whereas the juvenile population did not produce significant findings. This sample of cases contains a similar number of juveniles and individuals with low IQ. However, the low IQ population is associated with far more cases than expected ending in conviction. The cases within the juvenile population that end in conviction, however, can be explained by chance. The false confession literature suggests that both populations are vulnerable to giving false confessions for many of the same reasons. However, something in the prosecution stages of a case impacts the juvenile population's vulnerability differently.

Pearse et al. (1998) conducted a study examining the effectiveness of the Police and Criminal Evidence Act of 1984 (PACE) in England & Wales. PACE attempts to address vulnerable populations' limitations by offering juveniles and individuals with 'mental disorders' special protections, such as requiring legal or adult representation prior to an interview (Pearse et al., 1998). It was assumed that police would be able to identify

individuals who fell in the vulnerable population category to give them additional protections entitled to them under PACE (Pearse et al., 1998). It was found that, while juveniles could be easily identified, identification was extremely difficult for individuals who had mental disorders (Pearse et al., 1998). In their study, identification was made possible with a battery of tests, though it is not feasible to have a professional conduct these tests on every suspect interviewed. While both juveniles and individuals with mental disorders require similar protections under PACE, only the juvenile population routinely receives the required assistance.

If identification of individuals who have mental disorders is difficult at the time of the interview, it is plausible that identification throughout the prosecution stages remains difficult as well. Juveniles have advocates, whether it be their parents, guardians, or guardians ad litem. Individuals who have a low IQ or have mental deficiencies may not be recognized as being unable to assist in their own defense. It has been found that these individuals may be eager to please, compliant, suggestible and may even come to believe that they committed the crime (Pearse et al., 1998; Wells & Leo, 2008). While this is one of the reasons these individuals falsely confess, these traits would be a factor in every stage of the criminal justice system.

One of the members of the Norfolk Four exemplifies these concerns. This individual was not considered to have a legal mental deficiency, but all assessments indicated that he was extremely below average in intelligence and ability, highly suggestible and had few friends to rely on (Wells & Leo, 2008). This individual falsely

confessed, named other possible assailants, testified at their trials and ultimately was convinced that he actually committed the crime (Wells & Leo, 2008). This individual's lawyer and family also believed his guilt based on his own admissions (Wells & Leo, 2008). This example shows that those who typically advocate for a defendant may not be as supportive if the suspect himself is not convinced of his own innocence. It also may be difficult to find advocates if the suspect is compliant to the requests of his attorney based on the false confession, such as in a plea bargain.

Juveniles, on the other hand, may be more likely to have advocates who can recognize the possible illogical occurrences given in a statement. Juveniles may also be able to express why they provided the false confession in the first place (i.e. communicating that the police said they could go home if they confessed). Thus, while both populations are at risk of misunderstanding police tactics and are suggestible, one population may have greater safeguards once the confession is given, leading to the difference in outcomes.

Further research in this area would be beneficial to better understand how the system treats juvenile offenders compared to those who may have a low mental capacity. It is recommended that a thorough analysis of juvenile cases be conducted to determine what, if any, protections are put into place for a false confession case. A similar analysis could be conducted on the low mental ability population. A comparison, then, between the two vulnerable populations would determine what if any differences appear between the two populations that could speak to the difference in findings. Analysis at this level

would likely require both a qualitative and quantitative component, and access to specific details of these cases throughout the criminal justice system's stages would be needed. While this may be difficult, research of this kind would allow for a more comprehensive understanding of the difference between these groups within the prosecution stages of false confession cases.

Additionally, it would be beneficial to know how many of the juvenile population were tried as juveniles or if they were waived to adult court. If the juveniles were typically prosecuted as a minor, it may affect the outcome of the case. In this sample only three cases contained an individual who was a minor and possessed low mental capacity. Thus, the difference in how a case is prosecuted based on age may have an impact.

CHAPTER 7: Conclusion

This is an exploratory study focusing on understanding the defendant and case variables that increase the odds of false confession cases ending in conviction. The goal was to empirically evaluate if the variables associated with false confessions are also related to wrongful conviction and/or once that confession occurs, if the relationship to wrongful conviction is related to the specific crime related variables. This study brings up three areas within false confession literature which warrant more attention when considering why some cases end in convictions. First, additional research should focus on the criminal event of a false confession case and how the construct of egregiousness is related to a case ending in wrongful conviction. While findings suggest two out of three of the case-specific variables could not reject the null hypothesis, a more detailed analysis focusing solely on this construct might change those results.

Secondly, the competing issues surrounding the co-defendant variable that both legitimately explain the failure to recognize the confession evidence as false while also displaying a circular logic regarding the police believing a false confession simply because a co-defendant also falsely confessed suggests that these cases need further examination. This is especially important because this study suggests that this variable does significantly increase the odds of a case ending in conviction. Determining if there

are any additional common links in these cases would provide a more in-depth understanding of this variable.

Finally, this study may be particularly important for the vulnerable population that consists of the individuals with low mental capacity. This study indicates that they maintain their vulnerability throughout the criminal justice stages, whereas for the juvenile population, I cannot eliminate the possibility that findings can be explained by chance. It is theorized that the difference in conviction outcome may be related to what occurs after the confession stages. Examining how these cases are handled within the prosecution stages of the criminal justice system may provide useful information when determining how the criminal justice system should treat cases that contain individuals with low mental capacity and how to best identify these individuals.

This study did not primarily focus on police interrogation tactics, other than to provide an understanding as to why false confessions may not be recognized. However, it is important to mention that this is the area of reform that is most theorized to reduce interrogation induced false confession from occurring. A reduction in false confessions would likely reduce the false confession cases ending in wrongful conviction. Pearse et al. (1998) found that when law enforcement began interviewing suspects and attempting to gather information rather than interrogating to obtain a confession, there was no reduction in actual confession evidence obtained. This type of change addresses the efficacy of police interrogations, indicating that law enforcement can change their

techniques without reducing their success rate. Future work in this area could examine if less coercive tactics can occur while maintaining the same success rate.

False confessions and wrongful conviction research can take many different approaches. Research has focused on law enforcement, prosecutions, or even the defendants themselves. With each new study, the wrongful conviction evidence base grows. Continuing to explore these events in new ways will hopefully provide a variety of solutions so that criminal justice practitioners can better safeguard against both false confessions and wrongful conviction.

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