
The Role of Psychology in Contested Confession Cases

- Dr. Brian Cutler, PhD
- *Professor and Director*
- *Media Psychology Program*
- *Fielding Graduate University*





The Roles of Psychology and Psychologists in Contested Confession Cases


- Educate the lawyer
- Assess the evidence
- Forensic assessment (maybe)
- Provide written reports (maybe)
- Educate the factfinder(s) (maybe)

Knowledge Areas

- Role of false confession in wrongful convictions
- The psychology of false confessions
- The psychology of interrogations
- Risk factors for false confessions
- The contamination of confessions
- Evaluating the veracity of confessions

Some Costs of Wrongful Conviction

- Grave Injustice to the Person Wrongfully Convicted
- Crime Victims Continue to Suffer Harms
- Real Perpetrator Commits More Crimes
- Reduced Confidence in Policing and the Courts
- More Opportunities for Racial Bias in the Justice System
- Greater Financial Cost to Society

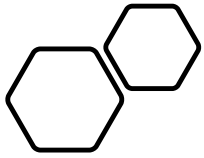


Some Outrageous Cases of False
Confession and Wrongful
Conviction



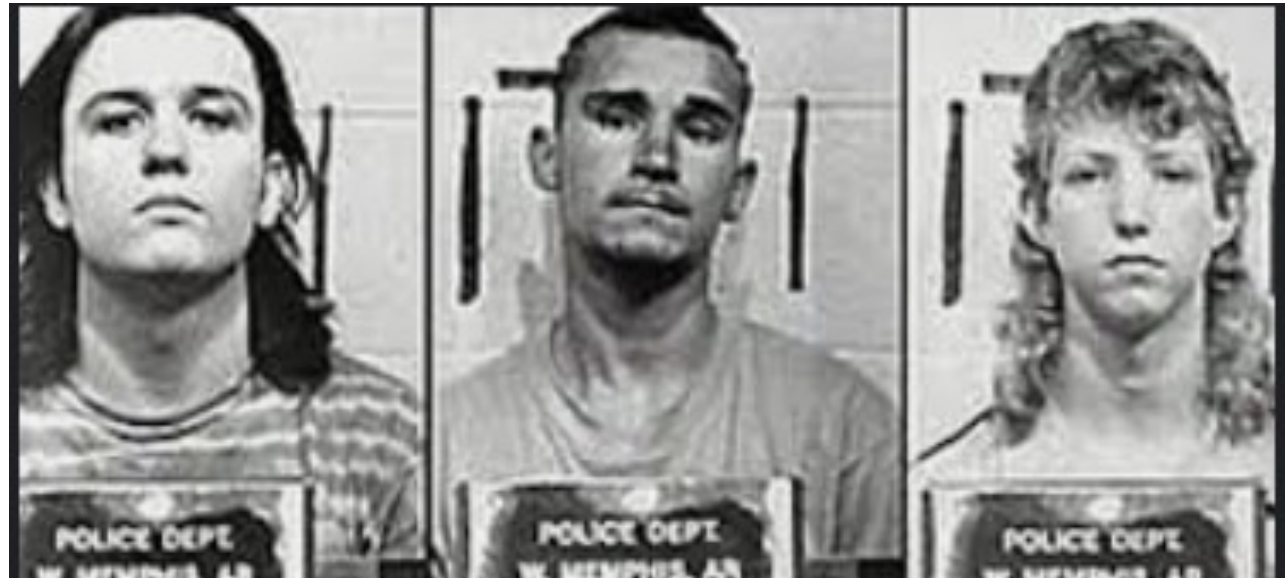
The Dixmoor 5

- James Harden, Jonathan Barr, Robert Taylor, Robert Veal & Shannie Sharp, ages 14-16
- Falsely confessed to the rape and murder of Cateresa Matthews, age 14
- Spent 80 years in prison before being exonerated



West Memphis 3

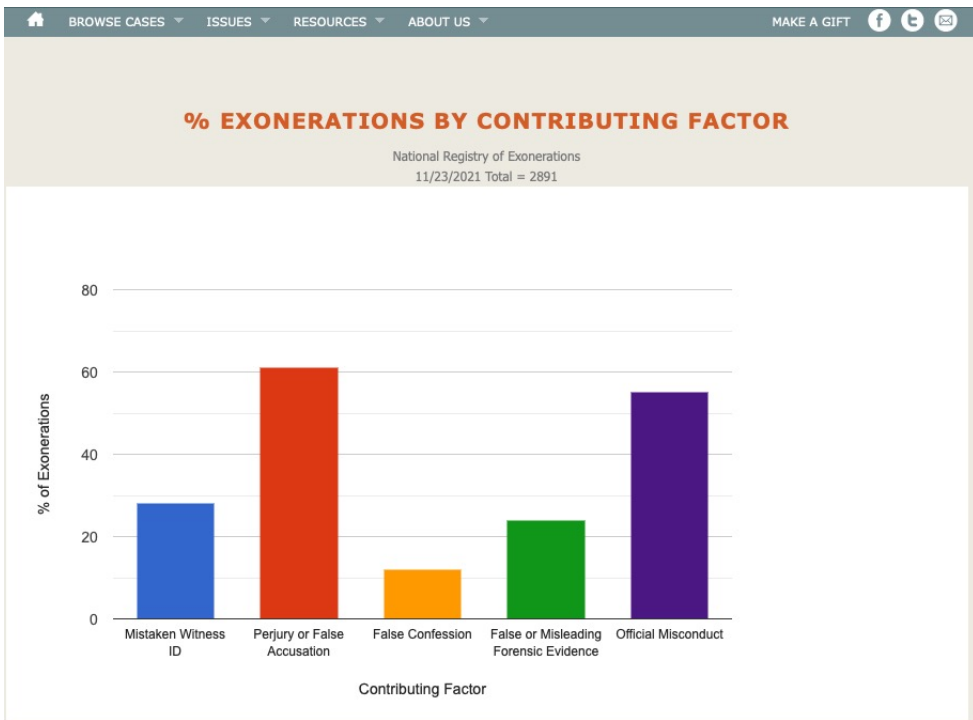
- Damian Echols, Jessie Misskelley and Jason Baldwin
- Falsely confessed to the murder of 3 boys in Arkansas
- Spent more than 50 years in prison before being exonerated





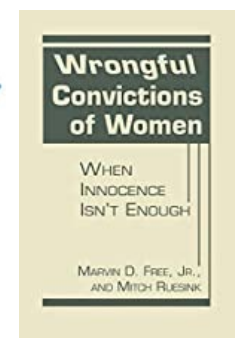
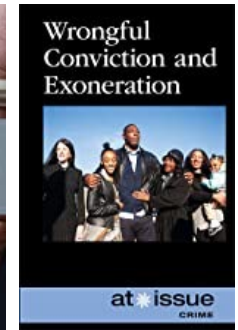
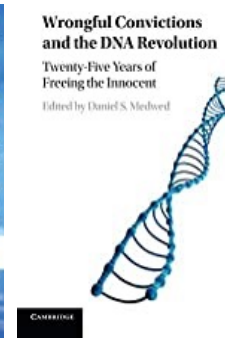
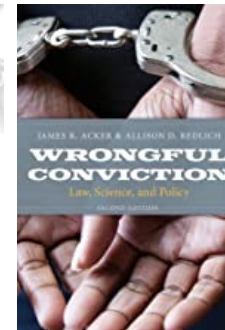
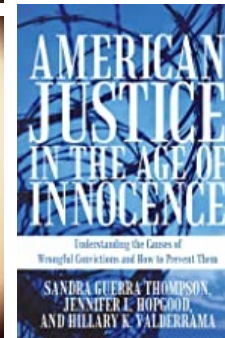
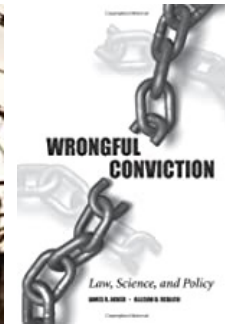
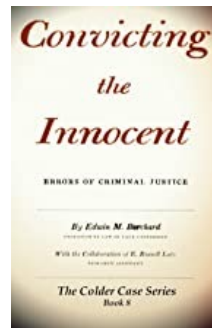
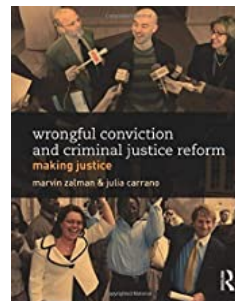
Central Park 5

- Anton McCray, Yusef Salaam, Korey Wise, Kevin Richardson & Raymond Santana
- Falsely confessed to the brutal rape and near murder of 28-year-old Trisha Meili, who was jogging in NY's Central Park
- Spent about 35 years in prison before being released and eventually exonerated

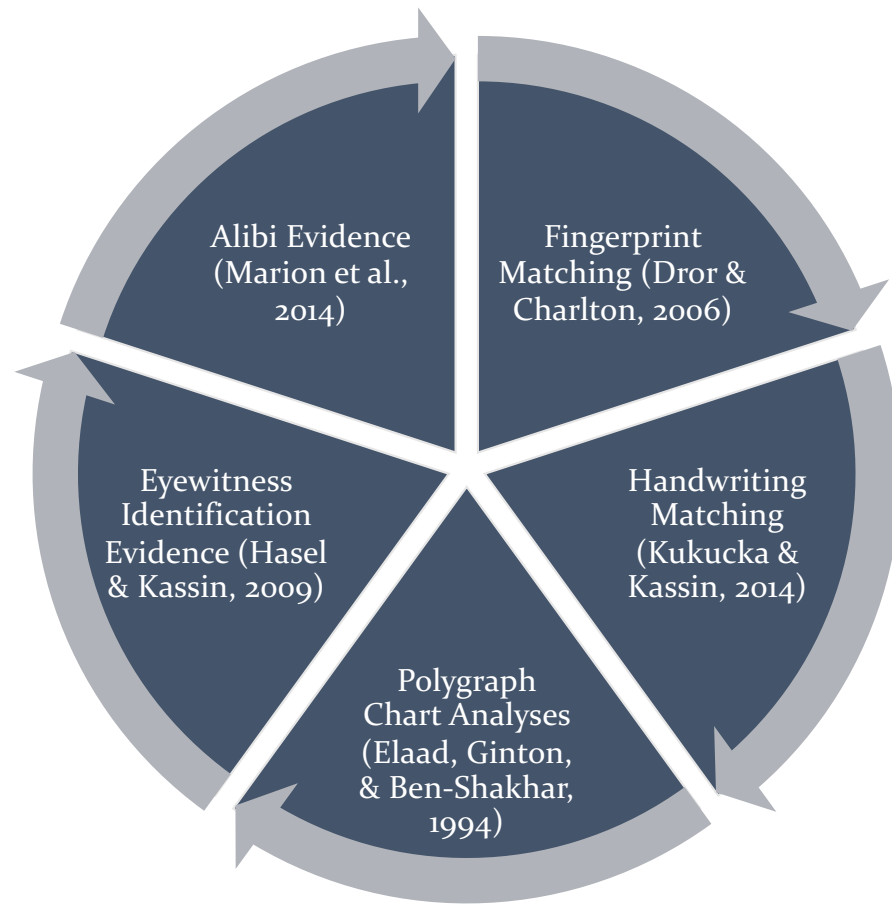


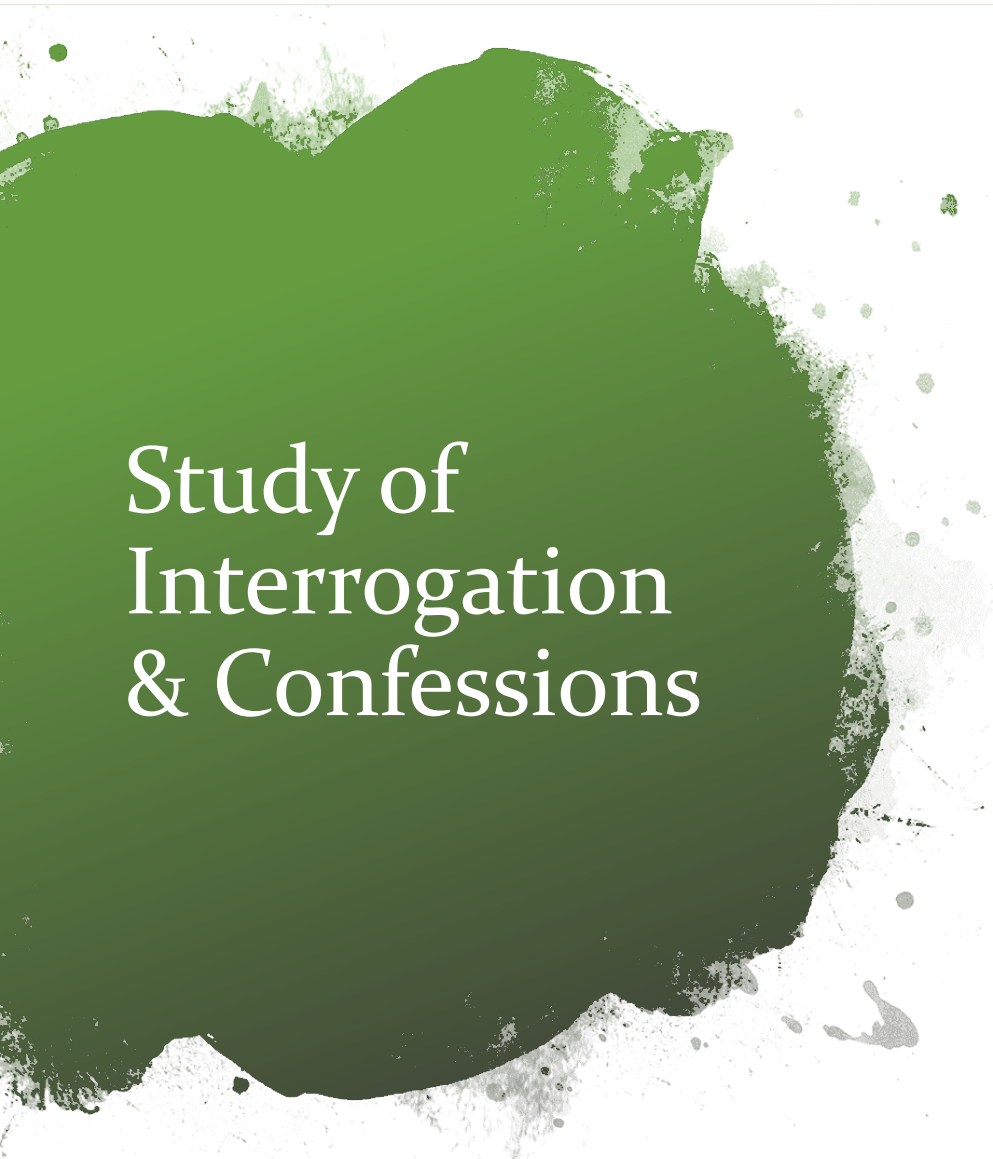
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False Confessions Lead to Wrongful Convictions



False Confessions Contaminate

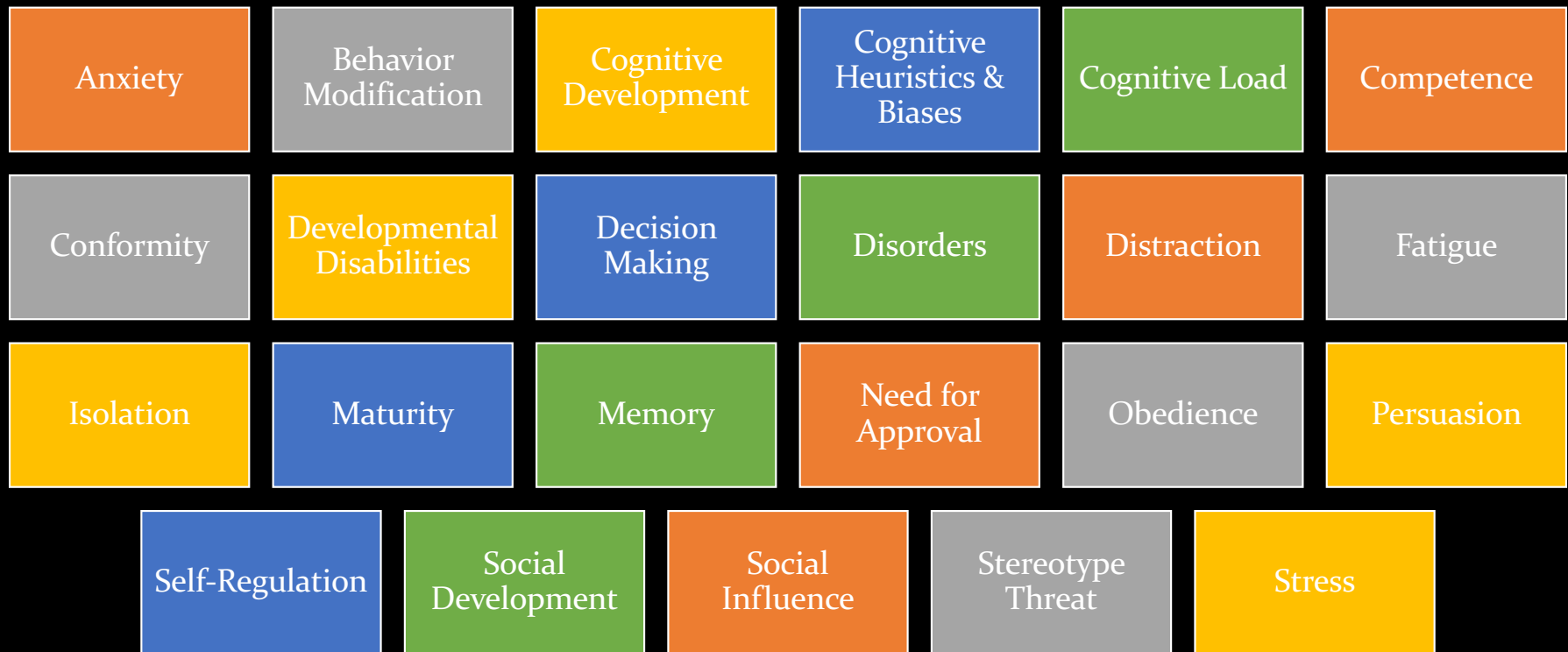




Study of Interrogation & Confessions

- Case Studies
- Archival Analysis
- Experiments
- Surveys
- Observational Studies
- Meta Analyses
- Interrogation Training Literature

Examples of Relevant Psychological Principles





Types of False Confessions

Voluntary False
Confessions

Compliant
(Coerced) False
Confessions

Persuaded
(Internalized)
False
Confessions

Pathway
from False
Confession
to Wrongful
Conviction
(Leo & Drizin, 2010)

Classification Errors

Coercion Errors

Contamination Errors



Coercion in Interrogation

- "Coercion in police interrogation consists of the use of persuasive techniques that limit the suspect's autonomy by manipulating the perceived costs and benefits of possible courses of action and/or depleting the suspect's motivation or ability to resist acceding to the investigators' demands." - (Kaplan, Cutler, Leach, Eastwood, & Marion, 2019)

Personal Risk Factors for False Confession

A photograph of a person with long, light-colored hair, wearing a dark jacket, sitting at a wooden table. They have their head buried in their hands, suggesting distress or despair. On the table in front of them is a clear plastic bag containing a dark substance and a small, colorful rectangular object. The image is framed by a torn paper effect on the right side.

Mental States

Sleep Deprivation

Intoxication

Drug Withdrawal

Innocence Itself

Characteristics

- Suggestibility
- Youth
- Mental Illnesses
- Intellectual Disabilities



A close-up photograph of a chessboard with several dark wooden pieces standing upright and one white piece lying on its side in the foreground. The background is softly blurred, showing a warm, bokeh light effect.

Situational Risk Factors for False Confession: The Guilt- Presumptive Interrogation

The Reid Technique



- Confront
- Suggest Themes
- Interrupt Denials
- Overcome Objections
- Maintain Attention
- Handle Passivity
- Present Alternative
- Build to Confession
- Obtain Signed Written Statement

Some Psychological Impacts of Interrogation

Isolation

Stress

Depleted
Self-
Regulation

Temporal
Discounting

Choice
Architecture

Behavioral
Shaping

Confession Contamination: False Confessions are Convincing

- False confessions are often detailed and persuasive
- False confessions often include motives and other details
- Narratives may be provided by the investigators, and repeated back by suspects

Interrogation Reforms

“Without equivocation, our most essential recommendation is to lift the veil of secrecy from the interrogation process in favor of the principle of transparency.”

Kassin, Drizin,
Grisso,
Gudjonsson, Leo &
Redlich, 2020, AP-
LS SRP, LHB



How are recorded
interrogations to be
evaluated?



How Experts Evaluate Interrogations

Factors

- Personal Risk Factors
- Situational Risk Factors
- Confession Contamination

Idiosyncratic Approaches

Varieties of Methodologies

Varieties of Opinions





The Interview and Interrogation Assessment Instrument



A Psychometrically-derived instrument designed to assess coercion in videotaped interrogations;



Interrogations are coded by trained, certified coders using a third-party app (V-Note) for coding interrogations as they are viewed;



The instrument should facilitate objectivity and consistency in interrogation reviews;



The IIAI also contains a component for confession contamination assessment.

IAII Development

- Literature Review
- 194 Culled Separate Tactics
- Item Reduction
 - Cleaning
 - Expert Survey
- Reliability Test
- Validity Test
- Client Satisfaction
- Funded by the Social Science & Humanities Research Council of Canada
- Research Team
 - Brian Cutler (PI)
 - Jeff Kaplan (MA/Ph.D Student)
 - Amy Leach (Co-PI)
 - Joe Eastwood (Collaborator)



Interview and Interrogation Assessment Instrument Tactic Categories

Rapport Building Tactics (4)

Investigative & Evidence-Based Tactics (9)

Social & Psychological Manipulation Tactics (5)

Consequence-Based Tactics (11)

Minimization Tactics (6)

Rapport Building Tactics

Small Talk

Minimized Role

Sympathy

Concession (e.g., Food, Drink,
Cigarettes)



Investigative & Evidence—Based Tactics

Presented
Evidence

Evidence
Bait

False
Evidence

Social & Psychological Manipulation Tactics

Guilting &
Shaming

Emotional Shift

Graphic
Imagery

Beligerence

Consequence-Based Tactics

Direct
Accusation

Expressions of
Certainty

Leveraging
Expertise &
Authority

Information-
Derogation

Guilt-
Presumptive
Questions

Threats

Minimization

- Appeal to Self-Interest
- Downplay Seriousness
- Justifications
- Degrading Others
- Good Character
- Promises

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Text Links (Drag and drop segments to add them to cells)

Witness Evidence
1 [00:00:00] [00:00:05] [00:00:10]

Video Surveillance Evidence
2 [00:00:15] [00:00:20]

Blaming Victim
3 [00:00:25] [00:00:30]

Blaming Uncontrollable Anger
4 [00:00:35] [00:00:40]

5
6
7
8

Waveforms & VCG

VCG
Track #1

Labels

Label	Start Time	End Time
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Time Scale

IAII Item Reliability

Rapport Building (alpha = .614; k = .615)

Evidence-Based Tactics (alpha = .762; k = .992)

Social and Psychological Manipulation (alpha = .740; k = .892)

Consequences (alpha = .813; k = .905)

Minimization (alpha = .803; k = .880)



IAII Validity

- Participants = 35 SSEs recruited through APLS
- 36% served as expert in 1-10 cases; 22% in 11 or more cases
- Administered by Qualtrics
- 36 Interrogation videos ranging from 26-138 min in US or Canada, 2003-2018
- Cases involved homicide, theft, fraud, child sexual abuse crimes, sexual assault or rape, reckless disregard, and terrorism
- Each expert evaluated one interrogation and rates its coerciveness on our dimensions.

IAII Item Validity

Rapport Building ($r = .33; < .05$)

Evidence-Based Tactics ($r = .58; < .05$)

Social and Psychological Manipulation ($r = .56; < .05$)

Consequences ($r = .73; < .05$)

Minimization ($r = .48; < .05$)



Interview and Interrogation Assessment Instrument

Derived from research & practice

Initial evidence on reliability & validity

Used in about 20 cases pretrial

Subject of expert testimony in 2 cases



State of Iowa v. Kelsie Thomas

Cases Continue: Melissa Lucio

The “crime”

Melissa’s background

The investigation, evidence, and interrogation

The trial result

Appeals

Events leading up to execution



APA's Brief

“Ms. Lucio’s confession, which occurred within hours of learning of her child’s death bears several hallmarks that psychological research shows to be correlated with false confessions: It went on for hours (in the dead of night, meaning Ms. Lucio was almost certainly sleep-deprived); police maximized the evidence against Ms. Lucio and minimized her culpability; and Ms. Lucio has low intelligence as well as a history of trauma”.